



Royal Commissions Legislation Amendment (Protections for Providing Information) Act 2026

No. 7, 2026

**An Act to amend the law relating to Royal
Commissions, 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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No. 7, 2026

An Act to amend the law relating to Royal Commissions, and for related purposes

[Assented to 13 March 2026]

The Parliament of Australia enacts:

1 Short title

*This Act is the Royal Commissions Legislation Amendment
(Protections for Providing Information) Act 2026.*

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Information) Act 2026 1*

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. The whole of this Act	The day after this Act receives the Royal Assent.	14 March 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Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Note: The provisions of the *Royal Commissions Regulations 2019* amended or inserted by this Act, and any other provisions of that instrument, may be amended or repealed by regulations made under section 17 of the *Royal Commissions Act 1902* (see subsection 13(5) of the *Legislation Act 2003*).

Schedule 1—Amendment of the Royal Commissions Act 1902

Royal Commissions Act 1902

1 After Part 4

Insert:

Part 4A—Other provisions relating to certain Royal Commissions

Division 1—Preliminary

6PA Definitions

In this Part:

Australian Defence Force has the same meaning as in the *Defence Act 1903*.

Australian intelligence entity means:

- (a) the Australian Secret Intelligence Service; or
- (b) the Australian Security Intelligence Organisation; or
- (c) that part of the Defence Department known as the Australian Geospatial-Intelligence Organisation; or
- (d) that part of the Defence Department known as the Defence Intelligence Organisation; or
- (e) the Australian Signals Directorate; or
- (f) the Office of National Intelligence.

Defence Department means the Department administered by the Minister administering the *Defence Force Discipline Act 1982*.

head, of an Australian intelligence entity, means:

- (a) in relation to the Australian Security Intelligence Organisation—the Director-General of Security; or

- (b) in relation to the Australian Secret Intelligence Service—the Director-General of the Australian Secret Intelligence Service; or
- (c) in relation to the Australian Signals Directorate—the Director-General of the Australian Signals Directorate; or
- (d) in relation to the part of the Defence Department known as the Australian Geospatial-Intelligence Organisation—the Director of that part of the Department; or
- (e) in relation to the part of the Defence Department known as the Defence Intelligence Organisation—the Director of that part of the Department; or
- (f) in relation to the Office of National Intelligence—the Director-General of National Intelligence.

intelligence information means any information:

- (a) that was acquired or prepared by or on behalf of an Australian intelligence entity in connection with its functions; or
- (b) that relates to the performance by an Australian intelligence entity of its functions; or
- (c) that identifies a person as being, or having been, a staff member (within the meaning of the *Intelligence Services Act 2001*) or agent of the Australian Secret Intelligence Service or the Australian Security Intelligence Organisation.

intelligence information arrangement means an arrangement between the President or Chair, or the sole Commissioner, of a Commission and the head of an Australian intelligence entity for obtaining, storing, accessing, using, disclosing and returning intelligence information relating to the Australian intelligence entity.

law enforcement or security agency means any of the following:

- (a) the Australian Transaction Reports and Analysis Centre continued in existence by the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*;
- (b) the Australian Defence Force;
- (c) the Australian Federal Police;
- (d) the Australian Criminal Intelligence Commission established by the *Australian Crime Commission Act 2002*;

- (e) the Department administered by the Minister administering the *Australian Border Force Act 2015*.

operationally sensitive information means:

- (a) information about information sources or operational activities or methods available to a law enforcement or security agency; or
- (b) information about particular operations that have been, are being or are proposed to be undertaken by a law enforcement or security agency, or about proceedings relating to those operations; or
- (c) information provided by a foreign government, or by an agency of a foreign government, where that government does not consent to the public disclosure of the information.

operationally sensitive information arrangement means an arrangement between the President or Chair, or the sole Commissioner, of a Commission and the Commonwealth for obtaining, storing, accessing, using and disclosing operationally sensitive information.

secrecy provision means:

- (a) a provision of a law of the Commonwealth that purports to prohibit; or
- (b) anything done, under a provision of a law of the Commonwealth, to prohibit;

any of the following:

- (c) the use of information or a document;
- (d) dealing with information or a document;
- (e) making a record of information, or a copy of a document;
- (f) the disclosure or publication of information;
- (g) the production of, or the publication of the contents of, a document;
- (h) access to information or a document;

regardless of whether the provision of the law of the Commonwealth:

- (i) commenced before the commencement of this definition; or
- (j) is expressed to apply despite any other law.

