

# Recommendations

## **Recommendation 1**

**2.7** The committee recommends that the Senate pass the bill subject to the following recommendations.

## **Recommendation 2**

**2.13** The Committee recommends that the title of the bill be amended to: 'Independent National Security Legislation Monitor Bill 2009'.

## **Recommendation 3**

**2.14** The Committee recommends that the bill be amended so that the Monitor be referred to as the 'Independent National Security Legislation Monitor'.

## **Recommendation 4**

**2.29** The committee recommends that the Government actively and regularly assess the adequacy of the resources and staff allocated to the Monitor's office.

## **Recommendation 5**

**2.56** The committee recommends that clause 6 of the bill be amended to state clearly that the National Security Legislation Monitor has the power to conduct inquiries on his/her own initiative on subjects which are within the functions of the Monitor.

## **Recommendation 6**

**2.70** The committee recommends that the bill be amended to enable the Parliamentary Joint Committee on Intelligence and Security to refer matters relating to Australia's counter-terrorism and national security legislation to the National Security Legislation Monitor for review and report.

## **Recommendation 7**

**2.88** The committee recommends that paragraph 6(1)(b) of the National Security Legislation Monitor Bill 2009 be amended to include reference to 'any other law of the Commonwealth, the States or the Territories to the extent that it relates to Australia's counter-terrorism and national security legislation'.

## **Recommendation 8**

**2.106** The committee recommends that the bill be amended to require the Monitor to assess whether counter-terrorism and national security legislation is being used as intended.

### **Recommendation 9**

**2.111** The committee recommends that the bill be amended to allow the Monitor when performing his or her functions, to consult with independent statutory agencies such as the Office of the Privacy Commissioner and the Australian Human Rights Commission, as the Monitor considers necessary.

### **Recommendation 10**

**2.130** The committee recommends that the bill be amended to require the Monitor to assess whether the legislation is consistent with Australia's international human rights obligations.

### **Recommendation 11**

**2.137** The committee recommends that the bill be amended to require the Monitor to assess whether the legislation being reviewed remains a proportionate response to the threat posed to national security.

### **Recommendation 12**

**2.152** The Committee recommends that the bill be amended to require the Monitor to prepare two versions of any report that requires reference to sensitive material. The first version would be an unedited version for the Prime Minister, and the second, an edited version with references to sensitive material excluded for tabling in both Houses of Parliament.

### **Recommendation 13**

**2.162** The committee recommends that, if its earlier recommendation to require the tabling of the Monitor's reports in both Houses of Parliament is adopted, then the government be required to table a response to the Monitor's reports in both Houses of Parliament, within six months of receipt of the report.