

Questions on Notice - ACIC

PJCIS Inquiry

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

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

Response to 1 & 2 - The ACIC is committed to assisting the Royal Commission receives information necessary to perform its functions.

The ACIC is also committed to ensuring we meet our legislative obligations and providing information to the Royal commission consistent with those obligations.

The arrangements assist to ensure sensitive information is properly handled and the Bill will address the legal complexities which may have prevented the Royal Commission receiving some types of information.

The ACIC's focus is on ensuring lawful provision and sharing of information.

- 3. 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?**

The ACIC has sought to ensure it complies with all of its legislative obligations, while seeking to assist the Royal Commission access relevant information within any legislative constraints.

- 4. Please provide 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 ACIC would seek legal advice to ensure it acted in accordance with its legislative obligations.

- 5. What is the agency currently doing or what does it plan to do to message to staff about collaborating with the Royal Commission?**

An all-staff message was distributed in late January regarding current arrangements with respect to the Royal Commission and establishing a single coordination point. ACIC is committed to communicating with our workforce as arrangements change.

- 6. Are you explaining their rights to them and telling them how they can voluntarily disclose information? Can you give some examples?**

As per the all-staff message, staff were advised of their obligations as ACIC members of staff and that sharing information with the Royal Commission would need to be undertaken consistent with the relevant statutory frameworks.

Staff were also advised that should they wish to engage in a personal capacity, separate to their duties, they are able to do so.

The ACIC will consider further guidance to staff on the application of the bill should it pass.

- 7. 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 those communication?**

As standard practice the ACIC's provision of information to the Royal Commission occurs via the Australian Government Solicitor as the agency acting for the Commonwealth.

The ACIC will consider further guidance to staff on the application of the bill should it pass.

- 8. Will ACIC sources and agents have protections to disclose?**

The ACIC notes the amendments seek to simplify the legislative arrangements for the disclosure of information to a Royal Commission by providing an immunity from secrecy provisions, which may otherwise prohibit a Royal Commission from receiving relevant information.

- 9. How will foreign intelligence holdings be treated? Will it be possible to disclose foreign intelligence shared with ACIC with the Royal Commission?**

The ACIC intends to engage with the Royal Commission and provide information within all relevant legislative frameworks, this may include consideration of the frameworks and purposes for which a foreign partner has shared certain information with the agency to determine if it can be shared.

- 10. 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 Bill will address the legal complexities which may have prevented the Royal Commission receiving some types of information, for example telecommunication intercept and surveillance device material.

- 11. How will this Bill interact with ACIC's examination powers? Will information disclosed in an examination be able to be disclosed to a Royal Commission?**

Yes. The Bill will provide an immunity to an offence under s 25A(14A) of the Australian Crime Commission Act 2002 where the information falls into the category of information covered by one of the agreements.

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

The ACIC is not aware of any former staff members wishing to make disclosures.

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

It would not be appropriate to publicly comment on the capacity of the agency with respect to operations.

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

No. The ACIC's focus is on ensuring disclosures occur lawfully with respect to relevant legislative frameworks.

15. With arrangements in place for this Bill will that timeframe now change?

The ACIC will continue to ensure disclosures are made in line with relevant legislative regimes.

16. 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?

The ACIC intends to engage collaboratively with the Royal Commission and provide information within all relevant legislative frameworks as efficiently as possible.

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

With the exception of Network Activity Warrants, the ACIC will not fall within the jurisdiction of the IGIS until the commencement of the Strengthening Oversight of the National Intelligence Community Act 2026.

18. 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, such as current investigations?

With the exception of Network Activity Warrants, the ACIC will not fall within the jurisdiction of the IGIS until the commencement of the Strengthening Oversight of the National Intelligence Community Act 2026.

19. 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 ACIC will provide guidance to staff about the application of the Bill should it pass, as well as information regarding the legal support scheme managed by the Attorney-General's Department should they wish to access it.

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

The ACIC will provide relevant material to the Royal Commission consistent with the relevant legislative schemes.

21. What sort of electronic surveillance material do you anticipate needing to share with the Royal Commission?

The ACIC will not comment publicly on the kinds of information or intelligence information in its holdings that may be relevant to the Royal Commission.

22. Will information relating to Data Disruption Warrants and Network Activity Warrants be able to be provided to the Royal Commissions?

The ACIC will not comment publicly on the kinds of information or intelligence information in its holdings that may be relevant to the Royal Commission.

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

The ACIC ensures that disclosures are made in line with relevant legislative regimes.

24. The Bill's Explanatory Memorandum explains that immunities will apply to voluntary and compulsory disclosure "in accordance with an arrangement agreed between the Royal Commission and the Commonwealth":

- a) In addition to the arrangements published by the AGS, will you be creating subordinate instructions bespoke to your agency?
- b) What are some of the specific elements that are of most importance to you to lay down in these instructions?
- c) To clarify, if a member of your staff self-initiates a disclosure of information to the Royal Commission outside of the arrangements, is it your understanding that they will be protected by immunities proposed by this Bill?

The ACIC is committed to assisting the Royal Commission receives information necessary to perform its functions.

The ACIC will consider if subordinate instructions or guidance are necessary to ensure collaborative engagement with the Royal Commission, while ensuring lawful provision and sharing of information.

25. Do the agencies here see this Bill impacting how Cabinet materials can be shared with the Royal Commission?

Handling of cabinet material is a matter for the Department of the Prime Minister and Cabinet.

26. To clarify, you don't see any legal restriction on providing relevant Cabinet information to the Royal Commission?

Handling of cabinet material is a matter for the Department of the Prime Minister and Cabinet.

27. Did ACIC provide any advice at all to the Government on the structure, scope, or form of the Royal Commission – even informally? If so, on what date(s) was that advice provided?

No.

28. Did ACIC have any involvement in discussions with the Government about the establishment of the Richardson review, including the scope of the inquiry or the drafting of its terms of reference? If so, on what date(s) did those discussions occur?

No.

29. Did ACIC provide input on whether particular matters should or should not fall within the scope of the Richardson Review? If so, can you describe the nature of that input, on what date(s) it occurred, and the particular matters involved?

No.