



AUSTRALIAN
**CRIMINAL
INTELLIGENCE
COMMISSION**



ANNUAL REPORT 2021-22

2021–22 SNAPSHOT

PERFORMANCE HIGHLIGHTS



We delivered **criminal intelligence** on the highest-level transnational serious and organised crime threats impacting Australia, and played a critical role in bringing partners together to build operational strategies and coordinate disruption activities.



We produced **120** analytical intelligence and **2,434** tactical intelligence products.



We disseminated **15,322** information and intelligence products among **214** partners.



Our intelligence contributed to **46** disruptions of criminal entities.



Our intelligence contributed to the seizure of drugs and precursors with an estimated street value of **\$1.4 billion** and **\$24.3 million** cash and assets.



We provided **national policing information** systems and services to law enforcement and intelligence partners to keep them, and the Australian community, safe.



We provided **11** information systems to help our partners prevent, detect and reduce crime in the community.



Our policing information systems met **100%** of availability benchmarks set by the ACIC Board.



Our **National Criminal Intelligence System** was enhanced and expanded to include **3** state police incident datasets.



Of our surveyed stakeholders, **100%** agreed that our information services are valuable to the work of their organisation.



We delivered world-class background **checking services** to support employment or entitlement decisions.



We processed **6.7 million** nationally coordinated criminal history checks.



We conducted **112** compliance audits for National Police Checking Service accredited bodies.



We developed and shared **unclassified intelligence** to keep the Australian community informed.



We released **3** reports of the National Wastewater Drug Monitoring Program and **one** edition of the Illicit Drug Data Report.



Working with the Australian Institute of Criminology, we estimated the cost of serious and organised crime in Australia to be up to **\$60.1 billion**.



Our spokespeople participated in **30** media interviews highlighting our core capabilities and intelligence insights.

RESOURCES



Our financial performance was underpinned by an accountable and transparent governance framework.



\$293.347 million
total revenue



\$255.818 million
total expenses



\$127.331 million
revenue from government



\$37.529 million
operating surplus



\$166.016 million
own source income



Our people were skilled, experienced and diverse.



751 staff – **378** male and **373** female – at 30 June



13.9% of employees
from non-English
speaking backgrounds



371 secondees and task
force members on short-term
or long-term assignments
with the ACIC



2.5% of employees
with disability



2.0% of employees from
Indigenous backgrounds

ACIC at a glance

The Australian Criminal Intelligence Commission (ACIC) works with its law enforcement and intelligence partners to improve the national ability to respond to crime impacting Australia.

Our vision

An Australia hostile to criminal exploitation.

Our purpose

To protect Australia from criminal threats through coordinating a strategic response and collecting, assessing and disseminating intelligence and policing information.

Our work

- ▶ Work with international and domestic partners as the trusted source of criminal intelligence to pursue transnational serious and organised crime threats.
- ▶ Detect changes in the criminal threat landscape by generating intelligence that identifies emerging trends.
- ▶ Conduct special ACIC operations and special ACIC investigations addressing the criminal activities that pose the greatest threats to Australians.
- ▶ Deliver comprehensive intelligence and information-sharing solutions between law enforcement agencies that assist with biometric matching, child protection, firearm tracing and information services, police reference services, missing persons and domestic violence.
- ▶ Deliver background checking services, including criminal intelligence assessments, to support employment or entitlement decisions.

About this report

This report summarises the performance of the ACIC for the financial year ending 30 June 2022, as required by the *Public Governance, Performance and Accountability Act 2013*.

This report details our performance against the performance measures in the portfolio budget statements and corporate plan, and provides information on our financial performance, accountability and management of people and resources.

A separate annual report by the Chair of the ACIC Board documents the operations of the ACIC as required by the *Australian Crime Commission Act 2002*.

Performance in 2021–22

Performance criterion	Result	Comments
1. The ACIC discovers and targets current and evolving criminal threats to Australia.		Met – We coordinated efforts to achieve maximum impact against the highest-risk criminal targets. At 30 June 2022, we were tracking 17 targets at the Australian Priority Organisation Target level and 62 targets at the Regional Priority Organisation Target level.
2. The ACIC produces criminal intelligence products to better inform partners and stakeholder agencies.		Met – Our criminal intelligence was collected and combined with information and intelligence from partner agencies to create and share a comprehensive national picture of criminality in Australia. We produced 2,554 unique analytical and tactical intelligence products addressing our 7 priority crime themes.
3. The ACIC informs partners of the current and evolving criminal threats to Australia.		Substantially met – We met 3 of 4 targets. We received 1,744 requests for information and made 15,322 disseminations. The number of partners receiving disseminations fell below the 4-year average, partly due to decreased demand for COVID-19 related products and changes in how the ACIC engages with some international partners. Of the products disseminated, 77% were disseminated to board partners, 12% to international partners, and 11% to non-board Australian partners.
4. ACIC intelligence facilitates a response to criminal activity affecting Australia.		Substantially met – We met 3 of 4 targets. We contributed to 44 significant disruptions and 2 severe disruptions by our partners and initiated 58 joint project proposals. Due to a shift in our operational focus on targeting serious financial crime, we made one financial referral.
5. ACIC intelligence is helping to make Australia more hostile to crime.		Met – This was demonstrated by our role in supporting the New South Wales Police Force's Strike Force Datos.
6. Stakeholders agree that ACIC intelligence is meaningful and useful.		Met – We received 490 requests for additional disclosure of our products. All respondents to our stakeholder survey agreed or strongly agreed that ACIC intelligence products provide a comprehensive and relevant understanding of crime impacting Australia.
7. ACIC information systems are available when required by partner agencies.		Met – Our national policing information systems met all board-agreed availability benchmarks.
8. ACIC information systems are used by partner agencies.		Partially met – Our systems achieved mixed results: 6 of 10 systems able to be counted exceeded the 4-year average for number of users, and 6 of 7 systems exceeded the 4-year average for number of searches.
9. ACIC information systems provide useful information to police partners.		Partially met – One of 3 systems exceeded the 4-year average for positive data matches.
10. The ACIC continues to enhance information systems.		Met – Our enhancement of the National Criminal Intelligence System demonstrated our commitment to ensuring that ACIC systems are appropriate, fit for purpose and meet stakeholder expectations.
11. Stakeholders are satisfied that the national policing information systems are meaningful and fit for purpose.		Met – Our stakeholder survey results indicated that a large majority of our stakeholders agree or strongly agree that our national policing information systems are reliable, meet the needs of their organisations, and are of value to their work.
12. The National Police Checking Service is available to conduct checks as requested.		Met – The National Police Checking Service system exceeded the board-agreed benchmark of 99% system availability.
13. The ACIC contributes to community safety by delivering timely information to support employment decisions.		Not met – The timeliness benchmarks for standard and urgent checks were not met. Performance was affected by resourcing issues, including impacts of the COVID-19 pandemic, and high demand: the number of requests for checks, 6.7 million, was 18% above the 4-year average. Performance against this measure is dependent on our police partners and accredited bodies providing this service to the wider community.
14. National Police Checking Service accredited bodies are fulfilling their obligations to ensure an accurate and reliable service.		Met – We undertook 112 audits as part of the National Police Checking Service Assurance Program. As a result, 24 accredited bodies were referred for further investigation following alleged non-compliance, and the accreditation of 2 bodies was suspended after repeated incidents of non-compliance.

Letter of transmittal



AUSTRALIAN
CRIMINAL
INTELLIGENCE
COMMISSION

16 September 2022

The Hon Mark Dreyfus KC MP
Attorney-General
Parliament House
Canberra ACT 2600

Dear Attorney-General

I am pleased to present the annual report of the Australian Criminal Intelligence Commission (ACIC) for the year ending 30 June 2022, prepared in accordance with the requirements of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).

The report outlines the ACIC's performance for 2021–22 and includes audited financial statements.

Section 46(1) of the PGPA Act requires me to provide you with a report for presentation to the Australian Parliament.

In addition, I certify that I am satisfied that the ACIC has undertaken all appropriate fraud control measures as set out in section 10 of the *Public Governance, Performance and Accountability Rule 2014*.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Phelan', is written over a horizontal line.

Michael Phelan APM
Chief Executive Officer
Australian Criminal Intelligence Commission

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WE ARE **DRIVEN BY** VALUES OF **RESPECT,**
INTEGRITY AND INNOVATION



SECTION 1

AGENCY OVERVIEW

Who we are and what we do

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Chief Executive Officer's review

It has been a privilege to lead the Australian Criminal Intelligence Commission (ACIC) over the past 5 years. We have established our unique role as an intelligence agency that supports partners to deliver on their law enforcement functions. We play an integral part in maintaining our country's national security by attacking serious and organised crime threats. In what will be my last annual report as CEO, I proudly reflect on our achievements, especially our staff's responsiveness and resilience over a number of years of challenges due to the ongoing COVID-19 pandemic.

During 2021–22, we continued to strengthen our operating model based on our 4 pillars of core collection capability: coercive powers, technical intelligence, human intelligence and data analytics. These pillars are used to derive strategic intelligence insights, drive disruption strategies, generate operational insights and inform policy, legislative and regulatory responses that harden the environment against criminal exploitation.

We had a particular focus on enhancing our coercive powers function. Three additional examiners commenced with the ACIC, allowing us to generate more intelligence insights and continue increasing the pressure on serious and organised crime networks.

An important milestone for the agency was the passage of the *Surveillance Legislation Amendment (Identify and Disrupt) Act 2021*. This legislation provides the ACIC and Australian Federal Police with significant powers to investigate and disrupt serious and organised crime, particularly where criminal networks are hiding behind anonymising technology to facilitate their criminal activities.

I am cognisant that the ACIC has been afforded the privilege of exercising some of the most intrusive powers of any agency in the country. This is why compliance is my number one priority. We undertook several steps this year to enhance the ACIC's compliance practices and framework. Maintaining high levels of compliance means that the Australian Government, our partner agencies and the wider community can continue to have confidence in us.

The criminal intelligence assessment capability was established on 22 June 2022 to help strengthen background checking for Aviation Security Identification Card and Maritime Security Identification Card holders. This will reduce the ability of individuals with links to serious and organised crime to gain access to our airports, seaports, and other Commonwealth sites. The ACIC will continue expanding its capability to conduct these assessments progressively over the next 12 months to reach full capability in June 2023.

We will also continue to transform and uplift our advanced data analytics capability, to equip us to better leverage data and identify previously unknown linkages to harden the environment against transnational serious and organised crime. This work combines people, data, technology and data governance to deliver insight and operational impact through leading-edge analytics.

We operate in a complex and continually evolving environment and need to embrace change and adapt in order to achieve our vision. Over the next 12 to 24 months we will work to consolidate our efforts on our core functions and ensure that these are delivered efficiently and effectively, with a strong focus on performance and accountability.



Michael Phelan APM
Chief Executive Officer
Australian Criminal Intelligence Commission



About us

The Australian Criminal Intelligence Commission (ACIC) is Australia's national criminal intelligence agency, with a permanent presence in each state and territory and 3 offshore locations.

We are a member of the National Intelligence Community, an Attorney-General's portfolio agency, and a member of the Five Eyes Law Enforcement Group.

Our purpose is to protect Australia from criminal threats through coordinating a strategic response and collecting, assessing and disseminating intelligence and policing information.

Our vision is 'An Australia hostile to criminal exploitation'.

Role

We work with our national and international partners to conduct investigations, collect intelligence and furnish advice and assessments to combat serious and organised crime, including cybercrime and national security threats. We are the conduit for sharing criminal intelligence and information between all federal, state and territory law enforcement agencies.

To perform our role and achieve our purpose, we:

- ▶ collect, correlate, analyse and disseminate criminal intelligence and information
- ▶ maintain a national criminal intelligence database
- ▶ develop strategic criminal intelligence assessments and advice on national criminal intelligence priorities
- ▶ conduct special ACIC investigations and special ACIC operations
- ▶ provide and maintain systems that allow information sharing for policing and law enforcement agencies
- ▶ provide nationally coordinated criminal history checks and conduct criminal intelligence assessments.

Objectives

Our *Strategic Direction 2022–26* sets out 4 objectives that underpin the way we plan, operate and measure our performance:

- ▶ Be the trusted source of criminal intelligence
- ▶ Provide comprehensive Commonwealth and policing intelligence
- ▶ Keep the community safe
- ▶ Deliver a sustainable agency.

Specialist capabilities

The capabilities that enable us to perform our functions include:

- ▶ **National criminal intelligence data holdings** – We collect criminal intelligence and combine it with information and intelligence from partner agencies to create and share a comprehensive national and international picture of criminality impacting Australia.

