OFFICE OF THE INSPECTOR-GENERAL OF INTELLIGENCE AND SECURITY

Review of the Australian Criminal Intelligence Commission reform package 2026

Submission to the Parliamentary Joint Committee on Intelligence and Security

5 June 2026

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2. Introduction

1. The Inspector-General of Intelligence and Security welcomes the opportunity to make this submission to the review by the Parliamentary Joint Committee on Intelligence and Security (the Committee) on the Australian Criminal Intelligence Commission reform package 2026.

2. The Inspector-General acknowledges the reform package consists of both the Australian Criminal Intelligence Commission Bill 2026 (the Bill) and the Australian Criminal Intelligence Commission (National Policing Information Charges) Bill 2026 (the Charges Bill).

3. This submission focusses on the Bill as it sets out the substantive reforms in the package.

4. The Inspector-General notes that the Charges Bill replaces the *Australian Crime Commission (National Policing Information Charges) Act 2016*, which enables the Australian Criminal Intelligence Commission (ACIC) to continue a self-funded business model, to ensure the sustainable delivery of a Nationally Coordinated Criminal History Check service. The Inspector-General makes no comment on the Charges Bill.

5. Consistent with established practice, the Inspector-General does not make any comment on the policy informing the Bill. Rather, this submission discusses the key features of the Bill that relate to intelligence oversight and the Inspector-General's oversight work regarding exercise by the ACIC of its powers and functions.

6. The Office of the Inspector-General was consulted by the Department of Home Affairs during the development of the Bill, which implements a number of recommendations from the 2024 Independent Review of the Australian Criminal Intelligence Commission conducted by Mr Stephen Merchant PSM and Mr Greg Wilson (the Independent Review).

3. IGIS – Background and Functions

7. The Inspector-General is an independent statutory officer appointed under the Inspector-General of Intelligence and Security Act 1986 (IGIS Act).[1] The Office of the Inspector-General consists of the statutory appointee; staff engaged under the Public Service Act 1999; and others as set out in section 32 of the IGIS Act.

8. The role of the Inspector-General is to provide independent assurance to the Prime Minister, senior ministers, parliament and the public that the activities of the 10 agencies that make up the National Intelligence Community (NIC agencies) under IGIS jurisdiction are conducted with legality, propriety, and consistent with human rights. As set out in the IGIS Act, the NIC agencies the Inspector-General oversees are:

   - Australian Security Intelligence Organisation (ASIO)
   - Australian Secret Intelligence Service (ASIS)
   - Australian Signals Directorate (ASD)
   - Australian Criminal Intelligence Commission (ACIC)
   - Defence Intelligence Organisation (DIO)
   - Australian Geospatial-Intelligence Organisation (AGO)
   - Office of National Intelligence (ONI)
   - Department of Home Affairs (Home Affairs)

[1] Section 4 of the *Inspector-General of Intelligence and Security Act 1986.*

- Australian Federal Police (AFP)
- Australian Transaction Reports and Analysis Centre (AUSTRAC)

The IGIS jurisdiction for Home Affairs, the AFP, and the AUSTRAC is limited to the intelligence functions of those agencies as variously defined.

9. The Inspector-General conducts proactive inspections into the legality, propriety and human rights implications of NIC agency activities and their compliance with policies, procedures and guidelines. The inspection role of the Inspector-General is complemented by preliminary inquiry and inquiry functions. An inquiry is the most formal oversight activity undertaken by the IGIS, and the IGIS Act confers significant powers on the IGIS to obtain information and documents in the conduct of an inquiry[2].

10. The IGIS Act provides that the Inspector-General may conduct an inquiry into the activities of a NIC agency either of their own motion, at the request of the responsible Minister, the Attorney-General, the Parliamentary Joint Committee on Intelligence and Security, or in response to a complaint. The Prime Minister can request the Inspector-General to conduct an inquiry into an intelligence or security matter relating to any Commonwealth agency under section 9 of the IGIS Act.

11. Finally, the Inspector-General can receive complaints about the NIC agencies within their jurisdiction[3]. Complaints can be made by a member of the public, or by a current or former employee of a NIC agency about the activities of a NIC agency. The Inspector-General also receives and, where appropriate, investigates public interest disclosures about suspected wrongdoing within the NIC agencies.

4. The ACIC Bill

12. The Inspector-General notes the explanatory memorandum for the Bill advises it is intended to establish the ACIC as Australia's national criminal intelligence agency, aligning its functions and powers to target efforts towards producing intelligence relevant to serious and organised crime[4].

13. This submission considers each Part of the Bill in turn.

Part 1 and 2 – the Australian Criminal Intelligence Commission

14. The Inspector-General observes that elements of these Parts are analogous to the legislation establishing other intelligence agencies. For example, clause 24 establishes ACIC functions, and clause 27 confers on ACIC the ability to cooperate with other agencies in connection with the performance of those functions, which is comparable to extant sections 6, 7 and 13A of the *Intelligence Services Act 2001* and section 19 of the *Australian Security Intelligence Organisation 1979* (ASIO Act). The IGIS will oversee ACIC's compliance with these provisions in accordance with its usual practice.

