

A critical juncture

Sustaining and strengthening the Parliamentary Joint Committee on Intelligence and Security

About the author

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Introduction

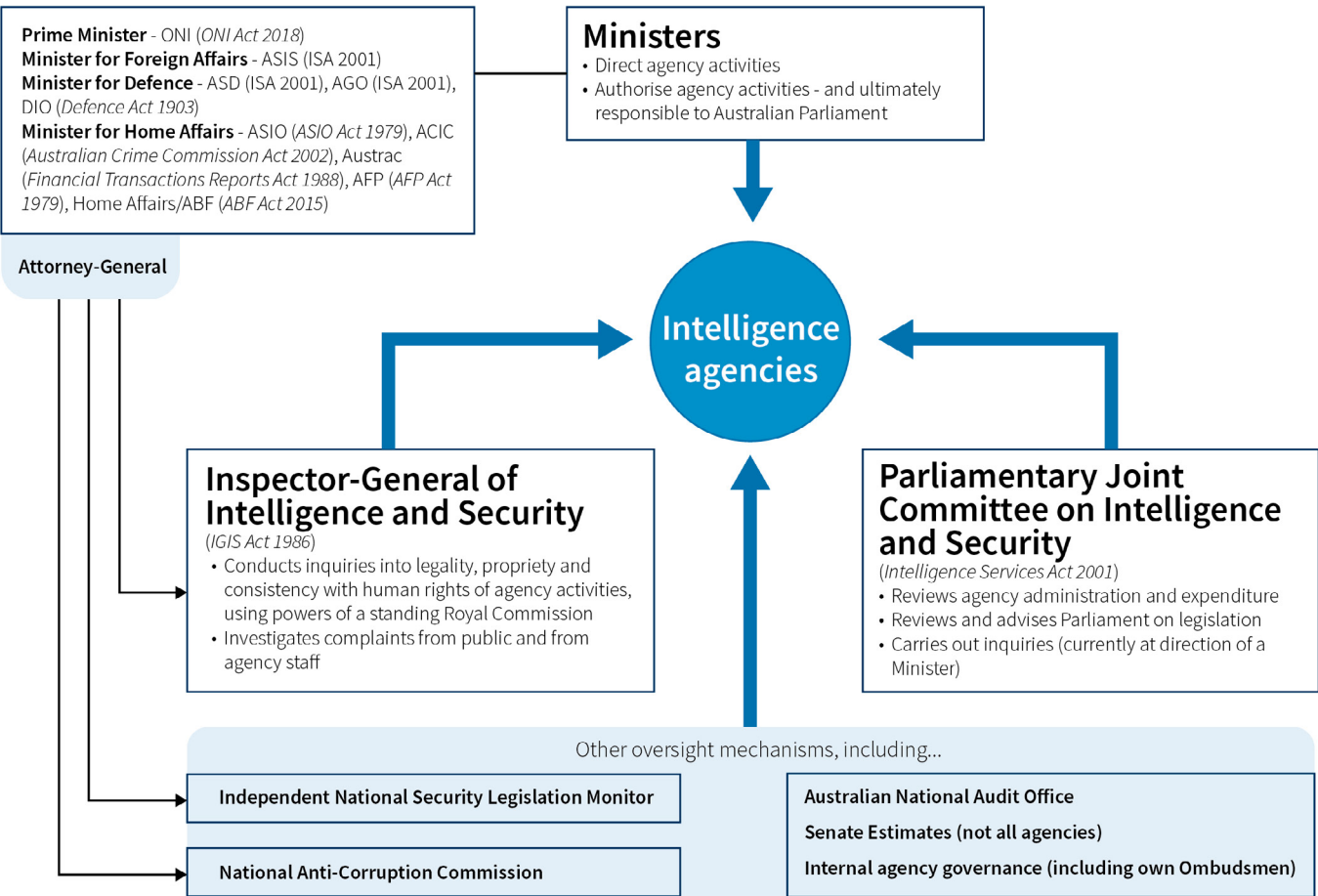
Australia’s intelligence community has long served as a quiet cornerstone of national security, adapting to evolving threats with professionalism and bipartisan trust. But today’s strategic environment—defined by cyber threats, foreign interference and grey-zone competition—demands more from our intelligence services than ever before. As agencies expand their roles across economic, technological and geopolitical domains, oversight mechanisms must also evolve in tandem to ensure accountability, transparency and public trust.

The Parliamentary Joint Committee on Intelligence and Security (PJCIS) must be equipped and empowered to keep pace with the intelligence community. But the PJCIS has long been under strain, and its next leadership needs to grasp a potentially fleeting opportunity for reform.

The Australian intelligence oversight model consists of three mutually reinforcing institutions (Figure 1): direct ministerial control and authority over agencies; the Inspector-General of Intelligence and Security (IGIS) with statutory independence and extraordinary powers, carrying out inquiries and monitoring agency activities; and the Australian Parliament via the particular functions of the PJCIS, focused on agencies’ administration and finances and on legislation.

Successive reviews of Australian intelligence have found that this oversight system is working well, albeit with recommendations for improvement and additional resourcing.

