



Corporate Plan 2017-2021

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I, Margaret Stone, as the accountable authority of the Office of the Inspector-General of Intelligence and Security, present the Office's 2017-18 corporate plan, which covers the periods of 2017-18 to 2020-21, as required under paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).

Introduction

On 18 July 2017 the Government announced a significant reform of Australia's national intelligence and domestic security arrangements. The changes include the establishment of a Home Affairs portfolio and moving the Office of the Inspector-General of Intelligence and Security to the Attorney-General's portfolio. The Government also released the report of a review of the Australian Intelligence Community and accepted the recommendations of that review as a sound basis to reform Australia's intelligence arrangements. Those recommendations include expanding the oversight role of the Inspector-General to cover the intelligence functions of the Australian Federal Police, the Australian Criminal Intelligence Commission, the Department of Immigration and Border Protection and the Australian Transactions Reports Analysis Centre. The review recommended allocating additional resources to the Office of the IGIS to enable it to sustain a full-time staff of around 50 investigative officers. On 1 July 2017 the Office had 14 staff.

At the time this corporate plan was finalised the Government has not formally accepted the recommendation to increase the size and responsibilities of the IGIS office and provide the necessary funding, nor had any timetable for moving the agency to the Attorney-General's portfolio been announced. This corporate plan is likely to be revised and reissued once these matters are settled.

Purpose

Consistent with the purpose of the *Inspector-General of Intelligence and Security Act 1986* (IGIS Act), the current responsibilities of the Office are to assist Ministers in the oversight and review of the Australian intelligence agencies, to provide assurance to Parliament and the public about the scrutiny of the operation of those agencies, and to assist in investigating intelligence and security matters.

The Inspector-General of Intelligence and Security is an independent statutory officer established by the IGIS Act who is currently responsible for overseeing the activities of the intelligence agencies:

- Australian Security Intelligence Organisation (ASIO)
- Australian Secret Intelligence Service (ASIS)
- Australian Signals Directorate (ASD)
- Australian Geospatial-Intelligence Organisation (AGO)
- Defence Intelligence Organisation (DIO)
- Office of National Assessments (ONA).

Section 4 of the IGIS Act sets out the objects of the Act which are:

- to assist ministers in the oversight and review of:
 - the compliance with the law by, and the propriety of particular activities of, Australian intelligence agencies; and
 - the effectiveness and appropriateness of the procedures of those agencies relating to the legality or propriety of their activities; and

- certain other aspects of the activities and procedures of certain of those agencies; and
- to assist ministers in ensuring that the activities of those agencies are consistent with human rights; and
- to assist ministers in investigating intelligence or security matters relating to Commonwealth agencies, including agencies other than intelligence agencies; and
- to allow for review of certain directions given to ASIO by the Attorney-General; and
- to assist the Government in assuring the Parliament and the public that intelligence and security matters relating to Commonwealth agencies are open to scrutiny, in particular the activities and procedures of intelligence agencies.

These objects are reflected in sections 8, 9 and 9A of the IGIS Act which specify functions of the Inspector-General.

In addition, the *Public Interest Disclosure Act 2013* (PID Act) requires the Inspector-General to:

- receive and, where appropriate, investigate disclosures about suspected wrongdoing within the intelligence agencies
- assist current or former public officials employed, or previously employed, by intelligence agencies, in relation to the operation of the PID Act
- assist the intelligence agencies in meeting their responsibilities under the PID Act, including through education and awareness activities, and
- oversee the operation of the PID scheme in the intelligence agencies.

The Inspector-General also has a role under *the Archives Act 1983* and the *Freedom of Information Act 1982* to provide expert evidence to the Administrative Appeals Tribunal and the Information Commissioner in relation to national security, defence, international relations and confidential foreign government communications exemptions.

Environment

The Office operates in a unique environment in which its role is to provide rigorous oversight and public assurance about specific agencies, but without being able to reveal publicly much detail about operations.

