IGIS

INSPECTOR-GENERAL OF INTELLIGENCE AND SECURITY

2020–2021

CORPORATE PLAN

IGIS CONTACT INFORMATION

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NON-ENGLISH SPEAKERS

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INTERNET

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www.igis.gov.au

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INSPECTOR-GENERAL'S INTRODUCTION

I am pleased to present the 2020-21 *Inspector-General of Intelligence and Security (IGIS) Corporate Plan* for the period from 2020-21 to 2023-24 as required under paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013*. While there have been significant changes to the Office and the environment in which we work, the importance of our role in providing oversight of the intelligence agencies remains.

In the work of intelligence agencies democratic values are best protected by rigorous and independent oversight and review. Australia's intelligence agencies have significant human and technical capabilities and some extraordinary legal powers and immunities. Without strong, credible and independent oversight there would be a loss of trust between agencies and the public. Intelligence agencies must act, and must be seen to act, with legality, with propriety and with proper regard for human rights. IGIS plays an important role in holding intelligence agencies to account and assisting Ministers and the Parliament in overseeing and reviewing the work of the intelligence agencies.

The past year has again seen significant change in the intelligence agencies and the environment in which they operate, something that is likely to continue. New statutory powers have been granted to the Australian Security Intelligence Organisation (ASIO) and other agencies, each of which has required additional IGIS officers to be assigned to oversee their exercise. Organisational changes, shifts in the way intelligence agencies conduct their business and changes in resources and powers will require revised or additional oversight in the years to come. The Comprehensive Review of the Legal Framework Governing the National Intelligence Community may also bring further changes which will affect IGIS.

The COVID-19 pandemic has had a significant impact on the Office. Because of the classified nature of most IGIS work it is not possible for that work to be done from home. This resulted in inspections and inquiry work being limited, commensurate with the extent of the restrictions. The Office used the time constructively to, among other things, improve and expand content on the IGIS website, ensure that appropriate and up to date policies are in place for core business functions, and to undertake professional development and training programs. Several IGIS officers were also seconded to other agencies to assist in filling critical vacancies related to the COVID-19 pandemic. I am proud of the way IGIS officers responded to the changing environment and their flexible and creative approach.

A comprehensive review of the Office's internal governance has been conducted and implementation has commenced. This review was important and timely. It was directed to ensuring that internal governance arrangements are appropriate for the Office now and into the future. One outcome of the review will be the establishment of working groups for the development of an IGIS Diversity and Inclusion Plan and a Reconciliation Action Plan. I am pleased to see that these constructive initiatives are progressing.

The Hon Margaret Stone AO FAAL
Inspector-General of Intelligence and Security
27 July 2020

GLOSSARY

Analytic Integrity   With respect to intelligence assessments, this refers to analytical independence and quality assurance within an agency

APS Values   Australian Public Service Values as defined in Section 10 of the *Public Service Act 1999*

ASIO   Australian Security Intelligence Organisation

Chief Security Officer   The Senior Executive Service (SES) level officer appointed to be responsible for oversight of entity security arrangements across governance, information, personnel and physical security

Complaint   IGIS categorises a matter as a complaint if it raises an initially credible allegation of illegal or improper conduct or an abuse of human rights in relation to an action of an intelligence agency within IGIS jurisdiction

Five Eyes   The Five Eyes countries comprising an intelligence alliance of Australia, Canada, New Zealand, the United Kingdom and the United States

ICT   Information and Communications Technology

IGIS/Office   The statutory agency of the Inspector-General of Intelligence and Security

IGIS Act   *Inspector-General of Intelligence and Security Act 1986*

Inspector-General   The Inspector-General of Intelligence and Security

Inquiry   An Inquiry conducted in accordance with Part II, Division 3 of the IGIS Act

Inspection   The examination of selected agency systems and records in the course of overseeing an agency's activities

NIC   National Intelligence Community

PID   A public interest disclosure within the meaning of the *Public Interest Disclosure Act 2013*

Security Adviser   Personnel appointed to perform security functions or specialist services related to security within an entity. These personnel support the work of the Chief Security Officer

SES   Senior Executive Service

WHAT WE DO

Under the *Inspector-General of Intelligence and Security Act 1986* (IGIS Act) the role of the Inspector-General is to assist Ministers in overseeing and reviewing the activities of Australian intelligence agencies for legality and propriety and for consistency with human rights. The Inspector-General discharges these responsibilities through a combination of inspections, inquiries and investigations into complaints.

