

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

Group: 3

Program: Other Agency

Question No. AE15/050

Senator Xenophon asked the following written question from the 24 February and 27 March 2015 hearings:

I refer to reports from the Sydney Morning Herald that state in the same year Sydney Siege gunman Man Haron Monis was dropped from ASIO's "terror watch list", AFP received a report that showed Monis repeatedly harassed and threatened Osman Karolia, then principal of the Islamic Arkana College who he believed to be a "sell-out" to Islam.

1. I note reports that ASIO doesn't have a "terror watch list" – what is then the equivalent term?
2. Was ASIO notified of this report by AFP? What further investigation took place following this?
3. Does ASIO monitor AFP reports, without such reports being directly passed on to AFP? Did any further investigation into this matter take place?
4. What is the process for removing people from ASIO monitoring? Who authorises this?
5. I understand there was an ASIO investigation which was current in about 2008-2009 and discontinued in 2009.
 - a. When did ASIO first become aware of Monis?
 - b. Why was the investigation discontinued?

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

1. The notion that ASIO maintains a "watch list", where individuals on the list are subject to scrutiny and individuals off the list are not, is incorrect.

Intelligence and law enforcement agencies utilise a range of prioritisation systems and review mechanisms – not a single "watch list" – in relation to counter terrorism investigations.

Investigations are prioritised commensurate with the assessed threat posed. It is a dynamic – not a static – process.

ASIO investigates all national security related information it receives, whether that information relates to a closed investigation, an existing investigation or a potential investigation.

2. AFP did not advise ASIO of the alleged activity by Monis. If the report was made to the AFP they would conduct the necessary inquiries.

3. ASIO has no independent access to AFP reports to monitor them outside of formal information referral mechanisms. However, there are well established operational mechanisms for information sharing, an example of this are the Joint Counter Terrorism Teams comprising representatives from the AFP, state and territory police forces, ASIO and other agencies. JCTTs are established in each state and territory to help ensure a coordinated and collaborative nationally consistent approach to combating terrorism of a multi-jurisdictional nature.
4. As noted in the response to question 1, ASIO undertakes a dynamic prioritisation process to determine which investigations, at any given point in time, should be the subject of ASIO focus. There is no single process by which a person ceases to become a subject of investigation.

Decisions in relation to investigations, including the level of officer authorised to approve the establishment of an investigation or a case review, as well as to any recommendation to renew, suspend or close the case, are set out in ASIO policies and procedure documents. ASIO's compliance with these policies and procedures is scrutinised by the Inspector General of Intelligence and Security.

5. As is noted in the *Martin Place Siege Joint Commonwealth-New South Wales review*, ASIO first became aware of Monis in 1997, when the Department of Immigration invited ASIO cooperation in relation to his visa application.

Monis was the subject of many law enforcement and security investigations and assessments over the period of his residence in Australia.

As stated in the Review, none of the results of these investigations or the assessment of information related to Monis provided any indication he had the intention to commit an act such as the Martin Place siege.