

Ms Julie Dennett
Committee Secretary
Senate Standing Committees on Legal and Constitutional Affairs
PO Box 6100
Parliament House
CANBERRA ACT 2600

By email: LegCon.Sen@aph.gov.au

6 May 2011

Inquiry into Intelligence Services Legislation Amendment Bill 2011

Dear Ms Dennett

The Anti-Terrorism Laws Working Group at the Federation of Community Legal Centres (Vic) welcomes this opportunity to comment on the Intelligence Services Legislation Amendment Bill 2011.

The Federation is the peak body for over fifty community legal centres (CLCs) across Victoria. The Federation leads and supports CLCs in pursuing social equity and access to justice.

The Federation:

- provides information and referrals to people seeking legal assistance;
- initiates and lobbies for law reform to develop a fairer legal system that better responds to the needs of the disadvantaged;
- works to build a stronger and more effective community legal sector;
- provides services and support to CLCs; and
- represents CLCs' priorities and interests.

CLCs are independent community organisations. They draw on the work of volunteers to provide free legal services to the public. CLCs provide free legal advice, information and representation to more than 100,000 Victorians each year.

Our Anti-Terrorism Laws Working Group is one of a number of issue-specific working groups within the Federation. It comprises workers from member centres as well as members from other community organisations and academia. The Working Group supports CLCs to provide targeted community legal education programs for communities affected by state and Commonwealth anti-terrorism laws and supports CLC lawyers to provide up-to-date legal advice to clients affected by state and Commonwealth anti-terrorism laws. The Working Group also works to monitor the impact of state and Commonwealth anti-terrorism laws on affected communities and individuals.

1. Introduction

We endorse the submission to this inquiry from the Castan Centre for Human Rights Law. That submission expresses concern about the expansionary potential of items

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3 and 7 of the Bill, which would increase the scope of ASIO's powers in respect of the collection of foreign intelligence.

Our Anti-Terrorism Laws Working Group expresses a similar concern about the expansionary implications of these proposed amendments.

2. Items 3 and 7

Item 3 of the Bill proposes to redefine and thus expand the definition of 'foreign intelligence' to include intelligence about the capabilities, intentions or activities of people or organisations outside Australia.

Item 7 of the Bill also raises concerns. As outlined in the Castan Centre's submission, at present the law regarding the collection of foreign intelligence is limited to the collection of intelligence concerning the activities of foreign governments, organisations that they control, and foreign political organisations, for the purposes of the defence of Australia or the conduct of Australia's international affairs. The proposed amendments in item 7 of the Bill would however permit ASIO to investigate a far wider range of individuals and organisations on broader grounds where Australia's defence and international relations are not threatened.

3. Conclusion

We hope that the Committee will consider our concerns when making recommendations regarding the Bill. Please do not hesitate to contact me on 03 9652 1507 or michelle.mcdonnell@fclc.org.au if you wish to clarify any points in this letter.

Sincerely



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