

# OFFICE OF NATIONAL ASSESSMENTS ACT 1977

## No. 107 of 1977

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

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

1. This Act may be cited as the *Office of National Assessments Act* 1977.<sup>1</sup> Short title

2. This Act shall come into operation on the day on which it receives the Royal Assent.<sup>1</sup> Commence-  
ment

3. In this Act, unless the contrary intention appears— Interpret-  
ation  
“Assessments Board” or “Board” means the National Assessments Board or the Economic Assessments Board;

“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;

“Director-General” means the person holding office as the Director-General of the Office of National Assessments;

“Office” means the Office of National Assessments referred to in section 4;

“prescribed Commonwealth officer” means—

- (a) a Permanent Head of a Department;
- (b) the Chief of Defence Force Staff;
- (c) the Chief of Staff of an arm 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* 1922 or otherwise) who is authorized by the Minister to exercise the powers of a prescribed Commonwealth officer under sub-section 5 (2).

Office of  
National  
Assessments

4. (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 sub-section 17 (1).

(4) The Director-General shall, under the Minister, control the Office of National Assessments.

Functions of  
Office

5. (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 keep under review the activities connected with international intelligence that are engaged in by Australia and to bring to the notice of relevant Departments and Commonwealth authorities any inadequacies in the nature, the extent, or the arrangements for co-ordination, of those activities that become apparent from time to time and suggest any improvements that should be made to remedy those inadequacies.

(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 sub-section (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.** (1) For the purposes of this Act there shall be a National Assessments Board, which shall consist of the Director-General and, subject to sub-section (2), such other persons as the Minister directs. National Assessments Board

(2) The National Assessments Board shall include—

- (a) an officer of the Department of Foreign Affairs;
- (b) an officer of the Department of Defence;
- (c) a member of the Defence Force; and
- (d) an officer of the Australian Public Service, not being an officer of the Department of Foreign Affairs or the Department of Defence, who has expertise in economics.

(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.

(5) It is the function of the National Assessments Board to consider assessments prepared by the Office in relation to matters not primarily involving economic considerations.

**7.** (1) For the purposes of this Act there shall be an Economic Assessments Board, which shall consist of the Director-General or a member of the staff of the Office designated by him and, subject to sub-section (2), such other persons as the Minister directs. Economic Assessments Board

(2) The Economic Assessments Board shall include—

- (a) an officer or officers of the Australian Public Service (not being an officer or officers of the Department of Foreign Affairs) who has or have expertise in economics; and
- (b) an officer of the Department of Foreign Affairs.

(3) The Director-General shall convene meetings of the Economic Assessments Board.

(4) At a meeting of the Economic Assessments Board, the Director-General, or, in his absence, the member of the staff of the Office referred to in sub-section (1), shall preside and the procedure to be followed at the meeting shall be as directed by the person so presiding.

(5) It is the function of the Economic Assessments Board to consider assessments prepared by the Office in relation to matters primarily involving economic considerations.

Duty of  
Director-  
General to  
consult  
relevant  
Assessments  
Board

**8.** (1) The Director-General shall consult the appropriate Assessments Board in relation to each assessment made by him 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 an Assessments Board in relation to an assessment, the Director-General and the Board shall endeavour to reach agreement.

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

Director-  
General  
entitled to  
access to  
information

**9.** (1) Subject to sub-section (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) Sub-section (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.

Appoint-  
ment of  
Director-  
General

**10.** 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.

Term of  
office

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

(2) A person who has attained the age of 65 years shall not be appointed or re-appointed as Director-General and a person shall not be appointed or re-appointed as Director-General for a period that extends beyond the date on which he will attain the age of 65 years.

Remunera-  
tion and  
allowances  
of Director-  
General

**12.** (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 shall be paid such remuneration as is prescribed.

(2) The Director-General shall be paid such allowances as are prescribed.

(3) Sub-section (2) has effect subject to the *Remuneration Tribunals Act 1973*.

(4) The rates of remuneration and allowances payable to the Director-General shall not be less than the rates of remuneration and allowances for the time being payable, in pursuance of a determination by the Remuneration Tribunal, to Permanent Heads of Departments to whom no responsibility loading is payable.

13. The Minister may grant leave of absence to the Director-General upon such terms and conditions as to remuneration or otherwise as the Minister determines. Leave of absence

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

15. (1) The Governor-General may terminate the appointment of the Director-General for physical or mental incapacity. Termination of appointment

(2) If the Director-General—

- (a) is absent from duty, except with the leave of the Minister, 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 creditors or makes an assignment of his remuneration for their benefit,

the Governor-General shall terminate his appointment.

16. (1) The Governor-General may appoint a person to act as Director-General— Acting 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 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 resigns his appointment by writing signed by him and delivered to the Governor-General.

(5) While a person is acting as Director-General, he has, and may exercise, all the powers and shall perform all the functions of the Director-General.

Staff of the  
Office

17. (1) The staff required for the purposes of this Act shall be—

- (a) persons appointed or employed under the *Public Service Act* 1922 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 sub-section (4); and
- (c) persons engaged under sub-section (6).

(2) The Director-General has all the powers of, or exercisable by, a Permanent Head under the *Public Service Act* 1922 so far as those powers relate to the branch of the Australian Public Service comprising the staff referred to in paragraph (1) (a) as if that branch were a separate Department of the Australian Public Service.

(3) For the purposes of sub-sections 25 (5) and (6) of the *Public Service Act* 1922, the Director-General shall be deemed to be a Permanent Head.

(4) The Director-General may make arrangements with the Permanent Head of a Department, with the Chief of Defence Force Staff or with a Commonwealth authority for the services of persons (being persons approved by the Director-General) who are appointed or employed under the *Public Service Act* 1922 in the Department 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 sub-section (4), the person shall perform such duties as are assigned to him 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, with the approval of the Public Service Board, 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 sub-section (6) shall be such as are, with the approval of the Public Service Board, determined by the Director-General.

18. If a person appointed as Director-General was, immediately before his appointment or employment, an officer of the Australian Public Service or a person to whom the *Officers' Rights Declaration Act 1928* applied—

Rights of  
Public  
Servants

- (a) he retains his existing and accruing rights;
- (b) for the purpose of determining those rights, his service as Director-General shall be taken into account as if it were service in the Australian Public Service; and
- (c) the *Officers' Rights Declaration Act 1928* applies as if this Act and this section had been specified in the Schedule to that Act.

19. The Director-General shall, at least once in each year, and at any other time when he considers it necessary or desirable to do so, furnish to the Minister a report on the operations of the Office.

Reports

20. 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.

Regulations

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#### NOTE

1. Act No. 107, 1977; assented to 19 October 1977.