

Submission to the  
Parliamentary Joint Committee on  
Intelligence and Security  
Inquiry into the  
Counter-Terrorism Legislation Amendment  
(Foreign Fighters) Bill 2014

**Pirate Party Australia**

Mozart Olbrycht-Palmer ([mozart.palmer@pirateparty.org.au](mailto:mozart.palmer@pirateparty.org.au))

3 October 2014

Given the quantity of the amendments, the Parliamentary Joint Committee on Intelligence and Security ('PJCIS') should recommend that the Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014 ('the Bill') is amended and re-proposed as several smaller bills. The Bill and its explanatory memorandum reach a combined length of 391 pages, amend more than 20 pieces of legislation, engage with many human rights and impact several portfolios. It is inappropriate and undemocratic that such extensive legislation be presented for what is an extremely comprehensive set of reforms. The public and parliamentarians must be given more time to digest the proposals and assess whether they adequately and reasonably meet the policy objectives. Inevitably national security legislation involves considerations of urgency, but 'national security reform' has become synonymous with the curtailing of freedoms. The public must be given adequate time to consider whether such amendments are appropriate. The Bill was referred to the PJCIS on 24 September, with submissions closing on 3 October. Nine days is not adequate in a democratic society.

A number of provisions are concerning on a superficial level. Changes to thresholds for arrest without warrant and the use of lethal force are problematic, especially as other recent legislation has reduced oversight and prohibited the disclosure of information relating to certain law enforcement and intelligence operations. Reducing oversight and increasing powers (while decreasing thresholds of reasonable behaviour) grants far too much leeway to operatives. Sacrificing important safeguards such as judicial review of the suspension of travel documents is wholly inappropriate and unacceptable. This would set a dangerous precedent and the scope will undoubtedly creep in the future. Changes to the migration act seem disproportionate given the estimated number of Australian citizens involved in terrorist organisations and training overseas is relatively small. Further, the amendments to welfare legislation are overly broad, may have unintended consequences, and require further examination. The amendments to the *Administrative Decisions (Judicial Review) Act 1977* would provide an exemption from the requirements to provide a reason for a decision to cancel welfare payments and are a significant reduction in oversight. With heightened national security powers and restrictions, oversight should be increased not decreased.

There are likely to be many other, more problematic amendments buried within the Bill. These amendments should not be rushed through Parliament in the way that the National Security Legislation Amendment Bill (No 1) 2014 was. The perceived urgency of national security reforms is not a sufficient reason to railroad extensive legislation through Parliament, particularly as some of these amendments extend existing legislative frameworks for a further ten years. It is evident that these amendments did not materialise overnight: why then are they presented as such

a comprehensive bill? It is a preposterous suggestion that more than 150 pages of amendments should be put as a single bill with the bare minimum of public consultation. This makes a mockery of the democratic process. The PJCIS should recommend against this approach so that each schedule to the Bill can be considered in smaller, more targeted inquiries and the public is given a proper opportunity to engage.