



Police Federation of Australia

The National Voice of Policing

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Committee Secretary
Parliamentary Joint Committee on Intelligence and Security
PO Box 6021
Parliament House
Canberra ACT 2600

Dear Committee

Inquiry into the Australian Citizenship Amendment (Strengthening the Citizenship Loss Provisions) Bill 2018

This submission is made on behalf of the Police Federation of Australia (PFA) which represents in excess of 62,000 police officers across every jurisdiction.

The PFA supports the intent of the Bill.

The PFA has made a number of submissions on matters regarding immigration, particularly as it relates to visas and visa cancellations, on 'character' grounds. In those submissions we have set out our concerns about the application of section 501 of the Migration Act 1958, specifically as it applies to the mandatory cancellation provisions of s501(7)(c) and (d) of the Act. We have been very clear, that we believe that anyone convicted of a crime of violence and who is a non-citizen of this country, should have their status to remain in Australia immediately reviewed, regardless of the term of imprisonment they had been sentenced to.

We have also continued to lobby for the introduction of the proposed National Criminal Intelligence System (NCIS), something that was first raised by the PFA in 2007, during hearings of the then Parliamentary Joint Committee on the Australian Crime Commission and again with the Parliamentary Joint Committee on Law Enforcement in 2010 and 2012.

In the PJC on Law Enforcement's 2012 Inquiry into the gathering and use of criminal intelligence the PFA stated –

Intelligence sharing between law enforcement agencies and other agencies with relevant intelligence holdings is an integral part of the fight against crime.

The PFA believes that the future of Australian law enforcement is the free flow of criminal intelligence, utilising modern intelligence-sharing technical capability.

Intelligence sharing capabilities should cover a large variety of data types and require mandatory contribution by all Australian law enforcement agencies, and other agencies with relevant intelligence holdings.

The obstacles to this intelligence sharing system are: outdated technology which hampers the capability to facilitate intelligence sharing, and a lack of mandatory intelligence sharing requirements.

The PFA therefore calls for the development of the technical capacity to facilitate the free flow of criminal intelligence between law enforcement and relevant agencies, and for legislative obligations for agencies to share all their criminal intelligence.

All of the above points are relevant to this current Inquiry.

We note that this Bill specifically –

- removes the requirement that a person be sentenced to 6 or more years of imprisonment, if convicted of a terrorism offence; and
- adjusts the threshold for determining dual citizenship, from the current requirement that the person is a national or citizen of a country other than Australia at the time when the Minister makes the determination that a person ceases to be an Australian citizen, and replace it with a requirement that the Minister is satisfied the person will not become a person who is not a national or citizen of any country.

The PFA supports both of those initiatives.

We also note from the Explanatory Memorandum that the Bill is compatible with human rights because to the extent that it may limit some human rights, those limitations are reasonable, necessary and proportionate in light of the Bill's objective and purpose to protect the Australian community and Australia's interests from persons convicted of terrorist offences.

The PFA believes that the right of the Australian community as a whole to remain safe and protected from such persons who may be subject to the provisions of this Bill, far outweighs the rights of any individual who has been convicted of a terrorism offence.

Sincerely yours

A handwritten signature in black ink, appearing to read 'S. Weber', with a horizontal line extending to the right.

Scott Weber
Chief Executive Officer