



# **Strengthening Oversight of the National Intelligence Community Act 2025**

**No. 75, 2025**

**An Act to amend the law relating to intelligence services, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)



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# Strengthening Oversight of the National Intelligence Community Act 2025

No. 75, 2025

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## An Act to amend the law relating to intelligence services, and for related purposes

[Assented to 4 December 2025]

The Parliament of Australia enacts:

### 1 Short title

This Act is the *Strengthening Oversight of the National Intelligence Community Act 2025*.

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No. 75, 2025

*Strengthening Oversight of the National Intelligence Community Act*  
2025

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day after this Act receives the Royal Assent.	5 December 2025
2. Schedule 1	The day after the end of the period of 6 months beginning on the day this Act receives the Royal Assent.	4 June 2026
3. Schedules 2 to 4	The day after this Act receives the Royal Assent.	5 December 2025
4. Schedule 5	At the same time as the provisions covered by table item 2.	4 June 2026

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## Schedule 1—Amendments

### Part 1—Main amendments

#### *Inspector-General of Intelligence and Security Act 1986*

##### **1 Subsection 3(1)**

Insert:

*AFP* means the Australian Federal Police.

*AUSTRAC* means the Australian Transaction Reports and Analysis Centre continued in existence by the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

*AUSTRAC CEO* has the same meaning as in the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

*Department of Home Affairs* means the Department administered by the Minister administering the *Australian Border Force Act 2015*.

##### **2 Subsection 3(1) (paragraph (ea) of the definition of *head*)**

Repeal the paragraph, substitute:

- (ea) in relation to AFP—the Commissioner of Police; or
- (eb) in relation to AUSTRAC—the AUSTRAC CEO; or
- (ec) in relation to the Department of Home Affairs—the Secretary of the Department of Home Affairs; or

##### **3 Subsection 3(1) (definition of *intelligence agency*)**

Repeal the definition, substitute:

*intelligence agency* means:

- (a) ASIO, ASIS, AGO, DIO, ASD, ONI or ACIC; or
- (b) the following agencies that have an intelligence function:
  - (i) AFP;
  - (ii) AUSTRAC;
  - (iii) the Department of Home Affairs.

**4 Subsection 3(1) (definition of *intelligence function*)**

Repeal the definition, substitute:

*intelligence function* has the meaning given by section 3A.

**5 Subsection 3(1) (definition of *law enforcement officer*)**

Omit “the Australian Federal Police”, substitute “AFP”.

**6 After section 3**

Insert:

**3A Meaning of *intelligence function***

*Meaning of intelligence function for AFP*

- (1) *Intelligence function* for AFP means:
- (a) the collection, correlation, analysis, production and dissemination of intelligence by AFP to support the performance of its functions under paragraphs 8(1)(b), (baa), (bd), (be), (bf), (bg) and (bh) of the *Australian Federal Police Act 1979*; or
  - (b) the collection, correlation, analysis, production and dissemination of intelligence by AFP to support the performance of its functions under paragraph 8(1)(c) of the *Australian Federal Police Act 1979* in relation to a function under any of the paragraphs of that Act mentioned in paragraph (a) of this subsection; or
  - (c) the collection, correlation, analysis, production and dissemination of intelligence obtained by AFP from the execution of a network activity warrant under Division 6 of Part 2 or Divisions 1 or 2 of Part 6 of the *Surveillance Devices Act 2004*; or
  - (d) a function or power conferred on a law enforcement officer of AFP by a Division referred to in paragraph (c).
- (2) To avoid doubt, the functions mentioned in paragraphs (1)(a) and (b) of this section do not include:
- (a) the arrest, charging or detention of suspected offenders; or



- (b) the gathering of evidence, or any activity undertaken to directly support the gathering of evidence.

*Meaning of **intelligence function** for AUSTRAC*

- (3) **Intelligence function** for AUSTRAC means the collection, correlation, analysis, production and dissemination of intelligence by AUSTRAC for the purposes of:
  - (a) the AUSTRAC CEO performing the CEO's financial intelligence functions under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*; or
  - (b) AUSTRAC, the AUSTRAC CEO or any other official of AUSTRAC referred to in paragraph 209(4)(c) of that Act performing functions incidental to that function.

*Meaning of **intelligence function** for the Department of Home Affairs*

- (4) **Intelligence function** for the Department of Home Affairs has the meaning given by the regulations.
- (5) Before the Governor-General makes regulations for the purposes of subsection (4), the Minister must:
  - (a) consult the Inspector-General; and
  - (b) be satisfied that the Inspector-General has had the opportunity to be briefed by the Department of Home Affairs in relation to the proposed regulations; and
  - (c) obtain the agreement of the responsible Minister for the Department of Home Affairs to the making of the regulations.
- (6) The regulations may prescribe additional consultation or notification requirements in relation to changes to the intelligence functions of the Department of Home Affairs.
- (7) If the Governor-General makes regulations for the purposes of subsection (4) or (6):
  - (a) the Minister must inform the Parliamentary Joint Committee on Intelligence and Security of the regulations; and

- (b) the Parliamentary Joint Committee on Intelligence and Security may request a briefing on the regulations from one or more of the following:
  - (i) the Department of Home Affairs;
  - (ii) the Inspector-General.

**7 Subsection 8(3A) (heading)**

Omit “*ACIC or the Australian Federal Police*”, substitute “*AFP, AUSTRAC or the Department of Home Affairs*”.

**8 Subsection 8(3A)**

Omit “ACIC or the Australian Federal Police are”, substitute “AFP, AUSTRAC or the Department of Home Affairs are”.

**9 Subparagraph 8(3A)(h)(iii)**

Omit “or the *Sex Discrimination Act 1984*;”, substitute “or the *Sex Discrimination Act 1984*”.

**10 Paragraph 8(3A)(i)**

Repeal the paragraph.

**11 Subsection 8(3B)**

Repeal the subsection, substitute:

*Intelligence agency inquiry functions in relation to ACIC*

- (4) Subject to this section, the functions of the Inspector-General in relation to ACIC are:
  - (a) at the request of the Attorney-General or the responsible Minister, of the Inspector-General’s own motion, or in response to a complaint made to the Inspector-General, to inquire into any matter that relates to:
    - (i) the compliance by that agency with the laws of the Commonwealth and of the States and Territories; or
    - (ii) the compliance by that agency with directions or guidelines given to that agency by the responsible Minister; or
    - (iii) the propriety of particular activities of that agency; and

- (b) at the request of the Attorney-General or the responsible Minister, of the Inspector-General's own motion, or in response to a complaint made to the Inspector-General, to inquire into any matter that relates to the effectiveness and appropriateness of the procedures of that agency relating to the legality or propriety of the activities of that agency; and
- (c) at the request of the Attorney-General or the responsible Minister, of the Inspector-General's own motion, or in response to a complaint made to the Inspector-General, to inquire into any matter that relates to an act or practice of that agency:
  - (i) that is or may be inconsistent with or contrary to any human right; or
  - (ii) that constitutes or may constitute discrimination; or
  - (iii) that is or may be unlawful under the *Age Discrimination Act 2004*, the *Disability Discrimination Act 1992*, the *Racial Discrimination Act 1975* or the *Sex Discrimination Act 1984*; and
- (d) at the request of the Attorney-General or the responsible Minister, or of the Inspector-General's own motion, to inquire into any matter that relates to the procedures of that agency relating to redress of grievances of employees of that agency; and
- (e) at the request of the Attorney-General or the responsible Minister, of the Inspector-General's own motion, or in response to a complaint made to the Inspector-General, to inquire into the compliance by that agency with:
  - (i) directions or guidelines given to that agency; or
  - (ii) policies or other decisions made;by the Board of ACIC or the Inter-Governmental Committee established under the *Australian Crime Commission Act 2002*; and
- (f) at the request of the Attorney-General or the responsible Minister, or of the Inspector-General's own motion, to inquire into any matter that may relate to compliance by that agency with the positive duty in relation to sex discrimination.

**12 Subsection 8(5)**

Omit “and (3A)”, substitute “, (3A) and (4)”.

**13 Subsection 8(5)**

Omit “the Australian Federal Police”, substitute “AFP, AUSTRAC, the Department of Home Affairs”.

**14 After subsection 8(5)**

Insert:

- (5A) The functions of the Inspector-General under subsections (3A) and (4) do not include inquiring into a matter to which a complaint to the Inspector-General relates, to the extent that:
- (a) the complaint is made by a person performing functions or services for ACIC, AFP, AUSTRAC or the Department of Home Affairs in accordance with a contract, agreement or other arrangement; and
  - (b) the matter is directly related to:
    - (i) the contract, agreement or other arrangement; or
    - (ii) the performance of functions or services by the person under the contract, agreement or other arrangement, except in relation to the legality or propriety of the performance of the functions or services.

**15 Paragraph 8(7)(a)**

Omit “, ASIO employees or ASIO affiliates”, substitute “or ASIO employees”.

**16 Subsection 8(8A)**

Omit “, ASIO employees or ASIO affiliates”, substitute “or ASIO employees”.

**17 After section 8**

Insert:

**8AA Inquiry functions of Inspector-General undertaken at request of Parliamentary Joint Committee on Intelligence and Security**

The functions of the Inspector-General under subsections 8(1), (2), (3), (3A) and (4) that may be undertaken at the request of the Attorney-General or the responsible Minister may also be undertaken as a result of a request by the Parliamentary Joint Committee on Intelligence and Security made under subsection 29(2A) of the *Intelligence Services Act 2001*.

Note: The Committee must not review certain matters or require the Inspector-General to disclose certain information (see subsection 29(3) of the *Intelligence Services Act 2001* and clause 1 of Schedule 1 to that Act).

**18 Paragraph 8A(1)(c)**

Omit “ACIC or the Australian Federal Police”, substitute “AFP, AUSTRAC or the Department of Home Affairs”.

**19 Paragraph 9AA(b)**

Omit “8(2)(a)(ii) and 8(3)(a)(ii)”, substitute “(2)(a)(ii), (3)(a)(ii) and (4)(a)(ii)”.

**20 Paragraph 9AA(ba)**

Omit “paragraph 8(3A)(i)”, substitute “paragraph 8(4)(e)”.

**21 Section 9B**

Repeal the section, substitute:

**9B Power to enter places relating to certain warrants and directions**

- (1) For the purposes of an inspection under section 9A, the Inspector-General may, at any reasonable time, enter any place where a person is being:
  - (a) questioned or apprehended in relation to a warrant issued under Division 3 of Part III of the *Australian Security Intelligence Organisation Act 1979*; or
  - (b) detained under section 31 or 34D of the *Australian Crime Commission Act 2002*.

- (2) However, before entering the place, the Inspector-General must notify the following person (as the case requires):
- (a) the Director-General of Security;
  - (b) the CEO of ACIC.

**22 Paragraph 11(2)(a)**

Omit “was made;”, substitute “was made; or”.

**23 Paragraph 15(3)(a)**

Omit “the Australian Federal Police” (wherever occurring), substitute “AFP, AUSTRAC, the Department of Home Affairs”.

**24 Section 19A**

Repeal the section, substitute:

**19A Power to enter places relating to certain warrants and directions**

- (1) For the purposes of an inquiry under this Act, the Inspector-General may, at any reasonable time, enter any place where a person is being:
- (a) questioned or apprehended in relation to a warrant issued under Division 3 of Part III of the *Australian Security Intelligence Organisation Act 1979*; or
  - (b) detained under section 31 or 34D of the *Australian Crime Commission Act 2002*.
- (2) However, before entering the place, the Inspector-General must notify the following person (as the case requires):
- (a) the Director-General of Security;
  - (b) the CEO of ACIC.

**25 Paragraph 21(1B)(a)**

Omit “the Australian Federal Police” (wherever occurring), substitute “AFP, AUSTRAC, the Department of Home Affairs”.

**26 Subsection 22(4)**

After “the responsible Minister”, insert “and the Attorney-General”.

## **27 Subsections 22(5) and (6)**

Repeal the subsections, substitute:

- (5) The Inspector-General must give a copy of the final agency copy, or version given to the responsible Minister and the Attorney-General, under subsection (4) to the Prime Minister if:
  - (a) the inquiry was conducted as a result of a request under section 9; or
  - (b) the Prime Minister requests a copy; or
  - (c) the Inspector-General considers it appropriate to do so.

## **28 After section 22**

Insert:

### **22A Response to the Parliamentary Joint Committee on Intelligence and Security**

- (1) This section applies if, as a result of a request by the Parliamentary Joint Committee on Intelligence and Security made under subsection 29(2A) of the *Intelligence Services Act 2001*, the Inspector-General completes an inquiry under this Act in respect of the operational activities of an intelligence agency.
- (2) The Inspector-General must (subject to this section) take reasonable steps to give a written response relating to the inquiry to the Committee, unless the Inspector-General is satisfied on reasonable grounds that doing so would prejudice security, the defence of Australia or Australia's relations with other countries.

Note: The Committee must not require the Inspector-General to disclose operationally sensitive information or information that would or might prejudice Australia's national security or the conduct of Australia's foreign relations (see clause 1 of Schedule 1 to the *Intelligence Services Act 2001*).

#### *Agreement and consultation with agency heads on response*

- (3) Before giving the response to the Committee, the Inspector-General and the head of the intelligence agency must agree that the terms of the proposed response would not prejudice:
  - (a) security, the defence of Australia or Australia's relations with other countries; or

- (b) law enforcement operations, including methodologies and investigative techniques; or
  - (c) confidential commercial information held by AUSTRAAC; or
  - (d) operationally sensitive information (within the meaning of Schedule 1 to the *Intelligence Services Act 2001*).
- (4) In addition, before giving the response to the Committee, the Inspector-General must consult the head of the intelligence agency on whether the terms of the proposed response would prejudice any of the following, and may remove those terms if the Inspector-General considers appropriate:
  - (a) the privacy of one or more individuals;
  - (b) the fair trial of a person or the impartial adjudication of a matter.
- (5) The Inspector-General may also consult the head of any other intelligence agency on the terms of the proposed response.

*Copy of response for responsible Minister, Prime Minister and Attorney-General*

- (6) The Inspector-General must give a copy of the response to the responsible Minister.
- (7) In addition, the Inspector-General may give the copy of the response to either or both the Prime Minister and the Attorney-General, if the Inspector-General considers it appropriate to do so.

*Notification of reasons if response not given*

- (8) If, due to the operation of subsection (2) or (3), the Inspector-General does not give a written response relating to the inquiry to the Committee, the Inspector-General must notify the Committee that the response was not provided due to that operation.

