

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 3

Program: Other Agency

Question No. SBE14/061

Senator Collins asked the following question at the hearing on 11 December 2014:

Senator JACINTA COLLINS: Please convey to the Director-General thanks for the statement that he was not able to provide on the earlier occasion, and I would add my thanks to the previous Director-General. He provided the committee—actually, it was the references committee—with some quite helpful information regarding two points that are mentioned here. One is the accountability mechanisms that you referred to. Indeed, Mr Irvine referred to the importance of increasing accountability along with additional powers in the current circumstances. Can you apprise me of any new operational accountability mechanisms that may be being contemplated by ASIO in the current climate? And, again, as the chair commented earlier, there may be some issues that you cannot discuss.

Ms Hartland: There is a range of accountability mechanisms. We obviously have our own in-house policies and protocols that are signed off guidelines by the Attorney-General. We have almost royal commission-like powers of the IGIS—the Inspector-General of Intelligence and Security. In fact, her people actually have offices that sit within our organisation for much of the time and have full access to all of our records and all of our people and can inquire on any matters. Obviously there are mechanisms through the PJCIS—the Parliamentary Joint Committee on Intelligence and Security—at which, as you know, we appear during both public and private hearings. It is playing a major role in looking at current legislation. Obviously it is instilled in legislation guidelines that we provide annual reports to the parliament. We provide both a classified and an unclassified annual report. The classified annual report goes to the PJCIS, for which we are then fully accountable. In terms of processes around warrants and the like, the department also plays a role in ensuring the legality of everything that we do and we have the INSLM in place as well. That is an overview of the accountability mechanisms within the organisation. Those protocols and policies and procedures dictate the levels of sign off. Generally, they are very high and basically anything that is going to the Attorney for sign off, in terms of warrants and passport recommendations and things, all go through the Director-General.

Senator JACINTA COLLINS: The guidelines you referred to, that the Attorney signs off, they relate to more internal policies and procedures.

Ms Hartland: Correct.

Senator JACINTA COLLINS: Are they available?

Ms Hartland: They are publicly available on the internet, on our website. There are a few that will not be for operational reasons, but the vast majority are there.

Senator JACINTA COLLINS: And has there been a review of those in recent times?

Ms Hartland: One of the recommendations that came out of one of the recent PJCIS inquiries was to review those, and we are in the process of doing that. At the moment we are working with the department on that.

Senator JACINTA COLLINS: Is there a time frame for that?

Ms Hartland: I do not think so. I will look into that for you, but I do not think there is a specific time frame.

Senator JACINTA COLLINS: If you could provide that on notice, that would be helpful.

Ms Hartland: Sure.

The answer to the honourable senator's question is as follows:

As part of the *National Security Legislation Amendment Act* the Government has committed to reviewing the *Attorney-General's Guidelines*, likely commencing in the first quarter of 2015.