THE PARLIAMENTARISATION OF SECURITY IN THE UK AND AUSTRALIA

Abstract: This article examines the parliamentarisation of security through four decades of committee activity in the UK and Australia. Security governance has expanded since the Cold War from defence and secret intelligence to an array of problematizations that could arise in almost any policy area. This has driven parliamentary activity, with the effect that a much wider range of committees have done substantive work on security issues. The UK and Australia display similar levels of security parliamentarisation but of a different character due to differences in executive/legislative relations, party discipline, parliamentary rules and geopolitical circumstance.

Keywords: Australia, committees, executive/legislative relations, parliamentarisation, security, UK

Security has been high on governmental agendas since 9/11. These past two decades have seen wars and military interventions, extensive counter-terrorism legislation, emerging security technologies involving surveillance and algorithms, intelligence scandals and oversight challenges, and the construction of migration, finance, cyber and many other policy areas as security issues. Many states have undertaken transformations in security governance, creating new ministries and offices such as the US Department for Homeland Security, the Australian Department for Home Affairs, and the UK National Security Council.

These developments have been extensively researched but their relationship to parliaments has not. Traditionally, security, defence and intelligence have been treated as matters of executive prerogative with little parliamentary involvement or influence, save for troubled efforts at oversight. As Kaarbo and Kenealy put it, ‘there is little systematic research on parliaments’ role in security policy because it is assumed that parliaments are unimportant’ (Kaarbo and Kenealy, 2016: 30). Emerging work on parliaments and foreign policy is starting to challenge these assumptions, with research on war powers, intelligence oversight and counter-terrorist law-making (Bright, 2014; Defty, 2018; Dieterich et al., 2010). This largely maintains a traditional understanding of the scope and meaning of ‘security’ as relating to defence, executive powers and international relations.

However, in both theory and practice, the scope of ‘security’ has widened considerably since the Cold War and especially since 9/11 (Buzan and Hansen, 2009). In policy terms, security governance now encroaches on much of social, political, economic and ecological life. For example, the UK National Security Strategy addresses many non-traditional ‘priority risks’ including ‘major natural hazards’, ‘public health’, ‘decay and failure of key institutions’, ‘serious and organised crime’, ‘financial crisis’, ‘fuel supply’ and ‘environmental events’. These feature alongside the more traditional ‘terrorism’ or ‘international military conflict’ (UK Government, 2015: 87). New security issues have supplemented the old, and both have come to permeate multiple policy areas. For example, counterterrorism is no longer only a matter of criminal law and policing, but with its extension into prevention, surveillance, counter-radicalisation and terrorist finance, is now a concern for the policy areas of telecommunications, finance, immigration and communities, to name but a few.
This paper examines the growth of parliamentary engagement with security in this context. It compares patterns in two ‘Westminster systems’: the UK and Australia. The UK has long been an important global security actor at the heart of transatlantic, European and Anglosphere security relationships and a leading creator and exporter of terrorism legislation (Roach, 2011). Australia in contrast had little in the way of counterterrorism or domestic security policy before 9/11. Historically, its post-war security policy involved military engagements in South East Asia and a pivot from the UK to the US as its key ally over the course of the twentieth century (Burke, 2008). However, since 9/11, Australia has developed security policies with zeal. This paper examines 40 years of parliamentary engagement with security from the late 1970s to 2019 using committee reports as a key indicator, finding a similar pattern of increase in both countries. Security - far from being a specialism best left to the executive and security experts – has become the business of parliaments.

**Background**

As ‘Westminster systems’, the UK and Australia both have a (roughly) two-party system in which the party winning an absolute majority of parliamentary seats forms a government. The government sits in parliament and controls much of parliamentary business. This means the legislature has less independence from the executive than in a full separation-of-powers-system such as the US. It also means opposition parties have less power than in multi-party systems where cross-party deals and bargaining are more important (hung parliaments notwithstanding). In Westminster systems, parliaments generally have few formal powers to use against the government except those of ‘confidence and supply’: dismissing a government through a no-confidence motion or rejecting a budget, both of which are unlikely if a majority government is in office (power is not the same as influence, which is somewhat intangible but not non-existent in these circumstances (Benton and Russell, 2012)). With the executive-legislative balance of power so skewed towards the executive, one might think that the UK and Australian parliaments are particularly irrelevant in security matters, especially considering the executive constitutional leeway that derives from Royal prerogatives in both cases. However, this paper shows that these two parliaments have become broadly active on security from a limited historical base.