Figure 1: Oversight of Australia’s intelligence agencies



Source: ASPI

As the 2024 Independent Intelligence Review (IIR) found:

In our view, [Australia's intelligence oversight] model remains fit for purpose. Australia's oversight architecture and institutions are strong. We see no evidence of any failure of oversight. We endorse the judgements of the 2017 Review and the 2019 Comprehensive Review of Intelligence legislation (2019 Comprehensive Review) that Australia's oversight architecture is sound and fulfils the characteristics of effective oversight. These characteristics include the existence of numerous oversight bodies that are independent, have clear mandates and powers, and collectively provide comprehensive oversight of agencies' activities, administration and legislative frameworks.¹

When the 48th Australian Parliament convenes later this month, one of re-elected Prime Minister Anthony Albanese's first tasks will be to appoint the PJCIS chair. For continuity, confidence in experience and the trust of the intelligence community, he may choose to reappoint Victorian Senator Raff Ciccone, who chaired the committee at the time the election was called and the committee was dissolved. There's a precedent for reappointing the PJCIS chair: then Prime Minister Scott Morrison chose to reappoint as chair Andrew Hastie MP after the 2019 election. Or Prime Minister Albanese may choose a separate MP or senator from his now burgeoning parliamentary ranks post-election.

Whoever is appointed will become steward of a unique institution. While all parliamentary committees do important work and like to think that they're special, the PJCIS is genuinely different. With procedures enabled (and constrained) by the *Intelligence Services Act 2001* (ISA), it's the only element in the Australian Parliament that routinely deals with national-security classified information. The PJCIS has played an important role in reviewing, refining and providing bipartisanship for much-needed but at times sensitive security laws.

The challenges facing the new PJCIS chair are well known—and they present an opportunity for renewal. Like his or her predecessors, the chair will grapple with a demanding workload, limited resourcing, delayed reform momentum, and the need to sharpen the committee's strategic focus. But those aren't insurmountable obstacles—they're core tasks that, if addressed with resolve, can significantly strengthen Australia's intelligence oversight framework. Rising to meet them will ensure that the PJCIS remains a credible, forward-leaning pillar of democratic accountability in a rapidly evolving threat landscape.

A question of membership

Since government amendments two years ago,² the committee is composed of 13 members, and must include at least two each of government MPs, government senators, non-government MPs and non-government senators—with a government majority mandated. The changes in committee composition were controversial, prompting a very rare dissenting report from opposition committee members, who were concerned that the changes would precipitate the inclusion of crossbenchers on the committee.

Indeed, the Prime Minister will now be weighing up whether to include members of the crossbenches in the committee's membership. That would be a departure from past practice—independent MP Andrew Wilkie's membership during the minority Gillard government (2010–2013) is the only occasion a committee member has come from outside the self-styled 'parties of government'—but is increasingly likely, given the long-term changes in the parliament's makeup; not to mention the ISA's requirement for the Prime Minister to 'have regard to the desirability of ensuring that the composition of the Committee reflects the representation of recognised political parties in the Parliament'.³

Yes, even now, less than 9% of the House of Representatives and less than 28% of the Senate sits on the crossbenches, but the parlous state of the 'opposition' parties (less than 29% of the House, less than 36% of the Senate) makes for a discomfiting comparison. Had the initial post-election break in the Liberal–National coalition held, then the death knell for the old membership model would have already sounded. It would have been untenable for a Liberal Party rump to have monopolised non-government slots on the PJCIS. As it is, the pressure for change that has been mounting since the 2010s will now ramp up significantly.

The inclusion of crossbenchers on the PJCIS would not be inconsequential and it could have unwelcome effects on the committee's work. While all things in Canberra have a political dimension, a great positive of the PJCIS has been the minimal degree to which its activities have been politicised to date. Monopoly of the committee by the 'parties of government' has cultivated an atmosphere in which intelligence agencies have been willing to inform the PJCIS about their capabilities and their operational context (and the challenges they face in a rapidly changing operational environment) significantly above and beyond what the committee would otherwise have access to under the limited mandate provided by the ISA.

Is that too 'clubby'? Whatever one's answer, those arrangements have made exercising that mandate, especially to review relevant agencies' 'administration and expenditure', better contextualised and informed. Likewise, the seriousness of PJCIS proceedings (some but not all of which are carried out in closed hearings) has often been compared favourably with histrionics elsewhere on Capital Hill—most notoriously in Senate Estimates.

What should be the committee's remit?

It's not just PJCIS membership that will be affected by the May election results. The conclusion of the previous parliament meant that pending reforms to the PJCIS that were recommended eight years ago lapsed. As a result, they have still not been implemented.

When we think about the role of the PJCIS, there's a 'horizontal' dimension: what's the remit of the committee, who does it oversee? Before the PJCIS, there was just the Parliamentary Joint Committee on the Australian Security Intelligence Organisation (ASIO) from 1988 to 2001. That became the Parliamentary Joint Committee on ASIO, ASIS (Australian Secret Intelligence Service) and DSD (Defence Signals Directorate [DSD], now Australian Signals Directorate)—or PJCAAD—in 2001 with the ISA's passage. The Defence Intelligence Geospatial Organisation (now the Australian Geospatial-Intelligence Organisation), the Office of National Assessments (now the Office of National Intelligence) and the Defence Intelligence Organisation were added to the committee's remit in 2005.

The 2017 ('L'Estrange–Merchant') IIR recommended a further horizontal extension of the PJCIS's remit (and that of the IGIS⁴) to the whole of what that review termed the 'national intelligence community' (NIC). This included the Australian Criminal Intelligence Commission (ACIC), the Australian Transaction Reports and Analysis Centre (AUSTRAC), and the intelligence functions of the Department of Home Affairs and the Australian Federal Police (AFP). (Note that both the ACIC and the AFP are otherwise subject to the oversight of the Parliamentary Joint Committee on Law Enforcement, necessitating careful balance between parliamentary oversight regimes.)

