



Australian Security Intelligence Organisation Amendment (Permitted Disclosure) Regulations 2021

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 04 February 2021

David Hurley
Governor-General

By His Excellency's Command

Peter Dutton
Minister for Home Affairs

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules.....	1
	Schedule 1—Amendments	2
	<i>Australian Security Intelligence Organisation Regulation 2016</i>	<i>2</i>

1 Name

This instrument is the *Australian Security Intelligence Organisation Amendment (Permitted Disclosure) Regulations 2021*.

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.	6 February 2021

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Australian Security Intelligence Organisation Regulation 2016

1 Section 5 (definition of *subject*)

Repeal the definition.

2 Section 7

Repeal the section, substitute:

7 Secrecy relating to questioning warrants

For the purposes of subsection 34GF(6) of the Act, a prescribed authority must not give a direction to a lawyer for the subject of a questioning warrant to communicate to anyone else information that:

- (a) is obtained during:
 - (i) questioning of the subject under the warrant; or
 - (ii) apprehension of the subject in connection with the warrant; 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 a direction given by a prescribed authority under subsection 34GF(6) of the Act may not be a permitted disclosure for the purposes of section 34GF of the Act.

3 Subsection 8(1)

Omit "For section 34ZT", substitute "For the purposes of section 34FH".

4 Paragraph 8(1)(a)

Repeal the paragraph, substitute:

- (a) a questioning warrant in relation to the person; or