Despite the constitutional similarities between the UK and Australia, there are important differences that affect the character of their parliamentary activity. The executive/legislative balance of power is more tilted towards the government in Australia than the UK, in large part due to differing parliamentary arithmetic. In the UK, the House of Commons has 650 members, roughly 100 of whom may serve in the government (or otherwise be on the ‘payroll vote’ as parliamentary private secretaries), often with a few drawn from the House of Lords, which has roughly 800 members. In Australia, the House of Representatives only has 151 members and the Senate 76. 42 members served in the 2016-2019 government (30 from the House of Representatives and 12 from the Senate), which is a far larger proportion of parliament than in the UK. Furthermore, the smaller number of overall seats in Australia means that backbench rebellions are more significant and thus extremely rare (Sawer, 2012: 331). As a result, to put it in Anthony King’s terms, the government/opposition relationship is by far the dominant one in Australia, with the government/government backbench and
opposition/opposition backbench relationships heavily disciplined (King, 1976). However, although King downplayed the notion of a more general executive/legislative relationship as too simplistic, in the UK there is a stronger sense of parliamentary autonomy from the government. In Australia, parliament remains almost entirely an arena for inter-party struggle.

Although the UK parliament is formally weak, it has been developing an increasing autonomy, especially under Speaker John Bercow and after the emboldening of the committee system by the Wright Reforms of 2010 (Fisher, 2015). Backbench rebellions have been increasing since the 1970s (Cowley and Stuart, 2012: 8). Select committees at Westminster have few formal powers other than to call for persons, papers and records, but they carry out a range of scrutiny and oversight roles including examining and publishing reports on government policy and related issues, spending, administration and appointments among others. They are free to launch inquiries on whatever they choose, although they mostly follow government policy developments (Brazier and Fox, 2011: 357). Benton and Russell argue that although the lack of formal committee powers and the wider complexity of the policy process makes their influence difficult to measure, they do influence government; in particular they can bring ‘attention to overlooked issues’, ‘expos[e] wrongdoing’, and sway ministers and civil servants through ‘the threat of future evidence sessions and inquiries’ (Benton and Russell, 2012: 34). In the Australian system, House committees are effectively controlled by the government, usually containing a government majority and chair and mostly working on issues referred by ministers (Monk, 2012: 141). Senate committees are more independent and can launch inquiries with a vote in the chamber (in which there is not generally a government majority (Monk, 2012: 142)). Senate committees are divided into overlapping ‘references’ committees (for substantive inquiries) and ‘legislation’ (scrutiny) committees, the former with an opposition majority and chair, the latter with a government majority and chair (Monk, 2012: 142). Although Australian select committees can be considered weaker than those in the UK, they are still viewed by Australian parliamentarians themselves as performing important and influential work, and for similar reasons as above (as discussed in informal interviews with the author).

On security, there are also similarities and differences to consider. The UK and Australia have military links with the US and intelligence links through their membership of the ‘Five Eyes’ intelligence-sharing alliance, which arose out of historic military and cultural ties. The Australian Secret Intelligence Service, created in 1952, was ‘closely modelled’ on the British Secret Intelligence Service (MI6) (Samuels and Codd, 1995: 1). Official inquiries and reviews into aspects of Australian security governance frequently involve UK comparisons and consultation with UK counterparts. For example, when the Australian government created its Department for Home Affairs in 2017, Prime Minister Malcolm Turnbull said it was modelled on the British Home Office and that he had consulted the British Prime Minister and Home Secretary (Turnbull, 2017). Australia has borrowed counter-terrorism law and policy from several countries but ‘especially the United Kingdom’ (Williams, 2011: 1171). One example is the UK’s ‘control order’ regime in the mid-2000s; another is Australia’s ‘countering violent extremism’ programme developed from 2007 (Abdel-Fattah, 2019: 3). This process works in the other direction although not as often: for example, the UK Counter-Terrorism and Border Security Act 2019 created an offence of entering a
designated foreign area, which the government in part justified with reference to Australia (and Denmark) having something similar (Home Office, 2019).

