INTELLIGENCE SERVICES LEGISLATION AMENDMENT BILL 2005

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments and New Clauses to be Moved on Behalf of the Government

(Circulated by authority of the Minister for Defence,
Senator the Honourable Robert Hill)
OUTLINE

The Parliamentary Joint Committee on ASIO, ASIS and DSD (PJCAAD) reviewed the Intelligence Services Legislation Amendment Bill 2005 (the Bill). In its report, the Committee made three recommendations. Recommendation 1 proposed that Item 64 of Schedule 1 be amended to remove the requirement that the Deputy Chair of the PJCAAD must be a Government member; and that if the Chair of the Committee is not present at a deliberative meeting of the PJCAAD or is absent for a prolonged period, the members present are to appoint a Government member to preside. The Bill will be amended to reflect the substance of this recommendation.

Recommendation 3 of the Committee’s report recommended that the heading of Clause 3, Schedule 1 to the Intelligence Services Act 2005 (the Act) be amended to included DIO, DIGO and ONA. Alteration of this heading to include the additional agencies is already covered by the note to Item 62 of Schedule 1 to the Bill.

FINANCIAL IMPACT STATEMENT

The amendments made by the Bill will have no financial impact.

NOTES ON SECTIONS AND SCHEDULE ITEMS

Item 1
In line with recommendation 1 from the report of the PJCAAD, this item amends clause 64 of Schedule 1 to the Bill, which establishes a Deputy Chair of the Committee on Intelligence and Security. The amendment means the Deputy Chair will not be required to be a Government member.

Item 2
This item inserts clause 64A in Schedule 1 to the Bill and proposes to replace subclause 17(5) of Schedule 1 of the Act. The item will ensure that if the Chair of the Committee is not present at a deliberative meeting of the Committee, or is absent for a period of more than one month, then the members present are to appoint a Government member to preside at a meeting. Where a Government member is not required to be appointed to preside, the Deputy Chair will preside at the meeting. If the Deputy Chair is not present, members may appoint a member to preside.

This item also provides that a member appointed to preside at a meeting may exercise any of the powers of the Chair during the meeting or for any matters arising out of the meeting.