

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

Question No. 52

Senator Brandis asked the following question at the hearing on 30 May 2013:

Senator BRANDIS: But there is something I am having difficulty in understanding at this point. If it had come to ASIO's attention on or before 30 August that this man should not have been cleared for community detention and that he was indeed the terrorist then I do not understand why it took until 14 November for the Australian Federal Police to arrive at the same conclusion. Their evidence is finished. I cannot ask Commissioner Negus now. But there was a period, on your evidence, of 2½ months between 30 August 2012, when ASIO had decided that the man was a terrorist, and 14 November 2012, when the Australian Federal police made the same decision, even though the matter had been referred to them, according to Mr Negus, on 26 June. Did you communicate your conclusion of 30 August to the Australian Federal Police?

Mr Irvine: I do not know that. I cannot answer that.

Senator BRANDIS: Can you take that on notice for me, Mr Irvine.

Mr Irvine: Yes, I would have to take that on notice. It would not normally be our practice on a case referred to us by the Department of Immigration and Citizenship to automatically refer it to the Australian Federal Police as well, and I do not see any evidence that we have done so.

The answer to the honourable senator's question is as follows:

Consistent with long standing practice, ASIO does not believe it is appropriate to comment on individual cases beyond the initial contextual information provided by the Director-General at the hearing on 30 May 2013. We note the Inspector-General of Intelligence and Security is conducting an inquiry into this matter and will report her findings in due course.