

**Senate Finance and Public Administration Legislation Committee**

ANSWERS TO QUESTIONS ON NOTICE  
Budget Estimates Hearing October 2015  
Prime Minister and Cabinet Portfolio

<b>Department/Agency:</b>	Office of the Inspector-General of Intelligence and Security
<b>Outcome/Program:</b>	Outcome 1
<b>Topic:</b>	Privacy breaches
<b>Senator:</b>	Xenophon
<b>Question reference number:</b>	229
<b>Type of question:</b>	Written
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<b>Question:</b>	

I note since the disclosure laws have been passed which allow 'emergency' authorisations without ministerial approval.

Is IGIS informed on what constitutes an 'emergency'?

In these cases is ASIS required to make reasonable attempts to obtain ministerial approval?

**Answer:**

Sections 9A, 9B and 9C of the *Intelligence Services Act 2001* set out the requirements for when an 'emergency' Ministerial authorisation may be granted, either orally, by another specified Minister, or by and agency head. The agencies are required to provide certain information to the IGIS if these provisions are used, which ensures that the IGIS is informed of the reasons why it was considered necessary to use one of the emergency authorisation provisions.

The Intelligence Services Act requires that the agency head must be satisfied that the relevant Minister (or any of the other specified Ministers) is not readily available or contactable.