



IGIS

INSPECTOR-GENERAL OF
INTELLIGENCE AND SECURITY

2019–2020

CORPORATE PLAN



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Typesetting by Typeyard Design & Advertising www.typeyard.com.au

Printed by CanPrint Communications www.canprint.com.au

INSPECTOR-GENERAL'S INTRODUCTION

I am pleased to present the 2019-20 *Inspector-General of Intelligence and Security (IGIS) Corporate Plan* for the period from 2019-20 to 2022-23 as required under paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013*.

Democratic values require intelligence agencies to be subject to 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 may be a loss of trust between the 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. The IGIS office plays an important role in holding intelligence agencies to account and assisting Ministers and the Parliament in overseeing and reviewing the work of intelligence agencies.

The 2017 Independent Intelligence Review recommended that IGIS jurisdiction be expanded to include the intelligence functions of the Australian Federal Police (AFP), the Department of Home Affairs, the Australian Criminal Intelligence Commission (ACIC), and the Australian Transaction Reports and Analysis Centre (AUSTRAC). In anticipation of some expansion in jurisdiction we have been working with AFP, Home Affairs, ACIC and AUSTRAC as well as with other oversight and integrity agencies to ensure that effective IGIS oversight of intelligence functions can occur, without any duplication of effort.

My five year term as Inspector-General will end in August 2020 and by that time the agency is forecast to have around 55 staff, a significant change from the 15 staff that were here when I arrived. To support this growth we have already moved to new premises and are in the process of rolling-out new ICT systems. This year we will undertake a comprehensive review of our corporate governance arrangements and our public engagement strategy. There are significant challenges in managing rapid growth and preparing for an anticipated increase in jurisdiction. I am pleased to be supported by a growing team of professional and dedicated staff and together we are looking forward to the challenging year ahead.

Yours sincerely



The Hon Margaret Stone AO

Inspector-General of Intelligence and Security

01 August 2019

GLOSSARY OF ABBREVIATIONS

ACIC	Australian Criminal Intelligence Commission
AFP	Australian Federal Police
AGO	Australian Geospatial-Intelligence Organisation
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 <i>Public Service Act 1999</i>
ASD	Australian Signals Directorate
ASIO	Australian Security Intelligence Organisation
ASIS	Australian Secret Intelligence Service
AUSTRAC	Australian Transaction Reports and Analysis Centre
Complaint	The office 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 the jurisdiction of the office
DIO	Defence Intelligence Organisation
Home Affairs	The Department of Home Affairs
ICT	Information and communications technology
IGIS	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
ONI	Office of National Intelligence
Public interest disclosure	A public interest disclosure within the meaning of the <i>Public Interest Disclosure Act 2013</i>
SES	Senior Executive Service
5-eyes	The 5-eyes countries comprising an intelligence alliance of Australia, Canada, New Zealand, the United Kingdom and the United States

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 the 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 is also required to assist the Government in assuring the Parliament and the public that intelligence and security matters relating to Commonwealth 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 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. Effective arrangements for conducting inquiries, inspections and investigation of complaints
5. Appropriate infrastructure and effective services to assist IGIS in discharging responsibilities
6. High performing and professional staff.

OUR ENVIRONMENT

In the past eighteen months there have been significant changes to the structure of the National Intelligence Community. In accordance with recommendations made by the 2017 Independent Intelligence Review, the Office of National Intelligence was created and the Australian Signals Directorate became a statutory agency. Separately, the Government created the Department of Home Affairs which now has policy responsibility for many national security matters as well as being an agency with intelligence functions. The National Intelligence Community is now comprised of ten agencies and totals over 7,000 staff with an annual budget of over \$2 billion.

