

9 January 2018

Mr Jonathan Smithers  
Chief Executive Officer  
Law Council of Australia  
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CANBERRA ACT 2601

By email: [Natasha.molt@lawcouncil.asn.au](mailto:Natasha.molt@lawcouncil.asn.au)

Our ref: GenAdv-VK/NDC

Dear Mr Smithers

### Home Affairs and Integrity Agencies Legislation Amendment Bill 2017

Thank you for the opportunity to provide comments on Law Council's draft submission on the Home Affairs and Integrity Agencies Legislation Bill 2017.

The Queensland Law Society (**QLS**) is the peak professional body for the State's legal practitioners. We represent and promote nearly 12,000 legal professionals, increase community understanding of the law, help protect the rights of individuals and advise the community about the many benefits solicitors can provide. The QLS also assists the public by advising government on improvements to laws affecting Queenslanders and working to improve their access to the law.

We have reviewed your draft submission on the Bill and generally support your comments made therein.

Specifically, QLS shares the following concerns and adds for your consideration some additional remarks with respect to:

- paragraph 6 - QLS considers it critical to note that the establishment of the Home Affairs Portfolio was **not** a recommendation of the Independent Review;
- paragraph 8 – QLS considers this could be strengthened by including some specific examples identified by Professor Blaxland. We suggest including his commentary:<sup>1</sup>

*“This [current] model includes a high degree of healthy contestability concerning intelligence judgements and operational options. This is thanks in large part to the diffusion of power between ministries, and authority between*

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<sup>1</sup> John Blaxland, 'The new Department of Home Affairs is unnecessary and seems to be more about politics than reform', *The Conversation* (online), 19 July 2017 <<https://theconversation.com/the-new-department-of-home-affairs-is-unnecessary-and-seems-to-be-more-about-politics-than-reform-81161>>.

*agencies, departments and ministers. These arrangements mean there are clear lines of accountability and responsibility.*

*Mechanisms for prioritisation and avoiding overlap exist with the Heads of Intelligence Agencies Meetings, the Secretaries Committee on National Security, cabinet's National Security Committee, and the National Intelligence Collection Requirement Priorities mechanisms. It's unclear how the new arrangements will alter the dynamics in these contexts."*

- paragraphs 11 and 12 – QLS strongly supports the view that, as Australia's First Law Officer, the Attorney-General is best placed to determine lawfulness of conduct, including in relation to national security. We support the suggestion that the proposed oversight should remain within the Attorney-General's responsibilities; and
- paragraph 20 – regarding the secondary use and disclosure of personal information, QLS supports the call for a review into the processes and safeguards and, for any amendments to be aligned with relevant privacy principles.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Senior Policy Solicitors, Vanessa Krulin on (07) 3842 5872 or at [v.krulin@qls.com.au](mailto:v.krulin@qls.com.au) or Natalie de Campo on (07) 3842 5889 or at [n.decampo@qls.com.au](mailto:n.decampo@qls.com.au).

Yours faithfully



Ken Taylor  
**President**