



2008/155

File Ref: 2007/77

Mr Stephen Palethorpe
Secretary
Senate Finance and Public Administration Committee
Parliament House
CANBERRA ACT 2600

Dear Mr Palethorpe

I am responding to an e-mail that was sent to my office which attached some written questions on notice for the current estimates round, submitted by Senator Natasha Stott Despoja.

My answers to these questions are below:

PM75 (STOTT DESPOJA)

What is the status of the investigation by Inspector-General Ian Carnell into the activities of ASIO agents in relation to the Izhar Ul-Haque case?

The Inspector-General announced on 14 November 2007 that he would conduct an inquiry into:

- a) ASIO's policy and procedures and general practices on the interviewing of persons of security interest, as they stood in November 2003 and currently.
- b) Actions taken by ASIO in respect of Mr Ul-Haque throughout 2003.

The inquiry is still underway.

PM76 (STOTT DESPOJA)

Will the results of the investigation be made public? If not, why not?

The *Inspector-General of Intelligence and Security Act 1986* (the IGIS Act) requires that inquiries be conducted in private and, in the case of an inquiry into the activities of ASIO, the final report must be provided to the Attorney-General. At that point it will be a matter for the Attorney-General as to what is released into the public domain.

In accordance with the requirements of the IGIS Act, the Inspector-General will make comment about the inquiry in the IGIS Annual Report (the next report is due to be tabled in the Parliament in October 2008).

PM77 (STOTT DESPOJA)

What capacity does the IGIS have to investigate the actions of agencies other than ASIO who may have been involved in the handling of that case?

The jurisdiction of the Inspector-General covers the activities of the six agencies of the Australian Intelligence Community (the Australian Security Intelligence Organisation, the Australian Secret Intelligence Service, the Defence Imagery and Geospatial Organisation, the Defence Intelligence Organisation, the Defence Signals Directorate and the Office of National Assessments), but does not extend to the Australian Federal Police or the Director of Public Prosecutions.

PM78 (STOTT DESPOJA)

What powers does Mr Carnell have to discipline the ASIO officers involved in the Ul-Haque matter?

The IGIS Act does not make provision for the Inspector-General to discipline ASIO officers.

However, the Act does require the Inspector-General to prepare a report setting out the conclusions and recommendations resulting from an inquiry. Such recommendations can include, where appropriate, that disciplinary or other processes be initiated by the agency head.

PM79 (STOTT DESPOJA)

In the IGIS 2006/2007 Annual Report, the Inspector-General raised concerns about the limited jurisdiction of the Inspector-General of Intelligence and Security (IGIS) in light of the increasing span of agencies involved in IGIS investigations. In light of these observations, has the IGIS sought to increase its capacity to "extend an inquiry under the IGIS Act to include intelligence and security activities of other agencies in special circumstances"?

The Inspector-General has raised with the Government the possibility of amendments to the IGIS Act which would provide that in special circumstances, formal inquiries under the Act into intelligence and security issues could cover other Commonwealth agencies.



PM80 (STOTT DESPOJA)

Given the expanded scope of the IGIS investigative portfolio, has its annual budget of just \$1.7 million proved adequate?

An expansion of staff numbers was announced in the 2006 Budget. Recruitment to fill those positions has been occurring in a staged manner.

At present, the Office of the Inspector-General of Intelligence and Security (OIGIS) has a suitable resource allocation. However, requirements in the future will be dependent on the level of complaints and inquiries.

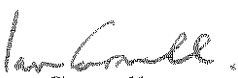
PM81 (STOTT DESPOJA)

Would an increase in the IGIS' annual budget facilitate more effective inspection of Australia's security and intelligence agencies?

The inspection activity undertaken by the OIGIS has increased in volume as a consequence of the expansion of the Australian intelligence agencies – particularly ASIO. The recruitment activity mentioned above is designed to accommodate these increases.

The Inspector-General also pursues 'preventative' measures such as addressing Australian Intelligence Community staff, reviewing agency's internal guidelines and generally assisting to foster a culture of legality and propriety in the agencies.

Yours sincerely


Ian Carnell
Inspector-General of
Intelligence and Security

27 March 2008

