

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

Question No. 1

Senator Ludwig asked the following questions at the hearing on 16 February 2004:

- a) Was the (first) communication handed by the French to the ASIO liaison officer or did it pass through other hands?
- b) What time was it (passed to ASIO) on 22 September?
- c) What was the precise time it was transmitted to ASIO (central office)?
- d) Provide the date of transmission or the date of translation and when it arrived given the time difference between France and Australia?
- e) Was it translated in Australia or France?
- f) When was the ASIO office in Australia aware of the content of the cable?

The answer to the honourable senator's questions are as follows:

The following timeline provides details of the first two communications from French intelligence (Direction de la Surveillance du Territoire (DST)) to ASIO regarding Willie Brigitte and ASIO's response to them.

Date	Time	
Monday 22 September 2003	circa 1500 (Paris time)	The first communication from DST regarding Brigitte was passed to an ASIO officer in Paris. The advice was dated Friday 19 September.
Thursday 25 September 2003	1712 (Paris time)	Paris liaison office forwarded a draft translation of the DST message to ASIO Central Office (ACO).
Friday 26 September 2003	0754 (AEST)	The draft translation was received in ACO, Canberra.
Wednesday 1 October 2003		A French translator in ACO confirmed the translation of the document was accurate and advised the Paris liaison office accordingly.
Thursday 2 October 2003		The translated document was forwarded to the relevant section for investigation.
Friday 3 October 2003	1442 (Paris time)	DST sent a second communication (a telex in French) marked 14:42:19 (Paris time) to ACO's Communications Centre in Canberra which advised a series of arrests in France was imminent and DST considered Brigitte "possibly dangerous". <ul style="list-style-type: none"> - this message was received in ASIO at 2247 hours (AEST) on the evening of Friday 3 October. - The telex itself was marked 'priority' in a precedence table of Routine, Priority, Immediate and Flash.

		<ul style="list-style-type: none"> - It is common operational practice for agencies like ASIO to make direct contact with an agency to which they are sending material which is considered urgent and important. - DST did not advise either our liaison office in Paris or our Central Office in Canberra that the message had been despatched, let alone that it was urgent. - As ASIO communications operate on a call-out arrangement after-hours, the message was not accessed until Tuesday 7 October (Monday 6 October being a public holiday). <p>(Note: 24 hour communications will be available with the new National Threat Assessment Centre.)</p>
Tuesday 7 October 2003	0857 (AEST)	DST's second communication was sent from the ACO Communications Centre to registry for processing and translation.
	1143 (AEST)	The completed translation (of the second message) was sent to the relevant branch.
	1341 (AEST)	ASIO accessed DIMIA's movement database and determined Brigitte was in the country.
	1701 (AEST)	Message forwarded to our Paris liaison office advising Brigitte was in Australia
	1000 circa (Paris time)	DST advised by ASIO's Paris liaison office that Brigitte was in Australia.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

Question No. 2

Senator Ludwig asked the following questions at the hearing on 16 February 2004:

In respect to Mr Brigitte.

- a) When was the first initiation done?
- b) How long did it take to translate (the messages) from the time the transmission was received and then from when you commenced your actions in respect of it?
- c) Was the ASIO communications centre manned at that time when the second one was received? Is it 24/7?
- d) How many messages come into the communications centre?
- e) At what time on Monday or Tuesday did the communications centre become aware of the correspondence?
- f) Was a check instigated on the Tuesday (7 October) in relation to whether Mr Brigitte was in Australia or not?
- g) What was the time line about from when the check was then made or instigated after the translation was done?
- h) How long did it take for the response to come back as to whether or not he was in Australia?

The answer to the honourable senator's questions are as follows:

The following timeline provides details of the first two communications from French intelligence (Direction de la Surveillance du Territoire (DST)) to ASIO regarding Willie Brigitte and ASIO's response to them.

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		<p>series of arrests in France was imminent and DST considered Brigitte “possibly dangerous”.</p> <ul style="list-style-type: none"> - this message was received in ASIO at 2247 hours (AEST) on the evening of Friday 3 October. - The telex itself was marked ‘priority’ in a precedence table of Routine, Priority, Immediate and Flash. - It is common operational practice for agencies like ASIO to make direct contact with an agency to which they are sending material which is considered urgent and important. - DST did not advise either our liaison office in Paris or our Central Office in Canberra that the message had been despatched, let alone that it was urgent. - As ASIO communications operate on a call-out arrangement after-hours, the message was not accessed until Tuesday 7 October (Monday 6 October being a public holiday). <p>(Note: 24 hour communications will be available with the new National Threat Assessment Centre.)</p>
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	1701 (AEST)	Message forwarded to our Paris liaison office advising Brigitte was in Australia
	1000 circa (Paris time)	DST advised by ASIO’s Paris liaison office that Brigitte was in Australia.

