

# Interview with David Penberthy and Will Goodings, 5AA Adelaide

## **WILL GOODINGS:**

Prime Minister Malcolm Turnbull – good morning to you.

## **PRIME MINISTER:**

Good morning, great to be with you.

## **DAVID PENBERTHY:**

Thanks very much for joining us Mr Turnbull. Look, we really want to spend most of this interview talking about the creation of what's been dubbed an Australian version of the Home Office. But before we do that, can we just ask you one question that is exercising the minds – particularly here in Adelaide – of a lot of our listeners locally; about this young Adelaide woman, Cassie Sainsbury who has landed herself in strife in Colombia? Now in jail there for about 3 months, awaiting drug trafficking charges. Her Colombian lawyer has issued a call today for the Australian Government to provide her with monetary assistance, legal aid to help her fight the case. Is that something that you think the Australian people would be prepared to entertain?

## **PRIME MINISTER:**

Well David, what I can say to you is that we have very established procedures for supporting, helping Australians who get into trouble overseas. As I'm sure Julie Bishop has said to you on many occasions, a lot of Australians do at any one time. There are plenty of Australians in strife with law overseas and I just say that everyone should remember that when you are overseas, obey the law of the country that you're in. So as far as Cassie Sainsbury is concerned, she will be provided with consular assistance in the normal way, but I can't go into any further details about her particular case.

## **WILL GOODINGS:**

To the proposed new Home Affairs portfolio, Prime Minister, can you explain to us how it is different from the former Labor Party policy of the creation of a Department of Homeland Security? An idea that you described as a cheap copy of an American experiment, crafted to capture campaign headlines.

## **PRIME MINISTER:**

Well look, I can't comment on what the Labor Party was proposing years ago.

## **WILL GOODINGS:**

But you did, you have.

**PRIME MINISTER:**

Well thank you David, let's focus on the security of Australians today, because that's what I'm interested in. I think that what your listeners want to know is what I'm doing to make sure they are safe.

Now in this very connected world in which we live, the terrorists that are seeking to undermine our way of life are working in very agile ways, they're innovative, they are a constant threat and we cannot have a set and forget approach to national security. We can't wait for a crisis to improve the way we operate.

So what I'm doing, as you observed at the outset, improving the way Defence can support counterterrorist actions by state and territory police. We are ensuring that we take on the challenges of encryption so that our agencies can get access to what the terrorists are plotting online. And what we also need to do is ensure that our domestic security agencies, ASIO, the Australian Federal Police, Border Force, are able to work together even more closely than they do today.

Now they're doing an outstanding job. We have the best agencies in the world but I want them to be even better. And so my focus is to ensure that you have them working together in one department so that because they've got the same mission to keep Australians safe, with one Cabinet Minister sitting there at the Cabinet table – this will be Peter Dutton – and of course as George Brandis, the Attorney-General said yesterday, this will be the first time you've got one minister who has no priority other than preserving the domestic security of all Australians and that is a clear focus and it is a rational, logical change. It's consistent, as you also said, with the way the British Home Office operates. And I think it reflects both logic from an operational and policy point of view. So this will ensure that we are keeping Australians safe and we're doing it better every day. That is my only focus.

**DAVID PENBERTHY:**

Prime Minister, the fact that all of these new, sort of, not powers, but the lines of command are going to be largely sort of pointing in the direction of the Immigration Minister. Does that reflect the fact that -and probably the worst example of system failure involves Man Haron Monis in the Lindt Café siege. The fact that that guy was going to, was able to play Australia off a break, coming here as a refugee, sort of sneaking his way into the country and then being known to ASIO but not probably being treated with the level of gravity that he deserved. I know that the official line from ASIO and indeed from all arms of government is that there is no link between the refugee intake and terrorism. But there have been instances, a number of instances where people who are bad people have come to this country and have ended up doing abominable things – is that a bit of a concession that maybe we do need to pay a little bit closer attention to the type of people that we are letting in?

**PRIME MINISTER:**

Well we pay very close attention, David, I can assure you. I mean, take the 12,000 refugees we took in from the Syrian conflict zone. National security checks that ASIO supported by other agencies conducted on them were extremely intense.

Can I tell you – you cannot compromise on national security. You have to be, as Prime Minister, relentless.

**DAVID PENBERTHY:**

I know but with Monis, I'm not blaming you for Monis, that happened way way back in the past.

**PRIME MINISTER:**

Sure.

**JOURNALIST:**

But that was an example of failure at large surely?

**PRIME MINISTER:**

Look, there's plenty to criticise about the way Man Monis was handled, not least the fact that he was on bail at all.

**DAVID PENBERTHY:**

Yeah.

**PRIME MINISTER:**

This was an extremely violent person on charges who should not have been given bail. But you know, what I'm looking at is I'm not responding to particular incidents.

We take into account every terrorist incident or attack whether it's in Australia or of course internationally. We discuss them with our international counterparts. I was over in London the other day talking about these issues with the British Prime Minister and her Home Secretary.

You know, we are constantly seeking to improve the way our agencies operate. You know, it is common sense and logic that the agencies which operate, which are focused and are collaborating and should be supporting each other on domestic security, should be in the same Department. That's how they are in other countries. The reason they're scattered between three agencies, three Departments I should say, in Australia, is really you know a function of history and the way these things have developed.

Now other Prime Ministers have looked at doing this, both Liberal and Labor. It's a long overdue reform. I'm tackling it, taking it on. Not in response to a particular event of a failure or a crisis but because I'm constantly seeking to improve our national security. So whether it's giving our troops

the ability to target and kill terrorists in the field whether they are you know carrying a gun or a knife or not. I've changed the law to do that. Whether its ensuring that terrorists who are in jail and have completed their sentences, won't get out of jail if they're still a threat to society, we've changed the law to do that. Whether it's ensuring that where somebody has terrorist connections or advocacy or a history of that, there is a presumption against giving them bail or parole, again you saw I secured the support of the Premiers and Chief Ministers to keeping those people off the streets.

So every day, David, my focus is what can we do to improve the way our excellent agencies operate, whether it's with law or money or structures, to keep Australians safe.

