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Section 3

Management and accountability

Our governance, people and resources

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Internal governance

Our internal governance framework and processes ensure accountability and transparency and promote quality leadership, effective people management and efficient and ethical use of our resources. Our internal governance structure includes the ACIC executive and senior management committees.

Accountable authority

The Chief Executive Officer (CEO) is the accountable authority of the ACIC for the purposes of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). Mr Michael Phelan APM was appointed CEO on 13 November 2017 and remained in that position throughout 2020–21.

Executive

On 30 June 2021, the ACIC executive comprised the CEO, the Deputy CEO Corporate, the Deputy CEO Intelligence, the Chief Operating Officer, 2 executive directors, the Chief Financial Officer, the Chief Information Officer and 11 national managers.

Table 3.1 provides details of the positions and responsibilities of the members of the ACIC executive at 30 June 2021.

Table 3.1: Executive positions and responsibilities

Position title and name	Responsibilities
Chief Executive Officer Office	
Chief Executive Officer Michael Phelan APM	Responsible for overseeing the management and administration of the ACIC, managing our relationships with ministers, working collaboratively with ACIC Board member agencies, and providing leadership, strategic direction and strong governance for our agency. Our CEO is a non-voting member of the ACIC Board.
Acting Deputy CEO Intelligence Matthew Rippon	Responsible for leveraging the ACIC's unique intelligence collection capabilities to drive intelligence insights and disruption outcomes. This includes responsibility for examinations and covert collection capabilities, operational strategy, and the development of intelligence to deliver operational, policy and regulatory outcomes in response to the threat of serious and organised crime.
Acting Deputy CEO Corporate Anne Brown	Responsible for leading business and engagement for our key national policing information and background checking services. This includes the provision of important enabling functions to the ACIC, including ICT, financial services, workforce capability and assurance, legal services, strategic engagement and communication.
Intelligence Operations	
Acting Executive Director Intelligence Operations Katie Willis	Responsible for ACIC investigations and intelligence operations, intelligence products development and oversight of North Operations and South Operations.
National Manager North Operations Darshana Sivakumaran	Responsible for operations and stakeholder relationships (including oversight of state directors) in New South Wales, Queensland and the Northern Territory.

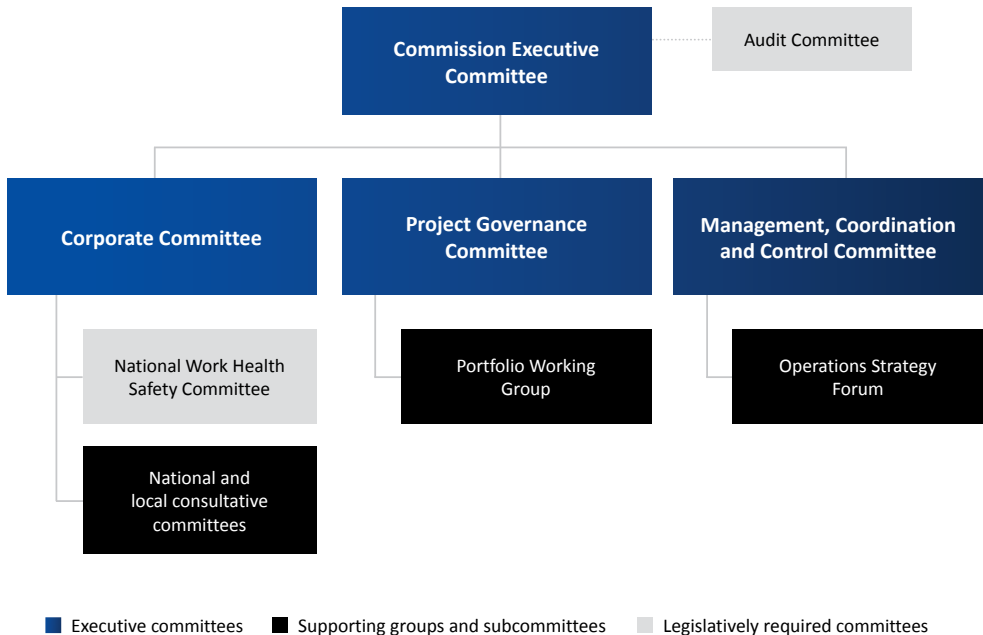
Table 3.1: Executive positions and responsibilities (continued)

Position title and name	Responsibilities
Intelligence Operations	
National Manager South Operations Jason Halls	Responsible for operations and stakeholder relationships (including oversight of state directors) in Victoria, Western Australia, South Australia and Tasmania.
National Manager Collection Operations Robert Jackson	Responsible for communication collections, covert technical operations, covert system integration, human source capability, undercover capability and national surveillance.
National Manager Operational Strategy Tom Hester	Responsible for operational strategy, Australian Priority Organisation Target disruption; joint agency operations; financial crime intelligence; intelligence development; and sports betting integrity.
National Manager Examinations Warren Gray	Responsible for the ACIC's examination capability.
Acting National Manager Strategic Intelligence Capability Catherine Rushforth	Responsible for national strategic intelligence, including drugs intelligence research, strategic analysis and criminal information services; and head of the determinations function for the agency.
Business and Partnerships	
Chief of Staff/Acting Executive Director Business and Partnerships Jeremy Johnson	Responsible for leading business and engagement for our key national policing information and background checking services and for supporting the ACIC to deliver its strategic priorities, stakeholder liaison, communication and governance functions.
Acting National Manager Executive Branch Penny Edwards	Responsible for government relations and engagement; governance and stakeholder liaison; media and communication; strategy; planning and performance; and strategic policy.
Acting National Manager Business Services Kylie Swan	Responsible for engaging with internal and external partners and customers to deliver on our stakeholders' current and future operational and strategic needs.
Acting National Manager National Police Checking Service Peter Ingram	Responsible for delivering community safety benefits by providing accurate and timely policing information and access to nationally coordinated criminal history checks for accredited bodies and Australian police agencies, and for project governance through the Portfolio Management Office.
Chief Operating Office	
Acting Chief Operating Officer Yvette Whittaker	Responsible for key enabling services, including people; security; business and innovation; finance; property; and legal services.
Acting National Manager Finance, Property and Procurement/Chief Financial Officer Mollie Zeng	Responsible for the financial management of the agency, procurement, the national property portfolio and business support.
National Manager Workforce Capability and Assurance Tim Simpson	Responsible for the delivery of people management and strategies, capability protection, behavioural intelligence, oversight and assurance, security, integrity, organisational psychology, learning and development, and specialist training and tradecraft.
National Manager Legal Services/General Counsel Nicole Mayo	Responsible for administrative and criminal law litigation; advice on the use of ACIC coercive and other police powers; policy development and legislative reform; risk and audit; and agreements.
Chief Information Officer	
Chief Information Officer Stewart Sibree	Responsible for providing and maintaining our national information capabilities and services to support policing and law enforcement.

Senior management committees

Our committee structure comprises the Commission Executive Committee, the Management, Coordination and Control Committee, the Project Governance Committee and the Corporate Committee, and several other committees, panels, working groups and consultative committees. The relationships between senior management committees are shown in Figure 3.1.

Figure 3.1: Senior management committee structure at 30 June 2021



During 2020–21, we continued to adjust our internal committee structures to align with our functions and updated organisational structure. The scope of all committees was reviewed in light of the internal restructure that came into effect on 1 June 2021.

We will continue to review the structure throughout 2021–22, particularly as priorities change and new priorities emerge, to ensure that our governance is as effective and streamlined as possible.

Commission Executive Committee

The Commission Executive Committee is our agency’s peak committee to support the achievement of ACIC strategic and business objectives, effective and efficient management of ACIC resources, strategic investment and management of risk.

The committee also ensures that we are accountable and meet the expectations of the ACIC Board, the Australian Government and the public. It receives reporting and advice from other executive committees, identifies and plans for future ACIC capability investments, and makes all major resourcing and funding decisions.

The Commission Executive Committee consists of the CEO (as Chair), the Chief Operating Officer, the executive directors and (since 1 June 2021) the deputy CEOs. The committee meets monthly, or more often if required.

Corporate Committee

The Corporate Committee reviews and makes decisions on broader issues of organisational health and effective function. It receives relevant reporting on a broad spectrum of organisational health indicators and oversees key organisational improvement projects. This aspect of the committee function is supported by the National Work Health Safety Committee and the Diversity and Inclusion Sub-committee.

The committee consists of the deputy CEOs, the Chief Operating Officer, and the executive directors. The Chief Information Officer, the Chief Financial Officer and the Chief of Staff attend as observers. The committee meets quarterly, or more often if required.

Work health safety committees

The ACIC has local work health safety committees and a National Work Health Safety Committee, with functions as described in section 77 of the *Work Health and Safety Act 2011*. Local committee meetings are held quarterly in our offices around the country and feed into the National Work Health Safety Committee meetings.

These committees are the primary means of consultation on work health and safety matters for our staff. They support the ACIC executive by helping to identify, develop, implement and review measures designed to manage a healthy and safe workplace for all staff.

More information on National Work Health Safety Committee activities in 2020–21 is in Appendix B.

National and local consultative committees

The ACIC's enterprise agreement sets out the arrangements for consultation and communication within the ACIC. The formal consultative mechanisms are the National Consultative Committee and local consultative committees in our offices around the country. This framework enables consultations to take place between management and employees, through their representatives, and provides the mechanism for formal discussion of issues affecting the workplace.

Project Governance Committee

The Project Governance Committee is an enterprise-level committee which enables the ACIC executive to oversee, and make decisions in relation to, all agency projects.

The committee membership is being reviewed in light of the internal restructure that came into effect on 1 June 2021. The membership at 31 May 2021 was:

- ▶ Chief Operating Officer (Chair)
- ▶ Executive Director Technology (Member)
- ▶ Executive Director Intelligence Operations (Member)
- ▶ Executive Director NCIS Program (Member)
- ▶ Chief Technology Officer (Member)
- ▶ Chief Financial Officer (Member)
- ▶ National Manager Business Services (Member)
- ▶ National Manager Operational Strategy (Member)
- ▶ Senior Advisor Business Systems Delivery (Adviser)
- ▶ Director Portfolio Management Office (Adviser)
- ▶ Chief of Staff (Observer)
- ▶ IT Security Advisor (Observer)
- ▶ Board and Strategic Engagement Team (Secretariat).