## 29 Section 23 (heading)

Omit “Advice”, substitute “Response”.



**30 Subsection 32AAD(1)**

Omit “performance of its functions or the exercise of its powers”,  
substitute “performance of functions, or the exercise of powers, of the  
Inspector-General”.

**31 Before section 32AF**

Insert:

**32AEA Information sharing with Ministers**

- (1) To avoid doubt, the Inspector-General may share information or documents about the Inspector-General’s exercise of powers, or performance of functions or duties, with:
  - (a) the Attorney-General; and
  - (b) a responsible Minister for a Commonwealth agency, if the information or documents relate to the Commonwealth agency.
- (2) The information or documents may be about the exercise of powers, or performance of functions or duties, whether that exercise or performance is ongoing or has been completed.

**32 After section 32AF**

Insert:

**32AFA Disclosure of ACIC examination material**

- (1) In this section, the following terms have the same meaning as in the *Australian Crime Commission Act 2002*:
  - (a) *charged*;
  - (b) *disclose*;
  - (c) *examination material*;
  - (d) *examinee*;
  - (e) *imminent*;
  - (f) *related offence*;
  - (g) *special ACC investigation*;
  - (h) *special ACC operation*.

Note: For the examinee for examination material, see subsection 4B(3) of the *Australian Crime Commission Act 2002*.

- (2) Before examination material is shared by the Inspector-General (except to an IGIS official), the Inspector-General must consider, and consult with the CEO of ACIC as to, whether that sharing:
- (a) might prejudice a person's safety; or
  - (b) would reasonably be expected to prejudice the fair trial of the examinee for the examination material, if the examinee has been charged with a related offence or a charge for a related offence is imminent; or
  - (c) might prejudice the effectiveness of a special ACC operation or special ACC investigation.

Note 1: In addition to sections 32AEA and 32AF, the Inspector-General or an IGIS official may share information in the performance of functions or duties, or the exercise of powers, under this or another Act (for example, see section 34 of this Act).

Note 2: The recipient of examination material (except an IGIS official) commits an offence under subsection 25A(14A) of the *Australian Crime Commission Act 2002* if the recipient uses or discloses the examination material in contravention of a direction about the examination material, given under subsection 25A(9) of that Act.

**33 Paragraph 32A(1)(b)**

After “in the case of”, insert “ACIC,”.

**34 Paragraph 32A(1)(c)**

After “in the case of”, insert “ACIC and”.

**35 Paragraph 32A(1)(e)**

Omit “ACIC or the Australian Federal Police” (first occurring), substitute “AFP, AUSTRAC or the Department of Home Affairs”.

**36 Subparagraph 32A(1)(e)(ii)**

Omit “ACIC or the Australian Federal Police of its”, substitute “AFP, AUSTRAC or the Department of Home Affairs of that agency’s”.

**37 Paragraph 32A(1)(f)**

Repeal the paragraph, substitute:

- (f) in the case of ACIC—a report that is provided to the Board of ACIC or to the Inter-Governmental Committee established under the *Australian Crime Commission Act 2002*, if the report was prepared:
  - (i) by the CEO of ACIC; or
  - (ii) by the Chair of the Board and is in the possession of ACIC.

**38 Paragraph 32A(5)(aa)**

Omit “or the Australian Federal Police, the head of the agency has not provided the responsible Minister with a copy of a report mentioned in subparagraph (1)(e)(i)”, substitute “, the head of the agency has not provided the responsible Minister with a copy of a report mentioned in paragraph (1)(b) or (c)”.

**39 After paragraph 32A(5)(aa)**

Insert:

- (ab) in the case of AFP, AUSTRAC or the Department of Home Affairs, the head of the agency has not provided the responsible Minister with a copy of a report mentioned in subparagraph (1)(e)(i); or

**40 Subsections 32B(1) and (1A)**

Repeal the subsections, substitute:

- (1) This section applies to any guidelines or directions:
  - (a) given by the responsible Minister to the head of ACIC, ASIS, AGO, DIO, ASD or ONI; or
  - (b) given to ACIC by the Board of ACIC or by the Inter-Governmental Committee established under the *Australian Crime Commission Act 2002*; or
  - (c) given by the responsible Minister to the head of AFP, AUSTRAC or the Department of Home Affairs, that relate to the performance of that agency’s intelligence functions.

**41 Paragraph 32B(2)(b)**

Omit “subparagraph (1A)(b)(ii)”, substitute “paragraph (1)(b)”.

**42 After section 32B**

Insert:

**32C Briefing the Parliamentary Joint Committee on Intelligence and Security**

The Inspector-General must brief the Parliamentary Joint Committee on Intelligence and Security at least once each calendar year.

***Intelligence Services Act 2001***

**43 Subsection 3(1)**

Insert:

**ACIC** means the agency known as the Australian Criminal Intelligence Commission established by the *Australian Crime Commission Act 2002*.

**AUSTRAC** means the Australian Transaction Reports and Analysis Centre continued in existence by the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

**AUSTRAC CEO** has the same meaning as in the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

**AUSTRAC information** has the same meaning as in the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

**CEO of ACIC** means the Chief Executive Officer of ACIC.

**Department of Home Affairs** means the Department administered by the Minister administering the *Australian Border Force Act 2015*.

**44 Subsection 3(1) (definition of *Immigration and Border Protection Department*)**

Repeal the definition.

**45 Subsection 3(1)**

Insert:

*intelligence function* has the meaning given by section 3A of the *Inspector-General of Intelligence and Security Act 1986*, except in paragraph (ca) of the definition of *intelligence information* in this subsection.

**46 Subsection 3(1) (at the end of the definition of *intelligence information*)**

Add:

Note: The term intelligence functions in paragraph (ca) has its ordinary meaning, and does not have the meaning given by the definition of *intelligence function* in subsection 3(1).

**47 Subsection 3(1) (before paragraph (a) of the definition of *responsible Minister*)**

Insert:

- (aa) in relation to ACIC—the Minister responsible for ACIC; and
  - (ab) in relation to the AFP—the Minister responsible for the AFP;
- and

**48 Subsection 3(1) (after paragraph (a) of the definition of *responsible Minister*)**

Insert:

- (ac) in relation to AUSTRAC—the Minister responsible for AUSTRAC; and

**49 Subsection 3(1) (at the end of the definition of *responsible Minister*)**

Add:

- ; and (d) in relation to the Department of Home Affairs—the Minister administering the *Australian Border Force Act 2015*.

**50 At the end of section 3A**

Add:

; and (f) a reference to the Minister responsible for administering the *Australian Border Force Act 2015* is a reference only to the most senior such Minister.

**51 Subsection 23(3)**

Omit “Director-General’s consent, retire the Director-General of ASIS”, substitute “Director-General of ASIS’s consent, retire the Director-General”.

**52 Paragraph 29(1)(a)**

Repeal the paragraph, substitute:

- (a) to review the administration and expenditure of the following agencies or bodies, including the annual financial statements of those agencies or bodies:
  - (i) ACIC, ASIO, ASIS, AGO, DIO, ASD and ONI;
  - (ii) AFP, AUSTRAC and the Department of Home Affairs, in relation to the performance of the intelligence functions of that body; and

**53 Paragraph 29(1)(b)**

After “in relation to”, insert “ACIC,”.

**54 After paragraph 29(1)(b)**

Insert:

- (ba) to review any proposed reforms to, or expiry, lapsing or cessation of effect of, legislation relating to counter-terrorism or national security referred to the Committee by:
  - (i) the responsible Minister; or
  - (ii) the Attorney-General; or
  - (iii) a resolution of either House of the Parliament; and
- (baaa) without limiting any other paragraph in this subsection, to review any proposed reforms to, or expiry, lapsing or cessation of effect of, legislation relating to counter-terrorism or national security, as the Committee sees fit; and

**55 After paragraph 29(1)(bac)**

Insert:

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(bad) to review the performance by AFP, AUSTRAC or the Department of Home Affairs of the intelligence functions of that body, referred to the Committee by:

- (i) the responsible Minister; or
- (ii) the Attorney-General; or
- (iii) a resolution of either House of the Parliament; and

**56 Paragraphs 29(1)(bb), (bc) and (bca)**

Repeal the paragraphs.

**57 Subsection 29(2)**

Omit “ASIO, ASIS, AGO, DIO, ASD or ONI (as the case may be)”, insert “any of the following”.

**57A Subsection 29(2)**

After “paragraph (1)(b)”, insert “or (bad)”.

**58 At the end of subsection 29(2)**

Add:

- : (a) ACIC, ASIO, ASIS, AGO, DIO, ASD or ONI;
- (b) AFP, AUSTRAC or the Department of Home Affairs, in relation to the performance of the intelligence functions of that body.

**59 After subsection 29(2)**

Insert:

- (2A) The Committee may, by resolution, request the Inspector-General of Intelligence and Security to inquire into a matter (whether or not the functions of the Committee include reviewing the matter) under section 8AA of the *Inspector-General of Intelligence and Security Act 1986* if the matter:
- (a) relates to the legality and propriety (however described) of the operational activities of an agency or other body; and
  - (b) is within the functions of the Inspector-General mentioned in that section; and
  - (c) does not relate to an individual complaint about the activities of the agency or body.

Note: The Committee must not review certain matters or require the Inspector-General to disclose certain information (see subsection (3) of this section and clause 1 of Schedule 1 to this Act).

(2B) The Committee must provide a copy of the request to the Minister responsible for the agency or body to which the matter relates.

(2C) If the Inspector-General of Intelligence and Security decides not to inquire into the matter, the Inspector-General must notify the Committee of its decision.

**60 Paragraph 29(3)(a)**

After “priorities of”, insert “ACIC,”.

**61 Paragraph 29(3)(b)**

After “available to”, insert “ACIC,”.

**62 After paragraph 29(3)(c)**

Insert:

- (ca) reviewing special ACC operations (within the meaning of the *Australian Crime Commission Act 2002*) or special ACC investigations (within the meaning of that Act) that have been, are being or are proposed to be undertaken by ACIC; or

**63 Paragraph 29(3)(e)**

After “activities of”, insert “ACIC,”.

**64 Paragraph 29(3)(g)**

Omit “or the Immigration and Border Protection Department”, substitute “, ACIC, AUSTRAC or the Department of Home Affairs”.

**65 Paragraph 29(3)(j)**

Omit “the AFP”, substitute “AFP, AUSTRAC (including AUSTRAC information) or the Department of Home Affairs”.

**66 Paragraph 29(3)(k)**

Omit “the AFP”, substitute “AFP, AUSTRAC or the Department of Home Affairs”.



**67 Section 30 (heading)**

Repeal the heading, substitute:

**30 Committee may request briefings**

**68 Section 30**

Omit “For the purpose”, substitute “Without limiting who the Committee may request briefings from, for the purpose”.

**69 Paragraph 30(e)**

Repeal the paragraph (not including the note), substitute:

- (e) the Secretary of the Department of Home Affairs;
- (f) the AUSTRAC CEO;
- (g) the CEO of ACIC;
- (h) the Independent National Security Legislation Monitor;
- (i) an Agency Head (within the meaning of the *Public Service Act 1999*) of an Agency (within the meaning of that Act) if the functions, or proposed functions, of the Agency relate to a matter being considered by the Committee under section 29.

**70 Clause 1A of Schedule 1 (definition of agency)**

Omit “or the Immigration and Border Protection Department”, substitute “, ACIC, AUSTRAC or the Department of Home Affairs”.

**71 Clause 1A of Schedule 1 (paragraph (f) of the definition of agency head)**

Repeal the paragraph, substitute:

- (f) the Secretary of the Department of Home Affairs; or
- (g) the AUSTRAC CEO; or
- (h) the CEO of ACIC.

**72 Clause 1A of Schedule 1 (paragraph (a) of the definition of operationally sensitive information)**

After “available to”, insert “ACIC,”.

**73 Clause 1A of Schedule 1 (paragraph (b) of the definition of *operationally sensitive information*)**

After “undertaken by”, insert “ACIC,”.

**74 Clause 1A of Schedule 1 (at the end of the definition of *operationally sensitive information*)**

Add:

- ; or (d) about sources of information, other operational assistance or operational methods available to AFP, AUSTRAC or the Department of Home Affairs (including AUSTRAC information) in exercising that agency’s intelligence functions; or
- (e) about particular operations that have been, are being or are proposed to be undertaken by AFP, AUSTRAC or the Department of Home Affairs in exercising that agency’s intelligence functions.

**75 Paragraph 1B(b) of Schedule 1**

Omit “of the Committee included references to a member of the subcommittee authorised by the subcommittee for the purpose of the provision concerned”, substitute “or Deputy Chair of the Committee included references to the Chair or Deputy Chair of the subcommittee”.

**75A Subclause 2(7) of Schedule 1**

Repeal the subclause.

**76 Subclause 6(5) of Schedule 1**

Omit “may obtain”, substitute “must obtain”.

**77 Subclause 6(5) of Schedule 1**

Omit “as to whether”, substitute “if the Committee considers that it is reasonably likely that”.

**78 Before subclause 7(1) of Schedule 1**

Insert:

*Certain information not to be disclosed*

**79 Paragraph 7(1)(a) of Schedule 1**

After “an agent of”, insert “ACIC,”.

**80 At the end of subclause 7(1) of Schedule 1**

Add:

- ; or (d) any information the disclosure of which could reveal, or enable a person to ascertain, the existence or identity of a confidential source of information to any agency; or
- (e) any information the disclosure of which could endanger a person’s life or physical safety; or
- (f) any information the disclosure of which could prejudice the protection of public safety; or
- (g) any information the disclosure of which could prejudice the fair trial of a person or the impartial adjudication of a matter; or
- (h) any information the disclosure of which could prejudice the proper enforcement of the law or the operations of law enforcement authorities; or
- (i) any information the disclosure of which could unreasonably disclose confidential commercial information; or
- (j) any information:
  - (i) having a national security classification; or
  - (ii) that the Committee believes should have a national security classification;unless the agency head of the agency that produced the information, or from which the information originated, provides written authority to disclose the information.

**81 Subclause 17(1) of Schedule 1**

Repeal the subclause, substitute:

- (1) The Committee may, subject to subclause (3), meet physically or using virtual meeting technology:
  - (a) as the Committee decides by resolution; or
  - (b) subject to a resolution of the Committee, as the Chair decides.

