

PARLIAMENTARY JOINT COMMITTEE ON LAW ENFORCEMENT

ACIC ANNUAL REPORT 2023-24 PUBLIC HEARING

Spoken Question on Notice

Senator Shoebridge asked the following question on 6 February 2025:

Ms Mayo: So, what you've got listed there, sorry, Senator, is the list of priorities set out in the corporate plan. They remain our priorities. What we've been talking about is the list of determinations. There is no determination that deals distinctly or separately with criminal networks. But the determinations do focus on...

Sen Shoebridge: But it's a priority but not a determination, is that what you're telling me?

Ms Mayo: That's correct, Senator.

Sen Shoebridge: Well perhaps you might, on notice, explain how priorities and determinations interact. If you've got two very similar things with slightly different language, and perhaps on notice, you could explain how they interact just because of time.

The response to the senator's question is as follows:

The *Australian Crime Commission Act 2002* (ACC Act) provides that the Australian Criminal Intelligence Commission (ACIC) Board has a function to determine national criminal intelligence priorities (NCIPs) (see s7C(1)(a) of the ACC Act).

The ACIC provides advice to the ACIC Board to inform their consideration of the NCIPs. The ACIC's priority themes identified in the annual report relate to the current NCIPs.

A separate function of the ACIC Board (as per s 7C(2) – (3) of the ACC Act) is to authorise, by determination, special ACIC operations/investigations to occur (often referred to as 'determinations'). These determinations must relate to federally relevant crime (as defined in s4 of the ACC Act). The determinations provide the ACIC with the ability to use its coercive powers and access covert powers.

The NCIPs and determinations are not legally required to align. However, the ACIC aims to ensure that it is legislatively authorised to exercise its powers in alignment with the NCIPs. Therefore, the current special ACIC operations are closely aligned to the NCIPs.

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Senator Shoebridge asked the following question on 6 February 2025:

Sen Shoebridge: But was the establishment of the CAOC intended to, if you like, so far as possible, prevent that kind of interjurisdictional friction about the sharing of information on border seizures? Was that part of the intent of it?

Mr Rippon: I think that's an accurate reflection of the intent, yeah. To give visibility to all of the agencies that may have a stake or equity in illicit drugs crossing the border.

Sen Shoebridge: Yes, so that seems to me to be a good thing.

Ms Cook: I think the idea is that we... that the intent behind it was to make sure that there was a comprehensive appreciation of all incoming information and ability to act, disseminate so that things don't fall through the cracks.

Sen Shoebridge: Is it working? Is it working?

Chair: This will be your last questions, Senator.

Mr Rippon: We value. Can I just say, from the ACIC perspective, Senator, we really value the data and the information that we're getting from the CAOC, from an intelligence perspective, it's really helping us shape...

Sen Shoebridge: Close to real time? I said Close to real time, the data?

Mr Rippon: Good question. I'd have to take it on notice so I don't mislead you and the committee.

The response to the senator's question is as follows:

Yes, data is obtained by the Australian Criminal Intelligence Commission (ACIC) in close to real time.

The ACIC's primary role in the Commonwealth Agencies Operations Centre (CAOC) is to develop strategic intelligence insights, which it does through combining CAOC data with other data and intelligence to produce intelligence reporting for partners, supported by an embedded ACIC officer within the CAOC.