



## **Appendix A – Functions of the Committee**

Section 29 of the *Intelligence Services Act 2001*, as at 30 June 2015 (compilation date 13 December 2014):

- (1) The functions of the Committee are:
- (a) to review the administration and expenditure of ASIO, ASIS, AGO, DIO, ASD and ONA, including the annual financial statements of ASIO, ASIS, AGO, DIO, ASD and ONA; and
  - (b) to review any matter in relation to ASIO, ASIS, AGO, DIO, ASD or ONA referred to the Committee by:
    - (i) the responsible Minister; or
    - (ii) a resolution of either House of the Parliament; and
  - (baa) to monitor and to review the performance by the AFP of its functions under Part 5.3 of the Criminal Code; and
  - (bab) to report to both Houses of the Parliament, with such comments as it thinks fit, upon any matter appertaining to the AFP or connected with the performance of its functions under Part 5.3 of the Criminal Code to which, in the opinion of the Committee, the attention of the Parliament should be directed; and
  - (bac) to inquire into any question in connection with its functions under paragraph (baa) or (bab) that is referred to it by either House of the Parliament, and to report to that House upon that question; and
  - (bb) to review, by 7 March 2018, the operation, effectiveness and implications of the following:
    - (i) Division 3 of Part III of the Australian Security Intelligence Organisation Act 1979 and any other provision of that Act as far as it relates to that Division;

- (ii) Division 3A of Part IAA of the Crimes Act 1914 and any other provision of that Act as far as it relates to that Division;
    - (iii) Divisions 104 and 105 of the Criminal Code and any other provision of the Criminal Code Act 1995 as far as it relates to those Divisions;
    - (iv) sections 119.2 and 119.3 of the Criminal Code and any other provision of the Criminal Code Act 1995 as far as it relates to those sections; and
  - (c) to report the Committee's comments and recommendations to each House of the Parliament and to the responsible Minister.
- (2) The Committee may, by resolution, request the responsible Minister to refer a matter in relation to the activities of ASIO, ASIS, AGO, DIO, ASD or ONA (as the case may be) to the Committee, and the Minister may, under paragraph (1)(b), refer that matter to the Committee for review.
- (3) The functions of the Committee do not include:
- (a) reviewing the intelligence gathering and assessment priorities of ASIO, ASIS, AGO, DIO, ASD or ONA; or
  - (b) reviewing the sources of information, other operational assistance or operational methods available to ASIO, ASIS, AGO, DIO, ASD or ONA; or
  - (c) reviewing particular operations that have been, are being or are proposed to be undertaken by ASIO, ASIS, AGO, DIO or ASD; or
  - (d) reviewing information provided by, or by an agency of, a foreign government where that government does not consent to the disclosure of the information; or
  - (e) reviewing an aspect of the activities of ASIO, ASIS, AGO, DIO, ASD or ONA that does not affect an Australian person; or
  - (f) reviewing the rules made under section 15 of this Act; or
  - (g) conducting inquiries into individual complaints about the activities of ASIO, ASIS, AGO, DIO, ASD, ONA or AFP; or
  - (h) reviewing the content of, or conclusions reached in, assessments or reports made by DIO or ONA, or reviewing sources of information on which such assessments or reports are based; or

- (i) reviewing the coordination and evaluation activities undertaken by ONA; or
- (j) reviewing sensitive operational information or operational methods available to the AFP; or
- (k) reviewing particular operations or investigations that have been, are being or are proposed to be undertaken by the AFP.

