OFFICE OF THE INSPECTOR-GENERAL OF INTELLIGENCE AND SECURITY

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Senator Raffaele Ciccone
Chair
Parliamentary Joint Committee on Intelligence and Security
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Dear Senator

Review of Exposure Draft Legislation: Combatting Antisemitism, Hate and Extremism Bill 2026

Thank you for the opportunity to make this submission to the Parliamentary Joint Committee on Intelligence and Security's review of the Combatting Antisemitism, Hate and Extremism Bill 2026 (the CAHE Bill).

This submission discusses the key feature of the Bill that relates to the Inspector-General of Intelligence and Security (IGIS) and the IGIS's role in providing independent oversight of Australia's intelligence agencies. My Office was consulted by the Department of Home Affairs during the development of the CAHE Bill on issues relevant to my Office.

It is one of the objectives of the *Inspector-General of Intelligence and Security Act 1986* (IGIS Act) to assist the Government in assuring Parliament and the public that intelligence and security matters relating to Commonwealth agencies are open to scrutiny, in particular the activities and procedures of intelligence agencies. This includes that Australia's intelligence agencies are acting with legality, with propriety and consistently with human rights.

Turning to the specific features of the CAHE Bill relevant to my Office, I note that the CAHE Bill inserts new sections 92E through 92G to the *Australian Security Intelligence Organisation Act 1979* (ASIO Act). These sections provide that the Director-General of Security may, in writing, arrange for the use of computer programs to take 'specified assessment action' as defined in an instrument made by the Minister. Before the Minister makes such an instrument, or the Director-General makes such an arrangement, the Minister or Director-General must consult with me and provide me with a copy of the instrument and arrangement. I consider this requirement is appropriate and consistent with similar provisions in the ASIO Act[1].

[1] For example, ss8A(6) and 42(2) of the ASIO Act

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The CAHE Bill inserts new section 54G to the *Australian Crime Commission Act 2002*. This section similarly provides that the Chief Executive of the Australian Criminal Intelligence Commission (ACIC) may arrange for the use of computer programs to take specified criminal intelligence assessment action, as defined in section 54G(2), that must be taken by the ACIC under that Act. However, that proposed arrangement does not benefit from similar consultation and engagement with my Office or alternatively, with the Commonwealth Ombudsman, in advance of the ACIC coming under my jurisdiction on 4 June 2026[2]. I encourage the Committee to consider if it would be appropriate to recommend the requirements in s92E(2)-(3) of the ASIO Act be mirrored in section 54G of the ACC Act. In my view, there would be considerable benefit in extending these requirements.

Finally, I note the CAHE Bill provides that these arrangements and instruments are not legislative instruments (as provided by section 54G(8) of the ACC Act, and section 92E(11) of the ASIO Act). I encourage the Committee to consider what public visibility may be desirable of these arrangements, given the strong public interest in the Government's use of automated decision-making following the Royal Commission into the Robodebt Scheme.

To this end, while I acknowledge sensitivities may attach to these arrangements, I note Recommendation 17.1 of the Robodebt Royal Commission report, which was accepted by Government in November 2023, provided in part: *'Where automated decision-making is implemented, there should be a clear path for those affected by decisions to seek review; departmental websites should contain information advising that automated decision-making is used and explaining in plain language how the process works; and business rules and algorithms should be made available, to enable independent expert scrutiny.'*

For completeness, I currently receive a very high level of cooperation from the heads of intelligence agencies with respect to the work of my Office across both my inspection and inquiry functions and have no reason to doubt this cooperation would extend to meeting these new requirements.

I trust this information is of assistance to the Committee.

[redacted]

The Hon Christopher Jessup KC
Inspector-General

15 January 2026

[2] Following commencement of Schedule 1 of the *Strengthening Oversight of the National Intelligence Community Act 2025*