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OFFICE OF THE  
INSPECTOR-GENERAL  
OF INTELLIGENCE  
AND SECURITY

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Review of Administration and Expenditure No. 22  
(2022–23)

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Submission to the  
Parliamentary Joint Committee on Intelligence and Security

24 November 2023

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## Introduction

The Office of the Inspector-General of Intelligence and Security welcomes the opportunity to make this submission to the Parliamentary Joint Committee on Intelligence and Security (the Committee) to assist the Committee’s 2022–23 review of the administration and expenditure of the Australian Security Intelligence Organisation (ASIO), the Australian Secret Intelligence Service (ASIS), the Australian Geospatial-Intelligence Organisation (AGO), the Defence Intelligence Organisation (DIO), the Australian Signals Directorate (ASD), and the Office of National Intelligence (ONI). (o)

The overarching purpose of the Office’s activities is to assist ministers in ensuring that each agency acts legally and with propriety, complies with ministerial guidelines and directives, and acts consistently with human rights. In 2022–23, the Office completed 91 inspections across the 6 agencies in our jurisdiction, plus the AFP’s and ACIC’s use of network activity warrants. In addition, we independently reviewed 67 compliance incidents notified to the Office by the agencies. The Office also received a total of 639 complaints matters in 2022–23. This comprised 34 complaints within the jurisdiction of the *Inspector-General of Intelligence and Security Act 1986* (IGIS Act), 6 public interest disclosures (PIDs) within the meaning of the *Public Interest Disclosure Act 2013* (PID Act), and 599 matters which did not engage either the IGIS Act or the PID Act. (o)

This submission provides a summary of the oversight activities undertaken by the Office in 2022–23, as well as an overview of the complaints received. (o)

In addition to the oversight inquiries outlined in the following sections, the Office undertook one inquiry, and one preliminary inquiry, that focused on the activities of several agencies, known as ‘cross-agency activities’. More information on these activities can be found in section six of the Office’s 2022–23 Annual Report. (o)

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## Oversight overview – 2022–23

### Australian Security Intelligence Organisation (ASIO)

#### Oversight statistics and overarching observations

Due to the breadth of ASIO’s functions, as set out in s 17 of the *Australian Security Intelligence Organisation 1979* (ASIO Act), the Office implements a risk-based approach to its inspections. In 2022–23, the Office undertook 25 ASIO inspections. Of these 25 inspections, the Office identified no matters of legality or propriety in 15 inspections. The Office identified legality or propriety issues in 5 inspections, which are discussed below. The remaining 5 inspections were ongoing as at 30 June 2023. (o)

In 2022–23, the Office also finalised 8 inspections that had commenced in the previous reporting period. The Office identified legality or propriety issues in 7 of these inspections. These are discussed below. (o)

The Office continued to independently review all compliance incident reports relating to breaches of legislation or the Minister’s Guidelines. In 2022–23, ASIO provided 46 compliance notifications to the Office. ASIO notified the Office of 2 additional matters on propriety grounds and 1 further matter in accordance with the requirements of a memorandum of understanding between ASIO and AUSTRAC for access to, and the use of, AUSTRAC information. (o)

In addition, ASIO provided notification of 9 incidents that resulted from the actions of another Australian intelligence agency as it exercised the authority conferred by warrants under the *Telecommunications (Intercept and Access) Act 1979* (TIA Act) managed by ASIO. (o)

Although the number of incidents reported by ASIO increased from the 2021–22 reporting period, the Office considers this reflects a continual maturing of ASIO’s compliance framework, rather than a systemic increase in non-compliance. (o)

Senior-level meetings between the Inspector-General and his senior leadership team and ASIO senior executives continued through 2022–23. (o)

#### Access to systems, personnel and information

In 2022–23, ASIO provided the Office with appropriate direct access to ASIO systems and facilities to support its oversight work. Overall, for individual inspections and inquiries ASIO provided access to appropriate personnel and information in a timely manner to enable the Office’s oversight activities. (o)

#### Preliminary inquiries and inquiries undertaken during 2022–23

The Inspector-General commenced 2 inquiries in relation to ASIO during the reporting period; one related to a complaint and the other is detailed below. (o)

#### Inquiry: Past authorisations

On 8 June 2023, the Inspector-General commenced an inquiry into past authorisations made by the Director-General of Security, authorising the communication of information to ASD staff under s 18 of the ASIO Act and s 65(1) of the *Telecommunications (Interception and Access) Act 1979*. The inquiry followed a preliminary inquiry of multiple agencies and was finalised after the end of the reporting period. (o)

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### Inspections where matters of legality or propriety were identified in 2022–23

#### **Non-warranted surveillance operations**

The Office inspected ASIO's use of non-warranted surveillance devices, with a particular focus on a specific type of optical surveillance. The Office identified serious concerns with around 20 percent of these optical surveillance operations, which had continued despite not appearing to be linked to an active ASIO investigation. The Office considered ASIO had not complied with the requirements of the Minister's Guidelines in some of these cases and that ASIO's actions in some cases may have been unlawful on the basis of the activities being outside ASIO's functions under s 17 of the ASIO Act. The Office assessed the underlying cause of the identified issues to be systemic deficiencies in ASIO's internal processes and policy guidance, which had resulted – over a period of years – in inconsistent practices and unclear lines of responsibility and accountability. (o)

The Office made several recommendations as a result of this inspection. In response to the Office's findings and recommendations, the Director-General of Security wrote to the Inspector-General to outline the remediation action that ASIO had already taken or would take. The Office considers this remediation to be appropriate. (o)

#### **Technical collection and retention**

Each year, the Office conducts an inspection to provide assurance that data in ASIO's technical systems has been collected lawfully, and that any data that is inconsistent with a warrant or otherwise collected unlawfully has been deleted. The scope of this inspection includes data identified for deletion following a compliance incident reported to the Office, as well as a sample identified by the Office during inspection activities. The Office has observed improvements in ASIO's data governance and data deletion processes in recent inspections. (o)

The inspection conducted in the current reporting period identified continued concerns with ASIO's investigation, remediation and reporting of a particular compliance incident relating to a warrant issued under s 11B of the TIA Act that required data deletion to be undertaken. In response to the Office's findings, the Director-General of Security advised the Inspector-General that ASIO would implement several remediation measures. Subsequently, the Director-General provided the Inspector-General with advice on the progress of ASIO's remediation. The Office considered this remediation to be appropriate. (o)

#### **Analytic integrity**

This inspection reviewed a sample of ASIO's published and unpublished analytic products and identified no concerns with ASIO's analytic independence. However, the inspection identified concerns relating to the clarity of language used in some products, particularly where ASIO was seeking a decision from the Attorney-General based on that language. The concerns identified are similar to the concerns reported in the Office's 2021–22 Annual Report. The Office reiterated its view of the importance of clear and consistent language to enable informed decision making. The inspection also found multiple instances of non-compliance with one of ASIO's internal procedures related to ensuring analytic rigour through referencing in ASIO products. The Office will continue to revisit these issues in future inspections. (o)

