

Finance and Public Administration Legislation Committee

Written Questions on Notice

Written Question from Senator Patrick – Department of Defence

(Where 'Minister' means a minister, any assistant ministers or parliamentary secretaries)

Question No.	Asked by	Question
1.	Senator PATRICK	With regard the operations of the Department, what risks are associated with allowing personnel who are not security cleared to have access to classified data?
2.	Senator PATRICK	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?
3.	Senator PATRICK	How many people in the Department currently without a security clearance have access to classified information?
4.	Senator PATRICK	Are contractors engaged by your Department required to have security clearances in order to access classified information?
5.	Senator PATRICK	What is the highest level of classification of information that has been provided to current Minister(s) by the Department?
6.	Senator PATRICK	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?
7.	Senator PATRICK	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?
8.	Senator PATRICK	Are security breaches by ministerial staff recorded and reported? To whom?
9.	Senator PATRICK	Are security breaches by the Minister(s) recorded and reported? To whom?
10.	Senator PATRICK	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?
11.	Senator PATRICK	In respect of 'whole of Government', what is the rationale for subjecting government personnel and contractors to security checking processes?
12.	Senator PATRICK	With regard to 'whole of Government', what risks are associated with allowing personnel who are not security cleared to have access to classified data?

13.	Senator PATRICK	How long (excluding waiting list times) does it typically take for the Australian Government Security Vetting Agency to conduct actual vetting for: a. Baseline b. NV1 c. NV2 d. PV
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Finance and Public Administration

Parliamentary Inquiry – Ministers of State (Checks for Security Purposes)
Bill 2019

ANSWER TO QUESTION ON NOTICE

Department of Defence

Topic: SSCFAPA Ministers of State (Checks for Security Purposes) Bill 2019 Inquiry -
30 September 2019 - Q1 - Security Clearances - Patrick

Question reference number: 1

Senator: Rex Patrick

Type of question: Written

Date set by the committee for the return of answer: 25 October 2019

Question: With regard the operations of the Department, what risks are associated with allowing personnel who are not security cleared to have access to classified data?

Answer:

The Protective Security Policy Framework provides guidance on assessing risk through the use of the Business Impact Levels (BILs). The Department of Defence (Defence) uses this approach to assess the value, importance or sensitivity of official information by considering the potential damage to the national interest, organisations or individuals that would arise if the information's confidentiality was compromised.

Access by uncleared personnel to Defence information could have serious to grave implications that would compromise Defence capability.

Finance and Public Administration

Parliamentary inquiry – Ministers of State (Checks for Security Purposes) Bill
2019

ANSWER TO QUESTION ON NOTICE

Department of Defence

Topic: SSCFAPA Ministers of State (Checks for Security Purposes) Bill 2019 Inquiry - 30 September 2019 - Q2 - Security Clearances - Patrick

Question reference number: 2

Senator/Member: Rex Patrick

Type of question: 30 September 2019

Date set by the committee for the return of answer: 25 October 2019

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:

Staff across Defence hold clearances at a level commensurate with the requirements of their position. Defence staff regularly change positions and therefore the clearance levels across the Department vary. As at 30 June 2019, the actual strength of the ADF was 58,554 members, and the APS actual full-time equivalent workforce was 15,996, all of whom are required to hold a security clearance. ADF personnel are required to hold a minimum of a Negative Vetting Level 1 security clearance. APS are required to hold a minimum Baseline security clearance.

Finance and Public Administration

Parliamentary Inquiry – Ministers of State (Checks for Security Purposes) Bill 2019

ANSWER TO QUESTION ON NOTICE

Department of Defence

Topic: SSCFAPA Ministers of State (Checks for Security Purposes) Bill 2019 Inquiry -
30 September 2019 - Q3 - Security Clearances - Patrick

Question reference number: 3

Senator: Rex Patrick

Type of question: Written

Date set by the committee for the return of answer: 25 October 2019

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

Answer:

Consistent with the Protective Security Policy Framework, Defence grants access to classified information to those with the requisite security clearances and a need to know. Also consistent with the Protective Security Policy Framework, Defence may grant temporary access for managing limited access to classified information and resources:

- **Short Term access:** where the person does not hold a clearance at the appropriate level and the risks can be mitigated. This may include new starters or people on short-term projects. This access can only be used for three months in any 12-month period, and
- **Provisional access:** where the person has commenced a clearance process with the Australian Government Security Vetting Agency. This access is used until the security clearance is granted or where concerns emerge during the vetting process.

