

# **Account Takeover Warrants: Are agencies being accountable?**

**Report to the Minister for Home Affairs on the Australian Criminal Intelligence Commission and Australian Federal Police compliance with Part IAAC (Account Takeover Warrants) of the Crimes Act 1914 (Cth) – 1 July 2024 to 30 June 2025**

Report by the Commonwealth Ombudsman, Iain Anderson under section 3ZZVX of the Crimes Act 1914 (Cth)

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# Contents

- Executive summary ..... 4
  - Account Takeover Warrants at a glance** ..... 5
  - Our Oversight**..... 6
  - Inspection Results** ..... 6
- Appendix A..... 8
  - Table of reported inspection findings by agencies for the period 1 July 2024 to 30 June 2025** ..... 8

# Executive summary

Part IAAC of the Crimes Act 1914 (the Act) enables the Australian Federal Police (AFP) and the Australian Criminal Intelligence Commission (ACIC) to use an Account Takeover Warrant (ATW) to take control of a person's online account to gather evidence to further the investigation of a serious criminal offence. For example, an ATW would allow the AFP or ACIC to covertly takeover a person's online social media, banking or online forum accounts to gather evidence of the offending.

During the inspection period (1 July 2024 to 30 June 2025) the Commonwealth Ombudsman (our Office) inspected both the AFP and ACIC's use of ATWs on two occasions. The ACIC had not used the powers and we made no findings in relation to them from our inspections.

At the AFP we found 3 instances where the Final Effectiveness Reports (FER) for ATWs were not completed within the timeframe nominated in the AFP's internal policy. We suggested the AFP remind investigators to submit an FER within 14 days of the revocation or expiry of the warrant, in line with the AFP's policy. The AFP accepted this finding and suggestion.



# Account Takeover Warrants at a glance

<b>Legislation</b>	Crimes Act 1914 – Part IAAC
<b>Which agencies can apply for ATWs</b>	<ul style="list-style-type: none"><li>• Australian Federal Police (AFP)</li><li>• Australian Criminal Intelligence Commission (ACIC)</li></ul>
<b>Inspection Period</b>	1 July 2024 to 30 June 2025

	<b>AFP</b>	<b>ACIC</b>
<b>Number of inspections</b>	<b>2</b>	<b>2</b>
<b>Number of Account Takeover Warrants issued</b>	<b>4</b>	<b>0</b>
<b>Number of Findings</b>	<b>1 Finding resulting in 1 Suggestion (accepted by the AFP)</b>	<b>0</b>

## Our Oversight

Our Office, in accordance with s3ZZVR of the *Crimes Act 1914* (Crimes Act), must annually inspect the records of the AFP and ACIC to determine the extent of their compliance with Part IAAC of the Crimes Act when using an Account Takeover Warrant (ATW). Section 3ZZVX of the Act requires the Ombudsman to submit a report annually to the Minister for Home Affairs on the outcomes from our inspections. The Minister must table this report in each House of the Parliament within 15 sitting days of receiving it. Our reporting provides transparency and a level of assurance to the Parliament and public on the use of these powers.

During our inspections of the ACIC and AFP, both agencies positively engaged with our Office in providing support to our inspections. The AFP was also proactive in disclosing instances of non-compliance with the Act or their procedures to our inspection officers. Our finding with respect to the AFP stemmed from these disclosures made during our inspection.

## Inspection Results

Between 1 July 2024 to 30 June 2025 (the inspection period), the AFP were issued ATWs on 4 occasions. The ACIC did not apply for any ATWs.

The following provides the details of our inspections of the ACIC and AFP records for the inspection period.

Agency	Inspection Dates	ATWs used	ATWs Inspected	No. of ATW Findings	No. of Recommendations	No. of Suggestions
AFP	Aug 2024	1	1	0	0	0
ACIC	Dec 2024	0	0	0	0	0
AFP	March 2025	3	3	1	0	1
ACIC	April 2025	0	0	0	0	0



## The AFP did not complete Final Effectiveness Reports within the AFP's internal reporting timeframes

During our March 2025 inspection, the AFP disclosed 3 instances where Final Effectiveness Reports (FERs) for warrants were not completed within 14 days of the warrant being revoked or expiring; a timeframe set by the AFP in their internal policy. The longest period of the 3 instances that the FER was not completed was 45 days.

Section 3ZZVL and 3ZZVM of the Act requires the Chief Officer of an agency to make and submit a report on an annual basis to the Minister and the Ombudsman containing particulars in relation to an ATW. This includes details such as the benefit execution of the ATW had to the investigation of the offence and how information obtained under the ATW was used.

To support the Commissioner's (or Chief Officer) reporting under the Act, the AFP's internal framework and procedures requires investigators to complete and submit a FER within 14 days of the warrant being revoked or expiring. The FER captures all the information required to prepare the reports to the Minister and Ombudsman. The AFP relies on the information provided through an FER to help inform the annual report. While the failure to submit an FER on time does not breach any provisions under the Act, it can affect the accuracy and timeliness of the Commissioner or Chief Officer's report.

Investigators are responsible for managing all reporting requirements, including keeping contemporaneous notes to enable the completion of the FER. The FER enables the investigator to impart all the required information from the execution of an ATW to satisfy the criteria under 3ZZVL and 3ZZVM of the Act.

Following discovery of the delays with the FERs being submitted and disclosing this to our Office, the AFP undertook remedial action to remind investigators of their obligations when preparing and submitting a FER. After reviewing the AFP's disclosures during our onsite inspection, we made a suggestion that the AFP ensure investigators are reminded at the time of the revocation or expiry of an ATW of their obligation to submit their FER within 14 days.

The AFP accepted our suggestion and advised that in July 2025, they have provided additional guidance reminding investigators of their reporting obligations and timeframes. The AFP also reinforced adherence to their guidance material created in February 2024 to support investigators with using the ATW powers.



# Appendix A

## Summary of our inspection findings for the period 1 July 2024 to 30 June 2025

The 4 tables below outline all findings from our inspections of the Australian Federal Police (AFP) and the Australian Criminal Intelligence Commission (ACIC) records between 1 July 2024 and 30 June 2025.

**Table 1: Findings at the AFP – August 2024 Inspection**

Findings	Agency Response
No Findings	N/A

**Table 2: Findings at the ACIC – December 2024 Inspection**

Findings	Agency Response
No Findings	N/A

**Table 3: Findings at the AFP – March 2025 Inspection**

Findings	Agency Response
<p><b>Final Effectiveness Reports (FER) not completed within policy timeframe</b></p> <p><b>Suggestion:</b> The AFP ensure investigators are reminded following the revocation or expiry of an Account Takeover Warrant to submit their Final Effectiveness Report within the AFP policy requirement of 14 days.</p>	<p>The AFP accepted our Finding and suggestion.</p>



**Table 4: Findings at the ACIC – April 2025 Inspection**

<b>Findings</b>	<b>Agency Response</b>
No Findings	N/A

