

Thursday, 6 May 2021

Law Council calls for expanded oversight by IGIS and PJCIS

At today's Parliamentary Joint Committee on Intelligence and Security's (PJCIS) public hearing into the Intelligence Oversight and Other Legislation Amendment (Integrity Measures) Bill 2020, the Law Council of Australia offered its broad support for the measures contained in the Bill.

In their opening statement the Law Council, represented by Chair of the Constitutional Law Committee and Member of the National Criminal Law Committee, Mr Bret Walker AO SC, noted the Bill will only partially implement recommendations made in the *2017 Independent Intelligence Review* (IIR) with respect to the oversight of the National Intelligence Community.

The Law Council recommends that the PJCIS accept the recommendation from the IIR in full regarding expanding the oversight functions of the Inspector-General of Intelligence and Security (IGIS) and the PJCIS to cover all 10 Commonwealth agencies which collectively comprise the National Intelligence Community.

Therefore, the Law Council suggests giving both the IGIS and the PJCIS statutory oversight functions to include the Australian Criminal Intelligence Commission (ACIC), the Australian Federal Police, the Australian Transaction Reports and Analysis Centre (AUSTRAC), and the Department of Home Affairs, all of whom perform both intelligence and law enforcement functions. Any expanded oversight would be restricted to the agencies' intelligence - related functions.

The Bill as it stands, only expands the oversight functions of the IGIS to include the intelligence functions of ACIC and AUSTRAC and the PJCIS oversight functions to include AUSTRAC's intelligence functions.

Consistent with the IRR, the Law Council believes that a centralised and specialised oversight of the National Intelligence Community, in its entirety, is integral to the very concept of this community as a single, national enterprise, constituted by a 'federation' of agencies who work closely together in collecting, analysing and disseminating intelligence.

These agencies are, themselves, strengthening their collaboration and interoperability with each other, including the frequent utilisation of joint operations. The relevant oversight architecture should follow suit.

ENDS

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