Over the next four years it is anticipated that the scale and the complexity of the operations of the agencies overseen by the IGIS will continue to grow rapidly in response to changes in technology and the national security environment: effective oversight will become correspondingly more complex.

In an environment where the functions and powers of the intelligence agencies have been and are being expanded, even greater weight is attached to the importance of the Office's role in providing oversight and checks and balances to new powers.

In 2014-15 the Government provided increased funding to the Office and exempted the Office from the efficiency dividend from 2015-16. This has enabled attention to be focused on agencies' new powers. However, to ensure the Office's activities are efficient and effective with a focus on the high risk activities of the intelligence agencies, it is necessary to continue examining and reviewing our inspection and work programmes.

A range of factors may influence the Office's performance, including any future legislative changes to agency powers and the Inspector-General's role, changes in agencies' activities, recruitment

challenges (including time lags occasioned by the need for high level security clearances), and changes in the numbers and complexity of complaints and inquiries. As noted in the introduction substantial changes in Australia's domestic security and intelligence arrangements are anticipated in the near future. Those changes may re-shape the environment in which the Office operates for the period of this corporate plan.

The Office recognises the importance of its oversight being as visible and transparent as possible. Shared lessons can lead to improvements in public administration, as well as responding to the strong public interest in intelligence and security matters and the need to maintain the credibility of oversight. Accordingly the office will continue to make public as much of its work as is possible within appropriate security constraints.

Performance

The key **activities** by which the Office seeks to achieve its purpose are:

- conducting inquiries as appropriate. These may be 'own motion', in response to complaints or referrals, or at the request of intelligence agency ministers or the Prime Minister
- undertaking comprehensive inspection and visit programmes to monitor and review intelligence agencies' operational activities
- providing effective and timely responses to complaints or referrals received from members of the public, ministers or members of parliament
- facilitating the investigation of public interest disclosures relating to intelligence agencies and undertaking other responsibilities under the PID Act
- providing advice to parliamentary committees and others on oversight issues relating to intelligence agency powers and functions
- providing evidence to the Administrative Appeals Tribunal and the Information Commissioner as required under relevant legislation
- undertaking presentations to new and existing employees of intelligence agencies to ensure an awareness and understanding of their responsibilities and accountability
- raising awareness of the role and functions of the Office outside the Australian intelligence agencies in order to increase public awareness of the scrutiny applied to those agencies
- liaising with other accountability and integrity agencies on issues of mutual interest.

Key performance indicators

The effectiveness of the Office is measured and assessed against nine key performance indicators. These indicators take into account the unique role and functions of the office as a specialised review body operating in a classified environment. They are:

- level of acceptance by intelligence agencies of findings and recommendations of inquiries conducted (target: 100% of inquiry recommendations accepted and implemented)
- range of inspection work undertaken (target: inspection of at least 75% of the categories into which an agency's activities may fall)
- timeliness of complaint resolution (target: 90% of complaints acknowledged within five business days and 85% of visa-related complaints resolved within two weeks)

- timeliness of our response to public interest disclosures (target: 90% of public interest disclosures acknowledged within five business days)
- timeliness of advice provided to parliamentary committees and similar bodies (target: written submissions provided by the date requested or agreed)
- timeliness of evidence provided to the AAT and Information Commissioner, when requested (target: evidence provided by the date requested or agreed)
- frequency of presentations to staff in intelligence agencies
- frequency of outreach activities delivered to audiences outside the intelligence community (target: complete at least 15 outreach activities per year)
- frequency of interactions with other accountability and integrity agencies, including the Commonwealth Ombudsman and the Australian Human Rights Commission (target: regular interactions as required).

Other ways in which we measure our performance

The above performance indicators and targets are supplemented by a range of other quantitative information that we use to measure our activity during each year:

- number of inquiries conducted
- duration of each inquiry completed
- number of complaints received and handled
- number of public interest disclosure matters handled
- number of 'contacts' that do not meet the criteria for complaints
- number of appearances at hearings of parliamentary committees and similar bodies
- number of written submissions to parliamentary committees and similar bodies
- number of instances where IGIS evidence is provided to the Administrative Appeals Tribunal or Information Commissioner
- number of presentations and outreach activities.

