



Australian Government

Department of the Prime Minister and Cabinet

Allan McKinnon
Deputy Secretary National Security

Inquiry Secretary
Parliamentary Joint Committee on Intelligence and Security
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Dear

Home Affairs and Integrity Agencies Legislation Amendment Bill 2017

I wish to advise of the following corrections to the record due to ambiguous language in the Proof Committee Hansard, in relation to the Parliamentary Joint Committee on Intelligence and Security hearing on 9 February 2018.

Scale of legislation affected by the Machinery of Government (MoG) change

In response to Senator McAllister's questions on the additional legislative changes required to implement this significant change in national security arrangements, I would like to clarify my evidence relating to the scope of the legislation affected.

In total, my Taskforce initially assessed **around 60 Acts** from various portfolios which could have fallen within the scope of this MoG change. As well as considering which portfolio should properly administer each Act, the Taskforce considered whether certain powers were appropriate to be exercised by the Attorney-General as First Law Officer and Minister with responsibility for integrity and oversight, or by the Minister for Home Affairs as the Minister responsible for national security. Of those, **14 Acts** were assessed as not requiring any change either to administrative arrangements or to specific powers (some of these Acts sit within the Attorney-General's portfolio, and some Acts are in other portfolios).

On the final assessment, **46 Acts** are directly affected by the MoG change:

- In total, responsibility for the administration of **33 Acts** will be transferred by amendments to the Administrative Arrangement Order (AAO) (the first amendment made on 20 December 2017, and the second which is proposed to follow the passage of this Bill, subject to agreement of the Governor-General).

- In addition to the **4 Acts** amended in the Home Affairs Bill, the further proposed legislative amendments will affect **33 Acts** (which includes the **19 Acts** already included in the SRO made on 20 December).

I would therefore like to correct the record as follows:

1. Page 5

There are in order of about 60 pieces of legislation that have been ~~moved~~ **[considered]**, and within those the number is about ~~17~~ **[37]** where we've got different references ~~we've had to~~ **[we are proposing to]** change.

Inspector-General of Intelligence and Security

In response to Senator McAllister's questions on the progress of implementing the recommendations of the 2017 Independent Intelligence Review, I was referring to amendments which are being progressed separately to the Home Affairs Bill. I therefore would like to correct the record as follows:

1. Page 5

The legislation ~~[to actually move the IGIS and the INSLM]~~ **[which responds to the Independent Intelligence Review recommendations to expand the oversight powers of the IGIS]** will be coming relatively shortly. I think it was just the order in which we could do things. There's no strong policy reason.

2. Page 6

I can also say that the legislation **[to expand the oversight powers of the IGIS]** ~~[moving the IGIS over]~~ is quite well advanced.

My evidence did not make it explicitly clear that the transfer of responsibility for the IGIS and the INSLM does not require legislative change. The transfer of responsibility for the IGIS and INSLM Acts will occur through an amendment to the Administrative Arrangements Order. The relevant measures in the Home Affairs Bill simply seek to ensure the new arrangements work optimally.

Should you require further information, please contact Ms Susan Williamson-de Vries [REDACTED]
[REDACTED]

I apologise for the delay in providing these additional corrections, and I hope this information assists the Committee.

Yours sincerely

Allan McKinnon
22 February 2018