Despite their security links, the UK and Australia have important differences in their histories and geopolitics. The UK’s long and troubled history in Northern Ireland and its membership of the European Union have been engines of security policy and counter-terrorism legislation. In contrast, Australia had no specific counter-terrorism laws until after 9/11 and the Bali attacks of the following year. Australia then engaged in what Williams calls ‘an extraordinary bout of lawmaking’ resulting in 54 Acts in ten years (Williams, 2011: 1140, 44). Australia does not have a bill of rights or human rights law equivalent to the UK 1997 Human Rights Act. This is notable given that the HRA gives the UK parliament and judiciary a remit to encroach on executive security prerogatives. Australia does, however, have a number of rights specified in its constitution and various equalities and anti-discrimination laws. It also signatory to many international human rights laws and has a statutory Australian Human Rights Commission and a parliamentary Joint Committee on Human Rights.

These background considerations suggest there should be less parliamentarisation of security in Australia than the UK. Reasons include the weaker position of the Australian parliament and its committees in relation to the executive, a lesser human rights regime for challenging executive security prerogatives, and historically fewer institutional drivers of security transformation. In fact, the findings below show similar levels of parliamentarisation but of a different character. In Australia, parliamentary activity on security is more a direct function of government activity, particularly manifested in legislative scrutiny of government bills. This also makes sense given Australian legislative hyperactivity on security since 9/11. In the UK, the greater autonomy of parliamentary committees means a greater range of inquiries into different aspects of security and security policy, although government agendas are still a big driver.

The meanings of ‘security’ and ‘parliamentarisation’

The discipline of security studies has long established that ‘security’ is not an objective state of being that can be achieved as such. This is for at least three reasons. Firstly, objectively being secure and subjectively feeling secure are not the same thing. Security policy is all too often driven by fear and suspicion rather a rational ‘objective’ assessment of threats and risks (Wolfers, 1952). Secondly, there is no truly objective way to measure threats and risks anyway. Despite extensive machineries of intelligence gathering and risk assessment, it is impossible to transcend social and political value judgment about what it is necessary and desirable to secure from risk (Blastland and Spiegelhalter, 2013: 286). Thirdly, intersubjective public fears and perceptions of threat are liable to be manipulated or constructed for political gain and competed over bureaucratically in pursuit of resource allocations and symbolic authority (Bigo, 2002; Buzan et al., 1998).

For these reasons, providing a fixed analytical definition of ‘security’ would be neither accurate or helpful, especially when examining change over a broad historical period. The meaning of security is a historically and contextually moving target, although it does have a degree of historical sedimentation, being associated with war, existential danger and
secrecy (Ciutǎ, 2009: 305). It is also institutionalized in military and intelligence apparatuses, and constitutionalized in the Hobbesian sovereign security prerogative (Huysmans, 2002: 43). These legacies carry weight but are being supplemented with new security problematizations including migration, water, energy, food, terrorist finance, radicalization, and biosecurity. These problematizations do not necessarily follow the same logic as classic military threats; for example, ‘energy security’ may concern security of supply and therefore imply long-term management of infrastructure and markets rather than an urgent military mobilization or emergency powers (Kuzemko, 2014).

‘Parliamentarisation’ in the literature refers to the expansion of parliamentary powers or influence. For example, there are several works on the parliamentarisation of the EU that examine the expansion of formal competences of the European Parliament (Peters et al., 2014; Rosén and Raube, 2018). Other relevant publications consider the parliamentarisation of foreign and security policy; these are generally concerned with the increased role of parliaments in decision making, particularly war mobilisation (Raunio and Wagner, 2017; Strong, 2015). The limitation of these latter works is their lack of reflexivity about the widening of security beyond defence and foreign policy. This paper aims to show that parliamentary activity on security has increased in these traditional security-related policy areas, but also that security has permeated other policy areas and been supplemented by new problematizations, driving activity across the spectrum of parliamentary committee work. This is what is meant here by parliamentarisation.

Method

The analysis is of parliamentary committee activity on security in the UK and Australia from 1978 to 2019. The start date is chosen to coincide with the birth of the departmental select committee system in the UK and the beginning of the corresponding Australian parliamentary session. The end date is - at the time of writing - when full online published committee records end for Australia.