**82 Subclause 17(3) of Schedule 1**

Repeal the subclause, substitute:

- (3) If classified information may be discussed at meetings, the Chair must obtain and follow the advice of the agency head of each agency that produces such information, or from which such information originates, regarding the suitability of the security arrangements for such meetings (including the security arrangements for virtual meeting technology).

**82A Subclause 20(3) of Schedule 1**

Omit all the words from and including “At a review” to and including “may be present.”, substitute “The Committee may give directions as to the persons who may be present at a meeting conducted in private.”.

**83 Clause 21 of Schedule 1**

Repeal the clause, substitute:

**21 Staff of the Committee must be cleared for security purposes**

Each member of the staff of the Committee must be cleared for security purposes at least at a level and frequency:

- (a) appropriate for access to information and systems at the classification that the staff member requires, in accordance with government policy in relation to protective security; and
- (b) acceptable to all of the agency heads.

**83A Subclause 22(2) of Schedule 1**

Repeal the subclause, substitute:

- (2) The Committee must ensure that any document with a national security classification provided to the Committee is returned or destroyed as soon as possible after the members have examined it in accordance with an arrangement acceptable to the agency that produced the document.

**84 Subclause 23(1) of Schedule 1**

Repeal the subclause, substitute:

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*Establishment*

- (1) The Committee may appoint one or more subcommittees to inquire into and report to the Committee in relation to matters concerning the Committee as the Committee directs.

*Membership*

- (1A) A subcommittee must consist of at least 3 of the Committee's members.
- (1B) The Chair and Deputy Chair of the Committee are ex officio members of each subcommittee.

*Reporting*

**85 Before subclause 23(3) of Schedule 1**

Insert:

*Sitting times*

**86 Before subclause 25(1) of Schedule 1**

Insert:

- (1AA) The Committee may elect a Chair and Deputy Chair for each subcommittee.

**87 At the end of clause 25 of Schedule 1**

Add:

- (3) At a meeting of a subcommittee, 3 members of that subcommittee, including at least one Government member and one non-Government member, constitute a quorum.
- (4) Any member of the Committee may participate in the proceedings of a subcommittee. However, only members of that subcommittee may vote or move a motion.

***Office of National Intelligence Act 2018***

**88 After section 18**

Insert:

**18A Briefing the Parliamentary Joint Committee on Intelligence and Security**

The Director-General must brief the Parliamentary Joint Committee on Intelligence and Security at least once each calendar year.

***Parliamentary Joint Committee on Law Enforcement Act 2010***

**89 Section 3**

Repeal the following definitions:

- (a) definition of *ACC*;
- (b) definition of *CEO of the ACC*;
- (c) definition of *intelligence operation*.

**90 Section 3 (paragraph (a) of the definition of *law enforcement agency*)**

Repeal the paragraph.

**91 Section 3**

Repeal the following definitions:

- (a) definition of *member of the staff of the ACC*;
- (b) definition of *relevant crime*.

**92 Section 3 (subparagraphs (c)(iii) and (v) of the definition of *sensitive information*)**

Repeal the subparagraphs.

**93 Section 3 (definition of *special ACC operation/investigation*)**

Repeal the definition.

**94 Paragraphs 7(1)(a) to (c)**

Repeal the paragraphs.

**95 Paragraph 7(1)(g)**

Omit “the ACC or”.

**96 Subsection 7(1) (note 1)**

Repeal the note.

**97 Subsection 7(1) (note 2)**

Omit “2”.

**98 Paragraphs 7(2)(a) and (b)**

Repeal the paragraphs.

**99 Paragraphs 7(2)(c), (d) and (f)**

Omit “the ACC or”.

**100 Section 8**

Repeal the section.

**101 Subsection 10(1)**

Omit “the ACC and”.

## **Part 2—Consequential amendments commencing with the main amendments**

### ***Anti-Money Laundering and Counter-Terrorism Financing Act 2006***

#### **102 Section 5**

Insert:

***IGIS official*** (short for Inspector-General of Intelligence and Security official) means:

- (a) the Inspector-General of Intelligence and Security; or
- (b) any other person covered by subsection 32(1) of the *Inspector-General of Intelligence and Security Act 1986*.

#### **103 After paragraph 50A(2)(b)**

Insert:

- ; or (c) the disclosure is to an IGIS official for the purposes of, or in connection with, the IGIS official performing a function or duty, or exercising a power, as an IGIS official.

#### **104 Subsection 50A(2) (note)**

Repeal the note, substitute:

Note: A defendant, except for an IGIS official, bears an evidential burden in relation to a matter in this subsection (see subsection 13.3(3) of the *Criminal Code*). For IGIS officials, see section 34C of the *Inspector-General of Intelligence and Security Act 1986*.

#### **105 After subsection 121(6)**

Insert:

- (6A) Subsection (5) or (6) does not apply if the disclosure of AUSTRAC information is to an IGIS official for the purposes of, or in connection with, the IGIS official performing a function or duty, or exercising a power, as an IGIS official.

Note: A defendant, except for an IGIS official, bears an evidential burden in relation to a matter in this subsection (see subsection 13.3(3) of the



*Criminal Code*). For IGIS officials, see section 34C of the  
*Inspector-General of Intelligence and Security Act 1986*.

**106 After subsection 123(8A)**

Insert:

*Exception—IGIS official*

- (8B) Subsections (1) and (2) do not apply to the disclosure of information by a reporting entity if the disclosure is to an IGIS official for the purposes of, or in connection with, the IGIS official performing a function or duty, or exercising a power, as an IGIS official.

Note: A defendant, except for an IGIS official, bears an evidential burden in relation to a matter in this subsection (see subsection 13.3(3) of the *Criminal Code*). For IGIS officials, see section 34C of the *Inspector-General of Intelligence and Security Act 1986*.

**107 After subsection 125(2)**

Insert:

*Inspector-General of Intelligence and Security*

- (2A) An IGIS official is taken, for the purposes of this Act, to hold an authorisation under this section to allow the IGIS official to have access to any AUSTRAC information.

**108 Subsection 129(2)**

Repeal the subsection (including the note), substitute:

*Exception*

- (2) Subsection (1) does not apply if the person discloses the information for the purposes of, or in connection with:
- (a) an appropriate authority investigating the disclosure mentioned in paragraph (1)(c); or
  - (b) the performance or exercise of the person's functions, duties or powers as an IGIS official.

Note: A defendant, except for an IGIS official, bears an evidential burden in relation to a matter in this subsection (see subsection 13.3(3) of the

*Criminal Code*). For IGIS officials, see section 34C of the *Inspector-General of Intelligence and Security Act 1986*.

**109 Before subsection 207(2)**

Insert:

*Exceptions*

**110 After subsection 207(2)**

Insert:

- (2A) Subsection (1) does not apply to the disclosure of information by a reporting entity if the disclosure is to an IGIS official for the purposes of, or in connection with, the IGIS official performing a function or duty, or exercising a power, as an IGIS official.

Note: A defendant, except for an IGIS official, bears an evidential burden in relation to a matter in this subsection (see subsection 13.3(3) of the *Criminal Code*). For IGIS officials, see section 34C of the *Inspector-General of Intelligence and Security Act 1986*.

***Australian Border Force Act 2015***

**111 Subsection 4(1)**

Insert:

***IGIS official*** (short for Inspector-General of Intelligence and Security official) means:

- (a) the Inspector-General of Intelligence and Security; or
- (b) any other person covered by subsection 32(1) of the *Inspector-General of Intelligence and Security Act 1986*.

**112 Section 43 (heading)**

Omit “or the *National Anti-Corruption Commission Act 2022*”, substitute “or integrity bodies”.

**113 At the end of section 43**

Add:

- ; or (c) the making of the record, or disclosure, is for the purposes of an IGIS official exercising a power, or performing a function or duty, as an IGIS official.

### ***Australian Citizenship Act 2007***

#### **114 Section 3**

Insert:

***IGIS official*** (short for Inspector-General of Intelligence and Security official) means:

- (a) the Inspector-General of Intelligence and Security; or
- (b) any other person covered by subsection 32(1) of the *Inspector-General of Intelligence and Security Act 1986*.

#### **115 Subsection 43(1A) (note 1)**

Repeal the note, substitute:

Note 1: A defendant, except for an IGIS official, bears an evidential burden in relation to a matter in this subsection (see subsection 13.3(3) of the *Criminal Code*). For IGIS officials, see section 34C of the *Inspector-General of Intelligence and Security Act 1986*.

#### **116 After paragraph 43(2)(g)**

Insert:

- (ga) is for the purpose of an IGIS official exercising a power, or performing a function or duty, as an IGIS official; or

### ***Australian Crime Commission Act 2002***

#### **117 Subsection 4(1)**

Insert:

***IGIS official*** (short for Inspector-General of Intelligence and Security official) means:

- (a) the Inspector-General of Intelligence and Security; or
- (b) any other person covered by subsection 32(1) of the *Inspector-General of Intelligence and Security Act 1986*.

**118 Subsection 4(1) (definition of *Ombudsman*)**

Repeal the definition.

**119 After paragraph 19A(5)(d)**

Insert:

and (e) section 34 (secrecy) of the *Inspector-General of Intelligence and Security Act 1986*;

**120 Paragraph 21C(2)(f)**

Repeal the paragraph.

**121 After paragraph 21C(2)(g)**

Insert:

; or (h) to an IGIS official for the purpose of the IGIS official exercising a power, or performing a function or duty, as an IGIS official.

**122 Subsection 21C(2) (note)**

Repeal the note, substitute:

Note: A defendant, except for an IGIS official, bears an evidential burden in relation to a matter in this subsection (see subsection 13.3(3) of the *Criminal Code*). For IGIS officials, see section 34C of the *Inspector-General of Intelligence and Security Act 1986*.

**123 Paragraph 21C(4)(d)**

Repeal the paragraph.

**124 After paragraph 21C(4)(e)**

Insert:

; or (f) to an IGIS official for the purpose of the IGIS official exercising a power, or performing a function or duty, as an IGIS official.

**125 Subsection 21C(4) (note)**

Repeal the note, substitute:

Note: A defendant, except for an IGIS official, bears an evidential burden in relation to a matter in this subsection (see subsection 13.3(3) of the

*Criminal Code*). For IGIS officials, see section 34C of the  
*Inspector-General of Intelligence and Security Act 1986*.

**126 At the end of subsection 25A(4)**

Add:

- ; or (c) an IGIS official who is present at the examination for the purpose of conducting an inspection or inquiry under the *Inspector-General of Intelligence and Security Act 1986* (subject to subsection (4A)).

**127 After subsection 25A(4)**

Insert:

- (4A) Without limiting subsection (1) or (3), an examiner may prevent an IGIS official from being present during an examination if the examiner is satisfied that the official's attendance would be reasonably likely to prejudice:
  - (a) the life or safety of a person; or
  - (b) the effectiveness of the examination.The official must be provided with an audio-visual recording of the examination as soon as practicable after the end of the examination.
- (4B) The IGIS official may be prevented from being present during the examination either:
  - (a) by written notice given to the official before the examination; or
  - (b) by notifying the official orally during the examination.
- (4C) If the IGIS official is notified orally, the IGIS official must be given a written notice as soon as practicable after the examination.

**128 After subsection 25A(14A)**

Insert:

- (14B) Subsection (14A) does not apply if the person uses or discloses examination material for the purpose of an IGIS official exercising a power, or performing a function or duty, as an IGIS official.

**Schedule 1** Amendments

**Part 2** Consequential amendments commencing with the main amendments

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Note: An IGIS official does not bear an evidential burden in relation to this subsection (see section 34C of the *Inspector-General of Intelligence and Security Act 1986*).

**129 Paragraph 29B(2)(f)**

Repeal the paragraph.

**130 At the end of subsection 29B(2)**

Add:

; or (h) to an IGIS official for the purpose of the IGIS official exercising a power, or performing a function or duty, as an IGIS official.

**131 Paragraph 29B(4)(d)**

Repeal the paragraph.

**132 At the end of subsection 29B(4)**

Add:

; or (f) to an IGIS official for the purpose of the IGIS official exercising a power, or performing a function or duty, as an IGIS official.

**133 Subsection 36(4)**

Repeal the subsection, substitute:

- (4) To avoid doubt, this section does not limit the powers of the Inspector-General of Intelligence and Security under the *Inspector-General of Intelligence and Security Act 1986*, or any other law of the Commonwealth that confers powers on the Inspector-General.

**134 Schedule 1**

In the appropriate position, insert:

*Inspector-General of Intelligence and Security Act 1986*,  
section 34

***Australian Human Rights Commission Act 1986***

**135 Subsection 3(1)**

Insert:

*AUSTRAC* means the Australian Transaction Reports and Analysis Centre continued in existence by the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

*Department of Home Affairs* means the Department administered by the Minister administering the *Australian Border Force Act 2015*.

**136 Subsection 3(1) (definition of examiner of ACIC)**

Repeal the definition.

**137 Subsection 11(3) (note)**

Omit “ACIC”, substitute “AUSTRAC, the Department of Home Affairs”.

**138 Subsection 11(4)**

After “an intelligence agency is a reference to”, insert “ACIC,”.

**139 Subparagraph 20(4C)(a)(i)**

Repeal the subparagraph, substitute:

- (i) an act or practice of AUSTRAC; or
- (ia) an act or practice of the Department of Home Affairs; or

**140 Subsection 21(3)**

After “an intelligence agency is a reference to”, insert “ACIC,”.

**141 Subsection 46PZ(1)**

Omit “ACIC”, substitute “AUSTRAC, the Department of Home Affairs”.

## ***Crimes Act 1914***

### **142 After paragraph 3ZQT(2)(c)**

Insert:

; or (d) the disclosure is made for the purpose of an IGIS official exercising a power, or performing a function or duty, as an IGIS official.

### **143 Subsection 3ZQT(2) (note)**

Repeal the note, substitute:

Note: A defendant, except for an IGIS official, bears an evidential burden in relation to a matter in this subsection (see subsection 13.3(3) of the *Criminal Code*). For IGIS officials, see section 34C of the *Inspector-General of Intelligence and Security Act 1986*.

### **144 After paragraph 3ZZHA(2)(da)**

Insert:

(db) the disclosure is made for the purpose of an IGIS official exercising a power, or performing a function or duty, as an IGIS official;

### **145 Subsection 3ZZHA(2) (note)**

Repeal the note, substitute:

Note: A defendant, except for an IGIS official, bears an evidential burden in relation to a matter in this subsection (see subsection 13.3(3) of the *Criminal Code*). For IGIS officials, see section 34C of the *Inspector-General of Intelligence and Security Act 1986*.

