



AUSTRALIAN
**CRIMINAL
INTELLIGENCE
COMMISSION**

CHIEF EXECUTIVE OFFICER

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8 September 2023

[REDACTED]
Inquiry Secretary
Parliamentary Joint Committee on Intelligence and Security
PO Box 6021
Parliament House
Canberra ACT 2600

Review of the Intelligence Services Legislation Amendment Bill 2023

Thank you for your invitation to provide a submission to the Parliamentary Joint Committee on Intelligence and Security (PJCIS) *Review of the Intelligence Services Legislation Amendment Bill 2023*.

The ACIC notes that the Attorney-General's Department (AGD) intends to provide a comprehensive submission to the Committee which outlines the impacts of these oversight changes for the Australian Criminal Intelligence Commission (ACIC). In addition to the AGD submission, the ACIC would like to offer the following submission.

The ACIC is Australia's national criminal intelligence agency and plays a vital role in keeping Australians safe and protecting Australia's national interests. The ACIC is a National Intelligence Community (NIC) agency. The *Intelligence Services Legislation Amendment Bill 2023* (the Bill) expands the jurisdiction of the Inspector-General of Intelligence and Security (IGIS) to the whole of the ACIC. This is not a small change for our agency, but one that is welcome in aligning ACIC oversight with other agencies in the NIC.

The ACIC's functions of collecting, correlating, analysing and disseminating intelligence are inseparable from our other functions and specialist capabilities, such as our national information and intelligence sharing services systems. As such IGIS oversight of the whole of the ACIC is appropriate to encompass all of our intelligence activities.

The ACIC's coercive powers are at the centre of the agency's operational effort, enabling intelligence collection and the generation of insights into the criminal environment. ACIC Examiners are independent statutory officers appointed by the Governor-General who exercise coercive powers in the course of a special ACIC operation or special ACIC investigation. The IGIS will consult with the ACIC before sharing any examination material in order to appropriately protect this sensitive material, in accordance with section 32AFA of the Bill.

The Bill removes the ACIC from the Commonwealth Ombudsman's jurisdiction, who was variously empowered to perform examinations of the agency's records under the *Surveillance Devices Act 2004*, *Telecommunications Act 1997*, *Telecommunications (Interception and Access) Act 1979* and *Crimes Act*

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Australian Criminal Intelligence Commission

Page 1 of 2

OFFICIAL

1914. This ensures that the ACIC will not be subject to dual oversight by the IGIS and the Ombudsman, and aligns to the approach taken for other NIC agencies who access these powers. Work is underway in the ACIC to map out the assurance footprint and support the handover of responsibilities from the Ombudsman to the IGIS.

The Bill also expands the jurisdiction of the PJCS to the ACIC. Consistent with other agencies wholly within the PJCS's jurisdiction, the PJCS will oversee the administration and expenditure of the ACIC, including the annual financial statements and review any matter in relation to the ACIC that is referred to the Committee.

The ACIC notes that our role as an intelligence agency will be rightly overseen by the IGIS and PJCS, and that it also remains overseen by the Parliamentary Joint Committee on Law Enforcement (PJCLE). The PJCLE monitors and reviews the performance of the ACIC through examining our annual report. The PJCLE may report to parliament upon any matter connected with the performance of our functions or on any matter appearing in, or arising out of the annual reports. The PJCLE also examines trends and changes in criminal activities, practices and methods and reports to parliament on any change it thinks desirable to the functions, structure, powers and procedures of the ACIC.

Should the Committee require any further information they can contact

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Yours sincerely

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Matt Rippon
a/Chief Executive Officer

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