The relevant Unit Commander (or higher) will conduct a risk assessment before temporary access to classified information is granted. Due to the short term nature of temporary access arrangements, Defence does not retain centralised records for temporary access.

Finance and Public Administration

Parliamentary Inquiry – Ministers of State (Checks for Security Purposes)
Bill 2019

ANSWER TO QUESTION ON NOTICE

Department of Defence

Topic: SSCFAPA Ministers of State (Checks for Security Purposes) Bill 2019 Inquiry -
30 September 2019 - Q4 - Contractor Security Clearances - Patrick

Question reference number: 4

Senator: Rex Patrick

Type of question: written

Date set by the committee for the return of answer: 25 October 2019

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

Answer:

Yes. Contractors engaged by the Department of Defence are required to hold a security clearance to access classified information.

Finance and Public Administration

Parliamentary Inquiry – Ministers of State (Checks for Security Purposes) Bill
2019

ANSWER TO QUESTION ON NOTICE

Department of Defence

Topic: SSCFAPA Ministers of State (Checks for Security Purposes) Bill 2019 Inquiry -
30 September 2019 - Q5 - Classified Information - Patrick

Question reference number: 5

Senator: Rex Patrick

Type of question: written

Date set by the committee for the return of answer: 25 October 2019

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

Answer:

The Department of Defence has provided classified information up to Top Secret.

Fortune, Finance and Public Administration

Parliamentary Inquiry – Ministers of State (Checks for Security Purposes) Bill
2019

ANSWER TO QUESTION ON NOTICE

Department of Defence

Topic: SSCFAPA Ministers of State (Checks for Security Purposes) Bill 2019 Inquiry -
30 September 2019 - Q6 - Ministerial Staff Security Clearance - Patrick

Question reference number: 6

Senator: Rex Patrick

Type of question: written

Date set by the committee for the return of answer: 25 October 2019

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:

No. The Department of Defence would not provide classified information to persons who do not hold the necessary security clearance.

Finance and Public Administration

Parliamentary Inquiry – Ministers of State (Checks for Security Purposes) Bill
2019

ANSWER TO QUESTION ON NOTICE

Department of Defence

Topic: SSCFAPA Ministers of State (Checks for Security Purposes) Bill 2019 Inquiry -
30 September 2019 - Q7 - Ministerial Handling of Classified Information - Patrick

Question reference number: 7

Senator: Rex Patrick

Type of question: Written

Date set by the committee for the return of answer: 25 October 2019

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:

Defence provides security awareness briefings for Ministers or their respective offices. Each briefing will run for approximately one hour, or longer if needed. A number of these security briefings have been undertaken in 2019.

Finance and Public Administration

Parliamentary Inquiry - Ministers of State (Checks for Security Purposes) Bill
2019

ANSWER TO QUESTION ON NOTICE

Department of Defence

Topic: SSCFAPA Ministers of State (Checks for Security Purposes) Bill 2019 Inquiry - 30
September 2019 - Q8 - Ministerial Handling of Classified Information - Patrick

Question reference number: 8

Senator: Rex Patrick

Type of question: Written

Date set by the committee for the return of answer: 25 October 2019

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

Answer:

Defence personnel, including staff engaged within ministerial offices, are required to report security breaches to the Defence Security and Vetting Service.

Ministerial staff employed under the *Members of Parliament (Staff) Act 1984* are subject to the principles and conventions of this legislation and the *Statement of Standards for Ministerial Staff*.

