

Australian Greens Dissenting Report

1.1 The Australian Greens acknowledge the extensive work of the Committee in this inquiry, and thank everyone who made a public submission and/or public representation.

1.2 The Australian Greens are in agreeance with Australian Lawyers for Human Rights and Liberty Victoria in their broad support for the bill, and the need for an increased oversight of intelligence agencies that corresponds with their significantly increased powers and activities over the past two decades.

Recommendation 1

1.3 The Australian Greens recommend that the Senate pass this bill, with amendments.

1.4 The Australian Greens share the concern raised by Australian Lawyers for Human Rights regarding the Bill's subsection 29A(3) that would exempt decisions of the Minister from review by the courts, noting:

such an exemption is "unnecessarily and unjustifiably contrary to the rule of law" which requires that government decisions must be open to judicial review . To the extent that relevant decisions of the Minister are exempted from review, the Bill fails to provide any adequate check on the exercise of executive power.¹

Recommendation 2

1.5 The Australian Greens also recommend the bill be amended to allow decisions of the relevant minister to prohibit investigations be open to scrutiny in Court.

1.6 The Australian Greens are also concerned about subsection 29(3) of this bill, which retains existing exemptions on information provided by foreign governments, and particular complaints regarding Australian security agencies, from being considered by PJCIS. Sharing this concern, Australian Lawyers for Human Rights argued:

it should be for the Committee, like the Inspector-General, to conduct such inquiries as it thinks fit, and to make such decisions about information provided by foreign governments or particular complaints as it thinks appropriate.²

1 *Submission 6*, pp. 2-3.

2 *Submission 6*, p. 3.

Recommendation 3

1.7 The Australian Greens further recommend the bill be amended to remove restrictions on information provided by foreign governments, and particular complaints regarding Australian security agencies, being considered by PJCIS.

**Senator Nick McKim
Senator for Tasmania**