- ▶ **National information and intelligence sharing services and systems** – We provide timely and reliable police and law enforcement information services and, through consultation and collaboration, we develop new and innovative capabilities.
- ▶ **Coercive powers** – We have coercive powers, similar to those of a royal commission, which may be exercised by an ACIC examiner in the course of a special ACIC operation or special ACIC investigation.
- ▶ **International collaboration** – We work in collaboration with international law enforcement and intelligence networks and have deployed ACIC officers to countries of strategic importance in our efforts to counteract serious and organised crime impacting Australia.
- ▶ **Strategic products** – Our strategic intelligence products build a comprehensive picture of criminality impacting Australia to support our partners in decision-making, strategic targeting and policy development.
- ▶ **Australian Priority Organisation Target List** – This ACIC-led initiative focuses on identifying and assessing serious and organised criminal entities who pose the greatest harm to Australia's interests and enables the ACIC to work with partners to coordinate national operational responses. This approach improves understanding and facilitates disruption efforts in collaboration with our domestic and offshore intelligence partners, within the local, regional and global contexts.
- ▶ **Legislative framework allowing appropriate data sharing** – By sharing intelligence, information, resources and expertise with our partners, and with private industry where permitted and appropriate, we maximise the collective impact against crime. We are a conduit between the states and territories and the Commonwealth for the sharing of criminal intelligence and information.
- ▶ **Specialist technology and skills** – Our work is underpinned by sophisticated and tailored intelligence gathering and analytical capabilities.

Culture and values

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

We value our professionally diverse people as our greatest asset. We engage with each other and our stakeholders ethically, and with integrity and respect. We are capable, agile, innovative, adaptable and service focused.

We are committed to the Australian Public Service values of being impartial, committed to service, accountable, respectful and ethical.

Our work is guided by 5 principles:

- ▶ Driven by values of respect, integrity and innovation
- ▶ Always in partnership
- ▶ Accurate, timely and reliable data and information
- ▶ Superior tradecraft
- ▶ Highly trained and skilled staff.

Our organisation

The ACIC is a Commonwealth statutory agency, established under the *Australian Crime Commission Act 2002* (ACC Act) with roles and functions underpinned by supporting legislation in each state and territory. We began operating on 1 July 2016.

The ACIC is a non-corporate Commonwealth entity for the purposes of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).

Accountability

During 2021–22, the ACIC was part of the Home Affairs portfolio and reported to the Minister for Home Affairs.

Under a machinery of government change, the agency moved to the Attorney-General's portfolio on 1 July 2022 and now reports to the Attorney-General.

The Chief Executive Officer (CEO) is the accountable authority of the ACIC for the purposes of the PGPA Act.

Mr Michael Phelan APM was appointed CEO on 13 November 2017 and remained in that position throughout 2021–22.

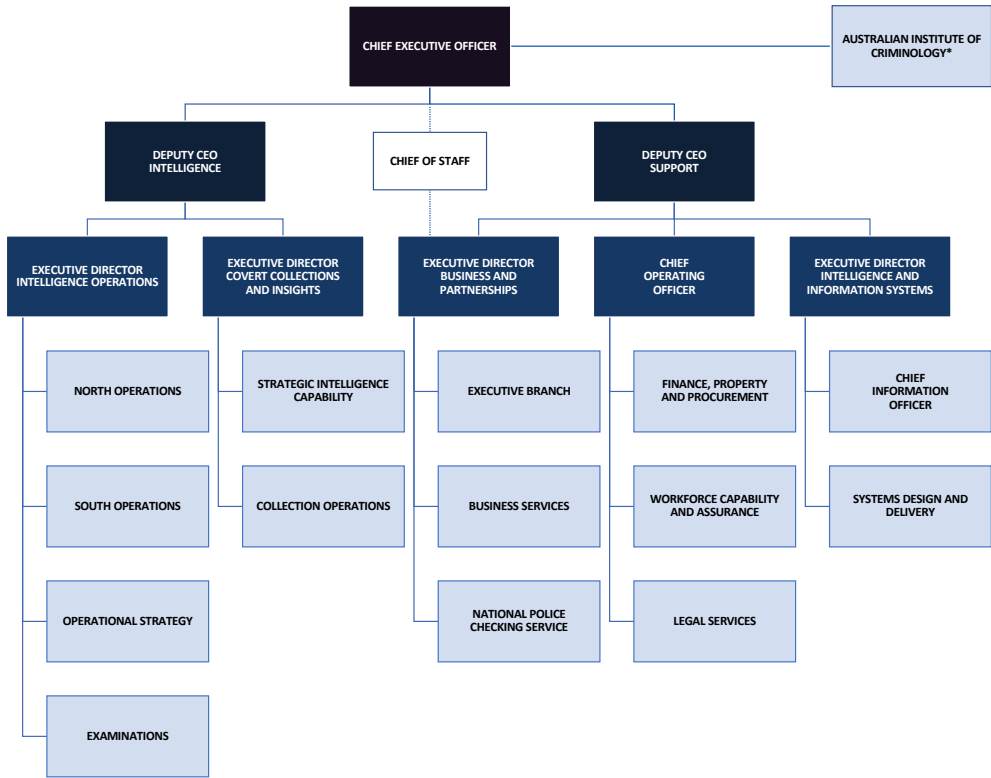
Structure

Figure 1.1 sets out the organisational structure of the ACIC.

Two changes were made to the structure in January 2022:

- ▶ The role of Executive Director Covert Collections and Insights was created, to work alongside the role of Executive Director Intelligence Operations, and the Intelligence Group was restructured to ensure that it is best positioned to carry out its intelligence operations and other functions.
- ▶ The Intelligence and Information Systems Division was created, to strengthen the critical enabling capability that the ACIC's information and communications technology provides to national law enforcement, intelligence, research and corporate information systems in Australia and overseas.

Figure 1.1: Organisational structure at 30 June 2022



*The ACIC Chief Executive Officer is also Director of the Australian Institute of Criminology.

Board

The ACIC Board is established by section 7B of the ACC Act. Its members are senior officeholders of Commonwealth, state and territory law enforcement bodies and key regulatory and national security agencies. The CEO of the ACIC is a non-voting member.

The role of the board includes:

- ▶ providing strategic direction and determining agency priorities
- ▶ determining national criminal intelligence priorities
- ▶ authorising, by determination, special ACIC investigations and special ACIC operations, which allow the use of our coercive powers, to occur
- ▶ making recommendations about charges for national policing information services, including criminal history checks

- ▶ determining priorities in relation to national policing information systems and services, and providing recommendations to the Attorney-General for investment to improve, maintain and expand those information systems and services.

As a powerful law enforcement, intelligence and national security body, the board provides a significant platform to drive the collegial approach necessary to make Australia better connected, informed and capable of responding to crime.

Examiners

ACIC examiners are independent statutory officers appointed by the Governor-General to exercise the coercive powers set out in the ACC Act for the purpose of board-approved special ACIC operations and special ACIC investigations.

An examiner may exercise coercive powers only where relevant or for the purposes of a special ACIC operation or special ACIC investigation and only when all legislative requirements are met.

In December 2021, the Minister for Home Affairs appointed 3 new examiners, bringing the total to 6 (4 full-time and 2 part-time). Examiners are based in Adelaide, Brisbane, Canberra, Melbourne, Perth and Sydney.

Relationship with the Australian Institute of Criminology

The ACIC supports and closely collaborates with the Australian Institute of Criminology (AIC), to ensure that criminological research and evidence remain central to law enforcement's collective response to crime. Our CEO is also Director of the AIC and the 2 agencies are co-located. While the AIC operates independently, its high-quality research is important to our work.

Our performance framework

We achieve our purpose through a planning and reporting framework that harmonises portfolio and corporate objectives and performance measures.

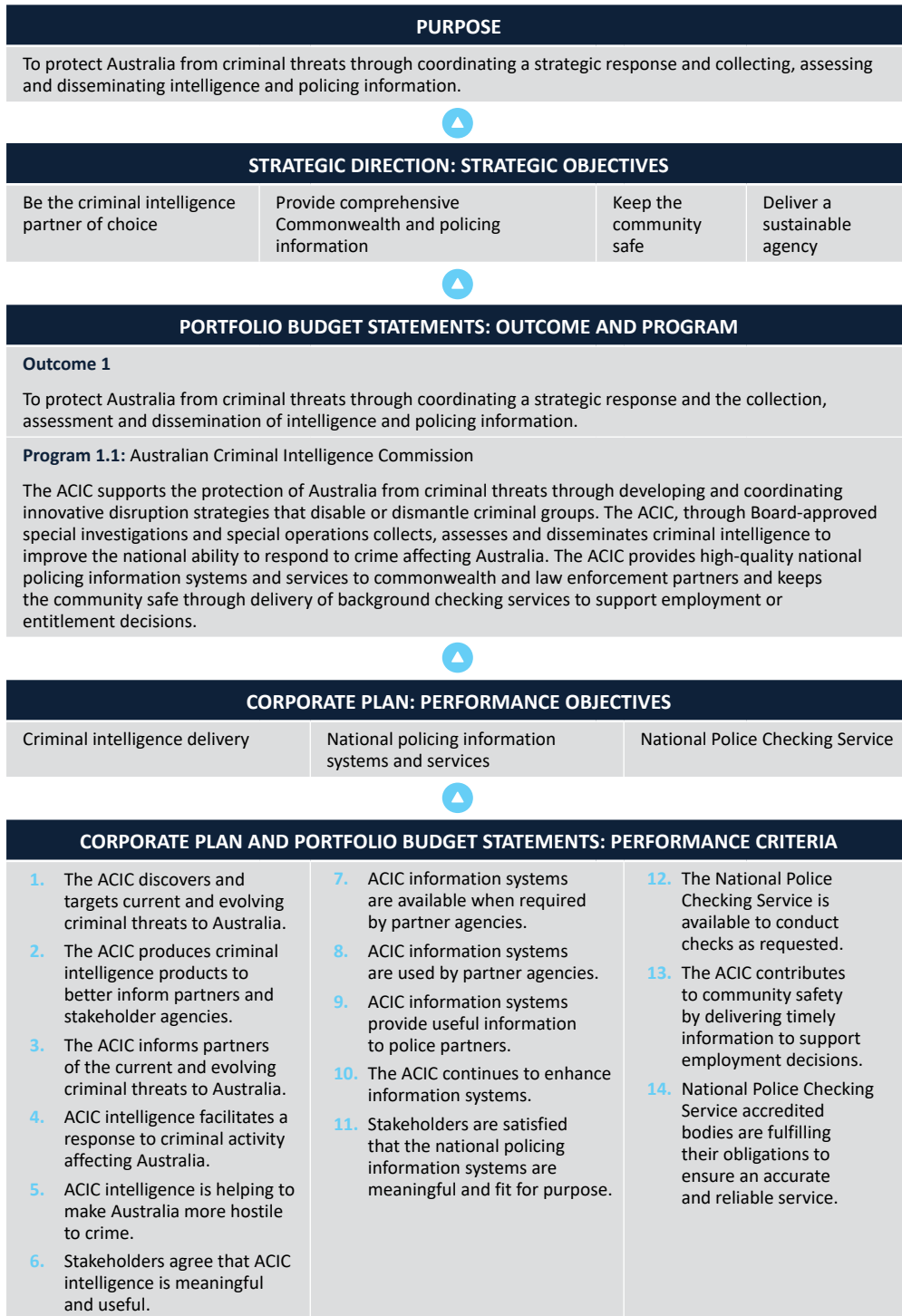
Our annual portfolio budget statements detail our outcome and program structure. The 'outcome' is the intended result, impact or consequence of our actions. We work towards our outcome by performing the functions that make up our program.

The core documents in our strategic planning framework – our strategic direction and our corporate plan – articulate how we will perform those functions.

The criteria to measure how well we performed our functions during the financial year are set out in the portfolio budget statements and the corporate plan, and addressed in the CEO's annual report against the PGPA Act reporting requirements.

Our outcome and program structure for 2021–22 is shown in Figure 1.2, along with its relationship to key elements of our *Strategic Direction 2021–25* and *Corporate Plan 2021–22*. Those documents and a link to our *Portfolio Budget Statements 2021–22* are available on our website at <www.acic.gov.au/publications/corporate-documents>.