The Inspector-General also assists the Government in assuring the Parliament and the public that intelligence and security matters relating to Commonwealth agencies, including the operational activities of intelligence agencies, are open to scrutiny. Submissions to parliamentary committees and a program of public engagement are designed to address this aspect of the Inspector-General's role, as is our policy of providing as much information about our activities as is consistent with our secrecy requirements.

OUR STRATEGIC PRIORITY AREAS

We have six key strategic priority areas:

1. Assisting Ministers in the oversight and review of intelligence agencies.

2. Assisting the Government in assuring the Parliament that intelligence and security matters are open to scrutiny.

3. Assisting the Government in assuring the public that intelligence and security matters are open to scrutiny.

4. Maintaining effective arrangements for conducting inquiries and inspections and investigating complaints.

5. Maintaining appropriate infrastructure and effective services to assist IGIS in discharging responsibilities.

6. Attracting and developing high performing and professional officers.

OUR ENVIRONMENT

The COVID-19 pandemic may continue to affect our working arrangements over the coming year. While the Office has mostly returned to business as usual, any local outbreaks or reintroduced restrictions may require changes to current work practices. During the peak of the restrictions in early 2020, the Office was able to transfer the less sensitive aspects of our work to systems that are conducive to work from home arrangements. This means that should there be restricted access to our premises this work will be able to continue uninterrupted. However, the highly classified nature of our investigations work means that it cannot be done remotely. If there are further restrictions that limit access to classified material the Office will reprioritise investigation activities to suit the circumstances at the time.

In anticipation of the release of the COVIDSafe App, IGIS proactively engaged with the relevant intelligence agencies in relation to privacy protections. A project has been established to coordinate the IGIS inspection program across the relevant agencies to provide assurance they are acting legally and in accordance with the strict protections to be applied to this data. The Office of the Australian Information Commissioner and IGIS are cooperating on the project given their overlapping oversight jurisdiction in this area.

The National Intelligence Community (NIC) has continued to evolve as many of the recommendations from the 2017 Independent Intelligence Review are implemented. Some recommendations are yet to be implemented; for instance the Review recommended expanding IGIS oversight beyond the six NIC agencies currently within IGIS jurisdiction. This would require amendments to the IGIS Act. The timing and final form of any such amendments are for the Government and the Parliament to decide. In anticipation of the expanded jurisdiction IGIS officers have engaged with the agencies to understand their intelligence functions and the potential oversight requirements. In addition, the Comprehensive Review of the Legal Framework Governing the NIC has now concluded. IGIS contributed to the review through submissions and meetings with the reviewers. The outcomes of the review may bring further changes to the NIC.

There continues to be a high tempo of legislative change affecting intelligence agency functions and activities. The Parliament has passed legislation that establishes a regime for the issue of temporary exclusion orders, including on the basis of an assessment by ASIO, to provide greater control over returning Australians of counter-terrorism interest. Other legislation that is currently before the Parliament may introduce even more significant powers, including the expansion of ASIO's questioning and apprehension powers, and an international production order regime to streamline requests for telecommunications intercept and stored data held by overseas companies. Both of these legislative changes will have consequences for oversight. IGIS has been consulted in relation to oversight arrangements during their development and has contributed to the Parliament's consideration through submissions and the Inspector-General's appearance at hearings. The Parliamentary Joint Committee on Intelligence and Security is also conducting several inquiries related to existing legislation. Each of these inquiries could lead to further legislative change affecting intelligence agencies and their oversight.

