

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Group 3

Question No. 79

Senator Singh asked the following question at the hearing on 24 February 2014:

1) Will ASIO be implementing any of the Inspector General of the Intelligence and Security recommendations?

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

The Inspector-General of Intelligence and Security (IGIS) report of her *Inquiry into the attendance of lawyers at ASIO interviews* made five recommendations in total:

1. ASIO should work with the Department of Immigration and Border Protection (Immigration) to ensure that:

a) when making interview arrangements in Australia, visa applicants are specifically asked whether they want to have a legal representative attend

b) the lawyer's personal details are obtained by Immigration and passed to ASIO

c) a decision is made about whether the lawyer may attend and is conveyed prior to the day of interview.

2. ASIO should:

a) review its training to reinforce that the attendance of a lawyer at a security assessment interview is not to be considered problematic, unless sound reasons exist for deciding otherwise

b) ensure that decisions about whether a lawyer may attend an interview are considered and recorded on a case-by-case basis

c) ensure that in the absence of a specific cause for concern, interviews should commence without efforts by interviewing officers to discourage the attendance of a legal representative.

3. ASIO should:

a) clarify the status of any person who wants to attend an interview to ascertain whether they are the interviewee's legal representative

b) further consider whether migration agents should be accorded the same status as lawyers, with their attendance at interviews being addressed on a case-by-case basis.

4. ASIO should:

a) provide guidance for interviewing officers on when a written or verbal confidentiality undertaking should be requested from a person

b)provide the template undertaking document to attendees before the interview commences

c)provide a copy of a written undertaking to the signatory.

5. The details of this recommendation are afforded a national security classification.

ASIO agreed in full to Recommendations 1 to 4; ASIO has implemented these recommendations in full. ASIO agreed in part to Recommendation 5 and has implemented that part to which it agreed.