



Inquiry into the provision of weapons and the training in and use of weapons and self-defence techniques in the Australian Secret Intelligence Service

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Executive summary

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In April 2013 the Inspector-General of Intelligence and Security initiated an inquiry into the provision of weapons and the training in and use of weapons and self-defence techniques in the Australian Secret Intelligence Service (ASIS).

The functions of ASIS are set out in the *Intelligence Services Act 2001* (the ISA). Amendments to the ISA in 2004 allowed ASIS to train and equip specified staff or agents with weapons and self-defence techniques for the purposes of protecting themselves or certain other specific classes of persons. This inquiry was not prompted by any particular concern; rather, it was always intended these provisions would be subject to close oversight by the Inspector-General.

Overall the Inspector-General noted that ASIS has managed the training in and use of weapons and self-defence techniques well. ASIS now have staff members and agents issued with weapons in a number of countries, allowing them to conduct their work more safely in dangerous operational environments. Since 2004, ASIS has progressed from relying on training provided by the Australian Federal Police to developing their own in-house training tailored to their specific needs. The training is professionally conducted.

Since 2004 there have been two breaches of the ISA, both involving the discharge of a firearm without appropriate prior approval. Both incidents occurred within controlled weapons training environments and were not indicative of systemic issues. The incidents were reported to the Inspector-General when they occurred and the inquiry found ASIS has generally complied with reporting requirements.

A review of other weapons-related incidents since 2004 did not reveal any serious systemic issues, although there were a number of breaches of the ASIS *Guidelines for the Use of Weapons and Self-Defence Techniques*, which are issued in accordance with the ISA.

Two main concerns were identified by the inquiry. The first is in relation to delays in providing oleoresin capsicum spray and batons to some overseas Stations after this had been approved by the Minister on the basis that the weapons were necessary for the safety of staff. The inquiry found that delays were due primarily to the lack of central governance of weapons policy and procedures in ASIS.

The second concern relates to the consumption of alcohol. ASIS requires that a person must not be issued with a weapon with a blood alcohol content above 0.00. The inquiry found there was some misconception by staff in relation to this matter and that ASIS did not have adequate controls in place to provide assurance that there was compliance with this requirement. While there was no direct evidence that any ASIS staff member had retrieved a weapon with a blood alcohol level greater than 0.00, the Inspector-General considered it was possible it had occurred. (This does not necessarily mean that any person had been issued with a weapon while actually impaired by alcohol.)

The Inspector-General made six recommendations as a result of the inquiry, most relating to the governance of weapons policy and procedures in ASIS. ASIS has advised that a number of these recommendations are already in the process of being implemented.