The committee meets quarterly, or more often if required.

The Portfolio Working Group is a formal subcommittee of the Project Governance Committee. The working group provides strategic advice and recommendations to the committee on proposed investments, while monitoring the current workplan to manage portfolio-wide delivery risks and issues.

Operational committees

Changes to the management of our organised crime and intelligence work program were implemented in 2020–21. Initially, the Organised Crime Management Committee made decisions about the work program and the allocation of relevant resources to support the delivery of its objectives. In March 2021, the Organised Crime Management Committee was disbanded, and the Management, Coordination and Control Committee was created to provide strategic direction and prioritisation, and to monitor and evaluate intelligence operations performance.

The Operations Strategy Forum was also created, to provide strategic intent, oversight and accountability for ACIC intelligence operations to maximise national impacts and insights, and to manage the ACIC operational work program and resource allocation.

Management, Coordination and Control Committee

The Management, Coordination and Control Committee's membership consists of the 2 deputy CEOs; the Executive Director Intelligence Operations and the Executive Director Business and Partnerships; and the national managers of Operational Strategy, Strategic Intelligence Capability, Collection Operations, North Operations, South Operations, and Examinations. The Head of Special ACIC Operations and Investigations attends as an adviser to the committee, which meets quarterly.

Operations Strategy Forum

The Operations Strategy Forum's membership consists of the Executive Director Intelligence Operations (Chair); and the national managers of Operational Strategy, Strategic Intelligence Capability, Collection Operations, North Operations, South Operations, and Examinations. The National Manager Legal Services and the Head of Special ACIC Operations and Investigations attend as advisers to the committee, which meets monthly.

Strategic planning

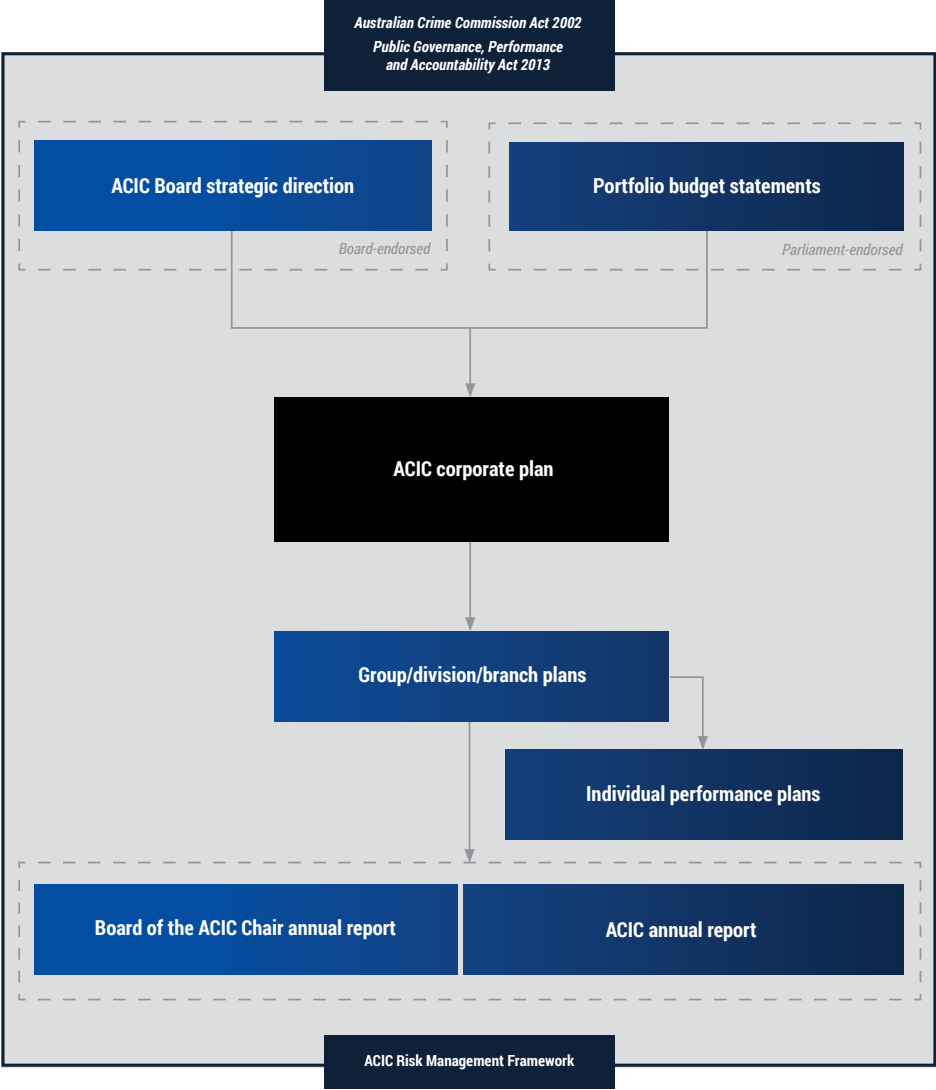
Strategic planning ensures that our activities and resources align with our strategic priorities and support the achievement of our purpose. Two key documents set out our goals and the approach we take to achieve them:

- ▶ the strategic direction, endorsed by the ACIC Board, which identifies our strategic objectives and articulates our functions, our culture and how we operate
- ▶ the corporate plan, which describes our operating environment, identifies our priorities and details how we manage risk, achieve our purpose and measure our performance.

Both documents are updated annually and cover 4 financial years. They are available on our website at <www.acic.gov.au/publications/corporate-documents>.

Our strategic planning framework connects our strategic direction, operational plans, risk assessment, resource allocation and performance measurement and monitoring, as shown in Figure 3.2.

Figure 3.2: Strategic planning framework



Stakeholder research

We conduct an annual stakeholder survey to better understand stakeholders’ perceptions and levels of satisfaction with our delivery of systems and services. The results also help us to assess our results against our performance criteria.

In 2020–21, an independent research and design company was engaged to undertake the survey. The survey attracted 254 respondents from a broad cross-section of agencies and classification levels and a range of areas, including policy, information systems, intelligence and investigations.

Respondents were asked questions relevant to their areas of work and interactions with us. Some responses to key questions are detailed in the annual performance statements in Section 2 of this report.

Respondents rated our overall performance in meeting their needs at 7.0 on a scale of 1 to 10, consistent with 2019–20 results. Most respondents agreed that the ACIC plays a unique and important role, particularly through facilitating the sharing of information through its policing information and intelligence systems, and collating and disseminating shared intelligence products.

Respondents identified the following as our most valuable services:

- ▶ the production and dissemination of intelligence products
- ▶ investigations work
- ▶ information and intelligence systems and services
- ▶ the provision of specialist capabilities
- ▶ the National Police Checking Service.

We will continue to focus on what our stakeholders told us were their biggest needs over the next 12 months. For 2021–22, those needs include:

- ▶ continued access to timely data and intelligence
- ▶ continued production and sharing of high-quality intelligence products and insights
- ▶ continued proactive engagement and collaboration with domestic and international partners
- ▶ delivery of IT projects.

Internal audit

The internal audit function provides an independent advisory service which delivers support and assurance to the ACIC executive regarding the responsible, effective and efficient use of ACIC powers and resources.

The internal audit team is directly accountable to the CEO and the Audit Committee, and the roles, responsibilities and scope of the function are set out in the ACIC Internal Audit Charter.

In supporting the ACIC to achieve its objectives, our internal audit team has 3 main responsibilities:

- ▶ working with management to systematically review enterprise risks, controls, governance, systems and processes
- ▶ adding value to the ACIC by identifying opportunities for innovation and efficiency
- ▶ monitoring the implementation of audit outcomes.

The following key areas were examined by internal audit during 2020–21:

- ▶ **NCIS Assurance Program**—The audit noted the importance of independent program assurance from both technical and governance perspectives.
- ▶ **Rehabilitation Management System**—The audit noted the maturity of the ACIC’s rehabilitation management system, based on Comcare’s Rehabilitation Management Systems Audit Tool.
- ▶ **Use of lessons learnt from the Biometric Identification Solution (BIS) project**—The audit found that the ACIC has incorporated the lessons learnt from BIS into its project management framework, as demonstrated by the National Automated Fingerprint Identification System Hardware Stabilisation Project and the National Support System Technical Uplift and Business Enhancements Project.
- ▶ **Covert arrangements**—A range of audits were undertaken in accordance with legislative requirements.

We operate a co-sourced internal audit service and contract an external provider for a small number of our audits.

Audit Committee

In accordance with responsibilities under section 45 of the PGPA Act, the CEO has established and maintains an independent Audit Committee. The committee’s authority is established under a charter, which sets out its functions and responsibilities. The ACIC Audit Committee Charter is available at <www.acic.gov.au/about-us/governance#accordion-7>.

Role

The Audit Committee endorses the ACIC Internal Audit Charter, approves the annual audit plan, reviews progress against the audit plan and considers all audit reports. It also monitors the implementation of all internal and Australian National Audit Office audit recommendations and takes a keen interest in the progress of recommendations arising from other review activity, including activity by the Commonwealth Ombudsman.

The Audit Committee provides advice on matters of concern raised by internal auditors or the Auditor-General and advises the CEO on the preparation and review of the ACIC’s annual performance statements and financial statements.

During 2020–21, the Audit Committee reviewed areas including:

- ▶ financial performance
- ▶ internal and external audit reports
- ▶ progress against audit recommendations
- ▶ planning and performance frameworks and reporting
- ▶ compliance with legislation
- ▶ risk oversight and management
- ▶ Australian National Audit Office activity.

Members

At 30 June 2021, the Audit Committee consisted of an independent chair and 2 other independent members, 2 members from the ACIC executive, and an observer from the Australian National Audit Office.

As committee members, the ACIC officials provided insight and understanding into operational and technical aspects of ACIC work to support the committee's deliberations.

From 1 July 2021, the Audit Committee will consist of 3 independent members (including the Chair), and 3 special advisers appointed by the CEO: the Executive Director Intelligence Operations, the Chief Operating Officer and the Chief Information Officer.

The Audit Committee met 6 times in 2020–21. As prescribed under section 17AG(2A) of the *Public Governance, Performance and Accountability Rule 2014*, information on each audit committee member's qualifications, attendance at meetings and remuneration is set out in Table 3.2.

