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The Parliament of the Commonwealth of Australia

# **Annual Report of Committee Activities 2013–2014**

**Parliamentary Joint Committee on Intelligence and Security**

December 2014  
Canberra

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# Contents

|  |          |
|--|----------|
| Membership of the Committee during 2013–2014.....                                    | v        |
| Terms of reference.....  | vii      |
| List of abbreviations .....  | viii     |
| <b>1 Annual report 2013–2014 .....</b>   | <b>1</b> |
| <b>Requirement for annual report.....</b>  | <b>1</b> |
| <b>The Committee’s structure and functions .....</b>                                 | <b>1</b> |
| <b>Report on activities 2013–2014 .....</b>  | <b>2</b> |
| Inquiries and reviews .....  | 2        |
| Government responses.....  | 3        |
| Private briefings .....  | 3        |
| <b>Concluding remarks .....</b>  | <b>3</b> |
| <b>Appendix A – Functions of the Committee.....</b>                                  | <b>5</b> |
| <b>Appendix B – List of Committee reports from 1 July 2013 to 30 June 2014 .....</b> | <b>7</b> |





# **Membership of the Committee during 2013–2014**

## **43<sup>rd</sup> Parliament**

**Chair**           The Hon Anthony Byrne MP

**Deputy Chair** The Hon Philip Ruddock MP

**Members**       Mr John Forrest MP

Mr Harry Jenkins MP

Mr Andrew Wilkie MP

Senator Mark Bishop

Senator the Hon George Brandis QC

Senator the Hon John Faulkner

Senator the Hon David Johnston

Senator the Hon Ursula Stephens

## **44<sup>th</sup> Parliament**

**Chair**           Mr Dan Tehan MP

**Deputy Chair** The Hon Anthony Byrne MP

**Members**       Mr Andrew Nikolic AM, CSC, MP

The Hon Tanya Plibersek MP

The Hon Philip Ruddock MP

The Hon Bruce Scott MP

Senator Mark Bishop

Senator Alan Eggleston

Senator David Fawcett

Senator the Hon John Faulkner

Senator the Hon Joe Ludwig





## **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 2013–2014

### 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 2013 to 30 June 2014.

### 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),<sup>1</sup> 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 enacted to the structure or functions of the Committee.
- 1.10 However, since 30 June 2014 there have been a number of legislative changes affecting the Committee's oversight and review functions. These changes will be reflected in the Committee's 2014–15 Annual Report.

## **Report on activities 2013–2014**

- 1.11 No Committee activities took place between the final sitting day of the 43<sup>rd</sup> Parliament on 27 June 2013 and the dissolution of the Parliament on 5 August 2013.
- 1.12 The Committee was re-established and held its first meeting of the 44<sup>th</sup> Parliament on 12 December 2013.

## **Inquiries and reviews**

- 1.13 During 2013–14, the Committee completed a review of the listing of one terrorist organisation and the re-listing of six terrorist organisations.
  - 1.14 The report's details are listed at Appendix B. Copies of the report and the associated submissions are available on the Committee's website.<sup>2</sup>
  - 1.15 The Committee also received submissions and held private hearings for its review of the administration and expenditure of intelligence agencies for 2012–13. This review was held concurrently with the review of the
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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](http://www.aph.gov.au/pjicis)

administration and expenditure of intelligence agencies for 2011–12, which was re-initiated by the Committee drawing on evidence received during the 43<sup>rd</sup> Parliament. The Committee's report on these reviews was presented to the Parliament subsequent to the period covered in this report.

## **Government responses**

- 1.16 No Government responses to Committee reports were received during 2013–14.

## **Private briefings**

- 1.17 The Committee held one site inspection and received a series of private briefings from agencies in the Australian Intelligence Community, the Attorney-General's Department and the Inspector-General of Intelligence and Security.

## **Concluding remarks**

- 1.18 Over the period covered by this report, the Committee focussed on completion of the 2011–12 and 2012–13 review of administration and expenditure for intelligence agencies; and a review of the listing and re-listing of terrorist organisations. These are important oversight functions of the Committee, and the Committee thanks the agencies for their cooperation in the conduct of these reviews.

**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 2014:

- (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 2013 to 30 June 2014**

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### **Type of Committee Activity**

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#### **Reviews of Terrorist Listings**

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| <i>Title of report</i>   | <i>Organisations covered</i>   | <i>Tabling date</i> | <i>Government response</i>                |
|--|--|---------------------|---|
| Review of the listing of Jabhat al-Nusra and the re-listing of six terrorist organisations | Jabhat al-Nusra, Abu Sayyaf Group, Al-Qa'ida, Al-Qa'ida in the Lands of the Islamic Maghreb,                   | 11 February 2014    | Government response tabled 28 August 2014 |
| Review of the re-listing of Al-Qa'ida in the Arabian Peninsula                             | Islamic State of Iraq and the Levant, Jamiat ul-Ansar, Jemaah Islamiyah and Al-Qa'ida in the Arabian Peninsula |                     |   |

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