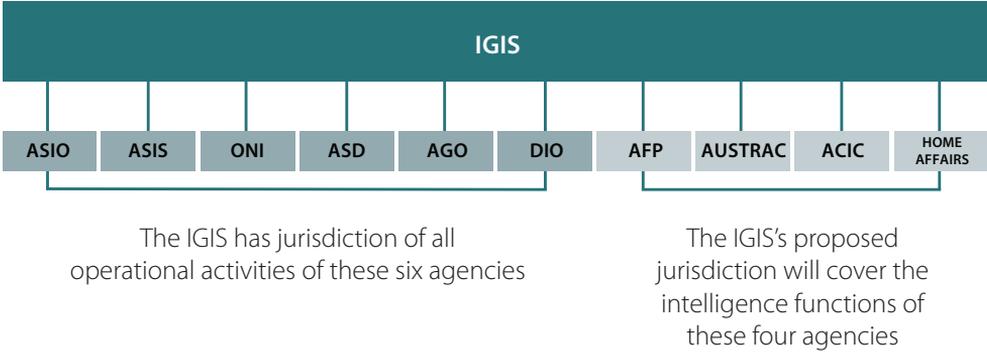
The IGIS currently has jurisdiction over six of the agencies in the National Intelligence Community and the Government has indicated an intention to expand IGIS jurisdiction to the intelligence functions of the other four agencies. Any expansion of IGIS jurisdiction will require amendments to the IGIS Act. The timing and final form of any such amendments is a matter for the Government and the Parliament.

There have again been significant increases to the powers of intelligence agencies in the past year through the introduction and passage of several significant pieces of legislation, with further changes currently under consideration by the Parliamentary Joint Committee on Intelligence and Security. In addition, the Government commissioned Dennis Richardson AO to conduct a comprehensive review of the legal framework governing the National Intelligence Community. That review is due to report to government by the end of 2019 and may lead to further legislative changes. The Inspector-General is frequently called to provide evidence on the implications of changes to national security laws for effective oversight.

In anticipation of an increase in jurisdiction and in recognition that the office was previously under-resourced the IGIS budget has been increased to allow the office to grow to 55 staff by the end of the 2019-20 financial year. Recruiting the right staff and informing ourselves about the work of agencies expected to come within IGIS jurisdiction are both significant challenges, particularly as all IGIS staff require the highest level of security clearance – a process that takes many months and usually experiences a high ‘drop out’ rate as people waiting for clearances withdraw from the process to take other jobs. The proposed new IGIS jurisdiction also overlaps with the existing jurisdiction of the Commonwealth Ombudsman and the Australian Commission for Law Enforcement Integrity (ACLEI), and it is important to avoid any duplication of oversight activities. The office has a number of strategies for dealing with each of these challenges. One strategy that has been particularly successful is placing newly recruited IGIS staff members with other relevant agencies while awaiting their security clearance. We have also placed a small number of experienced IGIS staff in agencies to expand our knowledge of their operations and to build their understanding of our approach. To date we have successfully placed staff in the Australian Federal Police, Australian Criminal Intelligence Commission, Australian Transaction Reports and Analysis Centre, Commonwealth Ombudsman and ACLEI. This program is expected to continue throughout 2019-20.

In early 2019 the IGIS office moved to new premises, ensuring these premises were fitted-out and accredited to the highest security standards was a major project for the office. The move and growth in staff numbers has also necessitated a major refresh of our ICT systems, a process that is continuing but is anticipated to be complete in the next few months.

Figure 1. IGIS – Current and Proposed Jurisdiction



OUR APPROACH TO OUR ROLE

INDEPENDENT AND IMPARTIAL

Independence is fundamental to the role of the Inspector-General. This includes independence in selecting matters for inspection or inquiry as well as in undertaking and reporting on those activities. IGIS staff 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

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 environment in which the intelligence agencies operate as well as each agency's 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 accept that in the complex environment in which intelligence agencies operate there will inevitably be errors. We encourage agencies to identify and self-report breaches and potential breaches of legislation and issues of propriety and we assist agencies to identify gaps and errors and address the problem. Our focus is on identifying systemic or cultural problems in the activities of the agencies we oversee and ensuring that non-compliance with requirements of legality or propriety is as infrequent as is possible in the circumstances.

