

AUSTRALIAN SECURITY INTELLIGENCE ORGANIZATION ACT 1976

No. 2 of 1976

An Act to amend the *Australian Security Intelligence Organization Act* 1956-1973 in relation to the office of Director-General of Security, and with respect to certain formal matters.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Australian Security Intelligence Organization Act* 1976.¹

(2) The *Australian Security Intelligence Organization Act* 1956-1973² is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the *Australian Security Intelligence Organization Act* 1956-1976.

Commence-
ment.

2. This Act shall come into operation on the day on which it receives the Royal Assent.¹

Definitions.

3. Section 2 of the Principal Act is amended by inserting after the definition of “employee” the following definition:—

“ ‘Judge’ means a Judge of a court created by the Parliament; ”.

4. After section 6 of the Principal Act the following sections are inserted:—

Appointment
of a Judge as
Director-
General not
to affect
tenure, &c.

“6A. The appointment of a Judge as Director-General, or service of a Judge as Director-General, does not affect the tenure of his office as a Judge or his rank, title, status, precedence, salary, annual or other allowances or other rights or privileges as the holder of his office as a Judge and, for all purposes, his service as Director-General shall be taken to be service as the holder of his office as a Judge.

Remuneration
and
allowances
of Director-
General.

“6B. (1) If the Director-General is not a Judge, he shall be paid such remuneration as is determined by the Remuneration Tribunal and such allowances as are prescribed.

“(2) Sub-section (1) has effect subject to the *Remuneration Tribunals Act* 1973-1975.

“(3) If the Director-General is a Judge, other than Chief Judge of the Australian Industrial Court, and the rate per annum of his salary as a Judge is less than the rate per annum of the salary applicable to the Chief

Judge of the Australian Industrial Court, he shall be paid additional salary at a rate equal to the difference between the rates of those salaries, and, if the rate per annum of his annual allowance as a Judge is less than the rate per annum of the annual allowance applicable to the Chief Judge of the Australian Industrial Court, he shall be paid additional annual allowance at a rate equal to the difference between the rates of those annual allowances.

“(4) Where a Judge, not being the Chief Judge of the Australian Industrial Court, retires as a Judge or dies and, immediately before his retirement or death, he held office as Director-General, the *Judges’ Pensions Act* 1968-1974 applies to or in relation to him as if he had been Chief Judge of the Australian Industrial Court immediately before his retirement or death.”.

5. After section 15 of the Principal Act the following section is added:—

“16. The Governor-General may make regulations, not inconsistent with this Act, for the purposes of section 6B of this Act.”. Regulations.

6. The Principal Act is amended as set out in the Schedule.

Formal
amendments.

SCHEDULE

Section 6

FORMAL AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting any number expressed in words that is used to identify a section of that Act or of another Act and substituting that number expressed in figures:—

Sections 2 (definitions of “ ‘employee’ or ‘employee of the Organization’ ” and “ ‘officer’ or ‘officer of the Organization’ ”), 7 (2) (b), 11 and 13.

2. The following provisions of the Principal Act are amended by omitting the words “ of this Act ” (wherever occurring):—

Sections 2 (definitions of “ ‘employee’ or ‘employee of the Organization’ ” and “ ‘officer’ or ‘officer of the Organization’ ”) and 7 (2) (b).

3. The following provisions of the Principal Act are amended by omitting the word “Solicitor-General” (wherever occurring) and substituting the words “Secretary to the Attorney-General’s Department”:—

Sections 8 and 9.

4. The Principal Act is further amended as set out in the following table:—

Provision	Amendment
Section 4 (1)	Omit “the sixteenth day of March, One thousand nine hundred and forty-nine”, substitute “16 March 1949”.
Section 11	Omit “of this Act” (first and second occurring). Omit “Public Service of the Commonwealth” (wherever occurring), substitute “Australian Public Service”.

NOTES

1. Act No. 2, 1976; assented to 4 March 1976.
2. Act No. 113, 1956, as amended by No. 216, 1973 (as amended by No. 20, 1974).