

RESPONSE TO QUESTIONS ON NOTICE

Inspector-General of Intelligence and Security

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

1. Are the immunities being outlined in this Bill different from the protections available to intelligence officials engaging with IGIS?

The immunities outlined in this Bill, and the defences or immunities which apply to intelligence officials engaging with the IGIS, are separate frameworks providing defences or immunities in different circumstances. This Bill does not displace extant provisions relating to intelligence officials engaging with IGIS in relation to the exercise of IGIS powers or functions.

For example:

- Section 32AC of the *Inspector-General of Intelligence and Security Act 1986* (the IGIS Act) provides protections for persons providing information or documents voluntarily to the Inspector-General for specified purposes.
- Section 18(9) of the IGIS Act provides that a person would not be liable for any penalty under a law of the Commonwealth or of a Territory by reason only of the person having given information, produced a document or answered a question when required to do so under compulsion.
- Section 39(3) of the *Intelligence Services Act 2001* (IS Act) provides that a staff member of ASIS, AGO, DIO or ASD would not be subject to the offence in section 39(1) of the IS Act, if that person had communicated information or matter to an IGIS official for the purpose of the IGIS official exercising a power or performing a function as an IGIS official (section 39(3) of the IS Act).
- There are similar provisions within the *Office of National Intelligence Act 2018* (section 42(3)) and the *Australian Security Intelligence Organisation Act 1979* (section 18(2B)).

2. Can you explain how IGIS and the Royal Commission are deconflicting IGIS investigations from the work of the Royal Commission?

There is no conflict between current IGIS oversight activities and the work of the Royal Commission.

3. Is IGIS preparing resources and advice for officials about how to navigate this demarcation? Please provide examples of the information available to officials about this?

Please see the response to Question 2.

4. Can an official choose to make a voluntary disclosure to the IGIS instead of the Royal Commission or vice versa and enjoy the same protections?

The IGIS and the Royal Commission are separate frameworks. Please see the response to Question 1.

5. Was IGIS, 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?

No.

6. Do you anticipate that it will be possible for IGIS investigators to share information pertaining to other NIC agencies with the Royal Commission?

IGIS would consider and respond to any Royal Commission notice to produce information or documents on a case-by-case basis.

Importantly, the Bill will not displace extant information and document sharing provisions with Royal Commissions currently provided for in the IGIS Act, most relevantly:

34A Information and documents may be given to Royal Commissioners

...

(3) The Inspector-General, or a former Inspector-General, may give a Commission:

- (a) information acquired in his or her capacity as Inspector-General; or
- (b) documents of which he or she has custody, or to which he or she has access, in that capacity.

(4) The Inspector-General may, in writing, authorise an IGIS official or former IGIS official to give information or documents to a Commission.

...

Section 34A does not require the Inspector-General to consult or seek additional approval before information is provided to a Royal Commission.

7. Could they do so without having to inform that agency?

Please see the response to Question 6.

8. Have there already been internal conversations about how IGIS would navigate situations with the Royal Commissioner where there is disagreement about whether a piece of information can be shared or not?

Please see the response to Question 6.

9. 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?

Please see the response to Question 6.

10. What is the agency currently doing or what does it plan to do to message to staff about collaborating with the Royal Commission? Are you explaining their rights to them and telling them how they can voluntarily disclose information? Provide some examples?

Please see the response to Question 6.

Additionally, on 11 February 2026 IGIS staff were made aware through an all-staff email of the National Archives of Australia disposal freeze concerning documents relating to antisemitism and social cohesion.

11. 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 passage of the Bill will not affect the IGIS's participation in the Royal Commission, in particular, the information/document sharing provisions in section 34A of the IGIS Act will continue to apply. See the response to Question 6.

12. Do you anticipate former members of staff wishing to make disclosures, if so how will that be facilitate[d].

No.