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Mr Andrew Hastie MP
Chair
Parliamentary Joint Committee on Intelligence and Security
PO Box 6021
Parliament House
Canberra ACT 2600

Dear Mr Hastie

Clarification of evidence from 16 February 2018 public hearing

Thank you for the recent opportunity to appear before the Parliamentary Joint Committee on Intelligence and Security.

I am writing to clarify the evidence I presented during the Committee's public hearing on Friday, 16 February 2018 in relation to the National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2017 (the bill).

On pages 12 and 13 of the Proof Committee Hansard, I indicated to Mr Dreyfus that the OAIC had first been consulted on the secrecy provisions of the relevant bill on 14 November 2017, as follows:

Mr DREYFUS: Thank you to you and your officers for appearing before the committee. When were you first consulted about these two bills, the espionage and other offences bill and the foreign influence bill?

Mr Pilgrim: Good morning. My office was first consulted on the secrecy provisions of the espionage and foreign interference bill on the 14th of November. We were provided with a copy of the secrecy provisions within that bill, and we were asked to provide comments back by the following day, which was the 15th of November—

Mr DREYFUS: Just to pause, Mr Pilgrim, you were given 24 hours to comment?

Mr Pilgrim: We were. And we were provided on the 15th with an updated version of those secrecy provisions to comment on, on that same day, the 15th....

I confirm that my Office was first provided with the secrecy provisions (which were contained in Schedule 4 to the bill) on 14 November 2017 as per my evidence.

However, I have subsequently been advised by my staff that the Attorney-General's Department (AGD) provided my Office with a copy of Schedule 1 to the same bill on 10 November 2017. This Schedule related to treason, espionage, foreign interference and related offences (it did not include the secrecy provisions).

AGD requested any comments on those provisions by 14 November. On 14 November 2017, my Office advised AGD that it had not had the opportunity to review Schedule 1 of the bill (and therefore had no comments to make at that time).

Yours sincerely

Timothy Pilgrim PSM
Australian Information Commissioner
Australian Privacy Commissioner

22 February 2018