A quick guide to the history of proposals for an Australian department of homeland security

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Every few years since the terrorist attacks of 11 September 2001, a proposal to establish some sort of Australian homeland security department has been put forward as part of the national security policy of either the Liberal/National Coalition or the Australian Labor Party (ALP). Citing the US Department of Homeland Security and the UK Home Office as inspiration, its general purpose has always been to coordinate all the federal national security functions of government. However, rarely do the two major parties agree on the need for such a significant change, and as recent speculation over a possible new proposal shows, 2017 is no different.

The proposal for an Australian department of homeland security seems to have originated in late 2001 as ALP policy under Kim Beazley while in Opposition. It persisted as ALP policy until 2008 when Prime Minister Kevin Rudd, acting on the advice of a review of security arrangements, abandoned the idea altogether. The concept was resurrected in mid-2014 by the Abbott Coalition Government, until Prime Minister Tony Abbott also formally abandoned the idea less than a year later, acting on the advice of a review of Australia’s counter-terrorism machinery. Reports that the concept is once again under consideration, this time by the current Turnbull Government, appear to have surfaced in January 2017. This quick guide summarises the history of the concept since 2001.

**Labor election policy (Kim Beazley, 2001 federal election)**

In the election campaign for the November 2001 federal election, the Labor Opposition (under Kim Beazley) announced a policy to formally adopt the concept of ‘homeland security’ and establish a portfolio of home affairs:

**Enhancing Homeland Security**

Labor will formally adopt the concept of “homeland security”. This means that in addition to protecting our sea, air, immigration and electronic borders through the measures described above, we will improve our ability to protect important physical assets and installations within our borders. This includes buildings, power and water supplies, transportation and communications systems and other national assets. The Minister for Home Affairs will be responsible for homeland security in relation to the protection of vital assets and installations. Labor will establish a Federal Protection Service as the frontline agency to undertake these tasks (see below).

The Home Affairs portfolio will also be responsible for the related task of national emergency disaster response and civil defence. In addition to civil authorities, the Commonwealth will be able to call upon the ADF where necessary to assist in the task of homeland security through the legal procedures and protections developed last year through Labor’s amendments to the “aid to the civil power” legislation.

...
Creating a Home Affairs Portfolio

Labor will appoint a Minister for Home Affairs in the Cabinet and establish a portfolio of Home Affairs. This portfolio will be responsible for a range of non-security administrative functions of state (including the public service and ministerial and parliamentary services) and all Commonwealth security functions outside of Defence, in the following areas:

- Law enforcement (including the AFP and the National Crime Authority);
- Counter-terrorism (in conjunction with the Minister for Defence);
- Coastal surveillance (including the Coast Guard);
- Aviation security;
- Security intelligence (including ASIO);
- Homeland security (including the Federal Protection Service);
- Telecommunications interception;
- Protection of National Information Infrastructure;
- Customs; and
- National emergency response and management.

The Home Affairs ministry will provide a powerful and coordinated focal point for strengthening Australia's national security and fighting global terrorism. It will guarantee enhanced coordination between Commonwealth law enforcement, intelligence and security agencies, and between civil authorities and the Defence Organisation.

The Home Affairs ministry will be the most powerful and focussed peacetime ministerial arrangement for coordinating Australia’s domestic security in our history. Its time has come and the times demand it.

**Labor Opposition (Simon Crean, 2002)**

In March 2002, the Opposition spokesman for the new shadow portfolio of Public Administration and Home Affairs, John Faulkner, reiterated Labor’s plan to create a ‘Cabinet level minister for home affairs’:

A home affairs ministry would be a powerful and focused peacetime arrangement for coordinating Australia’s domestic security—a first in Australia’s history. We are still committed to such a plan and that is why Simon Crean has chosen to create the new shadow portfolio of public administration and home affairs. This shadow portfolio has coverage not only of Commonwealth security functions but also of nonsecurity and administrative functions, including the Public Service and ministerial and parliamentary services. It seeks to achieve better coordination between law enforcement, intelligence and security agencies as well as civil authorities and the Defence organisation. Areas of responsibility include ASIO, aviation security, information infrastructure protection, international cooperation on terrorism, national security and counter-terrorism, protective security policy and coordination. Accordingly, the shadow home affairs portfolio will cover agencies such as the Australian Federal Police, Australian Security Intelligence Organisation, Australian Protective Service and Protective Security Coordination Centre. Further, this portfolio will be handling the package of security laws currently before the federal parliament.

