



Public Service Act 1999

Order to Establish the Office of the Special Investigator as an Executive Agency

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under section 65 of the *Public Service Act 1999*:

- (a) establish the Office of the Special Investigator as an Executive Agency;
- (b) allocate the name Office of the Special Investigator to the Executive Agency;
- (c) allocate the name Director-General to the Head of the Executive Agency;
- (d) identify the Minister for Home Affairs as the Minister responsible for the Executive Agency;
- (e) specify the functions of the Office of the Special Investigator be as follows:
 - i. to review the findings of the Inspector-General of the Australian Defence Force Afghanistan Inquiry;
 - ii. to work with the Australian Federal Police (AFP) to investigate the commission of criminal offences under Australian law arising from or related to any breaches of the Laws of Armed Conflict by members of the Australian Defence Force in Afghanistan from 2005 to 2016;
 - iii. to develop briefs of evidence in respect of any offences that are established, for referral to the Commonwealth Director of Public Prosecutions; and
 - iv. to undertake other relevant tasks the Prime Minister and the Minister require from time to time.

This Order will commence on 4 January 2021.

Dated 10 December 2020

David Hurley
Governor-General

By His Excellency's Command

Scott Morrison
Prime Minister