

Questions on Notice AUSTRAC

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

1. 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?

Yes. AUSTRAC's approach is to support the Royal Commission in fulfilling its functions and to provide all relevant information and assistance, unless there is any valid legal reason that prevents us from doing so.

2. 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?

The ultimate decision maker in AUSTRAC on whether to disclose AUSTRAC Information is the AUSTRAC CEO.

3. Was AUSTRAC, its officials or employees you 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?

AUSTRAC assumes that reference to 'arrangements' is a reference to the Intelligence Information Protection Arrangement and Operationally Sensitive Information Protection Arrangement (collectively 'information arrangements'), both of which were signed on 27 February 2026. If this assumption is correct, then the answer to this question is 'no'.

AUSTRAC has only received one Notice to Produce from the Royal Commission to date. The due date for production of material under that notice was subsequent to the information arrangements being finalised on 27 February 2026.

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

As noted by the Royal Commission in its appearance before the Parliamentary Joint Committee on Intelligence and Security (PJCIS) on 5 March 2026, the Royal Commission is developing guidance for individuals who wish to voluntarily engage with the Royal Commission. Once that guidance is available, AUSTRAC will share the guidance with staff.

- A. Are you explaining their rights to them and telling them how they can voluntarily disclose information?

As explained above, AUSTRAC will share the Royal Commission's guidance with staff, which will outline how individuals may voluntarily provide information and the relevant information protection arrangements.

B. Can you give some examples?

Refer to the response to question 4(A).

5. 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?

AUSTRAC does not plan to establish dedicated secure networks or messaging systems for voluntary disclosures to the Royal Commission. The agency maintains a range of communication and information management systems, which are operated in accordance with the Australian Government Protective Security Policy Framework. These systems provide mechanisms for securely communicating and handling sensitive information.

AUSTRAC will encourage staff to familiarise themselves with the Royal Commission guidelines once released.

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

Under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act), information provided by a foreign financial intelligence unit (FIU) becomes 'AUSTRAC information' on receipt, and is subject to secrecy provisions in the AML/CTF Act. In considering further disclosure, AUSTRAC must have regard to the principles agreed to by the Egmont Group of Financial Intelligence Units, and the exchange instrument in place between AUSTRAC and the foreign FIU that disclosed the information to AUSTRAC. These arrangements include a requirement to seek permission for further disclosure, and possible sanctions under the Egmont Group for non-compliance.

As per the response to question 2, the decision as to whether to disclose intelligence with the Royal Commission lies with the AUSTRAC CEO.

7. If this Bill were not to pass, can you give me some 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?

Under the AML/CTF Act, any information obtained by, or generated by, an AUSTRAC entrusted person (which includes the AUSTRAC CEO, staff, consultants and other persons whose services are made available to AUSTRAC) is captured by the definition of 'AUSTRAC information'.

Part 11 of the AML/CTF Act contains prohibitions on the disclosure of AUSTRAC information by current and former AUSTRAC entrusted persons (subsection 121(1)) and by current and former officials of Commonwealth, State or Territory agencies (subsection 126(1)). In both instances, exceptions apply where that disclosure is to an official of a Commonwealth, State or Territory agency for the purposes of, or in connection with, the performance or exercise of the official's functions, duties or powers in relation to the agency (paragraphs 121(3)(a) and 126(2)(b) respectively).

The term 'Commonwealth, State or Territory agency' is defined in section 5 of the AML/CTF Act to include a Commonwealth Royal Commission 'whose terms of reference require inquiry into whether unlawful conduct (however described) has, or might have, occurred'. In correspondence dated 5 March 2026, Solicitor Assisting the Commission confirmed the Royal Commission into Antisemitism and Social Cohesion is captured by this definition and, as a result, the relevant exceptions to the prohibitions on disclosure of AUSTRAC information are available to AUSTRAC and other government agencies that hold AUSTRAC information.

This means, even if the bill were not passed, AUSTRAC would still be able to disclose AUSTRAC information to the Royal Commission as a 'Commonwealth, State or Territory agency' without breaching the secrecy and access provisions in the AML/CTF Act.

However, those secrecy and access provisions would still impose prohibitions, should the Royal Commission hold examinations or hearings that are public, or should it wish to make further disclosures of AUSTRAC information, such as in a report.

The proposed bill and information arrangements will:

- provide clarity as to how the Royal Commission can use AUSTRAC information that is disclosed to it
- enliven the ability for AUSTRAC and others to rely on the information arrangements to engage with the Royal Commission efficiently and consistently, regarding the onward use of AUSTRAC information.

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

We are not aware if any former members of staff may wish to make disclosures.

As noted by the Royal Commission in its appearance before the PJCIS on 5 March 2026, the Royal Commission is developing guidance for individuals who wish to voluntarily engage with the Royal Commission. Should that guidance be applicable to former members of staff, AUSTRAC will direct any former members of staff, who contact AUSTRAC about making disclosures, to that guidance.

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

Responding to the Notice to Produce from the Royal Commission has not resulted in a significant impact on AUSTRAC's current operations. However, we have temporarily redirected some analysts from regular counter-terrorism/terrorism financing activities, to review documents as part AUSTRAC's response to the Notice to Produce. We assess this temporary redirection as having a low overall impact.

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?

Timeframes required for authorised disclosures can vary significantly depending on the scope of the disclosure sought, the extent of searches required to locate relevant material, and the volume of material requiring review prior to production. AUSTRAC is committed to responding to all notices received from the Royal Commission as expeditiously as possible.

- A. With arrangements in place for the bill, there is a clearer path to release material to the Royal Commission and for that material to be available for the onward use of the Royal Commission. However, the timeframe for production of the material is unlikely to be impacted by the bill.
- B. The majority of authorised disclosures required by the Notice to Produce issued to AUSTRAC by the Royal Commission on 18 February 2026 are complete, with the final residual documents to be provided in the very near future. AUSTRAC will endeavour to respond to any subsequent notices received from the Royal Commission within the timeframes stipulated.

11. 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?

Refer to the response to question 4.