



**THE HON PETER DUTTON MP
MINISTER FOR HOME AFFAIRS**

Ref No: MS20-000268

Mr Andrew Hastie MP
Chair
Parliamentary Joint Committee on Intelligence and Security
PO Box 6021
Parliament House
Canberra ACT 2600

Andrew,
Dear Mr Hastie

I am writing pursuant to subparagraph 29(1)(b)(i) of the *Intelligence Services Act 2001*, to refer the Australian Security Intelligence Organisation Amendment Bill 2020 (the Bill) to the Parliamentary Joint Committee on Intelligence and Security (the Committee) for inquiry and report.

As you are aware, an Exposure Draft of the Bill was referred to the Committee on 29 April 2020 to facilitate additional time for consideration in advance of the Bill's introduction into the Parliament. I confirm that the Bill and accompanying explanatory memorandum introduced today is identical to this Exposure Draft.

Terms of reference

I request that the Committee consider the terms of the Bill and report to each House of Parliament, the Attorney-General and me, by 17 July 2020. Subject to your agreement, the Committee should, as far as possible, conduct its inquiry in public.

Background to the referral

The Bill implements the Government's response to the Committee's report into ASIO's questioning and detention powers, tabled on 10 May 2019. The Bill will repeal ASIO's existing questioning and detention powers, as set out in Division 3 of Part III of the *Australian Security Intelligence Organisation Act 1979*, and introduce a new compulsory questioning framework. Amongst other changes this framework replaces existing detention powers with more limited apprehension powers. This seeks to ensure that ASIO can better monitor potential security threats, and remain operationally effective and responsive to new and emerging threats.

The Bill also contains amendments to ASIO's surveillance device warrant framework, allowing the internal authorisation of the use of tracking devices in certain circumstances. The Bill contains extensive safeguard and oversight mechanisms to ensure that the powers are used appropriately.

In developing this Bill, the Department conducted extensive consultations with relevant stakeholders including ASIO, the Australian Criminal Intelligence Commission, the Attorney-General's Department, the Australian Federal Police, and the Inspector-General of Intelligence and Security.

I take this opportunity to thank the Committee for its detailed consideration of the questioning and detention powers in its prior review. I look forward to the Committee's report on the Australian Security Intelligence Organisation Amendment Bill 2020.

I have copied this letter to the Prime Minister and the Attorney-General.

Should you require further information, the relevant adviser in my office is [REDACTED] who can be contacted on [REDACTED]

Yours sincerely

[REDACTED]
PETER DUTTON

13/05/20