

Coalition Additional Comments

National Security Legislation Monitor

1.1 Whilst Coalition Senators support the passage of the Bill if amended as recommended by the committee, they would like to note their concerns regarding the location of the Monitor within the Department of Prime Minister and Cabinet.

1.2 The location of the Monitor within this Department may have an adverse impact on the independent nature of the Monitor. The Monitor should not be an instrument of the Government of the day and it should not be perceived this way by the public. Locating the Monitor within a Government Department could result in such a perception.

1.3 The Coalition Senators do not agree with the recommendation that the Monitor be required to assess whether legislation is consistent with Australia's international human rights obligations (Recommendation 10).

1.4 There are many international instruments to which Australia is signatory, some of which have been ratified into domestic law and some which have not. The legislation which the Monitor will be asked to oversee is domestic legislation and the existing domestic legal safeguards are the appropriate standard by which to judge it. Introducing a wide range of international instruments adds needless complexity to the Monitor's task, without demonstrably adding to the effectiveness of the process.

1.5 Recommendation 11 addresses the appropriate test.

Senator Cory Bernardi

Deputy Chair