It took six years before the Intelligence Services Legislation Amendment Bill 2023 (ISLAB 2023) was introduced to give effect to the 2017 recommendation. That Bill was introduced in the House two years ago before being referred to the PJCIS, which then undertook an inquiry process, including public submissions (including from ASPI) and hearings. But then it disappeared into the Canberra fog; no committee report, no debate, and—since the calling of the election—no more ISLAB 2023 ...

Worryingly, it isn't just the horizontal remit of the PJCIS (and IGIS) that remains unactioned because of ISLAB 2023's demise. The Bill also included other important reforms to intelligence oversight. It would have uncomplicated committee secretariat staffing by amending the existing security clearance requirements for those staff (instead aligning required clearance levels to the particular work in which staff were engaged); provided for own-motion reviews of legislation (including expiring legislation); and mandated annual briefings to the PJCIS by the IGIS and by ONI's Director-General.

Indeed, ISLAB 2023 would also have also actioned L'Estrange–Merchant's solution to the knottiest historical problem facing the PJCIS: to what, if any, extent the committee should have a role in relation to intelligence operations? In other words, the 'vertical' remit of the committee.

When the parliament passed the *Intelligence Services Act 2001* almost a quarter of a century ago, the answer was plainly ‘None’. As noted above, the committee’s mandate was limited to agencies’ administration and expenditure. Section 6(3) of the ISA outlines in copious detail all the things the PJCIS is *not* to do, including ‘reviewing the sources of information, other operational assistance or operational methods available to ASIO, ASIS, AGO, DIO, ASD or ONI’ or ‘reviewing particular operations that have been, are being or are proposed to be undertaken by ASIO, ASIS, AGO, DIO or ASD’.

For some observers (including within the parliament itself) this has seemed an undue constraint, regardless of how often the powers and activities of the IGIS (which actually does provide oversight of intelligence operations) are invoked. This hasn’t just been the position of tinfoil-hatted cranks, although there are plenty of those. Operational oversight is a feature of parliamentary oversight regimes in the US and the UK. At home, the now Minister for Foreign Affairs (and minister responsible for ASIS) introduced (from opposition) the PJCIS Amendment Bill 2015, which ultimately failed to pass the Senate. That Bill would, among other changes, have given the committee insights into intelligence operations by requiring the IGIS to provide the committee with ‘a copy of any [IGIS] report provided to the Prime Minister or a Minister within three months’.

In 2017, L’Estrange and Merchant considered this question in detail, concluding that:

[T]here is significant practical benefit in having the required expertise [to provide oversight of intelligence operations] located in a single body, backed by appropriate powers and independence. Giving the PJCIS a role to conduct its own inquiries into the operations of the intelligence agencies would duplicate the reporting requirements already in place for [Australian intelligence community] agencies in respect of the IGIS. It would also duplicate resourcing needs of the IGIS and PJCIS and it could result in simultaneous inquiries by both the PJCIS and the IGIS on the same issue.

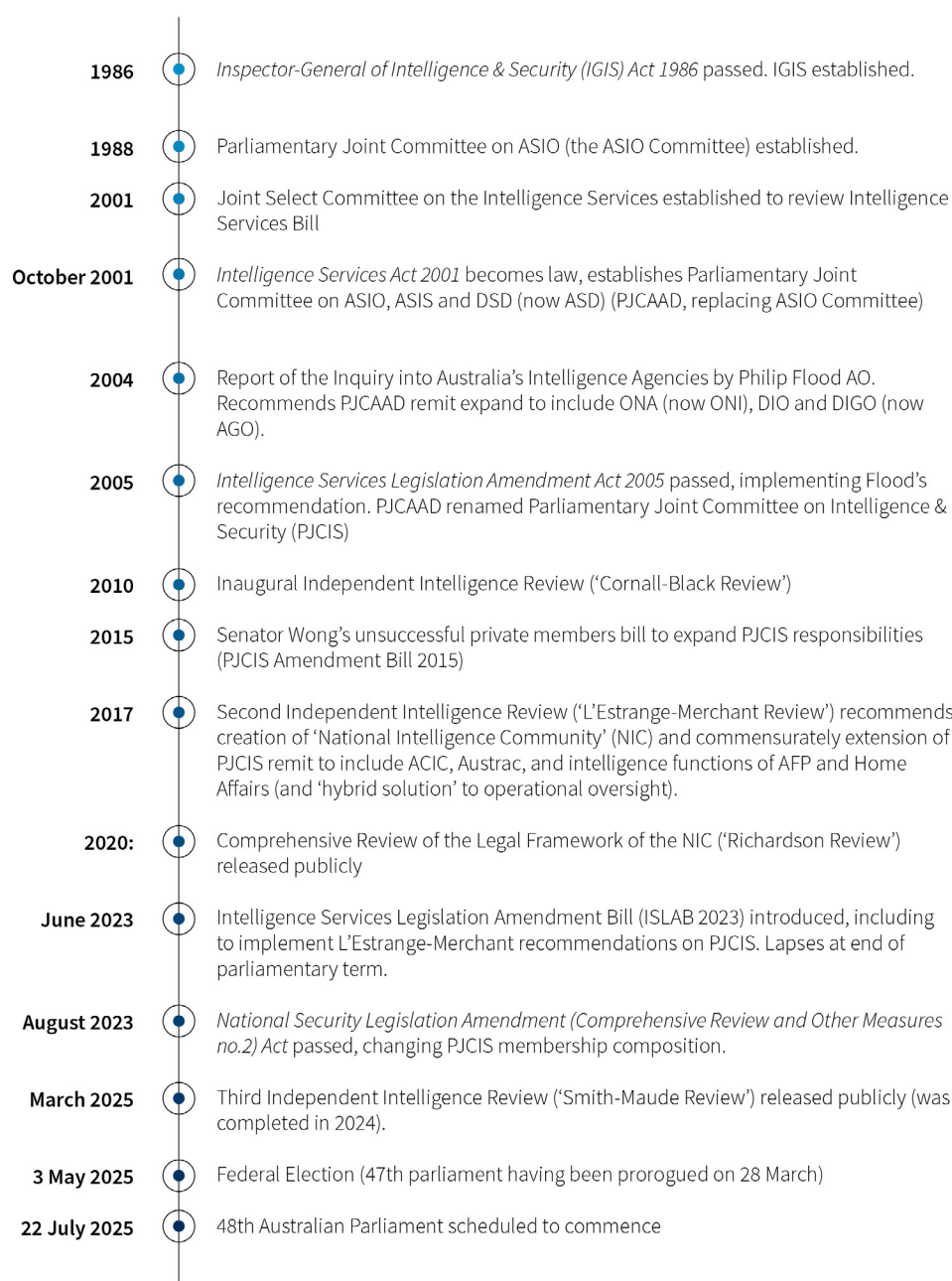
Rather than giving the PJCIS the power to conduct its own inquiries into agency operations, we favour strengthening the connection between the PJCIS and the IGIS. This would increase the Parliament’s visibility of the issues raised by the activities of the intelligence agencies without introducing duplication.⁵

