

ACTION ALERT: NATIONAL SECURITY MONITOR

The Federal Government has decided to abolish the Independent National Security Legislation Monitor (INSLM) established by the previous government in 2010. Repeal legislation is currently before the Senate and is being reviewed by the Senate Legal and Constitutional Affairs Committee. It is due to report on 19 August 2014.

The Monitor was put in place to provide a continuing review of anti-terrorism legislation. Bret Walker, the current holder of the position, has issued four reports, the latest of which appeared in April 2014. It covered such areas as the Defence Act Call Out Powers, Australians and Armed Conflicts Abroad, Foreign Evidence, and Passport Cancellation and Citizenship Issues.

The Government has stated that the move to abolish the post is part of its campaign to reduce 'red tape', that a comprehensive review of the legislation has been completed by the office, and that there are other mechanisms to monitor anti-terrorism issues. Bret Walker says "the INSLM is not aware of any other officer, agency or 'level' of government doing what Parliament required to be done by the INSLM Act enacted in 2010". He says other agencies would require greater resources to fulfil the role adequately. He also points out that Parliament and its various committees have given little attention to the anti-terrorism laws.

The Law Council of Australia has made a submission to the Senate Committee opposing the repeal of the INSLM legislation, saying the role of the Monitor is "a necessary and effective form of scrutiny of Australia's national security and counter terrorism legislation". It further says that the creation of the role was in response to a clear need expressed by earlier inquiries for an ongoing review process, and its removal will leave a significant gap in review mechanisms. The Law Council suggests that, if the Government feels any change is needed, a periodic review be held rather than abolishing the office.

In an article published on *Inside Story* website on 3 April 2014, Jessie Blackburn and Nicola McGarrity say that the Monitor "is tasked to consider all of the national security and anti-terrorist laws. It is able to do so holistically and in an ongoing fashion, in the context of both the existing terrorist threat and other provisions available to the security and intelligence agencies to respond to the threat of terrorism".

Paddy Gourley, a former senior public servant, pointed out in *The Canberra Times* on 1 July 2014 that Josh Frydenberg MP, speaking on behalf of the Government, had said that multiple independent oversight mechanisms already exist. Paddy Gourley concluded that "if the Government had consulted Bret Walker about the future of the Monitor, which it did not, Frydenberg might not have fallen into the trap of misleading Parliament".



Quaker Response

Over the last decade Australian Friends have expressed great concern at the proliferation of anti-terrorism legislation and the increased powers given to intelligence and surveillance activities of defence, security and police agencies. There has been a sense that the increasing amount of legislation has not reflected a real need, and that it is placing great stress on minorities and affecting freedom of speech.

A few months ago QPLC met with the Human Rights Commissioner Tim Wilson to ask that he give priority to looking at the constraints on freedom posed by the anti-terrorism laws rather than Section 18C of the Racial Discrimination Act.

This is an opportunity for Friends who are so led to take up this concern with their Federal MPs and Senators, and to persuade them that, at the very least, the independent Monitor should retain a role in the review of legislation, and that the Parliament and Government should take more seriously the recommendations from that officer. The following are members of the Senate Legal and Constitutional Affairs Committee that is conducting the inquiry into the Bill:

- Senator Ian Macdonald (Liberal Qld) chair
- Senator Lisa Singh (Labor Tas) deputy
- Senator Gavin Marshall (Labor Vic)
- Senator Zed Seselja (Liberal ACT)
- Senator Penny Wright (Greens SA)

A public hearing is planned for Sydney on 28 July. See the Senate committee section of the Parliament House website for more information www.aph.gov.au

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