Part 3 – Coercive powers

15. The Bill continues ACIC's coercive powers capability, consistent with Government's response to relevant recommendations of the Independent Review. This includes that the ACIC should retain

[2] See section 18 of the IGIS Act.
[3] See Division 2 of the IGIS Act.
[4] Australian Criminal Intelligence Commission Bill 2026, Explanatory Memorandum p3

its ability to use coercive powers for intelligence collection purposes, but with a 'double lock' authorisation process involving both the responsible Minister (replacing the ACIC Board) and an independent examiner (Recommendation 5 of the Independent Review). The IGIS will oversee ACIC's compliance with these provisions in accordance with its usual practice.

16. The Bill also provides how information obtained pursuant to coercive powers can be used and disclosed, and the protections that may be applied to this material and related information. The Inspector-General understands these amendments are to enable the ACIC to fulfill its criminal intelligence mandate and continue to provide key insights into serious and organised crime with a focus on the highest priority criminal networks and organisations. The IGIS will oversee ACIC's compliance with these provisions in accordance with its usual practice.

17. Importantly, the offence provisions in Part 3 will not apply if the person discloses the material for the purpose of an IGIS official exercising a power, or performing a function or duty, as an IGIS official[5]. In the IGIS's view, access to materials and records pertaining to ACIC's use of coercive powers, as well as permitting IGIS officials to attend examinations for the purpose of conducting an inspection or inquiry, is necessary and appropriate to perform the functions or duties under the IGIS Act.

Part 4 – Controlled intelligence operations

18. Part 4 of the Bill will establish a statutory framework for the conduct of controlled intelligence operations by the ACIC. This implements Recommendation 9 of the Independent Review, which recommended that the ACIC should have controlled operations-style powers that are designed for an intelligence collection purpose. The Inspector-General understands Recommendation 9 considered the most appropriate mechanism for the conduct of controlled intelligence operations would be for the ACIC to have access to powers akin to the Special Intelligence Operations (SIO) framework in the ASIO Act. The Government Response agreed that disruption operations should remain the responsibility of law enforcement agencies. The IGIS will oversee the ACIC's compliance with the legislative framework in accordance with its usual practice.

19. The Bill will require the Inspector-General to be notified if a controlled intelligence operations authority is granted or varied under Part 4. The Inspector-General recognises that the Bill (cl 152) will require the Director-General to cause the IGIS to be notified in writing of the granting or variation of a controlled intelligence operations authority under this Part, as soon as practicable after the granting or variation. In the IGIS's view, the mandatory language of 'must' is appropriate.

Part 5 – Search warrants

20. Part 5 of the Bill establishes a framework for the Attorney-General to issue search warrants in relation to particular premises or persons, and related assistance orders, upon request from the Director-General of the ACIC. This framework is in line with Recommendations 4 and 10 of the Independent Review. The Inspector-General acknowledges that search warrants pursuant to the Bill will be subject to strict oversight and accountability measures, and reporting requirements to the IGIS, in recognition of the significant intrusion such a warrant may have on a person's right to privacy. The Inspector-General also acknowledges the purpose of these amendments is for the ACIC to fulfill its intelligence functions, including limits on the exercise of authority conferred by a search warrant. The IGIS will oversee the ACIC's compliance with this framework in accordance with its usual practice.

[5] See for example cl 106(4) and 107(5)(d)

Parts 6 and 7 – National Policing Information systems and services and Criminal Intelligence Assessments

21. The Inspector-General makes no comment on these Parts.

Part 8 – Communication of information

22. Part 8 of the Bill will enable the ACIC to use intelligence to inform all its legislated functions in line with Recommendation 11 of the Independent Review. It also establishes secrecy offences applying to entrusted persons for the unauthorised disclosure of ACIC information or records. The Inspector-General understands that while the ACIC will be exempt from the operation of the Privacy Act, the Bill will support the right to privacy by ensuring that the proper handling of personal information is outlined in Ministerial guidelines made under clause 39 of the Bill. The Minister will be required to consult with the Director-General, the Secretary of the Department with portfolio responsibility for the ACIC, the IGIS in line with their oversight mandate, and the Attorney-General before making the guidelines. Such consultation requirements are consistent with guidelines and privacy rules of other NIC agencies. The IGIS will oversee the ACIC's compliance with the guidelines in accordance with its usual practice.

Part 9 – Administrative Provisions

23. The Inspector-General makes no comment on this Part.

Part 10 – Oversight and record keeping

24. The Bill will also contain general oversight, record keeping and reporting requirements to facilitate oversight of the ACIC and the use of its powers by the IGIS and accountability to the Minister for Home Affairs and the Parliament. The Bill will enable the Director-General to enter into written arrangements with the IGIS, including but not limited to arrangements about notification, record-keeping and reporting requirements[6]. The Inspector-General considers these additional oversight requirements to be appropriate in the circumstances.

5. Conclusion

25. The Inspector-General notes the recent expansion of IGIS jurisdiction to include oversight of the entirety of the ACIC and welcomes the opportunity to make this submission on these reforms.

[6] See cl 270