
The Parliament of the Commonwealth of Australia

Annual Report of Committee Activities 2012–2013

Parliamentary Joint Committee on Intelligence and Security

December 2014
Canberra

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Membership of the Committee during 2012–2013

Chair The Hon Anthony Byrne MP

Deputy Chair The Hon Philip Ruddock MP

Members	Mr Michael Danby MP (to 02/04/13)	Senator Mark Bishop
	Mr John Forrest MP	Senator the Hon George Brandis QC
	Mr Harry Jenkins MP (from 17/06/13)	Senator the Hon John Faulkner
	The Hon Kevin Rudd MP (to 27/06/13)	Senator the Hon David Johnston
	Mr Andrew Wilkie MP	Senator the Hon Ursula Stephens



Terms of reference

This report is made under Part 4 Section 31 of the *Intelligence Services Act 2001*, which states:

As soon as practicable after each year ending on 30 June, the Committee must give to the Parliament a report on the activities of the Committee during the year.



List of abbreviations

ASIO	Australian Security Intelligence Organisation
ASIS	Australian Secret Intelligence Service
Criminal Code	<i>Criminal Code Act 1995</i>
DSD	Defence Signals Directorate (subsequently renamed as the Australian Signals Directorate)
DIGO	Defence Imagery and Geospatial Organisation (subsequently renamed as the Australian Geospatial-Intelligence Organisation)
DIO	Defence Intelligence Organisation
IS Act	<i>Intelligence Services Act 2001</i>
ONA	Office of National Assessments

Annual report 2012–2013

Requirement for annual report

- 1.1 The Parliamentary Joint Committee on Intelligence and Security is established by section 28 of the *Intelligence Services Act 2001* (the IS Act). Under section 31 of the IS Act, the Committee is required to produce an annual report of its activities.
- 1.2 This report is made in compliance with this obligation and covers the period from 1 July 2012 to 30 June 2013. The report was delayed with the dissolution of the 43rd Parliament on 5 August 2013.

The Committee's structure and functions

- 1.3 Section 28(2)(3) of the IS Act stipulates that the Committee is a joint Committee of Parliament comprising eleven members, five of whom must be Senators and six of whom must be members of the House of Representatives. A majority of the Committee's members must be Government members.
- 1.4 Members are appointed by resolution of the House or the Senate on the nomination of the Prime Minister or the Leader of the Government in the Senate. Prior to nomination, consultation must take place with the leaders of recognised parties in each of the Houses.
- 1.5 The functions of the Committee are outlined in section 29 of the IS Act. A copy of these functions as at 30 June 2014 is included at Appendix A.
- 1.6 Under the IS Act, the Committee is charged with reviewing the administration and expenditure of all six intelligence agencies: the Australian Security Intelligence Organisation (ASIO), the Australian Secret Intelligence Service (ASIS), the Defence Signals Directorate (DSD), the

Defence Imagery and Geospatial Organisation (DIGO),¹ the Defence Intelligence Organisation (DIO) and the Office of National Assessments (ONA). Other matters may be referred by the responsible Minister or by a resolution of either House of the Parliament.

- 1.7 In addition to this function, the Committee is required to review, by 22 January 2016, the operation, effectiveness and implications of Division 3 of Part III of the *Australian Security Intelligence Organisation Act 1979*.
- 1.8 Amendments to the *Criminal Code Act 1995* (the Criminal Code), made in March 2004, further tasked the Committee with reviewing regulations which specify organisations as terrorist organisations for the purposes of section 102.1 of the Criminal Code. The Committee's findings on its reviews of these regulations are to be tabled before the end of the disallowance period, 15 sitting days from the tabling of the regulation.
- 1.9 Over the period covered by this report, there were no changes to the structure or functions of the Committee.

Report on activities 2012–2013

Inquiries and reviews

- 1.10 During 2012–13, the Committee completed an inquiry into potential reforms to Australia's national security legislation, a review of the administration and expenditure of intelligence agencies for 2010–11, and a review of the relisting of five terrorist organisations.
- 1.11 A full list of reports presented to the Parliament by the Committee during 2012–13 is included at Appendix B. Copies of the Committee's reports, submissions to each inquiry and transcripts of associated public hearings are available on the Committee's website.²
- 1.12 The Committee also commenced its review into the administration and expenditure of intelligence agencies for 2011–12. The review lapsed with the dissolution of the 43rd Parliament on 5 August 2013.

Government responses

- 1.13 During 2012–13, the Committee received Government responses to the following reports:

1 After the period covered in this report, DSD was renamed as the Australian Signals Directorate (ASD) and DIGO was renamed as the Australian Geospatial-Intelligence Organisation (AGO).