#### **Human source management**

The Office conducts regular inspections of ASIO's human source management. Although the majority of inspections of this matter during 2022–23 identified no legality or propriety issues, one inspection identified concerns about potentially systemic non-compliance with ASIO's internal procedures within one area responsible for human source management. The Office made recommendations directed to improving ASIO's records relating to oversight and accountability for these cases. (o)

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In 2021–22, the Office commenced 2 inspections focused on a particular type of human source operation. The inspections identified that the impact of COVID-19 disruptions was evident in the management of the reviewed cases. The Office identified significant variability in the quality and timeliness of records and line management oversight. The Office noted that at the time of the inspections, the relevant area in ASIO had been restructured and had commenced reviewing and updating its internal procedures. The Office’s inspection outcomes have since contributed to ASIO’s review and update of these procedures. The Office commenced a follow-up inspection of these operations in October 2023, which remains ongoing. (o)

### **Special intelligence operations**

The Office reviews special intelligence operations (SIOs) both on an individual basis and as part of periodic inspections. An inspection during the 2021–22 reporting period identified several areas of concern relating to the management of legal risk, the completeness of information provided to the Attorney-General, and record-keeping relating to management of a particular SIO. (o)

In one of the inspections of SIOs conducted during the 2022–23 reporting period, the Office concluded that although ASIO had addressed the individual issues identified in previous inspections, this remediation may not have addressed underlying systemic issues associated with the management of SIOs. The Office recommended that ASIO review its compliance management framework relating to the use of SIO powers. (o)

### **ASIO’s interaction with minors**

In 2021–22, the Office commenced a wide-ranging inspection of ASIO’s investigative and operational activities, where the subject of the activity was a minor. The inspection found that ASIO’s policy and procedural guidance in respect of investigative and operational interactions with minors was disjointed, which resulted in inconsistency of approach and giving rise to a higher chance of legality or propriety risks occurring. The Office made several recommendations, including that ASIO develop overarching policy guidance and take steps to improve its consideration and recording of relevant matters. ASIO implemented the Office’s recommendations during the reporting period. (o)

### **Use of a particular technical capability**

The focus of this inspection – commenced in 2021–22 – was a non-warranted technical capability used by ASIO. The inspection identified inconsistencies in ASIO’s approach to these operations relating to: approvals and authorisations; application of the relevant standing operating procedure; and record keeping. The Office will conduct a follow-up inspection in 2024–25. (o)

### **Warrants**

In 2021–22, the Office reviewed warrant reports to the Attorney-General that contained reporting of warrant-related non-compliance. The Office identified concerns relating to one warrant about the completeness and accuracy of information provided to the Attorney-General. More generally, the Office noted variability in the type and amount of information being provided to the Attorney-General across the warrant reports. The Office noted that ASIO had commenced reviewing its internal guidance to improve clarity and consistency in its reporting. (o)

### **Device access orders under s 34AAD of the ASIO Act and ASIO’s use of industry assistance requests under the *Telecommunications Act 1997***

The scope of this inspection, commenced in 2021–22, included ASIO’s use of device access orders under s 34AAD of the ASIO Act as well as industry assistance requests issued under Part 15 of the *Telecommunications Act 1997*. In relation to device access orders, the Office identified concerns relating to notification and reporting to the Attorney-General. The Office also identified an

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inconsistency in ASIO policies relating to the inclusion of certain information in a device access order. The Office recommended that ASIO provide additional information to the Attorney-General for completeness and clarity, and suggested improvements to ASIO's policies. In addition, the Office identified that some industry assistance requests did not comply with the policies required under s 3.6 of the Minister's Guidelines. The Office suggested that ASIO undertake further work to ensure that internal policies are reflected in relevant templates and understood by operational areas. (o)

### Inspections directly relevant to PJCIS Administration and Expenditure jurisdiction

#### Internal security

The Office conducts periodic inspections to assess whether ASIO manages internal security investigations into its officers appropriately, including cases where the investigation could result in the officer having their security clearance revoked (a precondition for employment at ASIO). The Office did not identify any issues of concern in the cases reviewed during 2022–23. (o)

#### Other reviews

In addition to its regular inspection program, the Office reviews ASIO's use of certain powers under the ASIO Act following notification to the Inspector-General. (o)

#### Special intelligence operations

SIO powers allow ASIO to seek authorisation from the Attorney-General to undertake activities, in support of its functions, that would otherwise be unlawful. The ASIO Act requires ASIO to notify the Inspector-General as soon as practicable after an authority is given. During the reporting period, in all instances the Inspector-General was notified within 24 hours of the Attorney-General granting approval for a SIO. The ASIO Act also requires ASIO to provide the Attorney-General and the Inspector-General a written report on each SIO. ASIO provided all required reports to the Inspector-General. (o)

#### Compulsory questioning

ASIO's compulsory questioning powers, including provisions relating to the Office's oversight of the questioning or apprehension of a person, are contained in Part III Division 3 of the ASIO Act. The Office was not notified of any use of ASIO's compulsory questioning powers and therefore the Inspector-General did not attend any questioning sessions during 2022–23. (o)

#### Use of force

Warrants issued under the ASIO Act must explicitly authorise the use of force necessary and reasonable to undertake the actions specified in the warrant. Under s 31A of the ASIO Act, when force is used against a person in the execution of a warrant, ASIO must notify the Inspector-General in writing and as soon as practicable. ASIO notified the Office of one instance of use of force in 2022–23. On further investigation, ASIO determined that the reported incident did not constitute use of force. The Office reviewed ASIO's determination and agreed with ASIO's conclusion. (o)

### Complaints relating to processing of visa and citizenship applications

The Office receives complaints concerning the processing of visa and citizenship applications, particularly regarding the length of time taken to finalise applications beyond the indicative timeframes listed on the Department of Home Affairs website. The Office's jurisdiction extends to where those delays are a result of processes or practices within the intelligence agencies. In 2022–23, IGIS conducted two inspections of visa and citizenship complaints received by the Office. No issues of legality or propriety were identified in the inspections. (o)



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### Compliance incidents

As noted above, ASIO provided 46 compliance notifications to the Office in 2022–23. The matters reported involved potential or actual non-compliance with the following legislation:

- *Australian Security Intelligence Organisation Act 1979*
- *Telecommunications (Interception and Access) Act 1979*
- *Crimes Act 1914*
- *Criminal Code Act 1995*. (o)

In addition, ASIO provided notifications relating to non-compliance with the Minister’s Guidelines issued under s 8A of the ASIO Act, as well as matters that ASIO considered should be reported to the Office on propriety grounds. One further matter that would not otherwise have met the threshold for reporting to the Office was reported in compliance with the requirements of the ASIO–AUSTRAC memorandum of understanding for access to, and the use of, AUSTRAC information. (o)

