

PJCIS Inquiry into the National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2017

Questions on Notice

Question: (page 47, transcript)

Mr DREYFUS: That's very helpful. Is it possible, then, for the department to provide the committee with a list of those areas? I appreciate we've had some examples today where you've said you don't agree with what the Joint Media Organisations said, but you've got other areas that are in the other category of things that you think still warrant refinement and possible amendment.

Ms Harmer: I believe we have done that collectively through our supplementary submissions. You will recall the many pages of submissions—

Mr DREYFUS: Yes, I'm accepting that. I'm looking for a refined list that will actually say, 'These are the ones that we're still looking at amendments for.'

Ms Harmer: We could distil from our supplementary submissions and our remarks to this committee those things that we've drawn to the committee's attention that we are working on. If that assists, we can pull those together out of our supplementary submissions and our—

Mr DREYFUS: I reckon it would. I'm looking for anything that can give order to what is a somewhat disorderly process. And, when I say that, that's not a reflection on you; it's a reflection on the government.

Ms Harmer: We're happy to compile our comments thus far on those issues that we're giving further thought to.

Answer:

The table below is a compiled list of references to possible amendments that the department has at some point discussed in response to questions from the Committee during public hearings or on notice. The department notes that consideration will be given to all amendments recommended by the Committee, regardless of whether they appear in the table below, and that these potential amendments are not necessarily endorsed by the department or the Government.

The table does not cover the amendments put forward to the Committee by the Attorney-General in Submission 40.

Espionage:

| Legislative Reference/Issue | Reference |
|------------------------------------|---|
| Section 90.5 | Attorney-General's Department, supplementary submission 6.1, page 39 |
| Section 91.6 | Attorney-General's Department, supplementary submission 6.1, page 72 |
| Section 93.3 | Attorney-General's Department, supplementary submission 6.3, question 2 |

Foreign interference:

| Legislative Reference/Issue | Reference |
|-----------------------------|---|
| Subparagraph 92.2(1)(c)(i) | Attorney-General's Department, supplementary submission 6.3, question 4 |

Secrecy:

| Legislative Reference/Issue | Reference |
|---|--|
| Clarifying provision - immunities in other legislation. | Attorney-General's Department, supplementary submission 6.1, pages 28, 38, 39 Attorney-General, submission 40, page 4 |
| Subsections 122.5(3) and (4), (5) and (8) – | Attorney-General's Department, supplementary submission 6.1, pages 23, 26, 28, 36, 37, 67 Attorney-General, submission 40, page 4 |
| Subsection 122.5(3) | Attorney-General's Department, supplementary submission 6.1, page 38 Attorney-General, submission 40, page 4 |
| Explanatory Memorandum - 'harm' and 'prejudice' . | Attorney-General's Department, supplementary submission 6.1, page 8 |
| Defence - legal advice | Attorney-General's Department, supplementary submission 6.1, pages 22 and 68 |
| Explanatory Memorandum - minor typographical error . | Attorney-General's Department, supplementary submission 6.1, page 19 |
| Technical amendment - paragraphs 122.5(7)(c) and (d) | Attorney-General's Department, supplementary submission 6.1, page 23 |
| Explanatory Memorandum – APP 12 and the <i>Privacy Act 1988</i> | Attorney-General's Department, supplementary submission 6.1, page 40 |
| Subsection 122.5(1) | Attorney-General's Department, supplementary submission 6.3, question 1 |
| Section 121.1 (inherently harmful information) | Oral evidence, public hearing, 16 March 2018, page 59 |
| IGIS - supplementary submission 13.2 | Oral evidence, public hearing, 16 March 2018, pages 36, 59, |

Sabotage

| Legislative Reference/Issue | Reference |
|-------------------------------------|---|
| Paragraph 82.10(b) - Private owner. | Attorney-General's Department, supplementary submission 6.1, page 180 |

Other threats to security

| Legislative Reference/Issue | Reference |
|-----------------------------|--|
| Section 83.1 | Attorney-General's Department, supplementary submission 6.1, page 10 |

Consequential amendments

| Legislative Reference/Issue | Reference |
|--|---|
| Explanatory Memorandum – clarification | Attorney-General’s Department, supplementary submission 6.1, page 90 |
| Statelessness | Attorney-General’s Department, supplementary submission 6.1, page 91 Attorney-General’s Department, supplementary submission 6.3, question 9 Oral evidence, public hearing, 16 March, page 36 |