

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Portfolio

Question No. 97

Senator Humphries asked the following question at the hearing on 14 February 2012:

Climate Change

Are there climate change sections or areas that work on climate change in your department/agency? If yes, list details.

The answer to the honourable senator's question is as follows:

The following Agencies do not have areas working on issues relating to climate change: Administrative Appeals Tribunal, Australian Customs and Border Protection Service, Australian Commission for Law Enforcement Integrity, Australian Human Rights Commission, Australian Institute of Criminology, Australian Law Reform Commission, Australian Security Intelligence Organisation, Commonwealth Director of Public Prosecutions, CrimTrac, Family Court of Australia, Federal Court of Australia, Federal Magistrates Court of Australia, High Court of Australia, Insolvency Trustee Services Australia, National Native Title Tribunal, Office of the Information Commissioner and Office of Parliamentary Counsel.

Attorney-General's Department

The Department is a member of the Deputy Secretary-level Clean Energy Future Steering Group.

The Office of International Law provides an outposted officer to the Office of International Climate Law in the Department of Climate Change and Energy Efficiency, to assist with a range of international law advice relating to climate change. The Office of International Law also provides a range of international law advice relevant to climate change, primarily to the Department of Climate Change, as well as more broadly across Government.

Australian Crime Commission (ACC)

The ACC has been engaging closely with the Department of Climate Change and Energy Efficiency (DCCEE) in relation to a number of activities pertaining to the carbon trading scheme. The ACC is a member of the Climate Pricing Working Group of the Heads of Commonwealth Operational Law Enforcement Agencies (HOCOLEA).

In late 2011, the HOCOLEA Working Group requested a strategic assessment on serious and organised crime threats to the Australian carbon pricing mechanism. In consultation with members of the Working Group, the ACC produced a classified report, entitled *Strategic Assessment: Prospective Organised Crime Threats to the Australian Carbon Trading Environment*. The report was disseminated to the HOCOLEA Working Group on 5 March 2012.

The strategic assessment was undertaken in advance of the establishment of the Regulator and the commencement of the carbon pricing mechanism. It is therefore prospective in nature and draws upon relatively limited criminal intelligence holdings. Due to these current limitations of data and experience of the carbon pricing market in Australia, the ACC currently assesses threats with a medium level of confidence.

Negotiations for Memorandums of Understanding (MOUs) between the ACC and both DCCEE and the Clean Energy Regulator (CER) have commenced.

The initial purpose of the MOUs will be to provide the DCCEE and CER with access to the Australian Criminal Intelligence Database (ACID) access via the Australian Law Enforcement Intelligence Network (ALEIN). This will allow DCCEE and CER analysts access to intelligence that may assist in their administration and enforcement of the scheme, including the checking of existing intelligence holdings in relation to scheme participants and persons of interest. Over time, the DCCEE and CER may also be able to upload to ACID relevant intelligence based on their own intelligence, including specialised intelligence concerning carbon trade vulnerabilities and high risk individuals and entities.

Australian Federal Police (AFP)

The AFP's Crime Operations portfolio conducts investigations into complex organised criminal activity, including investigations of serious fraud in government programs which could potentially necessitate AFP involvement on carbon-pricing related matters.

The AFP is also working collaboratively with the Department of Climate Change and Energy Efficiency (DCCEE) and other law enforcement and regulatory agencies to identify potential law enforcement implications of future carbon pricing schemes and address them.

The AFP has a member currently seconded to the DCCEE and can leverage off the relationships and networks that this arrangement has established.

The AFP is co-chairing the Heads of Commonwealth Operational Law Enforcement Agencies working group, which will address the law enforcement implications of carbon pricing mechanisms.

Australian Government Solicitor (AGS)

AGS has advised the Commonwealth on several initiatives relating to climate change. For example, AGS assisted with the preparation of the draft legislation related to the carbon pricing scheme. This included providing constitutional advice on the legislation. AGS also advised on whether the proposed Greenhouse Energy Minimum Standards Act could validly provide for State-specific standards.

Australian Transaction Reports and Analysis Centre (AUSTRAC)

AUSTRAC has engaged with the Department of Climate Change and Energy Efficiency and the Clean Energy Regulator in relation to implementation of consequential amendments to the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 contained in the Clean Energy (Consequential Amendments) Act 2011.