

**Joint Standing Committee on Treaties**

**Australia-Japan Information Sharing Agreement**

**Supplementary Questions and Questions on Notice**

1. **What is Japan's reputation as a security partner?**
  - a. **Have there ever been any serious security breaches that the Committee should be aware of, particularly with regard to any information supplied by Australia?**

Japan is one of Australia's closest and most trusted partners. The growing security and defence relationship with Japan reflects the confidence that both countries have in working with one another. This has included the establishment of a 2+2 Foreign and Defence Ministers consultation process, cooperation in Iraq and on peacekeeping operations in East Timor and Southern Sudan along with a growing number of bilateral and trilateral (with the United States) defence exercises.

There have not, to our knowledge, been any serious security breaches committed by Japan with regard to any information supplied by Australia.

2. **Does this Agreement also cover information exchange for intelligence and counter-terrorist information?**
  - a. **If not, why not?**
  - b. **If so, what is the extent of that information sharing?**

The proposed agreement provides the framework for exchanging information between Australia and five key Japanese agencies. It will be up to individual agencies to determine what information to share, though there are no obligations on either party to share information.

Counter-terrorism and intelligence are areas of possible cooperation under the proposed Agreement. Once the proposed agreement comes into force, agencies responsible for intelligence and counter-terrorism could enter into a discussion with Japan about the sharing of such information.

3. **The NIA makes the point that: "Importantly, the proposed Agreement provides that Japanese information marked 'Gokuhi 極秘/Bouei Himitsu 防衛秘密' will be protected by Australia at the 'Secret/Highly Protected' level."**
  - a. **Are there any particular sensitivities with this particular classification?**
    - i. **If so, what are they?**

There are no particular sensitivities with the 'Gokuhi' and 'Bouei Himitsu' classifications. The NIA highlighted that, despite the removal of the equivalent 'Highly Protected' classification under the new Protective Security Policy Framework, Australia could still meet its treaty obligations by protecting such material at the 'Secret' level.

*Questions on Notice:*

**Article 15 talks about the destruction of information but does not mention electronic versions of it. Will you supply us something on that?**

Article 15 covers the destruction of classified documents or other media. This is to be destroyed by burning, shredding, pulping, or other means to prevent reconstruction in whole or in part.

While the proposed Agreement covers the possible electronic transmission of classified material, Australia and Japan currently have no electronic connectivity of classified systems with which to transmit such information. If connectivity was ever established, then the proposed Agreement would need to be updated to reflect such a development and specifically cover the issue of the destruction of electronically transmitted classified material. The present understanding is that classified information will be transmitted in hard copy only.

**With the trade control bills that have now just passed and the development in regulations with those, are there any changes you anticipate in terms of the Wassenaar requirements or ITARS controls in our relationship with Japan?**

We do not anticipate any changes in terms of the Wassenaar requirements or ITARS controls in our relationship with Japan, as a result of the Defence Trade Controls Act 2012.