The opposition believes the creation of a cabinet level home affairs ministry would provide a more efficient and effective way to coordinate and integrate the various Australian government activities involved in securing our nation, particularly in the light of the escalation of international terrorism manifested by the September 11 attacks on the United States. Labor believes that, after the events of September 11, greater efforts must be made to ensure that Australia is as effective as possible in the coordination of its homeland security. The entire notion of threat to national security has been transformed as a result of the terrorist attacks on that day and we must rethink the way we look at national security issues.

Since September 11, the United States has taken a fresh look at its homeland security. Tragically, what was evident from the September 11 attack was a lack of communication and coordination between the different security departments. The Bush administration acted quickly to rectify this situation by establishing the Office for Homeland Security. This office aims to develop and coordinate a comprehensive national strategy to strengthen protections against terrorist threats or attacks in the United States by coordinating federal, state and local counterterrorism efforts. The office headed by Tom Ridge, former governor of Pennsylvania, is a cabinet position, directly reporting to President Bush on homeland security matters.
Howard Government (May 2003)

In May 2003, it was reported by the media that Prime Minister Howard would ‘set up a new office of security and counter-terrorism to co-ordinate his Government’s actions on homeland security’. This unit was said to have ‘the main responsibility for national security, counter-terrorism and border protection’, and would be located within the Department of Prime Minister and Cabinet. It was claimed the decision followed ‘bureaucratic concerns that responsibilities for counter-terrorism and security had been spread across too many departments, leading to overlaps and fragmentation’.

Mr Howard was quoted at the time in another report denying it was an attempt to establish a homeland security department under another name:

It is in no way a de facto homeland security department. We don't need a homeland security department. It will certainly further bolster the coordination arrangements and provide even better streams of advice to me.

This same report quoted Labor’s ‘Homeland Affairs spokesman’, Senator Faulkner, indicating his support for the move and Labor’s continued support for a department of home affairs:

JOHN FAULKNER: What Mr Howard has said consistently is that there’s no, there’s no advantage to changing bureaucratic structures in Australia. That was his response when the Labor Party said a couple of years ago, we should have a home affairs department. Prime Minister said well look there’s no need for changing bureaucracies here we've got to get on with the job.

Now, reluctantly, we have a change in relation to the bureaucracy. It’s actually happening in the Prime Minister’s own department. It’s a step in the right direction, but it doesn't go far enough.

We need to establish in Australia, a department of home affairs. We need to do what is now the accepted situation in both Britain and the United States of America.

Labor Opposition (Mark Latham, December 2003)

On 8 December 2003, following the ALP leadership ballot precipitated by Simon Crean’s resignation as Opposition Leader, in which Mark Latham defeated Kim Beazley to become the new leader, Mr Latham announced his new ministry. This was notable for the creation of a new Homeland Security portfolio:

I have appointed Robert McClelland to the newly created Homeland Security portfolio, demonstrating Labor’s commitment to a dedicated Cabinet Minister responsible for security in Australia. The portfolio will encompass border protection, crime prevention, intelligence-gathering, investigation and prosecution, taking in all domestic counter-terrorism agencies – as well as Labor’s community security agenda.

It will provide a one-stop shop approach for working with the States and Territories to enhance Australia’s national security. We must win the war against terror internationally, plus secure the home front against the threat of terrorism. Labor’s Department of Homeland Security is a fully integrated and coordinated way of achieving this vital goal.

The Minister for Justice at the time, Chris Ellison, was reported to have attacked the idea:

But Justice Minister Chris Ellison says the current arrangements are working well and Labor’s plan would be expensive and wasteful.

"That's patchwork at best," he said.

"It's a cynical window-dressing exercise which is going to bog down Australia's anti-terror efforts in bureaucratic quicksand."
**Labor election policy (Mark Latham, 2004 federal election)**

In the lead-up to the October 2004 election, the Labor Opposition (under Mark Latham) pursued its department of homeland security proposal, offering a proposed structure in August 2004:

![Diagram of proposed structure]

Labor election policy documents released in October 2004 again summarised the ALP’s plans:

Labor’s priority will always be security on the home front and security in the region. That is why Labor has proposed the establishment of the Department of Homeland Security. That is also why Labor has proposed the establishment of an Australian Coastguard. And that is why Labor now argues in this policy statement that Australia must now develop a properly integrated regional response to the terrorist threat.

Among a raft of detailed criticisms of Labor’s plan in the Howard Government’s election policy on national security, there was this summary (p. 46):

In the absence of an original and coherent policy framework of their own, the ALP has ironically adopted from the United States their two national security proposals.

