

AUSTRALIAN SECURITY INTELLIGENCE ORGANIZATION.

No. 113 of 1956.

An Act relating to the Australian Security Intelligence Organization.

[Assented to 15th November, 1956.]

[Date of commencement, 13th December, 1956.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title.

1. This Act may be cited as the *Australian Security Intelligence Organization Act 1956*.

Definitions.

2. In this Act, unless the contrary intention appears—

“employee” or “employee of the Organization” means a person employed as a temporary or casual employee of the Organization under section seven of this Act, and includes a person to whom sub-section (2.) of section ten of this Act applies ;

“officer” or “officer of the Organization” means a person employed as an officer of the Organization under section seven of this Act, and includes a person to whom sub-section (1.) of section ten of this Act applies ;

“security” means the protection of the Commonwealth and the Territories of the Commonwealth from acts of espionage, sabotage or subversion, whether directed from, or intended to be committed, within the Commonwealth or not ;

“ the Director-General ” means the Director-General of Security holding office under this Act ;

“ the Organization ” means the Australian Security Intelligence Organization.

3. This Act extends to all the Territories of the Commonwealth.

Extension of
Act to
Territories.

4.—(1.) The Australian Security Intelligence Organization, being the Organization established in pursuance of a directive given by the Prime Minister on the sixteenth day of March, One thousand nine hundred and forty-nine, is, subject to this Act, continued in existence.

Continuance
of Australian
Security
Intelligence
Organization.

(2.) The Organization shall be under the control of the Director-General.

5.—(1.) The functions of the Organization are—

Functions
of the
Organization.

(a) to obtain, correlate and evaluate intelligence relevant to security and, at the discretion of the Director-General, to communicate any such intelligence to such persons, and in such manner, as the Director-General considers to be in the interests of security ;

(b) to advise Ministers, where the Director-General is satisfied that it is necessary or desirable to do so, in respect of matters relevant to security, in so far as those matters relate to Departments of State administered by them or to authorities of the Commonwealth established by or under Acts administered by them ; and

(c) to co-operate with such Departments of State and authorities of the Commonwealth and, so far as is practicable, with such Departments and authorities of the States and of other countries as are capable of assisting the Organization in the performance of its functions.

(2.) It is not a function of the Organization to carry out or enforce measures for security within a Department of State or authority of the Commonwealth.

6.—(1.) There shall be a Director-General of Security, who shall be appointed by the Governor-General.

Director-
General of
Security.

(2.) Subject to the next succeeding sub-section, the Director-General shall hold office on such terms and conditions as the Governor-General determines.

(3.) The person employed as Director-General of Security immediately before the date of commencement of this Act shall be deemed to have been appointed under this section and shall hold office on the same terms and conditions as were specified in the agreement under which he was so employed unless and until he agrees to accept other terms and conditions.

Employment of
officers and
employees.

7.—(1.) Subject to this Act, the Director-General may, on behalf of the Commonwealth—

(a) employ, under agreements in writing, such officers of the Organization as he thinks necessary for the purposes of this Act; and

(b) employ such temporary employees and casual employees of the Organization as he thinks necessary for those purposes.

(2.) The Director-General shall not employ a person as an officer except—

(a) in an office the designation and salary or salary range of which have been determined, or are deemed to have been determined, under sub-section (1.) of the next succeeding section; and

(b) upon the terms and conditions of employment that are in force under section nine of this Act in relation to the employment of persons as officers at the date on which that person is so employed.

Designation
of offices, &c.

8.—(1.) The designations of offices in the Organization, other than the office of Director-General, and the salaries or salary ranges applicable to those offices, shall be such as are determined from time to time by the Chairman of the Public Service Board, the Solicitor-General and the Director-General.

(2.) The designations of offices in the Organization immediately before the date of commencement of this Act, and the salaries or salary ranges applicable to those offices immediately before that date, shall be deemed to have been determined under the last preceding sub-section.

Conditions of
employment.

9. Officers and employees of the Organization are not subject to the *Public Service Act* 1922–1955 but, subject to this Act, the terms and conditions upon which the Director-General shall employ persons as officers, and the terms and conditions of employment applicable to temporary and casual employees, shall be such as are determined from time to time by the Chairman of the Public Service Board, the Solicitor-General and the Director-General.

Special
provisions
relating to
existing
employees.

10.—(1.) A person who, immediately before the date of commencement of this Act, was employed in the Organization under an agreement in writing with the Commonwealth providing for his services to continue for a period exceeding one year shall, unless and until he agrees to accept other terms and conditions, continue to be employed upon the terms and conditions specified in that agreement.

(2.) A person, not being a person to whom the last preceding sub-section applies, who was, immediately before the date of commencement of this Act, employed in the Organization shall, until other terms and conditions applicable to him are determined under the last preceding section, continue to be employed upon the terms and conditions applicable to him immediately before that date.

11. Where a person appointed as Director-General under section six of this Act or a person employed as an officer under section seven of this Act was, immediately before his appointment or employment, an officer of the Public Service of the Commonwealth, or a person referred to in sub-section (1.) of the last preceding section was, immediately before the commencement of this Act, an officer of the Public Service of the Commonwealth—

Officers of
Public Service
to retain rights.

- (a) he retains his existing and accruing rights ;
- (b) his service under this Act, or after the commencement of this Act, as the case requires, shall, for the purpose of determining those rights, be taken into account as if it were service in the Public Service of the Commonwealth ; and
- (c) the *Officers' Rights Declaration Act* 1928-1953 applies as if this Act and this section had been specified in the Schedule to that Act and the Organization were an authority created by this Act.

12. The appointment of the Director-General or the employment of an officer of the Organization shall not be terminated except in accordance with a term or condition of his appointment or employment.

Employment
of Director-
General and
officers not
to be
terminable
at will.

13.—(1.) A person employed in the Organization immediately before the date of commencement of this Act (including the person holding office as Director-General of Security immediately before that date) who was, immediately before that date, contributing to the Superannuation Fund or the Provident Account established by the *Superannuation Act* 1922-1956 shall be deemed to be an employee within the meaning of section four of that Act and, at all times during the period in respect of which he has, while employed in the Organization, been contributing to that Fund or to that Account—

Application of
Superannuation
Act.

- (a) to have been such an employee ; and
- (b) to have lawfully been contributing to that Fund or to that Account.

(2.) Where—

- (a) a person, being an employee of the Organization, is employed on terms that require him to give the whole of his time to the duties of his employment ;
- (b) that person has been employed in the Organization on such terms for a continuous period (being a period after, or partly before and partly after, the commencement of this Act) of not less than three years ; and
- (c) the Director-General certifies that that person's employment is likely to be continued for a period of at least seven years,

that person shall be deemed to be an employee within the meaning of section four of the *Superannuation Act* 1922-1956 from and including the date on which the Director-General so certifies.

(3.) For the purposes of sub-section (1.) of section twelve of the *Superannuation Act* 1922-1956, the prescribed date, in relation to a person to whom the last preceding sub-section applies, shall be deemed to be the date referred to in the last preceding sub-section or, if that date is not a pay-day, the next succeeding pay-day after that date.

Application of
Commonwealth
Employees'
Compensation
Act.

14. The Director-General and officers and employees of the Organization shall be deemed to be employees for the purposes of the *Commonwealth Employees' Compensation Act* 1930-1954.

Officers, &c.,
to be
Commonwealth
officers for
purposes of
Crimes Act.

15. The Director-General and officers and employees of the Organization shall be deemed to be Commonwealth officers for the purposes of the *Crimes Act* 1914-1955.