Figure 1.2: Portfolio, corporate and strategic performance framework 2021–22



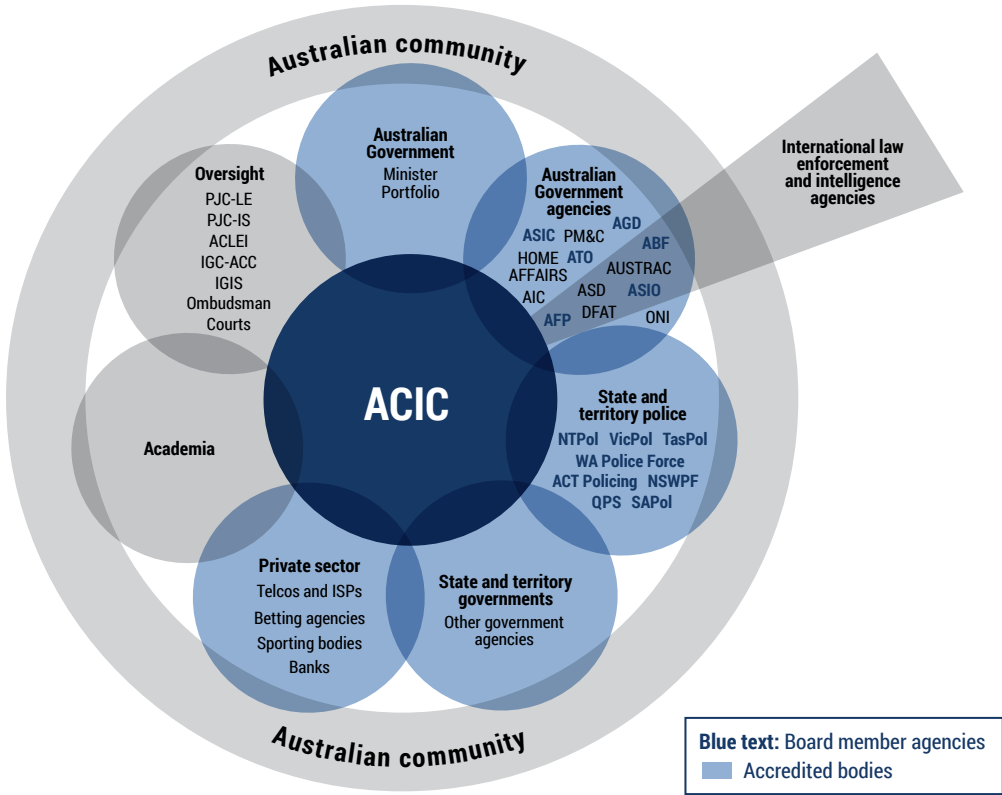
Our stakeholders

We cannot achieve our vision and purpose without the support of others. The responsibility to make Australia safer and to reduce the impact of crime is shared by many government departments, law enforcement and intelligence agencies and other entities – effective engagement is critical.

We aim to be the trusted source of criminal intelligence for all our stakeholders. As shown in Figure 1.3, our stakeholders include:

- ▶ **Australian community** – We undertake our activities in order to support and improve the safety of the Australian community, through generating and sharing intelligence about serious and organised criminal activity, supporting police partners to respond to crime, or providing information to support decision-making on entitlement or employment through the National Police Checking Service.
- ▶ **Australian Government** – We report to the Attorney-General and work within the Attorney-General's portfolio to ensure that our response to serious and organised crime is coordinated across government.
- ▶ **Australian Government agencies** – We leverage our unique position to link federal, state and territory law enforcement and intelligence agencies. We generate intelligence that is shared among relevant Australian Government partners to support responding to serious and organised crime in Australia. The heads of a number of Australian Government agencies are members of the ACIC Board.
- ▶ **State and territory police** – We provide state and territory law enforcement agencies with information and services that support them to undertake their role. Each police commissioner is a member of the ACIC Board and provides strategic direction and oversight to our agency.
- ▶ **State and territory governments** – We generate intelligence that can be used by state and territory governments to close opportunities for criminal activity, strengthen regulations or directly disrupt criminal activity through court proceedings.
- ▶ **International agencies** – We leverage our relationships with international law enforcement and intelligence agencies to support our response to serious and organised crime in Australia.
- ▶ **Private sector** – We rely on parties in the private sector to support the delivery of national police systems, act as accredited bodies and build relationships to support responses to the evolving criminal threats that Australia faces.
- ▶ **Academia** – We partner with established sources of scientific and intellectual expertise within Australian academic institutions to ensure that we remain at the forefront of responding to serious and organised criminal threats to Australia.
- ▶ **Oversight bodies** – We are properly subject to external oversight, to make sure that we use our agency powers responsibly, effectively and in accordance with the law at all times.
- ▶ **Accredited bodies** – We have accredited certain organisations to submit police checks. These organisations are entrusted with direct access to the National Police Checking Service system and play a vital role to help safeguard the Australian community.

Figure 1.3: Stakeholders



ABF = Australian Border Force, ACLEI = Australian Commission for Law Enforcement Integrity, ACT Policing = Australian Capital Territory Policing, AFP = Australian Federal Police, AGD = Attorney-General's Department, AIC = Australian Institute of Criminology, ASD = Australian Signals Directorate, ASIC = Australian Securities and Investments Commission, ASIO = Australian Security Intelligence Organisation, ATO = Australian Taxation Office, AUSTRAC = Australian Transaction Reports and Analysis Centre, DFAT = Department of Foreign Affairs and Trade, IGC-ACC = Inter-Governmental Committee on the Australian Crime Commission, IGIS = Inspector-General of Intelligence and Security, ISPs = internet service providers, NSWPF = New South Wales Police Force, NTPol = Northern Territory Police, ONI = Office of National Intelligence, PJC-IS = Parliamentary Joint Committee on Intelligence and Security, PJC-LE = Parliamentary Joint Committee on Law Enforcement, PM&C = Department of the Prime Minister and Cabinet, QPS = Queensland Police Service, SAPol = South Australia Police, TasPol = Tasmania Police, VicPol = Victoria Police, WA Police Force = Western Australia Police Force

Australia's criminal environment

We operate in a complex environment. Our work is central to ensuring an informed, collaborative and connected national response to serious and organised crime impacting Australia. Understanding the dynamic and changing criminal environment is critical to determining how Australia responds.

The main features of serious and organised crime as it affects Australia are as follows:

- ▶ **Destructive, pervasive and complex** – Serious and organised crime impacts the lives of Australians in complex and destructive ways. As criminals seek to exploit vulnerabilities and perceived gaps in law enforcement, Australians experience damage to families and communities, lost income, health and social impacts, and the erosion of public trust.
- ▶ **Costly** – Serious and organised crime costs the Australian community billions of dollars each year. The AIC estimates that the cost of serious and organised crime to Australia in 2020–21 was up to \$60.1 billion, including up to \$43.7 billion in direct costs and up to \$16.4 billion in prevention and response costs.
- ▶ **Globalised** – Geographic boundaries do not confine criminal networks. We estimate that around 70% of Australia's serious and organised criminal threats are based offshore or have strong offshore links.
- ▶ **Diversified** – Criminal groups have diversified across multiple criminal markets, often combining traditional organised crime activities with new forms of business. Diversified activities ensure consistent revenue streams to finance higher risk criminal ventures, and enable criminal enterprises to respond to shifts in supply and demand.
- ▶ **Resilient** – Criminal groups are enduring and resilient, with sophisticated networks that rise to the challenges posed by shifting global conditions and disruptions. They quickly adapt methodologies in response to changes in their operating environment, and collaborate with each other for mutual gain.
- ▶ **Concealed** – Serious and organised criminals conceal their activities by blending legitimate business with criminal enterprises. They employ professional experts across a range of industries to advise on complex methods and techniques to hide their ventures from law enforcement. Criminal groups corrupt officials, and use violence and intimidation to coerce individuals into supporting and concealing their criminal activities.
- ▶ **Tech- and cyber-savvy** – Criminals quickly adopt emerging and advancing technologies, enabling increasingly sophisticated methods to counter law enforcement efforts. They leverage the expertise of their peers, sharing tools, techniques and information across dark web forums and marketplaces. Cybercriminal groups can target thousands of Australians simultaneously from anywhere in the world.
- ▶ **National security threat** – Links between national security issues and serious and organised crime include Australians engaging in crime to generate funds to support terrorist groups, and domestic and offshore criminals attempting to influence government activities and decisions in Australia.



FEATURE

Improved fingerprint identification system

"NAFIS NextGen will allow law enforcement agencies across Australia to use our biometric services to help solve crime and keep our community safe."

Michael Phelan, ACIC CEO

The National Automated Fingerprint Identification System (NAFIS) has been in operation since April 2001. We are working to replace the system with a modern, future-proof software platform called NAFIS NextGen in May 2023.

NAFIS helps Australian law enforcement agencies to solve crimes by matching crime scene evidence to persons of interest and identifying individuals from their fingerprints or palm prints. It enables near real-time uploads of prints from crime scenes, helping police to identify suspects in minutes.

NAFIS is available 24/7 and is searched on average 4,245 times per day by Australian law enforcement agencies. While most identifications are for volume crimes such as unlawful entry to homes and car thefts, the system also assists police to identify suspects for more serious crimes such as murder, rape and armed robbery.

On 15 November 2021, at the Australian Embassy in France, ACIC CEO Michael Phelan executed an agreement with multinational technology company IDEMIA to enhance the system. By delivering the next generation of the only national fingerprint and palm print capability in Australia, the NAFIS NextGen will benefit law enforcement agencies across the states and territories and the Commonwealth.

The new arrangement is the direct result of 12 months of intensive work by our staff, and builds on our successful implementation of the NAFIS Hardware Stabilisation Project in September 2020, which addressed urgent risks to the NAFIS service arising from outdated infrastructure.

NAFIS NextGen will allow our agency to deliver an upgraded, fully supported system, with protected government cloud capability, advanced latent fingerprint processing and integration with partner agency systems.

It will also offer a new range of capabilities, such as flexible access to enable experts to work from a wider variety of locations, increased automation of standard tasks to free up experts for higher-value work, and a long-term technical support arrangement to ensure that the capability is kept up to date and available into the future.



WE ARE **ALWAYS IN PARTNERSHIP**



SECTION 2

ANNUAL PERFORMANCE

How we achieved our purpose and managed our finances

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Annual performance statements

Statement by the accountable authority

As the accountable authority of the Australian Criminal Intelligence Commission (ACIC), I present the 2021–22 annual performance statements of the ACIC, as required under paragraph 39(1)(a) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).

In my opinion, these annual performance statements accurately present the ACIC's performance during 2021–22 and comply with subsection 39(2) of the PGPA Act.



Matthew Rippon
A/g Chief Executive Officer
Australian Criminal Intelligence Commission

21 September 2022

Purpose

The purpose of the ACIC in 2021–22 was to protect Australia from criminal threats through coordinating a strategic response and collecting, assessing and disseminating intelligence and policing information.

The ACIC delivered its purpose in accordance with the *Australian Crime Commission Act 2002*, the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), the *Public Service Act 1999* and other legislation.

Performance measurement

As a statutory agency within the Home Affairs portfolio during 2021–22, we managed our performance through the outcome and program structure in the Home Affairs portfolio budget statements, and the key activities in our corporate plan.

Our corporate plan is available from our website at <www.acic.gov.au>. The website also includes a link to our portfolio budget statements.

Our performance in achieving our purpose is measured against 14 detailed performance criteria set out on pages 19, 20 and 21 of the *Corporate Plan 2021–22* and page 98 of the *Portfolio Budget Statements 2021–22*.

How we report our results

The annual performance statements begin with an analysis of the ACIC's performance across the performance criteria, then provide detailed results against each of the performance criteria set out in the corporate plan and portfolio budget statements.

For statistical results, we include up to 4 years of historical data to enable comparative assessment of performance. Some performance criteria are addressed qualitatively, by examples that provide short insights into the work of the ACIC or case studies that provide more in-depth reviews of our work.

Many of our performance criteria have multiple targets. A criterion is assessed as 'partially met' if 1 of 2 or 2 of 4 of its indicators were met, or 'substantially met' if 2 of 3 or 3 of 4 of its indicators were met.

The result against each criterion is summarised using the following symbols.



Met



Substantially met



Partially met



Not met

Changes to our stakeholder survey

We conduct an annual stakeholder survey to better understand stakeholders' perceptions and levels of satisfaction with our delivery of systems and services. This allows us to assess our results against our related performance criteria.

In 2021–22, we engaged an independent contractor to undertake the survey and redevelop the survey approach. In contrast to the way the survey was conducted in previous years, the 2021–22 survey was confined to a smaller number of individuals across our stakeholders.

The 2021–22 survey was targeted primarily at ACIC Board-member agencies, National Intelligence Community and industry partners, and international partners which have police liaison officers based in Canberra. It attracted 52 respondents.

Designed to achieve a balance of qualitative and quantitative data, the survey comprised an interview with the head or senior staff of the organisation, and a 14-question questionnaire. Respondents were asked questions relevant to their areas of work and interactions with us, and to rate their reactions on a scale of 'Strongly Disagree, Disagree, Agree, Strongly Agree, or Not Applicable'.















At performance criteria 6 and 11 in these annual performance statements, the 2021–22 results for the stakeholder survey vary significantly from, and cannot be compared with, the historical results. Historical results have been included to maintain transparency.

Analysis of performance against purpose

The 2021–22 financial year was one of challenges and opportunity for the ACIC. Our work was impacted by the ongoing COVID-19 pandemic and by the support we provided to our partners and other members of the community in relation to the 2021 census and the 2022 federal election. As COVID-19 restrictions eased, our ability to directly engage with our partners increased, as did the use of our coercive powers.

As shown in Figure 2.1, in 2021–22, the ACIC fully met 9 performance criteria, substantially met 2, and partially met 2. One performance criterion was not met.

