



# **Australian Security Intelligence Organisation Amendment (Notification of Review Rights) Regulations 2023**

---

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 06 July 2023

David Hurley  
Governor-General

By His Excellency's Command

Clare O'Neil  
Minister for Home Affairs

---



---

# Contents

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



---

## 1 Name

This instrument is the *Australian Security Intelligence Organisation Amendment (Notification of Review Rights) Regulations 2023*.

## 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.	7 July 2023

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Insert:

***affected person:***

- (a) in relation to an internally reviewable decision—has the meaning given by section 82H of the Act; and
- (b) in relation to an externally reviewable decision—has the meaning given by section 83 of the Act; and
- (c) in relation to an independently reviewable decision—has the meaning given by section 83EA of the Act.

***externally reviewable decision*** has the meaning given by section 83 of the Act.

***independently reviewable decision*** has the meaning given by section 83EA of the Act.

***independent reviewer*** means a person engaged as an independent reviewer under section 83EF of the Act.

***internally reviewable decision*** has the meaning given by section 82H of the Act.

***internal reviewer*** has the meaning given by subsection 82L(1) of the Act.

#### 2 Section 9 (heading)

Repeal the heading, substitute:

#### 9 Prescribed form—review of security assessments under Part IV of the Act

#### 3 After section 9

Insert:

#### 10 Prescribed information—internally reviewable decision under Part IVA of the Act

For the purposes of subsection 82J(2) of the Act, the following information is prescribed for a notice given to an affected person in relation to an internally reviewable decision referred to in subsection 82J(1) of the Act:

- (a) a statement that the Organisation is an exempt agency under subsection 7(1) of the *Freedom of Information Act 1982* and the affected person is not able to obtain access to documents or information about the decision under that Act;
- (b) information about the following matters:
  - (i) how an affected person may seek review, by an internal reviewer, of the internally reviewable decision, including how the application for that review is to be made;
  - (ii) whether there are any time limits for seeking that review and, if so, what those time limits are;

- 
- (iii) whether or not a fee is payable for that review and, if so, the amount of the fee and when it is payable;
  - (iv) whether the internal reviewer is required to conduct the review within a particular period and, if so, what that period is;
  - (v) any procedures of the internal reviewer that the Organisation considers that an affected person should be made aware of, including whether an affected person may be contacted by the internal reviewer.

### **11 Prescribed information—externally reviewable decision under Part IVA of the Act**

For the purposes of subsection 82L(6) or 83A(2) of the Act, the following information is prescribed for a notice given to an affected person in relation to an externally reviewable decision referred to in subsection 82L(5) or 83A(1) of the Act:

- (a) a statement that the Organisation is an exempt agency under subsection 7(1) of the *Freedom of Information Act 1982* and the affected person is not able to obtain access to documents or information about the decision under that Act;
- (b) information about the following matters:
  - (i) how an affected person may seek review, by the Administrative Appeals Tribunal, of the externally reviewable decision, including how the application for that review is to be made;
  - (ii) whether there are any time limits for seeking that review and, if so, what those time limits are;
  - (iii) whether or not a fee is payable for that review and, if so, the amount of the fee and when it is payable;
  - (iv) whether the Administrative Appeals Tribunal is required to conduct the review within a particular period and, if so, what that period is;
  - (v) any procedures of the Administrative Appeals Tribunal that the Organisation considers that an affected person should be made aware of, including whether an affected person may be contacted by the Administrative Appeals Tribunal.

### **12 Prescribed information—independently reviewable decision under Part IVA of the Act**

For the purposes of subsection 82L(6A) of the Act, the following information is prescribed for a notice given to an affected person in relation to an independently reviewable decision referred to in subsection 82L(5) of the Act:

- (a) a statement that the Organisation is an exempt agency under subsection 7(1) of the *Freedom of Information Act 1982* and the affected person is not able to obtain access to documents or information about the decision under that Act;
- (b) information about the following matters:
  - (i) how an affected person may seek review, by an independent reviewer, of the independently reviewable decision, including how the application for that review is to be made;
  - (ii) whether there are any time limits for seeking that review and, if so, what those time limits are;

- (iii) whether or not a fee is payable for that review and, if so, the amount of the fee and when it is payable;
- (iv) whether the independent reviewer is required to conduct the review within a particular period and, if so, what that period is;
- (v) any procedures of the independent reviewer that the Organisation considers that an affected person should be made aware of, including whether an affected person may be contacted by the independent reviewer.

#### **4 Schedule 1 (heading)**

Repeal the heading (not including the note), substitute:

### **Schedule 1—Review of security assessments under Part IV of the Act**

#### **5 Schedule 1 (Form 1)**

Repeal the heading, substitute:

### **Form 1—Information concerning review of a security assessment under Part IV of the Act**