



Attorney-General for Australia

THE HON NICOLA ROXON MP

Independent Reviewer for Adverse Security Assessments

16 October 2012

The Gillard Government has announced today it will provide an independent review process for those assessed to be a refugee but not granted a permanent visa as a result of an ASIO adverse security assessment (ASA).

"Refugees in immigration detention who are the subject of an adverse security assessment will have access to this new independent review option," Attorney-General Nicola Roxon said.

"The Government has appointed The Hon Margaret Stone as the inaugural Independent Reviewer. Margaret Stone is a former Judge of the Federal Court. Prior to being appointed to the bench she had a distinguished academic career and was also a partner at Freehill Hollingdale & Page. She is an eminent Australian with experience in legal, immigration and national security matters.

"Under the terms of reference released today, the reviewer will examine the materials used by ASIO and will provide a recommendation to the Director-General of Security and report these findings to the Attorney-General, the Minister for Immigration and Citizenship and the Inspector-General of Intelligence and Security.

"There will also be a regular 12 month periodic review of adverse security assessments for refugees in immigration detention.

"The Government takes both national security and its international obligations to refugees seriously.

"Independent review will not lower the bar for assessing a refugee's risk to Australia's national security, but will provide greater openness and accountability in the security assessment process."

After the Reviewer completes their work on the initial round of applications, the Government expects the reviewer to complete each application for review within three months.

Terms of Reference for the reviewer are attached.

ASIO only issues ASAs in a small number of cases. They make up less than one per cent of all irregular maritime arrival visa security assessments undertaken since January 2010.

This announcement does not represent the Government's response to the High Court's decision in M47 v the Director-General of Security & Others handed down last week. The Minister for Immigration continues to analyse that case and its implications.

The Government chose not to announce this review process while the case was before the Court to ensure the review process was consistent with the Court's decision.

The court found in M47 that ASIO's assessment process was procedurally fair.

Despite this confirmation from the court, the government believes ASIO and the community will benefit from this new review process adding an additional level of independent scrutiny to ASIO decision making.

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- [Independent review function - Terms of Reference \[DOC 500KB\]](#)
 - [Independent review function - Terms of Reference \[PDF 357KB\]](#)