

ASIO's current public reporting

ASIO, by its nature, is going to remain a conservative organisation in terms of the type of information that it gives the public.¹

Public knowledge of ASIO

- 3.1 It is generally agreed that the community's understanding of ASIO and its activities is limited – often based more on myths and misrepresentations than reality.
- 3.2 ASIO's Director-General himself acknowledged that public perceptions about ASIO are often distorted:

...my own personal sense of it is that there would be many people in the community who would have a wrong-headed view about what we do...equally, however, I think there are many people in the community who have, if not a detailed understanding of ASIO's activities, a fairly level-headed and balanced view of the role we do play.²
- 3.3 Mark Weeding, who has undertaken research on ASIO and its accountability framework, told us that:

1 Mark Weeding, Transcript of Evidence 17 July 2000, p. 39.

2 Dennis Richardson, ASIO, Transcript of Evidence 17 July 2000, p. 2.

...a large proportion of the public has misconceptions about the role of ASIO. They do not understand the legislative structure that it works under, they do not understand the limits of its powers nor do they understand its accountability.³

- 3.4 The Australian Privacy Charter Council (APCC) pointed out that while the general public may not have a detailed understanding of ASIO's role and its accountability mechanisms, they rely on privacy organisations like APCC to keep an eye on the work of ASIO:

...this is one of those areas where the public is, in a sense, represented by a number of public interest groups which take a particular interest and some particular journalists who take a particular interest. It is not the sort of area that you are ever going to expect to involve the participation of the public at large, but that does not necessarily mean that they are not reassured by having a few specialist organisations actually keeping an eye on things.⁴

- 3.5 A representative of the Attorney-General's argued that ASIO (and the government) should not be overly concerned by the public's perceptions of ASIO, paraphrasing Justice Hope's assertion that:

...it really is not the business of government to take as the issue the extent to which people's perceptions of ASIO are accurate...really, what government needs to do is to ensure that the accountability procedures are appropriate and that the legislation is adequate to enable ASIO to discharge properly the functions that have been entrusted to it.⁵

- 3.6 ASIO's Director General told us:

I am relatively relaxed about the profile ASIO may or may not have.⁶

Comment

- 3.7 Obtaining a public profile is clearly not as important for ASIO as it is for other government agencies, such as Centrelink or the Australian Taxation Office. Nor should it be.
- 3.8 However, it is important to ensure that sufficient information is readily available in the public domain to correct some of the more bizarre

3 Mark Weeding, Transcript of Evidence 17 July 2000, p. 38.

4 Nigel Waters, Australian Privacy Charter Council, Transcript of Evidence 17 July 2000, p. 29.

5 Peter Ford, Attorney-General's Department, Transcript of Evidence 17 July 2000, p. 15.

6 Dennis Richardson, ASIO, Transcript of Evidence 17 July 2000, p. 6.

misunderstandings about ASIO. While these misunderstandings have wide currency in the community it is difficult to establish public confidence in the propriety and effectiveness of the organisation.

- 3.9 Comprehensive public reporting is the most direct way of addressing these misunderstandings, and of helping to ensure ASIO's accountability to the Australian public.

ASIO's reporting

- 3.10 ASIO currently reports to the Australian people through a number of publications, including a recently-launched internet site. In our inquiry, we looked at the suitability of these publications for providing information to the public about the organisation, the accessibility of the publications, and whether more information should be provided to the Australian public about ASIO's organisation and activities.

- 3.11 The Director-General of ASIO emphasised the importance of considering the whole 'package' of ASIO's reporting activities:

I think it is important that the public reporting of our activities be looked at as a whole and not piecemeal. When our annual report is put with our other publications, our newly released web site, our approach to public speaking arrangements, our interaction with the media and our public advertising of all ASIO positions, I do not think it is exaggerating to say that we are probably one of the most open security services in the world, if not the most open.⁷

- 3.12 Each of ASIO's main reporting mechanisms, and how the whole 'package' fits together, are examined below.

Annual report

- 3.13 ASIO first produced a public annual report in 1983. Prior to that, ASIO's annual report was provided to the Attorney-General, other senior ministers and the Leader of the Opposition only – on the provision that it be 'treated as secret'.