**DAVID PENBERTHY:**

Just before we let you go PM, there's been a lot of discussion this week about some of the comments that have been made by the former New South Wales Liberal Premier Nick Grenier about the need for the Federal Government to get a bit more focus and cohesion. Have you had any sort of discussions with Nick Greiner about how you make that happen and could that potentially include giving some sort of ministerial role to your predecessor Tony Abbott to smooth things over?

**PRIME MINISTER:**

Well the most important thing to focus on for me – and Nick Grenier understand this and agrees with this – is to focus on doing my job, delivering on my commitments to deliver security and opportunity for Australians.

And look at what we've achieved in 12months. You know the election as a year or so ago, look what we've done.

We've got through so much more through the Senate than anyone predicted, anyone imagined was possible.

We are governing, we are delivering, we've dealt with schools funding – national, transparent, needs-based funding for the first time in the Commonwealth's history.

We've made huge changes in terms of national security.

Again, always optimising and improving the protections Australians have.

We've got through the big changes to industrial law, restored the rule of law to the construction sector in the teeth of ferocious opposition from the CFMEU and the Labor Party.

So many more changes, child care, you know we've talked about a lot of them before. So this is a Government that is delivering, that is governing. Yes, we've got a slim majority in the House of Representatives. Yes, we've only got 29 votes out of 76 in the Senate. But we are getting on with the job and

delivering on our commitments to the Australian people.

**DAVID PENBERTHY:**

Just finally PM you haven't had to have a quick conference call with the Government Whip to make sure that you haven't got any dual citizens kicking around in the Party Room have you?

**PRIME MINISTER:**

Well I'm sure everyone who was born overseas is checking that they don't have dual citizenship. But you know, it is extraordinary that two out of nine Greens Senators made that mistake. I mean it's not as though it's a secret. It is in the Constitution. That's one thing, but also when you nominate for Parliament there's actually a question that says please confirm and tick the box and confirm that you are not in breach of Section 44 and the various provisions that are set out there.

**DAVID PENBERTHY:**

Should we change it do you think? I mean it's hardly like Canada and New Zealand are part of the Axis of Evil.

**PRIME MINISTER:**

Well it's in the Constitution, so you know it'd be a big deal to change it.

But frankly David, I think if you're a member of the Australian Parliament you should be a citizen of only one country and that's our country.

**DAVID PENBERTHY:**

Yeah.

**PRIME MINISTER:**

Look, these two Greens Senators were careless and they've paid the price for it. Australians expect, they're entitled to expect as the Constitution says, that their parliamentary representatives have allegiance to one nation and one nation only and that is our nation.

**DAVID PENBERTHY:**

Malcolm Turnbull, Prime Minister. Thanks very much for joining us on 5AA Breakfast.

**PRIME MINISTER:**

Okay, thank you.

**[ENDS]**

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# Interview with Eddie McGuire – Triple M's Hot Breakfast, Melbourne

**EDDIE McGUIRE:**

Prime Minister Malcolm Turnbull good morning.

**PRIME MINISTER:**

Good morning, great to be with you.

**EDDIE McGUIRE:**

Malcolm can you tell us, why have you decided to go with this as a super-sized Home Affairs portfolio? I like the look for it personally. There's a few things we'd like to hear from you as to why you're doing it. It was promulgated by Tony Abbott previously and didn't get up. But this, what's the timing and why have you gone with it?

**PRIME MINISTER:**

Well this is long overdue, Eddie. What we need to do is ensure that our security agencies, which are the best in the world, can be even better. They have to work closely together and ensuring that you have ASIO, the Australian Federal Police, Border Force, working together in one portfolio ensures that they will work more closely together and they will do an even better job at keeping Australians safe.

The model that we're adopting is identical to that which has operated in the United Kingdom, in the Home Office there for many years, for decades. It has been very successful. You integrate those agencies whose job it is to work together and keep 24 million Australians safe at home. That's my focus.

I don't need a crisis to cause me to act. What I'm always doing is seeking every day to improve the way in which we keep Australians safe. That's my only focus.

**EDDIE McGUIRE:**

Prime Minister, what has, you know, maybe what has piqued your interest rather than, as you've said, you're not motivated for anything other than making the country safe, but has it been the continued growth of ISIS and terrorism around the world? Or you've just come back from seeing Donald Trump and everything that's going on with America and even the thoughts that the Russians could have, might have, maybe been involved in their election?

**PRIME MINISTER:**

Eddie, this plan to make this change we've been looking at, working on, for a long time. As you said, previous Prime Ministers have looked at it too. In fact it was proposed quite a long time ago – in fact, at one point by Kevin Rudd. So it has a logic about it.

I mean if you were starting from scratch, you would not have your domestic security agencies spread between three portfolios.

**EDDIE MCGUIRE:**

Yeah makes sense doesn't it.

**PRIME MINISTER:**

You'd have them in one – clearly you'd have them in one ministry. So you know, institutions grow up over time for various reasons but this is an opportunity to have a logic and a consistency that will deliver greater cooperation.

Obviously, I have discussed structures of agencies like this with our close partners, security partners, particularly the UK where of course they do have the Home Office and have had that operating with a Home Secretary for many years, as I said.

**LUKE DARCY:**

Prime Minister, we haven't got a lot of your time this morning, but a lot of Australians are thinking about the 40-year-old Sydney woman Justine Damond who was shot by police in the US. Have you got any more information for us on that this morning?

**PRIME MINISTER:**

No, I don't have any more information. Our Consul-General in Chicago, Michael Wood is pressing for answers and the Minneapolis Mayor I know is demanding answers.

Justine, we understand, she went out at night to speak to officers in a car. She was in her pyjamas, she was clearly no threat to them and how it came about that a police officer shot her – it's inexplicable – but there will be an explanation.

So our love, our condolences, our sympathy go out to her family who have suffered this terrible loss.

But we are demanding answers from the American authorities and of course, that's what our Consul-General will be doing right now in the United States. But it seems an extraordinary, extraordinary tragedy and it's hard to imagine how it could have happened.

**EDDIE MCGUIRE:**

Prime Minister thank you for your time this morning, I know you're busy and

you've got things to do. We've got Peter Dutton on tomorrow so will drill into the actual portfolio with him live in the studio.