Committee activity as an indicator of engagement was chosen because it is substantive. It was selected in the form of published committee reports, which the parliamentary websites of both countries list comprehensively. Committees do carry out other activities, including hearings and inquiries that do not result in reports, but these were excluded for reasons of simplicity and reliability. Published reports are relatively discrete discursive artefacts that can be read and noted for their contextual security content, which makes them appropriate for interpretive analysis. As the product of evidence gathering and deliberation by committee members, they may be interpreted as engagement more so than other parliamentary activity such as legislative voting. Other parliamentary activities are available as indicators of engagement, such as motions, parliamentary questions, time spent on legislation and voting patterns. These would entail different methodological considerations and in most cases more attention to parliamentary numbers and context; for example, voting patterns are meaningful in the context of parliamentary arithmetic (e.g. large government majorities vs. hung parliaments). By comparison, committee activity exists at a scale that is manageable with manual interpretive analysis.
Transformations in the meanings and practices of security pose a methodological challenge. On the one hand, building selection criteria around a fixed or traditional analytical definition of security is liable to exclude new security problematizations (Ciută, 2009: 321). On the other hand, an ‘anything goes’ approach risks losing analytical grip on what is and is not security (Huysmans, 2002: 52). This challenge has complex methodological and normative implications which I have discussed extensively elsewhere (Neal, 2019). In this paper, I follow Felix Ciută’s ‘contextual-hermeneutic’ approach, which aims ‘to point out meaning already inherent in context’ (Ciută, 2009: 323). This means as far as possible following contextual actors’ meanings of ‘security’ (specifically parliamentarians), and not imposing outside criteria. This creates an approach that is sensitive to historical change in the meanings of security, but it does come at the cost of not being able to make judgments about whether contextual actors should or should not have dealt with an issue as ‘security’.

Relevant reports were identified interpretively via a manual review of all published reports by all committees in both parliaments over the time period (this excluded incomplete or lapsed inquiries that did not produce a report). Selection was done primarily by report title, but also by report content in ambiguous cases. Reports were selected if their titles and/or content substantively dealt with contemporaneous problematizations of security, excluding mere passing mentions of security-related terms. Selection was done as far as possible on the basis of fidelity to the actors’ meanings and intentions as conveyed in the text. This excluded both the projection of present-day security problematisations onto the past, and report topics and content which scholars might interpret as ‘security’ but which were not discussed in security terms by parliamentarians. For example, the 2015 UK Joint Committee on Human Rights inquiry into ‘Violence against women and girls’ is not framed in security terms despite fitting academic debates about gendered security problems. Similarly, in the 2010s ‘energy security’ appeared in committee reports several times in the UK and Australia; however, a 1985 House of Commons Energy Select Committee report on ‘Government oil price policy’ is not included here even though it deals with issues that current parliamentarians might frame as ‘energy security’.

The analysis includes all committees except those that constitute a formal stage of the legislative process, known in the UK as public bill committees. This is because – according to the prevailing view - these are so heavily whipped that their substantive content is almost meaningless (Kelso, 2009: 36; although this view may be unjustified, see Thompson, 2012). There is no formal committee stage in the Australian system, but here bills can be referred to standing committees (the equivalent of UK select committees) for specialist scrutiny but not amendment; this is included in the analysis as a form of substantive engagement, as are UK select committees that do specialist legislative scrutiny work such as the Lords Constitution Committee. The analysis thus includes all permanent committees including departmental, topical, joint, internal and statutory committees as they are known in the UK, and all Australian equivalents. For practical reasons, it excludes temporary committees convened to inquire into one-off issues or bills (although there is scope for further research here, because several have been convened to deal with security-related bills, such as the Joint Committee on the Draft Enhanced Terrorism Prevention and Investigation Measures Bill in 2012 in the UK). The descriptive analysis below does not include every relevant committee report because there is insufficient space to publish the full data; rather it aims to describe the overall pattern of activity and key developments.
Despite the UK and Australia being Westminster systems with constitutional and security links, exact comparison of their committee activity is not possible. As discussed, UK committees have more autonomy than Australian committees; their right ‘to hold as many inquiries as they wish, when they wish, on whatever issues are of interest to them’ does not exist in the Australian system (Brazier and Fox, 2011: 356). Australian standing committees do more legislative scrutiny than UK select committees, including in dedicated Senate legislation committees, and so are more driven by their government’s legislative agenda. Furthermore, Australia’s federal system means that several security-relevant policy areas found at Westminster are dealt with at state rather than national level, including, for example, policing. Despite these differences, patterns of security engagement by committees in the two parliaments are similar, as we will see.

Analysis

The analysis is organised into roughly drawn decades. It makes sense to use parliamentary session timings as break points, although they do not coincide exactly in the two countries. There are also historical points that roughly coincide with decades. Hence the ‘1980s’ are taken from the analytical starting point of 1978 (the start of the Australian parliamentary session just before the 1979 birth of Westminster departmental select committees) to the end of the Cold War around 1990; the ‘1990s’ are taken from this point to 11 September 2001; the ‘2000s’ are taken as the post-9/11 years to 2010 (which is an arbitrary historical break); and the ‘2010s’ run to to 2019 when the analysis ends.

