

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
BUDGET ESTIMATES 2017

Attorney General's Department

Program 1.2: AGD Operating Expenses- National Security and Criminal Justice

Question No. BE17-020

Senator Macdonald asked the following question on 24 May 2017:

CHAIR: We might just pause there. I will come back to you. Your time finish some time ago. I just have a couple of questions. Mr Moraitis, you were not around during the time of this particular inquiry—

Mr Moraitis: Yes, I was.

CHAIR: Were you the secretary then? Sorry, I could have sworn you were not. I did live through that inquiry, unlike anyone else here, I suspect. Did I hear you right before when you said you would take something on notice to see what other departments have done?

Mr Moraitis: No, I said we engaged on that recommendation with all departments to bring it to their attention. In response to that recommendation, we actually noted that we supported that recommendation and that we had followed up with departments, who had assured us that they had procedures in place for that purpose.

CHAIR: So you did follow up with other departments?

Mr Moraitis: My recollection is yes, but I will check how, when and what time.

CHAIR: That is what I thought you said—you would take on notice what follow-up you did to make sure that other agencies—

Ms Jones: For the specifics, we should take it on notice, but we did contact all agencies and alert them to the requirement, and then we sought and received assurances from them. I can provide the details of that on notice, but we did request that they come back and positively advise us whether or not they had appropriate procedures in place.

The response to the honourable Senator's question is as follows:

On 16 September 2015, the Senate Legal and Constitutional Affairs Committee (the committee) tabled its report titled *Handling of a letter sent by Mr Man Haron Monis to the Attorney-General*. The committee recommended (at recommendation 8) “that all Commonwealth government agencies ensure that they have procedures in place to bring sensitive correspondence which has or may have national security implications to the attention of the relevant intelligence and security agencies in a timely manner”.

On 8 February 2016, the Secretary of the Attorney-General's Department sent letters via email to the secretaries of the following departments seeking their input for the Government response to the committee, in particular their input in response to recommendation 8:

- Department of Agriculture and Water Resources
- Department of Communications and the Arts
- Department of Defence

- Department of Education and Training
- Department of Employment
- Department of the Environment
- Department of Finance
- Department of Foreign Affairs and Trade
- Department of Health
- Department of Human Services
- Department of Immigration and Border Protection
- Department of Industry, Innovation and Science
- Department of Infrastructure and Regional Development
- Department of Social Services
- The Treasury
- Department of Veterans' Affairs, and
- Australian Public Service Commission.

Between 9 February and 18 March 2016, departmental secretaries responded to the Attorney-General's Department confirming their support for the Government's proposed response to recommendation 8, as follows:

- Department of Agriculture and Water Resources by letter dated 18 March 2016
- Department of Communications and the Arts by letter received on 22 February 2016
- Department of Defence by letter dated 22 February 2016
- Department of Education and Training by letter dated 22 February 2016
- Department of Employment by letter dated 29 February 2016
- Department of the Environment by letter dated 18 February 2016
- Department of Finance by letter dated 10 (or 11) March 2016
- Department of Foreign Affairs and Trade by letter dated 23 February 2016
- Department of Health by email of 15 March 2016
- Department of Human Services by letter dated 19 February 2016
- Department of Immigration and Border Protection by input received on 19 February 2016
- Department of Industry, Innovation and Science by letter dated 16 March 2016
- Department of Infrastructure and Regional Development by email of 9 February 2016
- Department of Social Services by letter dated 18 February 2016
- The Treasury by letter dated 18 February 2016
- Department of Veterans' Affairs by letter dated 17 February 2016, and
- Australian Public Service Commission by letter dated 17 February 2016.

The Government's response to the committee's report was tabled on 1 September 2016. In respect of recommendation 8, the Government responded that "all Commonwealth departments have processes in place to bring correspondence with national security implications to the attention of relevant security and intelligence agencies".