The first is the establishment of a department of homeland security and the second the creation of a US style coastguard.

Both of these proposals are ill suited to Australia’s national security needs and if implemented will be counterproductive, leaving Australians less secure.

Both the Coastguard and a Department of Homeland Security would represent an expensive exercise in bureaucratic reshuffling which will undermine the effective and proven systems already in place.
Labor election policy (Kevin Rudd, 2007 federal election)

In the election campaign for the November 2007 federal election, the Labor Opposition (under Kevin Rudd) again pursued its proposal for a department of homeland security. The Shadow Minister for Homeland Security, Arch Bevis, outlined Labor’s plans in some detail in a speech on 3 October 2007, in which he also detailed Labor’s plans to produce a counter-terrorism white paper by the end of 2008 should it win government (pp. 5–6):

The first step in ensuring a clear focus on these issues and a genuine whole of government response is the creation of a Department of Homeland Security (DHS).

Maintaining the integrity of maritime and national borders, as well as protecting Australians at home is an increasingly demanding responsibility of national government.

New threats have emerged that demand a rethink of our nation’s strategic and tactical response.

The Federal Government saw the importance of combining critical security agencies under one command in the lead up to the Sydney Olympics, yet it has avoided the difficult decisions in restructuring its own departments to provide a similar single structure for homeland security.

The Howard Government’s continuing insistence on splitting these functions over a number of departments invites overlap, wastage, confusion and missed opportunities.

The logic of those who argue that civilian security should be administered in separate departments responsible to various ministers is reminiscent of those who argued forty years ago, that Australia should maintain separate Ministers for Army, Navy, Air Force and Supply. No one today would disagree with the decision in the early 1970’s to create a Defence Department with a single Minister for Defence. The same clear sighted vision for non military security agencies is required today.

Interdepartmental committees are not a substitute for a single minister with clear responsibility for a Department of Homeland Security providing a whole of government response to these challenges.

Labor’s Department of Homeland Security will encompass the key responsibilities of responding to terrorism, intelligence gathering, border security, a national coastguard, transport security, federal policing, critical infrastructure protection, as well as incident response and recovery capability.

The following agencies would form the basis of Labor’s Department of Homeland Security:

- The Coastguard – including the Border Protection Command
- Office of Transport Security
- Customs
- Australian Federal Police and Protective Services (AFPPS)
- Australian Security Intelligence Organisation (ASIO)
- Austrac
- CRIMTRAC
- AUSCHECK
- Australian Crime Commission (ACC)
- The Australian Institute of Criminology (AIC)
- The Criminology Research Council (CRC)
- Emergency Management Australia (EMA)
- Protective Security Coordination Centre (PSCC)

Once again, Labor’s plan drew criticism from the Howard Government, including this comment from the Attorney-General, Philip Ruddock:

“A Department of Homeland Security would not enhance current security arrangements. It would be expensive and it would create bureaucratic upheaval that could undermine well-tested arrangements.”
“Kevin Rudd likes to paint the Coalition as slavishly following the US. Yet it is Labor who is all the way with the USA with its idea to simply copy the US-style Department of Homeland Security even though Australia does not have the same problems faced by the US …”

**Rudd Government (2008)**

Following its election win, in late February 2008 the newly elected Rudd Government commissioned Ric Smith (a former Secretary of the Department of Defence and former Ambassador to China and Indonesia) to conduct a review of homeland and border security. The purpose of the Review was to ‘consider the roles, responsibilities and functions of departments and agencies involved in homeland and border security’ and to ‘also consider possible changes to optimise the coordination and effectiveness of our homeland and border security efforts’.

The public version of the Review’s report was released on 4 December 2008 to coincide with Australia’s inaugural National Security Statement, delivered in Parliament by Prime Minister Rudd the same day. Among a number of recommendations, the Review recommended against creating a department of homeland security, although it did not use these words, referring only to one option being to ‘create new organisations or merge existing ones’, as other countries had done:

> This approach raises several risks. It could disrupt unduly the successful and effective work of the agencies concerned and create significant new costs. Large organisations tend to be inward-looking, siloed and slow to adapt, and thus ill-suited to the dynamic security environment.

The Review instead considered it ‘more appropriate for Australia’ to deal with the changing security environment by ‘recognis[ing] and build[ing] on the strengths of existing institutions but to identify weaknesses and address them’. This, the Review said, would ‘recognise that our existing arrangements are generally effective and that for the most part our departments and agencies are working well with each other’. The Review also added, ‘above all, the smaller, separate agencies which comprise this model are likely to be more agile and accountable than large agencies’. For this model to work, however, the Review suggested two things were required—(i) both agencies/departments with dedicated security functions and those contributing to national security needed to be regarded as a community, and (ii) that ‘the departments and agencies concerned must be well connected and networked, and cultural, technical and other barriers minimised’.