7 Dennis Richardson, ASIO, Transcript of Evidence p. 1.

- 3.14 The notion of ASIO making a public annual report was raised during the second Royal Commission on Australia's Security and Intelligence Agencies (the Hope Commission), which recommended in 1984 that ASIO should report to the Parliament on its activities.⁸ The 1986 amendments to the ASIO Act included the requirement that ASIO table a public annual report in the Parliament (by which time ASIO had been producing a public annual report for several years).⁹
- 3.15 ASIO is the only Australian intelligence agency to table an annual report in the Parliament. The other agencies all provide classified reports to their Ministers and other senior Ministers in the government.

Classified and declassified versions

- 3.16 The ASIO Act states that references which might prejudice Australia's security, the defence of the Commonwealth, the conduct of international affairs or the privacy of individuals should be deleted from the declassified version of the annual report.
- 3.17 While it could be argued that this definition of material to be excluded is rather vague, a comparison of ASIO's annual reports over time shows that the organisation has become increasingly open in the amount and type of material it reports on. For example, the 1998-99 annual report included information on:
- trends in security issues for ASIO (ability for protests to be organised very quickly, espionage continuing at significant levels, pace of technological change);
 - priorities for 1999 – 2000 (safety of Australians in East Timor, violent protests in Australia as a result of events in East Timor, Olympics);
 - the number of threat assessments issued by ASIO (including a comparison over time);
 - the number of visa security checks undertaken, and the number of recommendations against entry (including a comparison over time);
 - ASIO's involvement in security arrangements for the 2000 Olympics and the 2001 Commonwealth Heads of Government Meeting;

8 Royal Commission on Australia's Security and Intelligence Agencies, *Report on the Australian Security Intelligence Organization*, AGPS, December 1984, p. 338.

9 *Australian Security Intelligence Organization Amendment Act 1986*, Section 41, available at: http://www.austlii.edu.au/au/legis/cth/num_act/asioaa1986559/, accessed 9 August 2000.

- the number of briefings given to the Attorney-General and other members of Parliament; and
 - the number of security assessments issued for Commonwealth employees.¹⁰
- 3.18 The public version of ASIO's 1998-99 annual report was around one-third shorter than the classified version.¹¹
- 3.19 The declassified annual report complies with the guidelines for annual reports issued by the Department of Prime Minister and Cabinet, which apply to all government agencies. These guidelines require government agencies to provide a portfolio and corporate overview; reports from each of the agency's programs; a staffing overview, information on use of consultancy services, and audited financial statements.¹² ASIO's reporting on some of these matters is briefer than that from other government agencies.
- 3.20 We felt it was important to compare the classified (full) version of an ASIO annual report to the declassified public version, in order to gain an understanding about the type of information left out of the public report and the justifications for excluding the information. The Presiding Member wrote to the Attorney-General requesting a briefing in which the Committee could compare classified and declassified annual reports.
- 3.21 The Attorney-General agreed to our request, and ASIO officers briefed the Presiding Member and Senator Ray on a recent classified annual report.
- 3.22 Following the briefing, the Presiding Member and Senator Ray reported back to the full Committee that they believe that the process by which information is vetted out from the declassified ASIO annual report is sound and appropriate. They also agreed that the type of information left out from the declassified report was not appropriate for release to the general public.

Access to annual report

- 3.23 ASIO's annual report, like the annual reports from all other government agencies, is available for purchase from the AusInfo bookshops around the country. It is also available, in electronic format, from ASIO's internet site.

10 ASIO, *Annual Report 1998-1999*, Commonwealth of Australia 1999.

11 Private briefing provided by ASIO, 13 April 2000.

12 Department of Prime Minister and Cabinet, *Requirements for Departmental Annual Reports*, approved by the Joint Committee of Public Accounts and Audits, May 1999.

This is a welcome development and will result in many more people being able to access the report.

- 3.24 However, the type of information in the annual report (on current security issues for ASIO, its work over the past 12 months, etc) is not easily accessible for people unfamiliar with the annual reports of government agencies. It would be more useful if an overview of the key points of interest on ASIO's performance over the past year (such as the information listed above at paragraph 3.17), were available on the home page of the internet site.

Recommendation 1

ASIO should ensure that an overview of key points of interest from its work over the last 12 months is available on its internet site.

