



Australian Government

Australian Government response to the
Parliamentary Joint Committee on Intelligence and Security Report:

**National Security Legislation Amendment (Comprehensive
Review and Other Measures No. 3) Bill 2023**

MAY 2024

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. 3) Bill 2023

The Government thanks the Parliamentary Joint Committee on Intelligence and Security ('Committee') for its Advisory Report on the National Security Legislation Amendment (Comprehensive Review and Other Measures No. 3) Bill 2023.

The Government provides the following responses to the Committee's recommendations

Recommendations

Recommendation 1: The Committee recommends that, following the entry into effect of the new notification provisions in Part 3 of Schedule 1 and Part 2 of Schedule 4 of the National Security Legislation Amendment (Comprehensive Review and Other Measures No. 3) Bill 2023, ASIO include in its Annual Report all instances where it has notified the Inspector-General of Intelligence and Security about delayed security assessments, delayed security clearance decisions or delayed security clearance suitability assessments.

Response:

The Government **agrees** to this recommendation.

The Government notes that reporting will remain consistent with ASIO's approach to releasing information about its activities through their annual report. This approach balances the need for transparency against the risk of compromising national security through the inclusion of classified appendices, which are provided to the Minister for Home Affairs, the Leader of the Opposition, the Committee, the Inspector-General of Intelligence and Security and the Independent National Security Legislation Monitor (INSLM).

Recommendation 2: The Committee recommends that the Government review all forms, guidance materials and other relevant documentation and advice made available to individuals about security assessment and security clearance processes, to ensure that all applicants are made aware of their right to make a complaint to the Inspector-General of Intelligence and Security in relation to same.

Response:

The Government **agrees** to this recommendation.

Recommendation 3: The Committee recommends that, in respect of the inclusion of the Australian Signals Directorate (ASD) in the proposed new cover employment provisions in the Intelligence Services Act 2001 in Part 1 of Schedule 2 of the National Security Legislation Amendment (Comprehensive Review and Other Measures No. 3) Bill 2023:

- the Explanatory Memorandum be amended to include information as to ASD's inclusion and remove reference to Recommendation 70 of the Comprehensive Review; and
- ASD report to the Committee, as part of the Committee's 2023-24 annual review of ASD's administration and expenditure, on its development, implementation and use of cover arrangements, including justification for their use by staff or particular subsets of staff, and safeguards to ensure that use of cover is necessary and proportionate.

Response:

The Government **agrees** to this recommendation.

Recommendation 4: The Committee recommends that the Government consider aligning the proposed amendments to the Intelligence Services Act 2001 and the Australian Security Intelligence Organisation Act 1979 secrecy offences contained in Parts 2 and 4 of Schedule 2 with recommendations that may be relevant from the Independent National Security Legislation Monitor's review into secrecy offence legislation, pending the timing of completion of that review and passage of this legislation.

Response:

The Government **notes** this recommendation.

The Government will consider any recommendations made by the INSLM's review of the secrecy offences in Part 5.6 of the *Criminal Code* when that review is completed.

Recommendation 5: The Committee recommends that, following implementation of the recommendations in this report, the National Security Legislation Amendment (Comprehensive Review and Other Measures No. 3) Bill 2023 be passed by the Parliament.

Response:

The Government **agrees** to this recommendation.