Public engagement remains a focus for IGIS with the website undergoing a comprehensive review to substantially expand the content, information and reports available to the public. The Civil Society Reference Group has discussed important issues such as the development of a set of principles that describe how the Inspector-General expects intelligence agencies to act in order to minimise any risk that information they communicate to foreign entities may be used by those entities in a manner inconsistent with the prohibitions on torture, cruel or inhuman treatment and punishment, and unlawful killing. Approaches to oversight and public transparency of intelligence agency operations in other jurisdictions were also discussed. IGIS will continue to review and refine its public engagement strategy to increase awareness of its role and activities.

Recruiting the right staff continues to be a challenge for the Office, particularly given the requirement for all staff to hold the highest level of security clearance. Over the past year many newly recruited IGIS officers have been successfully placed with other agencies while they proceeded through the clearance process. The Office intends to continue this placement program as one strategy to deal with the high 'drop out' rates normally experienced during the security clearance process. Recruitment activity was slowed during the height of the COVID-19 restrictions but has resumed with some adjustments to meet ongoing social distancing restrictions. A number of factors have affected the forecast growth to 55 officers, including COVID-19 restrictions, attrition and security clearance requirements. Recruitment and retention will be a focus for the coming period and it is expected staffing level targets will be met in 2020-21.

OUR APPROACH TO OUR ROLE

INDEPENDENT AND IMPARTIAL – we select what to look at and how to look at it

Independence is fundamental to the Inspector-General's role. This includes independence in selecting matters for inspection or inquiry as well as in undertaking and reporting on those activities. IGIS officers have direct access to intelligence agency systems and are able to retrieve and check information independently. Our approach is impartial and our assessments unbiased.

ASTUTE AND INFORMED – we know what agencies are doing and why

Each of the intelligence agencies we oversee has its individual mandate; its procedures and operations are directed to that mandate. To target our inspections and inquiries effectively and efficiently we need to understand the purpose and functions of each of the intelligence agencies as well as their operational planning, risk management and approach to compliance. We also need to have a sound understanding of the techniques and technologies used by the agencies to obtain, analyse and disseminate intelligence. Being well-informed allows us to target our oversight efficiently and with flexibility.

MEASURED – we focus on serious and systemic issues

We appreciate the complex environment in which intelligence agencies operate and we accept that at times errors may occur. We identify errors and possible problems, and encourage agencies to self-report breaches and potential breaches of legislation and propriety. Our risk-based approach targets activities of high risk and activities with the potential to adversely affect the lives or rights of citizens. We take into account an agency's internal control mechanisms as well as its history of compliance and reporting. Our focus is on identifying serious, systemic or cultural problems in the activities of the agencies we oversee and ensuring that non-compliance with requirements of legality and propriety is as infrequent as is possible.

OPEN – we are open about our approach to oversight

We make as much as possible of our information public, however a large part of the information that IGIS deals with is classified and cannot be released publicly. Nevertheless, in our annual report, unclassified inquiry reports, on our website and in our responses to complaints we include as much information as we can about our activities, including our oversight of intelligence agency activities. We aim to ensure that intelligence agencies provide Ministers with accurate reports of their intelligence activities; this includes reporting about the use of special powers such as warrants as well as non compliance with legislative requirements.

INFLUENTIAL – we assist agencies improve their compliance

IGIS oversight is a key part of the accountability framework within which intelligence agencies operate. Our inspections and inquiries make a positive contribution to compliance; they lead to effective changes in agency processes and assist in fostering a culture of compliance. Important to these outcomes is that we work cooperatively with other oversight bodies to avoid duplication. Our program of public engagement and our submissions to Parliamentary Committees encourage informed debate about the activities of the agencies as well as the policies reflected in those activities.

OUR PERFORMANCE

We measure our performance through a range of indicators that track not only the achievement of our strategic objectives but also the factors that contribute to the achievement of the objectives.

