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OFFICE OF THE
INSPECTOR-GENERAL
OF INTELLIGENCE
AND SECURITY

Review of Administration and Expenditure No. 23 (2023–24)

Sanitised submission to the
Parliamentary Joint Committee on Intelligence and Security

13 December 2024

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Introduction

The Inspector-General of Intelligence and Security (the IGIS) welcomes the opportunity to make this submission to the Parliamentary Joint Committee on Intelligence and Security (the Committee) to assist the Committee's 2023-24 review of the administration and expenditure of the Australian Security Intelligence Organisation (ASIO), the Australian Secret Intelligence Service (ASIS), the Australian Geospatial-Intelligence Organisation (AGO), the Defence Intelligence Organisation (DIO), the Australian Signals Directorate (ASD), and the Office of National Intelligence (ONI). (o)

The overarching purpose of the IGIS's activities is to provide assurance to ministers, the parliament and the public that each agency acts legally and with propriety, complies with ministerial guidelines and directives, and acts consistently with human rights. In 2023–24, the IGIS completed 77 inspections across the 6 agencies in our jurisdiction, plus the AFP's and ACIC's use of network activity warrants. In addition, we independently reviewed 86 compliance incidents notified to the IGIS by the agencies. The IGIS also received 64 complaints within the jurisdiction of the Inspector-General of Intelligence and Security Act 1986 (IGIS Act), 1 public interest disclosure (PID) within the meaning of the Public Interest Disclosure Act 2013 (PID Act), 40 complaints in relation to visa and citizenship matters and 655 matters which did not engage either the IGIS Act or the PID Act. (o)

In 2023-24 the IGIS undertook 4 inspections that focussed on multiple agencies, known as cross - agency inspections. Where appropriate, relevant findings and recommendations from those inspections will be included in the agency sections below.

In 2023-24 the Inspector-General undertook an own-motion preliminary inquiry into the use of artificial intelligence (AI) by ASIO, ASIS, AGO, DIO, ASD and ONI. The purpose of the preliminary inquiry was to:

- confirm whether under section 14(2) of the IGIS Act the Inspector-General could, and should, inquire further into the use of AI in the 6 agencies
- provide assurance that the agencies are operating AI systems legally, with propriety and in accordance with human rights
- understand the use of these systems and consider impacts on the IGIS's oversight capabilities.

The preliminary inquiry determined that the Inspector-General was authorised to make further inquiries but that further inquiries were not required. The IGIS did not identify any legality, propriety or human rights concerns with regard to the extant use of AI systems; nor did it identify any drivers for immediate changes to its oversight approach. The IGIS found that ethical and legal considerations are a foundation of the agencies' AI development strategies and ultimately are considered in the processes of approval for the use of AI systems. The OFFICIAL level report is published on the IGIS website. (o)

This submission provides the Committee a summary of the oversight activities undertaken by the Office in 2023-24, as well as an overview of the complaints received.

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Oversight overview – 2023–24

Australian Security Intelligence Organisation (ASIO)

Oversight statistics and overarching observations

Due to the breadth of ASIO’s functions, as set out in s 17 of the *Australian Security Intelligence Organisation 1979* (ASIO Act), the IGIS implements a risk-based approach to its inspections.

In 2023–24, the IGIS undertook 25 ASIO inspections. Of these 25 inspections, 3 were ongoing as at 30 June 2024. In addition, the IGIS completed 5 inspections that commenced in 2022–23. (o)

The IGIS did not identify any legality or propriety concerns in 19 of the 27 inspections completed in 2023–24. The IGIS identified legality or propriety concerns in 8 inspections, which are discussed below. (o)

The IGIS continued to independently review all compliance incident reports relating to breaches of legislation or the Minister’s Guidelines. In 2023–24, ASIO provided 37 compliance notifications to the IGIS. (o)

In addition, ASIO provided notification of 14 incidents that resulted from the actions of another agency as it exercised the authority conferred by warrants under the *Telecommunications (Intercept and Access) Act 1979* (TIA Act) managed by ASIO. (o)

Senior-level meetings between the Inspector-General and his senior leadership team and ASIO senior executives continued through 2023–24. (o)

In 2023–24 the IGIS received 41 complaints in relation to ASIO which was 22 more than 2022–23. The IGIS did not receive any public interest disclosures in relation to ASIO. In addition, 40 complaints relating to visa or citizenship delays were received. (o)

Access to systems, personnel and information

In 2023–24, ASIO provided the IGIS with appropriate direct access to ASIO systems and facilities to support its oversight work. Overall, for individual inspections and inquiries ASIO provided access to appropriate personnel and information in a timely manner to enable the IGIS’s oversight activities. (o)

Preliminary inquiries and inquiries undertaken during 2023–24 that are ongoing

The Inspector-General commenced one inquiry in relation to ASIO during the reporting period, which related to a complaint matter. (o)

The Inspector-General commenced one preliminary inquiry in relation to all agencies within the IGIS jurisdiction during the reporting period. The preliminary inquiry is discussed earlier in this submission. (o)

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Finalised preliminary inquiries and inquiries undertaken during 2023–24

Own-motion preliminary inquiry into ASIO data breach

The preliminary inquiry was concluded during the reporting period with the Inspector-General issuing a report to ASIO under section 25B of the IGIS Act. The Inspector-General found that the data breach was the result of human error and was satisfied that ASIO had identified steps to prevent similar incidents in the future. In addition, the Inspector-General made 2 recommendations to ASIO. The Inspector-General decided further inquiry was not warranted. (o)

Inquiry into complaint from Daniel Duggan

During this reporting period, the Inspector-General finalised his inquiry, commenced in 2022-23, into a complaint made by Mr Daniel Duggan. (o)

The Inspector-General concluded that none of the allegations in Mr Duggan's complaint raised issues of legality or propriety. However, the Inspector-General found that ASIO transcended the bounds of propriety in one instance. (o)

Inspections where matters of legality or propriety were identified in 2023–24

Human source management

The IGIS conducts regular inspections of ASIO's human source management. The majority of inspections during 2023-24 identified no legality or propriety issues, however one inspection identified a number of propriety concerns about ASIO's management of a particular case. At the time of the inspection, ASIO had already independently identified similar concerns and commenced remediation of the case. The IGIS was satisfied that these concerns, while serious, did not represent systemic issues with ASIO's human source management. (o)

