

## Appendix 6

### Committee undertakings and recommendations in previous annual report examinations, 2007–2010.

#### Examinations of the Australian Crime Commission Annual Report

##### *New issues arising from this report (ACC)*

2010–11	<b>Controlled operations:</b> the committee may make further comment on the process used to extend controlled operations beyond three months, including where a significant alteration occurs, following the release of the Ombudsman's 2011–12 inspection report.
2010–11	<b>Security breaches:</b> the committee will continue to assess the ACC's ongoing efforts to minimise the risk posed by security breaches.
2010–11	<b>Qualitative performance assessment:</b> the committee may take evidence from state and territory partner agencies in subsequent annual report examinations in order to determine the contribution made by the ACC in joint investigations, the developing understanding of serious and organised crime in Australia, and the effectiveness of its coercive powers.

##### *Issues arising from previous reports*

Year raised	Issue	Status in 2010–11 report
2009–10	The committee noted a potential need for further review of the controlled operations regime to ensure that it remains an effective tool in the fight against serious and organised crime in a rapidly evolving criminal environment.	The ACC, AGD and Ombudsman have sought to determine an agreed process, which the committee will assess following the release of the 2011–12 inspection report. No significant legislative amendments have occurred.
2009–10	While the majority of complaints against the ACC were not substantiated, the committee encouraged the ACC to continue to exercise diligence in the handling of complaints against the agency.	One of seven finalised complaints was substantiated since 2006.

2008–09	The committee noted that it would like the ACC to encourage, and increase, secondments from state and territory police forces. The committee expressed a view that secondments should be encouraged on the basis that they provide enhanced intelligence sharing and jurisdictional cooperation.	The number of seconded staff in 2010–11 decreased to 82, from 86 in 2009–10. The largest source of secondees was Victoria Police.  54 per cent of secondees were funded by the ACC, 23 per cent by partner agencies and 22 per cent through taskforce arrangements.
2007–08	The committee observed that the ACC is committed to improving its intelligence and information systems, as evidenced by the significant upgrades to ACID. The committee commended the ACC for proactively working with partner agencies to address the issue of information sharing through ACID during 2007–08 and undertook to continue to monitor this issue.	The availability of ACID and ALEIN in 2010–11 was greater than 99 per cent.  A working group including partner agencies guides development of the system.  In 2010–11, 1.6 million new data items were entered into the system.
2007–08	The committee urged the government to ensure that the ACC is able to continue its important work in national and international forums on precursor chemicals and other matters, by providing ongoing funding for these forums.	Pages 108–11 of the 2010–11 annual report indicate ACC activity in informing understanding of precursor chemical diversion. The committee received no specific evidence about national or international forums on the subject.
2007–08	The committee encouraged the government to consider alternative arrangements to allow the Northern Territory Police, or appropriate agency, to take the lead on the National Indigenous Intelligence Task Force.	The ACC continues to support the taskforce, undertaking 53 examinations and issuing 158 notices to produce documents.

2007–08	The committee undertook to continue to monitor changes to the ACC's investigations, operations and taskforces, including the discontinuation, or changes to the scope, of any determination.	A full account of investigations, operations and taskforces contributing to board determinations is provided in the 2010–11 annual report. Chapter 2 includes a list of determinations.
2007–08	The committee undertook to continue to monitor the impact of budgetary constraints on the ACC's capacity to perform its functions effectively, and in particular the impact on the organisation's ability to combat specific criminal groups including OMCGs.	As discussed in Chapter 2, the ACC's budget continues to be subject to the government's efficiency dividend.
2007–08	The committee undertook to continue to monitor the decline in seconded staff.	As described above, the number of secondees declined in 2010–11.
2007–08	The committee recommended that the Australian Government expedite the process to include the Commissioner of Taxation as a full member of the Australian Crime Commission Board.	In February 2010, the Commissioner of Taxation became a full member of the ACC Board, attending a committee roundtable on unexplained wealth with other Board members in March 2012.
2007–08	The committee undertook to monitor the 'pilot review' of anti-corruption measures in both the ACC and AFP.	ACLEI completed this review in 2008–09, finding that key integrity policies and practices were in place and the values based strategies were well-directed, reflecting contemporary thinking on integrity design.

2007–08	The committee recommended that the Australian Crime Commission and the Australian Commission for Law Enforcement Integrity develop a practice to ensure publication of corruption or possible corruption matters in an appendix of Australian Crime Commission annual reports is done in a manner which will neither compromise current investigations nor the reputations of individuals facing allegations.	The 2010–11 annual report continues a pattern of describing the nature of corruption issues without identifying details. For example, the report describes two internally identified issues, one relating to an allegation of fraud, and another relating to disclosure of information. The remainder are described in the same manner as complaints against the agency.
2007–08	The committee recommended that the Australian Government review existing arrangements for the suspension and dismissal of Commonwealth law enforcement agency employees believed on reasonable grounds to have engaged in serious misconduct or corruption, and that the Government take action as appropriate, bearing in mind the need to respect the rights of employees.	This recommendation was given effect by the Crimes Legislation Amendment Act 2011.

## Examination of the Australian Federal Police Annual Report

### *Issues arising from this report*

2010–11	The committee is concerned at the apparent deterioration in the average amount of time taken to finalise complaints and will continue to monitor this situation.
2010–11	The committee recommended that the average amount of time taken to finalise complaints be reported for each category in future annual reports.
2010–11	The committee undertook to examine ACLEI's statistics for 2011–12 to assess the impact of measures taken by the AFP to increase the completion rate of internal corruption investigations.

### *Issues arising from previous report*

Year raised	Issue	Status in 2010–11 report
2009–10	The committee noted the government's intention to consolidate funding for new policy initiatives into the AFP's base funding and undertook to monitor this in future years.	The committee has not received evidence enabling it to assess this issue, but notes that the sum of new budget measures announced in 2010–11 is \$120 million over four years.
2009–10	The committee undertook to assess performance in relation to the drug harm index.	While the drug harm index is no longer a KPI, the index was more than double the previous year, over \$1 billion.
2009–10	The committee undertook to monitor complaint handling issues in future years.	Please see discussion in Chapter 3.