

Proposed Government Response to Recommendations made by the Parliamentary Joint Committee on the Australian Crime Commission Examination of the Australian Crime Commission Annual Report 2003–2004

Recommendation 1

The Committee recommends that, to provide an opportunity for proper public debate, the government involve the Committee at an early stage of the development of legislation affecting important operational or civil liberties issues.

Response

Not accepted.

Current Government policy is that draft legislation is not normally made public before introduction into Parliament. Where appropriate, legislation may be released as an Exposure Draft prior to introduction. Once legislation is introduced, any referral of legislation for consideration by a Committee is a matter for the Parliament.

Recommendation 2

The Committee recommends that the ACC consider the release of public versions of key research, including a declassified version of the Picture of Criminality.

Response

Accept.

This matter is currently being considered by the ACC. Section 60 of the *Australian Crime Commission Act 2002* provides for the Board to hold public meetings or to publish bulletins for the purpose of informing the public about the performance of the ACC's functions. The Board may conduct public meetings or publish bulletins as long as the meetings or bulletins do not disclose to members of the public matters that could prejudice the safety or reputation of a person or prejudice the fair trial of a person who has been or may be charged with an offence. The Government would support release of public versions of key ACC research in a form consistent with the requirements of the Act and the integrity of ACC investigations and intelligence operations.

Recommendation 3

The Committee recommends that the ACC review the legal and administrative arrangements governing information on its intelligence networks and provide the Committee with a briefing on the results. This should include both any current limits to the access to information, as well as access, accountability and control processes.

Response

Accept.

The ACC has provided a briefing to the PJC on this matter and is progressing legal and administrative arrangements in collaboration with the Attorney-General's Department and partner law enforcement agencies.

Recommendation 4

The Committee recommends continued refinement of the performance measures, including an explanation of the significance of quantitative and qualitative indicators.

Recommendation 5

The Committee recommends that the performance indicators relating to criminal intelligence operations include, subject to reasonable security considerations, how priority is allocated to matters submitted to the ACC Board for consideration.

Recommendation 6

The Committee recommends that information relating to the results of legal proceedings be refined to indicate more clearly the numbers of charges that proceed and are successfully prosecuted.

Recommendation 7

The Committee recommends further refinement of the reporting measures for 'Investigations into Federally relevant criminal activity', including more specific breakdown of information relating to forfeiture of the proceeds of crime, and the meaning of qualitative measures such as 'disruption of established criminal networks'.

Response (recommendations 4-7)

Accept.

The ACC is already working to refine its performance measures in response to the requirements of the ACC Board and the Intergovernmental Committee on the ACC. It will address the Committee's recommendations as part of the same process.