Figure 2.1: Summary of results

Performance criterion	Result	Performance criterion	Result
1 The ACIC discovers and targets current and evolving criminal threats to Australia.		2 The ACIC produces criminal intelligence products to better inform partners and stakeholder agencies.	
3 The ACIC informs partners of the current and evolving criminal threats to Australia.		4 ACIC intelligence facilitates a response to criminal activity affecting Australia.	
5 ACIC intelligence is helping to make Australia more hostile to crime.		6 Stakeholders agree that ACIC intelligence is meaningful and useful.	
7 ACIC information systems are available when required by partner agencies.		8 ACIC information systems are used by partner agencies.	
9 ACIC information systems provide useful information to police partners.		10 The ACIC continues to enhance information systems.	
11 Stakeholders are satisfied that the national policing information systems are meaningful and fit for purpose.		12 The National Police Checking Service is available to conduct checks as requested.	
13 The ACIC contributes to community safety by delivering timely information to support employment decisions.		14 National Police Checking Service accredited bodies are fulfilling their obligations to ensure an accurate and reliable service.	

Stakeholder satisfaction

While 52 respondents were approached to complete our stakeholder survey, 34 respondents returned a questionnaire, equating to a response rate of approximately 65%. This is a significant increase, as the response rate of previous questionnaires averaged 21%, and provides assurance that the results better present stakeholder views.

Overall, respondents rated our performance in meeting their needs at 9.3 on a scale of 1 to 10. 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:

- ▶ operational support
- ▶ information and intelligence systems and services
- ▶ the provision of specialist capabilities
- ▶ the National Police Checking Service (NPCS).

Specific survey findings related to our performance criteria are discussed in these annual performance statements.

Criminal intelligence delivery

We continued to focus on generating intelligence insights into the highest-risk and emerging criminal threats that Australia faces.

Australian Priority Organisation Targets (APOTs) and Regional Priority Organisation Targets (RPOTs) are resilient, well-resourced criminal entities that exploit national and international connections posing a threat to Australia's national interests. These criminal networks represent the most significant criminal threats facing Australia, and we work to generate intelligence and coordinate disruptive activities against them to maximise law enforcement efforts aimed at making Australia hostile to criminal exploitation.

We used our unique intelligence capabilities – including human intelligence, technical intelligence, advanced analytics, and coercive powers – to derive strategic intelligence insights. Use of our coercive powers was improved through the appointment of 3 additional examiners across Australia. We are confident that our intelligence efforts are appropriately prioritised and spread across the 7 priority crime themes established by our partners through the ACIC Board.

The ACIC collects and uses a wide variety of sources to generate intelligence that can assist our partners with ongoing operational activities and investigations. The case study on page 36 demonstrates the value of one of our intelligence sources, advanced analytics capability, in support of the New South Wales Police Force.

Results from the 2021–22 stakeholder survey indicated that our partners find our intelligence products informative and useful. This impression is supported by the number of requests for additional disclosure of our products in 2021–22, which was above the 4-year average, although it was not as high as the number in 2020–21.

In 2021–22, the number of analytical intelligence products produced by the ACIC decreased significantly. This was largely due to a fall in staffing numbers in teams that produce analytical products.

Through the stakeholder survey, we learned that the majority of our partners find that our analytical products synthesise information from a range of data sources, draw conclusions, and forecast emerging threats. Our partners indicated that they would like to receive more analytical products from the ACIC, demonstrating the value of these products.

National policing information systems and services

We made significant investments in the infrastructure supporting our national policing information systems and services, and met all board-agreed benchmarks for national system availability.

Results for searches and users were not uniform across our systems, with some above and others below the 4-year averages. While the evidence of the uptake of our systems was varied, half of the systems exceeded the 4-year average for users and all but one exceeded the 4-year average for searches. These metrics depend on factors outside our control, such as changes in the criminal environment and the allocation of partner resources, but the results demonstrate that our partners are making use of our systems to access essential policing information.

A shortened version of the stakeholder survey questionnaire, which excluded the 4 questions on criminal intelligence delivery, was provided to the chairs and deputy chairs of the ACIC's national policing information systems user advisory groups, to collect their feedback on their experiences of our policing information systems.

Our stakeholder survey results met the benchmarks for satisfaction that national policing information systems are meaningful and fit for purpose. This is partly due to improved engagement with our survey at the senior stakeholder level under the new methodology. We will continue working with our partners to ensure that our policing information systems meet their needs. This will primarily occur through our capability hubs, which engage with partners to clearly understand user needs and develop long-term strategies for managing our system capabilities to ensure that they meet user requirements.

The National Criminal Intelligence System case study on page 44 demonstrates the impact that our investments in national policing information systems can have in overcoming the challenge of sharing large volumes of policing information.

National Police Checking Service

Checking services enhance the safety of the community by providing timely and accurate information to help organisations make informed decisions about the suitability of applicants for a range of employment, volunteering, registration, licensing and other entitlements. A large proportion of criminal history checks are required as part of pre-employment screening; as a result, the volume of checks reflects employment trends in Australia.

In 2021–22, the NPCS processed more than 6.7 million checks, 8.5% more than the 2020–21 total and 18.3% more than the 4-year average.

The time taken to complete checks is a measure that is dependent on our police partners who receive referrals to confirm disclosable court outcomes. Therefore, the timeliness of our police partners in conducting final vetting processes directly impacts the timeliness of the police check process.

Factors affecting timeliness included the continuing COVID-19 pandemic as well as additional requests related to the 2021 census and the 2022 federal election. To mitigate the impact of the large number of checks received by the NPCS, staff from across the ACIC were brought in to assist. Although the timeliness measure was not met, the response ensured that we processed the majority of standard and urgent checks within reasonable timeframes.

We continued to undertake quality assurance activities to ensure that accredited bodies met their obligations to protect individuals' sensitive information and support the accuracy of the checking service.

Conclusion

While some performance criteria were not fully met, we assess that we have delivered our purpose of protecting Australia from criminal threats through demonstrated achievement against the majority of targets.

We are continuing to enhance our systems and refine the way we operate to ensure that we remain the partner of choice for the provision of criminal intelligence and policing information, and contribute to making Australia hostile to criminal exploitation.

Criminal intelligence delivery

The ACIC delivers insights and intelligence on the highest-level transnational serious and organised crime threats. This work underpins all our activities, contributing to our purpose by delivering disruption outcomes and intelligence insights, providing timely and targeted intelligence products to inform government and fill strategic information gaps, and supporting law enforcement operations.

During 2021–22, our intelligence and analysis work led to the identification and understanding of new criminal methodologies, and the disruption of criminal threats to Australia. We played a critical coordination role in bringing partners together to build operational strategy and coordinate efforts.

PERFORMANCE CRITERION 1	The ACIC discovers and targets current and evolving criminal threats to Australia. 	
	Source: <i>Portfolio Budget Statements 2021–22</i> , page 98; <i>Corporate Plan 2021–22</i> , page 19	
	MEASURED BY	TARGET
	Number of high-risk criminal targets identified	≥ 4-year average
	Qualitative examples of ACIC discovery of evolving criminal threats to Australia	≥ 1

Discovering and identifying high-risk criminal targets

High-risk criminal targets – in particular, APOTs and RPOTs – are resilient, well-resourced criminal entities that exploit national and international connections posing a threat to Australia’s national interests.

APOTs and RPOTs exert significant influence over Australia’s illicit commodity markets in all Australian states and territories. APOTs and RPOTs are involved in several criminal enterprises, including outlaw motorcycle gangs, cybercrime, money laundering and illicit drugs activities. The ongoing risk presented by these targets underscores the importance of a nationally coordinated intelligence and investigative response.

Only the most serious criminal actors are identified as APOTs and RPOTs. This allows the ACIC to coordinate efforts to achieve maximum effect against the highest-risk serious and organised criminal threats impacting Australia. At 30 June 2022, the ACIC was tracking 17 APOTs and 62 RPOTs.

During the year, 6 targets were added to the APOT list and 2 were removed. Targets may be removed from the APOT list for reasons such as the target having been affected by disruption activities or ceasing to operate at the APOT level.



Qualitative example: Property and financial fraud against the Commonwealth

In October 2019, the ACIC began investigating a Queensland-based person of interest (POI) likely involved in financial and property crimes against the Commonwealth. An ACIC covert operation identified that the POI had at least 100 known or suspected clients across the world, participating in fraudulent activities against the Commonwealth.

In September 2020, ACIC intelligence was disclosed to the Australian Federal Police (AFP). As a result, the AFP commenced Operation Carnatic to conduct a criminal investigation into the POI and their activities. In consultation with the AFP, the ACIC continued the covert operation. The ACIC continued to disclose intelligence to the AFP throughout.

The AFP executed Commonwealth search warrants in Queensland and Victoria on 25 November 2021, seizing documents and electronic devices from the POI and their former accountant. A subsequent search warrant was executed on 26 November 2021 at the residence of the POI's accountant, where a business laptop was seized.

The investigations provided key insights into the use of offshore service providers, obfuscation of criminal wealth and the use of these services to create concealed offshore corporate structures to evade Australian tax laws and financial and regulatory reporting requirements. The ACIC developed key intelligence of value to our Joint Chiefs of Global Tax Enforcement (J5) partners.

PERFORMANCE CRITERION 2

The ACIC produces criminal intelligence products to better inform partners and stakeholder agencies.



Source: *Portfolio Budget Statements 2021–22*, page 98; *Corporate Plan 2021–22*, page 19

MEASURED BY

TARGET

- ▶ Number of intelligence products produced
- ▶ Number of intelligence products derived from examination material
- ▶ Percentage of intelligence products produced by priority crime theme

≥ 4-year average

Qualitative examples of products developed for different crime themes

≥ 3

Producing intelligence products

We develop intelligence products to address intelligence requirements and support our partner agencies in line with board-agreed priorities. As the criminal environment is evolving, our intelligence focus can shift from year to year.

Intelligence is derived from a number of sources, including covert collections methodologies, advanced analytics, and the use of our coercive powers, including examinations.

We do not provide a performance benchmark for examinations or the number of products produced as a result of our use of coercive powers, as their use is driven by operational necessity where legal requirements are met, rather than achievement of targets.

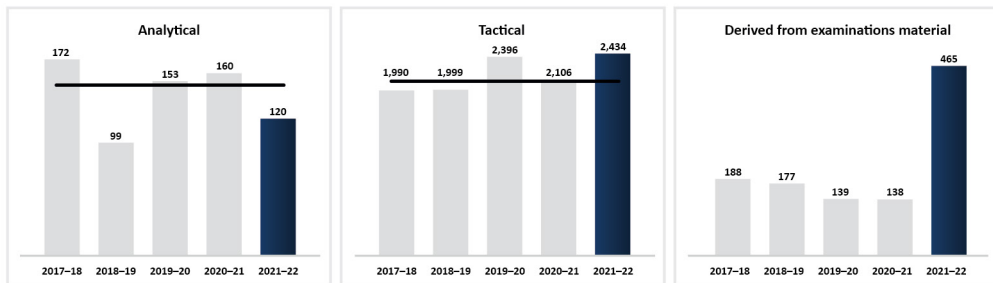
Intelligence products produced

We produced 2,554 unique intelligence products in 2021–22, exceeding the historical average of 2,269. Figure 2.2 shows the numbers of unique analytical products and tactical products produced over the past 5 reporting periods, split by type.

The significant increase in the number of products containing intelligence derived from examinations material shown in Figure 2.2 reflects the significant increase in the number of examinations conducted.

This significant increase is due to the improvement in examinations capability through the appointment of 3 additional examiners. ACIC examiners are based across the country, addressing a need that became apparent during previous years' COVID-19 border and movement restrictions.

Figure 2.2: Intelligence products produced



Note: The trendline represents the 4-year historical average.

Intelligence products by priority crime theme

Priority crime themes determined by the ACIC Board direct our work. These themes relate to crime types posing a significant threat to Australians and cover a wide variety of offences.

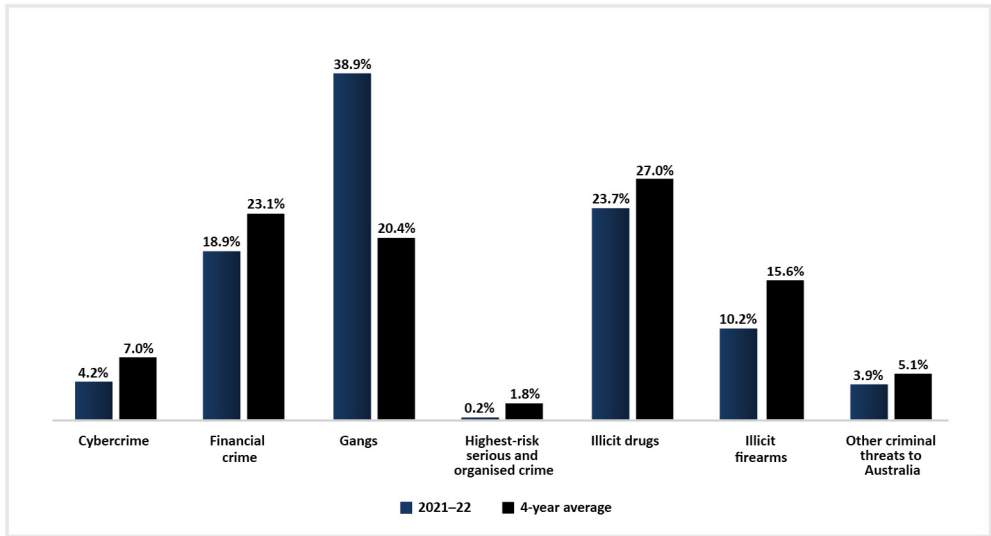
Much of our criminal intelligence effort goes towards understanding the nature of these crime types and supporting the prevention, disruption, disabling and dismantling of criminal enterprises. We also work closely with the Australian Institute of Criminology to build an evidence base informing policy and practice for addressing crime in Australia.