**PRIME MINISTER:**

Thanks very much.

**EDDIE McGUIRE:**

But thanks for coming on to let us know about what the motivation is behind all this.

**PRIME MINISTER:**

Keeping Australians safe, that's my motivation every day, every day.

**EDDIE McGUIRE:**

Thanks very much.

[ENDS]

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## [Interview with Karl Stefanovic – Today Show, Channel 9](#)

**KARL STEFANOVIC:**

The Prime Minister joins us now from Canberra. PM, good morning to you.

**PRIME MINISTER:**

Good morning, Karl. Great to be with you.

**KARL STEFANOVIC:**

Thank you for your time. More on national security in a moment but first, if you may, the murder of Aussie Justine Ruszczyk, I think we are all in shock. Is the Australian Government seeking any answers at all?

**PRIME MINISTER:**

Yes. We certainly are. Our Consul-General is supporting the family and we are seeking answers to this. This is a shocking killing. It is inexplicable. Our hearts go out to her family.

I mean, how can a woman out in the street in her pyjamas seeking assistance from the police be shot like that?



It is a shocking killing.

Yes, we are demanding answers on behalf of her family and our hearts go out to her family and all of her friends and loved ones. It is a truly tragic, tragic killing there in Minneapolis.

**KARL STEFANOVIC:**

I guess what can you do?

**PRIME MINISTER:**

Well, we are demanding answers, something clearly went tragically wrong, Karl.

I noticed the mayor of the city is demanding answers. I mean, they are her police after all and of course our Consul-General in Chicago who covers that part of the United States, Michael Wood is doing the same.

We are providing all the support we can but this is, it seems inexplicable, but note, there will be some answers given in due course.

At this point, it is a tragic loss, this young Australian woman and again, our hearts go out to her family with sorrow and with condolence and with love.

**KARL STEFANOVIC:**

Well said.

Okay, let's move on to the super security ministry. Now, I want to ask a relatively simple question. Will the merger make Australia safer?

**PRIME MINISTER:**

Yes, it will.

Every day, every day, I am focused on ensuring that we keep Australians safe and that we ensure our security and police and intelligence agencies, which are the best in the world, work even better and ensure that – we don't need, we must not just wait for a crisis or a disaster to make changes. Set and forget has no place in national security. Complacency has no place in national security. Yes, we've got great agencies. Yes, we've disrupted many terrorist plots and we'll disrupt more. But we must be constantly seeking to ensure that we work even better together and, of course, the key, Karl, in this very hyper-connected world of social media and the internet is connectedness and ensuring that those agencies, which are central to keeping Australians safe from terrorism, work most closely together.

**KARL STEFANOVIC:**

Okay, Peter Dutton is a star or a tsar as one publication put it this morning. Is his appointment just a way of pacifying him?

**PRIME MINISTER:**

I know people put a political gloss on these things, Karl, and it is in some ways disappointing that they do.

The only issue here is the safety of all Australians.

You know, having these agencies together is common sense. It is logical.

At the moment, you have the counter-terrorism agencies, Australian domestic security agencies, in effect split between three departments.

**KARL STEFANOVIC:**

Yep.

**PRIME MINISTER:**

Between Attorney-General's, Immigration and Border Protection and, indeed, my own department.

If you were starting from scratch, of course you would have them under one minister, just like in the UK with the Home Secretary.

So what we are doing, what I am doing here is making a decision that I think is long overdue, but it is logical, it is rational. And we're not doing it because we're being forced to do it by some failure of intelligence or failure of security, we're doing it in exactly the same way as all the other security laws I've upgraded. Just like what we have done in ensuring Defence better cooperates with state police. Just like we have done ensuring that terrorists can't get out of jail after their sentence is over if they're still a threat to the community. Just like I've ensured that Australian troops in the Middle East can target and kill terrorists, whether they have got a gun in their hand or not.

So every day I am saying, 'how can I optimise and improve the work we do to keep Australians safe?'

**KARL STEFANOVIC:**

Alright. It is genius though – I mean, he has got a big job on his hands. You're going to keep him as quiet as a church mouse.

**PRIME MINISTER:**

Well, he's got a very big job on his hands now, I can assure you. He is doing it very well and combining these agencies together makes common sense – it is absolute common sense.

This is how it has been done in the UK forever.

**KARL STEFANOVIC:**

You know what I mean, though don't you?

**PRIME MINISTER:**

Karl, I know the political point you are trying to make, but can I tell you, the safety of 24 million Australians is much more important than political commentary. I am not complaining. You make as many political comments as you like.

**KARL STEFANOVIC:**

Righto.

**PRIME MINISTER:**

My only focus is on keeping you and 24 million other Australians safe. That is my job.

**KARL STEFANOVIC:**

Okay, fair enough. How on earth are you going to get this through the Senate? I mean, it would be much easier getting a change to Section 44 of the Constitution through.

**PRIME MINISTER:**

Well, Section 44 of the Constitution would require the Australian people to vote for it.

It is pretty amazing, isn't it, that you have had two out of nine Greens Senators didn't realise they were citizens of another country. It shows incredible sloppiness on their part.

You know, when you nominate for Parliament, there is actually a question – you have got to address that Section 44 question and you've got to tick the box and confirm that you are not a citizen of another country. It is extraordinary negligence on their part.

**KARL STEFANOVIC:**

Okay, Nick Xenophon wants to know if you are going to grant or pair, the terminology, the Greens two votes while they try and fill the vacancy. So my question PM this morning is are you going to give the Greens a pair? Because they clearly need it.

(Laughter)

**PRIME MINISTER:**

Okay, Karl, thank you.

My understanding is that the Senate practice has always been to grant a pair in these circumstances and that's what will be done and those vacancies will be filled pretty quickly. The seats won't be vacant for long.

**KARL STEFANOVIC:**

The first time I have seen you ever turn a slight shade of red.

(Laughter)

**PRIME MINISTER:**

Well, there you go. There you go. I can't see you. See – I'm disadvantaged.

**KARL STEFANOVIC:**

No, I'm definitely red, underneath the makeup.