Retained items

The IGIS conducted an inspection of ASIO's management of items retained during search operations. The IGIS identified concerns about ASIO's processes for the longer-term retention of these items. In particular, the IGIS was unable to identify the basis on which some items, retained under warrants executed between 2012 and 2021, were continuing to be retained, or evidence that periodic review of the retention of these items had occurred. The Inspector-General considered there was a real prospect that one or more of the items had been retained beyond the period referred to in section 25(4C) of the ASIO Act. The IGIS considered that ASIO's proposed approach to address the concerns raised and ensure compliance with its legislative obligations regarding the longer-term retention of items, was appropriate. The IGIS will revisit these issues in a future inspection. (o)

Security assessments

The IGIS conducted an inspection of adverse and qualified security assessments furnished by ASIO, with a particular focus on cases where the subject of the assessment was not entitled to review through the Administrative Appeals Tribunal or the Independent Reviewer of Adverse Security Assessments. The IGIS raised concerns in one case about whether ASIO's records properly supported the assessment that was reached. (o)

Device access orders under section 34AAD of the ASIO Act and ASIO's use of section 313 notices and industry assistance requests under the Telecommunications Act

This inspection is conducted annually. Its scope includes ASIO's use of device access orders under section 34AAD of the ASIO Act, notices provided under section 313 of the Telecommunications Act and industry assistance requests issued under Part 15 of the Telecommunications Act. (o)

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In its inspection started in 2022-23 but completed in 2023-24, the IGIS raised concerns in relation to one device access order, specifically about the accuracy of reporting provided to the Attorney-General about execution of the order. The IGIS recommended that ASIO reconsider the report it had provided and make corrections where required. The IGIS also commented on ASIO's response to a recommendation arising from the IGIS's 2021-22 inspection about ASIO's device access order policy and recommended that consideration be given to further amendments to this policy. In relation to section 313 notices, the IGIS recommended that a standard template be developed to help ensure that legal and policy requirements are considered and met. For industry assistance requests, the IGIS identified concerns about ASIO's compliance with section 3.5 of the Minister's Guidelines, which requires the Director-General to consider the proportionality of immunities that could arise. The IGIS recommended that ASIO's templates be updated to promote compliance with their obligation. (o)

In the inspection conducted in 2023-24, the IGIS identified similar concerns to those identified in the previous inspection. In particular, the IGIS had concerns regarding the proportionality considerations required by section 3.5 of the Minister's Guidelines for industry assistance requests not being addressed. The IGIS recommended that ASIO give further consideration to staff training and internal monitoring of compliance with this obligation. In relation to section 313 notices, the IGIS recommended that ASIO consider additional procedural guidance for staff. In addition, the 2023-24 inspection paid particular attention to device access orders and the issues of accuracy of reporting identified in the previous inspection. The IGIS did not identify any concerns about ASIO's use of these orders during 2023-24. The IGIS will revisit these topics in a 2024-25 inspection. (o)

Foreign intelligence collection

In 2022-23, the IGIS conducted an inspection of ASIO's activities in support of the foreign intelligence function set out in section 17(1)(e) of the ASIO Act. This was the first recent inspection focused solely on this function. (o)

The Inspection identified issues with ASIO's warrant revocation processes and potential legislative non-compliance that had not previously been reported. (o)

The inspection raised questions about ASIO's compliance with Part 4 of the Minister's Guidelines and the potential need for the inclusion of updated guidance on foreign intelligence collection in the Minister's Guidelines. Separately the IGIS provided input to an external review of the Minister's Guidelines, to address the matters we had identified. (o)

In line with the IGIS's risk-based approach to the inspection program, we will continue to conduct targeted inspections of foreign intelligence collection activities during 2024-25. (o)

Assumed identities

Part IAC of the *Crimes Act 1914* (Crimes Act) sets out the legal requirements for ASIO's management of assumed identities. In an inspection commenced in 2022-23 and completed in 2023-24, the IGIS reviewed ASIO's use of assumed identities. The IGIS found that ASIO's assumed identity administration system is largely effective in ensuring ASIO's compliance with its legal obligations. (o)

However, noting that the Crimes Act is prescriptive in its requirements, the inspection identified several instances of potential legislative non-compliance that it recommended ASIO investigate further. (o)

ASIO's subsequent investigation confirmed legislative non-compliance had occurred and made internal recommendations to reduce the likelihood of similar non-compliance occurring. (o)

The IGIS will review the effectiveness of this remediation in future inspections.

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Warrants

The IGIS conducted an inspection that focused on ASIO's reporting to the Attorney-General of warrant-related noncompliance, as well as ASIO's implementation of the record-keeping requirements set out in section 24(3A) of the ASIO Act and section 12(4) of the TIA Act. These requirements were introduced by the *National Security Legislation Amendment (Comprehensive Review and Other Measures No. 1) Act 2022* and require the Director-General 'as soon as practicable' after the authority of a warrant (or, for the purposes of the ASIO Act, a device recovery provision) is exercised to make a written record that identifies each person who exercised that authority. The IGIS did not identify any concerns about ASIO's reporting to the Attorney-General. However, the IGIS identified concerns about the timeliness and accuracy of records produced for the purposes of section 24(3A) and section 12(4). The IGIS recommended that ASIO review its relevant policies and procedures to clearly articulate this obligation for relevant staff. (o)

Inspections directly relevant to PJCIS Administration and Expenditure jurisdiction

Internal security

The IGIS conducts periodic inspections to assess whether ASIO manages internal security investigations into its officers appropriately, including cases where the investigation could result in the officer having their security clearance revoked (a precondition for employment at ASIO). An inspection commenced during 2023-24 remained ongoing at the end of the reporting period and will be reported on in 2024-25. (o)

Other reviews

In addition to its regular inspection program, the IGIS reviews ASIO's use of certain powers under the ASIO Act following notification to the Inspector-General. (o)

Special intelligence operations

SIO powers allow ASIO to seek authorisation from the Attorney-General to undertake activities, in support of its functions, that would otherwise be unlawful. The ASIO Act requires ASIO to notify the Inspector-General as soon as practicable after an authority is given. During 2023-24, in all instances the Inspector-General was notified within 24 hours of the Attorney-General granting approval for a SIO. The ASIO Act also requires ASIO to provide the Attorney-General and the Inspector-General a written report on each SIO. ASIO provided all required reports to the Inspector-General. (o)

Compulsory questioning

ASIO's compulsory questioning powers, including provisions relating to the IGIS's oversight of the questioning or apprehension of a person, are contained in Part III Division 3 of the ASIO Act. The IGIS was not notified of any use of ASIO's compulsory questioning powers and therefore the Inspector-General did not attend any questioning sessions during 2023–24. (o)

Use of force

Warrants issued under the ASIO Act must explicitly authorise the use of force necessary and reasonable to undertake the actions specified in the warrant. Under s 31A of the ASIO Act, when force is used against a person in the execution of a warrant, ASIO must notify the Inspector-General in writing and as soon as practicable. The IGIS did not receive any use of force notifications in 2023-24. (o)