Table 3.2: Audit Committee members

Name	Qualifications, knowledge, skills or experience	Meetings attended and remuneration ^a
Geoff Knuckey (Chair)	Bachelor of Economics (ANU), FCA, GAICD, RCA An experienced audit committee member and chair, Geoff currently serves on audit committees for numerous government entities. He also has extensive experience as a director and serves on the boards and audit committees of several private sector entities. He has been a full-time company director and audit committee member since 2009, following a 32-year career with Ernst & Young specialising in audit and assurance services in the public and private sectors across a range of industries.	6/6 \$12,100
Elizabeth Montano	Bachelor of Arts and Bachelor of Laws (UNSW), FAICD Elizabeth has more than 20 years experience as a chair, deputy chair and member of boards and audit committees across a range of government and not-for-profit entities. She has broad-ranging experience in governance and the machinery of government, including in financial and performance reporting, risk, assurance, and program and project management and oversight. She is a former CEO of the Australian Transaction Reports and Analysis Centre (AUSTRAC) and senior financial services lawyer with King & Wood Mallesons.	6/6 \$14,025

Table 3.2: Audit Committee members (continued)

Name	Qualifications, knowledge, skills or experience	Meetings attended and remuneration ^a
Janine McMinn <i>Ceased February 2021</i>	Bachelor of Arts (Computing, Statistics) (ANU), FAICD, CISA, CISM Janine is an independent director and executive adviser with more than 34 years experience in internal audit, risk and information technology. Janine currently sits on 8 audit and risk committees and is President of the Australian War Memorial Voluntary Guides. She provides mentoring and coaching support to senior executives and to Master of Arts students at the Australian National University. Prior to retirement in 2015, she was a partner for Oakton's ICT assurance and security business. She has advised many organisations in the management of risk and ICT security and conducted assurance reviews in public and private organisations.	4/6 \$8,387
Matthew Rippon <i>Ceased 30 June 2021</i>	As the ACIC's Acting Deputy Chief Executive Officer Intelligence, Matthew is responsible for ACIC investigations and intelligence operations, our intelligence products development and oversight of state managers.	0/6 ^b \$0
Stewart Sibree <i>Ceased 30 June 2021</i>	As the ACIC's Chief Information Officer, Stewart is responsible for providing and maintaining our national information capabilities and services to support policing and law enforcement.	6/6 \$0

a. Total remuneration including GST. Independent members receive \$2,000–\$2,500 (excluding GST) for each meeting, including meeting preparations. Remuneration for committee service is not applicable to members who are ACIC officials.

b. Matthew Rippon was unable to attend due to operational reasons; a proxy was sent to one meeting.

Risk management

The ACIC's risk management framework assists us to make risk-informed decisions that support our work to achieve our purpose while meeting our corporate and operational accountabilities.

During 2020–21, we:

- ▶ implemented our revised ACIC Risk Management Policy and Procedures to more closely align with the Commonwealth Risk Management Policy
- ▶ facilitated a deeper understanding of our enterprise risks through the application of bow-tie analysis to highlight the effectiveness of our key internal controls
- ▶ participated in multiagency risk forums and consulted with partner agencies on better practice approaches to managing risk.

We were recognised for our improvements in the 2021 Comcover Risk Management Benchmarking Survey. On a scale of 5 maturity levels, we were assessed as operating at level 4 ('embedded'). This ranking exceeded both the combined average maturity level and the targeted maturity level of the 156 surveyed entities as well as the maturity level of our peer group.

Security and integrity

The ACIC is entrusted with coercive powers to enable us to effectively work with our partners to combat serious and organised crime in Australia. Security and integrity are critical in the use of those powers and in delivering our required outcomes to the Australian Government, our partner agencies and, more broadly, the public.

Our approach is to protect our people, information and assets and clearly articulate the responsibilities of our staff. We highlight the importance of the efforts of our staff in the security and integrity context and take action to identify and respond to security and integrity matters in a proactive and proportionate way.

Our security and integrity framework includes policy, procedural and instruction documents designed to educate ACIC staff and supports assurance initiatives.

Protective security

The ACIC has a sound and comprehensive pre-employment screening process. This gives us a good understanding of the individual security risks and vulnerabilities that exist when staff commence in the agency, and the ability to incorporate practical and proactive mitigations to monitor and manage those risks.

Our senior leadership have a positive security culture and adopt a risk-based approach when considering all security risks. They regularly engage with key security staff before undertaking any decision which could have security implications for our people, information or assets.

Our internal corporate and operational teams work collaboratively with our external partners to:

- ▶ provide a secure environment for ACIC personnel
- ▶ protect sensitive and classified information collected by and entrusted to the ACIC
- ▶ proactively monitor and manage the changing risks within our protective security ecosystem
- ▶ harness security risk opportunities by recognising and implementing change to increase the efficiency or effectiveness of protective security measures.

Security incidents

Our ability to detect, assess and mitigate security vulnerabilities relies upon accurate, timely and consistent reporting of all security incidents across the ACIC. All staff have an obligation to report security incidents.

The ACIC investigates all security incidents to determine whether the event constitutes an accidental or unintentional failure to observe the protective security mandatory requirements or a deliberate, negligent or reckless action that leads, or could lead, to the loss, damage, corruption or disclosure of official information or resources.

The ACIC's response may include internal investigations or external referral to other law enforcement agencies for investigation.

Incidents inform our ongoing engagement and communications strategies, which include providing additional security awareness training for relevant staff. Where possible, we incorporate specific examples of security incidents or breaches—from within the ACIC or shared by other agencies—into security awareness sessions and online learning modules.

The majority of security incidents reported in 2020–21 were low level and occurred within secure ACIC premises (for example, low-level classified documents being left on desks). These incidents have not significantly compromised the security of ACIC information, people or premises.

Integrity assurance

In 2020–21, the ACIC expanded its internal integrity capability. Specialist intelligence and investigations resources have been engaged and are contributing to discovery, investigation and, where necessary, disruption activities.

We continue to work closely with the Integrity Commissioner in relation to notifying corruption matters and supporting joint agency operations. Our increased integrity capability provides us with a greater range of investigative options for matters returned from the Integrity Commissioner for the ACIC to investigate.

We also work closely with our integrity counterparts at the Australian Federal Police and jurisdictional partners, to support operations and enhance information sharing with prosecuting authorities in relation to potential criminal matters.

Our integrity focus demonstrates the ACIC's commitment to an integrity and assurance culture in the protection of our people, information, assets and infrastructure, and reflects our unique operating environment and our inclusion in the National Intelligence Community.

Fraud and corruption

The ACIC's Fraud and Corruption Control Plan, in meeting the requirements set out in section 10 of the *Public Governance, Performance and Accountability Rule 2014*, outlines our attitude and approach to fraud and corruption control, summarises risks identified in the fraud and corruption risk assessment, and details mitigation strategies recommended to treat significant risks.

The ACIC works closely with partners to ensure that we are adequately and appropriately addressing risks within our operating environment, and ensures that staff have appropriate education and awareness to identify potential instances of wrongdoing and the reporting mechanisms available.

Where fraud or corruption is suspected, the matter may be subject to misconduct investigation, criminal investigation, or both. If sufficient evidence of a criminal offence is found, the matter may be referred to the Commonwealth Director of Public Prosecutions for consideration of criminal prosecution.

We are well connected with other organisations focused on preventing corruption. We participate in the Australian Commission for Law Enforcement Integrity (ACLEI) Community of Practice for Corruption Prevention, a network of integrity professionals from the agencies under ACLEI's jurisdiction that shares best practice strategies for detecting and deterring corrupt conduct and participates in discussions on key or emerging issues.

We are committed to deterring and preventing corruption by organised crime wherever it occurs. Where requested and as appropriate, we assist ACLEI with its investigations.

Assumed identities

In accordance with Commonwealth, state and territory legislation, ACIC officers and supervised civilians may be authorised to acquire and use assumed identities for the purposes of conducting investigations or gathering intelligence in relation to serious and organised crime, or in associated support or training roles.

During 2020–21, as required under the legislation, we:

- ▶ reported to Commonwealth, state and territory ministers in accordance with legislative requirements
- ▶ reviewed the ongoing necessity for each authorised member of staff to continue to use an assumed identity
- ▶ conducted mandatory audits of ACIC records relating to assumed identities.

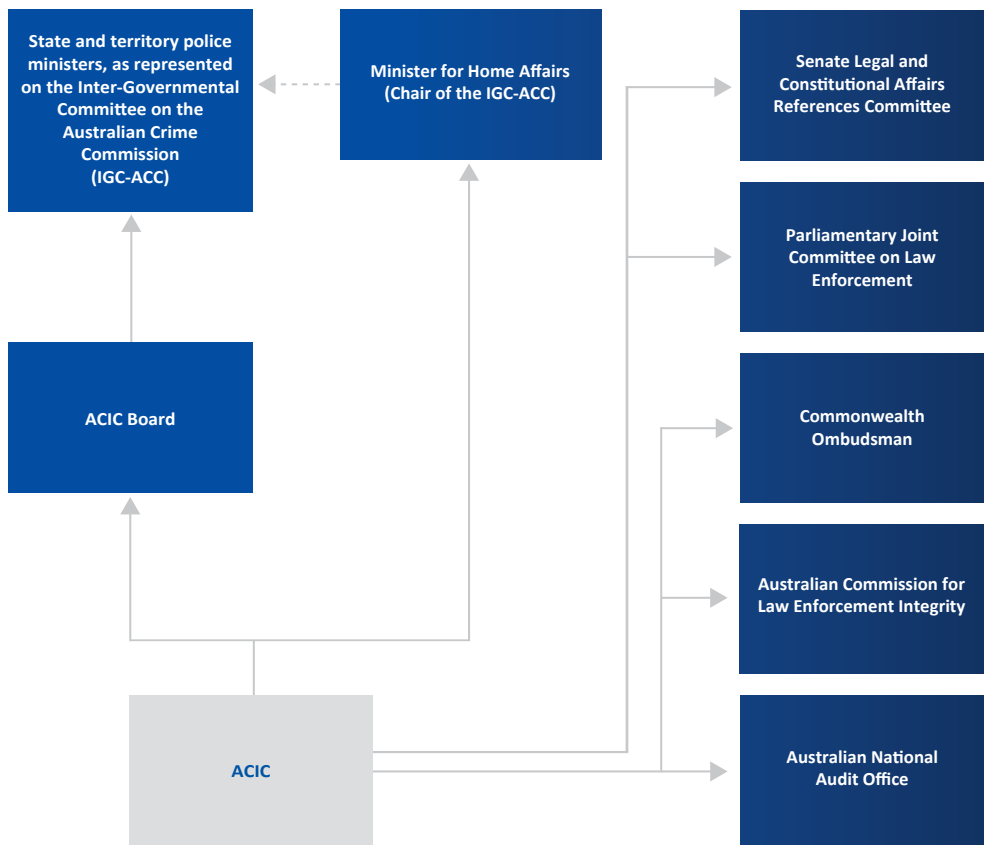
External scrutiny

At 30 June 2021, the ACIC was part of the Home Affairs portfolio and accountable to the Minister for Home Affairs.