Hence, L’Estrange and Merchant’s solution: enable the PJCIS to request the IGIS to conduct an inquiry into an operational matter, and have the IGIS report back on that inquiry to the PJCIS, thereby avoiding the need for the PJCIS to itself carry out such an inquiry.

This hybrid solution was to have been implemented by ISLAB 2023, and it was by no means an unproblematic solution to the enduring question of operational oversight. In fact, it may well have exacerbated existing frustrations on the part of the committee, especially given that the IGIS report provided to the committee need not actually convey any details about the inquiry undertaken or its findings. But the IGIS determining what is an appropriate report to the PJCIS is an important check and balance and, despite some trepidation for contrasting reasons from both politicians and the intelligence community, it remains probably the least worst of options in the circumstances.

With ISLAB 2023’s demise, it would now need to be reintroduced into the parliament. ISLAB 2023’s shelving has also made largely redundant the recent recommendation (#62) by the 2024 (‘Smith–Maude’) IIR calling for future review of the PJCIS’s extended remit.

Figure 2: Development of parliamentary oversight of intelligence in Australia



Source: ASPI

A staffing and resources opportunity

Perhaps the most practically important recommendation for the PJCIS from the 2024 IIR is #66: that the committee chair and deputy chair (traditionally an opposition member) each be allocated an additional staff member to assist in the performance of their specific committee functions, with those roles filled by secondees from either the policy or intelligence communities, with professional experience in intelligence matters and holding 'Top Secret—Privileged Access' clearances (the highest level of security clearance in the Australian Government).⁶

This recommendation draws heavily on ASPI's original suggestion to the IIR back in late 2023. As noted at the time,⁷ a significant constraint on the PJCIS's functioning is that committee members are unable to utilise personal staff in the substance of the committee's work. While members are well served by the PJCIS secretariat staff, they are presently unable to use personal staff to review classified submissions and devise related questions for closed hearings.

Nor can their personal staff contribute to the drafting of classified reports. This contrasts with members' work in other parliamentary committee contexts and accordingly limits the full effectiveness of the committee, while placing significant burdens on individual PJCIS members.

The next PJCIS chair (ideally with bipartisan support offered by the deputy chair) should prioritise lobbying the Albanese government to agree to, and expedite the implementation of, this recommendation—including the allocation of suitable secondees as soon as possible. Per both ASPI's submission and the IIR's findings, they should also insist that adequate classified systems and working space within the secretariat's secure premises at Parliament House are made available to those two seconded staff, in order that they can effectively access and produce classified documents in support of the chair and deputy chair.⁸

The effectiveness of the committee's work would also be enhanced by the implementation of another IIR recommendation (#67), that 'government establish a panel of technological advisers to provide advice to intelligence oversight bodies [that is, not just the PJCIS but also IGIS and the Independent National Security Legislation Monitor] on an as-needed basis'.⁹ This expert advice would be independent of the technology-related advice provided to them by agencies.

But the new PJCIS chair should ask the government to go further than the terms in which this recommendation is expressed by Smith and Maude. It should include not only advisers on technology but external (non-government) experts on other issues facing the NIC. The availability of a broad range of external, expert advice, familiar with the intelligence business, would significantly enhance the PJCIS's ability to probe the NIC and ensure accountability but also actively assist the NIC with its performance and with its ongoing transformation. There's a role here for oversight bodies to leverage cleared and experienced experts from think tanks like ASPI, for instance.

The bigger issue: refocusing on intelligence oversight

However, there's an even more important but significantly less recognised task facing the next PJCIS chair; namely, to reset the PJCIS's focus back to holding up the parliament's part in the trilateral model of Australian intelligence oversight.

For years, successive committee chairs, both Labor and Liberal, have warned that the PJCIS is under very significant strain.¹⁰ And, as useful as supply-side reforms (such as new staff, expert advisers) will prove, equally (if not more) critical is addressing the demand side of this equation.