**PRIME MINISTER:**

Are you still wearing that same suit you wore for a year? That was one of the great commentaries on fashion ever. And Karl, I've got to say it again to you, and the unfairness towards women on television, you know people are always commenting on what they wear and you wore the same suit for a year and nobody noticed. That was a very powerful point.

**KARL STEFANOVIC:**

Alright, PM, thank you for your time. Just quickly before we go, have you managed to speak to Tony Abbott since you got back from overseas?

**PRIME MINISTER:**

No, I haven't. I haven't spoken to him since he's been back from overseas. No. I mean, I catch up with him irregularly and look forward to doing so in the future.

**KARL STEFANOVIC:**

Good to have your time today, thank you very much. Appreciate it as always.

**PRIME MINISTER:**

Great to be with you, Karl. Thanks

[ENDS]

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**Press Conference with the Attorney-General, Senator the Hon. George Brandis QC, Minister for Immigration**

# and Border Protection, The Hon. Peter Dutton MP and Minister for Justice, The Hon. Michael Keenan MP

## **PRIME MINISTER:**

Today I am announcing the most significant reform of Australia's national intelligence and domestic security arrangements – and their oversight – in more than forty years.

Australia is facing complex and rapidly evolving security challenges.

Our security environment is being shaped by changes in our region and beyond involving the relationships between and actions of key states.

It is being shaped by the very real threat of home-grown terrorism that has increased with the spread of global Islamist terrorism, and by the growth in activity by criminals who continue to test our borders.

It is shaped by new and emerging technologies that complicate the work of security agencies and make the job of keeping Australians safe and secure ever more challenging.

In confronting these threats, Australia has been well served by our intelligence, security and law enforcement agencies – as well as by the Australian Defence Force.

And by the determination of the my Government to ensure our agencies have the resources, both financial and legal to keep Australians secure.

I want to acknowledge the dedication and professionalism of our security, intelligence, police and defence forces.

When it comes to our nation's security, we must stay ahead of the threats against us. There is no room for complacency. There is no room for set and forget.

That is why last year, I commissioned a comprehensive review of the Australian Intelligence Community to test the assumptions and identify improvements in our existing arrangements.

The review was conducted by the former Secretary of the Department of Foreign Affairs and Trade, Professor Michael L'Estrange, the former Deputy Secretary of the Department of Defence and Director of the Australian Signals Directorate, Mr Stephen Merchant.

And those two gentleman were ably advised by Sir Iain Lobban, the former Director General of the UK's GCHQ, which is the British counterpart as you know, to the Australian Signals Directorate.

I thank them for their work on a landmark report in the history of Australia's intelligence and security community.

An unclassified version of the report will be released today and the government's response to the matters not dealt with me by this morning will be released following further consideration of those recommendations by the government.

Now this very valuable report offers a comprehensive overview of the nation's intelligence community, concluding that our agencies are highly capable and staffed by very skilled and dedicated officers.

It has made many important recommendations to transform our highly capable agencies into a world-class intelligence community – to ensure, as the review says, that “the whole is greater than the sum of the parts”.

The Government accepts the principles of the reviewers' recommendations as providing a sound basis to ensure Australia remains ahead of the threats.

The scope of the recommendations covers all aspects of our intelligence community, including changes to its structure, capability, coordination and oversight, including the establishment of an Office of National Intelligence to ensure more effective coordination of Australia's intelligence effort.

This is a lesson that we have learnt from the UK is that having a central policy making process leads to better operational outcomes. The new Office of National Intelligence will coordinate this central intelligence policy and coordination function.

All of our Five Eyes partners have established a single point of coordination for reasons the report makes very clear – Australia doing the same will ensure even better collaboration with our Five Eyes partners.

It also recommends and we accept this recommendation the transformation of the Australian Signals Directorate into a statutory authority within the Defence portfolio.

And it also makes recommendations to changes to legislation and oversight arrangements to reflect the increasing demands placed on our agencies by Australia's security environment.

We will also accept recommendations to further boost the nation's cyber security. In recognition that the Australian Cyber Security Centre must have a whole of economy focus, I will appoint my Cyber Security Special Adviser as the Head of the Australian Cyber Security Centre. And we will establish an Australian Cyber Security Centre 24/7 capability to respond to serious cyber incidents. This capability will better meet the needs of the community and the government in relation to rapidly emerging cyber events and we've seen some examples of that very recently.

Now given the scope of recommendations, I have asked the Secretary of my Department to establish a taskforce to manage implementation of the changes and to consider them in detail.

I anticipate the reforms being implemented progressively and to be completed through the course of 2018.

The review has highlighted important considerations for how Australia handles its domestic security arrangements, including our very complex security environment becoming more so, the threats that we face are multi-dimensional, the lines between organised criminals and terrorists are blurred, contemporary threats drive the need for our agencies to work closer together.

For the past decade, as security challenges have become more difficult, successive Governments have strengthened cooperation between domestic agencies on an ad hoc basis.

A lot of good work has been done, notably the Coalition's own Operation Sovereign Borders which have kept the people smugglers' boats at bay for nearly three years.

But the Australian Intelligence Community review itself noted the existence of a number of ad hoc taskforces which seek to enhance cooperation and coordination between agencies on specific threats.

The challenges the current international security environment poses to the our intelligence agencies, as outlined in the Review, are very similar to those faced by the policy and operational arms of the national security community.

Ad hoc and incremental adjustments to our national security arrangements do not adequately prepare us for the complex security future we face.

In these difficult times, repeated reviews and task forces are not enough. We need to take more decisive action.

We can't take an 'if it ain't broke don't fix it' approach to security arrangements, not least because our adversaries are agile and nimble, constantly adapting and evolving to defeat our defences.

We need more enduring and better integrated arrangements for our domestic and border security. Arrangements that will preserve the operational strengths and independence of our frontline agencies, but improve the strategic policy planning and coordination behind them.

So I have decided to establish a Home Affairs portfolio of Australia's immigration, border protection and domestic security agencies.

The new portfolio will be similar to the United Kingdom's Home Office arrangement – a federation, if you will, of border and security agencies.

Now let me be quite clear – this is not a United States-style Department of Homeland Security. The agencies will retain their current statutory independence, which is such a vital aspect of our Australian system.

