Intelligence Services (Consequential Provisions) Bill 2001
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1 August 2001
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Intelligence Services (Consequential Provisions) Bill 2001

Date Introduced: 27 June 2001
House: House of Representatives
Portfolio: Foreign Affairs
Commencement: At the same time as the Intelligence Services Bill 2001.

Purpose

To

• amend the Australian Security Intelligence Organisation Act 1979 to facilitate the establishment of the Parliamentary Joint Committee on ASIO and ASIS (PJC)

• amend the Inspector-General of Intelligence and Security Act 1986 to provide for privacy issues to be canvassed in the Annual Report of the Inspector-General of Intelligence and Security

• amend the Acts Interpretation Act 1901; Administrative Decisions (Judicial Review) Act 1977; and the Freedom of Information Act 1982 to provide protection for ASIS.

Background

For background on the issues addressed by this Bill, readers are referred to the Bills Digest on the Intelligence Services Bill 2001.

Warning:
This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.
This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.
Main Provisions

The key provisions are those contained in Schedule 3. These relate to amendments to the Acts Interpretation Act 1901 (AIA); Administrative Decisions (Judicial Review) Act 1977 (AD(JR) Act); and the Freedom of Information Act 1982 (FOI Act).

Item 1 adds ASIS to the list of organisations (ASIO and ONA) that are exempt from timeframes for preparation and tabling of periodic reports imposed by the AIA.

Item 2 adds ASIS to the list of organisations (including ASIO and IGIS) which are essentially exempt from the provisions of the AD(JR) Act.

Item 3 amends the FOI Act to provide that any document containing information relating to the identity of ASIS staff members or agents is an exempt document for the purposes of the FOI Act. Thus, while national security documents are generally exempt from release under the FOI Act, documents relating to identity are expressly exempt.

Significantly, the exemption in the FOI Act does not prevent a person gaining access to a document 'so far as it contains personal information about the person' (subsection 38(2)).