



Australian Security Intelligence Organisation Regulation 2016

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 24 March 2016

Peter Cosgrove
Governor-General

By His Excellency's Command

George Brandis QC
Attorney-General

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1 Name

This is the *Australian Security Intelligence Organisation Regulation 2016*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	1 April 2016

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Australian Security Intelligence Organisation Act 1979*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

In this instrument:

Act means the *Australian Security Intelligence Organisation Act 1979*.

security information means information to which access is controlled or limited on security grounds, otherwise than by section 8.

subject means a person who is specified in a warrant issued under Division 3 of Part III of the Act.

6 Co-operation with intelligence and law enforcement agencies etc.

For paragraph 19A(1)(e) of the Act, the Defence Department is prescribed.

7 Secrecy relating to warrants and questioning

For subsection 34ZS(6) of the Act, a prescribed authority must not give written permission to a legal adviser of a subject to communicate to anyone else information that:

- (a) is obtained during the questioning or detention of the subject; and
- (b) relates to:
 - (i) sources or holdings of intelligence; or
 - (ii) the Organisation's method of operations.

Note: A disclosure of information in contravention of written permission given by a prescribed authority under subsection 34ZS(6) of the Act may not be a permitted disclosure for the purposes of section 34ZS of the Act.

8 Lawyers' access to security information for proceedings relating to warrant

- (1) For section 34ZT of the Act, this section regulates access to security information by a lawyer acting for a person in connection with proceedings for a remedy relating to:
 - (a) a warrant issued under Division 3 of Part III of the Act in relation to the person; or
 - (b) the treatment of the person in connection with such a warrant.
- (2) Access to security information may be given to the lawyer only if:
 - (a) the lawyer has been given a security clearance in relation to the information at the level considered appropriate by the Secretary of the Department; or
 - (b) the Secretary of the Department is satisfied that giving the lawyer access to the information would not be prejudicial to the interests of security.

Note: Security clearances are given in accordance with the Australian Government Protective Security Policy Framework.

- (3) Access to security information may be given to the lawyer subject to any conditions that the Secretary of the Department considers appropriate, including conditions relating to the use, handling, storage or disclosure of the information.
- (4) Nothing in this section entitles a lawyer who has been given a security clearance to be given access to security information.

9 Prescribed form of information

For subsection 38(1) of the Act, the information to be contained in a notice under that subsection must be in accordance with Form 1 set out in Schedule 1.

Schedule 1—Forms

Note: See section 9.

Form 1—Information concerning right to apply to Administrative Appeals Tribunal

1. You may apply in writing to the Security Division of the Administrative Appeals Tribunal for a review of the assessment attached to this notice.
2. You must give with your application a copy of the assessment as given to you.
3. You must give with your application a statement indicating any part of the assessment you do not agree with and set out the grounds on which your application is made.
4. Your application must be made within 28 days after receipt of the notification of the assessment or within such further time as the Administrative Appeals Tribunal, either before or after the expiration of the 28 days, allows.
5. After the completion of a review of the assessment (other than a review of a security assessment made for the purposes of subsection 202(1) of the *Migration Act 1958*), you may apply for a review of the findings of the Administrative Appeals Tribunal on the ground that you have fresh evidence of material significance that was not available at the time of the previous review.

Note: See subsection 54(2) of the Act.

6. You must give with your application for a review of the findings of the Administrative Appeals Tribunal a statement setting out the grounds on which the application is made.
7. The application may be lodged at the Registry of the Administrative Appeals Tribunal for your State or Territory, or sent to GPO Box 9955, Canberra, ACT 2601.

Note: Information about the Registries of the Administrative Appeals Tribunal could in 2016 be viewed on the Administrative Appeals Tribunal's website (<http://www.aat.gov.au>).

Schedule 2—Repeals

Australian Security Intelligence Organisation Regulations 1980

1 The whole of the Regulations

Repeal the Regulations.