Secretary means the Secretary of the Department.

6PB Royal Commissions to which this Part applies

This Part applies to a Royal Commission prescribed by the regulations.

Division 2—Provision of intelligence information or operationally sensitive information to a Commission

6PC Persons to comply with requirements to give intelligence information or operationally sensitive information

- (1) It is not a reasonable excuse for the purposes of subsection 3(2B) or (5) or 6AB(4) for a person to refuse or fail to produce a document that contains intelligence information or operationally sensitive information on the ground that the production of the document would contravene a secrecy provision.
- (2) It is not a reasonable excuse for the purposes of subsection 3(6B) for a person to refuse or fail to:
 - (a) give information that is intelligence information or operationally sensitive information; or
 - (b) give a statement containing intelligence information or operationally sensitive information;that the person is required to give under subsection 2(3C) on the ground that giving the information or statement would contravene a secrecy provision.
- (3) A person is not excused from answering a question that the person is required to answer by a member of a Commission on the ground that answering the question would disclose intelligence information or operationally sensitive information in contravention of a secrecy provision.

Note: For protections in relation to intelligence information and operationally sensitive information provided to a Commission, see section 6PD.

6PD Protections for intelligence information and operationally sensitive information—provision to Commission

- (1) This section applies if:
- (a) a person:
 - (i) voluntarily gives information or a document to a Commission and, at that time, reasonably believes that the information or document is relevant to the matters into which the Commission is inquiring; or
 - (ii) makes a statement or disclosure in the course of giving evidence before a Commission; or
 - (iii) makes a statement or disclosure in writing in response to a notice under subsection 2(3C); or
 - (iv) produces a document pursuant to a summons, requirement or notice under section 2 or subsection 6AA(3); and
 - (b) either:
 - (i) the information is intelligence information or operationally sensitive information; or
 - (ii) the document, statement or disclosure contains intelligence information or operationally sensitive information; and
 - (c) the giving, making or production of the information, document, statement or disclosure is consistent with procedures established in accordance with:
 - (i) in the case of intelligence information—an intelligence information arrangement, a copy of which has been published in accordance with section 6PG; or
 - (ii) in the case of operationally sensitive information—an operationally sensitive information arrangement, a copy of which has been published in accordance with section 6PG.

Note: A defendant bears an evidential burden in relation to the matters in subsection (1): see subsection 13.3(3) of the *Criminal Code*.

Protection from liability

- (2) The person does not commit an offence, and is not liable to any penalty, under a secrecy provision for giving, making or producing the information, document, statement or disclosure.

Information etc. not admissible in evidence

- (3) The information, document, statement or disclosure, and the giving, making or production of the information, document, statement or disclosure, is not admissible in evidence against the person in any civil or criminal proceedings in any court of the Commonwealth, of a State or of a Territory in relation to a contravention of a secrecy provision.

Exceptions

- (4) Subsections (2) and (3) do not apply in relation to proceedings for an offence against this Act.

6PE Protections for intelligence information and operationally sensitive information—legal advice and representation

- (1) This section applies if:
- (a) a person uses or communicates intelligence information or operationally sensitive information; and
 - (b) the use or communication is for the primary purpose of obtaining or providing legal advice or legal representation in relation to the application of any right, privilege, immunity, defence or obligation under this Act in connection with a Commission (including any interaction of that right, privilege, immunity, defence or obligation with any other law of the Commonwealth); and
 - (c) in the case of a use or communication for the purpose of obtaining legal advice or legal representation—the advice or representation is obtained from a legal practitioner; and
 - (d) in the case of a use or communication for the purpose of providing legal advice or legal representation—the person is a legal practitioner; and
 - (e) in the case of a communication—if the person knew, or ought reasonably to have known, that the information has a
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security classification, the recipient of the information holds the appropriate level of security clearance; and

- (f) if a copy of a relevant intelligence information arrangement or operationally sensitive information arrangement has been published in accordance with section 6PG—the use or communication is otherwise not inconsistent with that arrangement.