Arguments for more information

- 3.25 We heard some argument that the annual report needs to include more information about ASIO's activities, particularly in regard to warrants for covert operations and access to information about individuals' financial dealings. The Australian Privacy Charter Council (APCC) said:

We would submit that the annual report currently gives very little idea of the overall scale of the intrusion into individuals' privacy inherent in ASIO's activities or of the types of grounds, if you like, for those intrusions.¹³

- 3.26 The two main areas in which it was argued that ASIO should provide more information are examined below.

Reporting on warrants

- 3.27 The ASIO Act allows ASIO to use intrusive methods of conducting investigations. The Act allows ASIO to:

- intercept telecommunications;
- use listening devices and tracking devices;
- remotely access computers;

13 Nigel Waters, Privacy Charter Council of Australia, Transcript of Evidence 17 July 2000, p. 27.

- enter and search premises; and
 - examine postal articles.¹⁴
- 3.28 Before it undertakes any of these activities, ASIO must seek a warrant from the Attorney-General. The warrant request goes through several stages of vetting within ASIO before it is signed off by the Director-General. Only the Director-General can seek a warrant from the Minister, and the request must be accompanied by a written statement specifying the facts and other grounds on which the Director-General considers it necessary that a warrant be issued.
- 3.29 Senior officers in the Attorney-General's department examine a warrant request for its compliance with the ASIO Act and other laws, and then the Attorney-General considers whether or not to issue a warrant.¹⁵
- 3.30 Warrants are issued for specific time periods only, and at the expiry of each warrant ASIO's Director-General must report back to the Attorney-General on the extent to which it used the powers provided by the warrant. The IGIS examines warrant applications and their implementation as part of his routine examination of ASIO's operations. For example, in his last annual report the IGIS stated that:
- In all cases reviewed the inspections revealed a high level of concern on the part of ASIO to ensure that the appropriate preconditions for the issue of warrants existed and that the Attorney-General's needs for reporting on the results of warrant operations were satisfied with due attention to detail. In no case did I consider that ASIO had insufficient justification for seeking the warrant.¹⁶
- 3.31 The APCC argued that while the above procedures for issuing warrants are valuable, they are not sufficient. The APCC said:
- The entire framework of accountability...to some extent are all part of the same club. They are all part of executive government, so it is important that there are some accountability mechanisms that extend outside that.¹⁷
- 3.32 The APCC would like to see ASIO report on the number and types of warrants issued each year. APCC argued that similar information is
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14 *ASIO Act 1979*, Division 2 – Special Powers.

15 'Frequently Asked Questions', ASIO internet site: <http://www.asio.gov.au/About/comp.htm>, accessed 2 August 2000.

16 Inspector General of Intelligence and Security, *Annual Report 1998-99*, Commonwealth of Australia, 1999, accessed at: http://www.igis.gov.au/fs_annual.html, 2 August 2000.

17 Nigel Waters, Australian Privacy Charter Council, Transcript of Evidence 17 July 2000, p. 30.

published by the New Zealand and Canadian intelligence agencies, and that it failed to see how such generalised information could jeopardise ASIO's operations. The APCC told us that it would be particularly interested to look at trends in warrants over time – for example, to question why there had been a sharp jump in warrant applications from one year to the next.¹⁸

The community is entitled to know whether the extraordinary powers it has granted to ASIO are being used only occasionally, or on hundreds or perhaps thousands of times a year.¹⁹

3.33 ASIO argued against providing information about its warrants, either in general terms or by category of warrant. According to ASIO, information about the types of warrants ASIO had in place could allow its targets to take counter-measures to avoid ASIO's surveillance. For example, disclosing the number of times ASIO used a particular type of warrant could alert targets to the fact that ASIO relied heavily on that type of interception tool. Even reporting in general terms on the number of warrants issued each year would give hostile targets and agencies an idea of the scale of ASIO's operations.²⁰

3.34 The Director-General told us:

We are a small service. An important ingredient for us is uncertainty in the minds of individuals, groups and foreign intelligence services in which we might take an interest. Revealing our targets and our warrant operations would, I think, make it very difficult for us to do our job effectively.²¹

3.35 The Attorney-General's department made a distinction between the 'public nature' of the warrants issued to police officers and those issued to ASIO:

The big difference between law enforcement and ASIO warrants is that the first ones are intended to end up in court if they lead to a successful investigation and prosecution, whereas ASIO warrants have to remain covert to enable ASIO to do its job of building up intelligence.²²

18 Nigel Waters, Australian Privacy Charter Council, Transcript of Evidence 17 July 2000, p. 33.

19 Australian Privacy Charter Council, submission no. 12, p. 3.

20 ASIO, submission no. 14, p. 17.

21 Dennis Richardson, ASIO, Transcript of Evidence 17 July 2000, p. 8.

22 Peter Ford, Attorney-General's Department, Transcript of Evidence 17 July 2000, p. 16.

Conclusion

- 3.36 ASIO's ability to intercept telecommunications, computers and post, to enter and search premises and to use listening and tracking devices are some of the most intrusive methods of ASIO's operations, and the Australian public needs to be assured that these activities are not undertaken lightly.
- 3.37 We believe the warrant application and approval processes are reasonable provisions to satisfy the general public that the organisation is acting with propriety. The IGIS particularly provides an independent check on ASIO's use of warrants.
- 3.38 Another check on the use of warrants is the extent to which such use is reported publicly. Information about the warrant application process, and the limitations on ASIO's use of intrusive surveillance methods, has, in the past, not been readily available. The IGIS annual report provides detailed information about ASIO's warrant application process, and several submissions suggested that this information would be better provided by ASIO itself. Mr Mark Weeding said:
- The IGIS annual report has in recent years provided significantly more detail to the Australian public on the practice of accountability in ASIO (as opposed to the structure) than ASIO's publications have provided. This is a clear example...of the lack of one clear source for information about ASIO. ASIO publications should be the logical place to look for such information, not the IGIS.²³
- 3.39 This has largely been rectified by the ASIO internet site, which provides information on the warrant application process as part of the section on accountability.

ASIO access to AUSTRAC and ATO information

- 3.40 The APCC also argued that there should be more information provided about ASIO's access to data held by the Australian Transactions Reporting and Analysis Centre (AUSTRAC) and the Australian Taxation Office (ATO).
- 3.41 ASIO's access to data held by AUSTRAC and the ATO is controlled by three memoranda of understanding:
- a memorandum of understanding between ASIO and the ATO, on access to personal tax information;

23 Mr Mark Weeding, submission no. 7, p. 2.

- a memorandum of understanding between ASIO and AUSTRAC, on access to financial transaction reports; and
 - a memorandum of understanding between AUSTRAC and the IGIS, providing for the IGIS's supervision of ASIO's access to financial transaction reports.
- 3.42 In addition, section 3B(1AA) of the *Taxation Administration Act 1953* requires the Commissioner of Taxation to include in his annual reports a statement on the number of requests received from ASIO for tax information and the number of times that such information was disclosed. This is an additional control on ASIO's access to such information.²⁴
- 3.43 In our report on the ASIO Legislation Amendment Bill we argued that AUSTRAC should be required to make similar disclosures in its annual report about ASIO's access to financial transaction reports. The Government rejected our recommendation, noting that as AUSTRAC does not disclose the access that any other agency has to financial transaction information, it would be inappropriate to single-out ASIO for such reporting.²⁵
- 3.44 We remain of the view that it would be preferable if information about ASIO's access to financial transaction information were disclosed in AUSTRAC's annual report. Nevertheless, having reviewed the various memoranda of understanding, we accept they are sufficient to ensure that ASIO cannot go on 'fishing expeditions'; cannot abuse the personal tax and financial information they obtain; and is subject to appropriate levels of scrutiny by AUSTRAC, the ATO and the IGIS when accessing such information.

OH & S information

- 3.45 Mr Peter Fox raised the issue of ASIO's reporting on its obligations under occupational health and safety (OH & S) legislation. Mr Fox is a clinical
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24 Subsection 3B (1AA) of the Taxation Administration Act 1953, accessed on Bills Net at: <http://www.aph.gov.au/legis.htm>.

We note that the amendments to various legislation dealing with ASIO, resulting from the passing of the ASIO Legislation Amendment Bill 1999, are not yet available on the SCALEPlus or AUSTLII databases. We urge the administrators of these databases to update this information as soon as possible.

25 Parliamentary Joint Committee on ASIO, An Advisory Report on the Australian Security Intelligence Organisation Legislation Amendment Bill 1999, Parliament of Australia, May 1999, p. 44.