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Complaints relating to processing of visa and citizenship applications

The IGIS receives complaints concerning the processing of visa and citizenship applications, particularly regarding the length of time taken to finalise applications beyond the indicative timeframes listed on the Department of Home Affairs website. The IGIS's jurisdiction extends to where those delays are a result of processes or practices within the intelligence agencies. In 2023–24, the IGIS conducted two inspections of visa and citizenship complaints received by the IGIS. No issues of legality or propriety were identified in the inspections. (o)

Compliance incidents

As noted above, ASIO provided 37 compliance notifications to the IGIS in 2023–24. The matters reported involved potential or actual non-compliance with the following legislation:

- *Australian Security Intelligence Organisation Act 1979*
- *Telecommunications (Interception and Access) Act 1979*
- *Crimes Act 1914*. (o)

In addition, ASIO provided notifications relating to non-compliance with the Minister's Guidelines issued under s 8A of the ASIO Act. (o)

ASIO provides the IGIS with its final compliance incident report when its investigation of each incident is completed. When these reports are received, the IGIS reviews ASIO's assessment of the incident and proposed remediation action. For all matters finalised during 2023–24, the IGIS was satisfied with ASIO's assessment and remediation. In addition to its case-by-case review of compliance incidents, the IGIS conducts a bi-annual inspection to provide assurance of ASIO's implementation of remediation action arising from both inspections and compliance incidents. Full details of the compliance incidents reported to the IGIS are in the IGIS's 2023–24 Annual Report. (o)

Where potential systemic issues have been identified either through an inspection, compliance incident/s or the bi-annual review of remediation, the IGIS will consider this when developing its next risk-based inspection plan and will incorporate further inspection activity as appropriate. The IGIS also conducts inspections of new powers granted to ASIO and in 2023-24 conducted its first inspection of the TOP SECRET-Privileged Access vetting capability. (o)

Areas of inspection findings relevant to the PJCIS

The IGIS may identify findings directly or indirectly relevant to the PJCIS' jurisdiction when undertaking its inspection and inquiry activities. Information regarding such findings is presented under relevant headings below. (o)

Record keeping

The IGIS notes that issues relating to record keeping continue to arise in many inspections. The IGIS observes that ASIO has taken steps to not only improve its record keeping but also ensure that clear guidance is provided to staff about what records are not only required to be kept, but should be kept, and in what level of detail, for propriety reasons. (o)

Security management

The IGIS's inspections relating to ASIO security management are limited to the Internal Security inspection discussed above in the "Inspections directly relevant to PJCIS Administration and Expenditure Jurisdiction" section. (o)

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ASIO’s complaints and Public Interest Disclosures management

An IGIS inspection of ASIO’s handling of public interest disclosures did not identify any issues of legality or propriety. The IGIS observed that ASIO’s implementation of the recommendations of the IGIS’s November 2022 inspection had improved processes for PID handling. (o)

Policy management

The IGIS’s inspection findings often include comment about the completeness and effectiveness of ASIO’s internal operational and analytical policies and procedures, including recommendations to improve clarity and consistency in these documents. The IGIS has found ASIO to be responsive to suggestions for improvement. (o)

Financial management

Nil for 2023–24. (o)

People management

Nil for 2023–24. (o)

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Australian Secret Intelligence Service (ASIS)

Oversight statistics and overarching observations

Due to the breadth of ASIS's functions, as set out in section 6 of the *Intelligence Services Act 2001* (the IS Act), the IGIS implements a risk-based approach to its inspections. The IGIS undertook 16 inspections of ASIS activities in 2023-24. Of these 16 inspections, 3 inspections that commenced in 2023-24 remain underway, including inspections of specific intelligence activities, operations or programs, one of which is a cross-agency inspection. The IGIS's findings on these inspections will be reported in 2024-25. In addition, the IGIS completed another 3 inspections that commenced in 2022-23. Of the 16 completed inspections, the IGIS identified no matters of legality or propriety in 13 inspections. The IGIS identified legality or propriety issues in 3 inspections, which are discussed below. The remaining 3 inspections were ongoing as at 30 June 2024. (o)

The IGIS continued to independently review all compliance incident reports it received relating to breaches of legislation, ASIS's *Rules to Protect the Privacy of Australians* (the Privacy Rules), or the Minister's Directions, or relating to non-compliance with ASIS's internal policies and procedures. In 2023–24, ASIS provided 15 compliance reports to the IGIS. (o)

In 2023-24 the IGIS received 7 complaints in relation to ASIS which was 1 more than 2022-23. In addition, the IGIS received 1 public interest disclosures in relation to ASIS. (o)

Senior-level meetings between the Inspector-General and his senior leadership team and ASIS senior executives continued through 2023–24. (o)

Access to systems, personnel and information

In 2023–24, ASIS provided the IGIS with appropriate facilities and systems access to enable oversight activities. In the previous reporting period, the IGIS experienced some delays in accessing relevant ASIS records, which hampered the IGIS's ability to finalise inspections in a timely manner. ASIS and the IGIS worked collaboratively to identify solutions to improve direct system and information access, which resulted in a significant improvement to the IGIS's ability to have timely access to ASIS records in 2023-24. (o)

Preliminary inquiries and inquiries undertaken during 2023–24

The IGIS conducted one cross-agency preliminary inquiry during the reporting period, which is discussed earlier in this submission. (o)

The IGIS commenced 2 inquiries under section 8 of the IGIS Act in relation to ASIS; both inquiries were initiated through complaints or disclosures made to the IGIS in a previous reporting period. (o)

Inspections where matters of legality or propriety were identified in 2023–24

Operational files related to a specific geographic intelligence collection program

The IGIS identified instances of noncompliance with internal policies in one inspection of operational files related to a specific geographic intelligence collection program. This included one instance of noncompliance with internal record keeping policies and one instance of noncompliance with ASIS's human rights procedures when ASIS engaged with a liaison partner without an extant assessment of the human rights risks. The IGIS did not consider that this instance of noncompliance adversely affected any individual's human rights. The inspection provided 2 recommendations designed to strengthen ASIS's ability to demonstrate compliance with internal policies. (o)

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Operational files related to a specific ASIS function

The IGIS identified one propriety concern in relation to records management in an inspection of a specific function that directly enables ASIS's operational activities. The IGIS reviewed operational files relating to activities undertaken or supported by this specific ASIS function over an 18-month period. The IGIS made one recommendation for ASIS to improve their record keeping practices, particularly in relation to operational activities and key decision-making. (o)