Senator Ludwig also asked:

2d) How many messages come into the communications centre?

Over 13,000 were received in the month of October 2003.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

Question No. 3

Senator Ludwig asked the following question at the hearing on 16 February 2004:

How long does it take from the communications centre to check a passenger movement?

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

ASIO has a direct link to DIMIA's movement database. As such, we are able to obtain checks quickly.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

Question No. 4

Senator Ludwig asked the following questions at the hearing on 16 February 2004:

In respect of Omar Mohamed.

- a) Do you know how many times he entered Australia prior to his arrest in the United States?
- b) Do you know the dates on which he entered Australia and, could you also provide in each instance not only the dates of entry but also the date of exit?
- c) Could you provide the type of visa that Mr Mohamed was travelling on and whether it changed?
- d) What was the first port of call or the first destination of the aeroplane Mr Mohamed travelled on?

The answer to the honourable senator's questions are as follows:

- a) Mr Mohamed has made five trips to Australia – he first arrived here on 29 December 2000.

- b) First trip

Arrived 29 December 2000

Departed 28 January 2001

Second Trip

Arrived 25 July 2001

Departed 28 August 2001

Third trip

Arrived 14 December 2001

Departed 31 January 2002

Fourth trip

Arrived 24 February 2003

Departed 3 May 2003

Fifth trip

Arrived 27 September 2003

Departed 25 December 2003

- c) Mr Mohamed's five trips to Australia were made on three multiple entry short-stay Visitor Visas.
- d) In terms of his inwards travel to Australia Mr Mohamed travelled directly from Los Angeles to Sydney on his first four trips, and from Manila to Sydney on his last visit.

In terms of his outward travel from Australia, Mr Mohamed travelled to, or transited through, Los Angeles following his first three trips, to Auckland on his next, and to Taipei following his last visit to Australia.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

Question No. 5

Senator Ludwig asked the following questions at the hearing on 16 February 2004:

- a) When did ASIO first receive contact from the US authorities in relation to Mr Mohamed?
- b) What was the exact date ASIO became aware of him through the media?
- c) Was any information sought by the US in return about his activities in Australia?

The answer to the honourable senator's questions are as follows:

ASIO became aware of Mr Omar Abdi Mohamed from US media reporting on the afternoon of Thursday 29 January 2004, Canberra time (late night Wednesday 28 January, Washington time). On the same day, ASIO Central Office requested further information from US liaison.

At 1200 hours on Friday 30 January 2004, Canberra time (2000 hours Thursday 29 January 2004, Washington time) officers from ASIO and the AFP in Washington conducted a teleconference with the US Attorney's Office in San Diego and a representative from the US Department of Justice, who provided a brief on the case.

On Wednesday 4 February 2004, Canberra time (Tuesday 3 February 2004, Washington time) ASIO received a request from US authorities, via the ASIO liaison officer in Washington, for information relating to Mr Omar Abdi Mohamed's activities and contacts in Australia.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

Question No.6

Senator Ludwig asked the following questions at the hearing on 16 February 2004:

As far as you are able to inform the Committee,

- a) When did you first initiate inquiries in the US, what was their response and did they follow it up with any additional requests for information once they became aware that he was in Australia?
- b) What were the nature of those inquiries and the character of them in terms of the request of what the US was seeking?

The answer to the honourable senator's questions are as follows:

ASIO became aware of Mr Omar Abdi Mohamed from US media reporting on the afternoon of Thursday 29 January 2004, Canberra time (late night Wednesday 28 January, Washington time). On the same day, ASIO Central Office requested further information from US liaison.

At 1200 hours on Friday 30 January 2004, Canberra time (2000 hours Thursday 29 January 2004, Washington time) officers from ASIO and the AFP in Washington conducted a teleconference with the US Attorney's Office in San Diego and a representative from the US Department of Justice, who provided a brief on the case.

On Wednesday 4 February 2004, Canberra time (Tuesday 3 February 2004, Washington time) ASIO received a request from US authorities, via the ASIO liaison officer in Washington, for information relating to Mr Omar Abdi Mohamed's activities and contacts in Australia.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

Question No. 7

Senator Ludwig asked the following question at the hearing on 16 February 2004:

What date was Mr Omar Mohamed added to the Movement alert list?

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

For operational and security reasons ASIO does not, as a general rule, make public who it has, or has not, included on the movements alert list. In this instance, however, we can advise that Mr Mohamed was added to MAL on 30 January 2004.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

Question No. 8

Senator Ludwig asked the following question at the hearing on 16 February 2004:

Did you obtain a copy of the news release from the United States attorney southern district, California, independently?

