



# **Australian Security Intelligence Organisation Regulations 1980**

**Statutory Rules 1980 No. 138 as amended**

made under the

*Australian Security Intelligence Organisation Act 1979*

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This compilation was prepared on 18 September 2003  
taking into account amendments up to SR 2003 No. 233

Prepared by the Office of Legislative Drafting,  
Attorney-General's Department, Canberra

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**1 Name of Regulations** [see Note 1]

These Regulations are the *Australian Security Intelligence Organisation Regulations 1980*.

**2 Interpretation**

- (1) In these Regulations, unless the contrary intention appears:  
*presidential member* has the same meaning as in Part IV of the Act.  
*the Act* means the *Australian Security Intelligence Organization Act 1979*.  
*Tribunal* means the Security Appeals Tribunal established by section 41 of the Act.
- (2) In these Regulations, a reference to a form by number shall be read as a reference to the form so numbered in Schedule 1.

**3 Seal of the Tribunal**

- (1) The seal of the Tribunal shall be of a design approved by the President and shall include:
- (a) the Coat of Arms of the Commonwealth of Australia, that is to say the armorial ensigns and supporters granted to the Commonwealth by Royal Warrant dated 19 September 1912; and
  - (b) the words 'Security Appeals Tribunal'.
- (2) There shall be kept at each Registry, in such custody as the President directs, a seal of the Tribunal, and any of those seals may be used as the seal of the Tribunal.
- (3) The seal of the Tribunal shall be affixed by or with the authority of the Tribunal to such documents as are required by a direction of a presidential member to be sealed with the seal of the Tribunal.

**3A Communication by legal advisers of information relating to person specified in a warrant (Act s 34U)**

For subsection 34U (10) of the Act and subject to subsection 34U (11) of the Act, the prescribed authority must not authorise a legal adviser of a person (*the subject*) specified in a warrant issued under section 34D of the Act to communicate to any other person information obtained during the questioning or detention of the subject that relates to:

- (a) sources or holdings of intelligence; or
- (b) the Organisation's method of operations.

*Note* A legal adviser who communicates such information without authorisation commits an offence under subsection 34U (7) of the Act.

**3B Lawyers' access to security information for proceedings relating to warrant (Act s 34VA)**

- (1) For section 34VA of the Act, access to security information must not be given to a lawyer unless:
  - (a) the Attorney-General's Department has given the lawyer a security clearance at the level considered appropriate by the Secretary in relation to the information; or
  - (b) the Secretary is satisfied that giving the lawyer access to the information would not be prejudicial to the interests of security.
- (2) Access to security information may be given subject to any conditions that the Secretary considers appropriate including, but not limited to, conditions relating to the use, handling, storage or disclosure of the information.
- (3) Nothing in this regulation entitles a lawyer who is given a security clearance by the Attorney-General's Department to be given access to security information.
- (4) In this regulation:

*lawyer* means a lawyer acting for a person in connection with proceedings for a remedy relating to:

  - (a) a warrant issued under section 34D of the Act in relation to the person; or

- (b) the treatment of the person in connection with such a warrant.

*Secretary* means the Secretary of the Attorney-General's Department.

*security information* means information access to which is controlled or limited on security grounds, otherwise than by this regulation.

#### **4 Prescribed form of information**

For the purposes of subsection 38 (1) of the Act, the information to be contained in a notice under that subsection shall be in accordance with Form 1.

#### **5 Summons to witness**

- (1) A summons under subsection 58 (11) or 70 (2) of the Act shall be in accordance with Form 2.
- (2) A summons under subsection 58 (11) or 70 (2) of the Act shall be served on a person by:
- (a) delivering a copy of the summons to the person personally; and
  - (b) showing the original of the summons to the person at the time at which the copy is delivered to him.

#### **6 Fees and allowances payable to witnesses**

A person summoned to appear as a witness before the Tribunal shall be paid such fees, and allowances for expenses, in respect of his attendance as the Tribunal or a presidential member determines in accordance with the scale in Schedule 2.

## **Schedule 1**

### **Form 1 Information concerning right to apply to Tribunal**

(regulation 4)

1. You may apply in writing to the Security Appeals Tribunal for a review of the assessment attached to this notice.
2. You must lodge with your application a copy of the assessment as furnished to you.
3. Your application must be made within the period of 30 days after receipt of the notification of the assessment or within such further time as the Tribunal, either before or after the expiration of that period, allows.
4. The application may be lodged at the Registry of the Tribunal at:  
Level 4  
Canberra House  
40 Marcus Clarke Street  
Canberra, ACT  
or posted to:  
GPO Box 9955  
Canberra, ACT 2601.

**Form 2 Summons to witness**  
(regulation 5)

*Australian Security Intelligence Organization Act 1979*

SECURITY APPEALS TRIBUNAL  
SUMMONS TO WITNESS

In the matter of an application by [*name of applicant*]

TO: [*full name and address of witness*]

1. You are hereby summoned to attend to give evidence before the Security Appeals Tribunal at [*place of hearing*] on [*date*] at [*time*] and on each subsequent day of the hearing of the abovementioned matter or until you are excused or released from further attendance.

\*2. You are required to bring with you and produce the following documents:

[*set out documents required*]

Dated this                      day of                      19                      .

[*Signature of Registrar or Deputy Registrar*]

\* Delete if not applicable

## **Schedule 2      Witnesses' fees and allowances for expenses**

(regulation 6)

1. A person summoned to appear before the Tribunal as a witness because of his or her professional, scientific or other special skill or knowledge must be paid:
  - (a) if the person is remunerated in his or her occupation by wages, salary or fees — an amount equal to the amount of wages, salary or fees not paid to the person because of his or her attendance for that purpose; or
  - (b) in any other case — an amount of not less than \$81, or more than \$407, for each day he or she attends for that purpose.
  
2. A person summoned to appear before the Tribunal as a witness other than a person referred to in item 1 must be paid:
  - (a) if the person is remunerated in his or her occupation by wages, salary or fees — an amount equal to the amount of wages, salary or fees not paid to the person because of his or her attendance for that purpose; or
  - (b) in any case — an amount of not less than \$46, or more than \$76, for each day on which he or she attends for that purpose.
  
3. A person summoned to appear as a witness before the Tribunal must be paid a reasonable amount for allowances for:
  - (a) transport between the usual place of residence of the person and the place he or she attends for that purpose; and
  - (b) if he or she is required to be absent overnight from his or her usual place of residence — meals and accommodation.



**Table of Statutory Rules**

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**Notes to the *Australian Security Intelligence Organisation Regulations 1980*****Note 1**

The *Australian Security Intelligence Organisation Regulations 1980* (in force under the *Australian Security Intelligence Organisation Act 1979*) as shown in this compilation comprise Statutory Rules 1980 No. 138 amended as indicated in the Tables below.

**Table of Statutory Rules**

<b>Year and number</b>	<b>Date of notification in <i>Gazette</i></b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
1980 No. 138	10 June 1980	10 June 1980	—
1990 No. 308	28 Sept 1990	28 Sept 1990	—
1993 No. 240	22 Sept 1993	22 Sept 1993	—
2003 No. 233	18 Sept 2003	18 Sept 2003	—

**Table of Amendments**

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**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

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<b>Provision affected</b>	<b>How affected</b>
R. 1 .....	rs. 2003 No. 233
R. 3A.....	ad. 2003 No. 233
R. 3B.....	ad. 2003 No. 233
Schedule 1.....	am. 1990 No. 308; 1993 No. 240
Schedule 2.....	rs. 1990 No. 308

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