OBJECTIVE 1 Assistance to Ministers in overseeing the activities of the intelligence agencies

1.1 PROVIDE MINISTERS WITH AN INDEPENDENT SOURCE OF INFORMATION ABOUT THE ACTIVITIES OF AUSTRALIAN INTELLIGENCE AGENCIES

- Proactively provide Ministers with information about key issues relevant to each Minister's portfolio.
- Respond promptly to any request from Ministers for briefing about any aspect of the work of the Office.
- Respond promptly to ministerial requests for the Inspector-General to inquire into any matter that relates to IGIS functions, and to provide a report to the Minister in a timely manner.
- Respond promptly to any request from the Prime Minister for the Inspector-General to initiate an inquiry, and to provide a report to the Prime Minister in a timely manner.

    Measure: The Inspector-General provides Ministers with relevant and timely information about the independent oversight activities of IGIS.

OBJECTIVE 2 Assistance to the Government in assuring the Parliament that intelligence and security matters are open to scrutiny

2.1 PROVIDE THE PARLIAMENT WITH AN INDEPENDENT SOURCE OF INFORMATION ABOUT THE ACTIVITIES OF AUSTRALIAN INTELLIGENCE AGENCIES

- Provide written submissions to Parliamentary Committees on matters within IGIS jurisdiction.
- Appear before the Parliamentary Joint Committee on Intelligence and Security and other relevant Committees to brief the Committee and to respond to the Committee's questions about IGIS oversight.
- Appear before Senate Estimates Committees and provide information requested with as much detail as is possible to provide in an unclassified setting.

    Measures: Number and quality of intelligence and security oversight related submissions made to Parliamentary Committees.

    Number of intelligence and security oversight related appearances before Parliamentary Committees.

    To the extent commensurate with our secrecy obligations, the IGIS annual report describes its oversight activities and findings.

OBJECTIVE 3 Assistance to the Government in assuring the public that intelligence and security matters are open to scrutiny

3.1 PROVIDE THE PUBLIC WITH AS MUCH INDEPENDENT INFORMATION ABOUT THE WORK OF IGIS AND THE ACTIVITIES OF AUSTRALIAN INTELLIGENCE AGENCIES AS IS COMMENSURATE WITH IGIS SECRECY OBLIGATIONS

- Develop a comprehensive public engagement strategy that encompasses a variety of methods including greater online accessibility, public presentations and media engagement.

- Publish information on the IGIS website about IGIS's procedures for scrutinising intelligence agency activities.

- Ensure that the procedures for people to make complaints and disclosures to IGIS about matters within IGIS jurisdiction are freely available and simple to use.

  Measures: to the extent commensurate with our secrecy responsibilities IGIS inquiries and inspections are described on the IGIS website.

  IGIS has a written strategic engagement plan which includes targets for activities.

  Baseline data collected on website use and reviewed biannually to measure number of visits and the ways in which the public contact IGIS regarding a complaint.

OBJECTIVE 4 Effective arrangements for conducting inquiries, inspections and investigations of complaints

4.1 EFFECTIVE WORKING RELATIONSHIPS WITH THE AGENCIES IGIS OVERSEES

- Regular constructive engagement with senior staff in all agencies within IGIS jurisdiction.

- Effective working relationships and productive exchange of information and ideas with all agencies overseen within IGIS jurisdiction.

- Sound knowledge and understanding within the Office of relevant functions and capabilities of agencies.

- Agencies are well informed about the role and functions of IGIS and its approach to the performance of its functions.

  Measures: Agencies proactively disclose relevant information to IGIS in a timely way.

  Agencies respond cooperatively to IGIS suggestions for improving their internal processes.

  The Inspector-General or SES officers meet at least every six months with SES officers from each agency to discuss key issues and arrangements for oversight.

4.2 WELL-DEVELOPED AND EFFECTIVE INSPECTION PROGRAM

- Inspection teams conduct targeted inspections that promote compliance.

- Inspections are targeted on the basis of possible risks to legality, propriety and consistency with human rights.