The 1980s

In Australia and the UK, committee engagement with ‘security’ was minimal in the 1980s. Security was a narrow policy area relating almost entirely to defence and occasionally foreign affairs. Parliamentary oversight of the defence establishment was routine but non-existent on intelligence. Policing was not generally problematized as part of ‘security’ despite longstanding ‘special branch’ functions in the UK.

The UK’s dedicated Defence Committee - a departmental commons select committee established in 1979 along with 11 others - conducted regular inquiries into all aspects, including budgets, training, procurement, hardware development, basing and nuclear policy. The Public Accounts Committee also conducted routine oversight of defence spending and procurement. The Foreign Affairs Committee was less active on overtly security-related matters, but did inquire into the implications of foreign wars. In 1985 it published an important report on the sinking of the Belgrano in the Falklands War. The Northern Ireland Affairs Committee did not touch anything to do with terrorism or military operations, these issues being thoroughly securitized and removed from normal politics. The Home Affairs Committee only touched on security once, with a restrained inquiry into Police Special Branch, but this explicitly excluded ‘national security’ (Home Affairs Committee, 1985). Other relevant activities included Transport Committee inquiries into airport security, and a Privileges Committee inquiry into whether the Speaker could prevent questions on national security being asked in the House.
The picture in Australia was similar. Almost all security-related activity took place in the Joint Standing Committee on Foreign Affairs and Defence, and the Senate committee of the same name. These committees conducted regular inquiries into overseas regions and developments that could affect Australia and its interests, such as inquiries on the (Arabian) Gulf and Indo-China in the 1980-83 parliamentary session, and ‘Regional conflict and superpower rivalry in the Horn of Africa’ in 1983-84. These committees considered Australia’s alliances (e.g. ‘ANZUS’ 1980-83), defence capabilities (e.g. ‘An aircraft carrier for the Australian Defence Force’ 1980-83) and broader strategic questions (e.g. ‘Threats to Australia’s security: Their nature and probability’ 1980-83). The Joint Standing Committee on Public Works conducted regular oversight of military construction works, while the Expenditure Committee (replaced by Public Accounts in 1987) conducted occasional inquiries into acquisition programmes (e.g. ‘Management of the main battle tank: Who was outgunned?’ 1983-87).

Australia’s first parliamentary intelligence oversight committee – the Joint Committee on the Australian Security Intelligence Organisation (ASIO) - was appointed by the government in 1988, although did not publish its first report until 1992 (Commonwealth Parliament, 2019). Similar to the UK, Australia’s intelligence agencies had been the product of ministerial edicts around the time of the first and second world wars and existed in a grey area of minimal regulation and low accountability even to ministers (despite the fact that ASIO had been put on a statutory footing in 1956, unlike the UK which did legally normalize its agencies until 1989 and 1994). The Joint Committee was handpicked by the government, its agenda controlled, and its powers restricted, with one commentator describing it as a token gesture (Lee, 1989: 904). The UK would not get its Intelligence and Security Committee (ISC) until 1994.

Overall, the 1980s were a time of minimal parliamentary committee activity on security, with similar patterns in both countries. The main points of engagement were defence and foreign policy. Parliamentary intelligence oversight did not exist but was embryonic. The meaning of ‘security’ remained narrow.

The 1990s

In 1990s Australia, there was little change in committee engagement. In the UK, new areas of security engagement emerged towards the end of the decade.

In Australia, the pattern was more or less a continuation of the 1980s. ‘Trade’ was added to the remit of the House and Senate Foreign Affairs and Defence committees in 1987 when the corresponding government department expanded. Some new themes appeared in their activities, such as human rights (‘Human rights and progress towards democracy in Burma’, 1993-96), defence exports (‘The implications of Australian defence exports’ 1993-96) and peacekeeping (‘United Nations Peacekeeping and Australia’ 1990-93). The Senate committee inquired into ‘Sexual Harassment in the Australian Defence force’ in the 1990-93 session, somewhat ahead of its time.