Operational files related to ASIS activities overseas

The IGIS undertook one inspection of ASIS's operational files at an overseas location for a specified time period. The IGIS did not identify any instances of noncompliance with legislation; however, the inspection did identify 2 instances of noncompliance with ASIS's internal policies and one propriety concern relating to human rights risk management procedures. The IGIS did not consider that these instances of noncompliance adversely affected any individual's human rights. The inspection provided 3 recommendations designed to strengthen ASIS's compliance with internal policies and improve ASIS's approach to human rights risk management. (o)

Inspections directly relevant to PJCIS Administration and Expenditure jurisdiction

The IGIS undertook one inspection in relation into ASIS's management of sensitive security investigations. The IGIS found ASIS's management of such matters to be functional and identified no legislative or propriety concerns. (o)

Compliance incidents

ASIS provided 15 compliance notifications to the IGIS in 2023–24, all of which were reviewed by the IGIS. The matters reported involved potential or actual non-compliance with the IS Act, ASIS's Privacy Rules, and/or ASIS internal policy. (o)

Of the 15 reports, 4 remain under investigation and 3 had no findings of non-compliance. The IGIS's review of 2 compliance incident notifications provided in 2022-23 also concluded in 2023-24; one of these had no findings of noncompliance. The 9 incidents the IGIS reviewed that resulted in noncompliance concerned:

- one instance of non-compliance with s 15 (1A) of the IS Act when ASIS failed to apply the Privacy Rules when communicating information concerning Australian persons;
- three instances of non-application of the ASIS Privacy Rules that were not considered breaches of section 15(1A) of the IS Act due to the specific context and circumstances;
- four instances of non-recording of the application of the ASIS Privacy Rules, in contravention of ASIS internal policy;
- two instances where ASIS did not appropriately apply Privacy Rule 1, constituting 2 propriety findings;
- one instance in which ASIS did not comply with internal policy, constituting one propriety finding; and
- three instances in which ASIS delayed notifying NIC agencies of an Overturned Presumption of Nationality of an individual, constituting 3 propriety findings. (o)

ASIS provided the IGIS with its finalised compliance reports for the above matters. Generally, where ASIS identifies incidents like these, remediation action is taken internally, including the review of relevant policies and procedures. The IGIS considered both the incident and the actions taken and proposed additional recommendations if required. (o)

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Areas of inspection findings relevant to the PJCIS

Record keeping

The IGIS’s 2023–24 inspections of ASIS activities consistently found that ASIS’s record keeping practices, while generally satisfactory, could be improved. (o)

Security management

See the paragraph above relating to the Internal Security Investigations inspection. (o)

ASIS’s complaints and Public Interest Disclosures management

Nil for 2023–24. (o)

Policy management

Nil for 2023–24. (o)

Financial management

Nil for 2023–24. (o)

People management

Nil for 2023–24. (o)

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Australian Geospatial-Intelligence Organisation (AGO)

Oversight statistics and overarching observations

In 2023–24, the IGIS continued to take a risk-based approach to its inspection program for AGO. In 2023–24, the IGIS completed 6 inspections on AGO’s activities. Due to resourcing constraints at the IGIS, 2 further inspections were removed from the 2023-24 inspection schedule. The IGIS found no legality or propriety concerns in any of the inspections conducted. However, the IGIS did make a number of observations relating to AGO’s record keeping and adherence to, or clarity of, internal policies and procedures. (o)

In 2023-24 the IGIS did not receive any complaints or public interest disclosures in relation to AGO which was consistent with 2022-23. (o)

To support its knowledge and understanding of AGO’s priorities and activities, senior-level meetings between the Inspector-General and his senior leadership team and AGO senior executives continued through 2023–24. (o)

Access to systems, personnel and information

In 2023–24, AGO provided the Office with appropriate direct access to AGO systems and facilities to support its oversight work. Overall, for individual inspections AGO provided access to appropriate personnel and information in a timely manner to enable the Office’s oversight activities. (o)

Preliminary inquiries and inquiries undertaken during 2023–24

The IGIS conducted one cross-agency preliminary inquiry relating to AGO which is discussed earlier in this submission. (o)

Inspections where issues were identified

Nil for 2023–24. (o)

Compliance incidents

The Office independently reviews all compliance incidents reported by AGO relating to non-compliance with legislation or AGO internal policies and procedures. (o)

In 2023–24, 2 potential compliance incidents were reported by AGO. The first concerned potential noncompliance with AGO’s internal foreign release policy and the second concerned potential noncompliance with the application of Privacy Rules. The IGIS reviewed both potential compliance incidences and agreed that both were compliant with policy and legislation and that AGO’s response and action were appropriate and well documented. (o)

Inspections directly relevant to PJCIS Administration and Expenditure jurisdiction

In 2023–24 the Office undertook no inspections directly relevant to the administration and expenditure of AGO. (o)

Areas of inspection findings relevant to the PJCIS

Record keeping

The IGIS identified record keeping issues relating to both policy and procedural compliance during 2023–24. AGO is continuing work to update the relevant policies and guidance it provides to staff on

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these matters. The Office will review these updates in similar inspections in the 2024–25 reporting period. (o)

AGO complaints and Public Interest Disclosures management

Nil for 2023–24. (o)

Policy management

While AGO maintains a suite of internal policies and procedures, the Office has on occasion identified areas where this policy advice is unclear, does not provide sufficient guidance, or requires development. When this is identified, AGO is informed via inspection findings and recommendations and develops a plan to review the policy. (o)

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Defence Intelligence Organisation (DIO)

Oversight statistics and overarching observations

In 2023–24, the IGIS continued to take a risk-based approach to its inspection program for DIO. Due to DIO's primary role as an assessment agency, it generally presents fewer operational activities with significant legal and propriety risks when compared to other agencies under the Inspector-General's remit. As a result, the IGIS has historically undertaken fewer inspections of DIO compared to other agencies. (o)

In 2023–24, the IGIS undertook 3 inspections into DIO's activities. Due to resourcing constraints at the IGIS, 2 further inspections were removed from the 2023-24 inspection schedule. In one of the completed inspections concerning DIO's application of its privacy rules under the IS Act, the IGIS did not identify legality or propriety concerns. In the remaining two inspections the IGIS identified a range of concerns which are discussed below. (o)

2023-24 was the first full reporting period during which the Inspector-General had jurisdiction to receive complaints about DIO. The IGIS received 1 complaint in relation to DIO which was 1 more than 2022-23. The IGIS did not receive any public interest disclosures in relation to DIO. (o)

To support its knowledge and understanding of DIO's priorities and activities, senior-level meetings between the Inspector-General and his senior leadership team and DIO senior executives continued through 2023–24. (o)

