

## Additional Comments by Labor Senators

1.1 Ensuring the safety of our nation and its people is the paramount responsibility of the Australian Parliament. It is the foundation upon which all other policies and priorities are built.

1.2 Over the past two decades, the Parliament has considered a number of bills that aim to equip our intelligence and security agencies with the powers and resources they need to protect Australian citizens and Australian interests.

1.3 This is an essential task in an age of serious and evolving threats to our national security. It is also essential to acknowledge, however, the potential of additional powers to impinge on the fundamental values and freedoms of Australian citizens.

1.4 It ultimately falls to Parliament to ensure a proper balance is struck. The Parliamentary Joint Committee on Intelligence and Security (PJCIS) plays an important role in doing this.

1.5 It is for this reason that Labor has a long standing interest in modernising the operation of the PJCIS. Labor believes that enhanced powers demand enhanced safeguards.

1.6 Strong and effective oversight does not undermine our national security community. It enhances it. Public trust and confidence in our security and intelligence agencies are best ensured through strong and rigorous oversight and scrutiny.

1.7 Australia has a unique configuration of oversight that spans the parliamentary, judicial, and executive branches of government. Institutions such as the PJCIS and the Inspector General of Intelligence and Security (**IGIS**) have complementary functions that operate in aggregate.

1.8 Labor's existing proposal for reform of the PJCIS recognises and maintains these arrangements. The proposal is embodied in the *Parliamentary Joint Committee on Intelligence and Security Amendment Bill 2015*, which is presently before the Senate. This bill arose out of work done by former senator John Faulkner and others, and contains a suite of measures designed to ensure the PJCIS has the powers it needs to acquit its duties to the parliament and the Australian people.

1.9 The substance of Labor's proposals has since largely been adopted in recommendations 21 and 23 of the *2017 Independent Intelligence Review* undertaken by Mr Michael L'Estrange AO and Mr Stephen Merchant PSM. Despite receiving the review well over a year ago, the government has yet to act on these two recommendations.

1.10 The bill that is the subject of this present inquiry, the *Intelligence Services Amendment (Enhanced Parliamentary Oversight of Intelligence Agencies) Bill 2018 (the Bill)*, contains a number of interesting and innovative measures. Labor believes that these measures merit further consideration, but appreciates the reservations expressed by the Inspector General of Intelligence and Security and other submitters to this inquiry.

1.11 It is our belief that reform of the PJCIS is best done holistically. Labor notes in this regard that the measures contained in this Bill address different aspects of the PJCIS' operation from those considered by Labor's bill and by the recommendations of the 2017 Independent Intelligence Review.

1.12 Finally, there are other processes currently underway that could likely affect intelligence and oversight. As noted in the main report, there is ongoing consideration by the government of the recommendations of the 2017 Independent Intelligence Review, and the Attorney-General has also announced that Dennis Richardson will lead a comprehensive review of the legal framework governing the National Intelligence Community. Labor considers that any holistic reform of the PJCIS should take into account these processes.

**Senator Jenny McAllister**  
**Deputy Chair**  
**Senator for New South Wales**

**Senator Kimberley Kitching**  
**Senator for Victoria**