### **146 Section 3ZZUJ (paragraph beginning “The Ombudsman must inspect”)**

Omit “and the ACC” (first occurring).

### **147 Section 3ZZUJ (paragraph (a) of the paragraph beginning “The Ombudsman must inspect”)**

Omit “and the ACC”.



**148 Section 3ZZUJ (paragraph (b) of the paragraph beginning “The Ombudsman must inspect”)**

After “enforcement officers”, insert “of the Australian Federal Police”.

**149 At the end of section 3ZZUJ (before the note)**

Insert:

- The Inspector-General of Intelligence and Security inspects the records of the ACC, in relation to the ACC’s compliance with this Part, under the *Inspector-General of Intelligence and Security Act 1986*.

**150 Subsection 3ZZVH(3) (note)**

Repeal the note, substitute:

Note: A defendant, except for an IGIS official, bears an evidential burden in relation to a matter in this subsection (see subsection 13.3(3) of the *Criminal Code*). For IGIS officials, see section 34C of the *Inspector-General of Intelligence and Security Act 1986*.

**151 Subsection 3ZZVH(4) (note)**

Repeal the note, substitute:

Note: A defendant, except for an IGIS official, bears an evidential burden in relation to a matter in this subsection (see subsection 13.3(3) of the *Criminal Code*). For IGIS officials, see section 34C of the *Inspector-General of Intelligence and Security Act 1986*.

**152 Subsection 3ZZVH(5) (including the note)**

Repeal the subsection, substitute:

- (5) Subsections (1) and (2) do not apply if the person uses or discloses the information for the purpose of an IGIS official exercising a power, or performing a function or duty, as an IGIS official.

Note: A defendant, except for an IGIS official, bears an evidential burden in relation to a matter in this subsection (see subsection 13.3(3) of the *Criminal Code*). For IGIS officials, see section 34C of the *Inspector-General of Intelligence and Security Act 1986*.

**153 Subparagraph 3ZZVJ(b)(i)**

Omit “(3) or (4)”, substitute “(3), (4) or (5)”.

**154 Section 3ZZVL (heading)**

Omit “and the Ombudsman”, substitute “, and the Ombudsman or the Inspector-General of Intelligence and Security”.

**155 Before subsection 3ZZVL(1)**

Insert:

(1AA) As soon as practicable after 30 June in each year:

- (a) the chief officer of the Australian Federal Police must submit a report to the Minister and the Ombudsman in accordance with this section; and
- (b) the chief officer of the ACC must submit a report to the Minister and the Inspector-General of Intelligence and Security in accordance with this section.

**156 Subsection 3ZZVL(1)**

Omit “As soon as practicable after 30 June in each year, the chief officer of the Australian Federal Police or the ACC must submit a report to the Minister and the Ombudsman that sets out”, substitute “The report must set out”.

**157 Subsection 3ZZVM(3)**

Repeal the subsection, substitute:

- (3) A copy of a report given to the Minister under this section must, at the same time as it is given to the Minister, be given to:
  - (a) if the report relates to the Australian Federal Police—the Ombudsman; and
  - (b) if the report relates to the ACC—the Inspector-General of Intelligence and Security.

**158 Paragraph 3ZZVN(l)**

After “the Ombudsman”, insert “or the Inspector-General of Intelligence and Security, as the case requires,”.

**159 Subsection 3ZZVR(1)**

Omit “and the ACC”.

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**160 Paragraphs 3ZZVR(1)(a) and (b)**

Omit “or the ACC, as the case requires”.

**161 Paragraph 3ZZVR(2)(a)**

Omit “or the ACC, enter at any reasonable time premises occupied by the Australian Federal Police or the ACC, as the case requires”, substitute “, enter at any reasonable time premises occupied by the Australian Federal Police”.

**162 Paragraphs 3ZZVR(2)(b) to (d)**

Omit “or the ACC”.

**163 Subsection 3ZZVR(3)**

Omit “or the ACC must ensure that members of staff of the Australian Federal Police or the ACC, as the case requires,”, substitute “must ensure that members of its staff”.

**164 Subsection 3ZZVS(1)**

Omit “or the ACC” (wherever occurring).

**165 Paragraph 3ZZVS(4)(a)**

Omit “or the ACC” (wherever occurring).

**166 Subsection 3ZZVS(4)**

Omit “or the ACC, as the case requires”.

**167 Subsection 3ZZVU(4)**

Omit “or the ACC” (first occurring).

**168 Paragraph 3ZZVU(4)(b)**

Omit “or the ACC, as the case requires,”.

**169 Subsection 3ZZVU(4)**

Omit “records of the Australian Federal Police or the ACC, as the case requires”, substitute “records of the Australian Federal Police”.

**170 Paragraph 15HK(3)(a)**

Omit “or the Inspector of the National Anti-Corruption Commission”, substitute “, the Inspector of the National Anti-Corruption Commission or an IGIS official”.

**171 Subparagraph 15HK(3)(c)(ii)**

Omit “operation; and”, substitute “operation; or”.

**172 At the end of paragraph 15HK(3)(c)**

Add:

- (iii) if the disclosure is to an IGIS official—action taken by ACC, the Australian Federal Police or the Immigration and Border Protection Department; and

**173 Subsection 15HK(3) (note)**

Repeal the note, substitute:

Note: A defendant, except for an IGIS official, bears an evidential burden in relation to a matter in this subsection (see subsection 13.3(3) of the *Criminal Code*). For IGIS officials, see section 34C of the *Inspector-General of Intelligence and Security Act 1986*.

**174 Section 15HM (heading)**

After “to Ombudsman”, insert “or Inspector-General of Intelligence and Security,”.

**175 Subsection 15HM(1)**

Omit “Ombudsman”, substitute “person mentioned in subsection (1A)”.

**176 After subsection 15HM(1)**

Insert:

(1A) For the purposes of subsection (1), the person is:

- (a) if the authorising agency is ACC—the Inspector-General of Intelligence and Security; and
- (b) otherwise—the Ombudsman.

**177 Subsection 15HM(3)**

Repeal the subsection, substitute:

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- (3) The chief officer of an authorising agency may be required by the following person to give additional information covering any controlled operation to which a report relates:
- (a) if the authorising agency is ACC—the Inspector-General of Intelligence and Security;
  - (b) otherwise—the Ombudsman.

**178 Subsection 15HM(5)**

Repeal the subsection, substitute:

- (5) A copy of a report given to the Ombudsman or the Inspector-General of Intelligence and Security under this section must be given to the Minister at the same time as it is given to the Ombudsman or the Inspector-General of Intelligence and Security (as the case requires).

**179 Section 15HN (heading)**

Omit “and Ombudsman”, insert “, and Inspector-General of Intelligence and Security or Ombudsman”.

**180 Subsection 15HN(7)**

Repeal the subsection, substitute:

- (7) A copy of a report given to the Minister under this section must be given to the following person at the same time as it is given to the Minister:
- (a) if the authorising agency is ACC—the Inspector-General of Intelligence and Security;
  - (b) otherwise—the Ombudsman.

**181 Subsection 15HO(1)**

Repeal the subsection, substitute:

- (1) The Ombudsman must, as soon as practicable after 30 June in each year:
- (a) prepare a report of the work and activities under this Part of the Ombudsman for the preceding 12 months; and

- (b) give a copy of the report to the Minister and to the chief officer of the law enforcement agency to which the report relates.

**182 Subsection 15HO(7)**

Repeal the subsection.

**183 At the end of section 15HR**

Add:

Note: Inspections of ACC, including inspections relating to controlled operations by ACC under this Part, are undertaken by the Inspector-General of Intelligence and Security under the *Inspector-General of Intelligence and Security Act 1986*.

**184 Subsection 15HS(1)**

After “each authorising agency”, insert “, except the ACC,”.

**185 Subsection 15HS(1)**

After “and by law enforcement officers”, insert “of that agency”.

**186 Subsection 15HS(2)**

Repeal the subsection.

**187 Section 15HW (heading)**

After “Ombudsman”, insert “or Inspector-General of Intelligence and Security,”.

**188 Before subsection 15HW(1)**

Insert:

*Definitions*

**189 Subsection 15HW(1) (definition of *State or Territory inspecting authority*)**

After “section 15HS”, insert “of this Act, or section 9A of the *Inspector-General of Intelligence and Security Act 1986*,”.

**190 Before subsection 15HW(2)**

Insert:

*Exchange of information between Ombudsman and State  
inspecting authorities*

**191 At the end of section 15HW**

Add:

*Exchange of information between Inspector-General of  
Intelligence and Security and State inspecting authorities*

- (5) The Inspector-General of Intelligence and Security may give information that:
- (a) relates to a State or Territory agency; and
  - (b) was obtained by an IGIS official under the *Inspector-General of Intelligence and Security Act 1986*; and
  - (c) relates to a controlled operation conducted by an intelligence agency (within the meaning of that Act);
- to the State or Territory inspecting authority in relation to the agency.
- (6) The Inspector-General may only give information to an authority under subsection (5) if the Inspector-General is satisfied that the giving of the information is necessary to enable the authority to perform its functions in relation to the State or Territory agency.
- (7) The Inspector-General may receive, from a State or Territory inspecting authority, information that:
- (a) relates to a controlled operation conducted by an intelligence agency (within the meaning of the *Inspector-General of Intelligence and Security Act 1986*); and
  - (b) is relevant to the performance of the Inspector-General's functions under that Act.

**192 At the end of section 15JQ**

Add:

*Exception—IGIS officials*

- (4) Subsection (1) does not apply if the person discloses the information to an IGIS official for the purpose of the IGIS official exercising a power, or performing a function or duty, as an IGIS official.

Note: A defendant, except for an IGIS official, bears an evidential burden in relation to a matter in this subsection (see subsection 13.3(3) of the *Criminal Code*). For IGIS officials, see section 34C of the *Inspector-General of Intelligence and Security Act 1986*.

**193 At the end of section 15JR**

Add:

*Exception—IGIS officials*

- (4) Subsection (1) does not apply if the person discloses the information to an IGIS official for the purpose of the IGIS official exercising a power, or performing a function or duty, as an IGIS official.

Note: A defendant, except for an IGIS official, bears an evidential burden in relation to a matter in this subsection (see subsection 13.3(3) of the *Criminal Code*). For IGIS officials, see section 34C of the *Inspector-General of Intelligence and Security Act 1986*.

**194 At the end of paragraph 15MS(1)(e)**

Add:

- ; (iv) the conduct is for the purpose of an IGIS official exercising a power, or performing a function or duty, as an IGIS official.

**195 Subparagraph 15MS(2)(e)(iii)**

Omit “section 15MR; and”, substitute “section 15MR;”.

**196 At the end of paragraph 15MS(2)(e)**

Add:

- (iv) the conduct is for the purpose of an IGIS official exercising a power, or performing a function or duty, as an IGIS official; and



**197 Subparagraph 15MS(3)(e)(iii)**

Omit “section 15MR; and”, substitute “section 15MR;”.

**198 At the end of paragraph 15MS(3)(e)**

Add:

- (iv) the conduct is for the purpose of an IGIS official exercising a power, or performing a function or duty, as an IGIS official; and

**199 At the end of subsection 15MT(1)**

Add:

- ; (e) whether, for the purposes of subparagraph 15MS(1)(e)(iv), (2)(e)(iv) or (3)(e)(iv), the conduct is for the purpose of an IGIS official exercising a power, or performing a function or duty, as an IGIS official.

***Migration Act 1958***

**200 Subsection 5(1)**

Insert:

***IGIS official*** (short for Inspector-General of Intelligence and Security official) means:

- (a) the Inspector-General of Intelligence and Security; or
- (b) any other person covered by subsection 32(1) of the *Inspector-General of Intelligence and Security Act 1986*.

**201 After paragraph 336E(2)(f)**

Insert:

- (fa) is for the purpose of an IGIS official exercising a power, or performing a function or duty, as an IGIS official in relation to action taken by the Department; or

**202 After subsection 488(3)**

Insert:

- (3A) Subsection (1) does not apply in relation to the performance of an action referred to in that subsection for the purpose of an IGIS

official exercising a power, or performing a function or duty, as an IGIS official.

Note: An IGIS official does not bear an evidential burden in relation to a matter in this subsection (see section 34C of the *Inspector-General of Intelligence and Security Act 1986*).

**203 Subsection 503A(8)**

After “If any Act (whether passed before or after the commencement of this section)”, insert “, except the *Inspector-General of Intelligence and Security Act 1986*,”.

***National Anti-Corruption Commission Act 2022***

**204 Section 7**

Insert:

*ACIC* means the agency known as the Australian Criminal Intelligence Commission established by the *Australian Crime Commission Act 2002*.

**205 Section 7 (at the end of the definition of *intelligence agency*)**

Add:

; or (g) ACIC.

***Ombudsman Act 1976***

**206 Subsection 3(1) (definition of ACC)**

Repeal the definition.

**207 Subsection 3(1)**

Insert:

*ACIC* means the agency known as the Australian Criminal Intelligence Commission established by the *Australian Crime Commission Act 2002*.

*AUSTRAC* means the Australian Transaction Reports and Analysis Centre continued in existence by the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

**208 Subsection 3(1) (definition of *Board of the ACC*)**

Repeal the definition.

**209 Subsection 3(1)**

Insert:

*Department of Home Affairs* means the Department administered by the Minister administering the *Australian Border Force Act 2015*.

**210 Subsection 3(1) (definition of *examiner of ACC*)**

Repeal the definition.

**211 Subsection 3(13A)**

Repeal the subsection.

**212 Before subparagraph 5(2)(e)(i)**

Insert:

(ia) the ACIC;

**214 Paragraphs 5B(a) and (b)**

Repeal the paragraphs, substitute:

- (a) AUSTRAC; or
- (b) the Australian Federal Police; or
- (c) the Department of Home Affairs;

**215 Section 6A**

Repeal the section.

**216 Subparagraphs 6F(1)(a)(i) and (ii)**

Repeal the subparagraphs, substitute:

- (i) AUSTRAC; or
- (ii) the Australian Federal Police; or

(iii) the Department of Home Affairs; and

**217 Section 8B**

Repeal the section.

**218 Paragraph 9(3)(e)**

Repeal the paragraph.

**219 Subparagraph 19R(3)(b)(v)**

Repeal the subparagraph.

**220 Subparagraph 19R(3)(b)(viii)**

Omit “sections 8A and 8B”, substitute “section 8A”.

