

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

**Group 3**

**Program 1.6**

**Question No. 40**

**Senator Brandis asked the following question at the hearing on 12 February 2013:**

**Senator BRANDIS:** I have some questions about the independent review process announced by the government on 16 October to review ASIO adverse security assessments to which Margaret Stone, a former Federal Court judge has been appointed.

...

**Senator BRANDIS:** Could you tell me how many adverse security assessments have been reviewed by the reviewer so far?

**Mr Sheehan:** I have not spoken with Margaret Stone in around 3½ weeks. When I spoke to her she had not yet concluded any review. There was a lot of preparatory work being done since she commenced on 3 December last year. She was looking through all material available to her, not just adverse cases but other cases as well, to be able to understand the context. It may be that some are concluded now, but I would have to take that on notice.

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

The Independent Reviewer of Adverse Security Assessments wrote to Senator Brandis on 18 February 2013 in relation to the current status of reviews (copy attached). The Department has confirmed with the Office of the Independent Reviewer that the information provided in the letter remains current as of 5 March 2013.



**THE HON MARGARET STONE**  
**Independent Reviewer of Adverse Security Assessments**

18 February 2013  
Reference: 76/2013

Senator George Brandis SC  
Senator for Queensland  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

Dear Senator Brandis

**Independent Review of ASIO Adverse Security Assessments**

I noted with interest the questions in relation to the above you put to the Attorney-General's Department at the February 2013 Senate Estimates hearing. I thought it might be of assistance if I provided you with some information on the current status of the reviews.

All eligible individuals have applied for review and I have commenced work on a number of priority cases. I am conscious of the need to complete each review as soon as possible and I assure you that every effort will be made to achieve this. That being said it must be remembered that the timing of some steps in the process are not within the control of this office. For instance each applicant must be provided with an unclassified summary of ASIO's reasons for the assessment and be given ample time to make submissions in respect of these reasons. Time must also be allowed for oral submissions where an applicant wishes to have such an opportunity. At this time, no submissions have been received other than those directed to the priority that should be accorded a review.

I have attached a chronology reflecting the current status of the review process. I am also enclosing a brochure that explains the process in more detail. The brochure has been translated into all relevant languages and an appropriate copy has been sent to each applicant.

I would welcome the opportunity to discuss the process with you in person should you require any further information.

Thank you again for your interest.

Yours sincerely,

A handwritten signature in blue ink that reads "Margaret Stone".

**MARGARET STONE**  
**Independent Reviewer**



**THE HON MARGARET STONE**  
**Independent Reviewer of Adverse Security Assessments**

**KEY DATES**

16 October 2012	Attorney-General's Media Release announcing the proposed review process
3 December 2012	The Hon Margaret Stone commenced as Independent Reviewer
3-4 December 2012	The Reviewer received briefings from the Director-General of Security, Senior Executive Staff of ASIO, non-senior staff of ASIO, and staff of DIAC. (NB consultation is ongoing)
4 December 2012	<ul style="list-style-type: none"><li>• The Reviewer met with the then Attorney-General</li><li>• The Reviewer wrote to all 56 eligible applicants inviting them to apply for review of their adverse security assessment.</li></ul>
11 December 2012	The Reviewer briefed the Minister's Council on Asylum Seekers and Detention on her role.
Dec 2012 – Jan 2013	During this period: <ul style="list-style-type: none"><li>• all eligible applicants applied for review. Each application was immediately acknowledged and the applicant invited to provide any information relevant to the priority to be accorded their review. Not all applicants have yet submitted priority information</li><li>• ASIO was also requested to provide Unclassified Summaries of Reasons in respect of each application.</li><li>• The review process was commenced in respect of a number of applications and taken as far as possible pending the receipt of submissions</li></ul>
January 2013 to present	Over this period Unclassified Summaries of Reasons in respect of a number of applicants have been provided by ASIO. These have been sent to the applicants or their legal representatives who have been invited to make written submissions within 45 days. The Reviewer has also asked for an indication as to whether the applicants would like to make oral submissions.
17 January 2013	The Reviewer met with Senator Sarah Hanson-Young.
11 February 2013	A brochure on the Independent Review (available in English and a number of other languages) was sent to eligible applicants.