



What 'Security' means to ASIO

Why 'security' is central to ASIO's business

For ASIO, the term 'security' is particularly important. It has a specific definition that is central to the Organisation's day to day work.

The definition of 'security' in the *Australian Security Intelligence Organisation Act 1979* (the ASIO Act) encompasses the protection of Australia, its people and interests – both within Australia and overseas – against *espionage, sabotage, politically motivated violence (PMV), the promotion of communal violence, attacks on Australia's defence system, and acts of foreign interference*; and the protection of Australia's *territorial and border integrity from serious threats*.

With a few specific exceptions¹, ASIO is only able to investigate and report on matters that fall under the definition of 'security'. ASIO is the only Australian Intelligence Community agency authorised in the course of its normal duties to undertake investigations into the activities of Australian citizens, and ASIO's specific legislative operating parameters are intended to ensure there is an appropriate balance between individual rights and the public's collective right to be secure.

Relevance to 'security'?

ASIO obtains thousands of intelligence leads each year from the public, its overseas liaison partners, open sources, and its own operational activities. Each lead is assessed to identify its relevance to 'security' – specifically, whether or not there is a nexus between the lead information and the definition of 'security' in the ASIO Act. To reach an assessment



ASIO checks the information in the lead against its intelligence holding, and looks for long and short-term trends and patterns.

If, through these checks and enquiries, ASIO is unable to identify any relevance to 'security' the matter is not further investigated. However, ASIO does have some discretion to refer matters to other agencies, including police – for example, if they relate to indictable criminal offences.

If the matter is found to be relevant, ASIO is able to undertake further investigative activity subject to the provisions of the ASIO Act and Attorney-General's Guidelines. The guidelines require ASIO to employ the principle of proportionality in its security intelligence investigations - the means for obtaining information must be proportionate to the gravity of the threat posed and the likelihood of its occurrence.

If necessary and justified, ASIO may seek a warrant from the Attorney-General to use 'special powers' intelligence collection techniques to enter and search premises, access computers, intercept communications, use listening and tracking devices, and inspect postal and delivery service articles.

The ASIO Act also enables ASIO, with the Attorney-General's consent, to seek warrants from an independent issuing authority (a federal magistrate or judge) for questioning of persons in order to collect intelligence that is important in relation to a terrorism offence. The warrants may authorise police officers to detain persons in limited circumstances. Any questioning pursuant to a questioning, or questioning and detention warrant must be undertaken in the presence of a prescribed authority (a former superior court judge, a



current state or territory judge, or the President or Deputy President of the Administrative Appeals Tribunal) under conditions determined by that authority. The Inspector-General of Intelligence and Security (IGIS) has a statutory right to attend during any questioning or detention under the warrant.

With the approval of the Attorney-General and/or Minister for Defence, (and subject to the provisions of the Intelligence Services Act 2001) Australia's foreign intelligence collection agencies – the Australian Secret Intelligence Service, Defence Signals Directorate and Defence Imagery and Geospatial Organisation – may collect intelligence on an Australian to assist ASIO where the Australian has been identified as posing a threat to security.

'Security' is not limited geographically

ASIO is mandated to operate wherever there is a threat to 'security'. While much of its operational activity occurs within Australia, ASIO also works overseas to protect Australians and Australia's interests wherever they may be. ASIO maintains contact with a broad network of foreign liaison services, and through it receives crucial information and cooperation.

¹ These are: ASIO's function of collecting foreign intelligence within Australia on behalf of ASIS and DSD; ASIO's ability to communicate incidentally obtained intelligence under specific circumstances in accordance with section 18(3) of the *ASIO Act 1979*; and ASIO's responsibility to advise Ministers and authorities of the Commonwealth on matters relating to protective security.