**221 Subsection 19R(4) (table items 5 and 6)**

Repeal the items.

**222 Paragraph 19ZM(3)(c)**

Omit “6A”, substitute “6B”.

**223 Paragraph 19ZM(3)(q)**

Omit “35B”, substitute “35C”.

**224 Subsection 19ZM(4) (table items 8 and 9)**

Repeal the items.

**225 Paragraph 20ZK(1)(j)**

Repeal the paragraph.

**226 Paragraph 20ZK(2)(g)**

Omit “subsections 35B(2) and 35C(2)”, substitute “subsection 35C(2)”.

**227 Subparagraph 20ZK(2)(g)(ii)**

Omit “or 6A”.

**228 Subsection 20ZS(1) (table item 11, column 1)**

Omit “subsections 35B(2) and 35C(2)”, substitute “subsection 35C(2)”.

**229 Subsection 20ZS(1) (table item 11, column 1)**

Omit “ACC and”.

**230 Subsection 20ZS(1) (table item 12, column 1)**

Omit “subsections 35B(2) and 35C(2)”, substitute “subsection 35C(2)”.

**231 Subsection 20ZS(1) (table item 12, column 1)**

Omit “ACC and”.

**232 Subsection 20ZS(1) (table item 12, column 2)**

Omit “or 6A”.

**233 Subsection 20ZS(1) (table item 12, column 2)**

Omit “; transfer of complaints about ACC”.

**234 Subsection 35(5)**

Omit “(c), (d) or (e)”, substitute “(c) or (d)”.

**235 Subsection 35AA(2)**

Omit “Subject to section 35B, nothing”, substitute “Nothing”.

**236 Subsection 35A(1)**

Omit “Subject to sections 35B and 35C,”, substitute “Subject to section 35C,”.

**237 Section 35B**

Repeal the section.

**238 Subsection 35C(2) (paragraph (b) of the definition of  
*listed disclosure method*)**

Omit “or 6A”.

**239 Subsection 35C(2) (paragraph (d) of the definition of  
*listed disclosure method*)**

Repeal the paragraph.

## ***Privacy Act 1988***

### **240 Subsection 6(1)**

Insert:

*AUSTRAC* means the Australian Transaction Reports and Analysis Centre continued in existence by the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

### **241 Section 49B**

Omit “or the Australian Federal Police”, substitute “, the Australian Federal Police, AUSTRAC or the Department of Home Affairs (within the meaning of the *Inspector-General of Intelligence and Security Act 1986*)”.

## ***Public Interest Disclosure Act 2013***

### **242 Section 7 (paragraph (b) of the paragraph beginning “Notice of decisions”)**

Omit “ACIC”, substitute “AUSTRAC, the Department of Home Affairs”.

### **243 Paragraphs 7A(2)(c) and 7B(1)(b)**

Omit “ACIC”, substitute “AUSTRAC, the Department of Home Affairs”.

### **244 Section 8**

Insert:

*AUSTRAC* means the Australian Transaction Reports and Analysis Centre continued in existence by the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

*Department of Home Affairs* means the Department administered by the Minister administering the *Australian Border Force Act 2015*.

**245 Section 8 (at the end of the definition of *intelligence agency*)**

Add:  
; or (g) the ACIC.

**246 Section 8 (definition of *intelligence function*)**

Omit “ACIC”, substitute “AUSTRAC, the Department of Home Affairs”.

**247 Subsection 26(1) (table item 2, column 3, paragraph (i))**

After “intelligence agency”, insert “, except ACIC”.

**248 Section 34 (table item 1, column 2, subparagraph (ca)(i))**

Omit “ACIC”, substitute “AUSTRAC, the Department of Home Affairs”.

**249 Paragraph 41(1)(a)**

After “intelligence agency”, insert “, except ACIC”.

**250 Subparagraph 41(1)(b)(ii)**

After “intelligence agency”, insert “, except ACIC,”.

**251 Subparagraph 41(1)(b)(iii)**

After “intelligence agency”, insert “, except ACIC”.

**252 Subparagraph 41(1)(c)(i)**

After “intelligence agency”, insert “, except ACIC”.

**253 Section 42 (note 2)**

Omit “ACIC”, substitute “AUSTRAC, the Department of Home Affairs”.

**255 Subparagraphs 43(5)(a)(ii) and (iii)**

Omit “ACIC”, substitute “AUSTRAC, the Department of Home Affairs”.

**256 Subsection 43(7)**

Repeal the subsection.

**258 Subparagraphs 44(3)(b)(iv) and (c)(ii)**

Omit “ACIC”, substitute “AUSTRAC, the Department of Home Affairs”.

**259 Paragraphs 44A(3)(b) and (c)**

Omit “ACIC”, substitute “AUSTRAC, the Department of Home Affairs”.

**260 Subparagraphs 44B(2)(b)(iii), 50A(4)(b)(iii) and 56(4A)(b)(ii)**

Omit “ACIC”, substitute “AUSTRAC, the Department of Home Affairs”.

**261 Subparagraphs 45A(1)(b)(ii) and 51(4)(c)(ii)**

Omit “ACIC”, substitute “AUSTRAC, the Department of Home Affairs”.

**262 Section 46 (note)**

Omit “ACIC”, substitute “AUSTRAC, the Department of Home Affairs”.

**263 Paragraph 50A(1)(c)**

Omit “ACIC”, substitute “AUSTRAC, the Department of Home Affairs”.

**264 Subparagraph 50A(2)(b)(ii)**

Omit “ACIC”, substitute “AUSTRAC, the Department of Home Affairs”.

**265 Paragraph 52(4)(b)**

Omit “ACIC”, substitute “AUSTRAC, the Department of Home Affairs”.



**266 Section 58 (note)**

Omit “ACIC”, substitute “AUSTRAC, the Department of Home Affairs”.

**267 Paragraphs 63(aa) and (ba)**

Omit “ACIC”, substitute “AUSTRAC, the Department of Home Affairs”.

**268 Section 63 (paragraph (b) of the note)**

Omit “ACIC”, substitute “AUSTRAC, the Department of Home Affairs”.

***Security of Critical Infrastructure Act 2018***

**269 After subsection 46(5) (before the note)**

Insert:

*Disclosure to an IGIS official*

- (6) Section 45 does not apply to an entity to the extent that the entity discloses protected information to an IGIS official for the purposes of exercising powers, or performing duties or functions, as an IGIS official.

**270 Section 46 (note)**

Repeal the note, substitute:

Note: A defendant, except for an IGIS official, bears an evidential burden in relation to a matter in this section (see subsection 13.3(3) of the *Criminal Code*). For IGIS officials, see section 34C of the *Inspector-General of Intelligence and Security Act 1986*.

***Surveillance Devices Act 2004***

**271 After subsection 45(6A)**

Insert:

- (6B) Protected information may be communicated by an IGIS official to an Ombudsman official for the purposes of the Ombudsman

official exercising powers, or performing functions or duties, as an Ombudsman official.

**272 Section 49A (heading)**

After “Ombudsman”, insert “or IGIS”.

**273 Subsection 49A(1)**

Repeal the subsection, substitute:

- (1) Within 6 months after a Part 5.3 warrant or a Part 9.10 warrant is issued in response to an application by a law enforcement officer of a law enforcement agency, the chief officer of the agency must:
  - (a) if the law enforcement agency is the Australian Crime Commission:
    - (i) notify the Inspector-General of Intelligence and Security that the warrant has been issued; and
    - (ii) give the Inspector-General of Intelligence and Security a copy of the warrant; and
  - (b) otherwise:
    - (i) notify the Ombudsman that the warrant has been issued; and
    - (ii) give the Ombudsman a copy of the warrant.

**274 Subsection 49A(2)**

After “the Ombudsman”, insert “or the Inspector-General of Intelligence and Security (as the case requires)”.

**275 Section 49B**

Repeal the section, substitute:

**49B Notification to Ombudsman or IGIS in relation to concealment of access under a computer access warrant**

- (1) This section applies if:
  - (a) a computer access warrant was issued in response to an application made by a law enforcement officer of a law enforcement agency; and

- (b) a thing mentioned in subsection 27E(7) was done under the warrant after the 28-day period mentioned in paragraph 27E(7)(j).
- (2) The chief officer of the law enforcement agency must notify the person mentioned in subsection (3):
  - (a) that the warrant was issued; and
  - (b) of the fact that the thing was done under the warrant after the 28-day period mentioned in paragraph 27E(7)(j); within 7 days after the thing was done.
- (3) For the purposes of subsection (2), the person is:
  - (a) if the law enforcement agency is the Australian Crime Commission—the Inspector-General of Intelligence and Security; and
  - (b) otherwise—the Ombudsman.

## **276 Section 49C**

Repeal the section, substitute:

### **49C Notification to Ombudsman or IGIS of things done under a data disruption warrant**

#### *Notification of thing done under warrant*

- (1) Subsection (2) applies if:
  - (a) a data disruption warrant was issued in response to an application made by a law enforcement officer of a law enforcement agency; and
  - (b) a thing mentioned in subsection 27KE(2) was done under the warrant.
- (2) The chief officer of the law enforcement agency must notify the person mentioned in subsection (5):
  - (a) that the warrant was issued; and
  - (b) of the fact that the thing was done under the warrant; within 7 days after the thing was done.

*Notification of material loss or damage*

- (3) Subsection (4) applies if:
- (a) a data disruption warrant was issued in response to an application made by a law enforcement officer of a law enforcement agency; and
  - (b) the person executing the warrant becomes aware that a thing mentioned in subsection 27KE(2) that was done under the warrant has caused material loss or damage to one or more persons lawfully using a computer.
- (4) The chief officer of the law enforcement agency must notify the person mentioned in subsection (5):
- (a) that the thing has caused material loss or damage to one or more persons lawfully using a computer; and
  - (b) of the particulars of that loss or damage;
- within 7 days after the person executing the warrant became so aware.

*Relevant person agency must notify*

- (5) For the purposes of subsections (2) and (4), the person is:
- (a) if the law enforcement agency is the Australian Crime Commission—the Inspector-General of Intelligence and Security; and
  - (b) otherwise—the Ombudsman.

**277 Subsection 55(1)**

After “records of a law enforcement agency”, insert “, except the Australian Crime Commission,”.

**278 At the end of subsection 55(1)**

Add:

Note: Inspections of the Australian Crime Commission, including inspections relating to the extent of compliance with this Act by the Australian Crime Commission, are undertaken by the Inspector-General of Intelligence and Security under the *Inspector-General of Intelligence and Security Act 1986*.

**279 Subsection 55(2)**

Repeal the subsection.

**280 At the end of subsection 55(2A)**

Add:

Note: This subsection does not apply in relation to records of the Australian Crime Commission, as that agency does not provide notifications to the Ombudsman under section 49A.

**281 After paragraph 55(2B)(b)**

Insert:

and (c) the law enforcement agency is not the Australian Crime Commission;

**282 Section 58 (heading)**

After “Ombudsman”, insert “or IGIS,”.

**283 Before subsection 58(1)**

Insert:

*Definitions*

**284 Subsection 58(1) (definition of *State or Territory inspecting authority*)**

After “section 55”, insert “of this Act, or section 9A of the *Inspector-General of Intelligence and Security Act 1986*,”.

**285 Before subsection 58(2)**

Insert:

*Exchange of information between Ombudsman and State inspecting authorities*

**286 At the end of section 58**

Add:

*Exchange of information between IGIS and State inspecting authorities*

- (5) The Inspector-General of Intelligence and Security may give information that:
- (a) relates to a State or Territory agency; and
  - (b) was obtained by an IGIS official under the *Inspector-General of Intelligence and Security Act 1986*; and
  - (c) relates to the use of powers under this Act by an intelligence agency (within the meaning of the *Inspector-General of Intelligence and Security Act 1986*);
- to the State or Territory inspecting authority in relation to the agency.
- (6) The Inspector-General of Intelligence and Security may only give information to an authority under subsection (5) if the Inspector-General of Intelligence and Security is satisfied that the giving of the information is necessary to enable the authority to perform its functions in relation to the State or Territory agency.
- (7) The Inspector-General of Intelligence and Security may receive, from a State or Territory inspecting authority, information that:
- (a) relates to the use of powers under this Act by an intelligence agency (within the meaning of the *Inspector-General of Intelligence and Security Act 1986*); and
  - (b) is relevant to the performance of the Inspector-General of Intelligence and Security's functions under that Act.

***Telecommunications Act 1997***

**287 Subsection 317HAB(4)**

Repeal the subsection, substitute:

- (4) If the chief officer of an interception agency gives a technical assistance request, the chief officer must, within 7 days after the request is given, notify the following person that the request has been given:
- (a) if the interception agency is the Australian Crime Commission—the Inspector-General of Intelligence and Security;

(b) otherwise—the Commonwealth Ombudsman.

**288 Subsection 317JA(18)**

Repeal the subsection, substitute:

- (18) If the chief officer of an interception agency varies a technical assistance request, the chief officer must, within 7 days after varying the request, notify the following person that the request has been varied:
- (a) if the interception agency is the Australian Crime Commission—the Inspector-General of Intelligence and Security;
  - (b) otherwise—the Commonwealth Ombudsman.

**289 Subsection 317JB(9)**

Repeal the subsection, substitute:

- (9) If the chief officer of an interception agency revokes a technical assistance request, the chief officer must, within 7 days after revoking the request, notify the following person that the request has been revoked:
- (a) if the interception agency is the Australian Crime Commission—the Inspector-General of Intelligence and Security;
  - (b) otherwise—the Commonwealth Ombudsman.

**290 After subparagraph 317MAA(4)(b)(i)**

Insert:

- (ia) the Inspector-General of Intelligence and Security; or

**291 Subsection 317MAB(2)**

Repeal the subsection, substitute:

- (2) If the chief officer of an interception agency gives a technical assistance notice, the chief officer must, within 7 days after the notice is given, notify the following person that the notice has been given:

- (a) if the interception agency is the Australian Crime Commission—the Inspector-General of Intelligence and Security;
- (b) otherwise—the Commonwealth Ombudsman.

**292 Subsection 317MA(1F)**

Repeal the subsection, substitute:

- (1F) If the chief officer of an interception agency extends the period for which a technical assistance notice is in force, the chief officer must, within 7 days after extending the period, notify the following person of the extension:
  - (a) if the interception agency is the Australian Crime Commission—the Inspector-General of Intelligence and Security;
  - (b) otherwise—the Commonwealth Ombudsman.

