

## Introduction

### The Bill and its referral

- 1.1 On 29 October 2014, the Attorney-General, Senator the Hon George Brandis QC, introduced the Counter-Terrorism Legislation Amendment Bill (No. 1) 2014 (the Bill) into the Senate.
- 1.2 The Bill contains a series of amendments to the *Criminal Code Act 1995* (the Criminal Code) and *Intelligence Services Act 2001* (the IS Act). In his second reading speech, the Attorney-General stated that the proposed amendments would address the following three key areas:
  - Australian Secret Intelligence Service support and cooperation with the Australian Defence Force on military operations,
  - arrangements for the provision of emergency Ministerial authorisations to IS Act agencies to undertake activities in the performance of their statutory functions, and
  - changes to the control order regime to allow the Australian Federal Police to seek control orders in relation to a broader range of individuals of security concern and to streamline the application process.<sup>1</sup>
- 1.3 The Attorney-General indicated that the measures in the Bill were ‘included as a result of instances of operational need identified by relevant agencies subsequent to the introduction of the previous two tranches of legislation’.<sup>2</sup>

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<sup>1</sup> Senator the Hon George Brandis QC, Attorney-General, *Senate Hansard*, 29 October 2014, p. 62.

<sup>2</sup> Senator the Hon George Brandis QC, Attorney-General, *Senate Hansard*, 29 October 2014, p. 62.

- 1.4 The Attorney-General also noted that the Bill would implement a recommendation from the Committee's recent inquiry into the Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014 (the Foreign Fighters Bill).<sup>3</sup>
- 1.5 On the same day as the Bill was introduced, the Attorney-General wrote to the Committee to refer the provisions of the Bill for inquiry and to request it to report by 20 November 2014. He further requested that the Committee should, as far as possible, conduct its inquiry in public.

## Inquiry objectives and scope

- 1.6 Some of the amendments proposed in the Bill were flagged to the Committee during its inquiry into the Foreign Fighters Bill, including the proposal for 'further enhancing' the control order regime. In its report on that Bill, the Committee recommended that the amendments should be referred to the Committee with appropriate time for inquiry and review.<sup>4</sup>
- 1.7 As part of its inquiry, the Committee examined whether the Bill incorporates adequate safeguards and accountability mechanisms to ensure the proper application of the laws into the future.

## Conduct of the inquiry

- 1.8 The inquiry was referred to the Committee by the Attorney-General on 29 October 2014. The Chair of the Committee, Mr Dan Tehan MP, announced the inquiry by media release on 30 October 2014 and invited submissions from interested members of the public. Submissions were requested by 10 November 2014.
- 1.9 The Committee received 17 submissions, three supplementary submissions and one exhibit from sources including government agencies, legal, community and civil liberties groups and members of the public. A list of submissions and exhibits received by the Committee is at Appendix A.
- 1.10 The Committee held one public hearing in Canberra on 13 November 2014. A list of witnesses who appeared before the

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<sup>3</sup> Senator the Hon George Brandis QC, Attorney-General, *Senate Hansard*, 29 October 2014, p. 62.

<sup>4</sup> Parliamentary Joint Committee on Intelligence and Security, *Advisory Report on the Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014*, October 2014, pp. 60–61.

Committee is included at Appendix B. The Committee also received two private briefings from relevant agencies.

- 1.11 The intensive nature of the inquiry and the short timeframes placed significant demands on the Committee. While the Committee recognises and understands that this resulted from exceptional circumstances, it would have been preferable if more time had been available for the inquiry.
- 1.12 Copies of submissions received and transcripts of public hearings can be accessed on the Committee website at [www.aph.gov.au/pjcis](http://www.aph.gov.au/pjcis). Links to the Bill and the Explanatory Memorandum are also available on the Committee website.

## Report structure

- 1.13 This report consists of three chapters:
  - This chapter sets out the context, scope and conduct of the inquiry,
  - Chapter 2 contains a discussion of the main issues raised in evidence regarding Schedule 1 of the Bill, and the Committee's comments and recommendations regarding those issues, and
  - Chapter 3 contains a discussion of the main issues raised in evidence concerning Schedule 2 to the Bill, and the Committee's comments and recommendations regarding those issues.

