



# Office of National Assessments Act 1977

No. 107, 1977

## Compilation No. 10

<b>Compilation date:</b>	1 July 2016
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## About this compilation

### **This compilation**

This is a compilation of the *Office of National Assessments Act 1977* that shows the text of the law as amended and in force on 1 July 2016 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

### **Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### **Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### **Editorial changes**

For more information about any editorial changes made in this compilation, see the endnotes.

### **Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### **Self-repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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## Contents

1	Short title.....	1
2	Commencement.....	1
3	Interpretation.....	1
4	Office of National Assessments.....	2
5	Functions of Office.....	3
6	National Assessments Board.....	4
8	Duty of Director-General to consult National Assessments Board.....	5
9	Director-General entitled to access to information.....	6
10	Appointment of Director-General.....	6
11	Term of office.....	6
12	Remuneration and allowances of Director-General.....	6
13	Leave of absence.....	7
14	Resignation.....	7
15	Termination of appointment.....	7
16	Acting Director-General.....	8
17	Staff of the Office.....	8
19	Reports.....	10
20	Regulations.....	10
	<b>Endnotes</b> .....	11
	<b>Endnote 1—About the endnotes</b> .....	11
	<b>Endnote 2—Abbreviation key</b> .....	13
	<b>Endnote 3—Legislation history</b> .....	14
	<b>Endnote 4—Amendment history</b> .....	18



# **An Act to establish an Office of National Assessments and for related purposes**

## **1 Short title**

This Act may be cited as the *Office of National Assessments Act 1977*.

## **2 Commencement**

This Act shall come into operation on the day on which it receives the Royal Assent.

## **3 Interpretation**

In this Act, unless the contrary intention appears:

***Commonwealth authority*** means:

- (a) an authority or body, whether a body corporate or not, established for a purpose of the Commonwealth by or under a law of the Commonwealth or a law of a Territory; or
- (b) an authority or body established for such a purpose by or under an order or direction made or given by the Governor-General, by a Minister or by an authority or body referred to in paragraph (a).

***Department*** means a Department of State.

***Department of Defence*** means the Department administered by the Minister administering section 1 of the *Defence Act 1903*.

***Department of Foreign Affairs and Trade*** means the Department administered by the Minister administering the *Diplomatic Privileges and Immunities Act 1967*.

***Director-General*** means the person holding office as the Director-General of the Office of National Assessments.

## Section 4

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**Office** means the Office of National Assessments referred to in section 4.

**prescribed Commonwealth officer** means:

- (a) a Secretary of a Department;
- (b) the Chief of the Defence Force;
- (d) the Director-General of Security; or
- (e) any other person employed by the Commonwealth (whether under the *Public Service Act 1999* or otherwise) who is authorized by the Minister to exercise the powers of a prescribed Commonwealth officer under subsection 5(2).

### 4 Office of National Assessments

- (1) There is hereby established an Office to be known as the Office of National Assessments.
- (2) There shall be a Director-General of the Office of National Assessments.
- (3) The Office of National Assessments shall consist of the Director-General and the staff referred to in subsection 17(1).
- (4) The Director-General shall, under the Minister, control the Office of National Assessments.
- (5) For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):
  - (a) the Office of National Assessments is a listed entity; and
  - (b) the Director-General is the accountable authority of the Office of National Assessments; and
  - (c) the persons referred to in subsection (3) are officials of the Office of National Assessments; and
  - (d) the purposes of the Office of National Assessments include the functions of the Office of National Assessments referred to in section 5.

## 5 Functions of Office

(1) The functions of the Office are:

- (a) to assemble and correlate information relating to international matters that are of political, strategic or economic significance to Australia and:
  - (i) to prepare reports in relation to such of those matters as are of current significance; and
  - (ii) from time to time as circumstances require, to make assessments in relation to such of those matters as are of national importance;
- (b) to furnish reports prepared, and assessments made, in accordance with paragraph (a) to appropriate Ministers and other appropriate persons;
- (c) to ensure that international developments of major importance to Australia are assessed on a continuing basis; and
- (d) to carry out the coordination and evaluation functions specified in subsections (1A) and (1B).

(1A) The coordination functions of the Office are:

- (a) to coordinate the foreign intelligence activities that Australia engages in, including in relation to setting Australia's foreign intelligence requirements based on Australia's foreign intelligence priorities; and
- (b) to coordinate matters of common interest to Australia's foreign intelligence agencies, including, but not limited to, the following:
  - (i) policy in relation to foreign intelligence;
  - (ii) long-term planning and cross-agency planning in relation to foreign intelligence;
  - (iii) liaison with international partners, consistent with the capacity of the agencies to develop relationships with their counterparts in other countries.