Access to systems, personnel and information

In 2023–24, DIO provided the IGIS with appropriate direct access to DIO systems and facilities to support its oversight work. Overall, for individual inspections DIO provided access to appropriate personnel and information in a timely manner to enable the IGIS's oversight activities. (o)

Preliminary inquiries and inquiries undertaken during 2023–24

The Inspector-General conducted an own motion preliminary inquiry relating to ASD which is discussed earlier in this submission. (o)

Inspections where matters of propriety were identified

A DIO Specified Program

The IGIS inspected a program of specified activities, which is established and governed by a Five-Eyes Memorandum of Understanding. This inspection followed an earlier inspection into the same program which was completed in March 2022. (o)

This inspection identified propriety concerns, including: that activities conducted under the program may be beyond DIO's Mandate; that the heavy reliance on foreign partners could introduce additional propriety concerns in the conduct of the program; and that the record keeping practices associated with the program were deficient. Of further concern for the IGIS was that some of these issues were identified in the 2022 inspection and had not been sufficiently remediated. (o)

The IGIS made several recommendations as a result of the inspection including that DIO should consider revising its Mandate to include the activities conducted within the program. The IGIS provided visibility of its findings and recommendations to the Minister for Defence. (o)

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In response to the IGIS’s findings and recommendations, the Chief of Defence Intelligence wrote to the Inspector-General to outline the remediation action that DIO had already taken or would take and the IGIS will monitor these actions in a future inspection. (o)

DIO’s Analytic integrity

The IGIS undertook an inspection of DIO’s approach to ensuring the analytic integrity of its intelligence assessment products and activities. The purpose of the inspection was to provide assurance that DIO products are analytically rigorous and that DIO processes are transparent and resulting intelligence assessments are free from bias and external influence. This inspection focused on the area of intelligence assessment management as this had been an area of concern in a previous inspection in 2022-23. (o)

Despite progress and improvements since the 2022-23 inspection, the IGIS considered that, within the products reviewed, DIO was unable to consistently demonstrate appropriate analytic integrity. A key area of deficiency continued to relate to DIO’s product management processes and in particular record keeping. The IGIS made a number of findings and recommendations to address identified concerns. (o)

DIO accepted the findings and recommendations and have committed to continuing its efforts to mature its analytical integrity approach. The IGIS will monitor these actions in a future inspection. (o)

Compliance incidents

The IGIS independently reviews all compliance incidents reported by DIO relating to non-compliance with legislation, DIO’s Mandate or DIO internal policies and procedures. In 2023–24, no compliance incidents were reported by DIO. (o)

Inspections directly relevant to PJCIS Administration and Expenditure jurisdiction

In 2023–24 the IGIS undertook no inspections directly relevant to the administration and expenditure of DIO. (o)

Areas of inspection findings relevant to the PJCIS

Record keeping

The IGIS identified record keeping issues relating to both policy and procedural compliance during 2023–24. Where appropriate, DIO has undertaken to update the relevant policies and guidance it provides to staff on these matters. The IGIS will review these updates in similar inspections in the 2024–25 reporting period. (o)

DIO complaints and Public Interest Disclosures management

Nil for 2023–24. (o)

Policy management

The IGIS reviewed DIO amendments to the DIO Mandate (o)

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Australian Signals Directorate (ASD)

Oversight statistics and overarching observations

Due to the breadth of ASD's functions, the IGIS implements a risk-based approach to its inspection of ASD activities. In 2023–24, the IGIS completed 17 inspections of ASD activities. The IGIS identified no legality or propriety concerns in 16 inspections. In the remaining inspection, which related to ASD's administration of its *Responsible Release Framework for Cyber Security Vulnerabilities* the IGIS identified a range of concerns which are discussed below. (o)

In a number of the 16 inspections where no legality or propriety concerns were identified, the IGIS made some observations regarding ASD's processes and practices. These predominately related to instances where ASD's record keeping practices were inconsistent with internal ASD policies and guidelines, but were not otherwise considered improper. Each of these instances were promptly resolved by ASD, and ASD has undertaken to update the relevant policies and guidance it provides to staff on these matters. The IGIS will review these updates in similar inspections in the 2024–25 reporting period. (o)

The IGIS continues to independently review all Compliance Incident Reports (CIRs) relating to non-compliance with legislation, Ministerial Directions, Ministerial Authorisations, and ASD's internal policies and procedures. The IGIS also reviews any issues that ASD raises as potential compliance incidents before commencing its internal investigations, but which it later determines do not constitute an incident of non-compliance. (o)

In 2023–24, ASD provided 29 new notifications of potential compliance incidents to the IGIS. In addition, ASD continued its internal investigation of 11 potential compliance incidents from previous reporting periods. The IGIS considers that ASD's approach to reporting compliance incidents reflects a mature and healthy compliance culture of reporting. The number of incidents reported on an annual basis remains a very small percentage of ASD's activities under its functions. (o)

In 2023–24 the IGIS received 15 complaints in relation to ASD which was 6 more than 2022–23. The IGIS did not receive any public interest disclosures in relation to ASD.

To support its knowledge and understanding of ASD's priorities and activities, senior-level meetings between the Inspector-General and his senior leadership team and ASD senior executives continued through 2023–24. (o)

Access to systems, personnel and information

In 2022–23, ASD provided the IGIS with appropriate direct access to ASD systems and facilities to support its oversight work. Overall, for individual inspections and inquiries ASD provided access to appropriate personnel and information in a timely manner to enable the IGIS's oversight activities. (o)

Preliminary inquiries and inquiries undertaken during 2023–24

The IGIS conducted one cross-agency preliminary inquiry relating to ASD, which is discussed earlier in this submission. (o)

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Preliminary inquiry: Public Interest Disclosure (PID) management

In addition, on 23 January 2023, the Inspector-General, by his own motion, commenced a preliminary inquiry into ASD's administration of PIDs under the *Public Interest Disclosure Act 2013*). The preliminary inquiry followed receipt of a number of complaints made to the IGIS during the current and previous reporting periods, which raised concerns about ASD's handling of PIDs. The purpose of the preliminary inquiry is to determine whether the Inspector-General should inquire further into ASD's administration of the PID scheme. The preliminary inquiry remained ongoing at the end of the reporting period. (o)

Inspections where matters of legality or propriety were identified

Responsible Release Framework for Cyber Security Vulnerabilities

When undertaking this inspection, the IGIS identified a range of deficiencies in relation to the fulsomeness of records made relating to decisions to retain or release cyber vulnerabilities. This reflected an insufficiency of internal governance arrangements around the process and the lack of timeliness around decision making. This was inconsistent with ASD's public-facing commitments outlined within the public framework. (o)