In 2021-22, the priority crime themes were:

- ▶ cybercrime
- ▶ financial crime
- ▶ illicit firearms
- ▶ gangs
- ▶ illicit drugs
- ▶ highest-risk serious and organised crime
- ▶ other criminal threats to Australia.

Figure 2.3 shows the spread, by percentage, of intelligence products produced by priority crime theme. Topics under the ‘other criminal threats to Australia’ theme include child exploitation and terrorism and national security. The 4-year average is included as it demonstrates the shifting focus of our intelligence products to respond to the changing criminal environment. Only the 2021–22 results are required to meet reporting requirements.

Figure 2.3: Spread of products produced by priority crime theme



Qualitative example: Tax Crime Enablers in Australia 2021

Priority crime theme – Financial crime

The national strategic intelligence report *Tax Crime Enablers in Australia 2021* followed the 2014 and 2016 financial crime risk assessment reports and the *Tax Crime Enablers in Australia 2018* report. It draws on the investigative and intelligence activity of the Serious Financial Crime Taskforce, the Phoenix Taskforce and other law enforcement and regulatory activity into serious financial crime. Its intention is to provide strategic context to the Australian Government on serious tax and other financial crimes impacting Australia, and to support forward planning for the Serious Financial Crime Taskforce.

The report found:

- ▶ Sophisticated, transnational financial crime syndicates continue to derive significant illicit wealth from Australia’s taxation systems.
- ▶ The 2 main expressions of tax crime impacting Australia continue to be: tax evasion and fraud facilitated by complex financial flows; and technology-enabled fraud targeting taxation and superannuation systems.
- ▶ Tax crimes are not occurring in isolation – they are just one way that sophisticated financial crime syndicates, cybercriminals, money launderers and fraud syndicates are generating substantial illicit profit using the crime-as-a-service business model.
- ▶ Professional facilitators, illegal phoenix activity and technology remain the most significant enablers of tax crimes. Personally identifiable information and emerging payment systems are also increasingly important cross-cutting issues.

The report provided information on the operating environment, enablers of tax crime, and the outlook and opportunities to identify, disrupt and deter tax crime impacting Australia.



Qualitative example: Crypters enabling malware to evade detection

Priority crime theme – Cybercrime

In 2021, a criminal intelligence insights report was disseminated on crypters: software tools that can encrypt, obfuscate and/or manipulate malware to make it fully undetectable. Crypters allow malware to bypass security measures and successfully execute without interruption.

The product provides intelligence on the effectiveness of crypters and the impact of ready-to-use crypters on barriers to entry for cybercriminals seeking to deploy malware, with the crypter market having reportedly experienced significant growth in the previous year.

The product provides information on implications and opportunities, including that:

- ▶ crypter developers may seek to avoid criminal culpability by purporting to operate as legitimate service providers, or use disclaimers on the products
- ▶ opportunities exist to learn more about crypters through targeted collection.



Qualitative example: Exploitation of the National Disability Insurance Scheme

Priority crime themes – Financial crime and gangs

In March 2022, the ACIC disseminated a criminal strategic assessment on the exploitation of the National Disability Insurance Scheme (NDIS) by serious and organised crime (SOC) groups. The ACIC found that SOC groups are highly likely defrauding the NDIS of tens of millions of dollars, but the actual scale of fraud against the scheme is unknown and difficult to determine.

The ACIC found that the range of methods SOC groups use to defraud the scheme includes falsifying bookings, inflating invoices and engaging with professional facilitators to obtain fraudulent documentation. These groups are exploiting payment methods and processes to become an NDIS provider that rely on honest self-reporting, creating a vulnerability for SOC groups to withhold or falsify information about employees and services.

The ACIC identified several opportunities to address some of the vulnerabilities in the NDIS processes and systems, including improvements to compliance checks, continued multiagency collaboration and continued efforts to leverage the ACIC's coercive examinations to further intelligence collection. The assessment was disseminated to a range of domestic partners and is informing partner responses to this significant criminal threat.

PERFORMANCE CRITERION 3

The ACIC informs partners of the current and evolving criminal threats to Australia.



Source: *Portfolio Budget Statements 2021–22*, page 98; *Corporate Plan 2021–22*, page 19

MEASURED BY

- ▶ Number of requests for information the ACIC received
- ▶ Number of intelligence products disseminated
- ▶ Number of partners receiving disseminations
- ▶ Number of products disseminated to ACIC Board agencies, non-board agencies and international partners

TARGET

≥ 4-year average

We assessed this performance criterion as substantially met, as all targets under this performance criteria were met except the number of partners receiving disseminations.

Informing our partners

Our criminal intelligence is collected and combined with information and intelligence from partner agencies to create and share a comprehensive national picture of serious and organised criminality in Australia.

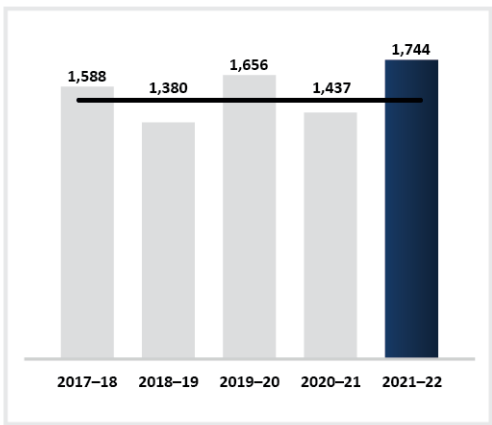
Tracking the numbers of products and alerts we have disseminated and the number of requests for information we have responded to helps to demonstrate the breadth and amount of criminal intelligence and other relevant information that we are producing and providing to our partners each year.

Requests for information

The ACIC is committed to providing information on request, where possible within operational and legal constraints. Responses to requests for information are one of the ways we disseminate information to our stakeholders. Sometimes, just being informed that we do not hold the requested information can be useful to the requesting stakeholders.

The number of requests for information in 2021–22 was higher than the 4-year average, as shown in Figure 2.4. The significant increase is due to partners requesting information on firearms – the ACIC completed 1,284 requests for information on firearms in 2021–22, compared with 823 in 2020–21.

Figure 2.4: Requests for information received



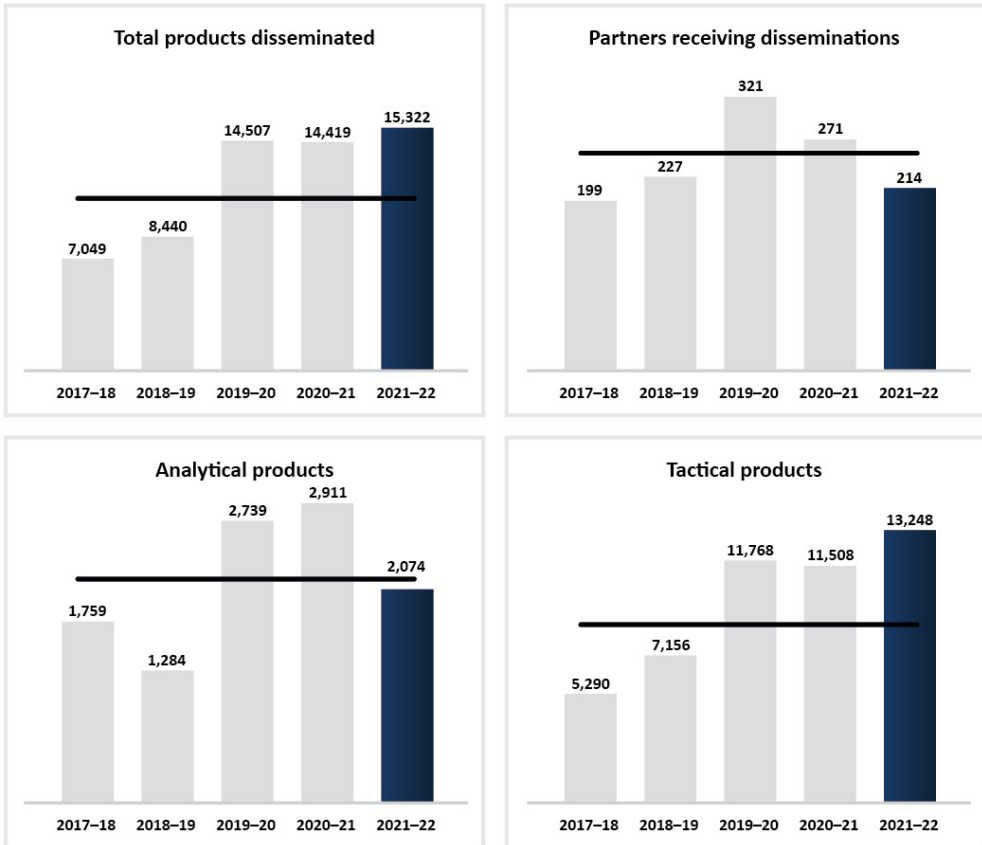
Note: The trendline represents the 4-year historical average.

Product disseminations

During 2021–22, the ACIC made 15,322 disseminations to 214 partners. We exceeded the historical average of 11,104 for products disseminated, but fell below the historical average of 255 for the number of partners receiving disseminations, as shown in Figure 2.5.

There were a number of reasons for fewer partners receiving disseminations, as discussed in the section below.

Figure 2.5: Products disseminated and partners receiving disseminations



Note: The trendline represents the 4-year historical average.

Partners receiving disseminations

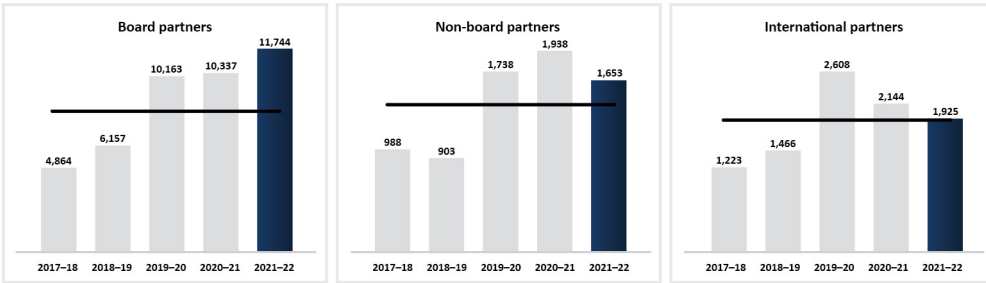
Our partners are composed of 3 types: the agencies that make up the membership of the ACIC Board; other Australian partners; and law enforcement agencies that we partner with outside Australia, such as the United Kingdom National Crime Agency and the United States Drug Enforcement Administration.

Our non-board Australian partners include stakeholders not involved in traditional law enforcement, such as bodies in the health and the sports integrity sectors, who benefit from our intelligence around vulnerabilities and potential criminal threats.

Of the 15,322 products disseminated to partners, 77% were disseminated to board agencies, 11% were disseminated to non-board partners, and 12% were disseminated to international partners.

Figure 2.6 shows the number of products disseminated to partners by type of partner.

Figure 2.6: Products disseminated to partners, by partner type



Note: The trendline represents the 4-year historical average.

Reduction in the number of partners receiving disseminations

As shown in Figure 2.6, while the ACIC increased disseminations to board partners, fewer disseminations were made to non-board Australian and international partners.

The decrease in disseminations reflected our continuing to cover the sporting and gambling sector while pivoting resources to other priorities. We also ceased disseminating products to some agencies that would not usually receive products from the ACIC but had a temporary need for criminal intelligence during the early stages of the COVID-19 pandemic, such as the Australian Pesticides and Veterinary Medicines Authority.

Changes in the way we interact with a number of our international partners impacted our dissemination of products to these partners. The changes include the implementation of a model whereby the ACIC liaises with, and disseminates intelligence products to, a single point of contact rather than several individual agencies. This is the case with certain organisations, including Europol (as the ACIC no longer has a secondee there), and a number of countries, including Germany and the United Kingdom.

Additionally, a tighter labour market (resulting in increased vacancies at the ACIC) and shifts in ACIC priorities have seen a reduction in the development of products that may be disseminated to international partners.

PERFORMANCE CRITERION 4	ACIC intelligence facilitates a response to criminal activity affecting Australia.		
	Source: Portfolio Budget Statements 2021–22, page 98; Corporate Plan 2021–22, page 19		
	MEASURED BY	TARGET	
	<ul style="list-style-type: none"> ▶ Number of disruptions recorded ▶ Financial referrals to the Criminal Assets Confiscation Taskforce and other partners ▶ Number of Joint Project Proposals initiated 	≥ 4-year average	
	Qualitative examples of response to criminal activity affecting Australia	≥ 1	

We assessed this performance criterion as substantially met, as all targets under this performance criteria were met except the number of financial referrals to the Criminal Assets Confiscation Taskforce (CACT) and other partners.