(1B) The evaluation functions of the Office are:

- (a) to evaluate the foreign intelligence activities that Australia engages in, having regard to:
    - (i) Australia's foreign intelligence priorities and requirements; and
    - (ii) the intelligence needs of relevant Ministers; and
  - (b) to provide advice to the Minister or to relevant Departments on the adequacy of the resources available for foreign intelligence activities; and
  - (c) to provide advice to the Minister on any improvements or changes that should be made to remedy inadequacies, including, but not limited to, inadequacies relating to coordination arrangements.
- (2) A Minister, or a prescribed Commonwealth officer, may, for the purpose of obtaining assistance in the formation of policies or plans by the Commonwealth Government, request the Director-General to prepare a report or make an assessment in accordance with paragraph (1)(a) and, where such a request is made, the Director-General shall endeavour to comply with the request.
- (3) The Director-General may make arrangements with appropriate persons for the making of contributions by them, or by persons under their direction or control, for inclusion in reports or assessments, or for them or persons under their direction or control to participate in the preparation of reports or the making of assessments, that are being, or are to be, made in the performance of the functions of the Office referred to in paragraph (1)(a).
- (4) Subject to subsection (2), the Director-General is not subject to direction in respect of the content of, or any conclusions to be reached in, any report or assessment under this Act.

## **6 National Assessments Board**

- (1) For the purposes of this Act there shall be a National Assessments Board, which shall consist of the Director-General and, subject to



subsections (2A) and (2B), such other persons as the Minister directs.

- (2) It is the function of the National Assessments Board to consider national assessments made by the Office.
- (2A) The membership of the National Assessments Board may be varied by the Director-General from time to time, but must include:
  - (a) the persons specified in subsection (1); and
  - (b) an officer of the Department of Foreign Affairs and Trade; and
  - (c) an officer of the Department of Defence; and
  - (d) an officer of the Department of the Prime Minister and Cabinet; and
  - (e) a member of the Defence Force.
- (2B) The Director-General is to take reasonable steps to ensure that a meeting of the National Assessments Board includes representatives of departments and agencies appropriate to the subject matter of the national assessment or national assessments under consideration by the Board at that meeting.
- (3) The Director-General shall convene meetings of the National Assessments Board.
- (4) At a meeting of the National Assessments Board, the Director-General shall preside and the procedure to be followed shall be as directed by him or her.

## **8 Duty of Director-General to consult National Assessments Board**

- (1) The Director-General shall consult the National Assessments Board in relation to each national assessment made by him or her and shall, if practicable, seek to hold the consultation before furnishing the assessment.
- (2) In the event of a significant difference of opinion between the Director-General and the National Assessments Board in relation

to a national assessment, the Director-General and the Board shall endeavour to reach agreement.

- (3) If the Director-General and the National Assessments Board are unable to reach agreement, the Director-General shall forward to each person to whom the national assessment is furnished a statement setting out the matter or matters in respect of which the difference of opinion has arisen.

## **9 Director-General entitled to access to information**

- (1) Subject to subsection (2), and to compliance with any conditions, requirements or procedures from time to time specified by the Minister, the Director-General is entitled to full access to all information relating to international matters that are of political, strategic or economic significance to Australia, being information in the possession of any Department, Commonwealth authority or arm of the Defence Force.
- (2) Subsection (1) does not apply in relation to any information where the furnishing of the information would contravene the provisions of any law of the Commonwealth or any law of a Territory.

## **10 Appointment of Director-General**

The Director-General shall be appointed by the Governor-General and shall hold office, subject to this Act, on such terms and conditions as the Governor-General determines.

## **11 Term of office**

- (1) Subject to sections 14 and 15, the Director-General holds office for such period, not exceeding 7 years, as is specified in his or her instrument of appointment, but is eligible for re-appointment.

## **12 Remuneration and allowances of Director-General**

- (1) The Director-General shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination

of that remuneration by the Tribunal is in operation, he or she shall be paid such remuneration as is prescribed.

- (2) The Director-General shall be paid such allowances as are prescribed.
- (3) Subsection (2) has effect subject to the *Remuneration Tribunal Act 1973*.