The IGIS noted that at the time of the inspection, ASD had begun taking steps to address some of the areas of concern identified. The IGIS intends to further review ASD's responsible release framework in a future inspection. (o)

Inspections directly relevant to PJCIS Administration and Expenditure jurisdiction

In 2023–24 the IGIS undertook no inspections directly relevant to the administration and expenditure of ASD. (o)

Other reviews

Overtaken presumptions of nationality

The Minister for Defence issues written rules, *ASD's Rules to Protect the Privacy of Australians* (the ASD Privacy Rules), to regulate ASD's communication and retention of intelligence information about Australian persons. Among other things, ASD must report to the IGIS when ASD has revised its determination that a person previously presumed to be foreign is an Australian person. This is known as 'overturning a presumption of nationality,' and usually occurs when ASD obtains further information on an individual. If the initial presumption was reasonable based on the information available to ASD at the time, such incidents do not represent a breach of legislation or the ASD Privacy Rules. (o)

In 2023–24, the IGIS reviewed 29 reports in which the application of the ASD Privacy Rules resulted in a presumption of nationality being overturned, including 3 reports received during the previous reporting period. In each of these 29 cases, the IGIS assessed that the initial presumption was reasonable, and ASD took appropriate measures to protect the privacy of Australian persons. The IGIS observed that ASD had worked closely with partner agencies, to remind them of their obligations regarding the reporting of new intelligence information relevant to ASD's decision on the application of the ASD Privacy Rules. (o)

Compliance incidents

ASD reports to the IGIS where it identifies potential non-compliance with legislation and significant or systemic matters of non-compliance with ASD policy. The IGIS reviews these reports and, where

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necessary, undertakes independent investigation of the incident. In doing so, the IGIS may seek additional information or undertake other investigative activities. Given the technical complexity of ASD's capabilities, some compliance incidents can involve lengthy review processes – particularly where independent legal advice is sought by ASD as part of its compliance investigation process. (o)

As noted above, in 2023–24, ASD provided 29 new notifications of potential compliance incidents to the IGIS. These were in addition to 11 potential compliance incident notifications that were provided in previous reporting periods, where ASD had not yet finalised its internal review.

During 2023–24, the IGIS reviewed 10 compliance incident reports, including 9 reports that were provided during the reporting period and one report that was provided in the previous reporting period. All 10 incidents were confirmed by the IGIS as matters of legislative non-compliance, resulting in 15 instances of non-compliance with legislation. At the end of the reporting period, 5 compliance incident reports were still under review by the IGIS. The incidents reviewed by the IGIS are detailed below.

Telecommunications (Interception and Access) Act 1979 (TIA Act)

Two instances of non-compliance with s 7(1)(a) and two instances of non-compliance with s 63(1) of the TIA Act: In May 2023, ASD confirmed two occasions where it was non-compliant with both s 7(1)(a) and s 63(1) of the TIA Act following two incidents that took place in June and July 2020. In both incidents ASD inadvertently collected communications in the course of performing its proper functions. In reviewing these incidents, the IGIS agreed that each instance separately constituted a breach of s 7(1)(a) and s 63(1) of the TIA Act. (o)

The IGIS found that the incidents occurred due to insufficient policies and procedures being in place to guide analysts in the performance of their work. The IGIS considered that the actions taken by ASD immediately following the incident, along with subsequent policy and systems development, were appropriate in the circumstances. (o)

Two instances of non-compliance with s 7(1)(c) of the TIA Act: In October 2023 and February 2024, ASD confirmed two incidents of non-compliance with s 7(1)(c) of the TIA Act where ASD erroneously enabled the interception of communications passing over a telecommunications system. In both instances, no unauthorised communications were intercepted. The first incident occurred in February 2023 and the second in October 2023. In reviewing these incidents, the IGIS agreed that each instance separately constituted a breach of s 7(1)(c) of the TIA Act. (o)

In response to both incidents, ASD released updated guidance to staff and identified additional controls to be implemented to improve quality assurance processes to minimise the risk of similar incidents occurring in future. The IGIS considered that these actions were appropriate in response to the incidents. The IGIS will review these new controls as part of future inspection activity. (o)

Non-compliance with s 63(1)(a) of the TIA Act: In October 2023, ASD confirmed it was non-compliant with s 63(1)(a) of the TIA Act after an incident in September 2022 in which data collected by a partner agency was inadvertently forwarded to ASD. The data was subsequently ingested into ASD systems. In this incident, a misconfiguration of a system controlled by the other agency resulted in unauthorised communications being passed to ASD. ASD has removed the data from the incident from its systems. (o)

In reviewing this incident, the IGIS determined that it resulted from circumstances outside of ASD's control. The IGIS considered that ASD acted promptly and appropriately to remediate the situation. (o)

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Other Legislation

Non-compliance with s 127(2) of the *Anti-Money Laundering and Counter Terrorism Financing Act (AML/CTF Act)*: In February 2022, ASD confirmed it was non-compliant with s 127(2) of the AML/CTF Act after an incident in July 2021 where ASD disseminated Australian Transaction Reports and Analysis Centre (AUSTRAC) information to foreign agencies. In reviewing the incident, the IGIS agreed that this incident constituted a breach of s 127(2) of the AML/CTF Act and determined that it occurred as a result of a lack of familiarity with ASD’s internal policies regarding the dissemination of AUSTRAC information. In response, ASD issued updated internal policy advice to staff regarding dissemination of AUSTRAC information. (o)

Four instances of non-compliance where activities were inconsistent with the terms of a legal authorisation: In February 2024, ASD confirmed it was non-compliant with the terms of a legal authorisation on four occasions in March and April 2023. In all instances, activities were undertaken which were not authorised by the warrant. The incidents occurred due to an error in preparing the relevant authorisation documentation which was not identified prior to the conduct of the activities through existing internal checks and safeguards. (o)

In response to the incident, ASD updated its existing processes to provide greater guidance to staff as well as introducing additional mandatory training for staff who conduct these activities. The IGIS assessed that ASD took appropriate steps in response to this incident to minimise the risk of incidents of this nature from occurring in the future. (o)

Non-compliance with s 15LE of the *Crimes Act 1914*: In October 2023, ASD confirmed it was non-compliant with s 15LE of the Crimes Act, in that it had not provided a report to the Inspector-General on its management of assumed identities as soon as practicable after the end of the 2021-22 financial year. ASD confirmed it did not issue any assumed identities during 2021-22, and was in the process of developing its governance arrangements to support future issuance of assumed identities under s 15LE of the Crimes Act. The IGIS will monitor the development of these arrangements and the future issuance of assumed identities through its future inspections. (o)