External scrutiny of the ACIC is exercised by the ACIC Board, the Inter-Governmental Committee on the Australian Crime Commission (IGC-ACC), the Parliamentary Joint Committee on Law Enforcement, and the Senate Legal and Constitutional Affairs References Committee.

Due to the nature of our business, we operate in a contested environment and may be subject to legal challenge as part of our operations. The Commonwealth Ombudsman, ACLEI and the Australian National Audit Office also form part of our external scrutiny framework, as shown in Figure 3.3.

Figure 3.3: External accountabilities at 30 June 2021



Ministerial arrangements

At 30 June 2021, the Home Affairs portfolio included the following ministers:

- ▶ Minister for Home Affairs, the Hon. Karen Andrews MP
- ▶ Minister for Agriculture, Drought and Emergency Management, the Hon. David Littleproud MP
- ▶ Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, the Hon. Alex Hawke MP
- ▶ Assistant Minister for Customs, Community Safety and Multicultural Affairs, the Hon. Jason Wood MP.

While we are accountable to all portfolio ministers as required, most of our work during 2020–21 related to the areas covered by the Minister for Home Affairs. During 2020–21, the Hon. Peter Dutton MP was Minister for Home Affairs until 30 March, when he moved to another portfolio and the Hon. Karen Andrews MP was sworn in as Minister for Home Affairs.

Parliamentary Joint Committee on Law Enforcement

The Parliamentary Joint Committee on Law Enforcement is established by the *Parliamentary Joint Committee on Law Enforcement Act 2010*. The functions of the committee are to:

- ▶ monitor and review the performance of the ACIC and Australian Federal Police (AFP) and their functions
- ▶ report on any matters relating to the ACIC or AFP or their performance of which the committee thinks the parliament should be aware
- ▶ examine the annual reports of the ACIC and AFP and report on any matter appearing in, or arising out of, any such annual report
- ▶ examine trends and changes in criminal activities, practices and methods and report on any changes to the functions, structure, powers and procedures of the ACIC or AFP that the committee thinks desirable
- ▶ inquire and report on any question in connection with its functions that is referred to it by the parliament.

The committee's review of the ACIC annual report is usually done through a public hearing. The committee meets as required.

On 25 June 2021, the ACIC appeared before the Parliamentary Joint Committee on Law Enforcement's inquiry regarding the operation of the *Australian Crime Commission Amendment (Special Operations and Special Investigations) Act 2019*. The committee considered whether that Act:

- ▶ appropriately streamlined the process by which the ACIC Board determines to authorise the ACIC to undertake a special ACIC operation or special ACIC investigation
- ▶ ensured the validity of, at that time, current, former and future special ACIC operation and special ACIC investigation determinations of the ACIC
- ▶ effectively achieved its aim of enabling the ACIC to continue to fulfil its statutory obligations without interruption.

At 30 June 2021, the Parliamentary Joint Committee on Law Enforcement consisted of 10 members: 5 members from the Senate (appointed by the Senate) and 5 members from the House of Representatives (appointed by the House of Representatives).

The members of the committee were:

- ▶ Mr Julian Simmonds MP (Chair)
- ▶ Dr Anne Aly MP (Deputy Chair)
- ▶ Senator Alex Antic
- ▶ Mr Pat Conaghan MP
- ▶ the Hon. Justine Elliot MP
- ▶ Mr Garth Hamilton MP
- ▶ Senator Sue Lines
- ▶ Senator Andrew McLachlan CSC
- ▶ Senator Helen Polley
- ▶ Senator Lidia Thorpe.

Parliamentary Joint Committee on Intelligence and Security

The Parliamentary Joint Committee on Intelligence and Security is established by section 28 of the *Intelligence Services Act 2001*. Its main functions as related to the ACIC are:

- ▶ building bipartisan support for national security legislation by reviewing national security Bills introduced to parliament
- ▶ ensuring that national security legislation remains necessary, proportionate and effective by conducting statutory reviews.

The committee meets as required.

At 30 June 2021, the Parliamentary Joint Committee on Intelligence and Security consisted of 11 members: 5 members from the Senate (appointed by the Senate) and 6 members from the House of Representatives (appointed by the House of Representatives).

The members of the committee were:

- ▶ Senator James Paterson (Chair)
- ▶ the Hon. Anthony Byrne MP (Deputy Chair)
- ▶ Senator the Hon. Eric Abetz
- ▶ Dr Anne Aly MP
- ▶ the Hon. Mark Dreyfus QC MP
- ▶ Senator the Hon. David Fawcett
- ▶ Ms Celia Hammond MP
- ▶ Senator the Hon. Kristina Keneally

- ▶ Mr Julian Leaser MP
- ▶ Senator Jenny McAllister
- ▶ Mr Tim Wilson MP.

Other parliamentary committees

Each year we contribute to various parliamentary inquiries affecting the Commonwealth's law enforcement and intelligence capability and activities.

in 2020–21, in addition to those contributions, the ACIC appeared before the Senate Legal and Constitutional Affairs References Committee as part of the Budget Estimates hearings on 20 October 2020, 22 March 2021 and 25 May 2021. Transcripts of the proceedings and responses to questions on notice are available on the committee's website.

The ACIC actively participates in the development, implementation and evaluation of policy and legislation relating to agency powers and functions, emerging issues and trends, and oversight of the broader intelligence and law enforcement community.

Inter-Governmental Committee on the Australian Crime Commission

The IGC-ACC is established by section 8 of the *Australian Crime Commission Act 2002* (ACC Act), with the following functions:

- ▶ to monitor generally the work of the ACIC and the ACIC Board
- ▶ to oversee the strategic direction of the ACIC and the ACIC Board
- ▶ to receive reports from the ACIC Board for transmission to the governments represented on the committee and to transmit those reports accordingly.

The IGC-ACC monitors the work and strategic direction of the ACIC and the ACIC Board, including the use of coercive powers. Under certain circumstances, the committee has the authority to revoke a board determination.

The IGC-ACC consists of the Minister for Home Affairs and a minister to represent each state and territory government, nominated by the premier or chief minister of the state or territory. At 30 June 2021, the members were:

- ▶ the Hon. Karen Andrews MP (Commonwealth) (Chair)
- ▶ the Hon. David Elliott MP (New South Wales)
- ▶ Mr Mick Gentleman MLA (Australian Capital Territory)
- ▶ the Hon. Nicole Manison MLA (Northern Territory)
- ▶ the Hon. Danny Pearson MP (Victoria)
- ▶ the Hon. Paul Papalia CSC MLA (Western Australia)
- ▶ the Hon. Mark Ryan MP (Queensland)
- ▶ the Hon. Jacquie Petrusma MP (Tasmania)
- ▶ the Hon. Vincent Tarzia MP (South Australia).

ACIC Board

The ACIC Board is established by section 7B of the ACC Act and is responsible for providing strategic direction to the ACIC and setting strategic priorities for the agency. The board is also responsible for approving special ACIC operations and special ACIC investigations to allow use of the coercive powers set out in the ACC Act.

In setting the ACIC's strategic direction, the board is able to fuse together state, territory and national interests through its membership and provides a significant platform from which to operate collaboratively with our partners.

Members

The board considers a range of issues at each meeting, including the overall performance of key areas of ACIC work. It also plays an active role in addressing strategic issues faced by the ACIC and authorising or identifying key areas of new work that we should pursue.

The ACIC Board membership consists of the:

- ▶ Commissioner, Australian Federal Police (Chair)
- ▶ Secretary, Department of Home Affairs
- ▶ Commissioner, Australian Border Force (Comptroller-General, Customs)
- ▶ Chair, Australian Securities and Investments Commission
- ▶ Director-General of Security, Australian Security Intelligence Organisation
- ▶ Commissioner of Taxation, Australian Taxation Office
- ▶ commissioners of all state police forces and the Northern Territory Police Force, and the Chief Police Officer, ACT Policing
- ▶ CEO, ACIC (as a non-voting member).

The CEO of the Australian Transaction Reports and Analysis Centre (AUSTRAC) and the Secretary of the Attorney-General's Department attend board meetings as non-voting observers.

The representatives of Victoria Police, the Australian Securities and Investments Commission and the Attorney-General's Department changed during 2020–21.

Meetings

In 2020–21, the board met 4 times and:

- ▶ reviewed the ACIC's strategic priority areas, planned activity and response to identified threats, and determined the priorities for special ACIC investigations and special ACIC operations
- ▶ established the ACIC Board National Policing Systems Subcommittee (under section 7K of the ACC Act), which is responsible for considering matters in relation to national policing systems and the National Policing Information Systems and Services Special Account, and making recommendations to the Board for endorsement

- ▶ made a submission to the Parliamentary Joint Committee on Law Enforcement's inquiry into the operation of the *Australian Crime Commission Amendment (Special Operations and Special Investigations) Act 2019*
- ▶ considered arrangements for the National Criminal Intelligence System
- ▶ reviewed the National Policing Information Systems and Services Special Account revenue and prioritisation of national policing information projects for 2021–22
- ▶ endorsed the National Policing Information Systems and Services Special Account Financial Management Principles 2020
- ▶ endorsed the Partner Agency Funding Framework for National Policing Information projects
- ▶ approved the ACIC *Strategic Direction 2021–25*.

Determinations

The board authorises special ACIC investigations and special ACIC operations by written determination. The special ACIC investigations and special ACIC operations seek to disrupt criminal enterprises through intelligence-led responses. The board must be satisfied that authorisations of the special ACIC investigations and special ACIC operations are in the public interest and informed by the board members' collective experience.

Tables 3.3 and 3.4 show the special ACIC investigations, special ACIC operations and task forces that operated under board determinations in 2020–21.