### **13 Leave of absence**

- (1) The Director-General has such recreation leave entitlements as are determined by the Remuneration Tribunal.
- (2) The Minister may grant the Director-General leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Minister determines.

### **14 Resignation**

The Director-General may resign his or her office by writing signed by him or her and delivered to the Governor-General.

### **15 Termination of appointment**

- (1) The Governor-General may terminate the appointment of the Director-General for physical or mental incapacity.
- (2) If the Director-General:
  - (a) is absent from duty, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months;
  - (b) is guilty of misbehaviour; or
  - (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;the Governor-General shall terminate his or her appointment.

## **16 Acting Director-General**

- (1) The Governor-General may appoint a person to act as Director-General:
  - (a) during a vacancy in the office of Director-General, whether or not an appointment has previously been made to the office; or
  - (b) during any period, or during all periods, when the Director-General is absent from duty or from Australia or is, for any reason, unable to perform the functions of his or her office;but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.
- (2) The Governor-General may:
  - (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person acting as Director-General; and
  - (b) at any time terminate such an appointment.
- (3) Where a person is acting as Director-General in accordance with paragraph (1)(b) and the office of Director-General becomes vacant while that person is so acting, that person may continue so to act until the Governor-General otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.
- (4) The appointment of a person to act as Director-General ceases to have effect if he or she resigns his or her appointment by writing signed by him or her and delivered to the Governor-General.
- (5) While a person is acting as Director-General, he or she has, and may exercise, all the powers and shall perform all the functions of the Director-General.

## **17 Staff of the Office**

- (1) The staff required for the purposes of this Act shall be:

- (a) persons engaged under the *Public Service Act 1999* for the purpose of performing duties in connexion with the performance of the functions of the Office;
  - (b) persons whose services are made available in pursuance of arrangements made under subsection (4); and
  - (c) persons engaged under subsection (6).
- (2) For the purposes of the *Public Service Act 1999*:
- (a) the Director-General and the APS employees assisting the Director-General together constitute a Statutory Agency; and
  - (b) the Director-General is the Head of that Statutory Agency.
- (4) The Director-General may make arrangements with an Agency Head (within the meaning of the *Public Service Act 1999*), with the Chief of the Defence Force or with a Commonwealth authority for the services of persons (being persons approved by the Director-General) who are engaged under that Act in the Agency concerned, are members of the Defence Force or are in the employment of that Commonwealth authority, as the case may be, to be made available to assist the Director-General in the performance of the functions of the Office.
- (5) Where the services of a person are made available for the purposes of the Office in pursuance of an arrangement made under subsection (4), the person shall perform such duties as are assigned to him or her by the Director-General and is, in the performance of those duties, subject to the directions of the Director-General.
- (6) The Director-General may engage persons to perform services for the Office otherwise than as persons referred to in paragraph (1)(a) or (b).
- (7) The terms and conditions of engagement of persons under subsection (6) shall be such as are determined by the Director-General.

## 19 Reports

The Director-General may, at any time when he or she considers it necessary or desirable, give the Minister a report on the operations of the Office.

Note: The Director-General must also give the Minister an annual report under section 46 of the *Public Governance, Performance and Accountability Act 2013*.

## 20 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

## Endnotes

### Endnote 1—About the endnotes

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be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.



**Endnote 2—Abbreviation key**

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnotes

### Endnote 3—Legislation history

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### Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Office of National Assessments Act 1977	107, 1977	19 Oct 1977	19 Oct 1977	
Public Service Reform Act 1984	63, 1984	25 June 1984	s. 151(1) and (9): 1 July 1984 ( <i>see Gazette</i> 1984, No. S245) ( <i>a</i> )	s. 151(9)
Defence Legislation Amendment Act 1984	164, 1984	25 Oct 1984	s. 120: Royal Assent ( <i>b</i> )	s. 120(2) and (3)
Statute Law (Miscellaneous Provisions) Act (No. 1) 1985	65, 1985	5 June 1985	s. 3: 3 July 1985 ( <i>c</i> )	—
Public Service and Statutory Authorities Amendment Act 1985	166, 1985	11 Dec 1985	s. 45: 8 Jan 1986 ( <i>d</i> )	s. 45(2)
Industrial Relations Legislation Amendment Act 1991	122, 1991	27 June 1991	ss. 4(1), 10(b) and 15–20: 1 Dec 1988 ss. 28(b)–(e), 30 and 31: 10 Dec 1991 ( <i>see Gazette</i> 1991, No. S332) Remainder: Royal Assent	s. 31(2)
Statute Law Revision Act 1996	43, 1996	25 Oct 1996	Schedule 4 (item 116) and Schedule 5 (items 106–108): Royal Assent ( <i>e</i> )	—
Defence Legislation Amendment Act (No. 1) 1997	1, 1997	19 Feb 1997	Schedules 1 and 3: 30 Apr 1997 ( <i>see Gazette</i> 1997, No. S91) Remainder: Royal Assent	—

