

Questions on Notice to AFP

PJCIS Inquiry into Royal Commission Legislation Amendment (Protections for Providing Information Bill) 2026

1. Was the AFP, its officials or employees disclosing information to the Royal Commission prior to arrangements being finalised? If so, how were you risk-managing the process? What did you see as the main risks?

The AFP has been providing information responsive to the notices to produce to the Royal Commission on Antisemitism and Social Cohesion (Royal Commission). The AFP has been navigating challenges associated with producing material obtained under the Telecommunications (Interception and Access) Act 1979 and the Surveillance Devices Act 2004 and material subject to other legislative restrictions including material obtained through AUSTRAC. Material that is the subject of any statutory prohibitions has been redacted from the documents provided to date.

2. Have there already been internal conversations about how the agency would navigate situations with the Royal Commissioner where there is disagreement about whether a piece of information can be shared or not?
 - A. Can you walk us through your understanding of how you would resolve that with the Royal Commission and who you believe would ultimately get the final say on determining what can be disclosed?

The amendments to the Royal Commissions Act 1902 in the Royal Commissions Legislation Amendment (Protections for Providing Information) Bill 2026 (the Bill) will address the challenges currently preventing disclosure of certain information to the Royal Commission. The AFP has not and will not withhold information from the Royal Commission. The AFP has, and will, provide information to the Royal Commission in accordance with the arrangements set up to deal with operationally sensitive information and intelligence information (the Information Arrangements).

The AFP will not seek to prevent information from being shared with the Royal Commission in accordance with the appropriate Information Arrangement for dealing with operationally sensitive and /or intelligence information.

3. What is the AFP currently doing or what does it plan to do to message to staff about collaborating with the Royal Commission?
 - A. Are you explaining their rights to them and telling them how they can voluntarily disclose information?
 - B. Can you give some examples?

The AFP has a dedicated team to coordinate engagement with the Royal Commission across the AFP and to support staff engaging with the Royal Commission.

Individuals may wish to engage with the Royal Commission in a capacity unrelated to their work, for example as a member of a faith or community group, or in some other personal capacity.

Guidance about the Bill and a copy of the Information Arrangements will be provided to all AFP staff when the Bill passes and the Arrangements are finalised. We will also publish information about the Bill and Information Agreements on our internal AFP Intranet.

4. What systems and processes will be in place for someone to make voluntary disclosures? Will there be dedicated secure networks or messaging systems so officials can communicate directly with the Royal Commission without fear of colleagues being aware of that communication?

Paragraph 4.2 of the Operationally Sensitive Information Arrangement provides that, if a person either in their response to a compulsory requirement for information or a voluntary disclosure may disclose operationally sensitive information, it is the responsibility of the Royal Commission to make arrangements to receive that information securely (for example, through a private interview or a confidential hearing held in accordance with the Information Arrangement).

5. Will AFP informants have protections to disclose?

The AFP understands the immunities in the Bill apply to any person, provided the information is shared with the Royal Commission in accordance with the relevant Information Arrangements (for AFP appointees, the Operationally Sensitive Information Arrangement).

6. How will foreign intelligence holdings be treated? Will it be possible to disclose foreign intelligence shared with the AFP with the Royal Commission?

The definition of 'operationally sensitive information' for the purposes of the Bill and the Operationally Sensitive Information Arrangement includes information provided by a foreign government or an agency of a foreign government where that government does not consent to the public disclosure of the information. The AFP will be able to share operationally sensitive information pursuant to the Information Arrangement.

7. How will intelligence holdings derived from State agencies be treated? Will it be possible to disclose State agency intelligence shared with the AFP with the Royal Commission?

To the extent the AFP holds information which has been provided by state agencies whether in AFP documents or otherwise, this material may be provided to the Royal Commission in accordance with the relevant Information Arrangement.

8. If this Bill were not to pass, provide examples of the sorts of information you would have to withhold or which officials in your agency may feel unable to participate in the Royal Commission?

The Telecommunications (Interception and Access) Act 1979 and the Surveillance Devices Act 2004 contain statutory prohibitions preventing the AFP and other agencies

from providing some material, for example, stored communications obtained under the Telecommunications (Interception and Access) Act 1979.

If passed, this Bill would provide the necessary clarity to ensure AFP can provide material containing telecommunications data, and more easily review and provide material with references to, or information derived from, warrants obtained under those Acts.

9. Do you anticipate former members of staff wishing to make disclosures, if so how will that be facilitated?

The AFP cannot comment on whether former AFP appointees may wish to make disclosures to the Royal Commission.

The AFP understands that the immunities in the Bill apply to any person, regardless of employment, provided the information is shared with the Royal Commission in accordance with the relevant Information Arrangements.

