

1994

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

CRIMES AND OTHER LEGISLATION AMENDMENT BILL

SUPPLEMENTARY EXPLANATORY MEMORANDUM

(Circulated by the authority of the Minister for Justice,  
the Honourable Duncan Kerr MP)



## CRIMES AND OTHER LEGISLATION AMENDMENT BILL 1994

*(Amendments to be moved on behalf of the Government)*

### GENERAL OUTLINE

Clause 6 of the Crimes and Other Legislation Amendment Bill 1994 (the Bill) proposes an amendment to section 24 of the *Australian Security Intelligence Organization Act 1979* (the Act) which will allow the Director-General of Security to appoint authorising officers for the purpose of authorising other ASIO officers to exercise the powers of a warrant issued under Part III of the Act. Warrants under Part III of the Act authorise ASIO to use listening devices, to search premises and to intercept mail. At present, the Director-General must sign all these authorisations personally.

It has come to the Government's notice that clause 6, as introduced, will allow the Director-General to appoint any ASIO officer, senior or junior, as an authorising officer. This may have the effect of making an individual's rights unduly dependent on an undefined administrative power which was not the Government's intention. Accordingly, the Government proposes an amendment to clause 6 of the Bill which will have the effect of confining the class of potential authorising officers to those who hold an office:

- (i) equivalent to a Senior Executive office in the Australian Public Service; or
- (ii) designated as Manager (Senior Officer Grade A) by the Director-General of Security under section 85 of the Act.

Under proposed administrative arrangements, the authorising officers will sign authorisation lists only in unusual circumstances. When the Director-General of Security is available, he will continue to sign most routine authorisation lists personally.

**NOTES ON CLAUSES**

(1) The proposed substitution of 'senior officer' for 'officer' in clause 6 of the Bill will have the effect of confining the class of potential recipients of the authorising powers to certain defined officers.

(2) The proposed definitions will define 'senior officer of the Organization' for the purposes of (1) above. That is, officers who hold an office:

- (i) equivalent to a Senior Executive office in the Australian Public Service; or
- (ii) designated as Manager (Senior Officer Grade A) by the Director-General of Security under section 85 of the Act.