Facilitating a response to criminal activity

To reduce the impact of transnational serious and organised crime on Australia, we use specialist capabilities and powers to collect, assess and distribute actionable intelligence to domestic and international law enforcement and intelligence partners.

We work in, and with, task forces to investigate and collect intelligence on high-risk criminal entities operating domestically and offshore. Our intelligence may also result in joint projects with partners, such as the Australian Taxation Office, and financial referrals to CACT. We aim to respond to and disrupt the activities of high-risk criminal entities operating domestically or offshore.

Disruptions

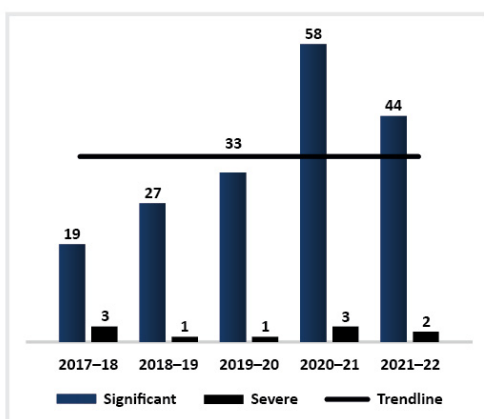
Disruption of criminal behaviour or a criminal enterprise by law enforcement is considered to be either 'severe' or 'significant'. To be considered severe, a disruption must result in the complete disruption or dismantling of a crime entity and the cessation of its serious and/or organised crime activities. To be considered significant, a disruption must achieve a significant impact, but not the complete disruption or dismantling.

The complete dismantling of a crime entity or cessation of its serious and organised crime is exceptionally difficult, due to the large, complex and often transnational networks many serious and organised criminal syndicates employ.

In 2021–22, ACIC coordinated shared interagency understanding and disruption efforts against current APOT networks. The ACIC worked with, and through, partners to enable successful disruption outcomes, including a successful partner agency prosecution of an APOT leader, and a reduction in the threat of another APOT network, which resulted in both targets being removed from the APOT list. The ACIC continues to seek opportunities to target and degrade networks which remain on the APOT list – this currently includes supporting Australian, state and territory bodies to degrade a high-priority domestic criminal network.

We record the number of disruptions to which ACIC intelligence made a material contribution, as an indication that our products are meeting the operational needs of partners. Overall, the ACIC contributed to 44 significant disruptions and 2 severe disruptions in 2021–22, as shown in Figure 2.7.

Figure 2.7: Disruptions



Note: The trendline represents the 4-year historical average.



Qualitative example: Severe disruption of an Australian Priority Organisation Target network

In November 2021, the head of a domestic Australian Priority Organisation Target network was arrested by the Australian Federal Police (AFP) following a multi-hundred-kilogram drug seizure in South East Asia. This followed a 2-year joint AFP–ACIC investigation into the network, which had been responsible for enabling drug ventures to Australia by providing criminal logistics, counterintelligence, encrypted communications devices, and access to trusted insiders and drug manufacturing capabilities.

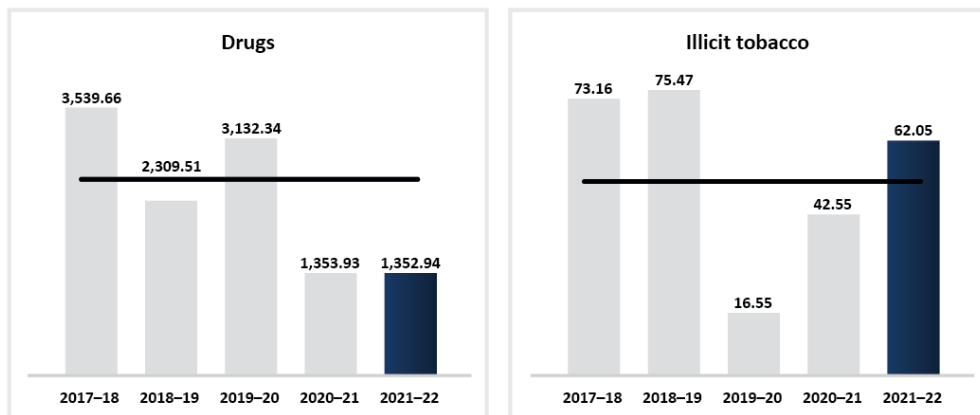
The ACIC was able to support partner agency prosecution efforts through the provision of timely operational intelligence, building a shared awareness of key network capabilities and integrating and synchronising traditional and non-traditional partner agency capability.

Seizures

Seizures are a form of disruptive activity that the ACIC supports to make Australia hostile to criminal exploitation. In 2021–22, ACIC intelligence led to a number of seizures of drugs, cash and illicit tobacco as part of disruption activities undertaken by our partners. While our work is not focused on seizures, ACIC intelligence contributes to outcomes such as those summarised in figures 2.8 and 2.9.

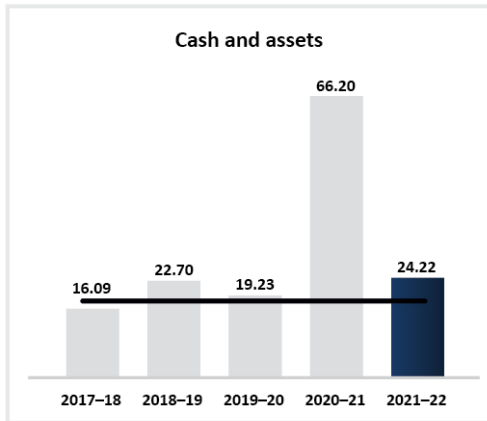
Figure 2.8 shows the total estimated street value of seizures of illicit drugs and drug precursors, and illicit tobacco. Figure 2.9 shows the total value of cash and assets seized by our national and international partners as a result of ACIC intelligence. Assets may include foreign cash, cryptocurrency and associated paraphernalia, vehicles, digital devices, and jewellery, including luxury watches.

Figure 2.8: Estimated street value of drugs and illicit tobacco seized (\$m)



Note: The trendline represents the 4-year historical average.

Figure 2.9: Value of cash and assets seized (\$m)



Note: The trendline represents the average of results for the 2016-17, 2017-18, 2018-19 and 2019-20 financial years. The 2020-21 result has been excluded due to a one-off spike in large cash seizures during COVID-19 border and movement restrictions that does not accurately reflect the average amount of seizures that ACIC intelligence supports.

Financial referrals

With financial crime and financially motivated crime becoming increasingly complex, the ACIC is committed to ongoing multiagency cooperation to better understand, disrupt and mitigate the occurrence of such crime.

We support our partners to target serious financial crime through a number of avenues, including participating in the Serious Financial Crime Taskforce and the Black Economy Taskforce, and providing intelligence to our partners on serious financial crime occurring, or likely to occur, in Australia.

The ACIC also collaborates with the Australian Federal Police and the Australian Taxation Office in CACT, a task force dedicated to taking the profit out of crime by targeting criminals and their assets derived from unexplained wealth.

In 2020-21, we reported that there had been an operational shift in how the ACIC engages with CACT, from being involved in confiscations and the recovery of assets to providing intelligence and operational support. As a result of that shift, the ACIC now makes fewer financial referrals to CACT.

As summarised in Table 2.1, the ACIC made one financial referral to CACT in 2021-22. No financial referrals were made to other partners in 2021-22.

Table 2.1: Financial referrals

Details	2021-22 ^a	4-year average ^b	Result ≥ average
Referrals	1	15	✗
Entities involved	2	88	✗
Referrals estimated value of offending (\$m)	0.57	52.00	✗

^a The single referral was made to the Criminal Assets Confiscation Taskforce.

^b The 4-year averages include referrals to partners such as the Australian Taxation Office and the New South Wales Crime Commission.

As described on page 25 of the *Corporate Plan 2021–22*, the performance measure for financial referrals was designed to demonstrate the contribution that the ACIC is making to targeting serious financial crime impacting Australia. It is no longer an appropriate way to measure our performance in this regard, and has been removed from our suite of public measures for this performance criterion for the 2022–23 financial year.



Qualitative example: Targeting serious financial crime with our partners

The ACIC has used its unique collection capabilities to obtain intelligence which has supported multiagency operations in support of the Serious Financial Crime Taskforce.

This has included targeting a large network, based primarily in New South Wales, that was involved in the systematic and sophisticated exploitation of Australia's construction industry and corporate, financial, migration, and tax systems.

The ACIC supported this multiagency operation by filling key strategic intelligence gaps, including identifying the movement of illicit funds and command and control nodes.

This multiagency operation has resulted in the seizure of large quantities of cash and several arrests resulting in money laundering charges in addition to Criminal Assets Confiscation Taskforce confiscation proceedings targeting assets worth several million dollars.

Joint project proposals

A joint project proposal (JPP) is a proposed joint project between the ACIC and a partner or partners that arises as a result of ACIC intelligence. JPPs show that the ACIC works with partners to respond to criminal activity, generate intelligence insights, and coordinate a strategic response to criminal threats.

A JPP may be a traditional joint project where the ACIC works on a project concurrently with a partner or partners, or a project in which the partners work consecutively, with the ACIC preparing intelligence then handing the project over to another agency for evidentiary collection and resolution. The ACIC may have a minor intelligence support role during the later phase of a consecutive project.

In 2021–22, we initiated 58 JPPs. The significant increase from the 2020–21 result of 7 is a direct result of ACIC capability to facilitate a response to criminal activity affecting Australia. As this was a new performance measure for 2020–21, a 4-year average will not be available for comparison until 2024–25.

PERFORMANCE CRITERION 5	ACIC intelligence is helping to make Australia more hostile to crime.		
	Source: <i>Portfolio Budget Statements 2021–22</i> , page 98; <i>Corporate Plan 2021–22</i> , page 19		
	MEASURED BY	TARGET	
	Case study of an intelligence product developed that has resulted in an operational outcome or legislative, policy or regulatory reform	≥ 1	

Making Australia more hostile to crime

We participate in the development, implementation and evaluation of policy and legislation relating to our powers and functions, emerging issues and trends, and oversight of the broader intelligence and law enforcement community.

While the ACIC is committed to transparency, we are unable to provide reports or updates on active operations, and much of our work cannot be publicly discussed or can be discussed only years after the event.

The topic of the following case study was selected in quarter one of 2021–22, and monitored throughout the year to ensure it remained suitable for publication.



CASE STUDY

Support to New South Wales Police Force Strike Force Datos

The ACIC collects and uses a wide variety of sources to generate information that can be analysed to produce intelligence leading to law enforcement outcomes.

The ACIC uses a range of analytic capabilities to support our law enforcement partners in investigations and operations. An example of the value provided by the ACIC to partners through this capability is the assistance we provided to the New South Wales Police Force's Strike Force Datos.


On 30 January 2021, a man was shot and killed and a second man was injured after they were ambushed in the MacMahon Street car park, adjacent to the Hurstville Entertainment Centre, in Sydney. It is believed the 2 had attended a boxing match at the entertainment centre earlier that night.

The New South Wales Police Force formed Strike Force Datos to investigate the fatal shooting. Strike Force Datos requested the support of the ACIC to assist with the investigation.

In February 2021, ACIC intelligence indicated that the deceased had been erroneously targeted in a case of mistaken identity, after he entered a vehicle similar to that of the likely intended target. This attack was likely an escalation of a gangland conflict that began in October 2020.

On 13 August 2021, Strike Force Datos requested additional ACIC assistance to identify any activity relevant to the investigation in the vicinity of the Hurstville Entertainment Centre precinct on the night of the shooting.

The ACIC used its capabilities, producing intelligence that directly assisted the strike force in identifying a suspect for the shooting together with individuals suspected of aiding the shooter.

PERFORMANCE CRITERION 6	Stakeholders agree that ACIC intelligence is meaningful and useful.		
	Source: <i>Portfolio Budget Statements 2021–22</i> , page 98; <i>Corporate Plan 2021–22</i> , page 19		
	MEASURED BY	TARGET	
	Number of requests for additional disseminations of our intelligence products	≥ 4-year average	
	<ul style="list-style-type: none"> ▶ Stakeholders agree or strongly agree that the ACIC provides intelligence products that identify changes within the criminal environment ▶ Stakeholders agree or strongly agree that ACIC intelligence products provide a comprehensive and relevant understanding of crime impacting Australia 	80% of stakeholder survey respondents	

Delivering meaningful and useful products

Requests for additional disclosure and feedback provided through our stakeholder survey demonstrate the usefulness of the ACIC's criminal intelligence products.