Table 3.3: Board-approved special ACIC investigations and special ACIC operations

Authorisation/determination	Type	Date established
Highest Risk Criminal Targets No. 2 (as amended)	Special investigation	4 September 2013
High Risk and Emerging Drugs No. 3	Special operation	21 June 2017
Firearm Trafficking ^a	Special operation	21 June 2017
Criminal Exploitation of Australia's Migration System No. 2	Special operation	13 June 2018
Cyber-Related Offending No. 2	Special operation	13 June 2018
Emerging Organised Crime Threats No. 3	Special operation	13 June 2018
Firearm Trafficking No. 2	Special operation	13 June 2018
High Risk and Emerging Drugs No. 4	Special operation	13 June 2018
Highest Risk Criminal Targets No. 3	Special investigation	13 June 2018
National Security Impacts from Serious and Organised Crime No. 3	Special operation	13 June 2018
Outlaw Motor Cycle Gangs No. 2	Special operation	13 June 2018
Targeting Criminal Wealth No. 3	Special investigation	13 June 2018
Criminal Exploitation of Australia's Migration System 2020	Special ACIC operation	28 July 2020
Cyber-Related Offending 2020	Special ACIC operation	28 July 2020
Emerging Organised Crime Threats 2020	Special ACIC operation	28 July 2020
Firearm Trafficking 2020	Special ACIC operation	28 July 2020
High Risk and Emerging Drugs 2020	Special ACIC operation	28 July 2020
Highest Risk Criminal Targets 2020	Special ACIC investigation	28 July 2020
National Security Impacts from Serious and Organised Crime 2020	Special ACIC operation	28 July 2020
Outlaw Motor Cycle Gangs 2020	Special ACIC operation	28 July 2020
Targeting Criminal Wealth 2020	Special ACIC investigation	28 July 2020
Foreign Interference Impacts from Serious and Organised Crime 2021	Special ACIC operation	16 June 2021

a. This determination was unintentionally omitted from Table 3.3 of the 2019–20 annual report.

Note: Special operations and special investigations established on 13 June 2018 expired on 30 June 2021.

Table 3.4: Board-established task forces

Task force	Date established
National Task Force Morpheus	1 July 2014
Transnational Criminal Intelligence Task Force (Vestigo Task Force)	30 November 2016
National Criminal Intelligence System User and Support Task Force	13 June 2018

Annual report by the Chair

Details of ACIC Board meetings and a report on the ACIC's operations are contained in the ACIC Board's Chair annual report, which is tabled separately as soon as is practicable after 30 June and fulfils the reporting requirements of the ACC Act.

External engagement

The board has endorsed external committees comprising representatives from board member agencies and other relevant partner agencies to provide advice to the ACIC CEO in accordance with the CEO's functions as prescribed under the ACC Act. The 3 committees and their roles are as follows:

- ▶ **Law Enforcement Information Services Capability Committee**—This committee informs the development, implementation and operation of initiatives that support national law enforcement information-sharing services and systems for Australia's police, wider law enforcement and national security agencies.
- ▶ **National Criminal Intelligence Capability Committee**—This committee promotes and champions the professionalism of the national criminal intelligence capability and collaborates on strategic intelligence issues at the national level to ensure coordinated advice for Australia's police, wider law enforcement and national security agencies.
- ▶ **Technology Capability Committee**—This committee informs and supports the development, implementation and operation of the national services and systems that we deliver for Australia's police, wider law enforcement and national security agencies.

Australian Commission for Law Enforcement Integrity

ACLEI was established by the *Law Enforcement Integrity Commissioner Act 2006* to prevent, detect and investigate corruption in law enforcement agencies, including the ACIC and the former National Crime Authority, where necessary.

Under the *Law Enforcement Integrity Commissioner Act 2006*, our CEO is required to notify the Integrity Commissioner of corruption issues that relate to the ACIC. While the responsibility to notify the commissioner rests with the CEO, the ACIC and ACLEI work collaboratively and cases are discussed to assess whether there should be a notification.

Commonwealth Ombudsman

As part of their oversight of the agency, the Commonwealth Ombudsman visited the ACIC offices in Brisbane, Sydney, Melbourne and Canberra to conduct a total of five in-person inspections. The ACIC also facilitated three remote inspections due to restrictions imposed as a result of the COVID-19 pandemic.

Following each inspection, the Ombudsman provided a report which outlined their findings as well as suggestions to improve our policy, procedures or processes. In most reports, the Ombudsman expressed satisfaction with our approach to quality assurance, commitment to compliance and responsiveness to remedying issues as they arose. Reports outlining the results of the Ombudsman's inspections of ACIC records become publicly available once the Minister has tabled them in parliament.

In response to feedback from the Ombudsman, the ACIC has implemented a review of our governance, our training and our destructions program, which will ensure that our internal processes remain aligned with best practice.

As part of our compliance framework, we maintain a productive relationship with the Ombudsman's office, and its advice on best practice or suggestions for improvement guide the development of our policy, procedures and training programs.

Australian National Audit Office

The Australian National Audit Office did not undertake any performance audits involving the ACIC during 2020–21. However, the Auditor-General's performance audits of other agencies provided insights and learning to the ACIC's Audit Committee.

Freedom of information

As an agency subject to the *Freedom of Information Act 1982*, we are required to publish information to the public as part of the Information Publication Scheme. That information can be found on our website at <www.acic.gov.au/about-us/freedom-information/freedom-information-process>.

Judicial decisions

The ACIC is subject to legal challenge as a normal part of its operations. This may occur in the context of applications in the Federal Court for judicial review under the *Administrative Decisions (Judicial Review) Act 1977* or section 39B of the *Judiciary Act 1903*, or as part of the criminal justice process, such as in contested subpoenas or applications for a stay of criminal proceedings.

In 2020–21, there were no decisions that would have a significant effect on the operation of the ACIC. However, 2 matters resolved in 2020–21 related to matters which were reported on in the 2019–20 annual report; the outcomes are reported below.

CXXXVIII v Commonwealth of Australia & Ors

CXXXVIII (a court-ordered pseudonym) was served with a summons to appear before an examiner in furtherance of a special investigation. He was also served with a forthwith notice to produce, at the time and place of service, certain items in his custody and control. The examiner conceded that the summons and notice were ineffectually served, for different reasons. The examiner exercised his powers and issued a fresh summons and a new notice, which were subsequently served on CXXXVIII.

On 27 June 2018, CXXXVIII filed an application for judicial review seeking to challenge the decision to issue the 2 summonses and 2 notices served on him. The ACIC conceded that the first notice and the first summons were ineffectually served/deficient, but contended that the second summons and second notice were lawfully and validly issued and served.

The matter was heard in an expedited hearing, and Justice Brown ruled in favour of the respondents on 31 August 2018. On 20 September 2018, CXXXVIII filed an application in the Full Federal Court seeking to appeal the whole of the decision of Justice Brown. His application was unsuccessful.

CXXXVIII applied to the High Court, and was granted special leave in respect of the whole of the Full Federal Court's judgement.

Following amendments to the ACC Act by the *Australian Crime Commission Amendment (Special Operations and Special Investigations) Act 2019*, which came into effect on 10 December 2019, the applicants amended the grounds of appeal to challenge the validity of parts of those legislative amendments.

In August 2020, the summons and notice issued to CXXXVIII were withdrawn and the proceedings before the High Court were discontinued by consent.

X v Sage

X (a court-ordered pseudonym) was summonsed to attend an examination under the ACC Act. On 28 May 2020, X filed an application for judicial review seeking orders to prevent the examination from proceeding on a number of administrative law grounds. In particular, X challenged the constitutional validity of the provisions in the ACC Act that permit examinations of persons 'post-charge'. In August 2020, the matter resolved as a result of X being discharged from the summons being challenged.

Contempt of the ACIC

ACIC examiners have the power to apply for a witness to be dealt with for contempt of the ACIC in certain circumstances. Those applications are heard in either the Federal Court or the relevant state or territory Supreme Court.

Two contempt proceedings were finalised in 2020–21.

Anderson v EVA20 [2021] FCA 457

On 10 September 2020, EVA20 (a court-ordered pseudonym) appeared before an ACIC examiner in answer to a summons. EVA20 was asked 6 questions which the examiner required him to answer. EVA20 refused to answer each question. On 16 November 2020, contempt proceedings were commenced in the Federal Court.

On 5 February 2021, EVA20 pleaded guilty to 6 charges of contempt of the ACIC. On 6 May 2021, EVA20 was sentenced to imprisonment until further order of the Court. The Court indicated that in the event that EVA20 purges his contempt there will be the opportunity for the continuation of his imprisonment to be reviewed.

Lusty v CRA20 [2020] FCA 1737

On 31 January 2020, CRA20 (a court-ordered pseudonym) appeared before an ACIC examiner in response to a summons issued to him and refused to answer questions. Contempt proceedings were commenced under section 34A of the ACC Act. On 3 December 2020, CRA20 was found guilty of contempt of the ACIC for refusing to answer 14 questions.

On 3 December 2020, CRA20 was sentenced to a full-time custodial period of imprisonment of 8 months. Should CRA20 purge his contempt, the Court would be minded to suspend the remainder of the sentence upon application to the Court.

Legislative changes

The *Transport Security Amendment (Serious Crime) Act 2021* will amend the ACC Act to introduce a new function for the ACIC. The amendments will provide for the ACIC to conduct criminal intelligence assessments as a part of the background checking process for applicants and existing holders of an Aviation Security Identification Card (ASIC) and/or a Maritime Security Identification Card (MSIC).

Under the new function, the ACIC will assess, by reference to intelligence and information available to the ACIC, whether a person may commit, or may assist another person to commit, a serious and organised crime. Where the ACIC makes an adverse assessment in relation to an applicant for, or holder of, an ASIC/MSIC, that person will not be eligible to obtain or maintain an ASIC/MSIC. Adverse assessments will be reviewable in the Security Division of the Administrative Appeals Tribunal.

The amendments to the ACC Act will commence on 22 June 2022. This date will allow time for associated amendments to be made to the underlying regulations (*AusCheck Regulations 2017*, *Aviation Transport Security Regulations 2005* and *Maritime Transport and Offshore Facilities Security Regulations 2003*) and for the ACIC to develop the criminal intelligence assessment capability to support the new function.

The *Australian Crime Commission Regulations 2018* were also subject to a minor technical amendment in 2020–21, following the establishment of Sport Integrity Australia.