ASIO provides the Office with its final compliance incident report when its investigation of each incident is completed. When these reports are received, the Office reviews ASIO’s assessment of the incident and proposed remediation action. For all matters finalised during 2022–23, the Office was satisfied with ASIO’s assessment and remediation. In addition to its case-by-case review of compliance incidents, the Office conducts a bi-annual inspection to provide assurance of ASIO’s implementation of remediation action arising from both inspections and compliance incidents. Full details of the compliance incidents reported to the Office are in the Office’s 2022–23 Annual Report. (o)

Where potential systemic issues have been identified either through an inspection, compliance incident/s or the bi-annual review of remediation, the Office will consider this when developing its next risk-based inspection plan and will incorporate further inspection activity as appropriate. (o)

### Areas of inspection findings relevant to the PJCIS

The Office may identify findings directly or indirectly relevant to the PJCIS’ jurisdiction when undertaking its inspection and inquiry activities. This may include priority focus areas specifically for the Administration and Expenditure Inquiry for 2022–23, but also broader administration and expenditure concepts. Information regarding such findings are presented under relevant headings below. (o)

#### **Artificial intelligence, machine learning, and bio-intelligence**

Nil for 2022–23. (o)

#### **Staff support services**

Nil for 2022–23. (o)

#### **Strategic workforce planning aimed at culturally and linguistically diverse staff**

Nil for 2022–23. (o)

#### **Use of external contractors**

Nil for 2022–23. (o)

#### **Record keeping**

The Office notes that issues relating to record keeping continue to arise in many inspections. The Office observes that ASIO has taken steps to not only improve its record keeping but also ensure that clear guidance is provided to staff about what records are not only required to be kept, but should be kept, and in what level of detail, for propriety reasons. (o)

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**Security management**

The Office’s inspections relating to ASIO security management are limited to the Internal Security inspection discussed above in the “Inspections directly relevant to PJCIS Administration and Expenditure Jurisdiction” section. (o)

**ASIO’s complaints and Public Interest Disclosures management**

Nil for 2022–23. (o)

**Policy management**

The Office’s inspection findings often include comment about the completeness and effectiveness of ASIO’s internal operational and analytical policies and procedures, including recommendations to improve clarity and consistency in these documents. The Office has found ASIO to be responsive to suggestions for improvement. (o)

**Financial management**

Nil for 2022–23. (o)

**People management**

Nil for 2022–23. (o)

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### Australian Secret Intelligence Service (ASIS)

#### Oversight statistics and overarching observations

Due to the breadth of ASIS's functions, as set out in s 6 of the *Intelligence Services Act 2001* (the IS Act), the Office implements a risk-based approach to its inspections. In 2022–23, the Office undertook 16 inspections of ASIS activities and completed 5 inspections that commenced in 2021–22. Of these 21 inspections, the Office identified no matters of legality or propriety in 10 inspections. The Office identified legality or propriety issues in 8 inspections, which are discussed below. The remaining 3 inspections were ongoing as at 30 June 2023. (o)

The Office continued to independently review all compliance incident reports it received relating to breaches of legislation, ASIS's *Rules to Protect the Privacy of Australians* (the Privacy Rules), or the Minister's Directions, or relating to non-compliance with ASIS's internal policies and procedures. In 2022–23, ASIS provided 10 compliance reports to the Office. (o)

While there were some themes in the compliance incidents reported during 2022–23 (for example, in relation to non-application of the Privacy Rules before communicating information concerning Australian persons), the number of incidents reported represents a very small percentage of ASIS's activities under its functions. The Office has not identified any systemic reasons or weaknesses that led to these incidents. The number of incidents in 2022–23 is on par with 2021–22 – and a significant decrease from previous years. (o)

Meetings between the Inspector-General, his leadership team, and ASIS senior executives continued through 2022–23. (o)

#### Access to systems, personnel and information

In 2022–23, ASIS provided the Office with facility access and some direct access to ASIS systems to enable oversight work. The Office experienced some delays in accessing relevant ASIS records, which hampered the Office's ability to finalise inspections in a timely manner. ASIS and the Office worked collaboratively to identify solutions to improve direct system and information access, and ASIS has a project underway to implement those improvements in early 2023–24. (o)

#### Preliminary inquiries and inquiries undertaken during 2022–23

The Inspector-General did not commence any preliminary inquiries or inquiries in relation to ASIS during the reporting period. (o)

#### Inspections where matters of legality or propriety were identified in 2022–23

##### **Use of assumed identities**

The Office undertook 2 inspections of ASIS's use and management of assumed identities under the *Crimes Act 1914* (the Crimes Act). The first inspection identified several propriety concerns with ASIS's management of its assumed identities regime, particularly related to the interpretation and implementation of relevant sections of the Crimes Act. The Office identified 7 instances of non-compliance with policy and made 10 recommendations for ASIS to improve its assumed identities regime. (o)

The Office conducted a second inspection on ASIS's use and management of assumed identities, to review ASIS's implementation of the first inspection's recommendations. As ASIS was still in the process of implementing the recommendations from the first inspection, the Office finalised this

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second inspection without any findings. An inspection into ASIS's implementation of recommendations from the first inspection on use and management of assumed identities is scheduled for 2023–24. (o)

### **Cooperation with ASIO under s 13B of the *Intelligence Services Act 2001***

The Office completed 2 inspections of arrangements in place for ASIS to undertake activities to support ASIO in the performance of its functions, as outlined in s 13B(1) of the IS Act. One inspection did not identify any instances of non-compliance with legislation or policy. (o)

In the second inspection, the Office found 2 instances of non-compliance with human rights procedures related to ASIS's engagement with foreign liaison partners during a series of overseas deployments. Both incidents were procedural in nature with respect to assessing human rights risks prior to engagement; the Office found no indication either incident adversely affected any individual's human rights. The Office also provided 4 recommendations in this inspection aimed at strengthening ASIS's demonstration of compliance with, and application of, ASIS's Privacy Rules. (o)

### **Human rights procedures**

The Office conducted an inspection of ASIS procedures to manage the risk to human rights when undertaking cooperation with foreign authorities under s 13(1)(c) of the IS Act. This inspection used a sample of 10 foreign partners to check that ASIS had proper human rights risk management procedures in place for each foreign partner. (o)

The Office identified one instance of non-compliance with ASIS's existing human rights procedures when ASIS engaged with a liaison partner without an extant assessment of the human rights risks. The Office did not consider that this instance of non-compliance adversely affected any individual's human rights. (o)

### **Operational files related to priority thematic areas**

The Office identified legality and propriety issues in 1 of 3 completed inspections regarding operational functions undertaken in relation to priority thematic areas. (o)

