

Introduction

- 1.1 Pursuant to section 29 of the Intelligence Services Act 2001, (ISA), at the request of the Minister for Defence, Senator Hon Robert Hill, the Intelligence Services Legislation Amendment Bill 2005 was referred on 16 June 2005 to the Parliamentary Joint Committee on ASIO, ASIS and DSD for inquiry and report.
- 1.2 This Bill is a package of measures to amend the Intelligence Services Act 2001 (ISA), the Office of National Assessments Act 1977 (the ONA Act), the Inspector-General of Intelligence and Security Act 1986 (IGIS Act) and related legislation.
 - The ISA currently sets out the functions, limitations and accountability requirements for ASIS and DSD, establishes the rules for ASIS and DSD to protect the privacy of Australians, and provides for parliamentary oversight of the administration and expenditure of ASIO, ASIS and DSD by a Parliamentary Joint Committee.
 - The ONA Act sets out the functions of the Office and defines the role and powers of the Director-General.
 - The IGIS Act provides for, amongst other things, oversight of the operations of ASIO, ASIS, DIO, DSD and ONA.
- 1.3 The Bill gives effect to all of those recommendations of the Inquiry into Australian Intelligence Agencies, conducted by Mr Philip Flood AO in 2004 (the Flood Inquiry), which required legislative changes to be implemented.
- 1.4 The Bill also implements recommendations of a review of the ISA, led by the Department of the Prime Minister and Cabinet in late 2004. This

review incorporated the experience of ASIS' and DSD's operations since the Act was introduced in 2001, including observations from monitoring by IGIS.

- 1.5 The previous IGIS recommended in his 2002 and 2003 annual reports that such a review be undertaken.
- 1.6 In August 2004, the Honourable David Jull MP, on behalf of the PJCAAD which he chairs, proposed to the Government that it consider a number of changes to that committee. These proposals included an increase in the size of the committee and other adjustments to help the PJCAAD respond to its increasing workload. The Government agreed that these proposals would be considered in the context of the review of the ISA.
- 1.7 The Parliamentary Joint Committee on ASIO, ASIS and DSD was briefed at a private hearing on 16 June 2005 by representatives of the Department of Prime Minister and Cabinet and of the Attorney-General's Department, the Directors of DSD, and of DIGO, the Acting Directors-General of ONA, and of ASIO, the Director-General of ASIS and the Inspector-General of Intelligence and Security.
- 1.8 The Committee decided to conduct its review on the basis of the papers: the Intelligence Services Legislation Amendment Bill, the Explanatory Memorandum, the Second Reading Speech, a Bills Digest prepared by the Department of Parliamentary Services, and assistance from the Department of Defence.

