

Submission: Inquiry into ASIO Act 2002
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To: Committee Secretary
Parliamentary Joint Committee on ASIO, ASIS & DSD
Parliament House
Canberra ACT 2600

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The ASIO Act(2002), which is coming up for review later this year - owing to its Sunset Clause - ought to be repealed. This law should be extinguished.

For practically all of the potential “Terrorism” events that could occur in Australia, there are already sufficient laws.

The only exception might be the proscription of organizations and individuals, that have already been convicted of extreme crimes of a terrorist nature here, or overseas. Such cases can be discussed publicly, and legislated against by separate acts of parliament.

However, the present legislation has converted ASIO from an official, information gathering spy network, to a Secret Police with undemocratic, and previously un-heard-of, powers of detention and interrogation.

The fact that a person can be arrested, while their next of kin are not informed, and that not answering questions carries a long sentence, are both without precedent, and reminiscent of methods used by totalitarian states. Were government of Australia to fall into untrustworthy hands, such legislation would facilitate the development of a Police State.

The legislation goes far beyond precedent in the way it allows detention of innocent people on suspicion of their having information, and in the way it threatens lengthy incarceration for people who divulge what happened to them while under arrest. It also provides exactly the same lengthy gaol terms for the planning of action on ideological grounds, whether a crime has been committed, OR NOT: this is unconscionable.

The dictate, ‘let the punishment fit the crime,’ has been completely lost when a threat to commit an act, which is described in the legislation as ‘terrorism’, even though it is not carried out, is punishable by life imprisonment. Such a situation is ripe for exploitation by unscrupulous authorities to incriminate innocent opponents of government.

Simply because the US and UK governments have enacted questionable “Anti-Terrorism” legislation, this is no reason, or justification, for Australia to keep a version of such legislation on our statute books.

Signed: Robin Fairbridge Gaskell

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