



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

13 March 2018

By email: picis@aph.gov.au

Dear Committee Secretary,

**Review of the National Security Legislation Amendment (Espionage and Foreign Interference) Bill
2017: Comments on Parliamentary Amendments**

I am writing to you as National President of the Australian Lawyers Alliance (ALA). The ALA is a national association of lawyers, academics and other professionals dedicated to protecting and promoting justice, freedom and the rights of the individual.

This letter makes additional comments on the above Bill in response to the parliamentary amendments circulated by the Attorney-General, the Hon Christian Porter MP (the Amendments), as submission 40 and 40.1 to the Parliamentary Joint Committee on Intelligence and Security's ongoing inquiry into the Bill. Our comments build on the ALA's earlier submission to this inquiry, submitted on 22 January 2018.¹ Thank you for considering these additional comments.

Ultimately, the ALA believes that any restrictions on rights and freedoms in the name of national security must be necessary to reduce identified risks that threaten to compromise national security, and should be proportionate to that risk. These Amendments do not serve to ensure that the restrictions that this Bill would give rise to are necessary or proportionate.

¹ Available at <https://www.lawyersalliance.com.au/documents/item/1043>.

Further, some of the more concerning aspects of the Bill are not addressed by these Amendments. For a detailed exploration of ALA's main concerns, see our earlier submission.

We therefore believe that this Bill should not be passed, either as initially drafted or as amended by the Amendments. Any update to existing espionage and secrecy laws should be founded on a presumption of open government. Any restrictions on open government, or on individual rights and freedoms, should be limited to that which is necessary to a direct threat to national security, and should be proportionate to that threat.

Thank you for your attention in this important matter. Please do not hesitate to contact us if you would like to discuss this letter or our earlier submission further.

Please do let me know if I can be of further assistance, in which case please direct correspondence to Anna Talbot, Legal and Policy Adviser, Australian Lawyers Alliance, [REDACTED]
[REDACTED]

Yours sincerely,

Laura Neil
Australian Lawyers Alliance
National President