

House of Representatives

Supplementary Order Paper

Wednesday, 15 March 2017

Intelligence and Security Bill

Proposed amendments

Dr Kennedy Graham, in Committee, to move the following amendments:

Clause 3

In *clause 3(d)*, insert after “safeguards” (page 17, line 23), “in a manner consistent with the primary purpose stated in **paragraph (a)**”.

Clause 47

In *clause 47*, in *paragraphs (a) and (b)* of the definition of **serious crime** (page 50, lines 27 to 31), replace “2 or more years’ ” with “5 or more years’ ”.

Clause 92

Replace *clause 92(1) to (3)* (page 81, lines 19 to 29), with:

- (1) The Governor General must, on the recommendation of the Intelligence and Security Committee, appoint up to 3 persons as Commissioners of Intelligence Warrants.
- (2) The Governor-General must, on the recommendation of the Intelligence and Security Committee, appoint 1 Commissioner of Intelligence Warrants as the Chief Commissioner of Intelligence Warrants.

Clause 155

In *clause 155(1)(g)* (page 116, line 8), replace “port.” with “port:” and insert after *paragraph (g)*:

- (h) to consider recommendations from the Prime Minister for candidates for the role of Commissioner of Intelligence Warrants.

Delete *clause 155(2)* (page 116, lines 9 to 17).

Clause 156

Replace *clause 156(1) and (2)* (page 116, lines 20 to 33), with:

- (1) The size of the Committee should reflect the average number of members for other select committees, with a minimum of 6 members.
- (2) The membership of the Committee must comprise—
 - (a) the Prime Minister; and
 - (b) the Leader of the Opposition; and
 - (c) no fewer than 4 members of the House of Representatives, nominated by the leader or a co-leader of any other party represented in the House of Representatives in any parliamentary term.

Clause 207

Delete *clause 207* (page 143, line 13 to page 144, line 14).

Explanatory note

This Supplementary Order Paper amends the purpose clause, *clause 3*. This proposal reflects our belief that democratic rights and freedoms should be considered paramount above national security agencies, which function to protect an open society, and are not an inherent right for the Government to exercise in and of themselves.

The Supplementary Order Paper also amends *clause 47*. This proposal is intended to clarify the definition of what constitutes a serious crime for the purposes of allowing otherwise unlawful surveillance or other activities by the intelligence agencies.

This Supplementary Order Paper amends *clauses 92 and 155(1)*. This proposal is intended to provide further transparency and oversight of key positions in the new framework, particularly the Commissioners of Intelligence Warrants.

This Supplementary Order Paper deletes *clause 155(2)* and amends *clause 156*. These changes reflect our belief that the Intelligence and Security Committee should more closely reflect other select committees in questions of transparency, accountability and membership.

Finally the Supplementary Order Paper deletes *clause 207*. This amendment would ensure that should someone with knowledge of serious breaches in the conduct of the intelligence agencies provide the public with crucial information, they will not be subject to excessive punishment.