Finance and Public Administration

Parliamentary Inquiry – Ministers of State (Checks for Security Purposes) Bill
2019

ANSWER TO QUESTION ON NOTICE

Department of Defence

Topic: SSCFAPA Ministers of State (Checks for Security Purposes) Bill 2019 Inquiry - 30
September 2019 - Q9 - Ministerial Handling of Classified Information - Patrick

Question reference number: 9

Senator: Rex Patrick

Type of question: Written

Date set by the committee for the return of answer: 25 October 2019

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

Answer:

Matters of Ministerial conduct are covered by the *Statement of Ministerial Standards*.

Defence provides advice to Ministers about responding to security breaches.

Finance and Public Administration

Parliamentary inquiry – Ministers of State (Checks for Security Purposes)
Bill 2019

ANSWER TO QUESTION ON NOTICE

Department of Defence

Topic: SSCFAPA Ministers of State (Checks for Security Purposes) Bill 2019 Inquiry -
30 September 2019 - Q10 - Handling of Foreign Classified Information - Patrick

Question reference number: 10

Senator: Rex Patrick

Type of question: written

Date set by the committee for the return of answer: 25 October 2019

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 information sharing instruments in place with a number of countries which outline the reciprocal protection and handling requirements for the exchange of classified information. These include Whole of Government General Security Agreements (treaty-level), and Security of Information Agreements and Arrangements (SIA) (treaty or less-than-treaty level).

The Department of Defence has several SIAs covering the exchange and protection of Defence information, or information of Defence interest.

Defence complies with these international arrangements regarding classified material received from foreign agencies.

Finance and Public Administration

Parliamentary Inquiry – Ministers of State (Checks for Security Purposes)
Bill 2019

ANSWER TO QUESTION ON NOTICE

Department of Defence

Topic: SSCFAPA Ministers of State (Checks for Security Purposes) Bill 2019 Inquiry -
30 September 2019 - Q11 - Security Clearances - Patrick

Question reference number: 11

Senator: Rex Patrick

Type of question: written

Date set by the committee for the return of answer: 25 October 2019

Question: In respect of 'whole of Government', what is the rationale for subjecting government personnel and contractors to security checking processes?

Answer:

These matters are more appropriately directed to the Attorney-General's Department, which has a whole of government responsibility for Protective Security Policy, including policy on personnel security clearances.

Finance and Public Administration

Parliamentary inquiry – Ministers of State (Checks for Security Purposes)
Bill 2019

ANSWER TO QUESTION ON NOTICE

Department of Defence

Topic: SSCFAPA Ministers of State (Checks for Security Purposes) Bill 2019 Inquiry -
30 September 2019 - Q12 - Security Clearances - Patrick

Question reference number: 12

Senator: Rex Patrick

Type of question: written question

Date set by the committee for the return of answer: 25 October 2019

Question: With regard to 'whole of Government', what risks are associated with allowing personnel who are not security cleared to have access to classified data?

Answer:

These matters are more appropriately directed to the Attorney-General's Department, which has whole of government responsibility for Protective Security Policy, including policy on personnel security clearances.

Finance and Public Administration

Parliamentary Inquiry – Ministers of State (Checks for Security Purposes) Bill 2019

ANSWER TO QUESTION ON NOTICE

Department of Defence

Topic: SSCFAPA Ministers of State (Checks for Security Purposes) Bill 2019 Inquiry -
30 September 2019 - Q13 - Security Clearances - Patrick

Question reference number: 13

Senator: Rex Patrick

Type of question: written question

Date set by the committee for the return of answer: 25 October 2019

Question: How long (excluding waiting list times) does it typically take for the Australian Government Security Vetting Agency to conduct actual vetting for:

- a. Baseline
- b. NV1
- c. NV2
- d. PV.

Answer:

The average (median) processing times for cases completed by AGSVA from 1 July 2019 to 30 September 2019 were as follows:

- a. Baseline - 15 business days
- b. NV1 - 46 business days
- c. NV2 - 64 business days
- d. PV - 173 business days

These figures include initial, upgrade and revalidation cases, and exclude complex cases. Processing times are assessed from receipt of complete ePack to finalised decision.