



Australian Government
Independent National Security
Legislation Monitor

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23 September 2025

Senator Raff Ciccone
Chair, Parliamentary Joint Committee on Intelligence and Security

By pjcis@aph.gov.au

Dear Chair

Submission to the Review of the Strengthening Oversight of the National Intelligence Community Bill 2025

I welcome the opportunity to make a submission to the review by the Parliamentary Joint Committee on Intelligence and Security (the Committee) of the Strengthening Oversight of the National Intelligence Community Bill 2025 (the Bill). This submission focuses on Schedule 4 of the Bill, namely the amendments relating to the Independent National Security Legislation Monitor (the Monitor).

I support the amendments in the Bill to the *Independent National Security Legislation Monitor Act 2010* (INSLM Act), in particular:

- the expansion of the Monitor's remit to conduct own-motion reviews; and
- the amendments to modernise leave arrangements, simplify the Monitor's reporting functions, and enable the Monitor to manage office funding.

I also support amendments to the *Intelligence Services Act 2001* to expressly enable the Committee to request a briefing from the Monitor.

I confirm that the Attorney-General's Department consulted with me in the development of these aspects of the Bill.

Expanding the Monitor's remit to conduct own-motion reviews

I support the amendments to expand the Monitor's remit to conduct own-motion reviews into the full range of legislation relevant to counter-terrorism and national security. I note this was a recommendation of the 2024 Independent Intelligence Review.¹

The role of the Monitor is to consider the operation, effectiveness and implications of our counter-terrorism and national security laws and consider whether such laws contain appropriate protections

¹ Commonwealth of Australia, Department of the Prime Minister and Cabinet, [2024 Independent Intelligence Review](#), recommendation 64, pp 113-4.



for individual rights, remain necessary and proportionate and are consistent with Australia's international obligations. The current list of laws that Monitor can review of their own motion in the *INSLM Act* has become out of date. I support the drafting approach of including all counter-terrorism and national security laws, while also preserving the current list to avoid any unintended exclusion of the Monitor's current jurisdiction.

In independently exercising the Monitor's oversight role it is essential to provide the Monitor with the necessary discretion to conduct own-motion reviews into any aspect of national security or counter-terrorism legislation they consider requires review.

I note that this approach reflects best-practice in oversight legislation. For example, the Global Counterterrorism Forum (a multilateral organisation of which Australia is a member) has stated that oversight and accountability mechanisms in counterterrorism should have a broad remit, including 'the competence to review any matters relevant to national security, including counterterrorism, across any government body'.²

Amendments to the Monitor's financial delegations and clarification of independence

I also support the proposed amendments to the *INSLM Act* to prescribe the Monitor as an official of the Attorney-General's Department (the Department) for the purposes of the finance law under the *Public Governance, Performance and Accountability Act 2013*, and in doing so, to make explicit that the Monitor has complete independence in the performance of their functions.³

The Monitor is an independent statutory office holder appointed by the Governor-General. In practice, they are supported by an office comprised of staff generally employed under the *Public Service Act 1999* who are made available to the Monitor. Funds allocated to the Monitor to administer the office are appropriated to the Department and allocated by the Department to the Monitor.

Unlike other similar statutory officer holders, I do not currently have any financial delegations.⁴ While I am responsible for managing the budget allocated to my office, I cannot currently approve expenditure. This can cause practical problems and unnecessary administrative burden as I rely on my staff and, where necessary, the Senior Executives of the Department, to approve my office's expenditure. This can sometimes result in delays and may cause a perception of lack of independence. As I am the first full-time Monitor and have a larger budget and more staff than my predecessors this issue has become more acute during my term than it was for previous Monitors.

Amendments to leave arrangements for the Monitor

I also support the proposed amendment to enable the Attorney-General to grant a leave of absence to the Monitor on terms and conditions determined by the Attorney-General, rather than as determined by the Governor-General.⁵ I consider this would modernise the Monitor's leave

² Global Counterterrorism Forum, [Brussels Memorandum on Good Practices for Oversight and Accountability Mechanisms in Counterterrorism](#), (September 2024) p. 10

³ Item 15 of Schedule 4

⁴ See other similar statutory office-holders such as the Anti-Slavery Commissioner (*Modern Slavery Act 2018* pt 3A) and the National Data Commissioner (*Data Availability and Transparency Act 2022* pt 4.2).

⁵ Item 14 of Schedule 4

arrangements, bring it in line with other similar statutory office holders and avoid unnecessary administrative inconvenience in relation to approval of personal leave.⁶

Other minor proposed amendments affecting the Monitor

Amendments to enable the Committee to seek a briefing from the Monitor

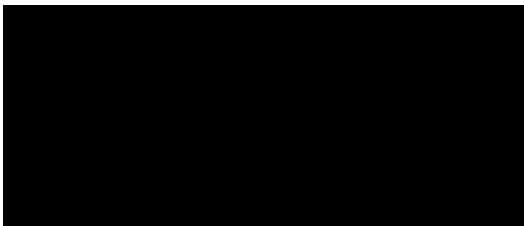
I support the proposed amendments to include the Monitor as an office-holder that the Committee can request a briefing from.⁷ I am fully supportive of this amendment, noting the interrelated work of the Monitor and Committee in ensuring our national and counterterrorism legislation is appropriately and effectively scrutinised. I personally welcome any opportunity to brief the Committee and am happy to assist the Committee to perform its important role.

Amendments to reporting requirements

Finally, noting the importance of ensuring the Monitor's reviews are tabled in Parliament and made available to parliamentarians and the general public, I support the proposed amendment to consolidate and streamline the provisions relating to the Monitor's reporting functions, whether they are statutory or own-motion reviews.⁸

I would be happy to provide any further information if required. The best point of contact for my Office is inslm@inslm.gov.au.

Yours sincerely



Jake Blight
Independent National Security Legislation Monitor

⁶ See for example, *Modern Slavery Act 2018* s 20R (Anti-Slavery Commissioner), *National Anti-Corruption Commission Act 2022* s 188 (NACC Inspector), *Data Availability and Transparency Act 2022* s 57 (National Data Commissioner), and *Health Insurance Act 1975* s 79AJ (National Rural Health Commissioner).

⁷ Item 69 of Schedule 1

⁸ Items 7-10 and 17-20 of Schedule 4