



Australian Government

Australian Security  
Intelligence Organisation

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Director-General of Security

Senator Crossin  
Chair  
Senate Standing Committee on Legal and Constitutional Affairs  
Parliament House  
CANBERRA ACT 2600

*Dear Senator Crossin,*

**Clarification: Illegal Fishing**

I refer to the recent public meeting of the Senate Standing Committee on Legal and Constitutional Affairs on 18 October 2011 regarding supplementary budget estimates for the Attorney-General's portfolio.

On 18 October 2011, during my appearance, I responded to questions from Senator Wright in regard to ASIO's investigative activities in relation to illegal fishing. I should like to confirm that in relation to ASIO's collection of security intelligence, it would not be in ASIO's remit to conduct security investigations into illegal fishing on its own behalf, unless satisfied that the illegal fishing problem was at a stage that it was considered a serious threat to Australia's border or territorial integrity.

I understand, however, that the Senator's questions may have been asked in the context of the *Intelligence Services Legislation Amendment Act 2011* which amended the definition of 'foreign intelligence' in the *Australian Security Intelligence Organisation Act 1979* to align it with the *Intelligence Services Act 2001* and the *Telecommunications (Interception and Access) Act 1979*. You will recall that a function of ASIO under paragraph 17(1) (e) of the *ASIO Act* is to obtain foreign intelligence within Australia at the request of the Minister for Defence or the Minister for Foreign Affairs.

The revised definition of foreign intelligence under which ASIO now operates allows ASIO to collect intelligence about the capabilities, intentions or activities of people or organisations outside Australia where the collection of that intelligence is in the interests of Australia's national security, foreign relations, or national economic well-being. That would, of course, include intelligence on illegal fishing collected inside Australia at the request of the Minister for Defence or Foreign Affairs.

As you would appreciate, it is not appropriate for me to comment on specific operational matters.

[Redacted Signature]  
David Irvine