



Foreign Affairs Portfolio Miscellaneous Measures Act 2013

No. 54, 2013

**An Act to amend the *Intelligence Services Act 2001*
and the *Work Health and Safety Act 2011*, and for
related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 54, 2013

An Act to amend the *Intelligence Services Act 2001* and the *Work Health and Safety Act 2011*, and for related purposes

[Assented to 28 May 2013]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Foreign Affairs Portfolio Miscellaneous Measures Act 2013*.

2 Commencement

This Act commences on the day this Act receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Intelligence Services Act 2001

1 Section 3

Insert:

APS Agency means an Agency within the meaning of the *Public Service Act 1999*.

2 After section 36

Insert:

36A Voluntary moves to APS

- (1) Section 26 of the *Public Service Act 1999* applies in relation to an employee of ASIS as if the employee were an APS employee and ASIS were an APS Agency.
- (2) An employee of ASIS who moves to an APS Agency under that section is entitled to have his or her employment, as an employee of ASIS, treated as if it were:
 - (a) employment as an APS employee; and
 - (b) at a corresponding classification, as agreed between the Director-General and the Public Service Commissioner.

Work Health and Safety Act 2011

3 After subsection 12C(2)

Insert:

- (2A) Without limiting the generality of subsection (1), the Director-General of ASIS may, by instrument in writing, declare that specified provisions of this Act do not apply, or apply subject to modifications set out in the declaration, in relation to a person carrying out work for the Director-General of ASIS.

4 Subsection 12C(3)

After “subsection (2)”, insert “or (2A)”.

5 At the end of section 12C

Add:

- (5) In administering the Australian Secret Intelligence Service and in the exercise of the power under subsection (2A), the Director-General of ASIS must take into account the need to promote the objects of this Act to the greatest extent consistent with the maintenance of national security.

6 Paragraph 273B(2)(a)

After “section 12C(2)”, insert “or (2A)”.

*[Minister’s second reading speech made in—
House of Representatives on 13 March 2013
Senate on 20 March 2013]*

(40/13)
