



Senate Standing Committees on Finance and Public Administration

Inquiry Ministers of State (Checks for security purposes Bill) 2019

Department of Home Affairs responses to written questions on notice.

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**HOME AFFAIRS PORTFOLIO
DEPARTMENT OF HOME AFFAIRS**

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE:

**Finance and Public Administration Legislative Committee
Inquiry into the Ministers of State (Checks for Security Purposes) Bill 2019**

30 September 2019

QoN Number: SFPALC/001

Subject: Levels of security clearance

Written question submitted by: Rex Patrick

Question:

What are the levels of security clearance are currently held by personnel in the Department and how many personnel are currently cleared to each level?

Answer:

| Security Clearance level | Number of personnel cleared* |
|---------------------------------|-------------------------------------|
| Baseline | 12775 |
| Negative Vetting 1 | 4519 |
| Negative Vetting 2 | 1767 |
| Positive Vetting | 275 |

*Data is as at 4 October 2019 and includes ongoing and non-ongoing staff, consultants, secondees and contractors.

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30 September 2019

QoN Number: SFPALC/002

Subject: Employees without a security clearance

Written question submitted by: Rex Patrick

Question:

How many people in the Department currently without a security clearance have access to classified information?

Answer:

As at 4 October 2019, 41 people have temporary access in place as they do not hold a security clearance. Temporary access is provided following an assessment of risk in accordance with the Protective Security Policy Framework requirement 9 Access to information, Temporary access to classified resources.

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**Finance and Public Administration Legislative Committee
Inquiry into the Ministers of State (Checks for Security Purposes) Bill 2019**

30 September 2019

QoN Number: SFPALC/003

Subject: Contractors engaged by your Department

Written question submitted by: Rex Patrick

Question:

Are contractors engaged by your Department required to have security clearances in order to access classified information?

Answer:

Yes

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**Finance and Public Administration Legislative Committee
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30 September 2019

QoN Number: SFPALC/004

Subject: Classification of information provided to Minister(s) by the Department

Written question submitted by: Rex Patrick

Question:

What is the highest level of classification of information that has been provided to current Minister(s) by the Department?

Answer:

Information is provided to ministers in accordance with their need to know and while exercising the duties of their office.

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30 September 2019

QoN Number: SFPALC/005

Subject: Information provided to a member of Minister's staff

Written question submitted by: Rex Patrick

Question:

Would the Department provide classified information to a member of a Minister's staff who was not security cleared or provide information that was more highly classified than that person's clearance level?

Answer:

Under Department of Finance guidelines, Ministerial staff members are required to obtain and maintain a security clearance at Negative level 2.

The Department only provides access to sensitive or classified information to those who have appropriate security clearances and a need to know that information.

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30 September 2019

QoN Number: SFPALC/006

Subject: Training or Briefing for Minister

Written question submitted by: Rex Patrick

Question:

What training or briefing does the Minister receive in respect of receiving, handling and safe custody of classified material?

- a. How long does this training or briefing take?
- b. How often is this security training conducted?

Answer:

The Department of Home Affairs provides Ministers with security awareness briefings as required. Timing and frequency depends upon the experience of those receiving the training.

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30 September 2019

QoN Number: SFPALC/007

Subject: Ministerial Staff Breaches

Written question submitted by: Rex Patrick

Question:

Are security breaches by ministerial staff recorded and reported? To whom?

Answer:

The department is not aware of any security breaches. Ministerial staff are employed under the Members of Parliament (Staff) Act 1984 and are also subject the Statement of Standards for Ministerial Staff.

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30 September 2019

QoN Number: SFPALC/008

Subject: Minister's Security Breaches

Written question submitted by: Rex Patrick

Question:

Are security breaches by the Minister(s) recorded and reported? To whom?

Answer:

The Department is not aware of any security breaches. Matters of Ministerial conduct are governed by the Statement of Ministerial Standards.

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**Finance and Public Administration Legislative Committee
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30 September 2019

QoN Number: SFPALC/009

Subject: Foreign classified material

Written question submitted by: Rex Patrick

Question:

Is the Department aware of any conditions placed on the receipt, handling and disclosure of foreign classified material? Does a Minister's lack of a formal security clearance comply with conditions imposed by foreign states for the handling of information they have shared with Australia?

Answer:

The Australian Government has established international agreements and arrangements for the security of information and assets with a range of partners. In accordance with the Protective Security Policy Framework (PSPF), where an agreement or arrangement is in place, the sensitive or security classified foreign entity information or assets must be protected in accordance with the provisions set out in the agreement or arrangement.

In accordance with the PSPF, where foreign entity information or assets are received, but are not covered by an international agreement or arrangement, the Attorney-General's Department recommends applying an Australian Government security classification.

As set out in the PSPF core requirements relating to access to information, some Australian office holders are not required to hold a clearance to access information while exercising the duties of office. This includes Members and Senators of the Commonwealth, State Parliaments and Territory Legislative Assemblies.

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30 September 2019

QoN Number: SFPALC/010

Subject: Secretary's Statement

Written question submitted by: Rex Patrick

Question:

At a PJCIS hearing on Wednesday, 14 August 2019, the Secretary of Home Affairs stated:

For those sorts of documents to be in the hands of persons without security clearances—on its face, under the Crimes Act or the new Criminal Code that this parliament revised in December 2018, that is a crime. The AFP Commissioner will be duty-bound to investigate that
How is this statement reconciled with the fact that Ministers received classified documents but are not security cleared?

Answer:

Refer to SFPALC/009

The Protective Security Policy Framework (PSPF) states that access to sensitive or classified information is restricted to those who have appropriate security clearances and need to know that information.

As set out in the PSPF core requirements relating to access to information, some Australian office holders are not required to hold a clearance to access information while exercising the duties of office. This includes Members and Senators of the Commonwealth, State Parliaments and Territory Legislative Assemblies.