



Inspector-General of
Intelligence and Security

www.igis.gov.au

Correspondence ref: 2014/1201

File ref: 2013/21

Mr John A Smyth
PO Box 118
Picton NSW 2571

Dear Mr Smyth,

Thank you for your recent emails concerning the referral of your complaint about the Australian Security Intelligence Organisation (ASIO) from the Australian Human Rights Commission (AHRC) to this office.

Please accept my apologies for our delay in providing you with a substantive response. The delay has been caused by competing work priorities while we determined how best to progress the matters raised in your complaint.

Having now reviewed the material provided to us by the AHRC, I have decided to commence an investigation into your complaint, in accordance with section 14 of the *Inspector-General of Intelligence and Security Act 1986* (IGIS Act). This provision provides me with authority to make inquiries with the head of the agency to whom the complaint relates.

I will therefore be writing to the Director-General of Security (that is, the head of ASIO) in the next few days seeking information relating to the following matters:

1. The way in which ASIO handled your initial application to access your file (including why ASIO apparently decided not to negotiate an early resolution to your request).
2. Why ASIO decided to defend their position in the Administrative Appeals Tribunal (AAT) – a decision which you believe caused additional delays, costs and personal hardship to you.
3. The reasons for the delays by ASIO in responding to requests from the National Archives Australia (NAA), and whether in light of your ill health ASIO should have expedited your case.

As my jurisdiction is limited to the six intelligence and security agencies set out in the IGIS Act, I will not be directly investigating the actions of NAA, however, should I become aware of any poor practice or inappropriate action on the part of NAA, I am able to bring this to the attention of the Director-General of NAA.

Please be assured that we will also investigate any other significant issues that might arise in the course of the investigation, which fall within our jurisdiction, with a view to doing so as quickly and thoroughly as is possible.

I will keep you informed of any significant developments relating to our investigation, and will write to you again when our investigation is completed.

Should you have queries on any of the above my contact officer for this matter is Ms Kirrily Stevenson on ph (02) 6271 5692, while email correspondence can be sent to info@igis.gov.au.

Yours sincerely



Vivienne Thom
Inspector-General

11 December 2014