- An open and consistent approach to inspections.

- Continuous reviews of inspection procedures with a view to improvement.

- Consistent advice provided across agencies and 'lessons learned' from inspections across agencies are utilised.

   Measures: Where relevant, inspections prompt changes in agency processes and agencies report on improvements.

   An approved inspection plan is in place for each agency within IGIS jurisdiction.

4.3 WELL-DEVELOPED AND EFFECTIVE INQUIRY CAPABILITY

- Inquiries initiated rapidly in response to issues detected through inspections or complaints or following a ministerial request.

- IGIS conducts own-motion inquiries.

- The Office has capacity to undertake coordinated multiagency inquiries in addition to single agency inquiries.

- Inquiries lead to demonstrable improvements in agency processes where issues have been identified.

   Measures: Program of own-motion inquiries and inquiries triggered by inspection findings or complaints.

   100% of inquiry recommendations accepted in that the relevant agency accepts that a substantive issue requiring attention has been identified in the recommendation.

   All inquiries are conducted in accordance with IGIS legislation and internal inquiry guidelines.

4.4 WELL-DEVELOPED AND EFFECTIVE COMPLAINT AND PUBLIC INTEREST DISCLOSURE (PID) MANAGEMENT PROCESSES

- Complaints and disclosures are triaged rapidly, and routine matters are resolved quickly.

- Complaints and disclosures more appropriately dealt with by other bodies are referred promptly.

   Measures: 90% of complaints acknowledged, triaged and allocated within five working days.

   All visa and citizenship complaints managed in line with a complaint management process published on the IGIS website.

   An approved plan is in place for examining intelligence agency handling of visa and citizenship referrals.

   IGIS conducts and arranges education and awareness initiatives on the PID scheme for each intelligence agency within its jurisdiction.

OUR CAPABILITIES

As set out in the 'Our Environment' section of this Corporate Plan, the Office is continuing to expand in order to prepare for the possible oversight of additional agencies and for the expansion of powers of the agencies already within IGIS jurisdiction. To achieve this expansion it is essential to not only maintain but also enhance the capabilities of its people, processes and systems to enable the Office to perform its role effectively and efficiently.

To ensure that corporate governance arrangements are appropriate for an agency with 55 staff, a comprehensive review of internal governance arrangements was conducted. The recommendations of the review will be implemented through 2020-21.

The factors to support delivery of our strategic objectives are:

- appropriate infrastructure and effective corporate support; and
- committed and professional staff.

OBJECTIVE 5 Appropriate infrastructure and effective services to assist IGIS in discharging responsibilities

5.1 APPROPRIATE INFRASTRUCTURE AND GOVERNANCE

- Premises are set up and equipped appropriately and are fully security accredited.
- The Office has effective and secure information and computer technology in place.
- Internal governance arrangements are in place suitable for the size of the Office.

   Measures: Premises meet all applicable security accreditation standards.

   ICT systems meet all applicable security accreditation standards.

   Implementation of the internal governance review recommendations.

5.2 EFFECTIVE AND EFFICIENT SUPPORT ARRANGEMENTS BOTH INTERNALLY AND EXTERNALLY

- Effective arrangements provide corporate and property services including payroll, finance and relevant information and computer technology.
- Effective human resources systems are in place including recruitment, induction and staff support.

   Measures: Arrangements including service level agreements in place to provide corporate and property services including payroll, finance and relevant ICT.

   All new records are stored in the electronic records management system except where specific security rules prevent this.

   The case management system is used for 100% of complaints except where specific security requirements preclude this.

5.3 POSITIVE RELATIONSHIPS WITH OTHER INTEGRITY AGENCIES

- IGIS works cooperatively with other Australian integrity agencies to avoid duplication of oversight.

- IGIS has active and positive relations with Five Eyes counterparts and benefits from knowledge gained from that contact to inform and improve oversight arrangements.

    Measures: Meet at least twice per year with other integrity agencies to ensure cooperative arrangements are working efficiently.

