

**Senate Finance and Public Administration Legislation Committee**

ANSWERS TO QUESTIONS ON NOTICE

Additional Estimates Hearing February 2017

Prime Minister and Cabinet Portfolio

<b>Department/Agency:</b>	Office of the Inspector-General of Intelligence and Security
<b>Outcome/Program:</b>	Outcome 1
<b>Topic:</b>	ASIS Operations
<b>Senator:</b>	Xenophon
<b>Question reference number:</b>	80
<b>Type of question:</b>	Written
<b>Date set by the committee for the return of answer:</b>	13 April 2017
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<b>Question:</b>	Are you able to confirm that foreign ministers Stephen Smith, Kevin Rudd and Bob Carr were not read into the ASIS files—in other words, they were not advised about the espionage operations against East Timor allegedly ordered by the previous foreign minister?

I am not going to comment about any particular ASIS operation or alleged operation. Nor should anything in this answer be taken to confirm or deny that any operation of the type referred to in the question occurred or did not occur. However I can make some general comments about IGIS inspections of submissions and briefings provided by ASIS to the Foreign Minister.

In accordance with the *Intelligence Services Act 2001* (the Act) there are certain circumstances where ASIS requires authorisation from the Minister before undertaking an activity; see ss 8(1) and 8(2). Where the Minister authorises an activity ASIS must provide a report to the Minister on the activities carried out in reliance on the authorisation; see s 10A. A sample of the submissions from ASIS seeking and reporting on these authorisations is reviewed as part of the regular IGIS inspection program.

IGIS inspections review the material put to the Minister as well as the ASIS operational files relevant to the operation. Inspections are concerned with whether the intelligence summary provided to the Minister seeking the authorisation was an accurate reflection of the intelligence held by ASIS at the time and whether the proposed operation was consistent with the government's requirements as articulated in the national intelligence priorities.

Inspections of ASIS operational files check whether activities conducted by ASIS comply with any conditions or restrictions imposed by the Minister as well as the limits imposed by the Act and any other applicable Australian laws. Inspections of ASIS reports to the Minister will assess whether the summary provided to the Minister was accurate and included all key information. IGIS inspections also check that procedural standards, such as the timeframes for reporting, are met. As I noted in my 2015-16 Annual Report the majority of ASIS submissions reviewed are of a high standard.

Authorisations given by a Minister can have effect for up to six months. Authorisations do not cease to have effect because there is a change in Minister. If there was a change of Minister during the life of an authorisation the report on that operation would go to the new Minister. In addition ASIS, like other agencies, provides a comprehensive incoming Minister briefing whenever there is a change of Foreign Minister.

