

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

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Note: This table relates only to the provisions of this instrument as originally made.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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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