The Office identified 6 instances of non-compliance with ASIS Privacy Rule 6.1 and 1 instance of non-compliance with ASIS's human rights procedures. All non-compliance was related to incorrect approvals for sharing sensitive intelligence information with a foreign partner. ASIS also submitted a compliance report related to the instance of non-compliance with ASIS human rights procedures. (o)

### **Operational files related to ASIS activities overseas**

The Office undertook inspections of ASIS's operational files at 2 overseas locations over specified time periods. Both inspections identified issues of propriety relating to record keeping and human rights risk management procedures. (o)

One inspection provided 3 recommendations designed to strengthen ASIS's record keeping practices to ensure evidence of compliance with the law and ASIS policies can be better demonstrated. (o)

The second inspection identified weaknesses in ASIS's compliance with human rights risk management procedures in a particular location and provided recommendations to strengthen ASIS's approach. The Office did not consider that this propriety concern adversely affected any individual's human rights. (o)

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### **Ministerial directions under s 6(1)(e) of the Intelligence Services Act 2001**

The Office reviewed arrangements in place for ASIS to undertake activities under the Foreign Minister’s direction related to the capabilities, intentions or activities of people or organisations outside Australia under s 6(1)(e) of the IS Act. The inspection was reported in 2 parts. (o)

The first report was provided to the Foreign Minister and the Director-General of ASIS and addressed the legality of the current arrangements in place for the Foreign Minister to direct such activities. The Office found that, in a number of important respects, the protocol developed by ASIS for operational activities under the Minister’s direction amounted to an impermissible attempt to delegate the function entrusted to the Minister. (o)

The second report was provided to ASIS only and addressed the legality and propriety of the specific activities undertaken under these directions during the inspection period. The Office did not identify any non-compliance with the implementation of the extant directions, but provided recommendations intended to strengthen propriety considerations and practices. (o)

### **Use of weapons**

The Office reviewed ASIS’s management of weapons and associated qualifications, with a focus on Schedule 2 of the IS Act. Schedule 2 provides the legislative framework for ASIS officers to use weapons and self-defence in certain circumstances. (o)

In this inspection, the Office did not identify any non-compliance with legislative requirements, but did identify propriety concerns. Specifically, the Office identified one instance of unclear information being provided to the Foreign Minister regarding the weapons qualifications of an ASIS officer being posted overseas. (o)

### [Inspections directly relevant to PJCIS Administration and Expenditure jurisdiction](#)

Nil for 2022–23. (o)

### [Other reviews](#)

#### **Emergency authorisation**

In 2022–23, the Office also reviewed ASIS’s compliance with the requirements of s 9D of the IS Act, regarding ASIS’s use of an emergency authorisation in relation to circumstances which involved an imminent risk to the safety of an Australian person who was outside Australia. Paragraph 9D(8)(b) of the IS Act requires the Inspector-General to provide the responsible minister a report on the Inspector-General’s views of the extent of the compliance by the agency head with the requirements of s 9D and also provide a copy of the conclusions in the report to the PJCIS. (o)

The Inspector-General concluded that the Director-General of ASIS complied with the requirements of s 9D of the IS Act when exercising this power, and informed the responsible minister and the PJCIS as required. (o)

### [Compliance incidents](#)

ASIS provided 10 compliance notifications to the Office in 2022–23, all of which were reviewed by the Office. The matters reported involved potential or actual non-compliance with the IS Act and ASIS’s Privacy Rules. (o)

Of the 10 reports, 2 remain under investigation, 2 were closely linked to inspections and are dealt with in the inspections section above (refer to ‘use of assumed identities’ and ‘operational files

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related to priority thematic areas'), and 2 had no findings of non-compliance. The remaining incidents concerned:

- eight instances of non-application and/or non-recording of the application of the ASIS Privacy Rules; and
- one instance of non-compliance with s 8 of the IS Act when ASIS failed to obtain written authorisation from the Foreign Minister before undertaking an activity or series of activities related to collecting intelligence on an Australian person. (o)

ASIS provided the Office with its finalised compliance reports for the above matters. Generally, where ASIS identifies incidents like these, remediation action is taken internally, including the review of relevant policies and procedures. The Office will consider both the incident and the actions taken and propose additional recommendations if required. The Office is satisfied with ASIS's response to these incidents and has found no indication of systemic failings with ASIS's compliance controls or training. (o)

### Areas of inspection findings relevant to the PJCIS

The Office may identify findings directly or indirectly relevant to the PJCIS's jurisdiction when undertaking its inspection and inquiry activities. This may include priority focus areas specifically for the Administration and Expenditure Inquiry for 2022–23, but also broader administration and expenditure concepts. Information regarding such findings are presented under relevant headings below. (o)

#### **Artificial intelligence, machine learning, and bio-intelligence**

Nil for 2022–23. (o)

#### **Staff support services**

Nil for 2022–23. (o)

#### **Strategic workforce planning aimed at culturally and linguistically diverse staff**

Nil for 2022–23. (o)

#### **Use of external contractors**

Nil for 2022–23. (o)

#### **Record keeping**

The Office's 2022–23 inspections of ASIS activities consistently found that ASIS's record keeping practices, while generally satisfactory, could be improved. (o)

#### **Security management**

Nil for 2022–23. (o)

#### **ASIS's complaints and Public Interest Disclosures management**

Nil for 2022–23. (o)

#### **Policy management**

Nil for 2022–23. (o)

#### **Financial management**

Nil for 2022–23. (o)

#### **People management**

Nil for 2022–23. (o)

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### Australian Geospatial-Intelligence Organisation (AGO)

#### Oversight statistics and overarching observations

In 2022–23, the Office continued to take a risk-based approach to its inspection program for AGO. In 2022–23, the Office undertook 17 inspections on AGO’s activities. The Office found no legality or propriety concerns in any of the inspections conducted. However, the Office did make a number of observations relating to AGO’s record keeping and adherence to, or currency of, internal policies and procedures. (o)

The Office and AGO held senior-level triannual engagements continued through 2022–23. (o)

#### Access to systems, personnel and information

In 2022–23, AGO provided the Office with appropriate direct access to AGO systems and facilities to support its oversight work. Overall, for individual inspections AGO provided access to appropriate personnel and information in a timely manner to enable the Office’s oversight activities. (o)

#### Preliminary inquiries and inquiries undertaken during 2022–23

The Office did not undertake any preliminary inquiries or inquiries in relation to AGO during the 2022–23 reporting period. (o)

#### Inspections where issues were identified

Nil for 2022–23. (o)

#### Compliance incidents

The Office independently reviews all compliance incidents reported by AGO relating to non-compliance with legislation or AGO internal policies and procedures. In 2022–23, no compliance incidents were reported by AGO. (o)

#### Inspections directly relevant to PJCIS Administration and Expenditure jurisdiction

In 2022–23 the Office undertook no inspections directly relevant to the administration and expenditure of AGO. (o)