    Engagement with other integrity agencies leads to improvements in our processes.

OBJECTIVE 6 IGIS officers effectively discharge their responsibilities under the leadership of the Inspector-General

6.1 HIGH PERFORMING PROFESSIONAL OFFICERS

- Recruitment attracts people with relevant skills from a variety of backgrounds.

- The SES effectively support the Inspector-General in developing and implementing IGIS's strategic direction, and actively promotes professionalism, integrity and productivity.

- Team leaders maintain high performance and continuous improvement.

- IGIS officers demonstrate the skills necessary to conduct their duties including meticulous inspections and rigorous analysis.

- An effective performance management program is in place directed to fostering high performance as well as identifying and managing under-performance.

    Measures: The Office has a performance management framework that integrates performance expectations and professional development.

    The Office has sufficient officers with the skills necessary to support oversight activities including inspections, inquiries and complaint management, as well as engagement with the legislative process.

6.2 RECRUITMENT AND PROFESSIONAL DEVELOPMENT

- The Office has a recruitment strategy tailored to meet IGIS targets.

- The Office has an internal professional development program that develops IGIS officers' specialist knowledge and skills.

- The Office supports IGIS officers to undertake external professional development to develop relevant skills.

    Measures: The Office runs at least 10 modules of internal professional development per year.

    All staff participate in an induction program that is completed within the first week and an office orientation program that is completed within three months of commencement.

    The recruitment strategy is reviewed annually to ensure it meets the Office's requirements.

6.3 OFFICE CULTURE AND ETHOS

- IGIS officers model and exemplify APS Values and adhere to security requirements.

- IGIS officers have access to flexible working arrangements.

- IGIS officers recognise the importance of our role and of our performance.

- The Office provides a satisfying working environment for those interested in integrity and oversight.

    Measures: IGIS officers comply with APS and security obligations.

    Where flexible working arrangements are utilised they are recorded appropriately and reviewed periodically.

    The Office conducts a staff survey at least once every two years, the survey has at least a 90% response rate, and feedback in the survey is addressed.

    Development and implementation of a Diversity and Inclusion Plan and a Reconciliation Action Plan that are appropriate for the Office.

RISK MANAGEMENT

The Office assesses and engages with internal and external risks that affect its operation and proper function as a non-Corporate Commonwealth Entity.

Broadly, the internal and external risks that affect the Office's operation include: safety, security, fraud, financial, reputational and business continuity.

The Office has adopted a risk management approach commensurate with its size and specialised role which includes the IGIS Audit Committee and internal policies, guidelines and accountable officials.

IGIS's executive is accountable to the Inspector-General for the day-to-day management, monitoring and acceptance of agency risks. This includes the development and implementation of our:

- risk management plan;

- fraud, ethics and anti-corruption plans; and

- business continuity plans.

The Office takes all relevant types of risk seriously and has developed risk tolerance thresholds to reflect the commitment of resources to manage those risks appropriately.

An example of this is the very low risk tolerance for security risks. It is essential that IGIS has sufficiently cleared and trained officers, with appropriately accredited systems and premises.

The Office has a number of measures to manage security risks. The primary measure is the appointment of the Deputy Inspector-General as the Chief Security Officer and an IGIS agency security adviser. Other security management measures include regular reviews of security guidelines and procedures to ensure currency and robustness, organisational suitability assessment for new officers and Positive Vetting security clearance for all IGIS officers.

MONITORING THE IMPLEMENTATION AND SUCCESS OF THE CORPORATE PLAN

Implementation of the Corporate Plan is led by the Inspector-General assisted by the Deputy Inspector-General and Assistant Inspectors-General. Individual teams within the Office have team plans that are linked to the Corporate Plan. Team leaders report regularly to the Inspector-General and SES on progress against team plans. There is a formal review of progress against the measures in the corporate plan at least every six months. The Inspector-General shares the results of these reviews with the IGIS Audit Committee.