The Joint Committee on ASIO concluded its first two inquiries. These were on the implications of the ‘Archives Act’ for Australian intelligence (relating to public access to
government records) in 1990-93 and ASIO’s ‘security assessment procedures’ (vetting of
government employees) in 1993-96. The committee then ceased inquiry work until 2001,
taking only informal briefings (Weller, 1999: 497). The committee remained weak, its
powers limited, and it could only look at ASIO in limited ways, and not at the other
Australian intelligence agencies. In 1999, its former presiding member Senator MacGibbon
was quoted as saying: ‘there is really very little the committee can do and I do not believe it
fulfils the requirement of public accountability’ (Weller, 1999: 496-7).

The UK saw the birth of parliamentary intelligence oversight with the ISC in 1994. This
produced annual reports and special reports on topical issues. The ISC was less limited than
its Australian counterpart, although the general weakness of parliamentary intelligence
oversight remained contentious. In 1999 the Home Affairs Committee, despite little history
of security engagement, conducted a provocative inquiry into the ‘Accountability of the
Security Service’, arguing that the ISC was a creature of the Prime Minister and not
parliament. Other select committees, namely Foreign Affairs, Trade and Industry, and later
Human Rights and Northern Ireland, took a critical interest in intelligence oversight and
engaged in sporadic struggles with the government over access (Bochel et al., 2013).
Eventually these and similar criticisms led to ISC reforms in 2013.

General patterns of committee activity on security at Westminster were similar to the 1980s
until the 1997 election of a Labour government, which generated new activity. A new
Department for International Development meant a new departmental select committee,
which inquired into, for example, ‘Conflict prevention and post-conflict reconstruction’
(1998). The flagship 1998 Human Rights Act was accompanied by a Joint Committee on
Human Rights (JCHR), which among other tasks would scrutinise security-related bills and
policy for human rights implications once it began substantive work in 2001. Labour’s pro-
EU leanings produced activity on the EU common security and defence policy. With peace in
Northern Ireland - a process begun under John Major and completed under Tony Blair - the
Northern Ireland committee finally began to examine security-related issues (e.g.
‘Composition, recruitment and training of the RUC’ 1997). After the BMARC arms-to-Iran
scandal of the mid-1990s, committees started taking an interest in arms exports, beginning
with a Trade and Industry Committee inquiry in 1996, and followed by a new Quadripartite
Committee (later the Committee on Arms Export Controls) constituted from Trade and
Industry (and its subsequent incarnations), Defence, Foreign Affairs and International
Development.

The 2000s

9/11 was a catalyst for security parliamentarisation in the UK and Australia. Despite
Australia’s remoteness and the lack of terrorism on its soil, terrorism became its direct
concern when 10 Australians were killed in the 11 September attacks and 88 in the Bali
bombings the following year. 67 UK citizens were killed in the 9/11 attack. The governments
of both countries immediately positioned themselves close to their longstanding ally the US
and joined its ‘war on terror’.

Increased public, governmental and parliamentary interest in security drove general
parliamentarisation, particularly through legislation, questions to ministers, debates on
military deployments and committee activity. Much of the latter was driven by new legislation, as bills were referred to or taken up for review by committees; by one count, Australia passed 54 pieces of counter-terrorism legislation in the 2000s, while the UK passed ten (Williams, 2011: 1144). For example, in Australia, there was much activity in the Senate Foreign Affairs, Defence and Trade Committee (Legislation), but also the Senate Legal and Constitutional Affairs Standing Committee (Legislation) reviewed bills covering counter-terrorism powers, surveillance, privacy, terrorist finance, migration, and federal policing. Other security-related bills were considered by the Senate Economics Committee, Rural and Regional Affairs and Transport Committee, and Finance and Public Administration Committee.

In the UK, security-related legislation was scrutinised extensively by committees, including by those that do not normally perform this function. For example, Home Affairs held an inquiry on the Anti-Terrorism, Crime and Security Bill 2001, Defence on the draft Civil Contingencies Bill 2002, and Justice on the Counter Terrorism Bill 2008. Specific legislative scrutiny committees also did extensive work, including the Lords Constitution and Delegated Powers and Regulatory Reform committees, and the JCHR. The latter also reviewed government counter-terrorism powers extensively, including annual reviews on ‘control orders’.

Beyond legislation, the ‘War on Terror’ drove further committee activity in both counties. In Australia, the Joint Foreign Affairs, Defence and Trade committee established a ‘Watching brief on the War on Terrorism’, including overseas visits, covering Australia’s involvement and developments across the Middle East and Central Asia. In the UK, Foreign Affairs reviewed ‘Foreign policy aspects of the war against terrorism’ seven times between 2001 and 2006. The Northern Ireland committee engaged further with terrorism, probably driven by the post-9/11 politicization of security as well as the peace process. Committees in both parliaments inquired widely into military justice and healthcare, materiel and veterans’ affairs.

