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Responses to Questions from Senator Michaelia Cash – Parliamentary Joint Committee on Intelligence and Security’s Inquiry into the Royal Commission Legislation Amendment Bill 2026

1. Was ASIO, 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?

Prior to the Intelligence Information Protection Arrangement being finalised with the Royal Commission on 27 February 2026 and to ensure that the Royal Commission had access to ASIO information promptly to do its work, ASIO agreed to a process with the Royal Commission. This process provided that access to classified intelligence information was restricted to Commissioner Bell AC and staff of the Royal Commission who hold formal security clearances at the requisite level or who have otherwise been approved in writing by the Commonwealth to access the information. The handling requirements were consistent with the Australian Government Protective Security Policy Framework.

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?

ASIO is fully cooperating with the Royal Commission on Antisemitism and Social Cohesion. ASIO has provided the Royal Commission all assistance in terms of documents, data and materials as requested.

ASIO hold a significant number of classified documents relevant to the Royal Commission’s inquiry, which it is producing in an appropriately secure manner in order to enable the Royal Commission to do its important work.

3. What is 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?

As mentioned in the previous answer, ASIO is providing the Royal Commission with full access to ASIO information and providing all the assistance the Royal Commission requires. If the Royal Commission proposes to use information derived from a classified ASIO document in an interim or final report (or any other publication), the Intelligence Information Protection Arrangement provides that the Royal Commission will consult with ASIO prior to disclosure to any third parties, and that ASIO can request removal or revision of the information, apply for non-publication directions, or make a public interest immunity claim. The Commissioner would determine any such request, application or claim by ASIO.

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- 4. What is agency currently doing and/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 Royal Commission has been raised in weekly communications with all ASIO staff from the Director-General, Deputy Directors-General and senior officers since it was announced, including in All Staff Addresses. The Director-General of Security has stated on multiple occasions that ASIO fully supports the work of the Royal Commission, and that ASIO will fully co-operate with the Royal Commission.

- 5. Tangibly, what actual systems and processes will be in place for someone to make a 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?**

Information on how to contact the Royal Commission is available on its website. The Royal Commission is responsible for engaging with individuals, including ASIO officers and affiliates who may wish to provide information to assist with its enquiries. The Intelligence Information Protection Arrangement provides a process for that to occur securely, and place an obligation on staff of the Royal Commission, where they reasonably suspect a person may knowingly or inadvertently disclose intelligence information, to engage with such persons in a secure manner. The Royal Commission has secure facilities and equipment to facilitate such disclosures.

- 6. Will ASIO sources and agents have protections to disclose?**

The Royal Commissions Legislation Amendment (Protections for Providing Information) Bill 2026 (the Bill) proposes to amend the *Royal Commissions Act 1902* (Cth) and the *Criminal Code Act 1995* (Cth) to provide protections for people who provide information to a Royal Commission – whether voluntarily or under compulsion – where that information is subject to statutory secrecy provisions, provided that it occurs in accordance with the Intelligence Information Protection Arrangement. There are also general protections for witnesses under the Royal Commission Act which would apply to any ASIO affiliates who are witnesses before the Royal Commission.

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

The Intelligence Information Protection Arrangement provides a process for heads of intelligence agencies to approve the disclosure of foreign government information, including intelligence, to the Royal Commission. ASIO is responding to all requests for information from the Royal Commission in order to enable it to do its important work.

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8. If this Bill were not to pass, can you 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 operation and effect of the Bill, including the operation and effect of the Bill not passing, is matter for the Attorney-General's Department which has policy responsibility for the Bill. ASIO notes that the Intelligence Information Protection Arrangement, as agreed to on 27 February 2026, sets out the process for (among other things) intelligence information being passed to, and ASIO staff and affiliates participating in, the Royal Commission.

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

Former members of staff are free to engage with the Royal Commission under the Intelligence Information Protection Arrangement and do not need to notify ASIO or seek ASIO's approval for that to occur. The Royal Commission is responsible for engaging with individuals, including ASIO officers and affiliates who may wish to provide information to the Royal Commission to assist it with its enquiries.

10. 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?**

The timeframes for authorised disclosures by individuals in their personal capacity is a matter for the individual and the Royal Commission.

ASIO continues to support the important work of the Royal Commission by producing documents and responding to questions in the notices it receives as quickly as possible.

11. 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?

No.

12. 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?

ASIO staff are free to engage with the Royal Commission under the Intelligence Information Protection Arrangement and do not need to notify ASIO or seek ASIO's approval for that to occur.

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13. Do you have specific concerns about electronic surveillance information being shared with the Royal Commission without this Bill? If yes, what are they?

No.

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

ASIO intends to share with the Royal Commission any intelligence information necessary to support its work.

15. 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?

ASIO has full confidence in the Intelligence Information Protection Arrangement and will ensure that its staff understand it and its effect. ASIO has confidence in the protections afforded by the Bill.

16. Did ASIO 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. The structure, scope and form of the Royal Commission is a matter for Government.

17. Did ASIO 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. The establishment of the Richardson Review, including its scope and terms of reference, was a matter for Government.

18. Did ASIO 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. The establishment of the Richardson Review, including its scope and terms of reference, was a matter for Government.

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