While this information is useful in identifying trends in activity numbers over the reporting periods, it does not give a complete picture of the Office's performance in fulfilling its purpose. For example, our inquiries and inspection programmes are measured on a qualitative rather than quantitative basis. Rigorous and effective oversight of intelligence agencies' activities, and the ability to provide assurances about those activities, depends on much more than simple quantitative measures. Some issues (for example, those which raise serious questions about legality or propriety, entail the consideration of complex legal issues, and touch on different agencies) will necessarily and appropriately require focused resourcing and a longer time period for completion. Others (such as complaints about a single confined issue relating to one agency) may be able to be investigated and responded to very quickly and well within target timeframes.

Accordingly, our metrics reporting will be supplemented by qualitative information directed at assessing the breadth and depth of our inspection and inquiry work, the level of acceptance of that work, and the extent to which our work results in changes to intelligence agencies' activities. This information will be drawn from a range of sources, including our records of the nature of particular inquiries and complaints, the reactions of intelligence agencies, complainants and ministers to our

responses, inquiries and inspections, and our observations through follow-up inspections of any changes in agency practices as a result of past recommendations.

We continue to review our approach to ensure we have the most effective measures of performance in light of the particular nature of our role, and changes in our environment.

We will report on our performance using our performance measures, supplemented by qualitative performance information, annually through our Annual Performance Statement and Annual Report. This will add to ongoing review of our performance measures.

Capability

The Office's capability framework and workforce planning will provide support in a dynamic, changing, security-sensitive and tight fiscal environment. Access to secure and effective IT systems is essential for the work of the Office to continue. Having premises that meet the demanding security requirements for the type of work we do is also essential. Any growth in staffing numbers over the next four years will require new premises which will be a complex and costly undertaking.

The Office will continue to promote a culture of professionalism and integrity, and ensure the small office is staffed with people with the appropriate skills across a range of disciplines including legal, investigative, financial, and technical capabilities. While the Office has an active programme to recruit in line with our specific needs, we face the same challenge as other agencies working in the security and intelligence area, namely the ability to recruit people with the appropriate security clearance in reasonable timeframes. One of the biggest risks to the Office being able to meet staffing requirements over the next four years is the long delay in security vetting. Currently the relevant security clearances are taking 18 months or longer for the Australian Government Security Vetting Authority (AGSVA) to process.

Risk oversight and management

The Office's risk management and corporate and operational planning processes reflect the small size and specialist function of the office.

The Office has established and maintains appropriate systems of risk oversight, management and internal controls in accordance with section 16 of the PGPA Act and the *Commonwealth Risk Management Policy*.

The Risk Management Plan includes controls designed to mitigate risks including personnel related risks, accidental or intentional loss of information, segregation of duties, failure or compromise of information technology systems, physical security of the office and facilities, fraud prevention, detection and management, and corporate compliance requirements.

Regular monitoring of risks is undertaken, considered and discussed by the management team, and reported to the Audit Committee.

The Audit Committee is established and structured in accordance with section 45 of the PGPA Act and the PGPA Rules. The Audit Committee meets on a periodic basis to consider matters including

risk management, internal control, financial reporting, compliance requirements, performance reporting, and governance arrangements.

The Office addresses corporate and operational planning matters through:

- an annual forward planning process to set strategic priorities
- regular meetings between the Inspector-General and senior staff members, to review and document operational priorities
- regular meetings between the Inspector-General and all office staff, during which internal guidelines, procedures and governance issues are discussed
- regular internal training and other information-sharing sessions
- a forward plan for inspection activities in each intelligence agency, which is determined in consultation with the relevant agency head (in accordance with section 9A of the IGIS Act).