



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE

BILLS

**Intelligence Services Legislation
Amendment Bill 2011**

In Committee

SPEECH

Monday, 4 July 2011

BY AUTHORITY OF THE SENATE

SPEECH

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Questioner
Speaker Brandis, Sen George

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Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (20:08): I do not want to prolong this, but may I respond to Senator Ludlam's contribution by saying this. First of all, we have discussed like matters in the past—not these particular matters but like matters—and I entirely accept your good faith in relation to this. As the saying goes, I know where you are coming from. I think you understand that I always cast a sceptical eye over any legislation which significantly expands the policing power of the state, including the intelligence-gathering power of the state. With all due respect, I urge you not to adopt the Pavlovian response that, merely because a piece of legislation expands the mandate of a national security agency, it is ipso facto to be opposed. There are materially changed circumstances.

Any sophisticated observer of these matters would share your view, whether they be from the right of the political spectrum or the left or all points in between. We do have a broader understanding of what national security consists of—beyond merely military defence—than we did when this provision was written into the ASIO Act. We do have a more acute awareness of the extent to which damage to the economic wellbeing of Australia is itself a matter which has a direct bearing on the Australian national interest. As I said earlier, the practice of attacking our important and vital trading interests through cyberwarfare—a phenomenon we have seen in recent years—has a direct bearing on our national wellbeing.

Like you, Senator Ludlam, I start from a presumption against further expanding the policing powers of the state—because I am a good Liberal. You are probably not a good Liberal, Senator Ludlam; you are probably a good Green—whatever that means. But Liberals do have a presumption against the expansion of state power. It is therefore a non sequitur that any statutory amendment which brings up to date and contemporises the powers of a national security and policing agency is ipso facto a bad thing. On this occasion, on a considered and reflective view, the opposition agrees with the government that these are beneficial and appropriate amendments.