In Australia, intelligence oversight reform resulted in new activity. The Intelligence Services Act 2001 added two more agencies to the Joint Committee’s remit and tasked it with publishing annual reports, examining agency administration and expenditure, and reviewing security legislation and government proscription of terrorist organisations. The committee was also given the power to conduct inquiries into issues referred by a minister or a resolution of either House, or to request a reference from a minister itself. In 2005 the Intelligence Services Legislation Amendment Act – following the 2004 ‘Flood Inquiry’ commissioned in response to intelligence failings on WMD and the Iraq War - three further agencies were added to its remit, and its name changed to the Joint Committee on Intelligence and Security (Flood, 2004). In the UK, the ISC by comparison now had fewer tasks than its reformed Australian counterpart, but its independent special reports became almost annual affairs, covering issues including the Bali bombing (2002), Iraqi WMD (2003), the handling of detainees by UK intelligence personnel (2005), the 7/7 bombings (2006) and rendition (2007).

Committees in both parliaments engaged with new security problematizations and the rehashing of other policy issues in security terms. However, there is little evidence that they
instigated the discursive construction of new security issues themselves. Usually, they responded to government initiatives or otherwise to issues already topical outside parliament (although, as noted, Australian parliamentary committees have no power to launch inquiries independently). In Australia, engagement primarily took the form of legislative inquiries, for example into bills on ‘migration zone excision’ (2002), terrorism insurance (2002) and ‘Anti-Money Laundering and Counter-Terrorism Financing’ (2005). In the UK, engagement with new or novel security problematizations was more through substantive inquiries, such as ‘Climate change, water security and flooding’ (2003), ‘The Scientific Response to Terrorism’ (2003), ‘Security of energy supply’ (2002), and ‘Personal Internet Security’ (2007).

The 2010s

The 2010s continued the broadening of security problematizations even though the sense of post-9/11 emergency had dissipated.

In the UK in 2013, the ISC underwent its most significant reform. This changed its relationship to parliament and its mandate, to which were added the ability to investigate intelligence operations and to hold public evidence sessions. However, Defty argues that despite the reforms, parliamentary intelligence oversight in the UK is not in good health: the ISC is still housed, resourced and staffed by government and not parliament, and the government has been increasingly uncooperative with ISC investigations and unresponsive to its reports. (Defty, 2018: 30-33).

In the 2010s, there were no changes to Australian intelligence oversight, (although an independent review in 2017 recommended further expansion of its scope and reach, which may be implemented in the near future).

Committee engagement in the traditional areas of defence and foreign affairs continued in both countries, with increased activity in the UK in the form of a new Joint Committee on the National Security Strategy and Lords International Relations Committee. Beyond these core areas the story is one of security creep. In the UK, potential Scottish independence generated several security-related inquiries in the Scottish Affairs committee from 2012-14. In Australia, the politicization of maritime asylum seekers by the Coalition government generated activity on migration legislation and conditions in offshore detention facilities in the Legal and Constitutional Affairs Standing Committee, Joint Committee on Human Rights (created 2011) and Joint Standing Committee on Migration (created 2010). In the UK, counter-radicalisation - a policy developed under Labour in the 2000s then escalated by the Conservative-Liberal Democrat coalition government from 2010-2015 - generated new activity in the Communities and Local Government Committee before being shifted to Home Affairs in 2010. This is also spilled into education policy with a Commons Education Committee inquiry into extremism in schools in the ‘Trojan Horse affair’. Australia developed a ‘countering violent extremism’ policy from 2007 following the UK, although this does not seem to have translated into committee activity as yet (Abdel-Fattah, 2019: 3). Other instances of committee engagement with ‘security’ were cases of older policy areas being given new security inflections. In Australia, for example, the Biosecurity Act 2015 applied the security label to longstanding phytosanitary concerns and practices. Serious and
organised crime was also brought under the security banner with a Joint Law Enforcement Committee inquiry in the 2010-13 session. In the UK, ‘food security’ was the subject of inquiries by the Energy and Climate Change Committee in 2009 and 2014 and International Development Committee in 2013. And following an international trend, the Political and Constitutional Reform Committee inquired into ‘Parliament’s role in conflict decisions’ in 2010 and 2013, as did the Lords Constitution Committee ('Constitutional arrangements for the use of armed force’ 2013).

