



THE HON PETER DUTTON MP
MINISTER FOR HOME AFFAIRS

22 November 2018

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Mr Andrew Hastie MP
Member for Canning
Chair of the Parliamentary Joint Committee
on Intelligence and Security
Parliament House
Canberra ACT 2600

Dear Mr Hastie

I write to you regarding an urgent matter of national security, namely the Government's Telecommunications and Other Legislation Amendment (Assistance and Access) Bill, which is currently before the Parliamentary Joint Committee on Intelligence and Security.

The Government has introduced this legislation into the Parliament in direct response to the serious deterioration in Australia's national security resulting from the pervasive use of encrypted communications by threats, including terrorist suspects and organised criminals. According to the Director General of Security, ASIO's own operational statistics show 95 per cent of terrorist, espionage and cyber targets rely on encrypted communications to plan and execute unlawful activity. This is undermining our agencies' ability to keep Australians safe and secure.

The situation has become more urgent, however, in light of the recent fatal terrorist attack in Melbourne, and the subsequent disruption of alleged planning for a mass casualty terrorist attack by three individuals. I have been advised the individuals in both of these circumstances made extensive use of encrypted communications. Moreover, it is alleged that the disrupted individuals were directly inspired by the actions of the perpetrator of the fatal terrorist attack on 9 November 2018 and accelerated their planning as a result.

I am gravely concerned that our agencies cannot rule out the possibility that others may also have been inspired by the events in Melbourne to plan and execute attacks. Both the Australian Federal Police and Victorian Police have said this week that the use of encrypted communications by terrorists is making it difficult to track their activities. This is particularly concerning as we approach Christmas and the

New Year, which we know have been targeted previously by terrorists planning attacks against Australians gathered to enjoy the festive season.

This situation, in the absence of the lawful powers that would be enabled by the Government's legislation, is making the task of protecting Australians difficult. The Assistant Commissioner of Victoria Police's Counter Terrorism Command has said the proposed changes would make 'an enormous difference' to terrorism investigations. The Morrison Government agrees and places utmost importance on the timely passage of this legislation.

For these reasons, I ask that the Committee accelerate its consideration of this vital piece of legislation to enable its passage by the Parliament before it rises for the Christmas break.

Yours sincerely

PETER DUTTON