

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates Hearing February 2016

Prime Minister and Cabinet Portfolio

Department/Agency:	Office of the Inspector-General of Intelligence and Security
Outcome/Program:	Outcome 1
Topic:	Former ASIS officer
Senator:	Xenophon
Question reference number:	242
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Question:	

Senator XENOPHON: I understand, given that you have only recently taken up this role. I would be grateful if you could take on notice whether you, your office or your predecessor checked to see whether documents had been unsealed and viewed by Australian authorities prior to the hand-back. How was checking carried out by the office of IGIS? These are things that Hansard can no doubt provide you with; you will get the transcript of this. Are you aware of whether the ICJ in The Hague has ordered Australia to not interfere in any way with East Timor's communications with its lawyers? Have you been monitoring Australia's compliance with that ICJ directive and, if so, how has that been monitored? The next question goes back to the questions that I put to estimates of 26 May 2014. On 26 May, IGIS issued a statement that no current or former ASIS officers had raised concerns with IGIS about any alleged Australian government activity with respect to ASIS activities in East Timor. According to Mr Bernard Collaery's statement in the 156th report of the Senate Privileges Committee, in 2008, a former ASIS officer, Witness K, approached the then Inspector-General, Mr Ian Carnell. When I requested details on 26 May 2014 from your immediate predecessor, I could not get any answer in respect of that. I thought that was quite unsatisfactory, so if I can direct you to that and restate those questions—

Answer:

The former IGIS inspected the warrant documents, and was briefed by ASIO on how they managed the documents obtained under the warrants. I understand that she continued to monitor the matter given its sensitivity, and was aware that on 12 May 2015 representatives of the Australian Government attended the premises of Mr Bernard Collaery and returned the material, still sealed, in accordance with an order from the International Court of Justice (at Australia's request) and in the presence of the Ambassador of Timor-Leste.

I am aware of the order made by the International Court of Justice. I refer to the answer to Question on Notice 1 from the May 2015 Senate Estimates. In providing that answer, the former IGIS consulted with the Attorney-General's Department who is responsible for this matter. As noted in that answer, with the unconditional discontinuance of the matter by the International Court of Justice on 11 June 2015, that Order is no longer in force, and accordingly is not something I have been monitoring since being appointed as the IGIS.