In short: the PJCIS is being asked to do too much, and too much outside of its specific intelligence oversight role.¹¹

A prime example is the last advisory report produced by the PJCIS before the calling of the election: its review of the government's Transport Security Amendment (Security of Australia's Transport Sector) Bill 2023. That was a lengthy and intensive review, into an already bipartisan bill based on a well-regarded independent review carried out in 2022 (ironically, by now ASIS Director-General Kerri Hartland), and only very tangentially related to the intelligence community.

Prior to the ISA, the PJCIS on ASIO's role was limited to matters concerning ASIO. At the time of the development of the ISA, the proposed parliamentary committee was intended to be responsible only for matters concerning ASIO and ASIS (and, later in the legislative process, DSD also). But the impact of 9/11 meant that from the start of its existence the committee was also given a prominent and ever-expanding role in dealing with counterterrorism legislation.

So, activities like the above review don't suggest that the committee is off on a frolic of its own. Rather, there's been a constant compounding of demand through the legacy of the statutory review obligations arising from that counterterrorism legislation. But, even more so, the PJCIS has come to be used as the parliament's national-security

(or even remotely security-related) legislative review committee. This was originally on the basis of making sure there were not inadvertent consequences arising for intelligence agencies from such legislation. After all, the PJCIS was particularly well placed to identify such potential problems.

Instead, the PJCIS has become a victim of its own success as an effective legislative reviewer and the natural conservatism of successive governments. The result: constant referrals of bills to it as a ‘safe pair of hands’; hence, the Transport Security Amendment (Security of Australia’s Transport Sector) Bill.

Analysis of PJCIS inquiries completed over the past three parliaments (that is, back to 2016, and including those that lapsed in the last parliament before being completed; see Appendix) indicates that those inquiries can be characterised as either:

- Category 1: Clearly intelligence related, and in accordance with the vision for the PJCIS in the original drafting of the *Intelligence Services Act 2001*, including scheduled annual reviews of agency administration and expenditure (and, as an administrative addendum, the committee’s own annual review of its activities)
- Category 2: Counterterrorism-related (including statutorily required reviews)
- Category 3: Not related to intelligence or counterterrorism; rather, more generally associated with national-security or protective-security issues.

Of the 110 inquiries carried out by the PJCIS in that time frame, only 35.5% could be regarded as Category 1 inquiries. Counterterrorism inquiries made up 40.9%, and ‘other matters’ 23.6%. Little more than a third of inquiries undertaken by the parliament’s only intelligence oversight mechanism were directly related to intelligence oversight. No wonder successive PJCIS chairs have publicly warned of the strain under which the committee operates.

Conclusion

The next PJCIS chair faces significant challenges to ensure that the committee continues to play its critical part in the oversight of Australia’s NIC, but they have also been afforded opportunities, not least as a result of the 2024 IIR’s recommendations to enhance staffing and external support to the committee.

The new chair, in close consultation with his or her deputy, should work collaboratively with the government (and opposition) to ease the legislative burden on the PJCIS and refocus its attention towards its core mission of intelligence oversight. That might include trialling alternative means of dealing with (all or some of) what I’ve termed Category 2 and 3 matters, such as through a PJCIS subcommittee, or the establishment of an alternative, sister committee, and by a greater judiciousness on the government’s part. Noting the political reality that all governments will expect that laws affecting counterterrorism and the intelligence community will continue to be closely interrelated. The burden would also be partially lessened by revisiting the idea of a Parliamentary Joint Committee on Defence (based on the PJCIS)—an initiative scuttled in the Senate last year.¹²

A reduced workload for the PJCIS would enhance its ability to exercise more effective forms of intelligence oversight, such as taking on a specific role in overseeing the implementation of IIR recommendations—an idea previously proposed by ASPI.

At the same time, the PJCIS chair will need to advocate for prompt implementation of the 2024 IIR recommendations relating to committee staffing, collaborate with the IGIS and the Independent National Security Legislation Monitor to establish an expert advisory group (ideally, expertise beyond just technology) and engage the government on reintroducing the long-awaited reforms that lapsed with ISLAB 2023.

These reforms are vital to maintain the PJCIS’s role as a key part of the intelligence architecture that gives all stakeholders confidence—from the parliament to the agencies and the public.

Appendix: PJCIS inquiries (by type)

The tables below detail the categorisation of individual PJCIS inquiries across the past three parliaments underpinning the analysis in this report.