Our people

At 30 June 2021, the ACIC had a staff of 768 Australian Public Service (APS) employees and statutory office holders, including 25 staff from the Australian Institute of Criminology (AIC), supplemented by 29 secondees from Commonwealth, state and territory law enforcement and other Commonwealth agencies.

Our workforce includes investigators, intelligence analysts, psychologists, physical and technical surveillance operatives, lawyers, specialist examinations staff, business and systems analysts, information architects, and corporate services staff. We have staff from 20 years to 76 years of age.

We work closely with staff from our partner agencies, some of whom are seconded to the ACIC to work in multiagency task forces and joint analyst groups. We also engage contractors and consultants to provide specialised services as required.

Detailed statistics on the ACIC's staffing are provided in Appendix C. Information on our use of consultants is provided in the 'Resource management' section on pages 94–95.

Staffing profile

Table 3.5 shows our staffing profile at the end of 2020–21.

Table 3.5: Staffing profile at 30 June 2021

Staffing category	Number of staff
APS employees and statutory office holders	768 ^a
Secondees funded by the ACIC ^b	12
Secondees funded by jurisdictions ^b	17
Total core staff	797
Task force members	176
Total overall available resources	973

APS = Australian Public Service

a. This is equivalent to 727.72 full-time staff. Secondees and task force members cannot be accurately reflected in full-time equivalent staffing level numbers.

b. This table shows the numbers of secondees and task force members at 30 June 2021. However, as secondees and task force members work with us for different periods of time throughout the year, the overall total for 2020–21 was 255.

Note: Staffing numbers include AIC staff. Further staffing details are provided in the AIC annual report.

During 2020–21, our average staffing level of APS employees and statutory office holders was 724.26 staff. This included 4 statutory office holders—3 examiners and the CEO—all appointed on fixed-term arrangements.

At 30 June 2021, we had a total of 29 secondees from 10 agencies, on short-term or long-term assignment. During the year, we hosted a total of 45 secondees.

We coordinate and participate in joint task forces and joint analyst groups with partner agencies. At 30 June 2021, we had 176 task force members from 15 agencies, on short-term or long-term assignment. During the year, we hosted a total of 210 task force members.

Table 3.6 shows a breakdown of secondees and task force staff by home agency and jurisdiction at 30 June 2021.

Table 3.6: Secondees and task force staff by home agency and jurisdiction at 30 June 2021

Agency	Secondees funded by the ACIC	Secondees funded by jurisdiction	Task force staff funded by jurisdiction
Australian Transaction Reports and Analysis Centre	–	2	7
Australian Defence Force	–	–	1
Australian Federal Police	2	7	37
Australian Securities and Investments Commission	–	3	–
Australian Taxation Office	–	1	4
Department of Home Affairs	1	2	50
Northern Territory Police Force	–	–	3
New South Wales Crime Commission	–	–	1
New South Wales Police Force	2	2	1
Queensland Crime and Corruption Commission	–	–	1
Queensland Police Service	1	–	10
Sport Integrity Australia	–	–	3
South Australia Police	–	–	1
Tasmania Police	2	–	1
Victoria Police	3	–	43
Western Australia Police Force	1	–	13
Total	12	17	176

Table 3.7 shows staffing profile trends over the 3 most recent financial years.

Table 3.7: Staffing profile trends

Headcount at 30 June	2018–19	2019–20	2020–21
APS employees and statutory office holders	770	781	768
Secondees funded by the ACIC	21	24	12
Secondees funded by other jurisdictions	17	19	17
Total core staff	808	824	797
Task force and joint analyst group members	101	113	176
Total overall available resources	909	937	973
Full-time equivalent ^a	729.16	740.71	727.72
Average staffing level ^a	745.61	737.22	724.26

APS = Australian Public Service

a. Australian Public Service employees and statutory office holders only.

Note: Staffing numbers include AIC staff. Further staffing details are provided in the AIC annual report.

During the year, our staff were based in 8 locations around Australia, as shown in Table 3.8, and 2 overseas locations.

Table 3.8: Australian Public Service employees and statutory office holders by location at 30 June 2021

Location	Number
Canberra	432
Sydney	124
Melbourne	78
Brisbane	66
Adelaide	32
Perth	30
Darwin	2
Hobart	2
Overseas	2

As shown in Table 3.9, at 30 June 2021 we had 13 classification levels: APS levels 1–6, Executive Level (EL) levels 1 and 2, Senior Executive Service (SES) bands 1, 2 and 3 and our CEO and examiners, who are statutory office holders.

Table 3.9: Australian Public Service employees and statutory office holders by classification level at 30 June 2021

Classification level	Number
CEO	1
SES 3	0
SES 2	3
SES 1	11
EL 2	78
EL 1	298
APS 6	142
APS 5	102
APS 4	102
APS 3	25
APS 2	2
APS 1	1
Examiners	3

APS = Australian Public Service, CEO = Chief Executive Officer, EL = Executive Level, SES = Senior Executive Service

Note: These figures represent positions that were substantively filled at 30 June 2021. Staffing numbers include AIC staff. Further staffing details are provided in the AIC annual report.

Diversity and inclusion

The ACIC is committed to creating an environment that respects and values the expertise, experiences and abilities of all our employees. In doing so, we are able to build an inclusive and diverse workforce that allows us to better serve and protect the community.

The Diversity and Inclusion Sub-committee oversees our diversity program and reports to the Corporate Committee. It consists of SES-level Diversity Champions who meet quarterly to discuss, monitor and track our progress against our diversity action plans and key Australian Government initiatives.

Our Reconciliation Action Plan Working Group and LGBTIQ+ Working Group, which comprise employees at all levels, promote awareness, access and inclusion within the agency and meet quarterly to develop and review initiatives.

The ACIC has 5 diversity action plans, which focus on:

- ▶ gender equality
- ▶ people from culturally and linguistically diverse backgrounds
- ▶ Aboriginal and Torres Strait Islander people
- ▶ people with disability
- ▶ LGBTIQ+ people (lesbian, gay, bisexual, transgender, intersex, queer/questioning and/or outside the gender binary).

In 2020–21, we used the Diversity Action Plan Progress Scorecard to summarise and report on our progress against the action plans that expired in 2020. The scorecard highlights key successes and tracks initiatives in progress. Final reports and recommendations were made for each expired action plan, to review successes and lessons learnt and consider new or ongoing initiatives.

Gender

Our *Gender Action Plan 2017–2020* outlined our commitment and intention to address gender equality. It aimed to build on our inclusive culture by fostering a broader and equitable talent base to strengthen capability and operational effectiveness.

During 2020–21, the ACIC:

- ▶ participated in an online panel discussion with the Department of Home Affairs to celebrate International Women's Day and discuss ways to recognise and improve gender equality in the workplace
- ▶ supported our staff to participate in the Women in Law Enforcement Strategy mentoring program co-chaired by the ACIC Gender Equality Deputy Champion
- ▶ completed a review and tracking of the recruitment process to ensure that its processes and language are equitable
- ▶ finalised the gender action plan report, to highlight progress and make recommendations for future initiatives.

Women made up 50 per cent of our organisation in 2020–21, as shown in Table 3.10.

Table 3.10: Australian Public Service employees and statutory office holders by gender at 30 June 2021

Gender	Number	Percentage
Male	384	50
Female	384	50
Indeterminate	—	—

Note: Staffing numbers include AIC staff. Further staffing details are provided in the AIC annual report.

At 30 June 2021, female APS employees made up 68.2 per cent of employees in APS levels 1–6 and 33.1 per cent of employees in EL levels 1 and 2 and the SES. A further breakdown of the gender distribution of our APS employees by classification is in Appendix C, tables C.5 to C.8.

Cultural and linguistic diversity

The ACIC acknowledges, respects and promotes cultural and linguistic diversity within our workforce. Our *Cultural and Linguistic Diversity Action Plan 2017–2020* aimed to create safe and inclusive environments to increase cultural awareness.

In 2020–21, we continued to foster an inclusive, positive and productive working environment by:

- ▶ celebrating significant events such as Harmony Day, including by developing a shared Harmony Day recipe book
- ▶ continuing to develop our multilingual capabilities, including our language skills registry, which currently has more than 37 languages registered to assist with operations
- ▶ holding a corporate membership with Diversity Council Australia
- ▶ promoting the ACIC as an employer of choice in all position descriptions and diversity groups, by publishing a statement of diversity and inclusion for externally advertised vacancies
- ▶ finalising the cultural and linguistic diversity action plan report, to highlight progress and make recommendations for future initiatives.

Of our staff, 13.8 per cent have self-identified as being from a non-English speaking background, 7.8 per cent have stated that they do not have English as their first language, and 19.2 per cent have stated that Australia is not their country of birth.

Reconciliation Action Plan

The *ACIC Reconciliation Action Plan 2018–20* allowed the ACIC to foster respectful and productive relationships with Aboriginal and Torres Strait Islander people and communities. The action plan was finalised with the publication of the *Innovate—Reconciliation Action Plan Report—Final report for 2018–20*, detailing our successes and capturing lessons learnt. The report was submitted to Reconciliation Australia and published online during NAIDOC Week.

The ACIC celebrated NAIDOC Week with an online event for all staff, hosted by our Indigenous

Champion. The event commenced with a Welcome to Country from Ngunnawal Elder Wally Bell, followed by presentations and a yarning session with special guests Leila Smith, CEO of the Aurora Education Foundation, and Kristopher Wilson, lecturer and researcher in cybercrime at University of Technology Sydney.

During 2020–21, the ACIC:

- ▶ hosted a 2-day Indigenous Employee Forum, which focused on building employee connections and leadership skills through an Aboriginal and Torres Strait Islander lens—the forum was delivered by a 100 per cent Aboriginal owned and run, Supply Nation-certified organisation and attended by Aboriginal and Torres Strait Islander staff from across the National Intelligence Community
- ▶ continued to participate in Indigenous employment programs, including the Jawun secondment program and entry-level programs such as the Australian Public Service Commission Indigenous Graduate Pathway program
- ▶ held quarterly Reconciliation Action Plan Working Group meetings to assist in the implementation of the plan
- ▶ celebrated National Reconciliation Week by screening the short film *The Message—Stories from the Shore* across our state offices and collaborating with other APS agencies and their Indigenous employee network events
- ▶ commissioned a new Reconciliation Action Plan artwork and continued to develop the new Reconciliation Action Plan for the agency.

