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A2524903

15 September 2025

Senator Raff Ciccone

Chair

Parliamentary Joint Committee on Intelligence and Security

PO Box 6021

Parliament House

CANBERRA ACT 2600

Dear Senator

Submission by the Commonwealth Ombudsman – Review of the Telecommunications
and Other Legislation Amendment Bill 2025

Thank you for the opportunity to make a submission to the Parliamentary Joint Committee on Intelligence and Security's (the Committee) review of the Telecommunications and Other Legislation Amendment Bill 2025 (the Bill).

Thank you also for the additional time for me to provide you with my submission.

The purpose of the Office of the Commonwealth Ombudsman (the Office) is to:

- provide assurance that the agencies and entities we oversee act with integrity and treat people fairly; and
- influence systemic improvement in government administration.

One of the ways we achieve our purpose is to provide a level of assurance that law enforcement, integrity and regulatory agencies are complying with legal requirements when using covert, intrusive and coercive powers. This includes overseeing how agencies use controlled operations powers under the *Crimes Act 1914* (Cth).

I offer comments on one particular component of the Bill relating to controlled operations.

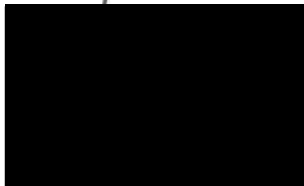
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I am supportive of the proposed ss 15GI(2A) and 15GI(2B) provisions being added to the *Crimes Act 1914* (the Act) through Schedule 5 of the Bill. I believe that, if the amendments are passed by Parliament, agencies will however need to be alive to the potential for circumstances to arise where, subsequent to the issuing of a controlled operation authority, the conduct under that authority does create a direct or foreseeable consequence of the kind listed in s 15GI(2)(g) of the Act. If this occurred, we expect the principal law enforcement officer responsible for the conduct under the authority would consider these consequences and any changes to the grounds under which the original authority was issued.

My Office has not identified instances of any agency not complying with s15GI(2)(g) of the Act. That said, my Office has observed agencies apply different approaches when circumstances change during a controlled operation and this may relate to the safeguards under s 15GI(2). We have seen agencies terminate the authority, vary the authority in order to be able to continue or change the conduct, or continue with the original authority without terminating or seeking a variation to that authority. It may be helpful for the Explanatory Memorandum to explicitly state the expectations on the law enforcement agency in circumstances where the kinds of outcomes outlined under s15GI(2)(g) of the Act change to become direct or foreseeable during the execution of a controlled operation authority.

I trust this information is of assistance. If Committee staff would like to discuss this letter they may contact [REDACTED] Senior Assistant Ombudsman, Policy and Assurance Branch on [REDACTED]. If you or other members would like to speak with me directly, I can be contacted on [REDACTED].

Yours faithfully



Iain Anderson
Commonwealth Ombudsman