



Australian Government

Australian Government response to the
Parliamentary Joint Committee on Intelligence and Security
report:

*Review of the Telecommunications and Other Legislation
Amendment (Assistance and Access) Act 2018*

SEPTEMBER 2019

On 6 December 2018, the *Telecommunications and Other Legislation Amendment (Assistance and Access) Act 2018* (the Assistance and Access Act) was referred to the Parliamentary Joint Committee on Intelligence and Security (the Committee) for inquiry and report by 3 April 2019. The Committee made three recommendations.

PJCIS Recommendation 1

The Committee recommends that section 187N of the *Telecommunications (Interception and Access) Act 1979* be amended to require the Committee's review of the amendments made by the Assistance and Access Act by June 2020.

Government Response

The Government supports this recommendation in principle. However it has been superseded by the request from the Chair of the Parliamentary Joint Committee on Intelligence and Security, Mr Andrew Hastie MP, to the Prime Minister on 9 August 2019 that legislation be introduced to defer the Committee's reporting date to 30 September 2020.

The passage of legislation to provide this extension would permit the Committee to extend the reporting date of Independent National Security Legislation Monitor until June 2020 (from March 2020) as requested by the Monitor.

This extension is needed to provide the Committee with sufficient time to consider the findings of the Independent National Security Legislation Monitor's review, carry out a detailed review of the legislation, and undertake appropriate consultations with industry and the public.

PJCIS Recommendation 2

The Committee recommends that sufficient resources be made available to the INSLM to enable the review of the amendments made by the Assistance and Access Act, as referred by the Committee, and report by 1 March 2020.

Government Response

The Government supports this recommendation in principle, noting that the Independent National Security Legislation Monitor has asked the Committee for an extension of the Monitor's reporting date, to June 2020, as discussed in response to recommendation 1.

The Attorney-General's portfolio and the Department of Home Affairs are working with the Independent National Security Legislation Monitor to ensure sufficient resources are made available for this review.

PJCIS Recommendation 3

The Committee recommends that the Government continues to ensure that the Inspector-General of Intelligence and Security and the Commonwealth Ombudsman have sufficient resources to ensure that they can properly execute their additional responsibilities under the Assistance and Access Act.

Government Response

The Government supports this recommendation. The Government will monitor the resource impacts on the Inspector General of Intelligence and Security and the Commonwealth Ombudsman and consider additional resourcing where necessary.