OPEN

Much of the information with which the IGIS deals is classified and cannot be released publicly. That said, we seek to include as much information as possible about our activities and our findings about intelligence agency activities in our annual report, unclassified inquiry reports and responses to complaints. We are also open about the way we approach oversight. We seek 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

Our inspections and inquiries lead to positive changes in agency processes and foster a culture of compliance. IGIS oversight is seen as a positive contribution to agency functions and a key part of the framework within which intelligence agencies operate. We work cooperatively with other oversight bodies to avoid any duplication of effort. Our program of public presentations and our submissions to Parliamentary Committees encourage informed debate about the activities of the agencies we oversee as well as about 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 TO ASSIST MINISTERS IN OVERSEEING THE ACTIVITIES OF THE INTELLIGENCE AGENCIES

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

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

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

OBJECTIVE 2 TO ASSIST THE GOVERNMENT IN ASSURING THE PARLIAMENT THAT INTELLIGENCE AND SECURITY MATTERS ARE OPEN TO SCRUTINY

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

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

Measures: number of submissions made to Parliamentary Committees.

Number of appearances before Parliamentary Committees.

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

OBJECTIVE 3 TO ASSIST THE GOVERNMENT IN ASSURING THE PUBLIC THAT INTELLIGENCE AND SECURITY MATTERS ARE OPEN TO SCRUTINY

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

- Publishing information on the IGIS website about the office procedures for scrutinising intelligence agency activities.
- Develop a comprehensive public engagement strategy that encompasses a variety of strategies including public presentations, media engagement and greater on-line accessibility.
- Ensuring that the procedures for a member of the public to make complaints and disclosures to the IGIS about matters within IGIS jurisdiction are freely available and simple to use.

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

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

OBJECTIVE 4 EFFECTIVE ARRANGEMENTS FOR CONDUCTING INQUIRIES, INSPECTIONS AND INVESTIGATIONS OF COMPLAINTS

4.1 IGIS HAS EFFECTIVE WORKING RELATIONSHIPS WITH THE AGENCIES WE OVERSEE

- Regular constructive engagement with senior staff in all agencies within IGIS jurisdiction.
- The IGIS office has effective working relationships and productive exchange of information and ideas with all agencies overseen.
- Sound knowledge and understanding within the IGIS office of relevant functions and capabilities of the agencies.
- Agencies are well informed about the role and functions of IGIS and the office 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.

IGIS or SES staff meet at least every six months with SES staff from each agency to discuss key issues and arrangements for oversight.

4.2 IGIS HAS A WELL-DEVELOPED AND IMPLEMENTED INSPECTION PROGRAM

- IGIS inspection teams conduct targeted inspections that identify issues and promote compliance.
- Inspections are targeted on the basis of possible risk to legality, propriety and respect for human rights risks.
- IGIS has an open and consistent approach to inspections.
- IGIS continually reviews inspection procedures with a view to improvement.
- IGIS provides consistent advice across agencies and utilises 'lessons learned' from inspections across agencies.
- Initial work on developing inspection plans for agencies expected to come within jurisdiction has commenced.

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

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

An interim inspection plan is in place for the four agencies expected to be added to IGIS jurisdiction by the time relevant amendments to the IGIS Act commence.

4.3 IGIS HAS A WELL-DEVELOPED AND IMPLEMENTED INQUIRY CAPABILITY

- IGIS is able to initiate inquiries rapidly in response to issues detected through inspections or complaints or following a ministerial request.
- IGIS conducts own-motion inquiries including regular analytic integrity inquiries.
- IGIS 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 including regular analytic integrity 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.

A review of internal inquiry guidelines has been completed.

4.4 IGIS HAS EFFICIENT COMPLAINT AND PUBLIC INTEREST DISCLOSURE 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.

85% of visa-related complaints resolved within ten working days.

Conduct at least one outreach activity which includes information about the PID scheme in each intelligence agency within IGIS jurisdiction each year.

OUR CAPABILITIES

As set out in the 'Our Environment' section of this Corporate Plan, IGIS is expanding in order to take on additional oversight responsibilities. To achieve this expansion it is essential we not only maintain but also enhance the capabilities of our people, processes and systems to enable the IGIS office to perform its role effectively and efficiently.

To ensure that internal IGIS corporate governance arrangements are appropriate for an agency with 55 staff the office will conduct a comprehensive review of internal governance arrangements this year.