The Government Response to the Committee's report is available on our internet site: <http://www.aph.gov.au/house/committee/pjcasio/govresp1.html>.

psychologist who, in the past, has treated an ex-ASIO officer. Mr Fox argued that ASIO does not report fully enough on its OH & S practices and on any de-briefing or stress management practices the organisation has in place for the health of its officers.²⁶

3.46 The *Occupational Health and Safety (Commonwealth Employment) Act 1991* sets out OH & S standards and reporting requirements for Commonwealth government agencies. Annual reports must include information on:

- the OH & S policies of the agency;
- measures taken to implement OH & S policies;
- statistics on any accidents or 'dangerous occurrences' within the department; and
- investigations into OH & S matters.²⁷

3.47 While ASIO is subject to the OH & S Act, its Director-General may (in consultation with the Minister) declare that specific sections of the Act do not apply to ASIO, in order to preserve Australia's national security. However, the Act requires that the Director-General follow the 'objects of the Act' as closely as possible.²⁸

3.48 For a number of years ASIO has reported on OH & S issues in its annual report. While acknowledging that Mr Fox raises some important issues about the health and safety of ASIO officers, we believe the ASIO annual reports adequately provide all of the information required by the OH & S legislation. For example, the 1998-99 report provided a table of figures providing comparative data over time, and outlined the organisation's stress management program.²⁹

26 Mr Peter Fox, submission no. 1, pp. 1-2.

27 *Occupational Health and Safety (Commonwealth Employment) Act 1991*, S. 74, available at: http://www.austlii.edu.au/au/legis/cth/num_act/ohasea1991531/, accessed 9 August 2000. The *Requirements of Departmental Annual Reports*, issued by the Department of the Prime Minister and Cabinet, include similar rules for reporting on OH & S issues.

28 *Occupational Health and Safety (Commonwealth Employment) Act 1991*, S. 6.

29 ASIO, *Annual Report 1998-99*, Commonwealth of Australia, 1999, p. 34.

Internet site

- 3.49 Over the last five years the internet has become a primary means of communication. It is now used as a research and education tool by many Australians, and most government agencies have established a comprehensive internet presence as one means of providing public information about their policies, programs and activities.
- 3.50 ASIO launched its internet site in June 2000, at <http://www.asio.gov.au>. The site includes the following sections:
- **About ASIO** – role of ASIO, mission and values, management and structure, accountability mechanisms, history, relationships with other Australian intelligence organisations, and frequently asked questions;
 - **ASIO's work** – the security environment in Australia, security assessments, threat assessments, Olympic Games security, and protective security;
 - **Publications** – annual report, corporate plan, pamphlets on testing security products and security equipment catalogue;
 - **Employment** – general recruitment information and advertisements for specific jobs when available;
 - **Links** to relevant organisations and publications; and
 - **Search facility, Site map and Contact** details for ASIO.
- 3.51 The ASIO internet site compares favourably to the sites of the other Australian intelligence organisations. In general, the sites of the other agencies are brief, providing only minimal information about the organisations, their history and their role. This is in part due to the sensitive nature of their operations, however, it is clear that ASIO has put a significant amount of time and resources into the development of its internet site.
- 3.52 The non-government witnesses who appeared gave evidence at the hearing made favourable comments about the site, particularly its comprehensiveness and its ease of use.³⁰
- 3.53 According to ASIO, in the internet site's first month of operation, there had been around 7,500 visitors to the site, with about 20 per cent of those visitors accessing it from overseas.³¹

30 Mark Weeding, Transcript of Evidence 17 July 2000, p. 35; Nigel Waters, Transcript of Evidence 17 July 2000, p. 28.

Need for more information

3.54 We heard various suggestions about how the internet site could be improved – namely, by providing more information on some aspects of ASIO's activities.