Non-compliance with s 9(5) of the *Intelligence Services Act 2001 (IS Act)*: In January 2024, ASD confirmed it was non-compliant with s 9(5) of the IS Act when it identified that a ministerial authorisation for a specified activity was not available for inspection by the Inspector-General. In reviewing the incident, the IGIS observed that the authorisation had been consistently renewed since 2001, and all subsequent authorisations were available for review. The IGIS confirmed that ASD has significantly improved its record keeping processes since 2001 which should mitigate a future reoccurrence of this incident. ASD subsequently sought a new ministerial authorisation for the specified activity which is available for inspection by the IGIS. (o)

Non-compliance with s 8(3) of the *Intelligence Services Act 2001 (IS Act)*: In October 2023, ASD reported it was non-compliant with s 8(3) of the IS Act, after an incident in September 2021. The incident involved ASD producing intelligence on an Australian individual prior to the commencement of a ministerial authorisation. In response, ASD has updated internal guidance to minimise the risk of similar incidents occurring in the future. In reviewing the incident, the IGIS agreed that the incident constituted an instance of non-compliance with s 8(3) of the IS Act and considered that ASD has undertaken appropriate actions to minimise the risk of similar incidents occurring in the future. (o)

Other reviews

In addition to inspection activities, the IGIS was also consulted and provided input on potential changes to ASD’s Privacy Rules. (o)

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Areas of inspection findings relevant to the PJCIS

Record keeping

ASD generally has robust policy and governance frameworks that govern its internal practices and activities. However, the IGIS has noted some underlying ASD record keeping practices that did not meet expected standards. When raised with ASD, its response to these concerns has been appropriate and it has undertaken steps to mitigate these concerns, including conducting internal record keeping and compliance audits. (o)

ASD complaints and Public Interest Disclosures management

As noted previously, the IGIS has commenced a preliminary inquiry into ASD's management of PIDs. The preliminary inquiry remains underway. (o)

Policy management

ASD maintains a large suite of internal operational and compliance policies and procedures. These policy documents are typically comprehensive and provide effective guidance to ASD staff regarding the conduct of activities in the performance of ASD's functions. ASD works to update these policies to ensure they are fit for purpose and reflective of the legislative and operational environment. (o)

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Office of National Intelligence (ONI)

Oversight statistics and overarching observations

Due to the breadth of ONI's functions, as set out in the *Office of National Intelligence Act 2018* (ONI Act), the IGIS implements a risk-based approach to its inspections. As ONI is primarily an assessment and coordination agency, it presents fewer operational activities with significant legal and propriety risks when compared to other agencies under the Inspector-General's remit. Therefore, the IGIS has historically undertaken fewer inspections of ONI compared to other agencies. The IGIS undertook 3 inspections of ONI activities in 2023–24. Of these, one inspection remains underway and will be reported on in 2024–25. The IGIS completed 2 inspections that commenced in 2022–23. The IGIS identified propriety-related issues in the 4 completed inspections, which are discussed below. No issues of legality were identified. (o)

2023–24 was the first full reporting period during which the Inspector-General had jurisdiction to receive complaints about ONI. The IGIS did not receive any complaints or public interest disclosures in relation to ONI in 2023–24. (o)

To support its knowledge and understanding of ONI's priorities and activities, senior-level meetings between the Inspector-General and his senior leadership team and ONI senior executives continued through 2023–24. (o)

Access to systems, personnel and information

In 2023–24, ONI provided the IGIS with appropriate facilities and systems access to enable oversight activities. The IGIS has experienced some delays in access to information and personnel to finalise inspections in a timely manner due to limited resource availability in the relevant ONI work area. However, this improved in the second half of 2023–24. (o)

Preliminary inquiries and inquiries undertaken during 2023–24

The IGIS conducted one cross-agency preliminary inquiry relating to ONI, which is discussed earlier in this submission. (o)

Inspections where matters of legality or propriety were identified in 2023–24

Rules to protect the privacy of Australians

The Prime Minister issues written rules – Rules to Protect the Privacy of Australians (the Privacy Rules) – to regulate ONI's collection and communication of identifying information about Australians. The IGIS reviewed ONI's compliance with the Privacy Rules as governed by the ONI Act and ONI's internal guidelines. Under the ONI Privacy Rules, ONI can only collect or communicate this information in specific circumstances where needed to properly perform its functions. Records of instances where ONI has collected or communicated this information are kept by ONI and reviewed annually by the IGIS. To provide further independent assurance, the IGIS reviews ONI reporting for references to Australian persons and uses this information to cross-check records provided by ONI. (o)

The inspection identified no non-compliance with legislation; however, the IGIS identified 14 instances of non-compliance with ONI's internal guidelines. ONI had commenced actioning systematic improvements to address the identified issues prior to the delivery of the inspection findings. The IGIS found these steps to be reasonable and appropriate, and therefore did not make any recommendations related to these findings. (o)

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Internal security investigations

The IGIS routinely conducts inspections in other agencies relating to internal security investigations, particularly where there may be an impact on an individual's clearance. ONI had not previously been subject to an inspection on this topic; therefore, this inspection focused on the governance arrangements surrounding internal security investigations. (o)

The IGIS identified no legality concerns; however, the inspection made one propriety finding relating to a lack of detailed policies and procedures to govern the undertaking of sensitive internal security investigations, including where there may be an impact on an individual's clearance. The IGIS recommended that ONI develop or update its policies and guidance on internal security investigations. The IGIS will review ONI's progress in implementing this recommendation at a future inspection. (o)

ONI's human rights assessments and foreign engagement authorities

The IGIS reviewed ONI's compliance with section 13 of the ONI Act and internal guidance relating to cooperation with entities in connection with the performance of ONI's functions. The inspection focused on ONI's process for assessing and approving engagement with a foreign authority, including assessment of a foreign authority's regard for human rights. (o)

The inspection made 2 propriety findings relating to non-compliance with internal record-keeping requirements and the communication of inaccurate human rights risks to ONI staff. The IGIS did not consider that the inaccurate communication adversely affected any individual's human rights. Four recommendations were made in relation to improving record keeping and ONI staff awareness of relevant requirements and processes. ONI have acknowledged the findings and advised the IGIS of the steps being undertaken in response to these findings, including a wide-ranging remediation program to address all identified issues. (o)

ONI's analytic integrity

The IGIS undertook an inspection of ONI's policies and processes that ensure ONI can demonstrate the analytic integrity, including analytic rigour, contestability and independence of judgement, of its intelligence assessment products and activities. This inspection focused on a small sample of intelligence assessment products produced under significant time pressure for a specific event. The IGIS reviewed the tasking and scope of the products, and whether ONI could demonstrate that consultation and internal approval processes were transparent and free from bias. (o)

