

The New South Wales Council for Civil Liberties (CCL) is committed to protecting and promoting civil liberties and human rights in Australia.

CCL is a non-government organisation in special consultative status with the Economic and Social Council of the United Nations, by resolution 2006/221 (21 July 2006).

CCL was established in 1963, and is one of Australia's leading human rights and civil liberties organisations. Our aim is to secure the equal rights of everyone in Australia and oppose any abuse or excessive use of power by the State against its people.

Submission to the Senate Legal and Constitutional Affairs Committee concerning the Telecommunications Interception and Intelligence Services Legislation Amendment Bill 2010

CCL thanks the Senate Committee for the opportunity to make a submission in relation to this bill. We have one concern. It is vitally important that the functions of the security and intelligence bodies are so far as possible kept distinct from those of the law enforcement agencies—that ASIO for instance is not inappropriately involved in police work.

The Explanatory Memorandum notes that 'arrests and prosecutions will remain a matter for police and prosecutorial authorities'. But that is only part of the concern. There are restrictions properly placed upon the use of interception by law enforcement agencies. ASIO and the other intelligence and security bodies must not be used to circumvent the restrictions which properly apply to those agencies.

The bill does include a number of safeguards to keep the functions of law enforcement interception agencies distinct from those of the security and intelligence bodies. However CCL is concerned that the more closely the bodies interact, the greater the risk that the distinction between their functions will become blurred, or that the safeguards will be circumvented.

Accordingly we recommend that an additional safeguard be introduced, requiring the reporting each year of the number of interceptions and accessions to stored communications in which ASIO (or ASIS, DSD or DIGO) have been asked to assist the law enforcement bodies.

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