The Bill requires that the Information Arrangements be made public by the AGD Secretary. The AFP also understands the arrangements have been published on the Royal Commission's website.

The Arrangements outline how an individual may make a disclosure to the Royal Commission.

10. Are there any current operations that need to be altered or paused to make account for the Royal Commission's work?

The AFP has set up a dedicated team to engage with the Royal Commission, to limit interruptions to the AFP's operations.

11. Can you give us an insight into the typical timeframe it takes for an authorised disclosure to take place?

- A. With arrangements in place for this Bill will that timeframe now change?
- B. The Royal Commission's reporting dates are an interim report in April and a final report at the end of 2026. Will authorised disclosures be possible under this timeframe?

Notices to produce from the Royal Commission include a date by which a response to the notice is due to the Royal Commission. These timelines can vary depending on the nature and quantity of information requested.

The introduction of the Bill will allow the AFP to provide further (unredacted) information to the Royal Commission.

The AFP expects to provide all requested information to Royal Commission in time for the Royal Commission to meet their reporting timeframes. However, delivery of the Royal Commission's interim and final reports is matter for the Royal Commission.

12. Are disclosures to the Royal Commission and the IGIS and the NACC handled by the same teams?

The AFP has set up a dedicated team to lead engagement with the Royal Commission and coordinate the provision of material to the Royal Commission in response to any requests for information or witnesses.

13. Do you anticipate that the process of making authorised disclosures to the Royal Commission will impact the timeframe of any work you are doing with the IGIS or the NACC, such as current investigations?

The AFP has set up a dedicated team to engage with the Royal Commission, to limit interruptions to the AFP's operations.

14. With regards to members of your staff that may make voluntary disclosures to the Royal Commission, how will you reassure your workforce that they won't be subject to adverse employment consequences if their voluntary disclosure becomes known within the organisation?

The AFP is committed to transparency and will continue to engage fully with the Royal Commission.

The AFP will ensure all AFP appointees are aware that the Operationally Sensitive Information Arrangements apply to individuals.

The Royal Commissions Act 1902 also contains offences for preventing people giving evidence (section 6L) and an offence for dismissing or prejudicing an employee for giving evidence to the Royal Commission (section 6N).

The AFP will not seek to prevent any person sharing information with the Royal Commission in accordance with the appropriate Information Arrangement for dealing with operationally sensitive and /or intelligence information.

The AFP has a range of support systems for staff that may be affected by the Royal Commission including SHIELD, AFP Wellbeing Services and our Employee Assistance Program.

15. Do you have specific concerns about electronic surveillance information being shared with the Royal Commission without this Bill? Can you walk us through that?

- A. What sort of electronic surveillance material do you anticipate needing to share with the Royal Commission?
- B. Will information relating to Data Disruption Warrants and Network Activity Warrants be able to be provided to the Royal Commissions?

- C. Are there specific concerns you have about how current electronic surveillance legislation prohibits authorised or voluntary disclosure?

The AFP has been navigating challenges associated with producing material containing references to, or information derived from, warrants obtained under the Telecommunications (Interception and Access) Act 1979 and the Surveillance Devices Act 2004.

The Royal Commission has requested a broad range of information held by the AFP which has been obtained through a variety of capabilities and warrant types, including electronic surveillance powers.

Noting both the ongoing work of the Royal Commission and active investigations underway, it would not be appropriate for the AFP to comment on the specific electronic surveillance material held by the AFP and provided to the Royal Commission to date.

The Telecommunications (Interception and Access) Act 1979 and the Surveillance Devices Act 2004 contain statutory prohibitions preventing the AFP and other agencies from providing some material, for example, stored communications obtained under the Telecommunications (Interception and Access) Act 1979.

If passed, this Bill would provide the necessary clarity to ensure AFP can provide telecommunications data and stored communications material to the Royal Commission, and more easily review and provide material with references to, or information derived from, warrants obtained under those Acts.

This includes data disruption warrants and network activity warrants.

16. What part of the AFP would be responsible for undertaking investigations into intelligence officials who may have breached their secrecy obligations?
- A. Can you tell me about the staffing profile of that part of the AFP?
 - B. What has their caseload been like in recent times?
 - C. Have they received any special advice or instructions about how to handle investigations involving people who may be attempting to share information with the Royal Commission?

The AFP's Special Investigations Command has primary responsibility for external reports of alleged secrecy offence breaches. However, investigations relating to information secrecy may be led by a number of AFP Commands. This is dependent on the nature of the allegation, location and alleged conduct.

Special Investigations is actively investigating a number of matters relating to unauthorised disclosure and information secrecy offences.

As part of any investigation into any offence, AFP investigators will consider the circumstances of each case, including any applicable immunities and defences such as those provided for by this Bill.

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