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

ASIO obtained a copy of US Attorney press release on 16 February 2004.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

Question No. 9

Senator Ludwig asked the following questions at the hearing on 16 February 2004:

How many linguists do you have on staff?

What is the percentage of persons who are linguists, compared to the overall workforce?

The answer to the honourable senator's questions are as follows:

ASIO does not publish the number of linguists or the languages covered as it unnecessarily reveals capabilities. ASIO continues to recruit linguists with different language skills whenever required and manages the linguists to ensure a close match to requirements.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN FEDERAL POLICE

Question No. 10

Senator Faulkner asked the following questions at the hearing on February 2004:

Could you provide the consultant's report or details of the area they are looking at?

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

Following the development of the concept of the International Deployment Group (IDG) the AFP engaged two consultants to provide reports on the following areas:

1. Report into enabling Support for Australian Federal Police Deployed Police Forces dated 4 December 2004; and
2. The formation and operational deployment, including terms and conditions of service for the IDG dated 16 February 2004.

At this time the reports cannot be released, however the AFP is able to provide the following details:

Report into enabling Support for Australian Federal Police Deployed Police Forces dated 4 December 2004.

This report was commissioned in recognition that the AFP is now being called on to mount peace style missions, particularly as the lead agency. As a result the AFP needs to be in a 'mission ready' position to plan, establish, facilitate and support overseas operations. This is a relatively new position for the AFP, which in the past has responded after Military Peacekeeping Forces have been in country and established most of the enabling infrastructure.

The focus of the report is on enabling a mission (either a United Nations mission or a Restoration of Law and Order and capacity building mission) to operate rather than the Command and Control aspects, which are determined from the deployments specific objectives and other operational considerations.

The AFP is continuing to assess the recommendations in the report. The suggested development of a set of Standing Operating Procedures for the planning and conduct of Enabling Support for Offshore Deployments is a work in progress, using both the consultant's report and the AFP's practical experience gained from its initial eight months in the Solomon Islands.

The formation and operational deployment, including terms and conditions of service for the IDG dated 16 February 2004.

This report was commissioned following the development of the concept of the IDG to provide advice on the formation and operational deployment, including terms and conditions of service, for the IDG. The report makes a number of recommendations in relation to the operational deployment of personnel and recommendations for remuneration. The recommendations provide the AFP with the following benefits:

- A sustainable approach to meeting its international responsibilities;

- A cost-effective approach to meeting those responsibilities; and
- Identifies the conditions of employment and remuneration for employees involved in these roles.

Since receiving the report the AFP has acted upon the recommendations and has endorsed the *Australian Federal Police (International Deployment Group) Determination No. 1 of 2004* which accounts for the unique and flexible working environment of AFP employees deployed as part of the International Deployment Group.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN FEDERAL POLICE

Question No. 11

Senator Faulkner asked the following questions at the hearing on February 2004:

What is the composition of the International Deployment Group (IDG) and how would it be tasked?

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

The IDG will include almost 500 personnel, drawn from the ranks of the AFP, Australian Protective Service (APS) and negotiated staffing of up to 100 personnel contributed by State and Territory police services. Having all personnel attached to the IDG will also ensure both the AFP and State and Territory police services are better placed to plan future recruitment strategies based on a known commitment to the IDG.

The IDG is headed by a senior and experienced AFP Assistant Commissioner (Federal Agent Shane Castles, APM), who will be responsible for drawing together a strong and flexible workforce possessing a range of skills and experience from within the AFP and across Australian law enforcement agencies. This will include a support and enabling team based at the AFP's Wanggirrali Ngurrumbai Centre responsible for the provision of training, Head Office, logistical and welfare support to United Nations Missions or Restoration of Law and Order and capacity building programs negotiated by the Australian Government such as the Regional Assistance Mission Solomon Islands (RAMSI) and the Enhanced Assistance Package (EAP) to Papua New Guinea which is currently under negotiation.

The Government will ultimately be responsible for approving the deployment of IDG contingents to overseas locations. This includes requests from the UN or Government approved bilateral assistance requests from other governments.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN FEDERAL POLICE

Question No. 12

Senator Kirk asked the following questions at the hearing on 16 February 2004:

In relation to policing in the ACT, has the number of AFP officers in the ACT per head of population increased or decreased over the last 10 years?