3.55 Nigel Waters, from the Australian Privacy Charter Council, commented that it would be useful for the site to provide information on ASIO's privacy policy:

I accept that ASIO as an organisation is exempt from the Privacy Act, but there seems to be no reason why it should not on a voluntary basis make some reference, in accordance with the Privacy Commissioner's guidelines, to its policy on the collection of personal information, for instance, by providing a reference to the voluntary guidelines that the Attorney-General has provided for the organisation to comply with the equivalent of the privacy principles in the Privacy Act.³²

3.56 It was also pointed out that it would be useful to more clearly state what ASIO does not do:

...they do not carry weapons, for example. That is information that is available on the web site, but you have to search hard to find it because it is in the section of frequently asked questions about employment with ASIO.³³

3.57 Information on how to identify ASIO officers would also be a useful addition.³⁴ ASIO officers are issued with a photo identity card which is signed by the Director-General. Members of the public can verify an ASIO officer's identity by calling the organisation's toll-free number. According to Dennis Richardson:

Certainly, we seek to make it known that any individual who is approached by someone claiming to be an ASIO officer can and should ask for identity, and, secondly, if they have any concerns they should pursue it either with ASIO or the Inspector-General.³⁵

3.58 The Attorney-General's Department suggested that the internet site could include summaries of media interviews and public speeches given by the

31 Dennis Richardson, ASIO, Transcript of Evidence 17 July 2000, p. 3.

32 Nigel Waters, Australian Privacy Charter Council, Transcript of Evidence 17 July 2000, p. 28.

33 Mark Weeding, Transcript of Evidence 17 July 2000, p. 38.

34 Private discussion with Chris Connolly, Financial Services Consumer Policy Centre, April 2000.

35 Dennis Richardson, ASIO, Transcript of Evidence 17 July 2000, p. 57.

Director-General.³⁶ This is a standard inclusion on most government departments' sites.

- 3.59 ASIO acknowledged that its internet site will be an ongoing development.³⁷ Clearly the above examples of areas where more information could be provided on the ASIO internet site are illustrative of the fact that although it is comprehensive and easy to use, there is still some scope for improvement.
- 3.60 Rather than recommending individual changes as suggested above, we would like to see ASIO conduct a thorough assessment of the internet site once it has been in operation for a number of months. Ideally this would involve seeking some input from interested parties – for example, privacy organisations and academics with an interest in intelligence issues.

Recommendation 2

Before July 2001, ASIO should conduct a review of its internet site, taking into regard its effectiveness as a primary communication tool, considering arguments for adding further information about the organisation, and making additions and improvements to the site as appropriate.

Access to the internet

- 3.61 In February 2000, half of all Australian households had a computer at home, with 28 per cent of households connected to the internet, according to the Australian Bureau of Statistics. The internet was accessed by 43 per cent of all Australian adults, either at home or at work, in the 12 months to February 2000.³⁸
- 3.62 These statistics illustrate the importance of continuing to provide public information in formats other than through the internet. While use of the internet is growing at an exponential rate, it cannot be assumed that information provided on the internet will reach all of its target audience. Several submissions to the inquiry noted that internet access is not

36 Attorney-General's Department, submission no. 11, p. 2.

37 ASIO, submission no. 14, p. 22.

38 Australian Bureau of Statistics, *Use of the Internet by Householders, Australia*, February 2000 (released June 2000), Catalogue no. 8147.0.

universal. Mark Weeding (University of Tasmania) argued that all the information on the site should also be available in hard copy format:

It then becomes a paper resource that can be distributed to libraries around the country, universities, schools – whoever wants it – and it will assist the organisation in getting over that hurdle of everybody having access to the internet at present.³⁹

Recommendation 3

ASIO should produce paper versions of all information available on its internet site, for distribution (on request) to people who do not have access to the internet.

Other publications

3.63 In addition to the annual report and the internet site, ASIO produces a number of other publications:

- **ASIO Now** – a 16-page booklet giving an overview of ASIO's role and functions. ASIO sends this booklet to members of the public with general inquiries about the organisation (for example, school groups, applicants for ASIO employment);
- **What is ASIO About** – a leaflet giving a brief account of ASIO;
- **Corporate Plan** – covering the period 1998-2002; and
- **Publications about protective security** – *Testing Security Products*; *What's the SCEC* (Security, Construction and Equipment Committee); and *What's ASIO's role in protective security?*.

3.64 These publications are available at government AusInfo bookshops, and all except for the *ASIO Now* and *What is ASIO About* booklets can be downloaded from the internet site. ASIO told us that it does not provide the aforementioned booklets on its internet site because other sections of the site provide similar (in fact more comprehensive) information than the booklets.

