

19/140 ACT Government Submission to the Comprehensive Review on the Legal Framework of the National Intelligence Community

Summary of Impacts

Providing a submission to the Comprehensive Review on the Legal Framework of the National Intelligence Community (NIC) (the Review) creates the opportunity for the ACT Government to highlight:

- the existing legislative framework in the ACT which may be impacted by the Review and potential consequences given the operation of the *Human Rights Act 2004*;
- Commonwealth legislation relied on by the ACT proposed to be reviewed in the Review and noting that changes will have a flow-on impact from both an operational and legal perspective;
- the co-operation and liaison between NIC agencies and ACT partners;
- information sharing between NIC agencies and ACT partners, and that the ACT Government’s policy position on issues regarding information sharing and identity management is heavily informed by the ACT’s human rights and privacy framework;
- investigative powers relating to surveillance devices and communications;
- modernisation of the legal framework, noting that there is merit in creating a harmonised regime to ensure that the NIC agencies remain against complex security threats by operating under a coherent and consistent framework; and
- the establishment of the ACT Integrity Commission and request made to the Prime Minister to make changes to Commonwealth legislation to provide the commission with telecommunications interception powers, access to telecommunications content and metadata, and the ability to carry out surveillance on Commonwealth properties.

Key to impacts: Red – negative, Blue - neutral and Green - positive.

Social

Justice and rights	<ul style="list-style-type: none"> • Improvements to the NIC to ensure a clear and coherent legislative framework under which agencies operate is imperative to ensuring protections for Australians. The proper functioning of the NIC is critical in safeguarding Australia’s national security and supports measures to protect the community from terrorist acts and serious and organised transitional crime. • Emphasising the importance of protecting fundamental human rights principles, including the right to privacy. The ACT Government submission urges the Commonwealth to ensure that any legislative amendments to surveillance, interception and the collection, use and disclosure of personal data, are made in the least restrictive way and are reasonable and necessary consistent with human rights. This will ensure that any changes do not diminish the privacy expectations and legal entitlements of Canberra’s citizens.
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Economic

Productivity	<ul style="list-style-type: none"> • The community and justice system will benefit from strengthening of law enforcement responses.
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Environmental

Nil Impact