47th Parliament (2022–2025)—including lapsed inquiries*

Category 1: Intelligence	Category 2: Counterterrorism	Category 3: Other
Review of the Intelligence Services Legislation Amendment Bill 2023*	Review of post-sentence terrorism orders: Division 105A of the Criminal Code 1995*	Review of the <i>Migration Amendment (Clarifying International Obligations for Removal) Act 2021</i> *
Review of Division 3 of Part III of the <i>ASIO Act 1979</i> *	Review of the listing of Ansar Allah as a terrorist organisation under the Criminal Code	Advisory report on the Transport Security Amendment (Security of Australia's Transport Sector) Bill 2024
Review of Administration and Expenditure (no. 23) (2023–24)—Australian Intelligence Agencies*	Advisory report on the Counter-Terrorism Legislation Amendment (Declared Areas) Bill 2024	Advisory report on the Cyber Security Legislative Package 2024
Review of Administration and Expenditure (no. 22) (2022–23)—Australian Intelligence Agencies	Review of the 2023 relisting of two organisations as terrorist organisations under the Criminal Code	Advisory report on the Crimes and Other Legislation Amendment (Omnibus no. 1) Bill 2024
Annual report of committee activities 2023–2024	Advisory report on the Counter-Terrorism Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023	Review of the <i>Foreign Influence Transparency Scheme Act 2018</i>
Review of Administration and Expenditure (no. 21) (2021–22)—Australian Intelligence Agencies	Advisory report on the Counter-Terrorism and Other Legislation Amendment Bill 2023	Review of Subdivision C of Division 3 of Part 2 of the <i>Australian Citizenship Act 2007</i> (citizenship cessation determinations)
Advisory report on the National Security Legislation Amendment (Comprehensive Review and Other Measures no. 3) Bill 2023	Report by statement: A review of the regulations relisting Islamic State East Asia as a terrorist organisation under the Criminal Code 1995	Advisory report on the Defence Amendment (Safeguarding Australia's Military Secrets) Bill 2023
Annual report of committee activities 2022–2023	Report by statement: Review of the 2023 relisting of three organisations as terrorist organisations under the Criminal Code	Report by statement: Review of the Foreign Influence Transparency Scheme Amendment Rules 2023
Review of Administration and Expenditure (no. 20) (2020–2021)—Australian Intelligence Agencies	Review of the <i>Counter-Terrorism (Temporary Exclusion Orders) Act 2019</i>	Advisory report on Item 250 of the National Anti-Corruption Commission (Consequential and Transitional Provisions) Bill 2022
Advisory report on the ASIO Amendment Bill 2023	Review of the relisting of four organisations as terrorist organisations under the Criminal Code	
Advisory report on the National Security Legislation Amendment (Comprehensive Review and Other Measures no. 2) Bill 2023	Review of the relisting of Islamic State Somalia as a terrorist organisation under the Criminal Code	
Advisory report on the IGIS and Other Legislation Amendment (Modernisation) Bill 2022	Review of the relisting of eight organisations as terrorist organisations under the Criminal Code	
Annual report of committee activities 2021–2022		
13 (38.2%)	12 (35.3%)	9 (26.5%)

46th Parliament (2019–2022)—as completed

Category 1	Category 2	Category 3
Advisory report on the National Security Legislation Amendment (Comprehensive Review and Other Measures no. 1) Bill 2021	Report by statement on the review of regulations listing Hizballah and The Base as terrorist organisations under the <i>Criminal Code Act 1995</i>	Advisory report on the Security Legislation Amendment (Critical Infrastructure Protection) Bill 2022
Advisory report on the Intelligence Oversight and Other Legislation Amendment (Integrity Measures) Bill 2020	Review of the relisting of five organisations as terrorist organisations under the Criminal Code	Inquiry into national security risks affecting the Australian higher education and research sector
Review of the amendments made by the <i>Telecommunications and Other Legislation Amendment (Assistance and Access) Act 2018</i>	Review of police powers in relation to terrorism, the control order regime, the preventative detention order regime and the continuing detention order regime	Review of Part 14 of the <i>Telecommunications Act 1997</i> —Telecommunications sector security reforms
Review of Administration and Expenditure (no. 19) (2019–2020)—Australian Intelligence Agencies	Advisory report on the Counter-Terrorism Legislation Amendment (High Risk Terrorist Offenders) Bill 2020	Advisory report on the Security Legislation Amendment (Critical Infrastructure) Bill 2020 and statutory review of the <i>Security of Critical Infrastructure Act 2018</i>
Review of Administration and Expenditure (no. 18) (2018–2019)—Australian Intelligence Agencies	Report by statement on the review of regulations relisting Jama'at Mujahideen Bangladesh (JMB) and the listing of Neo-Jama'at Mujahideen Bangladesh (Neo-JMB) as terrorist organisations under the <i>Criminal Code Act 1995</i>	Advisory report on the Telecommunications Legislation Amendment (International Production Orders) Bill 2020
Annual review of committee activities 2020–2021	Report on the review of the relisting of Hizballah's External Security Organisation as a terrorist organisation under the Criminal Code	Review of the Australian Citizenship Amendment (Citizenship Cessation) Bill 2019
Advisory report on the Foreign Intelligence Legislation Amendment Bill 2021	Review of the listing of Sonnenkrieg Division as a terrorist organisation under the Criminal Code	Review of the renunciation by conduct and cessation provisions in the <i>Australian Citizenship Act 2007</i>
Advisory report on the Surveillance Legislation Amendment (Identify and Disrupt) Bill 2020	Review of the relisting of Jaish-e-Mohammad as a terrorist organisation under the Criminal Code	Advisory report on the Identity-matching Services Bill 2019 and the Australian Passports Amendment (Identity-matching Services) Bill 2019
Advisory report on the Australian Security Intelligence Organisation Amendment Bill 2020	Review of 'Declared Areas' provisions, sections 119.2 and 119.3 of the Criminal Code	
Review of the mandatory data retention regime	Review of the listing and relisting of two organisations as terrorist organisations under the Criminal Code	
Annual report of committee activities 2019–2020	Review of the listing and relisting of three organisations as terrorist organisations under the Criminal Code	
Inquiry into the impact of the exercise of law enforcement and intelligence powers on the freedom of the press	Review of the relisting of Islamic State East Asia as a terrorist organisation under the Criminal Code	
Review of Administration and Expenditure No. 17 (2017–2018)—Australian Intelligence Agencies	Review of the relisting of four terrorist organisations as terrorist organisations under the Criminal Code	
Annual report of committee activities 2018–2019	Advisory report on the Counter-Terrorism Legislation Amendment (2019 Measures No.1) Bill 2019	
	Review of the listing and relisting of six organisations as terrorist organisations under the Criminal Code	
14 (37.8%)	15 (40.5%)	8 (21.7%)

