

A2576769

13 April 2026

Mr Alan Raine

Inquiry Secretary

Senate Legal and Constitutional Affairs Committee

via email: 

Dear Mr Raine

[Inquiry into the Crimes and Other Legislation Amendment \(Omnibus No. 1\) Bill 2026](#)

Thank you for the invitation to provide a submission to the Senate Legal and Constitutional Affairs Legislation Committee regarding the Crimes and Other Legislation Amendment (Omnibus No. 1) Bill 2026 (**the Bill**).

The purpose of the Office of the Commonwealth Ombudsman (**the Office**) is to:

- provide assurance that the agencies and entities we oversee act with integrity and treat people fairly; and
- influence systemic improvement in government administration.

One of the ways the Office achieves its purpose is by overseeing Commonwealth, state and territory law enforcement and integrity agencies' use of several covert, intrusive and coercive powers.

If enacted, the Bill would amend aspects of legislation providing those powers which the Office oversees, including the *Telecommunications (Interception and Access) Act 1979* (TIA Act), the *Surveillance Devices Act 2004* (SD Act) and the *Crimes Act 1914* (Crimes Act).

In particular, Schedule 1 of the Bill would extend sunset dates for data disruption warrants (under the SD Act) and account takeover warrants (under the Crimes Act) so that those powers can continue to be available.

Schedule 1 would also remove the ACIC's¹ ability to obtain data disruption warrants.

If enacted, these amendments would give effect to aspects of recommendations 1, 2 and 3 of the Independent National Security Legislation Monitor's (INSLM's) report '[Data Disruption, Network Activity and Account Takeover Powers – Review of Surveillance Legislation Amendment \(Identify and Disrupt\) Act 2021](#)' (the Report). Those recommendations are subject to implementation of recommendations 6–8. The [government response to the Report](#) confirmed the government will consider recommendations 6–8 (and other recommendations) in the context of electronic surveillance reform².

Insofar as they relate to the Office's oversight of those legislative regimes, I am comfortable with the Bill's proposed changes. An extension to sunseting arrangements would provide for the continuation of those warrant regimes for a further 3 years while other aspects of the INSLM's recommendations are considered. The removal of the ACIC's ability to obtain data disruption warrants appears consistent with the ACIC being re-defined as an intelligence agency.

If you have any further questions, please contact [REDACTED]

Yours sincerely

[REDACTED]
Iain Anderson
Commonwealth Ombudsman

¹ I note the *Strengthening Oversight of the National Intelligence Community Act 2025* removes the ACIC from the Office's jurisdiction as of 4 June 2026.

² This is also confirmed by paragraph 41 of the [Explanatory Memorandum](#) to the Bill.