Table 1: Parliamentary committees substantively engaged with ‘security’

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<th>Period</th>
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<td>1980s (from 1978)</td>
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<td>1990s</td>
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Implications

Most studies on the parliamentarisation of security focus on struggles over war powers or intelligence. However, this misses a bigger picture that has been playing out for decades. ‘Security’ is no longer a bastion of sovereign exceptionalism or limited to a few specialist policy areas. The widening of security is manifest in the appearance of new security problematizations and the encroachment of old ones such as war and terrorism into multiple policy areas. This unsettles traditional distinctions between foreign and domestic policy, war and peace, and threats and (mere) risks.

Parliaments are part of this process of security expansion. This study shows this playing out over four decades in two Westminster systems. The Australian and UK parliaments once had minimal engagement with security, with routine oversight only of defence, and a struggle to have any intelligence oversight at all. Parliamentarians now engage with security problematizations across the spectrum of policy and parliamentary business.

Through a contextual-hermeneutic analysis of committee reports, this article has charted the growth of substantive parliamentary engagement with security. The limitations of this approach must be acknowledged. This study has not tracked every possible measure of committee activity, such as the volume of work of individual committees or the time they spent on topics. It has not reconstructed the reasons behind UK committee decisions to launch inquiries, nor the politics behind Australian government or Senate referrals of issues to committees. And analysing committee influence or effectiveness would be desirable but extremely difficult, especially over such a breadth of issues and long time span, not to mention the methodological challenges of measuring these intangibles (Benton and Russell, 2012; Monk, 2012).

Nevertheless, the findings show that parliamentary committees have become widely engaged with security. It would be tempting to argue that they engage in securitisation, but this would be a misrepresentation for two reasons. Firstly, the original ‘Copenhagen School’ formulation of securitisation understands ‘security’ as a framing of issues that ‘takes politics
beyond the established rules of the game and frames the issue either as a special kind of politics or as above politics’ (Buzan, Wæver and de Wilde, 1998: 23). Here the opposite is the case: security has been brought into politics and ‘the established rules of the game’. In this sense, the process is politicisation rather than securitisation (Neal, 2019). Secondly, it is not clear that committees themselves have instigated the discursive construction of new security problematizations. In most cases, their work corresponds to the activities of government. This does not rule out the possibility of committees engaging in the construction or amplification of security problematizations, and there may still be examples to find. Nevertheless, securitisation would not be an accurate way to characterise the overall phenomenon of the parliamentarisation of security.

By comparing two parliaments, this study has shown the character and extent of security parliamentarisation to vary according to constitutional features and parliamentary rules. One reason for variance is the different level of committee autonomy in the Australian and UK systems. Australian committees are limited in their ability to independently launch inquiries, and by the unusually intense partisanship and party discipline of the Australian system. There are also proportionately fewer backbenchers than at Westminster and hence less parliamentary time and labour available for committee work. As such, most of the expansion in parliamentary activity on security in Australia has been driven by committee scrutiny of government legislation. This has been extensive on defence, counter-terrorism powers and migration controls, but also appears on issues such as biosecurity, surveillance and transport. In the UK, security-related legislation has driven committee activity, but much has come from independently-conceived committee inquiries on policy developments, emerging international agendas, topical issues and events. Examples include radicalisation, Scottish independence, war powers, military engagements, and food, water, energy and cyber security.

Variance in security parliamentarisation cannot be explained by differences in the external threat environment of both countries. As discussed earlier, measures of threat cannot be divorced from politics. For example, the relentless politicisation of irregular maritime migration as a threat to Australia has little to do with danger and everything to do with politics. In another example, the problematization of energy in security terms in the UK but not Australia stems from a discursive choice that changes the framing of policy but does not appear to have significant policy effects.

**Conclusion**

There are three conclusions to be drawn from this study. First, security is not confined to defence, foreign affairs and secret intelligence anymore. These traditional security problematizations and many new ones have encroached on a wide range of policy areas, and hence increasingly feature in parliamentary committee activity. Second, parliamentarians are now security actors, and not just those serving on specialist defence or intelligence oversight committees. Third, constitutional rules, executive/legislative relations and inter-party relations affect the shape of security parliamentarisation. In Australia, intense partisanship and a comparative lack of parliamentary autonomy shapes the nature of parliamentary engagement with security, which remains closely tied to the high volume of government security policy and legislation. In the UK - in addition to activity driven by
government policy and legislation - committees have used their autonomy to engage with a wider range of security problematizations.

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