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

Financial year	Total staff per 100,000 head of population
1993 - 1994	242
1994 - 1995	239
1995 - 1996	215
1996 - 1997	235
1997 - 1998	235
1998 - 1999	234
1999 - 2000	228
2000 - 2001	243
2001 - 2002	242
2002 - 2003	248

Numbers of ACT Policing staff (including sworn and unsworn members) per 100,000 head of population are presented in the table above for the years 1993-1994 to 2002-2003. This data is derived from information collected as part of the reporting requirements for the Steering Committee for the Review of Government Service Provision annual *Report on Government Services*. Data includes those staff working directly within the ACT Business Unit of the Australian Federal Police and a proportion of staff funded by the ACT Government for the provision of associated enabling services including Information Technology and forensic support services. It excludes Commonwealth funded staff working within ACT Policing. The figure is calculated as an average of the number of personnel at the beginning and end of the financial year.

The data for earlier years are not directly comparable with those for last three years due to changes in counting methodology over time.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
FEDERAL COURT OF AUSTRALIA

Question No 13

Senator Ludwig asked the following questions at the hearing on 16 February 2004

In terms of the APS and managing ASOs, has a target level of staffing been required or been achieved and are there figures on what the turnover rate is?

- (a) What is the retention rate?
- (b) Could you provide the specific attrition rate for the air security officers?
- (c) Are you aware of any troubles or problems with retaining employees in the area?
- (d) Could you provide information on whether or not all the positions allocated have been filled?

The answers to the honourable senator's questions are as follows:

In October 2001 the Government announced funding for the Air Security Officer (ASO) Program. The program commenced on 31 December 2001 and reached its target staffing level within the APS in August 2003.

The ASO program is a discrete function of the APS and the number of ASOs, details of their deployment or methodology cannot be publicly released. To release these details publicly would undermine the effectiveness of the program and may jeopardise the safety of the ASO officers.

- a) The retention rate during the life of the program from December 2001 to February 2004 (26 months) has been 89.75%. The retention rate since reaching the target staffing level in August 2003 has been 93.6%.
- b) The attrition rate during the life of the program December 2001 to February 2004 (26 months) has been 10.25%. The attrition rate since reaching the target staffing level in August 2003 has been 6.4%.
- c) No. There was some uncertainty around the employment of ASOs as they were originally employed on 3 year contracts. The AFP as written to the Public Service Commissioner seeking to move these officers to ongoing employee status.
- d) The target staffing level was achieved in August 2003 and is being maintained through ongoing recruitment as natural attrition occurs.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN CRIME COMMISSION

Question No. 14

Senator Ludwig asked the following questions at the hearing on 16 February 2004:

In relation to the media release issued on 15 November announcing the seizure of firearm raids across Sydney.

- a) How many locations were involved in total?
- b) Could you provide the number of locations and the firearms and firearm parts that were found in each particular location?
- c) Prior to 14 November raids were there any other seizures or operations that you had executed in this area?
- d) How many of those were there?

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

- a) On 14 November 2003, the ACC executed search warrants in 7 locations in NSW and searched one vehicle.
- b) The following items were seized from these locations:

Location 1

220 x .32 calibre key ring firearms
135 rounds of ammunition

Location 2

18 x .32 calibre key ring firearms; and

Location 3

1 x .32 calibre key ring firearm
22 rounds of ammunition

Location 4

80 x .32 calibre key ring firearms

Location 5

434 x .32 calibre key ring firearms (complete, working units)
parts sufficient to produce a further 2,500 x .32 key ring firearms
pistol manufacturing equipment
ammunition

Location 6

No firearms or firearms parts

Location 7

No firearms or firearms parts

Vehicle

No firearms or firearms parts

c) Yes

d) Weapons and other items were taken into ACC possession on 11 other occasions as follows:

Location 9

3 x .32 calibre key ring firearm

Location 10

8 x .32 calibre key ring firearms

Location 11

1 x .32 calibre revolver

1 x .22 calibre pistol

1 x AAA 5.56 calibre machine gun

Ammunition

Location 12

16 x .32 calibre key ring firearms

Location 13

5 x .32 calibre key ring firearms

2 x rounds of ammunition per weapon

Location 14

5 x .32 calibre key ring firearms

2 x rounds of ammunition per weapon

Location 15

5 x .32 calibre key ring firearms

2 x rounds of ammunition per weapon

Location 16

10 x .32 calibre key ring firearms

2 x rounds of ammunition per weapon

Location 17

7 x .32 calibre key ring firearms

Location 18

1 x .32 calibre key ring firearms

Location 19

3 x .32 calibre key ring firearms

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

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Question No. 15

Senator Greig asked the following question at the hearing on 16 February 2004:

Is the government prepared to waive legal professional privilege to inform the Committee of the substance of that advice [on Article 98(2) Agreement negotiations with the United States]?

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

No.

On 17 July 2002, the Government of the United States (US) gave the Australian Government a copy of the US model Article 98(2) Agreement. This document was communicated in confidence by the US Government.

Australian Government legal advice on this issue directly relates to the confidential model US text. It would therefore not be appropriate to release this advice.