



Intelligence Services (Consequential Provisions) Act 2001

No. 153, 2001



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An Act to deal with matters consequential on the enactment of the *Intelligence Services Act 2001*, and for related purposes

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An Act to deal with matters consequential on the enactment of the *Intelligence Services Act 2001*, and for related purposes

[Assented to 1 October 2001]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Intelligence Services (Consequential Provisions) Act 2001*.

2 Commencement

This Act commences at the same time as the *Intelligence Services Act 2001*.

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

4 Regulations

The Governor-General may make regulations providing for matters of a transitional nature (including any saving or application provision) arising out of the enactment of the *Intelligence Services Act 2001*, or the amendments made by this Act.

Schedule 1—Provisions relating to the establishment of the Parliamentary Joint Committee on ASIO, ASIS and DSD

Part 1—Amendments

Australian Security Intelligence Organisation Act 1979

1 Section 4

Insert:

Committee on ASIO, ASIS and DSD means the Parliamentary Joint Committee on ASIO, ASIS and DSD established under the *Intelligence Services Act 2001*.

2 Subsection 8A(6)

Omit “Parliamentary Joint Committee on the Australian Security Intelligence Organisation”, substitute “Committee on ASIO, ASIS and DSD”.

3 Subsection 92(1)

Omit “Parliamentary Joint Committee on the Australian Security Intelligence Organisation”, substitute “Committee on ASIO, ASIS and DSD”.

4 Part VA

Repeal the Part.

Remuneration and Allowances Act 1990

5 Schedule 4 (table row relating to the Chair, Parliamentary Joint Committee on the Australian Security Intelligence Organisation)

Repeal the row.

Schedule 1 Provisions relating to the establishment of the Parliamentary Joint Committee on ASIO, ASIS and DSD

Part 1 Amendments

6 Schedule 4 (after the table row relating to the Chair, Parliamentary Joint Committee on the National Crime Authority)

Insert:

Chair, Parliamentary Joint Committee on ASIO, ASIS and DSD 6,310

Part 2—Transitionals

7 Definitions

In this Part, unless the contrary intention appears:

commencement day means the day on which Part 1 commences.

new committee means the Parliamentary Joint Committee on ASIO, ASIS and DSD established under the *Intelligence Services Act 2001*.

old committee means the Parliamentary Joint Committee on the Australian Security Intelligence Organisation constituted under Part VA.

Part VA means Part VA of the *Australian Security Intelligence Organisation Act 1979*, as in force immediately before the commencement day.

transfer time means the time at which the new committee is first established.

8 Continuation of old committee

Despite the repeal of Part VA:

- (a) the old Committee continues in existence until the transfer time, under the name it had immediately before the commencement day, as if the amendments made by Part 1 had not been made; and
- (b) the *Australian Security Intelligence Organisation Act 1979* and the *Remuneration and Allowances Act 1990* continue to operate in respect of the old committee until the transfer time as if the amendments made by Part 1 had not been made.

9 Records etc.

At the transfer time, any records that were in the custody, or under the control, of the old committee immediately before the transfer time are transferred to the new committee by force of this item.

Schedule 2—Inspector-General of Intelligence and Security Act 1986

1 Subsection 17(9)

Omit “, before completing the inquiry,”.

2 Subsection 19(2)

Repeal the subsection.

3 Subsection 26(1)

Omit “3”, substitute “5”.

4 After subsection 35(2A)

Insert:

(2B) The Inspector-General must include in a report prepared under subsection (1) the Inspector-General’s comments on the extent of compliance by ASIS and DSD, during the year to which the report relates, with rules made under section 15 of the *Intelligence Services Act 2001*.

Note: The rules referred to in subsection (2B) regulate the communication and retention of intelligence information.

Schedule 3—Miscellaneous amendments

Acts Interpretation Act 1901

1 Subsection 34C(8)

After “Organisation”, insert “, the Australian Secret Intelligence Service”.

Administrative Decisions (Judicial Review) Act 1977

2 Paragraph (d) of Schedule 1

Before “*Australian Security Intelligence Organisation Act 1979*”, insert:

Intelligence Services Act 2001

Freedom of Information Act 1982

3 Schedule 3

Insert in its appropriate alphabetical position, determined on a letter-by-letter basis:

Intelligence Services Act 2001, subsection 41(1)

[*Minister’s second reading speech made in—
House of Representatives on 27 June 2001
Senate on 24 September 2001*]

(128/01)