Of our staff, 2.35 per cent have self-identified as being from an Indigenous background. The ACIC continues to look at ways to increase development and leadership opportunities for Indigenous staff, including career development. A breakdown of Indigenous staffing by classification level is provided in Table 3.11.

Table 3.11: Indigenous staffing by classification at 30 June 2021

Classification	Indigenous employees
SES 1–3	–
EL 2	–
EL 1	2
APS 6	3
APS 5	2
APS 4	11
APS 1–3	–
Total	18

APS = Australian Public Service, EL = Executive Level, SES = Senior Executive Service

Disability

The ACIC is committed to changing attitudes and removing barriers by providing an inclusive workplace for employees and potential employees with disability. The ACIC launched the *Disability Action Plan 2021–24* in line with the *Australian Public Service Disability Employment Strategy 2020–25*.

During 2020–21, the ACIC:

- ▶ hosted events to celebrate the International Day of People with Disability across state and territory offices, with a focus on the role of carers and better ways to support job seekers with disability in the workplace
- ▶ hosted an online disability awareness training session for all staff, opened by the ACIC's Disability Deputy Champion
- ▶ renewed membership of the Australian Network on Disability and partnerships with JobAccess and the National Disability Recruitment Coordinator.

Of our staff, 2.1 per cent have identified as having disability.

Disability reporting is included in the Australian Public Service Commission State of the Service reports and the APS Statistical Bulletin. These reports are available at <www.apsc.gov.au>.

Remuneration and benefits

During 2020–21, our *ACIC Enterprise Agreement 2016–19* covered all APS employees (not including substantive SES officers or examiners). The agreement commenced on 30 December 2016 with a nominal expiry date of 30 December 2019. It provides a range of flexible working arrangements and aligns key ACIC conditions with APS-wide conditions.

On 8 November 2019, the CEO signed a determination under section 24(1) of the *Public Service Act 1999* to extend the terms and conditions of the *ACIC Enterprise Agreement 2016–19* and increase pay rates by 2 per cent on 30 December each year for 3 years. This was subject to the determination signed on 14 April 2020 by Assistant Minister to the Prime Minister and Cabinet the Hon. Ben Morton MP, under section 24(3) of the *Public Service Act*, to pause general wage increases and salary-related allowances in Commonwealth agencies for 6 months. The second pay rise was paid on 30 June 2021, with the third pay rise due on 30 December 2021.

Non-salary benefits available under the enterprise agreement include flexible working arrangements for staff at APS levels 1–6, time-off-in-lieu arrangements for Executive Level staff, tertiary studies assistance and our comprehensive Performance Management Cycle. We also offer free influenza vaccinations and an employee assistance program that provides counselling and support for staff and their family members.

Details of salary ranges available under the enterprise agreement are provided in Appendix C, Table C.14. Details of the remuneration of key management personnel, senior executives and other highly paid staff are provided in Appendix D, tables D.1 to D.5.

Incremental advancement is available to eligible staff as part of our Performance Management Cycle. The ACIC does not have a system of performance payments.

Staff retention and turnover

In 2020–21, a total of 109 staff left the ACIC. Reasons for leaving included moving to another APS agency, retirement, redundancy and the completion of non-ongoing contracts, as shown in Table 3.12.

Table 3.12: Australian Public Service employees and statutory office holders turnover

Reason for termination	Number
Completion of non-ongoing contract	1
Early termination of non-ongoing contract	–
External promotion	–
External transfer	37
Invalidity retirement	1
Resignation	57
Retired after age 55	8
Involuntary redundancy	–
Voluntary redundancy	5

Note: Staffing numbers include AIC staff. Further staffing details are provided in the AIC annual report.

In 2020–21, our average retention rate was 84.2 per cent.

Our staff retention strategies include:

- ▶ performance recognition and development
- ▶ performance feedback and support
- ▶ learning and development opportunities
- ▶ leadership development opportunities
- ▶ mentoring and coaching
- ▶ opportunities for mobility, including higher duties
- ▶ flexible working arrangements
- ▶ ongoing evaluation of feedback provided through staff surveys and entry/exit surveys.

Training and development

The ACIC fosters an environment of continuous learning and improvement for all staff, to support their personal and professional development. We provide opportunities for staff to develop core and specialist skills, aligned to their classification and role, while positioning them and the agency for the future.

Learning approach

Recognising that learning can happen at any time, the ACIC has adopted a continuous learning model that assists staff to recognise and make the most of a variety of formal and informal learning opportunities.

Our continuous learning model engenders a culture of continuous learning, evaluation and improvement. While recognising the importance of formal training, it ensures that learning is also integrated into our broader workforce strategies. This includes promoting participation in communities of practice, working groups and collaboration across teams, branches and divisions; providing mobility within the agency; and acknowledging the value of informal learning opportunities.

Capability framework

In June 2021, we released our capability framework, providing a strong foundation to understand, build and maintain key workforce capabilities now and into the future.

The framework aligns with the APS Integrated Leadership System and respective work level standards for APS and EL roles, and provides a basis for specialist and technical skills development at each classification level.

It comprises 6 groups of core capabilities that staff require in their roles, with 5 core capability groups representing the requirements for working in the APS, and the sixth representing the specific professional expertise required to work in the ACIC.

The framework assists staff and managers to understand their strengths as well as areas for development, and guides staff in identifying learning opportunities.

Core skills

The ACIC focuses on the development of core knowledge and skills which represent the intrinsic capabilities required of all ACIC employees. Topics covered in our core skills programs include:

- ▶ ethics and values
- ▶ critical thinking
- ▶ writing and communication skills
- ▶ working effectively in teams
- ▶ conflict resolution
- ▶ human resources
- ▶ work health and safety
- ▶ financial management, delegations and procurement
- ▶ change and project management.

Intelligence and operational training

We provide extensive training to ensure that our operational workforce has the knowledge and skills to effectively tackle the complex nature of transnational serious and organised crime, and adapt to the ever-changing criminal environment.

The ACIC delivers a range of training opportunities for new and existing employees as part of the Core Criminal Intelligence Training Pathway. The pathway aims to develop intelligence professionals in both intelligence collection and analytic roles, ensuring a consistent, best practice approach to criminal intelligence.

In addition to this, our intelligence and operational training focuses on developing our niche intelligence collection and analysis capabilities. Examples include training related to our coercive powers, covert intelligence collection, critical thinking, intelligence analysis, writing assessments, investigations, intelligence systems and databases, and strategic and financial intelligence.

Wherever possible, we collaborate on training with partner agencies, enhancing interoperability and developing consistency of practice. Through these partnerships, our training programs award vocational qualifications and, where possible, are articulated to tertiary qualifications.

The National Advanced Strategic Intelligence Course commenced in November 2020 as a joint initiative between the ACIC and Charles Sturt University. The course is open to staff from all state, territory and Commonwealth law enforcement agencies, as well as staff from the Department of Defence. It provides participants with advanced practical knowledge of strategic intelligence, including research methods, intelligence to inform policy, information and data collection, strategic analysis and writing for influence. The course also provides subject credit for and fully articulates with the Master of Intelligence Analysis offered by Charles Sturt University.

Leadership development

Developing our future leaders is integral to positioning the ACIC for the future. We deliver 2 formal leadership programs aimed at our current leaders, while supporting the development of our emerging leaders. The feature on 'Building leadership capabilities' on page 97 provides more details of the scope and uptake of our leadership programs.

We also provide cross-agency learning opportunities—in collaboration with the APS, the Australian Institute of Police Management, the National Security College at the Australian National University and the Women in Law Enforcement Strategy mentoring program—to further develop our leaders in multiagency environments.

Evaluation and continuous improvement

Evaluation is a critical tool to ensure that learning meets the needs of the agency. The ACIC evaluates all internal and external learning programs, ensuring that internal programs are aligned to the requirements of the workplace, and that the external programs represent value for money. Our approach to evaluation assesses whether the learning opportunity achieved its outcome, and identifies the impact of learning in the workplace and areas for further improvement.

Employee culture and engagement

We are committed to a workplace culture that strives for excellence, enables personal and professional growth, values diversity, models respectful behaviour, and achieves agency unity through collaboration and inclusiveness.

In 2020–21, we engaged with staff to better understand their views and increase the level of employee engagement. Engagement opportunities included employee entry/exit surveys and the 2020 APS Employee Census.

ACIC employees' responses to the 2020 APS Employee Census indicated that:

- ▶ 81 per cent of staff are satisfied with the stability and security of their job
- ▶ 88 per cent of staff strongly believe in the purpose and objectives of our agency and are committed to our agency goals
- ▶ 94 per cent of staff are happy to go the 'extra mile' at work when required
- ▶ 63 per cent of staff believe that their work group has used the COVID-19 crisis to improve the way they work
- ▶ 65 per cent of staff believe our agency is taking actions to maintain ways of working implemented during the COVID-19 crisis.

Work health and safety

We are committed to preventing injuries and exposure to hazards at work by taking all reasonably practicable steps to protect the health and safety of all workers through identifying, eliminating and minimising hazards in the workplace. Appendix B of this report details our 2020–21 work health and safety arrangements, initiatives and outcomes.

Resource management

The ACIC uses and manages resources in line with the principles of the Commonwealth Resource Management Framework, which is underpinned by the PGPA Act and related regulations, directions and guidance.

Asset management

In working towards our strategic purpose, the ACIC holds a range of assets, including leased office space; property, plant and equipment; intangible assets (software); and leasehold improvements at its various office locations.

A full nationwide stocktake of assets in the 'Property, plant and equipment' and 'Portable and attractive' classes was undertaken in 2020–21, with over 99 per cent of our assets by value accounted for.

Under our asset management policy a full valuation of tangible property held is to be undertaken once every three years. A full valuation was undertaken in 2020–21. Independent professional valuers were engaged to undertake a full valuation of tangible assets across the country. While there was no material change in the value of assets held, asset records were aligned with the new valuation amounts.

An internal review is undertaken of the ACIC's intangible assets to assess whether there is any impairment to intangible assets and to ensure that they are still in use, contribute productive benefit to the ACIC, and have a reasonable life expectancy. There was no impairment and no material change in the expected useful life of intangible assets.

The ACIC's office space in each capital city is held under lease and, as required under Australian Accounting Standards Board accounting standard AASB 16, the agency accounts for the leased office space as leased right-of-use assets.