According to the Prime Minister, the Government ‘strongly agreed’ with the Review’s recommendations, including the advice against creating a department of homeland security:

> The government in opposition made a number of commitments on national security upon coming to office. Perhaps the most hotly debated was the proposal to create a department of homeland security. The Smith review considered the option of achieving greater cooperation by creating a department of homeland security, and did not recommend that model for Australia. The government has accepted this strong advice. Mr Smith’s advice is that big departments risk becoming less accountable, less agile, less adaptable and more inward-looking. What we need is the opposite.

It seems that from this point on, Labor’s long-held ambition to create a department of homeland security ceased to be ALP policy.

In response to Prime Minister Rudd’s National Security Statement, Malcolm Turnbull, then Opposition Leader, commented in Parliament on Labor’s decision to abandon its proposal for a homeland security department:

> … we note that the Labor Party has abandoned its election pledge to create a department of homeland security. This is one broken promise for which we can all be very thankful. It was a very poorly conceived idea—a cheap copy of an American experiment. It was crafted more to capture campaign headlines than as a serious public policy reform.

> …

So that was to be the template for a Rudd revolution to overhaul in its entirety our national security establishment. According to Labor’s critique, the coalition had been putting Australians in harm’s way by allowing each of our security agencies to operate within its own area of specialisation. Labor’s answer was to bring it all into one gigantic superbureaucracy, and today the Prime Minister himself has exposed that proposition as the hoax it always was. The truth of it is that what Labor was proposing was a wasteful and costly exercise in bureaucracy. It would have meant reinventing well-established patterns of cooperation and coordination between our key security agencies and confusing and complicating the existing practice of reporting lines within and between those agencies.
So it is welcome that the Prime Minister is prepared to jettison one of the key planks—possibly the key plank —of the national security policy he took to the last election. For this we can thank the sound, determined and intelligent advice of our professionals in the field. The Prime Minister was strongly advised as far back as July, in the report by the former Secretary of the Department of Defence Mr Ric Smith, that he should not go ahead with his plans for this Rudd security revolution. It took the Prime Minister a long time to swallow this particular medicine, but the fact that he has now agreed to the unceremonious dumping of this centrepiece of Labor’s national security policy is a victory for common sense.

Abbott Government (2014)

In September 2014, speculation arose in the media that ‘any reshuffle by Abbott could see [Immigration Minister Scott] Morrison put in charge of a ramped-up homeland security-type portfolio’. At least part of the source of the speculation appears to have been a joint announcement by Prime Minister Abbott and the Attorney-General in early August 2014 that the Government would conduct a ‘review of Australia’s counter-terrorism coordinating machinery’, which included the statement:

Australia is well served by the agencies involved in counter-terrorism, but the review will ensure that they are as well organised, targeted and effective as possible to meet current and emerging threats, drawing where appropriate on international best practice.

It was soon being widely reported in the media that Scott Morrison, then Immigration Minister, was believed to be pushing within the Government for the creation of a homeland security department, possibly overseen by him. This was reportedly not supported by the Australian Federal Police (AFP) or the Australian Security Intelligence Organisation (ASIO), nor many of his colleagues.

Notable among government figures who publicly questioned the idea was the Foreign Minister, Julie Bishop, and the Attorney-General, George Brandis. Ms Bishop was quoted saying:

“If there were such a proposal, it would have to demonstrate any current failures in co-operation between the intelligence agencies, federal and state police and Defence and I am not aware of any such failures”.

Similarly, Senator Brandis stated in response to a question at the National Press Club:

“I think it is good governance to always keep our institutions and our institutional architecture under review to make sure that they are as fit for purpose and effective as they can possibly be. And I was one of the national security ministers who made the decision to have a review about two months ago. That being said, I agree with my colleague Julie Bishop, who was reported yesterday as saying that if the institutional arrangements were to be changed then obviously those who would seek to change them would need to persuade, to demonstrate that they’re not working.

In late October 2014 the Prime Minister seems to have attempted to defuse the ongoing speculation by stating in a radio interview that ‘national security is fundamentally my responsibility’. However, speculation persisted into November when it began being reported that the Government was actively considering the creation of a department of homeland security, with a particular model favoured by the Prime Minister. However, Mr Morrison would not comment, referring instead to the Review underway and the fact that it was the Prime Minister’s decision.

