



**PARLIAMENTARY JOINT COMMITTEE ON INTELLIGENCE AND SECURITY**

Parliament House, Canberra ACT 2600 | Phone: (02) 6277 2360 | Fax: (02) 6277 8594 | Email: [pjcis@aph.gov.au](mailto:pjcis@aph.gov.au)

19 October 2017

Dr Gus Hosein  
Executive Director  
Privacy International

Dear Dr Hosein

Thank you for your letter dated 13 September 2017 in relation to intelligence sharing arrangements between governments.

The Committee has considered your letter and asked me to respond on its behalf. I have attached to this letter responses to your questions.

I appreciate your interest in this matter and I trust this information will be of assistance to your project.

If you require any further information about the role and functions of the Committee please contact the Committee Secretariat on +61 2 6277 2360 or by email to [pjcis@aph.gov.au](mailto:pjcis@aph.gov.au).

Yours sincerely

**Andrew Hastie MP**  
Chair

## Attachment – response to questions

***Is the government and/or are the intelligence agencies required to inform you about intelligence sharing arrangements they have made with other governments?***

***Does your mandate include independent oversight of the intelligence sharing activities of your government?***

The functions of the Committee are outlined under section 29 of the [Intelligence Services Act 2001](#) (the ISA) and include reviewing the administration and expenditure of the six Australian intelligence agencies and inquiring into other matters referred to the Committee by a responsible Minister or either House of the Parliament. There is no requirement for the government or the intelligence agencies to inform the Committee of intelligence sharing arrangements, or for the Committee to oversee intelligence sharing activities.

Additionally, subsection 29(3) of the *Intelligence Services Act 2001* contains a number of limitations on the functions of the Committee. Among others, the subsection states that the functions of the Committee do not include:

- reviewing the intelligence gathering and assessment priorities of the agencies;
- reviewing sources of information, other operational assistance or operational methods available to agencies;
- reviewing particular operations that have been, are being or are proposed to be undertaken by the agencies;
- reviewing information provided by, or by an agency of, a foreign government where that government does not consent to the disclosure of the information;
- reviewing an aspect of the activities of an agency that does not affect an Australian person;
- reviewing rules made by responsible Ministers regulating the communication and retention by agencies of intelligence information concerning Australian persons;
- conducting inquiries into individual complaints about the activities of agencies,
- reviewing the content of, or conclusions reached in, assessments or reports made by the Defence Intelligence Organisation or the Office of National Assessments, or reviewing the sources of information on which they are based.

However, the activities of the Australian intelligence agencies are subject to review by the Inspector-General of Intelligence and Security (IGIS), an independent statutory office holder appointed by the Governor-General under the *Inspector-General of Intelligence and Security Act 1986*. The purpose of the IGIS's review is to ensure that the agencies act legally and with propriety, comply with ministerial guidelines and directives and respect human rights. The IGIS's inquiries are conducted in private, but may be reported on in [IGIS annual reports](#).

***Do you have the power to access in full all relevant information about the intelligence sharing activities of your government?***

The Committee is empowered under Schedule 1 to the *Intelligence Services Act 2001* to require persons, including agency heads, to appear before the Committee to give evidence or to produce documents to the Committee. However, the Committee must not require a person or body to disclose to the Committee operationally sensitive information or information that would or might prejudice Australia's national security or the conduct of Australia's foreign relations.

***Do you have the power to review decisions to share intelligence and/or undertake independent investigations concerning the intelligence sharing activities of your government?***

As noted above, the functions of the Committee under the *Intelligence Services Act 2001* do not include oversight of the intelligence sharing activities of the Australian government.

***Do you cooperate with any other oversight bodies, domestic or foreign, to oversee the intelligence sharing activities of your government?***

The Committee meets privately with the IGIS on an annual basis as part of its review of the administration and expenditure of intelligence agencies, and on other occasions as required.