IGIS
INSPECTOR-GENERAL OF
INTELLIGENCE AND SECURITY

Senator James Paterson, Chair
Senate Finance and Public Administration
Legislation Committee
By email: fpa.sen@aph.gov.au

Dear Chair,

Having reviewed the proof Hansard of my appearance before the Committee on 27 February 2018 I would like to clarify part of my evidence. Page 27 of the proof Hansard records that I said:

> Mr Blight: I think in our submission we noted that it's the definition of 'inherently harmful information' which is particularly broad. Part of that definition is 'security classified information', and one of our comments was that that definition of 'security classified information' is to be dealt with by regulations which can then incorporate other documents by reference. There is not a lot of guidance in the legislation about what 'classified' means. It leaves it to delegated and, if you like, sub-delegated legislation. **You can contrast that, for example, with equivalent provisions in Home Affairs legislation, where, before a prosecution is to occur in relation to a disclosure of information, the Attorney-General must certify that the information was properly classified**. We commented on the absence of such a provision in the proposed foreign interference bill.

I would like to clarify that:

(1) The relevant provision is section 50A of the *Australian Border Force Act 2015*
(2) It is the Secretary of the Department of Home Affairs (not the Attorney-General) who must issue a certificate that it is appropriate that the relevant information had a security classification at the time of the conduct that is alleged to constitute the offence.

I apologise for any inconvenience this may have caused.

Jake Blight

Deputy Inspector-General
09 March 2018