Protection from liability

- (2) The person does not commit an offence, and is not liable to any penalty, under a secrecy provision for the use or communication of the information.

Information etc. not admissible in evidence

- (3) The information, and the use or communication of the information, is not admissible in evidence against the person in any civil or criminal proceedings in any court of the Commonwealth, of a State or of a Territory in relation to a contravention of a secrecy provision.

Exceptions

- (4) Subsections (2) and (3) do not apply in relation to proceedings for an offence against this Act

6PF Commission may use and communicate intelligence information and operationally sensitive information

Use of information etc.

- (1) The Commission may use information, a document, a statement or a disclosure to which section 6PD applies for the purposes of performing or exercising any of the Commission's functions or powers.

Communication of information etc.

- (2) The Commission may, in accordance with section 6P:
 - (a) communicate information to which section 6PD applies; or

- (b) furnish evidence containing information, a document, a statement or a disclosure to which section 6PD applies.

Commission to exercise powers in accordance with arrangements

- (3) The Commission must exercise a power under subsection (1) or (2) in accordance with any relevant intelligence information arrangement or operationally sensitive information arrangement.

Note: Intelligence information arrangements and operationally sensitive information arrangements are required to be published: see section 6PG.

Relationship with other provisions

- (4) Subsections (1) and (2) have effect despite any secrecy provision.
- (5) Subsections (1) and (2) do not limit section 6F, 6P or any other provision of this Act.

6PG Publication of arrangements

The Secretary must, by notifiable instrument, publish a copy of any intelligence information arrangement or operationally sensitive information arrangement, including any such arrangement as varied.

2 Application of amendments

- (1) Section 6PC of the *Royal Commissions Act 1902*, as inserted by this Schedule, applies in relation to a requirement made of a person on or after the commencement of this item, whether the relevant Royal Commission was established before, on or after that commencement.
- (2) Section 6PD of the *Royal Commissions Act 1902*, as inserted by this Schedule, applies in relation to information or a document given, a statement or disclosure made, or a document produced, on or after the commencement of this item, whether the relevant Royal Commission was established before, on or after that commencement.
- (3) Section 6PE of the *Royal Commissions Act 1902*, as inserted by this Schedule, applies in relation to a use or communication on or after the commencement of this item, whether the relevant Royal Commission was established before, on or after that commencement.
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Schedule 2—Amendment of the Royal Commissions Regulations 2019

Royal Commissions Regulations 2019

1 Section 4

Insert:

Antisemitism and Social Cohesion Royal Commission means the Royal Commission on Antisemitism and Social Cohesion, issued by the Governor-General by Letters Patent on 9 January 2026 (and including any later variations of those Letters Patent).

2 After Part 3

Insert:

Part 3A—Royal Commissions to which Part 4A of the Act applies

7A Royal Commissions to which Part 4A of the Act applies

For the purposes of section 6PB of the Act, the Antisemitism and Social Cohesion Royal Commission is prescribed.

Schedule 3—Amendment of the Criminal Code Act 1995

Criminal Code Act 1995

1 After subsection 122.5(4A) of the *Criminal Code*

Insert:

Information communicated etc. to a Royal Commission

- (4B) It is a defence to a prosecution for an offence by a person against this Division that:
- (a) the person communicated, removed, held or otherwise dealt with the relevant information for the primary purpose of communicating it to a Royal Commission within the meaning of the *Royal Commissions Act 1902* (whether or not as a result of a requirement); and
 - (b) at that time, the person reasonably believed that the relevant information was relevant to the Royal Commission’s inquiry.

Note: A defendant may bear an evidential burden in relation to the matters in this subsection (see subsection (12) of this section and subsection 13.3(3)).

2 Subsection 122.5(11) of the *Criminal Code*

After “(4),” insert “(4B),”.

3 Paragraph 122.5(12)(a) of the *Criminal Code*

Omit “or (4A),” substitute “, (4A) or (4B)”.

4 Application of amendments

Subsection 122.5(4B) of the *Criminal Code*, as inserted by this Schedule, applies in relation to information communicated or otherwise dealt with, after the commencement of this item, whether the relevant Royal Commission was established before, on or after that commencement.

*[Minister's second reading speech made in—
House of Representatives on 2 March 2026
Senate on 3 March 2026]*

(23/26)

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Information) Act 2026 13*