45th Parliament (2016–2019)—as completed

Category 1	Category 2	Category 3
Review of the <i>Telecommunications and Other Legislation Amendment (Assistance and Access) Act 2018</i>	Advisory report on the Counter-Terrorism (Temporary Exclusion Orders) Bill 2019	Advisory report on the Australian Citizenship Amendment (Strengthening the Citizenship Loss Provisions) Bill 2018
Review of Administration and Expenditure (no. 16), 2016–2017	Review of the listing of Jemaah Anshurut Daulah and Jama'at Mujahideen Bangladesh as terrorist organisations under the Criminal Code	The Crimes Legislation Amendment (Police Powers at Airports) Bill 2018
Advisory report on the Telecommunications and Other Legislation Amendment (Assistance and Access) Bill 2018	Review of the relisting of al-Shabaab, Hamas' Izz al-Din al-Qassam Brigades (Hamas Brigades), the Kurdistan Workers Party (PKK), Lashkar-e-Tayyiba (LeT) and Palestinian Islamic Jihad (PIJ) as terrorist organisations under the Criminal Code	Advisory report on the Foreign Influence Transparency Scheme Bill 2017
Advisory report on the Intelligence Services Amendment Bill 2018	Review of the relisting of Islamic Movement of Uzbekistan, Jaish-e-Mohammad and Lashkar-e Jhanvi as terrorist organisations under the Criminal Code	Review of proposed amendments to the Home Affairs and Integrity Agencies Legislation Amendment Bill 2017
Advisory report on the Office of National Intelligence Bill 2018 and Office of National Intelligence (Consequential and Transitional Provisions) Bill 2018	Review of the relisting of Hizballah's External Security Organisation as a terrorist organisation under the Criminal Code	Advisory report on the Security of Critical Infrastructure Bill 2017
Annual report of committee activities 2017–2018	Review of the redeclaration of Mosul District, Ninewa Province, Iraq	Advisory report on the Home Affairs and Integrity Agencies Legislation Amendment Bill 2017
Advisory report on the National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2017	Advisory report on the Counter-Terrorism Legislation Amendment Bill (No. 1) 2018	Review of the Telecommunications and Other Legislation Amendment Bill 2016
ASIO's questioning and detention powers	Review of the 'declared area' provisions	Advisory report on item 28 of the Law Enforcement Legislation Amendment (State Bodies and Other Measures) Bill 2016
Annual report of committee activities 2016–17	Review of the police stop, search and seizure powers, the control order regime and the preventative detention order regime	Advisory report on the Criminal Code Amendment (War Crimes) Bill 2016
Review of Administration and Expenditure (no. 15) 2015–2016	Review of the listing of Islamic State Khorasan Province and the relisting of al-Murabitun as terrorist organisations	
Annual report of committee activities 2015–2016	Review of the listing of Islamic State East Asia as a terrorist organisation under the Criminal Code	
Review of Administration and Expenditure (no. 14) 2014–2015	Review of the relisting of Boko Haram and Islamic State as terrorist organisations under the Criminal Code	
	Review of the declaration of Jabhat al-Nusra as a terrorist organisation under the <i>Australian Citizenship Act 2007</i>	
	Review of the listing and relisting of four terrorist organisations under the Criminal Code	
	Review of the declaration of Islamic State as a declared terrorist organisation under the <i>Australian Citizenship Act 2007</i>	

Category 1	Category 2	Category 3
	Review of the relisting of six terrorist organisations under the Criminal Code: Abu Sayyaf Group, Al-Qa'ida, Al-Qa'ida the Lands of the Islamic Maghreb, Jabhat al-Nusra, Jamiat ul-Ansar, Jemaah Islamiyah	
	Advisory report on the Criminal Code Amendment (High Risk Terrorist Offenders) Bill 2016	
12 (30.8%)	18 (46.2%)	9 (23%)

Total (across last three parliaments)

39 (35.5%)	45 (40.9%)	26 (23.6%)
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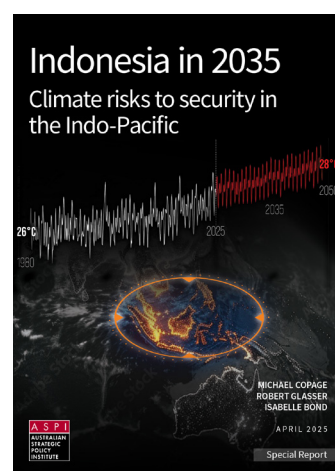
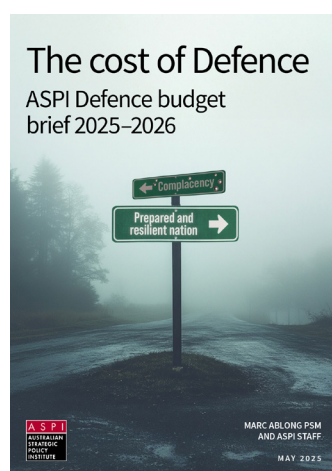
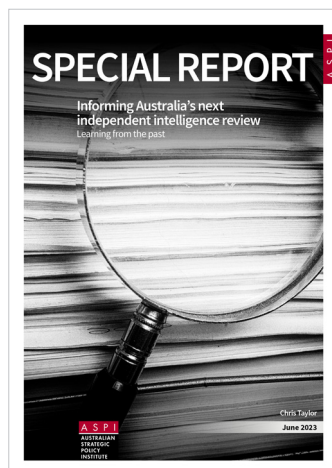
Notes

