

Appendix 1

Compliance with reporting requirements

Each annual report of the Australian Crime Commission (ACC) must be prepared in accordance with the requirements set out under the *Australian Crime Commission Act 2002* (the ACC Act). In addition, there are a number of policy documents that set out further requirements for the annual reports of all Commonwealth agencies, and legal reporting requirements arising out of other acts.

An index to the Annual Report's compliance with these requirements is on pages 174 to 176 of the Report.

ACC Act

Under section 61 of the *Australian Crime Commission Act 2002* (the ACC Act), the Australian Crime Commission (ACC) is required to prepare a report of its operations for each financial year ending 30 June.¹ This report must include:

- a description of any investigation into matters relating to federally relevant criminal activity that the ACC conducted during the year and that the ACC Board (the Board) determined to be a special investigation;
- a description, which may include statistics, of any patterns or trends, and the nature and scope, of any criminal activity that has come to the attention of the ACC during the year in the performance of its functions;
- any recommendations for changes in the laws of the Commonwealth, of a participating state or of a territory, or for administrative action;
- the general nature and the extent of any information furnished by the CEO during that year to a law enforcement agency;
- the extent to which investigations by the ACC have resulted in the prosecution in that year of persons for offences;
- the extent to which investigations by the ACC have resulted in confiscation proceedings; and
- particulars of the number and results of:
 - applications made to the Federal Court or the Federal Magistrates Court under the *Administrative Decisions (Judicial Review) Act 1977* for orders of review in respect of matters arising under the ACC Act;
 - other court proceedings involving the ACC;

¹ *Australian Crime Commission Act 2002*, section 61.

being applications and proceedings that were determined, or otherwise disposed of, during that year.

Financial Management Accountability Act 1997

The *Financial Management Accountability Act 1997* (FMA Act) sets out the framework for the proper management of public money and public property by the Government and its departments and agencies. Subsection 49(2) of the FMA Act requires annual reports to be prepared in accordance with the Finance Minister's Orders (FMOs), including the Australian Accounting Standards.

It was the Auditor's opinion that the ACC's financial statements for 2007-08 were prepared in accordance with the FMOs and that they give a 'true and fair view' of the ACC's financial position and performance for the 2007-08 financial year.

Joint Committee of Public Accounts and Audit approved guidelines

Each year the Department of Prime Minister and Cabinet publish *Requirements for Annual Reports*² that have been approved by the Joint Committee of Public Accounts and Audits under subsections 63(2) and 70(2) of the *Public Service Act 1999*. The Requirements cover both mandatory and suggested matters.

Compliance with other government requirements

In addition to the above annual reporting obligations, the ACC has fulfilled the following requirements:

- Publishing information under section 8 of the *Freedom of Information Act 1982* (at appendix H of the Report);
- Reporting on contracts with greater than \$100 000 value in accordance with the Senate Order for Departmental and Agency Contracts;³
- Listing of file titles in accordance with the Senate Order for the Production of Indexed Lists of Departmental and Agency Files;⁴ and
- Providing a statement of legal services expenditure in accordance with the *Legal Services Directions 2005*, issued by the Attorney-General under the *Judiciary Act 1903*.⁵

² Department of Prime Minister and Cabinet, *Requirements for Annual Reports*, 18 June 2008. See: http://www.pmc.gov.au/guidelines/docs/annual_report_requirements.rtf (accessed 25 February 2009). Part 1 paragraph 3 notes that these requirements apply to the ACC 'as a matter of policy'.

³ Murray Motion as amended December 2003 J.2851; ACC's report on contracts available at www.crimecommission.gov.au (accessed 25 February 2009).

⁴ Senate Order J.270 (as amended 3 December 1998 J.265); ACC's file titles available at www.crimecommission.gov.au (accessed 25 February 2009).

⁵ Legal Services Directions 2005, paragraph 11.1(ba); ACC's statement of legal expenditure available at www.crimecommission.gov.au (accessed 25 February 2009).