The operational agencies will include ASIO, the Australian Federal Police, the Australian Border Force, the Australian Criminal Intelligence Commission,

the Australian Transaction Reports and Analysis Centre or AUSTRAC and the Office of Transport Security.

They will be supported by a central department that will oversee policy and strategic planning and the coordination of the operational response to the threats we face.

Importantly, ASIO, AFP and the Australian Border Force will all report directly to the Home Affairs Minister. This will ensure that these three important agencies have direct reporting into Cabinet.

The Home Affairs Minister will have two ministers working to him, on the security side and the immigration side.

Michael Keenan, who has been doing an outstanding job as the Justice Minister, will continue to be that important security-focused minister.

The Home Affairs portfolio will be complemented by a move to strengthen the Attorney-General's oversight of Australia's domestic security and law enforcement agencies, including, by moving the Inspector General of Intelligence and Security and the Independent National Security Legislation Monitor to the Attorney-General's portfolio.

The Government will also review the role of the Attorney-General in the role in ASIO's operations in the work to design and establish the new portfolio to ensure continued and efficient oversight.

Now, I have always believed strongly in the role of the Government's First Law Officer – it will only become more critical as threats continue to evolve and the challenges of dealing with them more complex. So I am determined to ensure effective oversight, now I'm come to some details about that in a moment.

Now we need these reforms not because the system is broken but because our security environment is evolving quickly, it is becoming more complex, it is likely to remain so for the foreseeable future. We need a better structure to meet the challenge of the times. And that is why we're adopting a model which is closer to the British Home Office than the large scale American Homeland Security Department.

So I want to stress we are taking the best elements of our intelligence and national security community and making them better.

As terrorists evolve their methods, we have to evolve our responses.

Now this announcement is a result of years of planning and research. It's a result of considered thought and study. It's a result of extensive consultation.

Last week I was in the United Kingdom where I spoke with the Prime Minister, Theresa May and the Home Secretary Amber Rudd about the structure of the UK system.



The Attorney-General and I have held extensive discussions on counterterrorism with our partners in the Five Eyes. George having done so most notably very recently, particularly in the context of cyber security.

The overseas experience is clear – a better coordinated, better integrated counterterrorism structure is of vital importance.

So the reforms I'm announcing today will entrench the cooperation between the agencies, which has helped us thwart 12 terrorist attacks and stop 31 people-smuggling ventures in recent times.

It will take the cooperation further by ensuring more effective strategic planning and coordination of the agencies and identify opportunities for streamlining back office and other support functions. At the same time we will ensure that our operational agencies will remain nimble and focused on front-line tasks.

The establishment of the Home Affairs portfolio is a complex undertaking.

So, I have asked the Minister for Immigration and Border Protection to oversee the development of the government's governance structures, legislative changes and operational planning as the Minister-designate for Home Affairs. And he'll be working closely with my Department and of course, with the Attorney.

I have instructed the head of my Department to have the taskforce being established to implement and respond to the recommendations of the Australian Intelligence Community Review to ensure that the arrangements to create the Home Affairs portfolio are prepared with a unity of purpose and fully coordinated with changes to the intelligence community. The taskforce will develop the necessary governance, legislative and other changes to effect the Government's objectives. And it will ensure that the changes to the intelligence community, and the establishment of a Home Affairs portfolio, are aligned.

The NSC will approve the portfolio implementation plan later this year, with its roll out to be complete by 30 June, next year.

Now throughout this transition period, our operational agencies will continue to report to their current ministers, pending the finalisation of new arrangements.

There will be no reduction in frontline capacity, focus or operational tempo.

At the same time we are strengthening our security arrangements, we will also strengthen our oversight, accountability and integrity structures by increasing the powers and the remit of the Attorney-General in relation to Australia's intelligence communities and agencies of the new Home Affairs portfolio.

The principles of oversight of our intelligence agencies were core recommendations of the Hope Royal Commissions of the '70s and '80s

Strong oversight and accountability is important for public confidence that our agencies not only safeguard our nation's security, but do so respecting of Australians' rights and liberties.

The Attorney-General will retain his current role in the issue of warrants and ministerial authorisations.

Now I understand that some of those who are concerned about the enhancement of our national security arrangements I am announcing today want to be assured that the civil liberties of Australians are not eroded.

I am determined that the protections and oversight we're establishing today on very strong foundations will remain a fundamental feature of our system. There will be stronger oversight, stronger oversight under these new arrangements.

The AIC review has made some detailed recommendations regarding the oversight of our intelligence agencies and they will as I noted be explored in detail by the work led by my Department.

However, the key institutions charged with overseeing the intelligence agencies will be moved from my portfolio to the Attorney-General's portfolio.

That includes the Inspector General of Intelligence and Security and the Independent National Security Legislation Monitor and these will join existing portfolio bodies such as the Australian Commissioner for Law Enforcement Integrity.

I have also decided that the Commonwealth Ombudsman should be brought into the Attorney-General's enhanced oversight role, remaining as an independent statutory body.

The Ombudsman, as you know, plays a vital role in considering and investigating public complaints about unfair or unreasonable treatment by Government departments and agencies – many of which are involved in these reforms.

Its placement within the Attorney-General's portfolio complements other changes announced today and cements the vital role of the First Law Officer in ensuring Governments act lawfully and justly.

The First Law Officer is the minister for integrity, the minister for oversight and integrity and that role is being reinforced.

Without creating any new unnecessary bureaucratic layers, these reforms ensure a higher level of checks and balances than we have ever had before. It is an important part of our constant effort to get the balance right between security and civil liberties.

Taken together, these changes are the most significant security and oversight reforms, as I said, in four decades.

They reflect the evolving and complex security environment at home and abroad

– and the enduring need to stay ahead of them.

They reflect the professionalism of our operational agencies and our determination to ensure that they remain the world's best.

And above all, these reforms reflect my Government's tireless determination to keep Australians safe.

I'll ask the Attorney to add to these remarks and then the two ministers.

**ATTORNEY-GENERAL:**

Thank you very much indeed Prime Minister.

These are historic reforms and they have my strong support and I want to thank the Prime Minister for his close engagement of me in the shaping of these reforms.