**293 Subsection 317Q(13)**

Repeal the subsection, substitute:

- (13) If the chief officer of an interception agency varies a technical assistance notice, the chief officer must, within 7 days after varying the notice, notify the following person that the notice has been varied:
  - (a) if the interception agency is the Australian Crime Commission—the Inspector-General of Intelligence and Security;
  - (b) otherwise—the Commonwealth Ombudsman.

**294 Subsection 317R(6)**

Repeal the subsection, substitute:

- (6) If the chief officer of an interception agency revokes a technical assistance notice, the chief officer must, within 7 days after revoking the notice, notify the following person that the notice has been revoked:
  - (a) if the interception agency is the Australian Crime Commission—the Inspector-General of Intelligence and Security;



(b) otherwise—the Commonwealth Ombudsman.

**295 Subsection 317TAB(2)**

Omit “If:”, substitute “Subsection (2A) applies if:”.

**296 Subparagraph 317TAB(2)(b)(ii)**

Omit “paragraph 317T(2)(b);”, substitute “paragraph 317T(2)(b).”.

**297 Subsection 317TAB(2)**

Omit “the Attorney-General must, within 7 days after the notice is given, notify the Commonwealth Ombudsman that the notice has been given.”.

**298 After subsection 317TAB(2)**

Insert:

(2A) The Attorney-General must, within 7 days after the notice is given, notify the following person that the notice has been given:

- (a) if the interception agency is the Australian Crime Commission—the Inspector-General of Intelligence and Security;
- (b) otherwise—the Commonwealth Ombudsman.

**299 Subsection 317TAB(3)**

Omit “(2)”, substitute “(2A)”.

**300 Subsection 317TA(1E)**

Omit “If:”, substitute “Subsection (1EA) applies if:”.

**301 Subparagraph 317TA(1E)(b)(ii)**

Omit “paragraph 317T(2)(b);”, substitute “paragraph 317T(2)(b).”.

**302 Subsection 317TA(1E)**

Omit “the Attorney-General must, within 7 days after extending the period, notify the Commonwealth Ombudsman of the extension.”.

**303 After subsection 317TA(1E)**

Insert:

(1EA) The Attorney-General must, within 7 days after extending the period, notify the following person of the extension:

- (a) if the interception agency is the Australian Crime Commission—the Inspector-General of Intelligence and Security;
- (b) otherwise—the Commonwealth Ombudsman.

**304 Subsection 317TA(1F)**

Omit “(1E)”, substitute “(1EA)”.

**305 Paragraph 317WA(6)(e)**

Omit “give a copy of the report to the Commonwealth Ombudsman.”, substitute:

give a copy of the report to:

- (iii) if the interception agency is the Australian Crime Commission—the Inspector-General of Intelligence and Security; and
- (iv) otherwise—the Commonwealth Ombudsman.

**306 Subsection 317X(7)**

Omit “If:”, substitute “Subsection (7A) applies if:”.

**307 Subparagraph 317X(7)(b)(ii)**

Omit “paragraph 317T(2)(b);”, substitute “paragraph 317T(2)(b).”.

**308 Subsection 317X(7)**

Omit “the Attorney-General must, within 7 days after varying the notice, notify the Commonwealth Ombudsman that the notice has been varied.”.

**309 After subsection 317X(7)**

Insert:

(7A) The Attorney-General must, within 7 days after varying the notice, notify the following person that the notice has been varied:

- (a) if the interception agency is the Australian Crime Commission—the Inspector-General of Intelligence and Security;

(b) otherwise—the Commonwealth Ombudsman.

**310 Subsection 317X(8)**

Omit “(7)”, substitute “(7A)”.

**311 Paragraph 317YA(6)(e)**

Omit “give a copy of the report to the Commonwealth Ombudsman.”,  
substitute:

give a copy of the report to:

- (iii) if the interception agency is the Australian Crime Commission—the Inspector-General of Intelligence and Security; and
- (iv) otherwise—the Commonwealth Ombudsman.

**312 Subsection 317Z(4)**

Omit “If:”, substitute “Subsection (4A) applies if:”.

**313 Subparagraph 317Z(4)(b)(ii)**

Omit “paragraph 317T(2)(b);”, substitute “paragraph 317T(2)(b).”.

**314 Subsection 317Z(4)**

Omit “the Attorney-General must, within 7 days after revoking the notice, notify the Commonwealth Ombudsman that the notice has been revoked.”.

**315 After subsection 317Z(4)**

Insert:

- (4A) The Attorney-General must, within 7 days after revoking the notice, notify the following person that the notice has been revoked:
- (a) if the interception agency is the Australian Crime Commission—the Inspector-General of Intelligence and Security;
  - (b) otherwise—the Commonwealth Ombudsman.

**316 Subsection 317Z(5)**

Omit “(4)”, substitute “(4A)”.

**317 After subsection 317ZF(5)**

Insert:

- (5AA) If a technical assistance notice is given by the chief officer of an interception agency of a State or Territory, an IGIS official may disclose technical assistance notice information that relates to the notice to an officer or employee of an authority that is the State or Territory inspecting authority in relation to the interception agency, so long as the disclosure is in connection with the officer or employee exercising powers, or performing functions or duties, as an officer or employee of the State or Territory inspecting authority.
- (5AB) If a technical assistance request is given by the chief officer of an interception agency of a State or Territory, an IGIS official may disclose technical assistance request information that relates to the request to an officer or employee of an authority that is the State or Territory inspecting authority in relation to the interception agency, so long as the disclosure is in connection with the officer or employee exercising powers, or performing functions or duties, as an officer or employee of the State or Territory inspecting authority.

**318 Subsection 317ZKA(2)**

Repeal the subsection, substitute:

- (2) If the chief officer of an interception agency makes a declaration under paragraph 317ZK(1)(d), (3)(e) or (6A)(b), the chief officer must, within 7 days after making the declaration, notify the following person of the making of the declaration:
- (a) if the interception agency is the Australian Crime Commission—the Inspector-General of Intelligence and Security;
  - (b) otherwise—the Commonwealth Ombudsman.

**319 Subsection 317ZKA(4)**

Omit “If:”, substitute “Subsection (4A) applies if:”.

**320 Subparagraph 317ZKA(4)(b)(ii)**

Omit “paragraph 317T(2)(b);”, substitute “paragraph 317T(2)(b).”.

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**321 Subsection 317ZKA(4)**

Omit “the Attorney-General must, within 7 days after making the declaration, notify the Commonwealth Ombudsman of the making of the declaration.”.

**322 After subsection 317ZKA(4)**

Insert:

(4A) The Attorney-General must, within 7 days after making the declaration, notify the following person of the making of the declaration:

- (a) if the interception agency is the Australian Crime Commission—the Inspector-General of Intelligence and Security;
- (b) otherwise—the Commonwealth Ombudsman.

**323 Subsection 317ZKA(5)**

Omit “(4)”, substitute “(4A)”.

**324 Subsection 317ZRB(1)**

After “interception agency”, insert “, except the Australian Crime Commission,”.

**325 Subsection 317ZRB(2)**

After “interception agency”, insert “to which subsection (1) applies”.

**326 Subsection 317ZRB(2)**

Omit “conferred by subsection (1)”, substitute “conferred by that subsection”.

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

**327 Section 59B (heading)**

Omit “by Commonwealth agencies”, substitute “or Inspector-General of Intelligence and Security”.

**328 Paragraphs 59B(1)(a) and (b)**

Repeal the paragraphs, substitute:

- (a) if the agency is the ACC:
  - (i) notify the Inspector-General of Intelligence and Security that the warrant has been issued; and
  - (ii) give to the Inspector-General of Intelligence and Security a copy of the warrant; and
- (b) otherwise:
  - (i) notify the Ombudsman that the warrant has been issued; and
  - (ii) give to the Ombudsman a copy of the warrant.

**329 Subsection 59B(2)**

Omit “an officer of a Commonwealth agency”, substitute “an officer of the agency”.

**330 Subsection 59B(2)**

After “must notify the Ombudsman”, insert “or the Inspector-General of Intelligence and Security (as the case requires)”.

**331 Section 59C (heading)**

Omit “by Commonwealth agencies”, substitute “or Inspector-General of Intelligence and Security”.

**332 Paragraphs 59C(1)(a) and (b)**

Repeal the paragraphs, substitute:

- (a) if the agency is the ACC:
  - (i) notify the Inspector-General of Intelligence and Security that the warrant has been issued; and
  - (ii) give to the Inspector-General of Intelligence and Security a copy of the warrant; and
- (b) otherwise:
  - (i) notify the Ombudsman that the warrant has been issued; and
  - (ii) give to the Ombudsman a copy of the warrant.

**333 Subsection 59C(2)**

Omit “a Commonwealth”, substitute “the”.

**334 Subsection 59C(2)**

After “Ombudsman”, insert “or the Inspector-General of Intelligence and Security (as the case requires)”.

**335 Before subsection 83(1)**

Insert:

(1AA) This section applies to each Commonwealth agency, except the ACC.

Note: Inspections of ACC, including inspections relating to ACC’s compliance with sections 79, 79AA, 79AB, 80 and 81 of this Act, are undertaken by the Inspector-General of Intelligence and Security under the *Inspector-General of Intelligence and Security Act 1986*.

**336 At the end of subsection 84(1)**

Add:

Note: The Ombudsman does not report to the Minister in relation to the ACC, as the Ombudsman does not inspect the records of that agency under subsections 83(1), (3) and (4) (see subsection 83(1AA)).

**337 Section 92A (heading)**

After “Ombudsman”, insert “or Inspector-General of Intelligence and Security”.

**338 Before subsection 92A(1)**

Insert:

*Definitions*

**339 Subsection 92A(1) (at the end of the definition of *State inspecting authority*)**

Add “of this Act, or section 9A of the *Inspector-General of Intelligence and Security Act 1986*, when the State agency is exercising powers under the law of that State that is of a similar nature to this Act”.

**340 Before subsection 92A(2)**

Insert:

*Exchange of information between Ombudsman and State  
inspecting authorities*

**341 At the end of section 92A**

Add:

*Exchange of information between IGIS and State inspecting  
authorities*

- (5) The Inspector-General of Intelligence and Security may give information that:
- (a) relates to a State agency; and
  - (b) was obtained by an IGIS official under the *Inspector-General of Intelligence and Security Act 1986*; and
  - (c) relates to the use of powers under this Act by an intelligence agency (within the meaning of the *Inspector-General of Intelligence and Security Act 1986*);
- to the State inspecting authority in relation to the State agency.
- (6) The Inspector-General of Intelligence and Security may only give information to an authority under subsection (5) if the Inspector-General of Intelligence and Security is satisfied that the giving of the information is necessary to enable the authority to perform its functions in relation to the State agency.
- (7) The Inspector-General of Intelligence and Security may receive, from a State inspecting authority, information that:
- (a) relates to the use of powers under this Act by an intelligence agency (within the meaning of the *Inspector-General of Intelligence and Security Act 1986*); and
  - (b) is relevant to the performance of the Inspector-General of Intelligence and Security's functions under that Act.



**342 Section 107G (paragraph beginning “The Ombudsman has functions”)**

Omit “(other than the Organisation) and the Inspector-General of Intelligence and Security has functions in relation to preservation notices given by the Organisation”, substitute “(other than the ACC and the Organisation), and the Inspector-General of Intelligence and Security has functions in relation to preservation notices given by the ACC and the Organisation”.

**343 Subparagraph 151(3)(b)(ii)**

Repeal the subparagraph, substitute:

- (ii) if the Ombudsman is required to give a report to the Minister under section 186J that is about records that include the item—when the Ombudsman gives the report;

**344 Subsection 185D(5) (heading)**

Repeal the heading, substitute:

*Enforcement agencies—general*

**345 Before paragraph 185D(5)(a)**

Insert:

- (aa) if the agency was the ACC:
  - (i) the chief officer of the ACC must, as soon as practicable, give copies of the warrant to the Minister and the Inspector-General of Intelligence and Security; and
  - (ii) the Minister must, as soon as practicable after receiving a copy, cause the Parliamentary Joint Committee on Intelligence and Security to be notified of the issuing of the warrant; and

**346 Subsection 185D(6)**

Repeal the subsection, substitute:

- (6) If an authorisation under Division 4 of Part 4-1 is made under the authority of the warrant, the chief officer of the agency must, as

soon as practicable after the expiry of the warrant, give a copy of the authorisation to:

- (a) if the agency was the ACC—the Inspector-General of Intelligence and Security; and
- (b) otherwise—the Ombudsman.

*Enforcement agencies—reports relating to Australian Federal Police*

**347 At the end of section 185D**

Add:

*Enforcement agencies—reports relating to ACC*

(9) If:

- (a) the Inspector-General gives to the Minister a report under section 22 or 25A of the *Inspector-General of Intelligence and Security Act 1986*; and
- (b) the report relates (wholly or partly) to one or both of the following:
  - (i) a journalist information warrant issued to the ACC;
  - (ii) one or more authorisations, referred to in subsection (6) of this section, that were made by one or more authorised officers of the ACC;

the Minister must, as soon as practicable, cause a copy of the report to be given to the Parliamentary Joint Committee on Intelligence and Security.

(10) The Parliamentary Joint Committee on Intelligence and Security may request a briefing from the Inspector-General on:

- (a) a journalist information warrant; or
- (b) an authorisation or authorisations;

to which a report referred to in paragraph (9)(b) of this section relates.

**348 Subparagraph 186A(3)(b)(ii)**

Repeal the subparagraph, substitute:

- (ii) if the Ombudsman is required to give a report to the Minister under section 186J that is about records that

include the item—when the Ombudsman gives the report;

**349 Subsection 186B(1)**

After “an enforcement agency”, insert “, except the ACC or any agency, or part of an agency performing any functions, prescribed by regulations made under the *Ombudsman Act 1976* for the purposes of subsection (1B) of this section,”.

**350 Paragraph 186B(1)(b)**

After “criminal law-enforcement agency”, insert “, except the ACC or any agency, or part of an agency performing any functions, prescribed by regulations made under the *Ombudsman Act 1976* for the purposes of subsection (1B) of this section”.

**351 Paragraph 186B(1A)(b)**

After “an enforcement agency”, insert “, except the ACC or any agency, or part of an agency performing any functions, prescribed by regulations made under the *Ombudsman Act 1976* for the purposes of subsection (1B) of this section,”.

**352 After subsection 186B(1A)**

Insert:

(1B) Regulations made under the *Ombudsman Act 1976* may prescribe certain agencies, or functions of certain agencies, for the purposes of this subsection.

