

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. BE17-019

Senator Watt asked the following question on 24 May 2017:

Senator WATT: Obviously, at that same paragraph, paragraph 228, the coroner observes that this committee made several recommendations in its report tabled in September 2015 that dealt with these matters. The specific recommendation made by this committee in September 2015, nearly two years ago, was recommendation 8:

The committee recommends 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. That recommendation was made by this committee nearly two years ago, and now the coroner, nearly two years later, observes that there is still not an effective policy in place to require the Commonwealth bureaucracy as a whole—

Senator Brandis: He does not say that. He does not use the word 'still'. I wish you would stop changing his words, which are no doubt carefully chosen words.

Senator WONG: It states:

There does not appear to be an effective policy in place to require the Commonwealth bureaucracy to forward correspondence received by it to ASIO where that correspondence is relevant to security considerations.

Senator Brandis: That is my point. They are not the words that Senator Watt quoted. And I would ask you, Senator Watt, to avoid the temptation to try and inject your own political language into the coroner's findings. I will ask Mr Moraitis to add to my remarks, if he wishes to, but the reforms within my department that in fact anticipated the Senate committee report were implemented before the Senate committee undertook that report. In relation to the specific measures taken in other departments, that, of course, is a matter for those departments. But from a whole-of-government point of view, I can tell you that the committee's recommendations were implemented by the government. Chris, are you in a position to address this now?—

Mr Moraitis: Yes.

Senator Brandis: I will ask Mr Moraitis and Ms Jones, the deputy secretary for national security policy in my department, to explain to you how it is that those recommendations from a whole-of-government point of view were implemented when the Senate committee responded. But, as far as this department, the department for which I have responsibility, is concerned, we in fact anticipated the Senate recommendations.

Senator WATT: I congratulate you and your department for doing that. The question is about the bureaucracy as a whole.

Mr Moraitis: The majority of the recommendations in our response were focusing on the department, and we were very cognisant and responded in that respect. We also responded on that recommendation about all agencies having processes to ensure that the correspondence is responded to. We undertook consultations with the departments at the time before responding and sought assurances from those departments that those processes were in place. My

understanding was that those assurances were given; hence, our statement that we supported that recommendation. We actually said that we believe that all agencies have these processes in place.

Senator WATT: Can I just clarify that. Are you saying that after the Senate committee tabled its report, which contained that recommendation requiring all Commonwealth agencies to have these procedures in place to bring correspondence to the national security authorities, your department then consulted across government and you were assured by all departments that they did have those processes in place?

Mr Moraitis: That is my recollection, but it is a while ago now and I would have to take that on notice and confirm. But that is my recollection of how we responded, I think.

Senator WATT: Is that your recollection as well, Ms Jones?

Ms Jones: We did go out and consult with all agencies. In terms of the exact timing of that relative to the bringing down of the Senate report, I would need to take that on notice and check it. But we definitely did go out to departments and agencies.

Mr Moraitis: Obviously, we did not go to the specific terms that are in that recommendation, which has been put out today, in terms of the role of ASIO. That is a very big variation on that.

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 wrote to departmental secretaries seeking their input for the Government response to the committee, in particular their input in response to recommendation 8.

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.

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".