These reforms are important for two reasons, in particular. There are many reasons why they are good reforms, but there are two that I want to emphasise.

First of all, they mean that for the first time, Australia will have, as a senior Cabinet Minister, a minister whose exclusive focus is on national security.

For the nearly four years that I have been in the Attorney-General's portfolio, the principle responsibility for national security has lain with the Attorney-General. But of course the Attorney-General has many other responsibilities as well. He's responsible as the principal legal adviser to the Government. He's responsible for the administration of and recruitment to the courts. He's responsible for government information, including the Freedom of Information Act and the Archives Act. He is responsible for very extensive, individual Acts of Parliament, as various as the Family Law Act and the Bankruptcy Act.

What that means is that much though my focus has been on national security, it has not been able to be an exclusive focus. There are always other things within the Attorney-General's portfolio which also occupy my attention.

That issue was ameliorated somewhat two years ago by the appointment of Michael Keenan as the Minister Assisting the Prime Minister on Counter-Terrorism. But it remained the anomaly that responsibility for national security was shared between a senior Cabinet Minister, who could not give it his exclusive attention, and a junior minister. That is an unsatisfactory situation.

The announcements the Prime Minister has made this morning will correct that anomaly. It will ensure that we have within the Government, as a senior member of the Cabinet, a minister who can give 100 per cent of his time and his attention to national security, both domestic national security and border security.

The complementarities, the synergies between Mr Dutton's new roles are more natural, more obvious and better than the complementarities between the domestic national security function and the other functions within the Attorney-General's portfolio until now.

There is a second reason why I welcome this announcement because, as the Prime Minister has said, it does return or restore the Attorney-General's portfolio to its traditional, orthodox, familiar function as the First Law Officer of the Commonwealth.

That is what the Attorney-General is meant to be.

He or she is meant to be the minister with responsibility for the rule of law.

He or she is meant to be the minister that holds other government agencies to account. In particular, when one is considering agencies with intrusive powers, including intelligence agencies, it is extremely important that the Attorney-General's function, as the minister who protects the rule of law within the structures of governance, be respected, and I am grateful for the fact that that role has been enhanced by the announcement that the Prime Minister has made this morning by the transfer into the Attorney-General's portfolio of a number of the integrity agencies of government, which had hitherto lain elsewhere.

It is also important, as the Prime Minister has mentioned, that the Attorney-General will continue to be the officer who issues ASIO warrants and ministerial authorisations for the operation of the other members of the Australian Intelligence Community. So, that aspect of the Attorney-General's function and engagement with the intelligence community continues.

I think that we will look back on this day as a day when we have turned the page from a set of arrangements which work well, to a set of arrangements which will work even better. They will unburden those officers, those officials who work within our agencies of the awkward arrangement of functions that has been the case hitherto and present them with a much more logical and lineal set of arrangements.

#### **MINISTER FOR IMMIGRATION AND BORDER PROTECTION:**

Prime Minister, George, Michael – thank you very much everyone for being here today. I want to say thank you very much for the words from the Prime Minister and from the Attorney as well.

A few years ago we said that we would stop the boats, that we would defend our borders and we would restore integrity to our borders; this Government has done that.

We've not only have stopped the boats, but we have turned back boats where it has been safe to do so. We are getting people out of detention centres and we have restored that integrity which, if it is not with that integrity, it is impossible for a government to say that they can ensure national security.

Having made the promise to stop the boats and to make sure that we can keep our borders secure, we make this announcement today with this promise; the Home Affairs portfolio is dedicated to keeping Australians safe, to doing everything that we can to defeat the scourge of terrorism, but beyond that, to work with our agencies in relation to transnational crime, in relation to organised crime, in relation to many other aspects of criminal activity within our country.

So, the dedication of this portfolio, in a similar way that we promised an outcome in the Immigration and Border Protection portfolio, is to make sure that we can do everything within our power to keep Australians safe.

We do that in the construct as described by the Prime Minister today. We get the balance right and we provide support to the agencies who will retain their statutory independence, but will be coordinated in a way that we see in the United Kingdom and elsewhere.

We have over a long period of time been discussing how this would work, whether it's best for our environment and the answer is yes. It is the time for this change and it is going to allow us the greatest capacity to keep Australians safe.

My job is to make sure, along with the other ministers, that we provide every support possible to our agencies, our law enforcement and intelligence agencies to keep Australians safe. That's exactly what we dedicate ourselves to do.

#### **MINISTER FOR JUSTICE:**

Thanks Prime Minister, George and Peter. When we came to office in 2013, we didn't realise that we would be facing a national security situation like we have, particularly since 2014 with the emergence of Daesh in the Middle East and that essentially supercharged radical Islamic terrorism and it means the terrorists are behaving in very different ways than before.

The Government has needed to work with our law enforcement and intelligence communities to respond to that to make sure that they had new powers and the resources that they needed to deal with this threat as it now stands.

That's involved very significant reform, eight tranches of legislative reform. The announcement's here today are a continuation of that pattern of reform.

We've worked with our agencies. We work with them to see what they need to deal with this threat and then we act to make sure we are doing everything that we can to keep the Australian people safe.

Whilst a lot of has been driven by the national security imperative, our law enforcement agencies have much more significant responsibilities beyond that as well, particularly dealing with organised crime, drug smuggling, serious criminal activity. We have used the immigration system in particular, in a way that no government has before, to help us with other enforcement priorities.

Bringing all the law enforcement agencies under one ministerial authority, is the way forward.

We can continue to work together to use all of the resources, all the agencies at the disposal of the Commonwealth to enhance our national security arrangements, but also do everything that we can to stamp out other criminal activity as well.

**JOURNALIST:**

Prime Minister did the L'Estrange Report specifically recommend the Home Office or did it come from other recommendations?

**PRIME MINISTER:**

No, the L'Estrange report is focused on the Australian intelligence community and did not cover the Home Office matter. It wasn't within its remit.

**JOURNALIST:**

Will the Immigration Department be renamed the Home Affairs department?

**PRIME MINISTER:**

There will be a new Department of Home Affairs, which will include the agencies that I have mentioned and Peter will be the minister and it will include Immigration, Border Protection, AFP, ASIO and so forth.

