

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

Question No. 120

Senator Nettle asked the following question at the hearing on 25 May 2006:

Security Assessments of detainees

- a) What level of resources is devoted to providing DIMA security assessments as part of their refugee determinations?
- b) What is the average time for a security assessment of a refugee?
- c) How much did ASIO receive from DIMA over the last year as part of its cost recovery for security assessments of asylum seekers?
- d) During the hearings, Mr O'Sullivan indicated that people who have been adversely assessed by ASIO are not necessarily given the reason/s for the adverse assessment.
- e) Is it a blanket rule or policy not to provide the reason/s to a person who is given an adverse security assessment, or their lawyers?
 - (i) If so, why?
- f) What is the legal basis for ASIO not providing a statement of reasons for security assessments?
- g) Does this breach the principles of natural justice?
- h) Has ASIO answered any inquiries about this policy from the Inspector General of Intelligence?
- i) Has ASIO ever reversed a security assessment based on new evidence?
- j) Has ASIO received requests (formal and informal) from the Department of Immigration to review adverse security assessments?
 - (i) If so, on how many occasions?
 - (ii) What has been the outcome of these requests?
- k) What level of qualification and training do ASIO agents who process security assessments have?
- l) What level of qualification and training do ASIO agents who conduct interview for security assessments have?
- m) Does ASIO have standard questions to use in security assessment interviews?
- n) How many agents generally conduct a security assessment interview?
- o) Are lawyers allowed to be present during a security assessment interviews? If not, why not?
- p) Are translators used in security assessment interviews? If not, why not?
- q) Is a mental health assessment conducted prior or after a security assessment interview particularly in regard to the reliability of the interviewee?

- r) How is it determined that people are mentally able to cope with lengthy ASIO interviews, particularly those with reported mental health problems?
- s) What percentage of ASIO character assessments are adverse?
- t) What percentage of ASIO character assessments require an interview?
- u) How many adverse security assessments have been made without conducting an interview?
- v) Why would such decisions be made without an interview?
- w) During the assessment process is racial profiling used?
- x) Were all adult asylum seekers settled from detention centres on Nauru assessed for security by ASIO?
 - (i) How many had adverse assessments?
- y) If a subject is deemed not to co-operate, are they given an adverse assessment?
- z) If a public servant is given an adverse security assessment by ASIO do they have a right to written reasons?

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

- a) For reasons of national security ASIO does not provide details of resource allocations.
- b) The time taken to complete an ASIO security assessment varies depending on an individual's circumstances and background. The majority of cases are completed within three months of referral by DIMA.
- c) \$603,029 in 2004-05.
- d) – e) No, the subjects of security assessments are provided the grounds for the assessments to the extent required by the *Australian Security Intelligence Organisation Act 1979* (ASIO Act).
- f) ASIO is not required to provide statements of grounds to those persons who are not entitled to merits review of the assessment by the Administrative Appeals Tribunal. Where a person is entitled to merits review, ASIO is not required to provide those parts of the grounds where disclosure would be prejudicial to the interests of security (see S36 and S38 of the ASIO Act).
- g) No. ASIO complies with the requirements of the ASIO Act 1979 as to where a person is to be notified of grounds for the assessment.
- h) Any questions relating to communications from the IGIS to ASIO should be directed to the IGIS.
- i) Yes. If ASIO receives information which indicates a particular security assessment is no longer accurate ASIO will review the assessment.
- j) Adverse security assessments may be reviewed if/when new information relevant to an assessment comes to light. Adverse assessments are not reviewed simply because a government department/agency requests a review. This is well understood at the department/agency level, including by DIMA.

- k) - l) ASIO analysts are required to have tertiary qualifications. All ASIO analysts receive extensive and ongoing professional training.
- m) There is a general structure to ASIO security assessment interviews, but each interview is tailored to address issues specific to the individual.
- n) ASIO generally assigns two officers to conduct security assessment interviews.
- o) Yes.
- p) Yes, if required.
- q) ASIO does not conduct mental health assessments but, where necessary, will seek expert advice. ASIO considers all relevant information in formulating a security assessment.
- r) ASIO does not interview any individual who is not capable of representing himself or herself. If necessary, a psychologist may assist in the conduct of an ASIO security assessment interview. All interviewees - regardless of their state of health - are offered regular breaks throughout ASIO security assessment interviews.
- s) ASIO does not provide character assessments. In 2004–05 ASIO provided adverse security assessments for two unauthorised arrivals from a total of 4,223 assessments. This represents approximately 0.05 percent of the total number of assessments.
- t) ASIO does not provide character assessments. Approximately ten percent of ASIO security assessments for unauthorised arrivals involve an interview.
- u)–v) ASIO does not issue adverse security assessments for Further Protection Visa applicants without seeking to conduct an interview.
- w) No.
- x) This question should be referred to DIMA. ASIO can only comment on applicants referred by DIMA for a security assessment. Two individuals on Nauru who were referred to ASIO by DIMA were assessed to be a risk to security.
- y) No. ASIO takes a number of factors into consideration, including the nature of the applicant's activities that are of security concern; the credibility of the information available to ASIO and whether it can be corroborated; and the honesty of the applicant. ASIO security assessment interviews often accelerate the assessment process and provide the applicant with an opportunity to resolve issues of concern.
- z) Yes, provided the Public Servant is an Australian citizen or permanent resident and that disclosure of the statement of grounds would not be prejudicial to the interests of security.