#### Other reviews

##### **Emergency authorisation**

In 2022–23, the Office also reviewed AGO’s compliance with the requirements of s 9D of the IS Act, regarding AGO’s use of an emergency authorisation in relation to circumstances which involved an imminent risk to the safety of an Australian person who was outside Australia. Paragraph 9D(8)(b) of the IS Act requires the Inspector-General to provide the responsible minister a report on the Inspector-General’s views of the extent of the compliance by the agency head with the requirements of s 9D and also provide a copy of the conclusions in the report to the PJCIS. (o)

The Inspector-General concluded that the Director AGO complied with the requirements of s 9D of the IS Act when exercising this power, and informed the responsible minister and the PJCIS as required. (o)

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Areas of inspection findings relevant to the PJCIS

The Office may identify findings directly or indirectly relevant to the PJCIS' jurisdiction when undertaking its inspection and inquiry activities. This may include priority focus areas specifically for the Administration and Expenditure Inquiry for 2022–23, but also broader administration and expenditure concepts. Information regarding such findings are presented under relevant headings below. (o)

**Artificial intelligence, machine learning, and bio-intelligence**

Nil for 2022–23. (o)

**Staff support services**

Nil for 2022–23. (o)

**Strategic workforce planning aimed at culturally and linguistically diverse staff**

Nil for 2022–23. (o)

**Use of external contractors**

Nil for 2022–23. (o)

**Record keeping**

The Office identified record keeping issues relating to both policy and procedural compliance during 2022–23. Where appropriate, AGO has undertaken to update the relevant policies and guidance it provides to staff on these matters. The Office will review these updates in similar inspections in the 2023–24 reporting period. (o)

**Security management**

Nil for 2022–23. (o)

**AGO complaints and Public Interest Disclosures management**

Nil for 2022–23. (o)

**Policy management**

While AGO maintains a suite of internal policies and procedures, the Office has on occasion identified areas where this policy advice is unclear, does not provide sufficient guidance, or requires development. When this is identified, AGO is informed via inspection findings and recommendations and has taken prompt action to remediate. (o)

**Financial management**

Nil for 2022–23. (o)

**People management**

Nil for 2022–23. (o)



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### Defence Intelligence Organisation (DIO)

#### Oversight statistics and overarching observations

In 2022–23, the Office continued to take a risk-based approach to its inspection program for DIO. Due to DIO’s primary role as an assessment agency, it generally presents fewer operational activities with significant legal and propriety risks when compared to other agencies under the Inspector-General’s remit. As a result, the Office has historically undertaken fewer inspections of DIO compared to other agencies. (o)

In 2022–23, the Office undertook 4 inspections into DIO’s activities. No matters of legality or propriety were identified in 3 inspections. The Office identified legality or propriety issues in one inspection, which is discussed below. In a number of other inspections conducted by the Office in 2022–23, minor findings were made regarding DIO’s processes and practices. These predominately related to instances where DIO’s record keeping practices were inconsistent with internal DIO policies and guidelines, but were otherwise not considered improper. (o)

The Office and DIO held senior-level biannual engagements in September 2022 and May 2023. (o)

#### Access to systems, personnel and information

In 2022–23, DIO provided the Office with appropriate direct access to DIO systems and facilities to support its oversight work. Overall, for individual inspections DIO provided access to appropriate personnel and information in a timely manner to enable the Office’s oversight activities. (o)

#### Preliminary inquiries and inquiries undertaken during 2022–23

The Office did not undertake any preliminary inquiries or inquiries in relation to DIO during the 2022–23 reporting period. (o)

#### Inspections where matters of propriety were identified

##### **DIO’s analytic integrity**

This inspection was focused on DIO’s approach to ensuring the analytic integrity of its intelligence assessment products and activities and focused primarily on areas of intelligence assessment management. The Office reviewed the tasking and scope of the products, conducted interviews of DIO staff, and reviewed whether DIO could demonstrate that consultation and internal approval processes were transparent and free from bias. The purpose of the inspection was to determine DIO’s ability to demonstrate analytic rigour, contestability and independence of judgements. (o)

The Office made a number of findings and recommendations, the most substantial finding being that DIO was unable to demonstrate systemic analytic independence for a range of intelligence products due to deficiencies in how analytic products are managed from initial tasking to final publication, including record keeping around internal content changes. DIO accepted the findings and recommendations within the inspection report and has commenced implementing a range of measures to address areas of concern. The Office will increase the number of inspections into the analytic independence and integrity of DIO intelligence assessments in 2023–24 to monitor implementation of the recommendations. (o)

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### Inspections directly relevant to PJCIS Administration and Expenditure jurisdiction

In 2022–23 the Office undertook no inspections directly relevant to the administration and expenditure of DIO. (o)

### Areas of inspection findings relevant to the PJCIS

#### **Artificial intelligence, machine learning, and bio-intelligence**

Nil for 2022–23. (o)

#### **Staff support services**

Nil for 2022–23. (o)

#### **Strategic workforce planning aimed at culturally and linguistically diverse staff**

Nil for 2022–23. (o)

#### **Use of external contractors**

Nil for 2022–23. (o)

#### **Record keeping**

The Office identified record keeping issues relating to both policy and procedural compliance during 2022–23. Where appropriate, DIO has undertaken to update the relevant policies and guidance it provides to staff on these matters. The Office will review these updates in similar inspections in the 2023–24 reporting period. (o)

#### **Security management**

Nil for 2022–23. (o)

#### **DIO complaints and Public Interest Disclosures management**

Nil for 2022–23. (o)

#### **Policy management**

The Office reviewed DIO amendments to internal policies and procedures that are relevant to DIO's compliance with the Rules to Protect the Privacy of Australians. The Office identified no issues or concerns in its review. (o)

#### **Financial management**

Nil for 2022–23. (o)

#### **People management**

Nil for 2022–23. (o)

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### Australian Signals Directorate (ASD)

#### Oversight statistics and overarching observations

Due to the breadth of ASD’s functions, the Office implements a risk-based approach to its inspection of ASD activities. In 2022–23, the Office undertook 16 inspections of ASD activities. The Office identified no legality or propriety concerns in 15 inspections. In the remaining inspection, which related to a review of ASD’s activities conducted under a particular Ministerial Authorisation, the Office identified one potential incident of legislative noncompliance with the TIA Act, which is discussed below. (o)

In a number of the 15 inspections where no legality or propriety concerns were identified, the Office made some observations regarding ASD’s processes and practices. These predominately related to instances where ASD’s record keeping practices were inconsistent with internal ASD policies and guidelines, but were otherwise not considered improper. Each of these instances was promptly resolved by ASD, and ASD has undertaken to update the relevant policies and guidance it provides to staff on these matters. The Office will review these updates in similar inspections in the 2023–24 reporting period. (o)