**JOURNALIST:**

Prime Minister you said there would be additional checks and balances, with ASIO's special powers to intercept communication, raid premises, obtain [inaudible] and so on, they will need the Attorney-General's approval, will they also need the Home Affairs Minister's approval? Will this add to the red tape, I suppose, before they can act urgently? And can I ask, will that also mean the Attorney-General, has to weigh the pros and cons –

**PRIME MINISTER:**

Well, the Attorney-General will be under this arrangement, will be much better able to fulfil the role of First Law Officer and making the judgement to defend the rule of law, as George just described so eloquently, because he will not be the portfolio minister responsible for ASIO.

Plainly, the agencies – you know, if you like, the operational detail of this is going to be worked through very carefully by the task group that I have described, but the object is to ensure that you get exactly as George described. You have an Attorney-General who is the First Law Officer, the minister for integrity, the minister for oversight, the minister for the rule of law. On the other hand, you have the Minister for Home Affairs – in the UK you call the Home Secretary – who is responsible for all of those domestic national security agencies.

I mean, if you were designing the allocation of these agencies from scratch, you would not have them in the different portfolios they are at the moment. I think we all recognise that.

So, what we are doing is making a rational reordering. It is a historic change but it is one that will enable those agencies whose cooperation, whose intimate cooperation and collaboration is so vital to keep us safe that will be enhanced reporting to one minister.

**JOURNALIST:**

Sure but Prime Minister is it going to need two approvals? And if they get yes from one and no from another, how does that work? Who takes precedence?

**PRIME MINISTER:**

George can explain how it works.

**ATTORNEY-GENERAL:**

It is not at all unfamiliar David, because that's the way it works at the moment in relation to other members of the Australian intelligence community for example, ASIS and the Australian Signals Directorate.

Where there is a request to collect intelligence on an Australian citizen, then the minister with the responsibility for those intelligence agencies makes the request of the Attorney-General. So there is a double – there are two hands, as it were, on the mechanism to ensure that a warrant or an authorisation has the oversight and scrutiny of two ministers and not one.

But to come to the point that you make, this is a very familiar and established process. It is also, by the way, an allargist of the process that operates in the United Kingdom.

**JOURNALIST:**

Prime Minister – Britain of course doesn't have states. Isn't it the case that the biggest cooperation issue in Australia is between the states and the Commonwealth? Isn't it the case this won't actually do anything to address that?

**PRIME MINISTER:**

Well, I mean Britain has a different constitutional structure, that is true. It has, you are right, it is not a federal system, at least not quite the same way that Australia is, but it has regional systems, but these changes are focused on improving and optimising the already outstanding operation of Australia's domestic security agencies.

**JOURNALIST:**

But it won't fix-

**PRIME MINISTER:**

Well if you are saying it won't fix all of the challenges of Federation, you are right.

**JOURNALIST:**

Prime Minister – could I ask about terrorism? A previous review on CT made the observation that a super agency would be less, not more, responsive as large agencies tend to be less agile, less adaptable and more inward looking. Are you convinced that Minister Dutton's department will be small enough to be nimble?

**PRIME MINISTER:**

Yeah, I am. In fact, that very review put, the one you are referring to, which is 2015, is that right?

**JOURNALIST:**

Yes.

**PRIME MINISTER:**

It actually said the creation of a small, flexible, coordinating Department of Home Affairs reporting to a Minister for Home Affairs could avoid many of the drawbacks associated with a big bureaucracy of the kind, of the US Department of Homeland Security.

I mean, we have a very, very good template in the UK Home Office which has been around for a long time and which we understand very well because of the very close cooperation between Australia and the UK through the Five Eyes and other circumstances.

Look, these agencies work together well now. What this will enable them to do is work together even better.

It will better define the role of the Attorney-General as the minister for the integrity, for the rule of law, the First Law Officer and it will ensure that you have at the Cabinet table a senior minister who is responsible for those agencies that are directly responsible for our domestic national security measures, at the border, the AFP and ASIO and so on.

I think the combination, the reordering is an absolutely logical one. It is, and it is consistent for the practice in most other similar jurisdictions.

**JOURNALIST:**

Prime Minister did the heads of the AFP and ASIO ask questions?

**PRIME MINISTER:**

Well, I am not going to go into discussions of that kind. This is my decision. These machinery of government decisions are taken by the Prime



Minister, obviously, with a lot of consultation with colleagues and others, but they are a decision of the Prime Minister.

**JOURNALIST:**

On that point Mr Turnbull, many experts in the security area have said over recent weeks and months that this sort of change is neither necessary or in some cases they have said it is not desirable.

**PRIME MINISTER:**

Well I disagree.

**JOURNALIST:**

And it has been interpreted as political.

**PRIME MINISTER:**

Well it's not political.

**JOURNALIST:**

What is your counter argument to those who say primarily this is driven by politics?

**PRIME MINISTER:**

Well this is driven by operational logic Michelle.

**JOURNALIST:**

Why don't they see that?

**PRIME MINISTER:**

Well you've got to ask them.

It is driven by operational logic.

You have a domestic security challenge, which gets greater all the time.

Now, my job as Prime Minister and our jobs as ministers is to keep Australians safe.

We have the best agencies in the world. We want them to work closely together.

You saw yesterday the announcement that I made which will ensure that the Australian Defence Force will be able to work more closely and flexibly with state and territory police forces in counter-terrorist actions.

What I am doing at every stage, every day is seeking to ensure that our professional security services can do their job even better at keeping

Australians safe.

That is what this is all about. It is not about politics. It is about safety – Australians' public safety.

The arrangements that I have announced are ones that are logical, they're rational, they make operational sense and they will enable Peter Dutton as the Minister for Home Affairs to be able to have the responsibility for those key agencies that are defending, preserving, protecting our national security at home.

**JOURNALIST:**

Prime Minister – will any of this require a vote in Parliament or any amendment to legislation? Will Labor get a briefing?

**PRIME MINISTER:**

Yes – the answer is Labor will get a full briefing on both the intelligence community review and on the announcement I have made.

Labor will get a full briefing, of course.