- Department of the Prime Minister & Cabinet (PM&C), *2024 Independent Intelligence Review*, Australian Government, 2024, 110, [online](#).
- Via the National Security Legislation Amendment (Comprehensive Review and Other Measures no. 2) Bill 2023, which received royal assent on 11 August 2023.
- See section 14 of Schedule 1 to the *Intelligence Services Act 2001*.
- Notably, the Comprehensive Review of the Legislative Framework of the NIC (the 'Richardson Review') contradicted this recommendation, opposing extension of IGIS's jurisdiction to Home Affairs and the AFP on the basis there was no current oversight gap and the intelligence functions of those two agencies (whose overall responsibilities are obviously much broader than just intelligence) were significantly different from the other eight NIC entities.
- PM&C, *2017 Independent Intelligence Review*, Australian Government, 2017, 124, [online](#).
- PM&C, *2024 Independent Intelligence Review*, 116
- Chris Taylor, '2024 Independent Intelligence Review submission', ASPI, 15 November 2023, [online](#).
- See also deputy chair Andrew Wallace MP's comments: 'I want to take the opportunity ... to recommend to government, whether it be this outgoing government or a new incoming government, to seriously consider, given the pressures that I hope I have indicated that this committee operates under, providing more appropriate staffing support to the members who serve on this committee. Now, all of the members who serve on this committee, and senators, are, under the *Intelligence Services Act*, required to obviously keep confidential the sort of information that we are privy to, which is to top secret level, which means that not even our staff are able to even handle these documents. So what we find is that members of the PJCIS have to do everything themselves, and we get no staffing support—zip, nothing, nada. Our staff cannot be involved. I want to encourage the government to look at providing appropriate staff to members of this committee, at the very least to the chair and the deputy chair, staff that have the appropriate security clearances, as they do in other countries like the United States and the United Kingdom. 'This is a committee that oversees and keeps Australians safe, and, if governments of either persuasion are serious about having civilian and parliamentary oversight of our intelligence agencies, then they will appropriately equip the people who serve on this committee to do their job. Without that assistance, without that appropriate support, we cannot do our job properly. I want that placed on the record.' (27 November 2024, during tabling of PJCIS's annual report of committee activities for 2023–24).
- PM&C, *2024 Independent Intelligence Review*, 117.
- As former PJCIS chair Peter Khalil MP has said: 'I extend my thanks to all committee members for their fine and hard work on this, and to the secretariat staff, who always work so hard and diligently under extreme circumstances—particularly with the PJCIS, with so many reports; there are some 14 inquiries we've got underway at the same time. There's an enormous amount of pressure on the secretariat as well as the committee members.' (18 March 2024, during tabling of PJCIS advisory report on the Defence Amendment (Safeguarding Australia's Military Secrets) Bill). Also, as deputy chair Andrew Wallace MP has commented: 'the PJCIS is the busiest committee in this building. I've chaired numerous committees and I've sat on many others. This one is the busiest.' (27 November 2024, during tabling of PJCIS's annual report of committee activities for 2023–24).
- The name 'Parliamentary Joint Committee on Intelligence and Security' (my emphasis) gives pause. Might this suggest additional responsibility beyond the intelligence services (and to a generic 'security') when this name change was made from the previous Parliamentary Joint Committee on ASIO, ASIS and DSD (2001–2005)? The implementation of the name change dates to the passage of the Intelligence Services Legislation Amendment Bill 2005. The Bill implemented the recommendation in relation to the committee made by the 2004 report of the Inquiry into Australian Intelligence Agencies by the late Philip Flood AO (recommendation #1). The Flood Report, the Bill's ministerial second reading speech and its explanatory memorandum address only an extension of the committee membership's size and the extension of the committee's remit to ONA, DIO and DIGO. There is no suggestion of an extension of role beyond that of intelligence oversight. Nor does Flood provide an indication as to why the 'parliament may consider renaming the committee as the Parliamentary Joint Committee on Intelligence and Security' (p. 59), rather than, say, the Parliamentary Committee on Intelligence Services, although the naming convention matches that of the Inspector-General of Intelligence and Security, who likewise does not have a generic 'security' responsibility beyond the intelligence services.
- See Defence Amendment (Parliamentary Joint Committee on Defence) Bill 2024, [online](#); Ben Packham, 'Defence committee scuttled over Greens' membership prospect', *The Australian*, 4 July 2024, [online](#).

Acronyms and abbreviations

2017 IIR	2017 Independent Intelligence Review
2024 IIR	2024 Independent Intelligence Review
ACIC	Australian Criminal Intelligence Commission
AFP	Australian Federal Police
ASD	Australian Signals Directorate
ASIO	Australian Security Intelligence Organisation
ASIS	Australian Secret Intelligence Service
AUSTRAC	Australian Transaction Reports and Analysis Centre
DSD	Defence Signals Directorate
IGIS	Inspector-General of Intelligence and Security
ISA	<i>Intelligence Services Act 2001</i>
ISLAB 2023	Intelligence Services Legislation Amendment Bill 2023
MP	member of parliament
NIC	national intelligence community
PJCAAD	Parliamentary Joint Committee on ASIO, ASIS and DSD
PJCIS	Parliamentary Joint Committee on Intelligence and Security

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