2 www.aph.gov.au/pjicis

- Review of the re-listing of Five Terrorist Organisations (response tabled 7 February 2013)
- Review of the re-listing of Hizballah's External Security Organisation (response tabled 7 February 2013)
- Review of the re-listing of Ansar al-Islam, Islamic Movement of Uzbekistan, Jaish-e-Mohammad and Lashkar-e-Jhangvi (response tabled 7 February 2013)

Private briefings

- 1.14 In addition to briefings received in relation to the Committee's inquiry into potential reforms of Australia's national security legislation, the Committee held one private briefing during the reporting period.

Concluding remarks

- 1.15 The Committee notes that many of the national security legislative changes brought forward in 2014 built on the work performed by the Committee in the 43rd Parliament during its 2012-13 work program. The current Committee thanks past and continuing members for their valuable contributions in this area.

Mr Dan Tehan MP

Chair

December 2014



Appendix A – Functions of the Committee

Section 29 of the *Intelligence Services Act 2001*, as at 30 June 2013:

- (1) The functions of the Committee are:
 - (a) to review the administration and expenditure of ASIO, ASIS, DIGO, DIO, DSD and ONA, including the annual financial statements of ASIO, ASIS, AGO, DIO, ASD and ONA; and
 - (b) to review any matter in relation to ASIO, ASIS, DIGO, DIO, DSD and ONA referred to the Committee by:
 - (i) the responsible Minister; or
 - (ii) a resolution of either House of the Parliament; and
 - (ba) to review, as soon as possible after the third anniversary of the day on which the Security Legislation Amendment (Terrorism) Act 2002 receives the Royal Assent, the operation, effectiveness and implications of amendments made by that Act and the following Acts:
 - (i) the Border Security Legislation Amendment Act 2002;
 - (ii) the Criminal Code Amendment (Suppression of Terrorist Bombings) Act 2002;
 - (iii) the Suppression of the Financing of Terrorism Act 2002; and
 - (bb) to review, by 22 January 2016, the operation, effectiveness and implications of Division 3 of Part III of the Australian Security Intelligence Organisation Act 1979; and

- (c) to report the Committee's comments and recommendations to each House of the Parliament and to the responsible Minister.
- (2) The Committee may, by resolution, request the responsible Minister to refer a matter in relation to the activities of ASIO, ASIS, DIGO, DIO, DSD or ONA (as the case may be) to the Committee, and the Minister may, under paragraph (1)(b), refer that matter to the Committee for review.
- (3) The functions of the Committee do not include:
 - (a) reviewing the intelligence gathering and assessment priorities of ASIO, ASIS, DIGO, DIO, DSD or ONA; or
 - (b) reviewing the sources of information, other operational assistance or operational methods available to ASIO, ASIS, DIGO, DIO, DSD or ONA; or
 - (c) reviewing particular operations that have been, are being or are proposed to be undertaken by ASIO, ASIS, DIGO, DIO, DSD; or
 - (d) reviewing information provided by, or by an agency of, a foreign government where that government does not consent to the disclosure of the information; or
 - (e) reviewing an aspect of the activities of ASIO, ASIS, DIGO, DIO, DSD or ONA that does not affect an Australian person; or
 - (f) reviewing the rules made under section 15 of this Act; or
 - (g) conducting inquiries into individual complaints about the activities of ASIO, ASIS, DIGO, DIO, DSD or ONA; or
 - (h) reviewing the content of, or conclusions reached in, assessments or reports made by DIO or ONA, or reviewing sources of information on which such assessments or reports are based; or
 - (i) reviewing the coordination and evaluation activities undertaken by ONA.



Appendix B – List of Committee reports from 1 July 2012 to 30 June 2013

Type of Committee Activity

Inquiries

<i>Title of report</i>	<i>Tabling date</i>	<i>Government response</i>
Report of the Inquiry into Potential Reforms of Australia's National Security Legislation	24 June 2013	Awaiting Government response ¹

Administrative and Expenditure Reviews

<i>Title of report</i>	<i>Tabling date</i>	<i>Government response</i>
Review of Administration and Expenditure: No.10 – Australian Intelligence Agencies	27 May 2013	No response required

Reviews of Terrorist Listings

<i>Title of report</i>	<i>Organisations covered</i>	<i>Tabling date</i>	<i>Government response</i>
Review of the Re-listing of Five Terrorist Organisations	Al-Shabaab, Hamas' Izz al-Din al-Qassam Brigades, the Kurdistan Workers Party, Lashkar-e-Tayyiba, and Palestinian Islamic Jihad	10 October 2012	Government response tabled 7 February 2013

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<i>Title of report</i>	<i>Tabling date</i>	<i>Government response</i>
Annual Report of Committee Activities 2011-2012	11 February 2013	No response required

¹ Although a complete Government Response had not yet been presented to the Parliament at the time of publication, the Government had responded to many of the report's recommendations through the National Security Legislation Amendment Bill (No. 1) 2014 and the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014.