

# Senate Finance and Public Administration Legislation Committee

## ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates 13-16 Feb 2012

Prime Minister and Cabinet Portfolio

**Department/Agency:** Department of the Prime Minister and Cabinet

**Outcome/Program:** 1.1.2 National Security and International Policy

**Topic:** Independent Review of the Intelligence Community

**Senator:** Senator Rhiannon

**Question reference number:** 52

**Type of Question:** Written

**Date set by the committee for the return of answer:** 30 March 2012

**Number of pages:** 2

### Question:

1. Why did it sit on PM&C desk for so long? Can you clarify when it was received and when it was made public?
2. Why were no recommendations made public or a government response made to the recommendations?
3. The Final report has been so heavily classified that it is difficult for public to tell anything from the inquiry. Whose decision was it to so heavily classify the report?
4. Why does it need to be so heavily classified?
5. Review seems to give very little weight to civil liberties and human rights concerns. The review itself says "none of the submissions to this Review argued that the balance struck in the anti-terrorism laws should be substantially amended." Although the submissions aren't public on your website, I know the Australian Human Rights Commission did question whether the balance was right in its submission. Can you explain this statement?

### Answers:

1. The Independent Review of the Intelligence Community (the Review) provided its classified report to the Government in early August 2011 and its draft unclassified report on 16 November 2011. The draft unclassified report then underwent a final checking process by the intelligence agencies, as is customary, to ensure it contained no classified material. This was completed in mid-January 2012 and the unclassified report was released on 25 January 2012.

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2. The detailed recommendations of the Review are of a highly classified nature, which cannot be made public without revealing classified and sensitive national security information. The Government's response to such recommendations required a similar level of classified detail.
3. The content and classification of the Review's Report was determined by the Independent Reviewers, Mr Robert Cornall AO and Associate Professor Rufus Black.
4. The Review's Terms of Reference called for a broad investigation into many highly classified or sensitive areas of Australian intelligence agencies' operations.
5. Submissions to the Review, including a submission by the Australian Human Rights Commission, were considered by the Independent Reviewers, Mr Robert Cornall AO and Associate Professor Rufus Black.

The Reviewers formed their own conclusions based on a variety of inputs including such submissions, in conjunction with their own research and consultation.