The Office continues to independently review all Compliance Incident Reports (CIR) relating to non-compliance with legislation, Ministerial Directions, Ministerial Authorisations, and ASD’s internal policies and procedures. The Office also reviews any issues that ASD raise as potential compliance incidents before commencing their internal investigations, but which they later determine do not constitute an incident of non-compliance. (o)

In 2022–23, ASD provided 11 new notifications of potential compliance incidents to the Office. In addition, ASD continued its internal investigation of 8 potential compliance incidents from previous reporting periods. (o)

Although the Office continues to receive a number of compliance incidents, the Office considers this reflects a mature and healthy compliance culture of reporting. The number of incidents reported on an annual basis represents a very small percentage of ASD’s activities under its functions. (o)

Senior level meetings between the Inspector-General and his senior leadership team and ASD’s senior executives continued through 2022–23. (o)

#### Access to systems, personnel and information

In 2022–23, ASD provided the Office with appropriate direct access to ASD systems and facilities to support its oversight work. Overall, for individual inspections and inquiries ASD provided access to appropriate personnel and information in a timely manner to enable the Office’s oversight activities. (o)

#### Preliminary inquiries and inquiries undertaken during 2022–23

The Inspector-General completed 1 inquiry and 1 preliminary inquiry focused on ASD during the reporting period. (o)

#### Inquiry: Ministerial Authorisation

As advised in the 2021–22 reporting period, in May 2022, the Inspector-General commenced a preliminary inquiry into ASD’s submission for a Ministerial Authorisation and the activities approved and undertaken under that authorisation. (o)

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This preliminary inquiry examined:

- whether the activities authorised were within the scope of the functions specified in the accompanying ministerial submission, the authorisation itself and other relevant material; and
- whether the submission that accompanied the application for the authorisation addressed all relevant statutory criteria. (o)

In October 2022, the Inspector-General decided that limited further investigation, in the form of an inquiry, was required into the Ministerial Authorisation and other relevant material. The inquiry focused on:

- the completeness of the ministerial submission that sought the authorisation and whether the Minister for Defence was properly advised of the relevant legal and operational risks associated with the authorisation; and
- the circumstances facing ASD at the time, including the reasons for the urgency of the request. (o)

The inquiry concluded in May 2023 and found the submission and accompanying attachments failed to address the statutory requirements for the authorisation which was being sought. However, ultimately ASD undertook no operational activities under the authorisation before it was cancelled on 26 September 2022. Further, the Office also found no reason to doubt the urgency under which this the authorisation was sought and did not find any evidence to suggest the activities proposed under the Ministerial Authorisation were illegal or improper. (o)

In response, ASD advised it had implemented new practices to address matters raised in this inquiry for future ministerial submissions. The Office will review the new practices in 2023–24. (o)

### Preliminary inquiry: Public Interest Disclosure management

On 23 January 2023, the Inspector-General, by his own motion, commenced a preliminary inquiry into ASD's administration of PIDs under the PID Act. The preliminary inquiry followed receipt of a number of complaints made to this Office during the current and previous reporting periods, which raised concerns about ASD's handling of PIDs. The purpose of the preliminary inquiry is to determine whether the Inspector-General should inquire further into ASD's administration of the PID scheme. The preliminary inquiry remained ongoing at the end of the reporting period. (o)

### Inspections where matters of legality or propriety were identified

#### **Activities conducted under ministerial authorisation**

The inspection was focused on ASD's Ministerial Authorisations, and the Office identified a potential incident of legislative non-compliance with the TIA Act. This matter remains under investigation by ASD and the Office will conduct a review of the issue when ASD completes its internal investigation. (o)

### Inspections directly relevant to PJCIS Administration and Expenditure jurisdiction

In 2022–23 the Office undertook no inspections directly relevant to the administration and expenditure of ASD. (o)

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### Other reviews

#### **Overtaken presumptions of nationality**

The Minister for Defence issues written rules, *ASD's Rules to Protect the Privacy of Australians* (the ASD Privacy Rules), to regulate ASD's communication and retention of intelligence information about Australian persons. Among other things, ASD must report to the Office when ASD has revised its determination that a person previously presumed to be foreign is an Australian person – which is known as 'overturning a presumption of nationality' – and usually occurs when ASD obtains further information on an individual. If the initial presumption was reasonable, such incidents do not represent a breach of legislation or the ASD Privacy Rules. (o)

In 2022–23, the Office reviewed 45 reports in which the application of the ASD Privacy Rules resulted in a presumption of nationality being overturned, including 6 reports received during the previous reporting period. In each of these 45 cases, the Office assessed that the initial presumption was reasonable, and ASD took appropriate measures to protect the privacy of Australian persons. The Office also noted that ASD had remediated its internal processes that contributed to the occurrence of some OPN instances, and observed that ASD had worked closely with partner agencies to remind them of their obligations regarding the reporting of new intelligence information relevant to ASD's decision on the application of the *Rules to Protect the Privacy of Australians*. (o)

#### **Emergency authorisation**

In 2022–23, the Office also reviewed ASD's compliance with the requirements of s 9D of the IS Act, regarding ASD's use of an emergency authorisation in relation to circumstances which involved an imminent risk to the safety of an Australian person who was outside Australia. Paragraph 9D(8)(b) of the IS Act requires the Inspector-General to provide the responsible minister a report on the Inspector-General's views of the extent of the compliance by the agency head with the requirements of s 9D and also provide a copy of the conclusions in the report to the PJCIS. (o)

The Inspector-General concluded that the Director-General of ASD complied with the requirements of s 9D of the IS Act when exercising this power, and informed the responsible minister and the PJCIS as required. (o)

### Compliance incidents

ASD reports to the Office where it identifies potential non-compliance with legislation and significant or systemic matters of non-compliance with ASD policy. The Office reviews these reports and, where necessary, undertakes independent investigation of the incident. In doing so, the Office may seek additional information or undertake other investigative activities. Given the technical complexity of ASD's capabilities, some compliance incidents can involve lengthy review processes – particularly where independent legal advice is sought as part of ASD's compliance investigation process. (o)

As noted above, in 2022–23, ASD provided 11 new notifications of potential compliance incidents to the Office. These were in addition to 8 potential compliance incidents notifications that remained open and were provided in the previous reporting periods. (o)

During 2022–23, the Office reviewed 12 compliance incident reports, including 8 reports that were provided during the reporting period and 4 reports which were provided in the previous reporting periods. Of these 12 reports, 8 reported compliance incidents were confirmed by the Office as matters of legislative non-compliance, resulting in 10 instances of non-compliance with legislation. These instances of non-compliances are detailed below. (o)