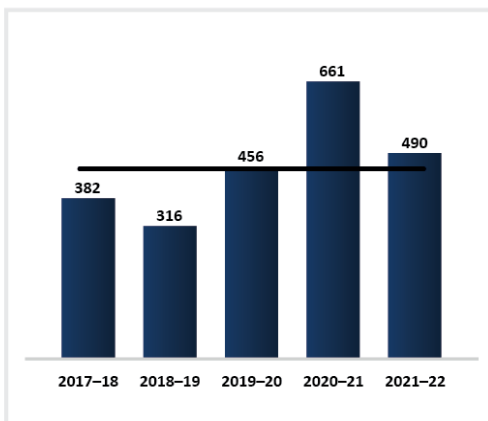
Requests for additional disclosures

Demand for additional disclosures shows that our criminal intelligence products are useful to our partners and their stakeholders.

As Figure 2.10 shows, the ACIC completed 490 requests for additional disclosure in 2021–22. While higher than the 4-year historical average, that number was 26% lower than the 2020–21 result. Of those requests, 94 were for analytical products and 396 were for tactical products.

In 2021–22, we reviewed our approach to disseminations, to ensure that ACIC intelligence products were disseminated to the right partners. We believe that the reduced number of requests for additional disclosures indicates that we are disclosing ACIC intelligence to the right partners in the first instance.

Figure 2.10: Requests for additional disclosures



Note: The trendline represents the 4-year historical average.

Stakeholder feedback

The ACIC receives feedback on its intelligence products through the annual stakeholder survey, feedback forms and informal channels.

As shown in Table 2.2, positive responses to the relevant stakeholder survey questions strongly exceeded the targets in 2021–22. Because the methodology of the stakeholder survey was changed during the year (as discussed in the ‘Changes to our stakeholder survey’ section), the results of previous surveys are not directly comparable. The historical results have been included in the table for information only.

Table 2.2: Stakeholder survey results – Performance criterion 6

Survey statement	Proportion of respondents who agreed or strongly agreed				
	2021–22	Target	2020–21	2019–20	2018–19
ACIC provides intelligence products that identify changes within the criminal environment	94%	80%	77%	85%	81%
ACIC intelligence products provide a comprehensive and relevant understanding of crime impacting Australia	100%	80%	66%	74%	69%

Note: Due to a change in survey methodology, results for 2021–22 are not comparable with results for previous years.

In addition to various types of informal feedback, stakeholders volunteered formal feedback on 35 intelligence products in 2021–22 (a decrease from 123 in 2020–21). The formal feedback strongly indicated that stakeholders found our analytical products and tactical products meaningful and useful.


National policing information systems and services

The ACIC provides a range of policing information systems that enable Australian police agencies to share essential policing information with each other. In this way, we contribute directly to the effectiveness and efficiency of policing and law enforcement in Australia.

We provide 4 types of systems designed to equip police with the information they need to investigate, solve and prevent crimes:

- ▶ **Frontline systems** – These systems enable police agencies to rapidly access and share essential policing information with each other in relation to persons of interest, vehicles and firearms and ballistics. This can assist them to undertake a broad range of community policing and criminal investigations.
- ▶ **Biometric and forensic systems** – These systems help police to solve crimes through our biometric services, including fingerprint and DNA systems, and assist police to identify missing persons, human remains and disaster victims.
- ▶ **Protection systems** – These systems assist police with finding information on domestic violence orders, managing child sex offenders and identifying child exploitation images.
- ▶ **Criminal intelligence systems** – These systems facilitate dissemination and sharing of criminal intelligence, including databases of intelligence holdings that can be accessed and analysed by approved users.

During 2021–22, we continued to onboard state agencies to the Working with Children Checks National Reference System. This system has not been included in the 2021–22 results, but will be reported on in the 2022–23 annual performance statements.

PERFORMANCE CRITERION 7	ACIC information systems are available when required by partner agencies. 	
	Source: <i>Portfolio Budget Statements 2021–22</i> , page 98; <i>Corporate Plan 2021–22</i> , page 20	
	MEASURED BY	TARGET
	System availability	Board-agreed benchmarks

System availability

System availability reporting details the percentage of time systems were nationally available, excluding scheduled outages. System availability is measured by the number of times an outage impacts multiple jurisdictions, as notified by users.

As many of our systems are integrated or routed via partner agency systems, issues unrelated to our service can affect availability. To reduce the likelihood of reporting when availability is affected by other issues beyond the control of the ACIC, we require an outage to impact each jurisdiction in order to be considered a national outage.

An agreed availability benchmark is developed by the ACIC Board for each of our systems that directly support police operations.

As shown in Table 2.3, all board-agreed system availability benchmarks were met in 2021–22. To show availability for all systems, we have also included the internal benchmark for the Australian Law Enforcement Intelligence Network/Australian Criminal Intelligence Database: Desk which does not have a board-agreed availability benchmark.

Table 2.3: System availability

Service type	System	2021–22 (%)	Board-agreed benchmark (%)	Benchmark met
Frontline	Australian Ballistic Information Network	100.00	99.50	✓
	Australian Firearms Information Network	99.76	96.00	✓
	National Firearms Identification Database	99.77	95.00	✓
	National Police Reference System	99.73	99.00	✓
	National Vehicles of Interest System	99.73	99.00	✓
Biometric and forensic	National Automated Fingerprint Identification System	99.73	99.50	✓
	National Criminal Investigation DNA Database	99.77	99.00	✓
	National Missing Persons and Victim System	99.77	96.00	✓
Protection	National Child Offender System	99.76	99.50	✓

Service type	System	2021–22 (%)	ACIC internal benchmark (%)	Benchmark met
Criminal intelligence	Australian Law Enforcement Intelligence Network/ Australian Criminal Intelligence Database: Desk	99.86	98.50	✓

PERFORMANCE CRITERION 8	ACIC information systems are used by partner agencies.			
	Source: Portfolio Budget Statements 2021–22, page 98; Corporate Plan 2021–22, page 20			
	MEASURED BY			TARGET
	<ul style="list-style-type: none"> ▶ Number of users ▶ Number of searches performed 			≥ 4-year average

We assessed this performance criterion as partially met, because the different systems achieved mixed results for both number of users and number of searches performed.

System users and searches

The numbers of users and searches are indicative of the uptake of our information systems by partner agencies; however, there is considerable variation in how our systems are used. For example, some of our systems may be accessed through web service integration or mobile platforms, neither of which require unique user accounts or allow for the counting of individual users.

Throughout 2021–22, COVID-19 working from home arrangements meant that users were unable to access the physical workstations required for some of our systems. COVID-19 also led to the redeployment of national policing information registry staff for many jurisdictions, which reduced the number of system users.

Tables 2.4 and 2.5 show that 6 of 10 systems able to be counted exceeded the 4-year average for users and 6 of 7 systems exceeded the 4-year average for searches in 2021–22.

Table 2.4: Service users


Service type	System	2021–22	4-year average	Result ≥ average
Frontline	Australian Ballistic Information Network	104	111	✗
	Australian Firearms Information Network	485	345	✓
	National Firearms Identification Database	258	102	✓
	National Police Reference System	77,533	65,517	✓
	National Vehicles of Interest System	38,633	37,499	✓
Biometric and forensic	National Automated Fingerprint Identification System	470	N/A ^a	—
	National Criminal Investigation DNA Database	121	135	✗
	National Missing Persons and Victim System	936	801	✓
Protection	National Child Offender System	1,492	1,330	✓
Criminal intelligence	Australian Law Enforcement Intelligence Network	4,503	4,764	✗
	Australian Criminal Intelligence Database: Desk	2,128	2,564	✗

^a The 4-year average is not available because the National Automated Fingerprint Identification System has changed the way it counts 'active users'. Previously, all accounts were considered 'active' if they received an automated email; however, this does not indicate whether the accounts were actually being used. The current method cannot be applied historically.

Table 2.5: Searches performed

Service type	System	2021–22	4-year average	Result ≥ average
Frontline	Australian Ballistic Information Network	4,132	3,486	✓
	Australian Firearms Information Network	509,522	223,133	✓
	National Firearms Identification Database	80,052	34,733	✓
	National Police Reference System	41,844,340	34,975,330	✓
	National Vehicles of Interest System	7,192,033	6,948,127	✓
Biometric and forensic	National Automated Fingerprint Identification System	1,318,904	1,435,221	✗
Criminal intelligence	Australian Criminal Intelligence Database: Desk	453,876	351,043 ^a	✓

^a This is the average of results for 2016–17, 2018–19, 2019–20 and 2020–21. The 2017–18 result has been excluded due to a one-off spike that does not accurately reflect the average use of the system.

PERFORMANCE CRITERION 9	ACIC information systems provide useful information to police partners.		
	Source: <i>Portfolio Budget Statements 2021–22</i> , page 98; <i>Corporate Plan 2021–22</i> , page 20		
	MEASURED BY	TARGET	
	Positive data matches	≥ 4-year average	

We assessed this performance criterion as partially met, as results across the 3 systems were mixed.

Positive data matches


Some of our services are able to capture the moment when a user makes a positive data match, which provides us with an indication of whether the systems are of use to police partners.

This does not give full insight into the discoveries that our partners make when using these systems. A failure to match may be just as important as a positive match, revealing new criminality or highlighting flaws in the system so that we are able to correct them.

Table 2.6 shows that, for one of 3 systems, the number of matches in 2021–22 was higher than the 4-year average.

Table 2.6: Positive data matches

Service type	System name	2021–22	4-year average	Result ≥ average
Frontline	Australian Ballistic Information Network	65	82	✗
Biometric and forensic	National Automated Fingerprint Identification System	93,725	98,938	✗
	National Criminal Investigation DNA Database	122,967	105,841	✓

PERFORMANCE CRITERION 10	The ACIC continues to enhance information systems.		
	Source: Portfolio Budget Statements 2021–22, page 98; Corporate Plan 2021–22, page 20		
	MEASURED BY	TARGET	
	Case study on information system enhancements	≥ 1	

System enhancements

Information systems are central to sharing our policing information and intelligence with partners. We are committed to ensuring that ACIC systems are appropriate and fit-for-purpose and meet stakeholder expectations. This includes enhancing systems and features.

In 2021–22, the National Criminal Intelligence System was enhanced, as described in the following case study.



CASE STUDY

NCIS simplifies law enforcement information sharing

The National Criminal Intelligence System (NCIS) is connecting law enforcement and intelligence agencies to securely share information in a targeted, timely and relevant way.

Overcoming challenges

Each law enforcement agency in Australia uses a different system for its day-to-day policing needs. This makes sharing high-value information in a common way across all agencies complex, technically and operationally.

Sharing criminal information and intelligence from multiple agencies through a single national view allows law enforcement officers to be better informed about risks and see targeted details of related individuals, locations and events of interest. Better information improves officer safety, critical incident decision-making and policing outcomes.

NCIS overcomes the challenge of sharing large volumes of complex information by categorising it into 5 main entity types: persons, objects, organisations, locations and events. Information is then presented to the user in an easily understood hierarchy, beginning with an entity snapshot. In a few seconds an officer can, in the case of a person, understand key details including name, address, date of birth, most recent photo incident and offence counts, plus flags for officer safety warnings, firearms and orders.

Users can search for, and view, information related to an entity, including offences, incidents, images, associated persons and locations, vehicles, contact information, and descriptions. Users can navigate relationships between entities, such as a vehicle related to an incident, or people or locations related to a vehicle.

Enhancing capabilities


In 2021–22, incident datasets from Queensland Police Service, Victoria Police and Western Australia Police Force were shared through NCIS, joining datasets such as the National Police Reference System, national gangs dataset and several other reference datasets.

Later in 2022, NCIS will also receive incident data from the New South Wales Police Force to share nationally.

The information and capabilities in NCIS have already assisted police to:

- ▶ increase information on the profile of terrorism suspects
- ▶ provide leads in criminal investigations
- ▶ identify suspects quickly and easily when there was difficulty identifying them in local systems
- ▶ correctly identify criminal suspects through feature descriptions and/or crime type alone
- ▶ quickly access information from other police agencies which was not previously accessible.

The focus for NCIS in 2022–23 will be on progressing the integration of the remaining 4 police agencies and the Australian Criminal Intelligence Database; adding additional datasets to NCIS, including from the Department of Home Affairs; and continuing the rollout to operational police.

PERFORMANCE CRITERION 11	Stakeholders are satisfied that the national policing information systems are meaningful and fit for purpose.		
	Source: <i>Portfolio Budget Statements 2021–22</i> , page 98; <i>Corporate Plan 2021–22</i> , page 20		
	MEASURED BY	TARGET	
	Stakeholders agree or strongly agree that ACIC national policing information systems are of value to their work	90% of stakeholder survey respondents	
	<ul style="list-style-type: none"> ▶ Stakeholders agree or strongly agree that ACIC national policing information systems are reliable ▶ Stakeholders agree or strongly agree that ACIC national policing information systems meet the needs of their organisation 	80% of stakeholder survey respondents	

Stakeholder satisfaction

As Table 2.7 shows, responses to our stakeholder survey confirmed that stakeholders considered that ACIC systems were reliable, met the needs of their organisations, and provided value to their work. Some stakeholders provided comments on how systems could be improved, which will inform our efforts to ensure that our systems remain useful to our partners.