39 Mr Mark Weeding, Transcript of Evidence 17 July 2000, p. 36.

Languages other than English

- 3.65 The possibility of providing information about ASIO in languages other than English was raised by the Attorney-General's Department. The Department pointed out that people whose first language is not English may have particular problems with understanding the role of ASIO, particularly if they have arrived from a country where police and intelligence agencies are more invasive than they are in Australia.⁴⁰
- 3.66 Some other government agencies, predominantly those interacting with or providing services to the general community (such as the Department of Immigration and Multicultural Affairs and Centrelink) provide information in a number of languages.⁴¹
- 3.67 While ASIO does not interact with a large proportion of the Australian population, the nature the work it undertakes means that it is important that a wide cross-section of the community should be able to access information about ASIO if they need to. For example, it was recently reported that ASIO officers have approached representatives of various ethnic communities to help them with reporting on potential security threats for the Olympic Games.⁴² This is a situation in which it would be important for community members to understand ASIO's role.
- 3.68 ASIO's Director-General told us that while he does not have an in-principle objection to providing information in a number of languages, it would present a resource problem for ASIO. He was also concerned about the inferences people might read into ASIO's decision to publish information in some languages rather than others:
- What statement are we making to that community if we put out ASIO publications in that language as opposed to another language? How do we answer those questions? If we put it out in one language, is that a reassurance for that community of is it a point of concern for that community?⁴³
- 3.69 A representative of the Attorney-General's Department acknowledged ASIO's concerns about perceptions which may arise from publishing in various languages, but responded that the problem could be overcome with a statement from the Attorney-General that the selection of languages
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40 Attorney-General's Department, submission no. 11, p. 2.

41 For example, the Department of Immigration and Multicultural Affairs provides brochures on migration to Australia in 16 languages, covering major Asian-Pacific, European and South American languages. DIMA internet site: <http://www.immi.gov.au/allforms/foreign.htm>, accessed 4 August 2000.

42 'ASIO's patriot Games revealed', *The Australian* newspaper, 3 April 2000, p. 1.

43 Dennis Richardson, ASIO, Transcript of Evidence 17 July 2000, p. 12.

was made simply along the same lines as those selected for Centrelink (or some other non-partisan method of selecting languages).

- 3.70 We acknowledge ASIO's concerns about publishing information in a number of languages, but these concerns could be overcome by making a clear statement on the basis on which ASIO had chosen to publish in certain languages. In Australia's multicultural society, particularly in a climate where ASIO is now interacting more openly with the wider community in undertaking its activities, ensuring wide access to information about ASIO is important. We would like to see ASIO explore further the possibility of producing at least some introductory material in a number of languages, and the government supporting this activity by providing extra resources where necessary.

Recommendation 4

ASIO should produce 'ASIO Now' or a similar publication in a number of community languages. These versions should be made available in hard copy and on ASIO's internet site.

Other public activities by ASIO

- 3.71 The Director-General of ASIO (the only ASIO employee with a 'public' profile), occasionally grants media interviews and gives speeches at community functions. He pointed out that he is not paid to be a 'media junkie', but he is happy to give interviews where appropriate – for example, he undertook a number of interviews in relation to the ASIO Legislation Amendment Bill last year.⁴⁴
- 3.72 We welcome these type of activities as serving to raise ASIO's profile in the community and helping to de-mystify the organisation and its personnel, and urge the Director-General to continue to participate in public speaking engagements and media interviews where appropriate.

44 Dennis Richardson, ASIO, Transcript of Evidence 17 July 2000, p. 2.

Reporting on ASIO by other agencies

3.73 The most comprehensive regular reporting on ASIO by other government agencies is conducted by the Inspector-General of Intelligence and Security (IGIS). The IGIS makes an annual report to Parliament each year. The ASIO section of the IGIS report looks at:

- warrants issued for the use of special powers, including intercepting telecommunications and computers, using listening and tracking devices, entering and searching premises and intercepting mail;
- "Authorities to Investigate" - The "authority to investigate" (ATI) process involves applications by ASIO staff to more senior officers for authority to conduct up to three levels of inquiry, of increasing intrusiveness, in relation to individuals or organisations;
- provision of information to law enforcement agencies and compliance with the *Archives Act 1983*; and
- complaints and inquiries that the IGIS has received about ASIO.