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Schedule 1 (items 703–710); 5 Dec 1999 ( <i>see Gazette</i> 1999, No. S584) ( <i>f</i> )	—
Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001	159, 2001	1 Oct 2001	29 Oct 2001	Sch. 1 (item 97)
Intelligence Services Legislation Amendment Act 2005	128, 2005	4 Nov 2005	Schedules 1–8: 2 Dec 2005 Remainder: Royal Assent	—
Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014	62, 2014	30 June 2014	Sch 6 (item 63), Sch 11 (item 1) and Sch 14: 1 July 2014 (s 2(1) items 6, 14)	Sch 14
<b>as amended by</b>				
Public Governance and Resources Legislation Amendment Act (No. 1) 2015	36, 2015	13 Apr 2015	Sch 2 (items 7–9) and Sch 7: 14 Apr 2015 (s 2)	Sch 7

## Endnotes

### Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
<b>as amended by</b>				
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 (s 2(1) item 2)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 495): 5 Mar 2016 (s 2(1) item 2)	—
Defence Legislation Amendment (First Principles) Act 2015	164, 2015	2 Dec 2015	Sch 2 (item 68): 1 July 2016 (s 2(1) item 2)	—

- (a) The *Office of National Assessments Act 1977* was amended by subsection 151(1) only of the *Public Service Reform Act 1984*, subsection 2(4) of which provides as follows:
- (4) The remaining provisions of this Act shall come into operation on such day as is, or on such respective days as are, fixed by Proclamation.
- (b) The *Office of National Assessments Act 1977* was amended by section 120 only of the *Defence Legislation Amendment Act 1984*, subsection 2(2) of which provides as follows:
- (2) Section 1, this section and sections 16, 17, 18, 19 and 120 and Part XIV shall come into operation on the day on which this Act receives the Royal Assent.
- (c) The *Office of National Assessments Act 1977* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.

## Endnote 3—Legislation history

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- (d) The *Office of National Assessments Act 1977* was amended by section 45 only of the *Public Service and Statutory Authorities Amendment Act 1985*, subsection 2(7) of which provides as follows:
- (7) The remaining provisions of this Act shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.
- (e) The *Office of National Assessments Act 1977* was amended by Schedule 4 (item 116) and Schedule 5 (items 106–108) only of the *Statute Law Revision Act 1996*, subsection 2(1) of which provides as follows:
- (1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.
- (f) The *Office of National Assessments Act 1977* was amended by Schedule 1 (items 703–710) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:
- (1) In this Act, **commencing time** means the time when the *Public Service Act 1999* commences.
- (2) Subject to this section, this Act commences at the commencing time.

## Endnotes

### Endnote 4—Amendment history

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#### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
s. 3 .....	am. Nos. 63 and 164, 1984; No. 1, 1997; No. 146, 1999; No. 128, 2005; No 164, 2015
s. 4 .....	am No 62, 2014
s. 5 .....	am. No. 128, 2005
s. 6 .....	am. No. 43, 1996; No. 146, 1999; No. 128, 2005
s. 7 .....	am. No. 43, 1996; No. 146, 1999 rep. No. 128, 2005
Heading to s. 8 .....	am. No. 128, 2005
s. 8 .....	am. No. 43, 1996; No. 128, 2005
s. 11 .....	am. No. 43, 1996; No. 159, 2001
s. 12 .....	am. No. 63, 1984; No. 43, 1996; No. 128, 2005
s. 13 .....	rs. No. 122, 1991 am. No. 146, 1999
s. 14 .....	am. No. 43, 1996
s. 15 .....	am. No. 122, 1991; No. 43, 1996
s. 16 .....	am. No. 43, 1996
s. 17 .....	am. Nos. 63 and 164, 1984; No. 166, 1985; No. 43, 1996; No. 146, 1999
s. 18 .....	rep. No. 65, 1985
s. 19 .....	am. No. 43, 1996 rs No 62 2014

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