

2013-2014

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Australian Security Intelligence
Organisation Amendment (Restoring
Merits Review) Bill 2014**

No. , 2014

(Mr Wilkie)

**A Bill for an Act to restore access to the
Administrative Appeals Tribunal for asylum
seekers with adverse security assessments, and for
related purposes**

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1 **A Bill for an Act to restore access to the**
2 **Administrative Appeals Tribunal for asylum**
3 **seekers with adverse security assessments, and for**
4 **related purposes**

5 The Parliament of Australia enacts:

6 **1 Short title**

7 This Act may be cited as the *Australian Security Intelligence*
8 *Organisation Amendment (Restoring Merits Review) Act 2014*.

9 **2 Commencement**

10 This Act commences on the day after this Act receives the Royal
11 Assent.

1 **3 Schedules**

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3 repealed as set out in the applicable items in the Schedule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

1 **Schedule 1—Amendments**
2

3 *Australian Security Intelligence Organisation Act 1979*

4 **1 Subsection 35(1) (paragraph (b) of the definition of**
5 ***prescribed administrative action*)**

6 Repeal the paragraph.

7 **2 Paragraph 36(b)**

8 Repeal the paragraph.

9 **3 Subsection 37(3)**

10 Omit “The”, substitute “Subject to subsection (3A), the”.

11 **4 After subsection 37(3)**

12 Insert:

13 (3A) Regulations under subsection (3) may not prescribe matters in
14 relation to assessments of a particular class if the class is defined
15 by reference to, or could include assessments of, persons seeking
16 asylum in Australia.

17 **5 Subsection 54(2)**

18 Omit “(other than a review of a security assessment made for the
19 purposes of subsection 202(1) of the *Migration Act 1958*)”.