



Australian Government
Attorney-General's Department

The Senate Legal and Constitutional Affairs Legislation Committee

Inquiry into the Australian Crime Commission Amendment (National Policing Information) Bill 2015 and the Australian Crime Commission (National Policing Information Charges) Bill 2015

Written questions on notice
Attorney-General's Department

March 2016

Questions on Notice

The Queensland and WA Crime and Corruption Commissions have submitted that, as agencies with law enforcement functions, provision needs to be made for them to be able to access national policing information under the new arrangements, either through a specific inclusion in new subsection 59AA(1B), or by being prescribed through regulation under subsection 59AA(1B)(g).¹

1. Does the government have a view on the necessity or appropriateness of providing access to national policing information to the states' crime and corruption commissions?
2. Is there an intention at this stage to prescribe the Queensland, WA and/or other state crime and corruption commissions by regulation under section 59AA(1B)?

The answer to the Committee's questions is as follows:

Proposed subsection 59AA(1B) requires the ACC Chief Executive Officer to obtain the Board's approval before disclosing national policing information to an agency that is not either an ACC Board member agency (paragraphs 59AA(1B)(a)-(f)) or a body prescribed by the regulations (paragraph 59AA(1B)(g)).

These arrangements reflect the fact that national policing information is information provided by state and territory police forces and that the ACC Board, of which state and territory police commissioners will comprise the majority of seats, should have the authority to approve the disclosure of national policing information to additional bodies as it sees fit, as is currently the case for CrimTrac.

State and territory police commissioners have extensive experience in dealing with national policing information and are well placed to determine which bodies – which may include the states' crime and corruption commissions – should have access to this type of information. For example, the CrimTrac Board (which comprises all state and territory police commissioners) has previously authorised the Queensland Crime and Corruption Commission and the NSW Independent Commission against Corruption to have access to what will now be known as national policing information. The CrimTrac Board is also considering applications for access from a number of other bodies, including the WA Crime and Corruption Commission.

The Government has not formed a view about which agencies may be prescribed by regulation under subsection 59AA(1B). However, as noted in the Explanatory Memorandum to the Bill, the Government will consult with Board agencies before prescribing any bodies for the purpose of this provision. Existing information-sharing arrangements will be taken into account as part of that process.

¹ Crime and Corruption Commission Queensland, *Submission 1*, p. 2; Corruption and Crime Commission of Western Australia, *Submission 4*, p. 6.