



Australian Government
Attorney-General's Department

29 March 2017

The Hon Stuart Robert MP
Chair
Joint Standing Committee on Treaties
Parliament House
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Dear Chair

Thank you for the opportunity to appear before the Joint Standing Committee on Treaties on Monday, 20 March 2017 as part of its consideration of the *Agreement between the Government of Australia and the Government of the French Republic regarding the Exchange and Reciprocal Protection of Classified Information*. Ms Celia Perkins and I undertook to respond to two questions on notice raised during the hearing. We are submitting our responses separately. The response below reflects advice received from the French National Security Authority, Secrétariat général de la défense et de la sécurité nationale (SGDSN).

Senator David Fawcett: Does the French system have an equivalent to 'eligibility waivers' for foreign nationals set out in the Protective Security Policy Framework? How are they applied?

There are similarities between the Australian and French domestic policies on eligibility for a security clearance.

To be eligible for an Australian security clearance, an individual is required to hold Australian citizenship. Where that requirement is not able to be met, the requesting agency may issue an eligibility waiver which enables the relevant vetting agency to process the security clearance. Eligibility waivers are only granted in limited circumstances and subject to strict conditions.

To be eligible for a French security clearance, an individual must be a French citizen or a citizen of a country with which France has a security agreement.

If a security agreement is in place and the foreign national does not hold a clearance that can be recognised in France, the individual must apply for a French security clearance to handle classified information. If no security agreement is in place, the person is not eligible to apply for a French security clearance. In exceptional circumstances SGDSN may approve a clearance being processed that would not otherwise be eligible.

I trust this response will assist the Committee with its consideration of the treaty.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'AHC'.

Anna Harmer
First Assistant Secretary
Intelligence and Identity Security