



Australian Government

Australian Government response to the
Parliamentary Joint Committee on Intelligence and Security report:
Advisory Report on the National Security Legislation Amendment
(Comprehensive Review and Other Measures No. 1) Bill 2021

NOVEMBER 2022

Introduction

The Government welcomes the opportunity to respond to the Parliamentary Joint Committee on Intelligence and Security's (the **Committee**) Advisory Report on the National Security Legislation Amendment (Comprehensive Review and Other Measures No. 1) Bill 2021 (the **Bill**).

Recommendations

Recommendation 1: The Committee recommends that, for the avoidance of any doubt, the Explanatory Memorandum for the National Security Legislation Amendment (Comprehensive Review and Other Measures No. 1) Bill 2021 be amended to state that a Ministerial Authorisation enabling ASIS, ASD and AGO to produce intelligence on a class of Australian persons who are, or are likely to be, involved with a listed terrorist organisation will not authorise the production of intelligence on a lawyer advocating for the delisting of a terrorist organisation.

The Explanatory Memorandum was amended to implement this recommendation before the Bill's passage through both Houses of Parliament on 30 March 2022. Both the Statement of Compatibility with Human Rights (paragraph 60) and the Notes on Clauses (paragraph 66) were amended to confirm that a lawyer or law firm advocating for the delisting of a proscribed terrorist organisation would not fall within the meaning of 'involved with a listed terrorist organisation' under subsections 9(1AAA) and 9(1AAB) of the *Intelligence Services Act 2001*.

Recommendation 2: The Committee recommends that, subject to the amendment outlined above, the National Security Legislation Amendment (Comprehensive Review and Other Measures No. 1) Bill 2021 be passed.

The Bill passed through both Houses of Parliament on 30 March 2022, and received the Royal Assent on 1 April 2022.