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**Crime and Corruption
Commission**

QUEENSLAND

Our Reference: AD-15-0335 / Trim No: 16/022476

18 February 2016

Ms Sophie Dunstone
Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Ms Dunstone

RE: Australian Crime Commission Amendment (National Policing Information) Bill 2015 and the Australian Crime Commission (National Policing Information) Charges Bill 2015

I refer to your letter of 9 February 2016 inviting the Crime and Corruption Commission (the CCC) to deliver a submission to the Senate Legal and Constitutional Affairs Committee (the Committee) concerning the Australian Crime Commission Amendment (National Policing Information) Bill 2015 (the Consolidation Bill) and the Australian Crime Commission (National Policing Information Charges) Bill 2015.

The CCC welcomes the opportunity to comment on both Bills.

The Consolidation Bill essentially proposes by way of amendment to the *Australian Crime Commission Act 2002* (Cth) (ACC Act) that CrimTrac be merged with the Australian Crime Commission (ACC) and that CrimTrac functions to be carried over to the ACC. The Australian Crime Commission (National Policing Information Charges) Bill 2015 provides the legislative basis for the imposition of charges for applications for, and the provision of, national policing information services proposed under the Consolidation Bill.

The Bills are intended to implement a decision by the Law, Crime and Community Safety Council on 5 November 2015 for the Commonwealth to take steps to implement a merger of the ACC and CrimTrac and thereby bring together Australia's national criminal intelligence and information capabilities under one banner in a cost neutral way.

The CCC intends to limit its submissions to matters directly relevant to its main purposes under the *Crime and Corruption Act 2001* (Qld) to combat and reduce the incidence of major crime and to reduce the incidence of corruption in the public sector.

In the performance of these functions the CCC is required to give intelligence information to appropriate entities¹ and to avoid needless duplication of the work of those entities for the purpose of performing its functions². The CCC has accordingly developed and maintained cooperative and productive intelligence sharing arrangements with CrimTrac, the ACC and other law enforcement agencies within Australia.

¹ Section 55(2) *Crime and Corruption Act 2001* (Qld)

² *Ibid*, s 59(2)(b)(ii)

The CCC considers that the Bills, if enacted, will promote cooperation in maintaining and developing appropriate systems and services for national policing information³ and for nationally coordinated criminal history checks for individuals. Subject to the comments below, the proposals will promote continuous improvement in the performance of the CCC's functions as a law enforcement agency⁴, particularly the appropriate sharing of national policing information (intelligence) with other law enforcement agencies.

Essentially the Consolidation Bill exhaustively defines 'national policing information' to mean information collected by certain entities in the performance or exercise of their functions or powers⁵. While the CCC is not expressly referred to as a relevant information collecting entity, it may be so prescribed by regulation. The CCC considers it both necessary and appropriate upon the enactment of the Bills that the CCC be prescribed by regulation as a relevant information collecting entity for the purpose of the new section 4(1). This would allow intelligence obtained and given by the CCC in the performance of its functions to be managed under the national policing information legislative framework.

The Consolidation Bill proposes amendment to the ACC Act by introducing, among other things, section 59AA(1B) which sets out a list of those agencies to whom the ACC CEO may disclose national policing information to without Board Approval. The Explanatory Memorandum to the Consolidation Bill makes plain, however, that this new section is intended to ensure that Board approval is required for the dissemination of national policing information to any bodies that are not law enforcement agencies. The ACC CEO will not be required to obtain Board approval to disclose national policing information to those law enforcement agencies which are expressly referred to by the section⁶ or which are so prescribed by regulation. This promotes the timely, efficient and effective sharing of national policing information for the performance of law enforcement agency functions.

The CCC is not expressly referred to within the proposed new section 59AA(1B). As noted earlier, however, the CCC is a law enforcement agency which has and will continue to give intelligence (namely, 'national policing information') to the ACC and other appropriate law enforcement agencies. The CCC considers it necessary and appropriate for the purposes of the proposed new section 59AA(1B) that the CCC be prescribed by regulation to allow the dissemination by the ACC of national policing information to the CCC.

In conclusion, the CCC considers that the Bills will maintain and improve the provision of appropriate systems and services for national policing information and for nationally coordinated criminal history checks for individuals. The CCC would welcome appropriate regulatory action to enable it to effectively participate in the provision of systems and services for national policing information. The CCC has no reason to suppose that it would not be so prescribed in due course once the legislation is passed.

I would like to thank the Committee again for the invitation to make submissions concerning the Bills.

Yours sincerely

A J MacSporran QC
Chairman

³ See 'national policing information' definition found in clause 1 of the Consolidation Bill inserting a new section 4(1) *Australian Crime Commission Act 2002* (Cth)

⁴ Section 4, *Australian Crime Commission Act 2002* (Cth); ss 4 – 7 and Chapter 1, Part 4 Division 2 and Chapter 2 Parts 2 and 3, *Crime and Corruption Act 2001* (Qld); Part 10 *Police Service Administration Act 1990* (Qld) and s 7C.2 *Police Service Administration Regulation 1990* (Qld)

⁵ See 'national policing information' definition found in clause 1 of the Consolidation Bill

⁶ Generally the agencies currently represented on the Board under the *Australian Crime Commission Act 2002* (Cth)