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

- IGIS premises are fitted out appropriately and are fully security accredited.
- IGIS has effective and secure information and computer technology in place.
- There are internal governance arrangements in place suitable for the size of the office.

Measures: IGIS premises meet all applicable security accreditation standards.

IGIS ICT systems meet all applicable security accreditation standards.

Complete a review of internal governance arrangements.

5.2 EFFECTIVE AND EFFICIENT SUPPORT 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.

Implement electronic document management and complaint management systems.

5.3 IGIS HAS 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 5-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 STAFF EFFECTIVELY DISCHARGE THEIR RESPONSIBILITIES UNDER THE LEADERSHIP OF THE IGIS

6.1 HIGH PERFORMING PROFESSIONAL STAFF

- IGIS recruitment attracts people with relevant skills from a variety of backgrounds.
- The SES effectively support IGIS in developing and implementing the organisation's strategic direction, and actively promote professionalism, integrity and productivity.
- Team leaders maintain high performance and continuous improvement.
- Staff demonstrate skills necessary to conduct their duties including meticulous inspections and rigorous analysis.
- IGIS has an effective performance management program directed to fostering high-performance as well as identifying and managing under-performance.

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

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

6.2 RECRUITMENT AND TRAINING

- IGIS has a recruitment strategy tailored to meet agency growth targets.
- IGIS has an internal training program that provides staff with specialist knowledge and skills.
- IGIS supports staff to undertake external training to develop relevant skills.

Measures: IGIS runs at least 10 modules of internal training per year.

IGIS is meeting the recruitment targets set in the IGIS strategic HR plan.

6.3 OFFICE CULTURE AND ETHOS

- IGIS staff model and exemplify APS Values and adhere to security requirements.
- IGIS staff have access to flexible working arrangements.
- IGIS staff 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 staff comply with APS and security obligations.

IGIS staff utilise flexible working arrangements.

IGIS 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.

RISK OVERSIGHT AND MANAGEMENT

IGIS engages with risk in two spheres: operational and corporate. By operational risk we mean the risk of the agencies we oversee engaging in undetected illegal or improper activities. By corporate risk we mean risks internal to the office of the IGIS such as fraud, security and business continuity.

OPERATIONAL RISKS

We use a risk-based approach to target our inspection, complaint investigation and inquiry activities to achieve the greatest level of assurance that we can for Ministers, Parliament and the public about the legality and propriety of the operations of Australia's intelligence and security agencies. The risk assessment process considers the likelihood of there being an undetected or unreported breach of the requirements of legality, propriety or human rights and the potential consequences of such a breach. This process also takes into account: the intelligence agency's internal control mechanisms and their history of compliance and reporting as well as the nature of their operations. Risks are identified and assessed as part of the inspection and inquiry planning process. The Inspector-General is ultimately responsible for decisions relating to risk and allocation of resources to inspections, complaints and inquiries. The Inspector-General is assisted in this task by regular briefings and weekly discussion with the IGIS leadership team about operational priorities, identified and emerging risks and the progress and results of inspections and inquiries.

CORPORATE RISKS

The executive team monitors our corporate risks. Like other similar sized Commonwealth agencies our strategies for identifying and managing corporate risk include our:

- risk matrix and risk management plan
- fraud plan
- business continuity plan
- audit committee.

The risk of a serious security breach is particularly significant for IGIS. It is essential that the agencies we oversee have confidence that the office can handle and store highly classified information in accordance with Commonwealth protective security procedures and any additional security requirements that the agencies themselves apply. We have a very low tolerance for security risk.

Our strategies to minimise security risks include having a dedicated agency security adviser, robust security procedures, organisational suitability screening for new staff, top secret (positive vetting) clearances for all staff, fully accredited premises and ICT and regular security refresher training for staff.

MONITORING THE IMPLEMENTATION AND SUCCESS OF THE CORPORATE PLAN

Implementation of the Corporate Plan is led by the Inspector-General assisted by the Deputy and Assistant Inspectors-General. Individual teams within the office have team plans that are linked to the Corporate Plan. Team leaders report regularly to relevant members of the executive team 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.