The IGIS identified no legality concerns. The inspection did not find any evidence that any product lacked analytic integrity, and found that ONI was able to demonstrate analytic integrity with adequate records, per its internal policy, in the majority of products reviewed. The inspection made one finding of non-compliance with ONI's records management requirements which ensure analytic integrity can be readily demonstrated, and made one recommendation to address the issue. (o)

[Inspections directly relevant to PJCIS Administration and Expenditure jurisdiction](#)

See the paragraph above relating to the Internal Security Investigations inspection. (o)

[Other reviews](#)

Nil for 2023–24. (o)

[Compliance incidents](#)

ONI reported no compliance incidents to the IGIS in 2023–24. (o)

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Areas of inspection findings relevant to the PJCIS

Record keeping

The IGIS’s 2023–24 inspections of ONI activities consistently found that ONI’s record keeping practices, while generally satisfactory, could be further improved. The IGIS notes that ONI is presently updating its publication and production systems, which should contribute to improved record keeping practices. (o)

Security management

See the paragraph above relating to the Internal Security Investigations inspection. (o)

ONI’s complaints and Public Interest Disclosure management

Nil for 2023–24. (o)

Policy management

Nil for 2023–24. (o)

Financial management

Nil for 2023–24. (o)

People management

Nil for 2023–24. (o)

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Complaints and disclosures

Complaints and disclosures received in 2023–24

In the 2023–24 reporting period, the Office received a total of 760 matters. This includes 64 complaints within the jurisdiction of the *Inspector-General of Intelligence and Security Act 1986* (IGIS Act) that did not relate to visa and citizenship matters, 40 complaints relating to visa and citizenship applications, one public interest disclosure (PID) within the meaning of the *Public Interest Disclosure Act 2013* (PID Act), and 655 matters which did not engage either the IGIS Act or the PID Act. (o)

By comparison, in the 2022–23 reporting period the Office received a total of 709 matters. This includes 34 complaints within jurisdiction of the IGIS Act that did not relate to visa and citizenship matters, 70 visa and citizenship complaints, 6 PIDs, and 599 matters which did not engage either the IGIS Act or the PID Act. (o)

There was an increase in the number of non-visa and citizenship related complaints received in the 2023–24 period (64) compared to the 2022–23 period (34). (o)

A breakdown of the distribution of non-visa and citizenship complaints by agencies is included in Table 1 over page. (o)

Visa and citizenship complaints received by the Office concern the processing of such applications, particularly regarding the length of time taken to finalise applications beyond the indicative timeframes listed on the Department of Home Affairs' website. There was a decrease in the number of visa and citizenship related complaints received in the 2023–24 period (40) compared to the 2022–23 period (70). The Office's handling of these matters has been discussed in more detail in the Agency Oversight section. (o)

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| Agency ¹ | 2022–23 (O) | 2023-24 (O) | Change between reporting periods (O) |
|-----------------------------|----------------|----------------|---|
| ASIO | 19 | 41 | 22 more |
| ASIS | 6 | 7 | 1 more |
| ASD | 9 | 15 | 6 more |
| AGO | 0 | 0 | No change |
| ONI | 0 | 0 | No change |
| DIO | 0 | 1 | 1 more |
| AFP ² | 0 | 0 | No change |
| ACIC | 0 | 0 | No change |
| Total (within jurisdiction) | 34 | 64 | 30 more |
| Outside jurisdiction | 599 | 655 | 56 more |

Classification: (O)

Table 1: Comparison between periods 2022–23 and 2023–24 (non-visa complaints) (O)

As Table 1 shows, the increase in complaints within IGIS’s jurisdiction between 2022–23 and 2023–24 is unevenly spread across the agencies. The largest increases in complaints were in relation to ASIO (from 19 to 41) and ASD (from 9 to 15). The number of complaints received in relation to ASIS remained relatively consistent (from 6 to 7). (O)

In response to the complaints received in the 2023-24 reporting period the Inspector-General commenced 32 preliminary inquiries and one inquiry. (O)

Number of formal inquiries in relation to complaints

During 2023-24 two complaints proceeded to an inquiry, one of which was received during 2022-23 and one which was received during 2023-24. These inquiries are both currently ongoing. Both inquiries are mentioned in the agency specific sections. (O)

The Office is also currently conducting one other inquiry in relation to complaints. (O)

Disclosures received in 2023–24 about intelligence agencies

IGIS can receive PIDs under the PID Act in respect of ASIO, ASIS, ASD, ONI, DIO and AGO, as well as in relation to the intelligence functions of the AFP and ACIC. (O)

During the 2023–24 financial year, the IGIS allocated one PID to himself for handling. The IGIS subsequently decided to exercise his discretion under s 49(1)(a) of the PID Act to investigate the disclosure under another law or power, being an inquiry under the IGIS Act. (O)

During the 2023-24 FY, the Office also made decisions to not allocate a disclosure of information as a PID in 16 cases. In these cases, the reasons for making this decision were that: the conduct disclosed was personal work-related conduct, that a discloser was not a public official or that the discloser did not have a reasonable belief that the conduct disclosed constituted disclosable conduct. (O)

The types of disclosable conduct that were the subject of disclosures are provided in Table 3. Each disclosure may contain multiple instances of alleged disclosable conduct. (O)

¹ In previous submissions, this Office reported on complaints received that were either attributed to multiple agencies or a non-specified agency. During the 23-24 FY no matters were recorded in such a way. (O)

² IGIS's jurisdiction in respect of the AFP and ACIC is limited to complaints relating to the 'intelligence function' of each agency, namely the AFP's and ACIC's use network activity warrants: IGIS Act s 8(3A). (O)

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| Disclosable conduct ³ | 2022–23 | 2023-24 |
|---|---------|---------|
| Maladministration | 3 | 1 |
| Could lead to disciplinary action against a public official | 3 | - |
| Contravention of a law of the Commonwealth, State or Territory | 1 | - |
| Abuse of a position of trust | - | - |
| Conduct that perverts the course of justice | - | - |
| Conduct that results in wastage of relevant money | 3 | - |
| Conduct that unreasonably results in or increases a risk of danger to the health or safety of one or more persons | 2 | - |

Classification: (O)

Table 2: Types of disclosable conduct 2022–23 and 2023–24 (O)

The IGIS Annual Report 2022-23 stated there were 15 instances of alleged disclosable conduct. However, in the IGIS’ 2022-23 PJCIS submission, the correct number reported was 12. The discrepancy occurred due to an error in counting this statistic while preparing the 2022-23 Annual Report. The IGIS will issue a correction in the 2024-25 Annual Report. (O)

³ One PID may relate to one or more agencies, and one or more kinds of disclosable conduct. (O)