

# Chapter 1

## Introduction

### The Committee's statutory duty

1.1 The Parliamentary Joint Committee on the Australian Crime Commission has the statutory under Section 55(1)(c) of the *Australian Crime Commission Act 2002* to examine each annual report of the Commission and report to Parliament on any matter appearing in, or arising out of, any such annual report.

1.2 The provision is part of the wider duties set out in Section 55 of the PJC to provide Parliamentary scrutiny of the ACC's performance of its functions under the Act, as well as examining trends in organised criminal activity. A particular focus of the Committee is providing the Parliament with advice on the overall effectiveness of the legislative framework under which the ACC operates, and balancing these effectiveness criteria against the need to protect the civil rights of Australian citizens under the law.

1.3 In this context, the Committee acknowledges the significant cooperation of both the Chairman of the ACC Board, Commissioner Mick Keelty, the CEO of the ACC, Mr Alastair Milroy, and officers of the ACC. In the reporting period, the ACC has provided regular written reports and briefings, and met with the Committee on a number of occasions.

1.4 The willingness of the Commission to provide information to the Committee is of great assistance and has contributed to the building of an effective working relationship. This stands in contrast to the difficulties experienced by this Committee's predecessor, the PJC on the National Crime Authority, whose early work was frustrated by the reluctance of the NCA to provide the information needed by the committee to perform its function.

1.5 The Committee also wishes to acknowledge the assistance provided by the Commonwealth Ombudsman, Professor John McMillan, and his staff. The Commonwealth Ombudsman plays a vital role in accountability mechanisms of the ACC, through investigating complaints, and auditing records. The Committee considers that regular discussions and exchange of information with the Ombudsman is vital to maintaining the overall effectiveness of the accountability regime. In addition to the briefing on telecommunication intercepts required by statute, Professor MacMillan has met with the Committee privately on several occasions and the Committee appreciates his insights and experience.

### Report under consideration

1.6 The ACC Annual Report was presented out of session on 21 December 2004, and tabled in both Houses on 8 February 2005, in accordance with section 61 of the

*Australian Crime Commission Act 2002*. This year's report is significant in that its reporting period covers the first full year of the ACC's operation.

## **Inquiry into the Annual Report**

1.7 In examining the report, the Committee held a public hearing in Parliament House on 17 March 2005. The Committee also wrote to a number of individuals and organisations, inviting them to comment on the Annual Report. The Committee received seven submissions in response, together with a number of letters that expressed satisfaction with the operation of the ACC and declined to raise any further issues.

1.8 The Committee also notes its intention, with the agreement of the Minister, to conduct the evaluation of the ACC Act, pursuant to Section 61A.

## **Note**

1.9 In this report, 'report' refers to the Annual Report of the Australian Crime Commission. Other reports are referred to in full.

## **Adoption of the Report**

1.10 The Parliamentary Joint Committee adopted this report at a private meeting on 20 June 2005.