

SUBMISSION TO THE PARLIAMENTARY JOINT COMMITTEE ON INTELLIGENCE AND SECURITY – COMMENTS ON THE INDEPENDENCE OF THE FORMER INSPECTOR-GENERAL OF INTELLIGENCE AND SECURITY MR IAN CARNELL

During a public hearing by the Parliamentary Committee on Intelligence and Security (PJCIS) on 18 August 2014 certain comments were made by Mr William Rowlings, CEO, Civil Liberties Australia that questioned the independence with which I had approached the role of Inspector-General of Intelligence and Security (IGIS).

I have been offered the opportunity to make a submission in response and appreciate being able to comment. I do so because contrary to what was asserted, maintaining the independence of the office of IGIS was of central importance in how I carried out that role during my tenure from 2004 to 2010.

Specifically, Mr Rowlings is recorded as saying that I had attended an anniversary commemoration luncheon for one of the intelligence agencies and had been photographed with a number of intelligence agency heads. He was of the opinion that this was 'highly inappropriate'. Mr Rowlings subsequently provided the PJCIS with a copy of a press clipping from October 2006 that included a photograph.

The occasion when the photograph was taken was not an anniversary commemoration luncheon for one of the intelligence agencies. Rather, it was the public launch of an unclassified booklet about the intelligence agencies, their place in government and the accountability arrangements to which they are subject.

The preparation and release of a booklet was recommendation 23 (at page 161) in the *Report of the Inquiry into Australian Intelligence Agencies* (July 2004) - conducted by Mr Philip Flood AO. The full report is available at:

http://www.dpmc.gov.au/publications/intelligence_inquiry/

At the launch of the booklet a panel to take questions from the journalists and others who were invited was made up of intelligence agency heads and myself as IGIS. Photographs were taken of the panel by various news agencies present. Given that the scope of the

booklet included the accountability arrangements for the intelligence agencies, I consider my presence and visibility was entirely appropriate.

Being photographed with other members of a panel does not imply a friendship or close relationship with the other panel members. It is routine for people with different views and responsibilities to sit together on panels at seminars, conferences, presentations or shows like *Q&A*, without any negative connotations being drawn.

More generally, I would note that the then Ombudsman - Professor John McMillan AO – commented in a speech around that time that I was ‘as independent-minded and scrupulous’ as any judicial officer he knew. The full text of the speech is available at: http://www.ombudsman.gov.au/files/21_July_2006_The_role_of_the_Ombudsman_in_protecting_human_rights.pdf - the specific comment is at page 5.

In March 2010 the then Chair of the PJCIS wrote to me on the eve of my retirement noting that the office had made ‘independent and robust judgments’.

Indeed this is the tradition of the office of IGIS – for example, a New Zealand reviewer wrote in a report in March 2013 that ‘The overwhelming impression that one gets about the Office of the IGIS in Australia is that it is very muscular. All the parties to whom I spoke described it consistently as robust and assertive’ – paragraph 92 of: <http://www.gcsb.govt.nz/assets/GCSB-Compliance-Review/Review-of-Compliance.pdf>

Ian Carnell
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