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The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

**Parliamentary Joint Committee on
Intelligence and Security Amendment
Bill 2015**

No. , 2015

(Senator Wong)

A Bill for an Act to amend the *Intelligence Services Act 2001* and other legislation in relation to the membership, powers and functions of the Parliamentary Joint Committee on Intelligence and Security, and for related purposes

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A Bill for an Act to amend the *Intelligence Services Act 2001* and other legislation in relation to the membership, powers and functions of the Parliamentary Joint Committee on Intelligence and Security, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Parliamentary Joint Committee on Intelligence and Security Amendment Act 2015*.

2 Commencement

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

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Membership, powers and functions of the Parliamentary Joint Committee on Intelligence and Security

Independent National Security Legislation Monitor Act 2010

1 Subsection 6(1A)

Repeal the subsection, substitute:

- (1A) If a matter is referred to the Independent National Security Legislation Monitor by the Committee on Intelligence and Security, the Monitor may:
- (a) perform the function set out in paragraph (1)(a) or (b) in relation to the matter (including a matter referred to in subsection (1B)), and
 - (b) provide a report to the Committee.

Inspector-General of Intelligence and Security Act 1986

2 Subsection 3(1)

Insert:

PJCIS means the Parliamentary Joint Committee on Intelligence and Security established by the *Intelligence Services Act 2001*.

3 At the end of section 22

Add:

- (6) The Inspector-General must give the PJCIS a copy of any report given to a Minister or the Prime Minister under subsection (4), (4A) or (5) not later than 3 months after giving a copy of that report to the Minister or Prime Minister.

Intelligence Services Act 2001

4 Section 3

Insert:

counter-terrorism and national security legislation has the same meaning as in the *Independent National Security Legislation Monitor Act 2010*.

Independent National Security Legislation Monitor means the Independent National Security Legislation Monitor appointed under the *Independent National Security Legislation Monitor Act 2010*.

National Security Adviser means a person holding or acting in the most senior position in the Department of the Prime Minister and Cabinet with the principal function of giving advice to the Prime Minister in relation to national security.

sunset date, in relation to provisions of counter-terrorism and national security legislation, means the date on which a sunset provision states that those provisions cease to have effect.

sunset provision means a provision in an Act stating when the Act, or certain provisions of the Act, cease to have effect.

5 Subsection 28(2)

Repeal the subsection, substitute:

- (2) The Committee is to consist of 11 members, 4 of whom must be the following:
- (a) a Government member of the House of Representatives;
 - (b) an Opposition member of the House of Representatives;
 - (c) a Government Senator;
 - (d) an Opposition Senator.
- (2A) The other Committee members may be either Senators or members of the House of Representatives.

6 Paragraph 29(1)(b)

Repeal the paragraph, substitute:

- (b) to review any matter in relation to ASIO, ASIS, AGO, DIO, ASD or ONA referred to the Committee by a resolution of either House of the Parliament or adopted by resolution of the Committee pursuant to subsection (2); and

7 After paragraph 29(1)(bb)

Insert:

- (bba) in relation to any counter-terrorism and national security legislation that contains a sunset provision—to review, not later than 6 months before the sunset date, the operation, effectiveness and continuing need for that legislation; and

8 Subsection 29(2)

Repeal the subsection, substitute:

- (2) Subject to subsection (3), the Committee may, by resolution, review a matter in relation to the activities of ASIO, ASIS, AGO, DIO, ASD, ONA or AFP provided that the Committee has first consulted the responsible Minister about the review.

9 Section 30 (heading)

Omit “**Inspector-General of Intelligence and Security**”, substitute “**others**”.

10 At the end of section 30

Add:

- ; (e) the Independent National Security Legislation Monitor;
(f) the National Security Adviser.

11 Subclause 14(5) of Part 3 of Schedule 1

Repeal the subclause, substitute:

- (5) In nominating the members, the Prime Minister and the Leader of the Government in the Senate must:
(a) be satisfied that the members to be nominated are the most appropriate members available to serve on the Committee;
and

- (b) have regard to the desirability of ensuring that the composition of the Committee reflects the representation of recognised political parties in the Parliament.

12 Application of amendments and transitional arrangements

- (1) The amendments made by items 5 and 11 of this Schedule to the *Intelligence Services Act 2001* apply in relation to the membership of the Parliamentary Joint Committee on Intelligence and Security from the start of the first session of the next Parliament beginning after 12 November 2013.
- (2) However, if:
 - (a) a vacancy occurs in the membership of the Parliamentary Joint Committee on Intelligence and Security; and
 - (b) that vacancy occurs:
 - (i) on or after the day on which items 5 and 11 commence; but
 - (ii) before the commencement of the first session of the next Parliament;

the amendments made by those items apply to the filling of the vacancy to the extent that they can be applied.