**353 Section 186F (heading)**

After “Ombudsman”, insert “or Inspector-General of Intelligence and Security,”.

**354 Before subsection 186F(1)**

Insert:

*Exchange of information between Ombudsman and State  
inspecting authorities*

**355 At the end of section 186F**

Add:

*Exchange of information between Inspector-General of  
Intelligence and Security and State inspecting authorities*

- (4) If an IGIS official has obtained, under the *Inspector-General of Intelligence and Security Act 1986*, information relating to an authority of a State or Territory about the performance of functions of an intelligence agency (within the meaning of that Act) and its officers relating to:
- (a) Chapter 3 or 4 of this Act; or
  - (b) Part 15 of the *Telecommunications Act 1997* in relation to the performance of a function, or the exercise of a power, conferred by that Part of that Act in connection with a stored communications warrant or an authorisation under Division 3, 4 or 4A of Part 4-1 of this Act;
- the Inspector-General of Intelligence and Security may give the information to an inspecting authority of that State or Territory (within the meaning of subsection (5)).
- (5) For the purposes of subsection (4), an ***inspecting authority*** of a State or Territory is an authority:
- (a) that has powers under the law of that State or Territory; and
  - (b) has the function of making inspections of a similar kind to those provided for in section 9A of the *Inspector-General of Intelligence and Security Act 1986* when the inspecting authority is exercising those powers.
- (6) However, the Inspector-General of Intelligence and Security may give the information only if the Inspector-General of Intelligence and Security is satisfied that giving the information is necessary to enable the inspecting authority to perform its functions in relation to the authority of the State or Territory.
- (7) The Inspector-General of Intelligence and Security may receive, from an inspecting authority, information that:

- (a) relates to the performance of functions of an intelligence agency (within the meaning of the *Inspector-General of Intelligence and Security Act 1986*) relating to the provisions mentioned in paragraph (4)(a) or (b); and
- (b) is relevant to the performance of the Inspector-General of Intelligence and Security's functions under the *Inspector-General of Intelligence and Security Act 1986*.

**356 Clause 51 of Schedule 1 (paragraph beginning “If an international production order is issued”)**

After “the Ombudsman”, insert “(if the agency is not the ACC), or the Inspector-General of Intelligence and Security (if the agency is the ACC)”.

**357 Division 5 of Part 3 of Schedule 1 (heading)**

Repeal the heading, substitute:

**Division 5—Notification to Ombudsman or the  
Inspector-General of Intelligence and Security by  
Part 5.3 IPO agencies in relation to international  
production orders**

**358 Clause 81 of Schedule 1 (heading)**

After “to Ombudsman”, insert “or the Inspector-General of Intelligence and Security”.

**359 Subclause 81(1) of Schedule 1**

Repeal the subclause, substitute:

- (1) Within 3 months after an international production order is issued under this Part in response to an application by a Part 5.3 IPO agency, the chief officer of the agency must:
  - (a) if the agency is the ACC:
    - (i) notify the Inspector-General of Intelligence and Security that the order has been issued; and
    - (ii) give to the Inspector-General of Intelligence and Security a copy of the order; and
  - (b) otherwise:

- (i) notify the Ombudsman that the order has been issued;  
and
- (ii) give to the Ombudsman a copy of the order.

**360 Paragraph 81(2)(a) of Schedule 1**

After “the Ombudsman”, insert “or the Inspector-General of Intelligence and Security (as the case requires)”.

**361 Subparagraph 133(2)(b)(ii) of Schedule 1**

Repeal the subparagraph, substitute:

- (ii) if the Ombudsman is required to give a report to the Minister under clause 150 that is about records that include the copy—when the Ombudsman gives the report;

**362 Subparagraph 134(3)(b)(ii) of Schedule 1**

Repeal the subparagraph, substitute:

- (ii) if the Ombudsman is required to give a report to the Minister under clause 150 that is about records that include the copy—when the Ombudsman gives the report;

**363 Clause 141 of Schedule 1 (paragraph beginning “The Ombudsman may inspect records of a relevant agency”)**

After “a relevant agency”, insert “, except the ACC or certain agencies, or parts of agencies, prescribed by regulations made under the *Ombudsman Act 1976*,”.

**364 Subclause 142(1) of Schedule 1**

After “may inspect records of a relevant agency”, insert “, except the ACC or any agency, or part of an agency performing any functions, prescribed by regulations made under the *Ombudsman Act 1976* for the purposes of subclause (1A) of this clause,”.

**365 After subclause 142(1) of Schedule 1**

Insert:

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- (1A) Regulations made under the *Ombudsman Act 1976* may prescribe certain agencies, or functions of certain agencies, for the purposes of this subclause.

**366 Clause 147 of Schedule 1 (heading)**

After “Ombudsman”, insert “or Inspector-General of Intelligence and Security,”.

**367 Before subclause 147(1) of Schedule 1**

Insert:

*Exchange of information between Ombudsman and State/Territory inspecting authorities*

**368 At the end of clause 147 of Schedule 1**

Add:

*Exchange of information between Inspector-General of Intelligence and Security and State/Territory inspecting authorities*

- (4) If an IGIS official has obtained, under the *Inspector-General of Intelligence and Security Act 1986*, information relating to an authority of a State or Territory about the performance of functions of an intelligence agency (within the meaning of that Act) and its officers, the Inspector-General of Intelligence and Security may give the information to another authority of that State or Territory (an ***inspecting authority***) that:
- (a) has powers under the law of that State or Territory; and
  - (b) has the function of making inspections of a similar kind to those provided for in section 9A of the *Inspector-General of Intelligence and Security Act 1986* when the inspecting authority is exercising those powers.
- (5) However, the Inspector-General of Intelligence and Security may give the information only if the Inspector-General of Intelligence and Security is satisfied that giving the information is necessary to enable the inspecting authority to perform its functions in relation to the authority of the State or Territory.

**Schedule 1** Amendments

**Part 2** Consequential amendments commencing with the main amendments

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- (6) The Inspector-General of Intelligence and Security may receive, from an inspecting authority, information that:
- (a) relates to the performance of functions of an intelligence agency (within the meaning of the *Inspector-General of Intelligence and Security Act 1986*) with this Schedule; and
  - (b) is relevant to the performance of the Inspector-General of Intelligence and Security's functions under that Act.



## **Schedule 2—Review of access to ACIC criminal intelligence assessment records under the archives law**

### ***Administrative Review Tribunal Act 2024***

#### **1 Section 4**

Insert:

*ACIC* means the Australian Criminal Intelligence Commission  
established by the *Australian Crime Commission Act 2002*.

#### **2 Section 4 (at the end of the definition of *exempt security record decision*)**

Add:

; or (iii) a record of the ACIC relating to a criminal intelligence  
assessment (within the meaning of Division 2A of  
Part II of the *Australian Crime Commission Act 2002*).

#### **3 Application of amendments**

The amendments of the *Administrative Review Tribunal Act 2024* made  
by this Schedule apply in relation to a proceeding for review of a  
decision made on or after the commencement of this item.

## Schedule 3—Liability for certain computer-related acts

### *Criminal Code Act 1995*

#### 1 Subsection 476.1(1) of the *Criminal Code*

Insert:

*civil or criminal liability* means any civil or criminal liability (whether under this Part, under another law or otherwise).

*computer-related act, event, circumstance or result* means an act, event, circumstance or result involving:

- (a) the reliability, security or operation of a computer; or
- (b) access to, or modification of, data held in a computer or on a data storage device; or
- (c) electronic communication to or from a computer; or
- (d) the reliability, security or operation of any data held in or on a computer, computer disk, credit card, or other data storage device; or
- (e) possession or control of data held in a computer or on a data storage device; or
- (f) producing, supplying or obtaining data held in a computer or on a data storage device.

#### 2 Subsection 476.4(2) of the *Criminal Code*

Omit “section 476.6”, substitute “sections 476.6 and 476.7”.

#### 3 Subsection 476.6(10) of the *Criminal Code*

Repeal the following definitions:

- (a) definition of *civil or criminal liability*;
- (b) definition of *computer-related act, event, circumstance or result*.

#### 4 At the end of Division 476 of the *Criminal Code*

Add:

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**476.7 Liability for certain acts—defence officials**

- (1) A defence official (within the meaning of subsection (8)) is not subject to any civil or criminal liability for engaging in conduct inside or outside Australia if:
    - (a) the conduct is engaged in on the reasonable belief that it is likely to cause a computer-related act, event, circumstance or result to take place outside Australia (whether or not it in fact takes place outside Australia); and
    - (b) the conduct is engaged in in the proper performance of authorised ADF activities.
  - (2) A person is not subject to any civil or criminal liability for engaging in conduct inside or outside Australia if:
    - (a) the conduct is preparatory to, in support of, or otherwise directly connected with, authorised ADF activities outside Australia; and
    - (b) the conduct:
      - (i) taken together with a computer-related act, event, circumstance or result that took place, or was intended to take place, outside Australia, could amount to an offence; but
      - (ii) in the absence of that computer-related act, event, circumstance or result, would not amount to an offence; and
    - (c) the conduct is engaged in in the proper performance of authorised ADF activities.
  - (3) Subsection (2) is not intended to permit any conduct in relation to premises, persons, computers, things, or carriage services in Australia, being:
    - (a) conduct which ASIO could not engage in without a Minister authorising it by warrant issued under Division 2 of Part III of the *Australian Security Intelligence Organisation Act 1979* or under Part 2-2 of the *Telecommunications (Interception and Access) Act 1979*; or
    - (b) conduct engaged in to obtain information that ASIO could not obtain other than in accordance with Division 3 of Part 4-1 of the *Telecommunications (Interception and Access) Act 1979*.
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- (4) Subsections (1) and (2) have effect despite anything in a law of the Commonwealth or of a State or Territory, whether passed or made before or after the commencement of this subsection, unless the law expressly provides otherwise.
- (5) Subsection (4) does not affect the operation of subsection (3).

*Requirement to give notice of conduct*

- (6) If:
  - (a) a person engages in conduct referred to in subsection (1) or (2); and
  - (b) the conduct causes material damage, material interference or material obstruction to a computer (within the meaning of section 4 of the *Australian Security Intelligence Organisation Act 1979*) in Australia; and
  - (c) apart from this section, the person would commit an offence against this Part;then the person must, as soon as practicable, give a written notice of that fact to:
  - (d) the Chief of the Defence Force; and
  - (e) if the person is not under the command of the Chief of the Defence Force—the Secretary of the Defence Department.
- (7) The notice must also provide details about the conduct that caused the damage, interference or obstruction to the computer.

*Definitions*

- (8) In this section:
  - authorised ADF activity** means an activity, or an activity included in a class of activities, of the Australian Defence Force that is:
    - (a) authorised by the Chief of the Defence Force; and
    - (b) connected with the defence or security of Australia.
  - defence official** means:
    - (a) a member of the Australian Defence Force; or
    - (b) a defence civilian (within the meaning of the *Defence Force Discipline Act 1982*); or
    - (c) the Secretary of the Defence Department; or

- 
- (d) an APS employee of the Defence Department; or
  - (e) a consultant or contractor to the Defence Department; or
  - (f) a person who is made available by another Commonwealth or State authority or other person to perform services for the Defence Department; or
  - (g) any other person included in a class of persons specified under subsection (9).
- (9) The Secretary of the Defence Department or the Chief of the Defence Force may, by legislative instrument, specify one or more classes of persons for the purposes of paragraph (g) of the definition of *defence official* in subsection (8).

Note: For specification by class, see subsection 13(3) of the *Legislation Act 2003*.

#### *Delegation*

- (10) The Secretary of the Defence Department may, in writing, delegate the Secretary's power under subsection (9) to an SES employee in the Defence Department.
- (11) The Chief of the Defence Force may, in writing, delegate the Chief's power under subsection (9) to:
  - (a) an officer of the Australian Navy who holds the rank of Commodore or a higher rank; or
  - (b) an officer of the Australian Army who holds the rank of Brigadier or a higher rank; or
  - (c) an officer of the Australian Air Force who holds the rank of Air Commodore or a higher rank.

## **5 Application provision**

The amendments made by this Part apply in relation to conduct engaged in on or after the commencement of this item.

## Schedule 4—Independent National Security Legislation Monitor Act amendments

### *Independent National Security Legislation Monitor Act 2010*

#### 1 Paragraph 3(a)

Omit “and terrorism-related activity which threatens”, substitute “, terrorism-related activity and threats to”.

#### 2 Paragraph 3(b)

Omit “and terrorism-related activity”, substitute “, terrorism-related activity and threats to Australia’s security”.

#### 3 Section 4

Insert:

*agency within the national intelligence community* has the same meaning as in the *Office of National Intelligence Act 2018*.

#### 4 Section 4 (definition of *counter-terrorism and national security legislation*)

Repeal the definition, substitute:

*counter-terrorism and national security legislation* has the meaning given by section 4A.

#### 5 Section 4

Insert:

*special report* has the meaning given by subsection 29A(1).

*statutory review report* has the meaning given by subsection 29B(2).

#### 6 At the end of Part 1

Add:

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**4A Meaning of *counter-terrorism and national security legislation***

- (1) ***Counter-terrorism and national security legislation*** means:
- (a) laws of the Commonwealth that relate to counter-terrorism or national security; and
  - (b) laws of the Commonwealth to the extent that they relate to counter-terrorism or national security.
- (2) ***Counter-terrorism and national security legislation*** includes the following:
- (a) the *Intelligence Services Act 2001*;
  - (b) the *Australian Security Intelligence Organisation Act 1979*;
  - (c) the *Office of National Intelligence Act 2018*;
  - (d) the *Telecommunications Act 1997*, the *Telecommunications (Interception and Access) Act 1979* and the *Surveillance Devices Act 2004* to the extent that they relate to the exercise of powers by an agency within the national intelligence community;
  - (e) Subdivision C of Division 3 of Part 2 of the *Australian Citizenship Act 2007* (citizenship cessation) and any other provision of that Act as far as it relates to that Subdivision;
  - (f) Part 4 of the *Charter of the United Nations Act 1945* and any other provision of that Act as far as it relates to that Part;
  - (g) the following provisions of the *Crimes Act 1914*:
    - (i) Division 3A of Part IAA and any other provision of that Act as far as it relates to that Division;
    - (ii) sections 15AA and 19AG and any other provision of that Act as far as it relates to those sections;
    - (iii) Part IC, to the extent that the provisions of that Part relate to the investigation of terrorism offences (within the meaning of that Act), and any other provision of that Act as far as it relates to that Part;
  - (h) Chapter 5 of the *Criminal Code* and any other provision of that Act as far as it relates to that Chapter;
  - (j) Part IIIAAA of the *Defence Act 1903* and any other provision of that Act as far as it relates to that Part;
  - (k) the *National Security Information (Criminal and Civil Proceedings) Act 2004*;

(l) Part 2 of the *Counter-Terrorism (Temporary Exclusion Orders) Act 2019* and any other provision of that Act as far as it relates to that Part;

(m) a law, or a provision of a law, of the Commonwealth prescribed by the regulations for the purposes of this paragraph.

