

Government Response

Parliamentary Joint Committee on the Australian Crime Commission Report

Examination of the Annual Report for 2004-2005 of the Australian Crime Commission

Recommendation 1: The Committee recommends that the Australian Crime Commission Act 2002 be amended to provide for the appointment of the Commissioner of Taxation to the ACC Board.

Accepted

The *Crimes Legislation Amendment (Serious and Organised Crime) Act No. 2 2010* amended the *Australian Crime Commission Act 2002* (the ACC Act) to include the Commissioner of Taxation as a member of the Australian Crime Commission (ACC) Board.

Recommendation 2: The Committee recommends that the Australian Crime Commission consider the release of the public versions of key research, including a declassified version of the *Picture of Criminality*.

Accepted

The public version of the *Picture of Criminality in Australia, Organised Crime in Australia* was released on 16 January 2008. An updated report was released on 25 February 2009. It will be updated periodically to ensure its continued relevance to increasing the public's awareness of the impacts of serious and organised crime on the community.

Recommendation 3: The Committee recommends that the Australian Crime Commission Act 2002 be amended to prescribe the maximum number of examiners to be appointed.

Not Accepted

There are currently four examiners appointed under the ACC Act. The Government is open to considering provision for part-time or short duration appointments to meet the operational cycles. While examiners may be appointed for a maximum of ten years, the Government considers that the ACC requires a degree of flexibility to stagger and overlap appointments to enable examination programs to continue effectively and efficiently and to maintain a high degree of examiner expertise.

Recommendation 4: The Committee recommends that the document ‘Public Information Statement: Examinations conducted under the Australian Crime Commission Act 2002’ be provided to all witnesses and their legal representatives along with the summons to appear at an examination.

Accepted

Those who are served with a summons to appear and give evidence at an ACC examination are provided with an explanatory note which is annexed to each summons. The explanatory memorandum provides specific information about the rights and obligations of examinees. The explanatory memorandum also refers to the *Public Information Statement: Examinations Conducted under the ACC Act*, which is available on the ACC website. The Public Information Statement contains general and procedural information on the ACC examination process to assist witnesses, practitioners and examiners.

Recommendation 5: The Committee recommends that the Australian Crime Commission investigate the establishment of a common employment framework for secondees as a matter of priority.

Accepted

There have been attempts to introduce a common employment framework which have proven challenging due to the wide disparity in conditions in different jurisdictions. Seconded arrangements were reviewed in August 2009 and the ACC intends to amend the arrangements so that secondees retain the salary and conditions of service applicable to their home jurisdiction. This will provide the following benefits:

- certainty on the use of relevant police powers when seconded
- more flexibility in the timing of secondments and capacity to extend where required for operational purposes
- greater capacity to attract secondees to the ACC as they will not need to alter employment arrangements
- some state police officer conditions, particularly in relation to superannuation, are affected by the movement to leave without payment, and
- reduced administration the ACC due to the requirements around recruitment under the *Public Service Act 1999* leading to more efficient recruitment and management.

Ongoing efforts will be made towards standardisation of salary and working conditions. However, this is a complex matter that requires detailed consideration and consultation at Commonwealth, State and Territory government level.