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- 1 incident where ASD inadvertently enabled interception that fell outside the scope of an existing authorisation and, in doing so, intercepted and stored a record of communications passing over a telecommunications system. This single incident constituted 2 separate instances of non-compliance with the TIA Act. (o)
- 3 incidents where a combination of system design issues and human error caused ASD to potentially intercept communications passing over a telecommunications system. However, a review did not identify any instances where interception of such communications took place. These incidents constituted 4 instances of non-compliance with s 7(1)(c) of the TIA Act. (o)
- 2 instances where the unanticipated outcomes of a system update or malfunction led to an incorrect labelling of data, making it available to analysts not authorised to have access to that information. These incidents constituted 2 instances of non-compliance with s 63 of the TIA Act. (o)
- 2 instances where ASD received and made a record of lawfully intercepted data that it was not legislatively authorised to receive. These incidents constituted 2 instances of non-compliance with s 63(1) of the TIA Act. (o)

Of the remaining compliance incidents reported by ASD in 2022–23, 3 were determined by ASD, and agreed by the Office to be compliant, 1 incident remained under review, pending ASD receiving additional legal advice. (o)

In reviewing the compliance incidents reported to our Office during the reporting period, the Office observed some common themes. (o)

- ASD continued to notify the Office of potential and confirmed compliance incidents in a timely and appropriate manner. ASD was also responsive when this Office identified potential compliance incidents in inspection activities. (o)
- In some instances, ASD has required an extended period of time to investigate potential compliance incidents, often as a result of the technical complexities surrounding many of the potential compliance incidents. In these instances, ASD has consistently applied appropriate mitigations to minimise potential damage should non-compliance with legislation or internal ASD policies be confirmed. (o)
- While ASD has robust governance frameworks to implement and manage new capabilities, unforeseen technical errors and system design issues can result in unanticipated outcomes that occasionally cause compliance incidents. Where possible, ASD puts in place technical solutions to minimise the reoccurrence of these errors. (o)
- The technical complexities of ASD's existing capabilities can result in limitations on ASD's ability to introduce fully automated assurance and compliance controls that could minimise incidents. ASD is aware of these limitations, and is seeking to remedy as new tools are developed. (o)
- At times, ASD has had a legislative non-compliance arising from the actions of another agency over which it has no control. In these circumstances, ASD has been quick to respond – and to offer technical assistance – when alerted to such incidents. (o)

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### Areas of inspection findings relevant to the PJCIS

#### **Artificial intelligence, machine learning, and bio-intelligence**

Nil for 2022–23. (o)

#### **Staff support services**

Nil for 2022–23. (o)

#### **Strategic workforce planning aimed at culturally and linguistically diverse staff**

Nil for 2022–23. (o)

#### **Use of external contractors**

Nil for 2022–23. (o)

#### **Record keeping**

ASD generally has robust policy and governance frameworks that govern its internal practices and activities. However, the Office has noted some underlying ASD record keeping practices that did not meet expected standards. When raised with ASD, its response to these concerns has been appropriate and it has undertaken steps to mitigate these concerns, including conducting internal record keeping and compliance audits. (o)

The Office has seen an overall reduction in the number of compliance incidents identified that are directly correlated with poor record keeping practices. (o)

#### **Security management**

Nil for 2022–23. (o)

#### **ASD complaints and Public Interest Disclosures management**

As noted previously, the Office has commenced a preliminary inquiry into ASD's management of PIDs. The preliminary inquiry remains underway. (o)

#### **Policy management**

ASD maintains a large suite of internal operational and compliance policies and procedures. These policy documents are typically comprehensive and provide effective guidance to ASD staff regarding the conduct of activities in the performance of ASD's functions. However, many of the policies which guide ASD's compliance practices and processes are becoming increasingly out-of-date and require updating to align them with contemporary expectations and practices. ASD has advised this process is underway for policies identified for updating by the Office, and the Office will review their progress in the 2023–24 reporting period. (o)

The Office has also identified instances where centralised policy advice is unclear or does not provide sufficient guidance, leading to a compliance incident. In addition, for some activities there is no centralised guidance and ASD mission areas are responsible for developing guidance pages and standard operating procedures, which has contributed to the occurrence of compliance incidents. (o)

#### **Financial management**

Nil for 2022–23. (o)

#### **People management**

Nil for 2022–23. (o)

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### Office of National Intelligence (ONI)

#### Oversight statistics and overarching observations

In 2022–23, the Office continued to take a risk-based approach to its inspection program for ONI. As ONI is primarily an assessment and coordination agency, it presents fewer operational activities with significant legal and propriety risks when compared to other agencies under the Inspector-General's remit. Therefore, the Office has historically undertaken fewer inspections of ONI compared to other agencies. In 2022–23, the Office undertook 6 inspections of ONI and completed a further 2 inspections commenced in 2021–22. Of these 8 inspections, the Office identified no matters of legality or propriety in 3 inspections. The Office identified legality or propriety issues in 3 inspections, which are discussed below. The remaining 2 inspections were ongoing as at 30 June 2023. (o)

The Office and ONI held senior-level biannual engagements in November 2022 and May 2023. (o)

#### Access to systems, personnel and information

In 2022–23, ONI provided the Office with appropriate facilities and systems access to enable our oversight activities. The Office has experienced some delays in access to information and personnel to finalise inspections in a timely manner due to limited resource availability in the relevant ONI work area. (o)

#### Preliminary inquiries and inquiries undertaken during 2022–23

The Inspector-General did not commence any preliminary inquiries or inquiries in relation to ONI during the reporting period. (o)

#### Inspections where matters of legality or propriety were identified in 2022–23

##### Ministerial submissions and advice

The Office reviewed ONI's submissions to the Prime Minister across all areas of its activities, as well as briefing material prepared by ONI for meetings of Cabinet. (o)

The inspection identified that the ONI *Rules to Protect the Privacy of Australians* (the Privacy Rules) were not being considered for the possible communication about Australian persons by the Director-General of National Intelligence (DGNI) in Cabinet meetings. ONI undertook to ensure that the Privacy Rules were applied in support of future meetings. No other concerns were identified during the inspection. (o)

##### Assumed identities

The Office reviewed the management practices enabling ONI's use of assumed identities under s 15K of the *Crimes Act 1914* and s 7(1)(g) of the *Office of National Intelligence Act 2018*. This was the Office's first inspection of ONI's assumed identities management practices. (o)

The inspection identified no instances of non-compliance with legislation. One identified propriety matter stemmed from inconsistencies between guidance material and ONI's current practices in the use of assumed identities. The Office noted that for the majority of the inspection period, ONI's primary governance material for management of assumed identities contained references to undeveloped supporting documentation. Despite this issue, the Office found that ONI staff managed use of assumed identities appropriately. ONI developed updated guidance material prior to



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commencement of the inspection. This updated guidance was implemented while the inspection was ongoing. (o)

### **Open source intelligence**

ONI's open source intelligence functions are articulated in s 7(1)(g) of the ONI Act. The Office reviewed a sample of open source intelligence products and related documents over the inspection period, with a focus on record keeping, governance, and collection of open source intelligence on Australian persons. (o)

