

## **Additional comments by the Australian Labor Party**

1.1 The Australian Labor Party is deeply concerned by the failure of the Legal and Constitutional Affairs Legislation Committee to fulfil the duties that it has assumed to the Senate to inquire into and report on the Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014.

1.2 On 25 September 2014, the Senate Standing Committee for the Selection of Bills recommended to the Senate that the Bill be referred to this committee for inquiry and report by 17 October 2014.<sup>1</sup> Appendix 2 of the Selection of Bills Committee's report recommended that the Bill be referred to this committee because it is a '[s]ignificant piece of national security legislation'.<sup>2</sup>

1.3 In the debate that followed the tabling of the report in the Senate chamber, it was made clear that any inquiry held by this committee would be 'concurrent' to that being held by the Parliamentary Joint Committee on Intelligence and Security.<sup>3</sup> The Senate was fully aware of this fact, therefore, when it referred the Bill to this committee without division.<sup>4</sup>

1.4 Despite the fact that the Senate clearly expressed its will that this committee inquire into and report on the Bill concurrently with the Parliamentary Joint Committee on Intelligence and Security, this has not occurred. This committee has, therefore, expressly refused to do that which the Senate has explicitly asked it to do.

1.5 The committee system of the Australian Senate is well-established. It is an effective way of, *inter alia*, reviewing legislation that the government presents to the Parliament. It allows the Senate to satisfy itself that the legislation is worthy of passage, and to explore possible amendments.

1.6 It is well-established procedure that, when the Senate refers a Bill to a committee 'for inquiry and report', inquiry and report should occur. The Australian Labor Party regrets that this committee has failed to follow this well-established procedure in this case.

**Senator Jacinta Collins**  
**Deputy Chair**

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1 *Journals of the Senate*, No. 56—25 September 2014, p. 1506.

2 *Senate Hansard*, 25 September 2014, p. 23.

3 *Senate Hansard*, 25 September 2014, pp. 27-28.

4 *Senate Hansard*, 25 September 2014, p. 28.

