

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
CRIMTRAC

Question No. 104

Senator Barnett asked the following question at the hearing on 20 October 2008:

The PFA has sought a commitment from the Government to make CrimTrac the national criminal investigation database hub serving the ACC, AFP and state and territory police forces, and expand current datasets to include (but not limited to): the national DNA database (NCIDD), national fingerprint database (NAFIS), national sex offender register (ANCOR), the CrimTrac Police Referencing System (CPRS), single national case management for Australia's police forces, guns and explosives licence holders, aviation and maritime security identification card holders (ASIC/MSIC), and chemical and fertiliser purchases. The Government gave its support for the use of the CrimTrac as the central repository for law enforcement data collection prior to the election.

- a) Do investigators have immediate access to information about ASIC and MSIC holders, ammonium nitrate and other explosives and dangerous chemicals licence holders?
- b) If this information is currently not on the CrimTrac database, how do you obtain such information?
- c) Has the Government begun making the necessary changes to streamline access to this information, as promised?

The answer to the honourable senator's question is as follows:

- a) Information about ASIC and MSIC holders is held on the AusCheck Database, which is managed by the Attorney-General's Department. Access to information on the database is restricted by section 14 of the *AusCheck Act 2007* and may be provided to investigators for the purposes of:
 - Responding to an incident that poses a threat to national security
 - The collection, correlation, analysis or dissemination of criminal intelligence or security intelligence by the Commonwealth, or by a Commonwealth authority that has functions relating to law enforcement or national security, for purposes relating to law enforcement or national security
 - Verifying that an ASIC or an MSIC has been issued to a particular individual and is in effect at a particular time or that an individual who is in possession of an ASIC or MSIC is the person to whom the card was issued.

There is potential for information about explosive and dangerous chemical licence holders to be stored on the National Police Reference System (NPRS), however the current priority is to complete the national roll-out of NPRS before additional categories of information are added. Currently, information held on explosive and dangerous chemicals licence holders is managed by the relevant state governments.

- b) Information about ASIC and MSIC holders can be obtained by Commonwealth law enforcement or national security agencies for the purposes described in section 14 of

the *AusCheck Act 2007* by applying to AusCheck in accordance with guidelines issued under the *AusCheck Regulations 2007* by the Secretary of the Attorney-General's Department. The guidelines provide assistance to AusCheck in determining whether release of information as requested would be lawful. They do not require inquiry into the nature of the law enforcement or national security purpose but do require a senior officer of the requesting agency to confirm in writing that the information is required for such a purpose.

Commonwealth agencies with a law enforcement function relating to enforcement of requirements for ASICs and MSICs to be displayed in secure areas are able to obtain access to the online verification service provided for by sections 14 (2A) and (2B) of the *AusCheck Act 2007*. Personal information available through the online verification service is limited but allows verification that an ASIC or an MSIC has been issued to a particular individual and is in effect at a particular time and that an individual who is in possession of an ASIC or MSIC is the person to whom the card was issued.

- c) Police jurisdictions across Australia agreed to the sharing of the following data on the NPRS: warnings, warrants, offence history, firearms; orders (defendant/protected persons), bail information; unidentified person/body, missing persons, escapees; and a Child Protection Register flag. There is also a photograph of the offender where this is available. This information is already being provided by the majority of jurisdictions and is planned to be supplied by the remaining jurisdictions by March 2009.

Once the sharing of the agreed elements has been undertaken by all jurisdictions, CrimTrac will be in a position to consider extending the service to support additional involvement types, which could include explosive and chemical licence holders.