The inspection found no instances of non-compliance with legislation. The Office identified one instance of non-compliance with policy on record keeping requirements. The Office provided recommendations to improve record keeping on open source intelligence collection-related activities and to ensure all areas in ONI are fully aware of their record keeping responsibilities in relation to activities supporting the Open Source Intelligence Branch. (o)

### Inspections directly relevant to PJCIS Administration and Expenditure jurisdiction

Nil for 2022–23. (o)

### Other reviews

In addition to inspection and compliance investigation activities, the Office reviews ONI policies and procedures relevant to ONI's compliance with legislation or other directions as directed by legislation or at ONI's request. In August 2022, ONI provided the Office with draft copies of its updated Privacy Rules. ONI updated its Privacy Rules to align with the implementation of the *National Security Legislation Amendment (Comprehensive Review and Other Measures No. 1) Act 2022*. Under s 53(4) of the ONI Act, the Inspector-General of Intelligence and Security, the Attorney-General, the Director-General of National Intelligence, and the Privacy Commissioner must be consulted on changes to ONI's Privacy Rules. The Prime Minister wrote to the Inspector-General seeking consultation on changes to the rules. (o)

The Office reviewed these changes and provided comments to ONI, which were considered and incorporated where appropriate. The new ONI Privacy Rules were endorsed by the Prime Minister on 29 September 2022 and adopted on 1 October 2022. (o)

### Compliance incidents

ONI reported no compliance incidents to the Office in 2022–23. (o)

### Areas of inspection findings relevant to the PJCIS

#### **Artificial intelligence, machine learning, and bio-intelligence**

Nil for 2022–23. (o)

#### **Staff support services**

Nil for 2022–23. (o)

#### **Strategic workforce planning aimed at culturally and linguistically diverse staff**

Nil for 2022–23. (o)

#### **External contractors**

Nil for 2022–23. (o)

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**Record keeping**

The Office’s 2022–23 inspections of ONI activities consistently found that ONI’s record keeping practices, while generally satisfactory, could be further improved. The Office notes that ONI is presently updating its publication and production systems, which should contribute to improved record keeping practices. (o)

**Security management**

Nil for 2022–23. (o)

**ONI’s complaints and Public Interest Disclosure management**

Nil for 2022–23. (o)

**Policy management**

Nil for 2022–23. (o)

**Financial management**

Nil for 2022–23. (o)

**People management**

Nil for 2022–23. (o)

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### Complaints and disclosures

#### Complaints and disclosures received in 2022–23

In the 2022–23 reporting period, the Office received a total of 639 matters. This comprised 34 complaints within the jurisdiction of the *Inspector-General of Intelligence and Security Act 1986* (IGIS Act), 6 PIDs within the meaning of the PID Act, and 599 matters which did not engage either the IGIS Act or the PID Act. By comparison, in the 2021–22 reporting period the Office received a total of 521 matters.<sup>1</sup> This comprised 80 complaints within jurisdiction of the IGIS Act, 10 PIDs, and 431 matters which did not engage either the IGIS Act or the PID Act. (o)

The Office also receives complaints concerning the processing of visa and citizenship applications, particularly regarding the length of time taken to finalise applications beyond the indicative timeframes listed on the Department of Home Affairs' website. In the 2022–23 reporting period, the Office received 70 complaints relating to visa and citizenship applications. This represents a decrease from 141 visa and citizenship related complaints in the 2021–22 reporting period. The Office's handling of these matters has been discussed in more detail in the Agency Oversight section. (o)

There was a decrease in the number of complaints received in the 2022–23 period (34) compared to the 2021–22 period (80). The Office's complaints handling practice – including the way the Office records statistics – continues to mature. In practice, this means that some matters that would have been recorded as complaints in the previous reporting period were recorded as contacts in this period. This is reflected in the increase in the number of contacts in 2022–23 (599) from 2021–22 (431). (o)

The Office does not track the actual number of separate pieces of correspondence received in each reporting period. This is because each contact received, and complaint or PID handled, usually contains multiple pieces of correspondence and tracking this number would be resource-intensive and highly impractical. The number of individual pieces of correspondence received, however, would naturally be significantly higher than 639 – which is the number of approaches the Office had during this reporting period. (o)

#### General nature of complaints 2022–23

Complaints received during the 2022–23 reporting period covered a wide range of matters, including allegations that related to:

- employment issues,<sup>2</sup> including security clearance and organisational suitability assessment processes
- processes for conducting security assessments
- collection, use and safeguarding of personal information
- conduct of investigations under the PID Act by other agencies
- alleged surveillance, harassment and/or unauthorised interference with the person
- contact with intelligence agencies including in relation to the use of warranted powers
- recruitment processes
- information gathering and sharing
- unlawful activity. (o)

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<sup>1</sup> We note that in our previous submission to the committee, the Office did not include PIDs as part of this number. As a result, the number previously provided was 511. The number of PIDs received was however, provided as part of the last submission separately. (o)

<sup>2</sup> During the 2022–23 reporting period, IGIS's complaints jurisdiction only extended to employment matters relating to ASD, ASIO and ASIS. (o)

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The Office did not identify any significant changes or trends in the nature of the complaints that it received in the 2022–23 reporting period. (o)

**Number of formal inquiries in relation to complaints**

In 2022–23, there were no findings of illegality or impropriety in relation to the complaints determined to fall within IGIS's complaints jurisdiction. One of the 34 complaints proceeded to an inquiry. This inquiry was finalised in the 2023–24 reporting period and will be reported on in the Office's 2023–24 Annual Report. (o)

**Disclosures received in 2022–23**

IGIS can receive PIDs under the PID Act in respect of each of the 6 Australian intelligence agencies, as well as in relation to the intelligence functions of the AFP and ACIC. (o)

During the 2022–23 financial year, IGIS handled 6 PIDs. Of the 6 PIDs handled in this period, the Office allocated 4 disclosures to intelligence agencies for handling and 2 disclosures to itself for handling. Both of the matters allocated to the Office for handling are currently being investigated. (o)

The types of disclosable conduct that were the subject of disclosures are provided in Table 1. (o)

Disclosable conduct <sup>3</sup>	2021–22	2022–23
Maladministration	9	3
Danger to health or safety	2	-
Could lead to disciplinary action against a public official	2	3
Contravention of a law of the Commonwealth, State or Territory	1	1
Abuse of a position of trust	1	-
Conduct that perverts the course of justice	1	-
Conduct that results in wastage of relevant money	-	3
Conduct that unreasonably results in or increases a risk of danger to the health or safety of one or more persons	-	2

Classification: (O)

**Table 1: Types of disclosable conduct 2021–22 and 2022–23** (o)

Noting the relatively low number of the disclosures considered across the reporting periods, the Office does not consider there to be any significant change in the nature of the conduct considered in the 2021–22 and 2022–23 reporting periods. (o)

<sup>3</sup> One PID may relate to one or more agencies, and one or more kinds of disclosable conduct. (o)