



Submission No 124

Inquiry into potential reforms of National Security Legislation

Organisation: Hobart Community Legal Service



20 August 2012

Committee Secretary
Parliamentary Joint Committee on Intelligence and Security
Parliament House

By email: pjcis@aph.gov.au

Dear Secretary

RE: Inquiry into potential reforms of National Security Legislation

Thank you for the opportunity to provide comment in relation to the inquiry into potential reforms of Australia's national security legislation.

By way of background, the Hobart Community Legal Service (HCLS) is a community legal centre, providing legal advice and representation to low income or otherwise disadvantaged Tasmanians. The HCLS also works toward law reform on areas affecting Tasmanians.

The Terms of Reference for the Committee's inquiry into potential reforms of national security legislation indicate that the proposed reforms would have a significant affect on Tasmanians; notably, the human rights of Tasmanians.

As a community legal centre, we do not have the experience to meaningfully comment on any potential benefits the proposed reforms may have to the workings of national security agencies. Our comments aim to highlight some of our main concerns with the human rights impacts of the proposed reforms.

The HCLS's main concerns include:

- The proposal to increase personal search powers of ASIO, with no proposal for any safeguards (such as those associated with the search powers bestowed on law enforcement agencies).
- The proposal to give the Director-General of ASIO power to authorise ASIO agents to engage in criminal conduct, free from liability.
- The proposal for warrants that would enable security agencies to effectively search and access the data and property of innocent third parties.

- The proposal to remove the prohibition on security agencies tampering with people's property.
- The proposal to allow all security agencies to gather information on domestic citizens.

The HCLS has had the benefit of reading the Gilbert + Tobin Centre of Public Law's submission. These points (and others) have been covered in detail in that submission. The HCLS endorses the Gilbert + Tobin Centre of Public Law's submission.

Yours sincerely

Hobart Community Legal Service

Per:

Jane Hutchison
Manager