(3) To avoid doubt, subsection (2) does not limit subsection (1).

**7 Paragraphs 6(1)(ba) and (bb)**

Repeal the paragraphs.

**8 Paragraph 6(1)(ca)**

Repeal the paragraph.

**9 Paragraph 6(1)(f)**

Repeal the paragraph, substitute:

(f) to report on matters relating to the performance of the Monitor's functions, including reviews conducted by the Monitor (whether on the Monitor's own initiative or as required by law).

**10 Subsection 6(1A)**

Omit “, (b) or (ca)”, substitute “or (b)”.

**11 Paragraph 6(1B)(b)**

Omit “offences);”, substitute “offences).”.

**12 Paragraph 6(1B)(c)**

Repeal the paragraph.

**13 Subsection 6(1C)**

Repeal the subsection.

**14 Subsections 14(2) and (3)**

Omit “Governor-General”, substitute “Attorney-General”.



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**15 After section 17**

Insert:

**17A Application of finance law**

For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*), the Independent National Security Legislation Monitor is an official of the Department.

**17B Independence of Independent National Security Legislation Monitor**

Subject to this Act and any other Act, the Independent National Security Legislation Monitor:

- (a) has complete discretion in performing or exercising the Monitor's functions or powers; and
- (b) is not subject to direction from anyone when doing so.

**16 Subsections 29A(1)**

Omit “, (b) or (ca)”, substitute “or (b)”.

**17 Subsections 29A(3) to (5)**

Repeal the subsections.

**18 Subsection 29B(1)**

Omit “under subsection 6(1B), (1C) or (1F)”, substitute “of legislation the Monitor was required to conduct by law”.

**19 Subsections 29B(3) to (5)**

Repeal the subsections, substitute:

- (3) To avoid doubt, this section does not apply in relation to a review conducted on a referral under section 7 (references by the Prime Minister or the Attorney-General).

**20 After section 29B**

Insert:

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**29C Presenting copies of special reports and statutory review reports to the Parliament**

- (1) If the Independent National Security Legislation Monitor considers that a special report or a statutory review report contains information of the kind referred to in subsection 29(3), the Monitor must also prepare and give to the Attorney-General, with the special report or statutory review report, a version of the report which does not contain that information (a *declassified report*).
- (2) In determining whether a report contains information of the kind referred to in subsection 29(3), the Independent National Security Legislation Monitor may consult the responsible Minister or responsible Ministers concerned.
- (3) The Attorney-General must cause a copy of:
  - (a) unless paragraph (b) applies—the special report or statutory review report; or
  - (b) if the report contains information of the kind referred to in subsection 29(3)—the corresponding declassified report;to be presented to each House of the Parliament within the earlier of:
  - (c) 15 sitting days of that House after the day on which the Attorney-General receives the report; or
  - (d) 30 days after the day on which the Attorney-General receives the report.

## **Schedule 5—Application and transitional provisions for Schedules 1 and 2**

### **1 Application—amendments of the *Inspector-General of Intelligence and Security Act 1986* and the *Office of National Intelligence Act 2018* in Part 1 of Schedule 1**

#### *General application provision*

- (1) The amendments of the *Inspector-General of Intelligence and Security Act 1986*, made by Part 1 of Schedule 1 to this Act, apply (subject to this item) in relation to:
- (a) inquiries under that Act commenced after the commencement of that Part (whether in response to a complaint, a request or on the Inspector-General of Intelligence and Security's own motion); and
  - (b) complaints made to the Inspector-General before the commencement of that Part if:
    - (i) the Inspector-General has not completed any preliminary inquiries under section 14 of that Act before that time; or
    - (ii) the Inspector-General has not made a decision on whether to commence an inquiry before that time; or
    - (iii) at least part of the complaint relates to functions of the Inspector-General before that time; and
  - (c) complaints made to the Ombudsman before, or within the period of 18 months after, the commencement of that Part that are transferred to the Inspector-General under item 5 of this Schedule;
- whether the action to which the inquiry relates was taken before or after that commencement.
- (2) Subitem (1) does not relate to a disclosure of information which has been allocated under section 43 of the *Public Interest Disclosure Act 2013* before that commencement.

*Information sharing*

- (3) Section 32AFA of the *Inspector-General of Intelligence and Security Act 1986*, as inserted by Part 1 of Schedule 1 to this Act, applies in relation to the disclosure of examination material after the commencement of that Part (whether the material was created or obtained before or after that commencement).

*Obtaining reports*

- (4) The amendments of section 32A of the *Inspector-General of Intelligence and Security Act 1986*, made by Part 1 of Schedule 1 to this Act, apply in relation to reports given on or after the commencement of that Part.

*Giving directions and guidelines*

- (5) The amendments of section 32B of the *Inspector-General of Intelligence and Security Act 1986*, made by Part 1 of Schedule 1 to this Act, apply in relation to any direction or guideline that is:
- (a) given after the commencement of that Part; or
  - (b) in force immediately before that commencement.

*Briefing the PJCIS*

- (6) Section 32C of the *Inspector-General of Intelligence and Security Act 1986* and section 18A of the *Office of National Intelligence Act 2018*, as inserted by Part 1 of Schedule 1 to this Act, apply from the first 1 January after that Part commences.

**2 Application—amendments of the *Intelligence Services Act 2001* in Part 1 of Schedule 1**

*General application provision*

- (1) The amendments of the *Intelligence Services Act 2001*, made by Part 1 of Schedule 1 to this Act, apply (subject to this item) in relation to the performance of any functions by ACIC, AFP, AUSTRAC and the Department of Home Affairs after the commencement of that Part.

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*Administration and expenditure*

- (2) The amendments of paragraph 29(1)(a) of the *Intelligence Services Act 2001*, made by Part 1 of Schedule 1 to this Act, apply in relation to the first financial year that ends after the commencement of that Part.

*PJCIS request function*

- (3) Subsection 29(2A) of the *Intelligence Services Act 2001*, as inserted by Part 1 of Schedule 1 to this Act, applies in relation to activities of an agency occurring before or after the commencement of that Part.

*Reports to Parliament*

- (4) The amendments of clause 7 of Schedule 1 to the *Intelligence Services Act 2001*, made by Part 1 of Schedule 1 to this Act, apply in relation to any report presented to a House of the Parliament after the commencement of that Part (whether in relation to information obtained before or after that commencement).

*PJCIS meetings and subcommittees*

- (5) The amendments of Schedule 1 to the *Intelligence Services Act 2001*, made by Part 1 of Schedule 1 to this Act (except clause 7), apply in relation to:
- (a) any meeting conducted by the Parliamentary Joint Committee on Intelligence and Security after the commencement of that Part; and
  - (b) subcommittees of the Parliamentary Joint Committee on Intelligence and Security after the commencement of that Part, whether the subcommittee was established before or after that commencement.

**3 Application—amendments of the *Parliamentary Joint Committee on Law Enforcement Act 2010* in Part 1 of Schedule 1**

- (1) This item applies if the amendment of section 10 of the *Parliamentary Joint Committee on Law Enforcement Act 2010*, made by Part 1 of Schedule 1 to this Act, commences during a calendar year.

- (2) Despite those amendments, that section, as in force immediately before that commencement, continues to apply in relation to the period of the calendar year that ended on that commencement.

#### 4 Application of amendments in Part 2 of Schedule 1

##### *General application—use and disclosure of information*

- (1) The amendments made by Part 2 of Schedule 1 to this Act apply (subject to this item) in relation to the making, disclosing or using (however described) of information, documents or records (however described) after the commencement of that Part (whether the information, documents or records were obtained before or after that time).

##### *ACIC functions*

- (2) The amendments of section 19A of the *Australian Crime Commission Act 2002*, made by Part 2 of Schedule 1 to this Act, apply in relation to requests made after the commencement of that Part.
- (3) The amendments of subsections 25A(4) to (4C) of the *Australian Crime Commission Act 2002*, made by Part 2 of Schedule 1 to this Act, apply in relation to examinations conducted after the commencement of that Part.
- (4) Subsection 25A(14B) of the *Australian Crime Commission Act 2002*, as inserted by Part 2 of Schedule 1 to this Act, applies in relation to uses or disclosures of examination material after the commencement of that Part (whether the material was created or obtained before or after that commencement).
- (5) Despite the repeal of paragraphs 29B(2)(f) and (4)(d) of the *Australian Crime Commission Act 2002* by Part 2 of Schedule 1 to this Act, those paragraphs continue to apply in relation to disclosures made during the period of 12 months beginning at the commencement of that Part.

##### *AHRC functions*

- (6) The amendments of the *Australian Human Rights Commission Act 1986*, made by Part 2 of Schedule 1 to this Act, apply in relation to an act or practice that occurs after the commencement of that Part.

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**Reporting**

- (7) The amendments of sections 3ZZVL, 3ZZVM, 3ZZVN, 3ZZVR, 3ZZVS and 3ZZVU of the *Crimes Act 1914*, made by Part 2 of Schedule 1 to this Act, apply from the first 30 June that occurs after the commencement of that Part.
- (8) The amendments of Part IAB of the *Crimes Act 1914* (except sections 15HK and 15HW), made by Part 2 of Schedule 1 to this Act, apply from the first 30 June that occurs after the commencement of that Part.

**Ombudsman functions**

- (9) The amendments of the *Ombudsman Act 1976* made by Part 2 of Schedule 1 to this Act apply (subject to this item) in relation to:
  - (a) inquiries under that Act commenced after the commencement of that Part; and
  - (b) complaints made to the Ombudsman before the commencement of that Part if:
    - (i) the Ombudsman has not completed any preliminary inquiries under section 7A of that Act before that time; or
    - (ii) the Ombudsman has not made a decision on whether to commence an inquiry before that time;

whether the action to which the inquiry relates was taken before or after that commencement.

Note: Under item 5 of this Schedule, the Ombudsman may transfer complaints to the Inspector-General of Intelligence and Security after the commencement of Parts 1 and 2 of Schedule 1 to this Act.

- (10) Subitem (9) does not relate to a disclosure of information which has been allocated under section 43 of the *Public Interest Disclosure Act 2013* before that commencement.

**Public interest disclosures**

- (11) The amendments of the *Public Interest Disclosure Act 2013* made by Part 2, 4 or 5 of Schedule 1 apply in relation to public interest disclosures made after the commencement of that Part (whether in relation to conduct that occurred before or after that commencement).

*Notifications and inspections*

- (12) The amendments of the *Surveillance Devices Act 2004*, made by Part 2 of Schedule 1 to this Act, apply in relation to:
- (a) warrants issued after the commencement of that Part; and
  - (b) warrants issued before the commencement of that Part if:
    - (i) no notification has been given, in relation to the issue of the warrant, by that commencement; or
    - (ii) a thing is done under the warrant before or after that commencement, and no notification has been given, by that commencement.
- (13) The amendments of the *Telecommunications Act 1997*, made by Part 2 of Schedule 1 to this Act, apply in relation to:
- (a) requests or notices given, or declarations made, after the commencement of that Part; and
  - (b) requests or notices given, or declarations made, before the commencement of that Part if:
    - (i) no notification has been given, in relation to the giving of the request or notice or making of the declaration, by that commencement; or
    - (ii) the request or notice is extended, varied or revoked before or after that commencement, and no notification has been given, by that commencement; and
  - (c) reports relating to consultation notices, whether the notice was issued before or after the commencement of that Part.
- (14) The amendments of the *Telecommunications (Interception and Access) Act 1979*, made by Part 2 of Schedule 1 to this Act, apply in relation to:
- (a) warrants or orders issued after the commencement of that Part; and
  - (b) warrants or orders issued before the commencement of that Part if:
    - (i) no notification has been given, in relation to the issue of the warrant, by that commencement; and
    - (ii) a condition, restriction or provision relating to the warrant is contravened before or after that commencement, and no notification has been given, by that commencement.



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## **5 Transitional arrangements—transfer of complaints from the Ombudsman to the IGIS**

- (1) This item applies in relation to a complaint, or part of a complaint, if the complaint, or part of the complaint:
- (a) was received by the Ombudsman before, or within the period of 18 months after, the commencement of Parts 1 and 2 of Schedule 1 to this Act; and
  - (b) relates to action taken by ACIC; and
  - (c) has not been completed by that commencement; and
  - (d) could, in the opinion of the Ombudsman, be more appropriately or effectively dealt with by the Inspector-General of Intelligence and Security.
- (2) The Ombudsman must transfer the complaint, or part of the complaint, to the Inspector-General of Intelligence and Security.

Note: A complaint, or part of a complaint, transferred under this item is taken to have been made to the Inspector-General under the *Inspector-General of Intelligence and Security Act 1986* (see section 32AH of that Act).

- (3) The Ombudsman must transfer any information and documents relating to the complaint in accordance with section 35AB of the *Ombudsman Act 1976*.

## **6 Transitional arrangements—information sharing**

Section 32AF of the *Inspector-General of Intelligence and Security Act 1986* and sections 35 and 35AB of the *Ombudsman Act 1976* apply, for a period of 18 months beginning at the commencement of Parts 1 and 2 of Schedule 1 to this Act, as if the amendments to the *Ombudsman Act 1976* in Part 2 of Schedule 1 had not been made.

## **7 Transitional rules**

- (1) The Minister may, by legislative instrument, make rules prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by this Act.
- (2) To avoid doubt, the rules may not do the following:
- (a) create an offence or civil penalty;
  - (b) provide powers of:
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- (i) arrest or detention; or
    - (ii) entry, search or seizure;
  - (c) impose a tax;
  - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
  - (e) directly amend the text of this Act.
- (3) This Schedule (other than subitem (2)) does not limit the rules that may be made under this item.
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*[Minister's second reading speech made in—  
House of Representatives on 30 July 2025  
Senate on 25 November 2025]*

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(49/25)