

# Annual Report of the Joint Parliamentary Committee on ASIO, ASIS and DSD

## Background

- 1.1 The Joint Parliamentary Committee on ASIO ASIS and DSD is required, under Part 4, section 31 of the *Intelligence Services Act 2001*, to report to the Parliament as soon as practicable each year after 30 June on the activities of the Committee during the previous year. The Committee made its first annual report in August 2002 for the period 2001-2002. This report combined the requirement for an annual report of the Committee's activities with its function of reviewing the administration and expenditure of the intelligence collection agencies, ASIO, ASIS and DSD. The Committee followed up this report with a private review of Agency Security Arrangements tabled in October 2003.
- 1.2 The current annual report, for the period 2002-2003, has been delayed as the work load of the Committee has expanded rapidly and beyond the resources of the Committee and its secretariat. In fulfilment of its requirement to report to the Parliament, this report outlines the Committee's activities over the period 2002-2003, and includes an update of activities for the period since 1 July 2003.

## Activities

- 1.3 The activities of the Committee since the last Annual Report include statutory reviews, bills inquiries, and Senate references.
- 1.4 **A Private Review of Agency Security Arrangements**, tabled 13 October 2003. This review expanded on the examination of administration and expenditure. The Committee's decision to address protective security within the agencies was motivated by a number of factors, including interest in the Commonwealth's response to a number of high-profile espionage cases involving employees of one of Australia's intelligence agencies in 1999 and 2000. This response included the report and recommendations of the Inspector-General of Intelligence and Security, *Inquiry into Security Issues*, and changes to the Commonwealth's Protective Security Manual (PSM).
- 1.5 In general, the Committee found that protective security arrangements within the three agencies were sound, and in most respects, exceeded the standards required by the PSM. The Committee found further that each of the agencies had made impressive progress in implementing the recommendations of the IGIS Inquiry.
- 1.6 **Inquiry into the Intelligence on Iraq's Weapons of Mass Destruction**, tabled on 1 March 2004. This matter was referred by the Senate on 18 June 2003. The Committee received 24 submissions and conducted one public and four private hearings. The inquiry recommended an independent assessment be made of the performance of the intelligence agencies and this was implemented immediately upon the tabling of the report with the establishment of the Flood inquiry.
- 1.7 The inquiry and the volume of work it entailed raised a number of issues regarding the operations of the Committee, about which the Committee is in the process of seeking from relevant Ministers clarification or agreements for change. These include arrangements for the handling and storage of classified documents and arrangements for the security checking of Committee reports under Clause 7 of Schedule 1 of the Act. The unauthorised disclosure of the Committee's report prior to its tabling in Parliament was a matter of great concern to members.

- 1.8 Review of the Intelligence Services Amendment Bill, 2003. On 15 October 2003, the House of Representatives referred the Intelligence Services Amendment Bill 2003 to the Parliamentary Joint Committee on ASIO, ASIS and DSD for an advisory report. The House requested that the Committee report as soon as practicable. The Bill intended to give ASIS staff or agents greater self protection in an environment of greater danger since the attacks on 11 September 2001 and 10 October 2002.
- 1.9 The Committee held a private hearing with a number of agencies and departments affected by the legislation on 27 October 2003, and reported to the House on 11 March 2004. The Committee's sign-off processes delayed the tabling of the report beyond its intended tabling in November 2003.
- 1.10 The Committee made a number of recommendations aimed at strengthening the guidelines for ASIS staff members and agents. As the Committee noted:

It is important to note that the Bill maintains the restraint on ASIS undertaking the use of force in its own right, other than for the limited purposes of self-protection. ASIS will continue to conduct its activities in a non-violent way.

ASIS is highly accountable, and subject to extensive oversight under the existing Act. It will remain so under this amendment. The Committee's recommendations reinforce the oversight regime under which ASIS operates, while allowing ASIS the operational flexibility it requires to fulfil the demands the Government makes upon it in a timely fashion.

- 1.11 In addition to the formal inquiries conducted by the Committee, the Committee held a number of private briefings on intelligence and security matters. These included:
- Discussions with visiting intelligence and security committees – the Intelligence and Security Committee of the British Parliament, chaired by the Hon Ann Taylor, and the House Permanent Select Committee of the United States Congress, chaired by Mr Porter Goss.
  - Briefings by the Inspector General of Intelligence and Security, Mr Bill Blick, and since Mr Blick's retirement, Mr Ian Carnell;
  - Briefings by the Director-General of ASIO, Mr Dennis Richardson;

- Briefings by academic experts on security and intelligence – Mr Hugh White and Mr Clive Williams;
- Various departmental briefings from officials of the Department of Prime Minister and Cabinet, the Attorney-General’s Department and ASIO; and
- An inspection visit to the Defence Intelligence Training Centre at Canungra.

1.12 The *Criminal Code Amendment (Terrorist Organisations) Act, 2004* has given an additional function to the Committee. The Act requires the Committee to review regulations made by the Governor-General on the advice of the Attorney-General to list organisations as terrorist organisation. The Committee is currently undertaking the first of these reviews.

## **Conclusion**

1.13 The expanding work load of the Committee, understandable given the nature of the times, has strained the Committee’s resources. The Committee is seeking to improve its systems and procedures in the future; however, it wishes to foreshadow that some changes may require amendments to the Intelligence Services Act under which it operates.

**MR DAVID JULL, MP**

Committee Chair