3.74 The need for ASIO to provide more comprehensive information about the warrant application process has been explored earlier in this chapter. However, it is worthwhile to note that the IGIS annual report provides detailed information on an important part of ASIO's accountability – the regular IGIS reviews of ASIO's files. The fact that the IGIS undertakes these reviews and reports on them is probably not widely known. The current IGIS, Bill Blick, told the Committee:

The knowledge of the public of my role would probably be less that it is of ASIO's. However, I would have to say that people who need to find out about us, who have a concern about the activities of the intelligence and security agencies, have a way of finding out.⁴⁵

3.75 We note that the ASIO internet site has a link to the IGIS site, and vice versa. This will hopefully serve to increase the public's knowledge of IGIS and access to the information about ASIO contained in the IGIS annual report.

45 Bill Blick, Inspector-General of Intelligence and Security, Transcript of Evidence 17 July 2000, p. 20.

Comparison with overseas intelligence agencies

- 3.76 ASIO's submission to our inquiry compared its public reporting activities with those of a number of overseas intelligence agencies, particularly those operating in similar systems of government – the United Kingdom Security Service (MI5), the Canadian Security Intelligence Service (CSIS), the United States' Federal Bureau of Investigation (FBI) and the New Zealand Security Intelligence Service (NZSIS).⁴⁶
- 3.77 The CSIS is the only international agency that produces a public annual report, but it is summary in nature (NZSIS will be producing a public annual report from this year). The international agencies do, however, produce other publicly available material such as booklets and pamphlets.
- 3.78 All the agencies listed above, except the NZSIS, have their own internet sites. The MI5 and FBI internet sites are particularly comprehensive.⁴⁷ For example, the MI5 site has information about the organisation, current trends in security and terrorism, the work of intelligence officers, and information dispelling common myths and misperceptions. This is far more information provided to the public by MI5 than ever before.
- 3.79 ASIO's package of public reporting activities compares very favourably to the public reporting activities of overseas intelligence agencies. ASIO's annual report is far and way the most comprehensive and its web site is comparable to the best elsewhere in the world.

Conclusion

- 3.80 It is nearly 20 years since ASIO first started to adopt a 'public face', with the publication of its annual report in 1983. In the years since that first annual report, the organisation's attitude towards public reporting of its activities has changed noticeably. ASIO's main watchdog, the Inspector-General of Intelligence and Security (IGIS) commented on ASIO's evolving approach to openness in public reporting:

46 ASIO, submission no. 11, pp. 20-22.

47 Canadian Security Intelligence Service: <http://www.csis-scrs.gc.ca>, accessed 4 August 2000.
Federal Bureau of Investigation (FBI): <http://www.fbi.gov>, accessed 4 August 2000.
United Kingdom Security Service (MI5): <http://www.mi5.gov.uk/>, accessed 4 August 2000.

...the process of ASIO providing information to the public is very much an evolutionary one. If you go back 20 years, you will see that ASIO was not nearly as informative as it is now. My sense is that, as it is now, it is pretty consonant with the sort of the demands the public might make. However, in 20 years time the caravan will have moved on. There will be different demands for public accountability across government, and I would expect ASIO to respond to those.⁴⁸

- 3.81 We agree that ASIO has a far more open relationship with the Australian Parliament and community today than in years gone by.
- 3.82 ASIO's annual report is probably the most comprehensive publicly available annual report from an intelligence agency anywhere in the world.
- 3.83 ASIO's web site contains a breadth and depth of information that compares favourably with overseas-based intelligence agencies.
- 3.84 This information is supplemented by information from other sources, including ASIO's public information documents; the IGIS's annual report; annual reports from the Australian Taxation Office; and occasional reports from parliamentary committees.
- 3.85 It seems to us that the total package of information available to the Australian community about ASIO's operations exceeds that available to citizens in other countries about their domestic intelligence agencies.
- 3.86 This is not to say that ASIO should be complacent about its public reporting: it is important that ASIO, like all taxpayer-funded organisations, constantly strives to improve the way that it communicates with the public. The suggestions we have made about how ASIO can improve the nature and scope of its reporting are made in this context.

48 Bill Blick, Inspector General of Intelligence and Security, Transcript of Evidence 17 July 2000, p. 20.