Our asset mix at the end of 2020–21 comprised:

- ▶ \$50.746 million of leased office space
- ▶ \$48.329 million of intangible assets (software)
- ▶ \$40.089 million of property, plant and equipment
- ▶ \$12.942 million of leasehold improvements.

Property

We have ACIC offices in each capital city to support the delivery of our national service. Premises in Hobart and Darwin are provided by those jurisdictions' police forces and are not subject to formal lease arrangements. All other offices are under lease until at least 2022; most leases are due to expire from 2024 onward. The Victorian State Office relocated to new premises in December 2020.

On 1 February 2021, the ACIC transitioned to outsourced property provider Ventia, under the Australian Government's whole-of-government property services arrangements. Ventia supports the ACIC property team through the provision of core leasing and facilities management services.

We monitor our property performance nationally with a view to minimising our property footprint and taking advantage of efficiency initiatives, including opportunities to share facilities. Overall, the agency has a fit-out density of 13.0 square metres per work point.

Purchasing

Our approach to procuring property and services, including consultancies, is consistent with Australian Government policy and legislation covering procurement. The Commonwealth Procurement Rules are applied to activities through the Accountable Authority Instructions and supporting operational policies and procedures, which are reviewed for consistency with the Commonwealth Procurement Framework.

The procurement framework reflects the core principle governing Australian Government procurement—value for money. Our policies and procedures also focus on:

- ▶ competitive, non-discriminatory procurement processes
- ▶ efficient, effective, economical and ethical use of resources
- ▶ accountability and transparency.

During 2020–21, we continued to participate in whole-of-government, coordinated procurement initiatives and used clustering and piggybacking opportunities to lower tendering costs and provide savings through economies of scale.

Procurement initiatives to support small business

The ACIC supports small business participation in the Australian Government procurement market. Small and medium-sized enterprise (SME) and small enterprise participation statistics are available on the Department of Finance’s website at <www.finance.gov.au/government/procurement/statistics-australian-government-procurement-contracts>.

We support the use of SMEs through various means, including the use of template contracts for both low-risk and higher risk procurements, and compliance with the government’s Supplier Pay On-Time or Pay Interest Policy.

The ACIC recognises the importance of ensuring that small businesses are paid on time. The results of the survey of Australian Government payments to small business are available on the Treasury’s website at <www.treasury.gov.au>.

Indigenous Procurement Policy

In line with the Australian Government’s Indigenous Procurement Policy, we are committed to growing our engagement with Indigenous businesses.

In 2020–21, the ACIC had 17 contracts in place with majority Indigenous-owned businesses, collectively valued at \$2,314,906. This contributed to the Home Affairs portfolio meeting its annual targets for purchasing from Indigenous enterprises set by the National Indigenous Australians Agency for the financial year.

Contracts

In 2020–21, annual report requirements were added under sections 17AG(7) and (7A) and sections 17AGA(2) – (3) of the *Public Governance, Performance and Accountability Rule 2014*. The new requirements include disclosure of contract expenditure for consulting and non-consulting contracts, and additional information on the organisations that received amounts of that expenditure.

Consultancy contracts

During 2020–21, 5 new consultancy contracts were entered into involving total actual expenditure of \$0.346 million. In addition, 4 ongoing consultancy contracts were active, involving total actual expenditure of \$0.239 million during the period.

Tables 3.13 and 3.14 give details of our consultancy contracts in 2020–21.

Table 3.13: Expenditure on reportable consultancy contracts

Measure	Contracts	Expenditure \$ ^a
New contracts entered	5	345,540
Ongoing contracts entered into during a previous reporting period	4	238,710
Total	9	584,250

a. Includes GST.

Table 3.14: Organisations receiving a share of reportable consultancy contract expenditure

Organisation	Australian Business Number	Expenditure \$ ^a	Share of expenditure %
KPMG	51 194 660 183	256,128	44
Price Waterhouse Cooper Consulting (Australia) Pty Ltd	20 607 773 295	197,966	34
EY Digital Pty Limited	43 096 505 805	63,998	11
Elizabeth Montano ^b	68 758 946 781	25,414	4
Tenth Intelligence	78 234 967 745	20,696	4

a. Includes GST.

b. Elizabeth Montano performed two separate roles for the ACIC, serving as both an independent member on the Audit Committee and an independent member on the NCIS Steering Committee.

Consultants are typically engaged to investigate or diagnose a defined issue or problem, carry out defined reviews or evaluations, or provide independent advice, information or creative solutions to assist in the ACIC's decision-making. We engage consultants when we require specialist expertise areas including but not limited to policy design, financial viability, and IT strategic planning, or independent evaluations of the ACIC's outcomes.

We make decisions to engage consultants in accordance with the PGPA Act and related regulations, including the Commonwealth Procurement Rules and relevant internal policies. Prior to engaging consultants, we take into account the skills and resources required for the task, the skills available internally, and the cost-effectiveness of engaging external expertise. We select consultants through panel arrangements or by making an open approach to market.

Annual reports contain information about actual expenditure on reportable consultancy contracts. Information on the value of reportable contracts and consultancies is available on the AusTender website at <www.tenders.gov.au>.

Non-consultancy contracts

During 2020–21, 322 new non-consultancy contracts were entered into involving total actual expenditure of \$36.798 million. In addition, 245 ongoing non-consultancy contracts were active, involving total actual expenditure of \$64.441 million during the period.

Tables 3.15 and 3.16 give details of our non-consultancy contracts in 2020–21.

Table 3.15: Expenditure on reportable non-consultancy contracts

Measure	Contracts	Expenditure \$ ^a
New contracts entered	322	36,797,963
Ongoing contracts entered into during a previous reporting period	245	64,441,468
Total	567	101,239,431

a. Includes GST.

Table 3.16: Organisations receiving a share of reportable non-consultancy contract expenditure

Organisation	Australian Business Number	Expenditure \$ ^a	Share of expenditure %
IDEMIA Australasia Pty Ltd	43 003 099 812	15,413,004	15
Datacom Systems (AU) Pty Ltd	39 135 427 075	8,847,653	9
Ventia Property Pty Ltd	16 618 028 676	6,750,478	7
Price Waterhouse Cooper Consulting (Australia) Pty Ltd	20 607 773 295	4,013,304	4
Talent International (ACT) Pty Ltd	92 121 819 305	3,260,839	3

a. Includes GST.

Annual reports contain information about actual expenditure on reportable non-consultancy contracts. Information on the value of reportable non-consultancy contracts is available on the AusTender website at <www.tenders.gov.au>.

Access clauses

During 2020–21, we did not enter into any contracts of \$100,000 or more that excluded provision for access by the Auditor-General.

Exempt contracts

Contract details are exempt from being published on AusTender if those details would disclose exempt matters under the *Freedom of Information Act 1982*. No such contract details were excluded from being published on AusTender in 2020–21.

Advertising and market research

Section 311A of the *Commonwealth Electoral Act 1918* requires us to provide details of amounts paid for advertising and market research in our annual report.

In 2020–21:

- ▶ The ACIC did not conduct any advertising campaigns or make any payments for polling, direct mail or campaign advertising.
- ▶ The ACIC did not make any payments related to non-campaign advertising that were higher than the reporting threshold of \$14,300.
- ▶ A total of \$8,938 (including GST) was paid to Andrews Group Pty Ltd to undertake work on the 2019–20 stakeholder survey.
- ▶ A total of \$38,636 (including GST) was paid to ThinkPlace Pty Ltd to undertake work on the 2020–21 stakeholder survey.

Grants

The ACIC did not award grants during 2020–21.

Ecologically sustainable development

The 5 principles of ecologically sustainable development identified in the *Environment Protection and Biodiversity Conservation Act 1999* are integration, precautionary, intergenerational, biodiversity and valuation.

We are aware of these principles in our daily operations. We strive to operate in an environmentally responsible manner, including by making efficient use of resources and managing waste effectively.

We are committed to reducing our impact on the environment through ongoing minimisation strategies and new technologies and resources, including:

- ▶ using electronic document management systems and web-based information-sharing tools that reduce or eliminate the need to print and retain paper copies of documents
- ▶ using video and telephone conferencing where possible to reduce the need for local and interstate travel
- ▶ reviewing leased buildings and encouraging owners to improve their buildings' energy performance
- ▶ ensuring that new leases entered into comply with the Australian Government's energy policy
- ▶ procuring energy-efficient equipment and lighting solutions, including smart lighting that activates only when areas are occupied
- ▶ providing recycling facilities in breakout areas.

The integration of energy efficiency practices into our organisation and planning allows us to reduce our energy costs and our consumption of valuable resources.



BUILDING LEADERSHIP CAPABILITIES

“ The ACIC’s strong commitment to leadership development provides staff with support, resources, engagement and encouragement to achieve their goals.

The ACIC has a strong commitment to leadership development. We focus on building capability that aligns with our agency’s unique objectives yet remains consistent with leadership exercised across the Australian Public Service (APS) and the National Intelligence Community.

Leadership is a vital skill for employees in any role, not just managers. In February 2020, we joined with a registered training organisation to develop 2 leadership training programs tailored to our agency. Our aims were to teach employees how to become more successful leaders, improve communication, make better decisions, manage conflict and lead others through times of change.

The results were the ACIC Emerging Leaders Program and the ACIC Leadership Development Program. These are 12-month courses that align with our agency objectives, capability development strategy and Core Criminal Intelligence Training Pathway. Both courses offer a leadership career pathway for current and emerging leaders.

The ACIC Emerging Leaders Program is designed for staff at APS levels 4–6, to advance their knowledge of contemporary public service, their ability to perform at

a high level in a government context, and their people management and engagement techniques. At 30 June 2021, 17 participants had completed the program and a further 17 were undertaking it. Each participant receives the nationally recognised qualification Diploma of Government (PSP50116) upon successful completion of the program.

The ACIC Leadership Development Program targets employees at Executive Level levels 1–2 who are already managing teams and supervising staff, and aims to further develop their leadership and management skills. It covers leading people, key management and leadership skills, building teams, planning and managing performance, managing and resolving conflict, building strategic relationships, and influencing in government contexts. At 30 June 2021, 16 participants had completed the program and a further 16 were undertaking it. Upon successful completion of the program, each participant receives the nationally recognised qualification Diploma of Leadership and Management (BSB51918).

These programs provide the support, resources, encouragement and engagement that ACIC employees need to achieve their goals.