We always seek to have bipartisanship on national security matters. So that is what we will be seeking.

The creation of a Home Office, if you like, on the UK model is one that has been considered on many occasions in the past. It is a familiar proposal because it is so logical. It stands out as a logical reform. What I am doing now is making sure that it happens.

**JOURNALIST:**

Does the ASIO Act need changing? Does the AFP Act need changing?

**PRIME MINISTER:**

There will be some legislative changes, but that will all go through with the detailed work that my department will be working on.

**JOURNALIST:**

Based on the rights of the people –

**PRIME MINISTER:**

Yes.

**JOURNALIST:**

It's not going to [inaudible] at the Press Club a couple of months ago, Dennis Richardson did say that if you're imposing another bureaucratic step on the issuing of ASIO warrants that would not be a good idea. Does it mean, does this new double-headed structure mean that the Attorney-General needs to

be briefed on operations in continuous fashion as well as the new homeland security minister, so does ASIO now have a dual track with two ministers that it has got to keep informed and does ASIO support those arrangements?

**PRIME MINISTER:**

Well, the oversight of the Attorney-General is vitally important and it will be enhanced by the fact that the Attorney-General will not be also the portfolio minister for ASIO.

I can assure you that this will enhance both the oversight and the operational capability of ASIO and if there are any details or issues that arise from this, obviously we will work through them in a pragmatic way. But I can assure you my focus is on both protecting the security of Australians and ensuring that the rule of law prevails and the oversight prevails.

**JOURNALIST:**

Is there a timeframe for the swearing in of Mr Dutton and does it allow for a wider Cabinet reshuffle?

**PRIME MINISTER:**

There are no other changes. This is not a reshuffle or any changes. These arrangements will be worked through over the next several months and will become operational I would think early in the New Year.

There is a lot of detailed work that has got to be gone through and so everything, all of the ministers, all of the portfolios, all of the officials will continue in their current responsibilities while the details of the transition are worked through.

It is complex and it is not something that can be just worked up in a backroom and then announced in one hit. So there is a lot of work that has been done already. A lot of preparatory work has been done but now it is important to make the announcement so that people understand what we are doing, the direction in which we are heading and then the further work will continue over the next several months.

So, thank you all very much, indeed, and I am sorry I have kept you out in the cold for so long.

Thanks.

**[ENDS]**

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# A Strong and Secure Australia

The Turnbull Government will undertake the most significant reform of Australia's national intelligence and domestic security arrangements in more than 40 years.

The reforms will restructure and strengthen Australia's Intelligence Community, establish a Home Affairs portfolio and enhance the Attorney-General's oversight of Australia's intelligence, security and law enforcement agencies.

Australia faces an increasingly complex security environment, evolving threats from terrorism and organised crime, and the development of new and emerging technologies, including encryption.

In view of these developments, the Prime Minister announced a review of Australia's Intelligence Community last year.

Professor Michael L'Estrange and Mr Stephen Merchant, and their adviser, Sir Iain Lobban, have finalised their report to Government. We thank them for their thorough and ground-breaking work.

The review concluded that Australia's intelligence agencies are highly capable and staffed by skilled officers. It also made many important recommendations to transform these agencies into a world-class intelligence community.

The review highlighted how changing security threats and technologies are driving the need for closer cooperation between our domestic security and law enforcement agencies.

For over a decade, successive Governments have responded to worsening security trends with ad hoc arrangements to strengthen coordination and cooperation between Australia's intelligence, security and law enforcement agencies.

These arrangements have been highly effective. Intelligence and law enforcement agencies have successfully interdicted 12 imminent terrorist attacks since September 2014. Operation Sovereign Borders, has also prevented successful people smuggling ventures for nearly three years.

However, the Government believes that the evolving and complex threats to Australia's security require more enduring and better integrated intelligence and domestic security arrangements.

We have accepted the recommendations of the Australian Intelligence Community review as a sound basis to reform Australia's intelligence arrangements.

The Government will establish an Office of National Intelligence, headed by a Director of National Intelligence, and transform the Australian Signals Directorate into a statutory agency within the Defence portfolio.

The Government will also establish a Home Affairs portfolio of immigration, border protection and domestic security and law enforcement agencies.

The new Home Affairs portfolio will be similar to the Home Office of the United Kingdom: a central department providing strategic planning, coordination and other support to a 'federation' of independent security and law enforcement agencies including the Australian Security Intelligence Organisation, the Australian Federal Police, the Australian Border Force and the Australian Criminal Intelligence Commission.

These arrangements will preserve the operational focus and strengths of frontline agencies engaged in the fight against terrorism, organised crime and other domestic threats.

In view of these significant reforms, the Government will also strengthen the Attorney-General's oversight of Australia's intelligence community and the agencies in the Home Affairs portfolio.

Strong oversight and accountability is important to give the public confidence that our agencies not only safeguard our nation's security, but do so respecting the rights and liberties of all Australians.

The Attorney-General will continue to be the issuer of warrants under the ASIO Act, and Ministerial Authorisations under the Intelligence Services Act and will continue to administer the Criminal Code Act 1995 and the Crimes Act 1914.

The Attorney-General's portfolio will incorporate the Inspector-General of Intelligence and Security and the Independent National Security Legislation Monitor. The Government will also consider measures to strengthen the operation of both roles.

In addition, the Attorney-General's portfolio will house the Commonwealth Ombudsman, which will remain an independent statutory body.

These reforms are significant and complex; they will take time to fully implement.

Planning to implement the changes to the Australian Intelligence Community, the establishment of the Home Affairs portfolio and the strengthening of the Attorney-General's portfolio will be undertaken within the Department of the Prime Minister and Cabinet.

The Attorney-General, the Minister for Immigration and Border Protection as Minister-designate for Home Affairs, and the Minister for Justice will work with the Department of the Prime Minister and Cabinet to develop these plans with a view to their implementation from early 2018.

These reforms are driven by serious threats to Australia's security and the Government's determination to keep Australians safe and secure.

They will complement work underway to implement the Government's 2016 Defence White Paper, including investments in new combat capability for the

Australian Defence Force.

The Government will also present a Foreign Policy White Paper later this year.