The Review of Australia’s Counter-Terrorism Machinery was released in late February 2015. While the Review concluded that there is ‘no single international best practice model on which to base Australia’s CT governance arrangements’ (p. 23), it also stated that it agreed ‘with the conclusion reached by the Smith Review that a small, coordinating Department of Home Affairs could be effective at leading Australia’s CT effort if the department focussed on strategic issues’ (pp. 23–24). However, it also acknowledged ‘practical challenges’ to establishing a department of home affairs and concluded, much like the Smith Review, that ‘in respect of CT, this Review therefore concludes there is no compelling reason to change the current system of ministerial oversight and departmental structures. Rather, it should be retained and strengthened’ (p. 26).

Accordingly, while Prime Minister Abbott committed the Government to implementing many of the Review’s recommendations, he acknowledged that ‘the Review confirmed that Australia has strong, well-coordinated counter-terrorism arrangements and there is no reason to make major structural changes’.

On 7 November 2016, Prime Minister Malcolm Turnbull announced an Independent Intelligence Review—‘an independent review into Australia’s intelligence agencies’ for the purpose of assessing ‘whether our current intelligence arrangements, structures and mechanisms are best placed to meet the security challenges we are likely to face in the years ahead’. The terms of reference are available on the website of the Department of the Prime Minister and Cabinet.

Former senior public servants, Professor Michael L’Estrange and Stephen Merchant, were appointed to conduct the Review, which was expected to report to the Government in the first half of 2017. Among other positions, Professor L’Estrange served as Secretary of the Department of Foreign Affairs and Trade and as Australia’s High Commissioner to the UK, and Mr Merchant was once Director of the then Defence Signals Directorate. They were assisted by Sir Iain Lobban, former Director of the UK’s Government Communications Headquarters (GCHQ).

In mid-January 2017, media reports began to claim that Cabinet had discussed the possibility of creating a homeland security ministry and was reportedly favouring a model similar to the UK’s Home Office. It was claimed that a group of MPs had been urging the Prime Minister to consider such a change. On 7 March, more detailed claims appeared in the media, including that ‘the proposed new department would be based on the existing Department of Immigration and Border Protection’ to which the AFP, ASIO, the Australian Criminal Intelligence Commission and the Australian Transaction Reports and Analysis Centre (better known as AUSTRAC) would then be added. When it was put to the Prime Minister at a doorstop press conference the same day that reports were claiming the Government had established a ‘US-style homeland security department’, he refused to comment on what he called ‘speculation about administrative arrangements’.

Similarly, despite some reports claiming that the Immigration Minister, Peter Dutton, was promoting the idea, Mr Dutton said in a radio interview at the time that he was unaware of ‘the process’ and that if such a proposal was being considered, it was ‘an issue for others’. In a separate interview in mid-March, the Attorney-General, Senator Brandis, said it was a matter for the Prime Minister and that we should wait for the Independent Intelligence Review to be completed. In subsequent interviews, Mr Dutton also deferred to the Prime Minister and emphasised that machinery of government changes are only ever made if they are going to improve the system.

In mid-June 2017, a media report claimed that ‘a super agency in the style of the US Department of Homeland Security is understood to have been all but ruled out, but the British model is being considered more seriously’, and that the Prime Minister was understood to be ‘leaning towards the British-style approach with Immigration Minister Peter Dutton to head the new portfolio’. The report also claimed that the Independent Intelligence Review is ‘not tipped to make any concrete recommendation on whether to set up a Home Office’ and suggested that any portfolio reshuffle would most likely occur in December 2017.

At a joint press conference in London on 10 July 2017 with the British Prime Minister, Theresa May, Prime Minister Turnbull was asked to comment on speculation that the Australian Government was considering adopting a ‘British-style Home Office’. He would only say in response that Australia is ‘always interested in learning about the British experience’ and that ‘we will always seek to improve our national security arrangements to keep Australians safe’. Echoing comments he made in the Australian Parliament on 13 June 2017, the Prime Minister emphasised at the press conference that ‘as far as administrative arrangements in Australia with respect to national security … this is no place for set-and-forget’.

On 14 July 2017, the Attorney-General confirmed in an interview that ‘a discussion’ about the possibility of restructuring current security arrangements was ‘going on inside Government at the moment’.

In amongst all the speculation, there has been little explanation of the distinction being made between a model based on the US Department of Homeland Security and one based on the UK Home Office.

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