As a result of changes to the stakeholder survey methodology (as discussed in the ‘Changes to our stakeholder survey’ section), the 2021–22 results are not directly comparable with the historical results. They have been included in Table 2.7 for information only.

Table 2.7: Stakeholder survey results – Performance criterion 11

Survey statement	Proportion of respondents who agreed or strongly agreed				
	2021–22	Target	2020–21	2019–20	2018–19
ACIC national policing information systems were of value to their work	100%	90%	92%	89%	89%
ACIC national policing information systems are reliable	85%	80%	68%	75%	73%
ACIC national policing information systems meet the needs of their organisation	80%	80%	54%	46%	48%

Note: Due to a change in survey methodology, results for 2021–22 are not comparable with results for previous years.

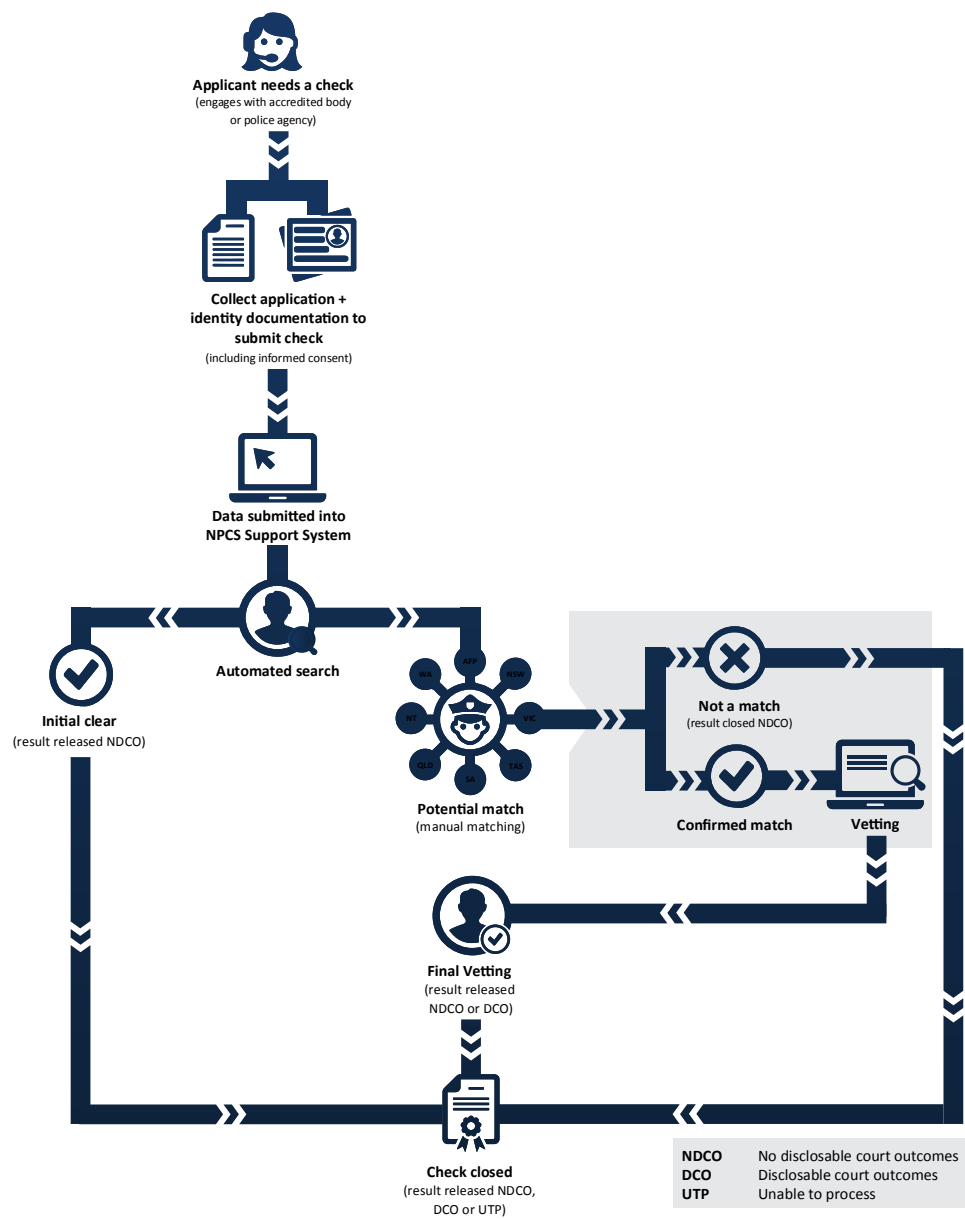
National Police Checking Service


The ACIC works with Australian police agencies and accredited bodies to deliver the NPCS.

The NPCS allows people to apply for a nationally coordinated criminal history check, which is often required when applying for employment, Australian citizenship, appointment to positions of trust, or a variety of licensing and registration schemes.

The NPCS facilitates more than 6 million checks each year, which may result in more than 8,000 referrals to police each day. Figure 2.11 outlines the checking process.

Figure 2.11: National Police Checking Service process



PERFORMANCE CRITERION 12	The National Police Checking Service is available to conduct checks as requested. 	
	Source: <i>Portfolio Budget Statements 2021–22</i> , page 98; <i>Corporate Plan 2021–22</i> , page 21	
	MEASURED BY System availability	TARGET Board-agreed benchmarks

System availability


System availability reporting details the percentage of time systems were available, excluding scheduled outages, during the reporting period. We measure the national availability by user notifications of outages impacting multiple jurisdictions. An outage has to impact all jurisdictions in order to be considered a national outage.

The ACIC Board has developed an availability benchmark for the NPCS system, based on usage requirements.

As Table 2.8 shows, the NPCS exceeded the availability benchmark in 2021–22.

Table 2.8: National Police Checking Service system availability

Service type	System	2021–22 (%)	Board-agreed benchmark (%)	Benchmark met
Checking	National Police Checking Service/NPCS Support System	99.94	99.00	✓

PERFORMANCE CRITERION 13	The ACIC contributes to community safety by delivering timely information to support employment decisions. 	
	Source: <i>Portfolio Budget Statements 2021–22</i> , page 98; <i>Corporate Plan 2021–22</i> , page 21	
	MEASURED BY <ul style="list-style-type: none"> ▶ Time taken to perform urgent checks ▶ Time taken to perform non-urgent checks 	TARGET Board-agreed benchmarks

We assessed this performance criterion as not met, as we did not meet the board-agreed benchmark for either check type.

Timeliness of checks

This measure is not only an ACIC performance measure but a measure dependent on our police partners and accredited bodies providing this service to the wider community. The checking process may be complicated and, in a small number of cases, may cause delays beyond the agreed timeframes.

The timeliness benchmarks for the NPCS were not met in 2021–22; however, as Table 2.9 shows, we almost met the benchmark for the time taken to complete standard checks. This is a significant improvement on the 2020–21 result of 92.57%.

Table 2.9: National Police Checking Service checks completed on time

Measure	2021–22 (%)	Board-agreed benchmark (%)	Benchmark met
Standard checks: 10 business days	94.45	95.00	✗
Urgent checks: 5 business days	89.00	95.00	✗

Performance against these benchmarks has improved against the 2020–21 results. During 2021–22, there were months where we met the benchmarks (5 of 12 months met the benchmark for standard checks, and 4 of 12 months met the benchmark for urgent checks); however, this was not enough to meet the benchmarks for the entire reporting period.

Results were more than 1% below the benchmarks for both standard and urgent checks in July, December and April. These months are typically marked by the availability of fewer staff resources, due to end-of-financial-year commitments, and school and public holidays.

Timeliness continued to be impacted by the COVID-19 pandemic, in both the ACIC and our police partners, as resources became unavailable due to illness or were diverted to other priorities. Timeliness was also impacted by additional requests related to the 2021 census and the 2022 federal election, events that required applicants to undergo nationally coordinated criminal history checks prior to being employed by the Australian Bureau of Statistics or the Australian Electoral Commission.

To manage the impact of these events, a number of mitigation strategies were put into effect. The NPCS team took on additional work that would normally be completed by our partners; overtime was approved; and temporary additional positions were created, drawing resources from across the ACIC to help reduce processing times.


The ACIC and our partners have capacity to process approximately 500,000 requests per month on time. In 2021–22, we received an average of 560,766 requests per month, which meant that each month approximately 61,000 requests were not processed within Board-agreed timeframes.

With resourcing an ongoing issue for both the ACIC and our police partners, we do not anticipate that this timeliness deficit will be addressed quickly. To raise awareness among our police partners, the ACIC is developing internal reporting for the 2022–23 financial year that will indicate how each partner is performing against the board-agreed benchmarks.

In 2021–22, the number of requests exceeded 6 million, as shown in Table 2.10. This is the highest number since the NPCS was established, 8.53% higher than last year and 18.28% higher than the 4-year historical average.

Table 2.10: Volume of National Police Checking Service checks

Measure	2021–22	4-year average	Result ≥ average	2020–21	2019–20	2018–19	2017–18
Number of nationally coordinated criminal history checks processed	6,729,192	5,688,874	✓	6,200,475	5,634,321	5,630,364	5,290,336

PERFORMANCE CRITERION 14	National Police Checking Service accredited bodies are fulfilling their obligations to ensure an accurate and reliable service. 	
	<i>Source: Portfolio Budget Statements 2021–22, page 98; Corporate Plan 2021–22, page 21</i>	
	MEASURED BY	TARGET
	Number of audits of compliance undertaken by the ACIC on accredited bodies	Audit activity occurred

Compliance audits

Accredited bodies are entrusted with access to the NPCS Support System in order to submit applications and retrieve check results for consenting applicants. Having access to check results supports organisations to determine the suitability of applicants for positions of trust in an efficient and timely manner.

To ensure that accredited bodies are complying with requirements, compliance audits are undertaken by the NPCS Assurance Program. Audits may also be undertaken following allegations of non-compliance, including allegations from sources within the ACIC, partner agencies or external public organisations, or from members of the public.

If non-compliance is identified by audit activity, the accredited body is given the opportunity to rectify the issue. If the accredited body is unable or unwilling to rectify the issue to the satisfaction of the NPCS, the ACIC may commence termination of the accredited body's contractual arrangement.

The ACIC began a new audit type in quarter 4 of 2021–22: the special provisions audit. This audit reviews the granting of special provisions, which can occur only under exceptional circumstances where an applicant is unable to provide required identity documentation.

In 2021–22, the ACIC undertook 112 audits as part of the NPCS Assurance Program. As a result, 24 accredited bodies were referred for further investigation following alleged non-compliance. A further 2 bodies had their accreditation suspended after repeated incidents of non-compliance. The ACIC is working with these bodies to rectify non-compliance.

Non-compliance may include the use of incorrect terminology on the accredited body's website, trading under a name not registered with the ACIC, altering police or personal information, failing to collect minimum identity documents, and the incorrect use of special provisions.

The ACIC also undertakes daily data integrity monitoring, and closed 1,311 incorrectly submitted checks in 2021–22. Table 2.11 shows the types of compliance audits undertaken.

Table 2.11: National Police Checking Service audits of compliance

Activity being audited	2020–21	2021–22
Identity verification	24	13
Collection of application data	20	13
Submission of correct purpose description	20	13
Volunteer check type submission	26	9
Provision of nationally coordinated criminal history check results	22	63
Special provisions audit ^a	N/A	1
Total	112	112

^a The special provisions audit was introduced in 2021–22.

In 2021–22, an enhancement project for the NPCS Support System was delivered, resulting in changes to the 'provision of nationally coordinated criminal history check results' report. Consequently, all accredited bodies that had previous approval to use a nationally coordinated criminal history check branded certificate were required to seek reapproval. Audits were undertaken to ensure that data were being correctly provisioned.



FEATURE

ACIC intelligence assists Operation PHOBETOR

"Our agency works tirelessly with our partners to deliver intelligence insights that drive the impacts of this multiagency strike force on organised crime."

Tom Hester, ACIC Acting Executive Director Intelligence Operations

Our investigators and intelligence analysts have worked to understand how cryptocurrency is used by organised crime to launder criminal profits. While working with the United States Department of Homeland Security, we successfully leveraged our unique operational capabilities to uncover a sophisticated transnational organised crime network, identifying the entities involved and the methodology of the network.

We shared these intelligence insights with our partners the New South Wales Police Force (NSWPF) and Australian Federal Police (AFP) in the joint task force Operation PHOBETOR. Operation PHOBETOR targets high-level criminals, outlaw motorcycle gangs and drug importers.

The task force partners focused on the crime network's money laundering activities across Sydney, leading to the NSWPF State Crime Command's Organised Crime Squad carrying out 4 search warrants and arresting offenders in April 2022.

During the searches, officers seized money counters, mobile phones, laptops, USB storage devices, 3 cryptocurrency automatic teller machines and approximately \$4.7 million in cash. Approximately 5 kilograms of prohibited drugs believed to have been illegally imported into Australia, including heroin, methylamphetamine and cocaine, were also seized.

Our partnership with United States Homeland Security Investigations, the NSWPF and the AFP allows us to respond to the evolving criminal landscape quickly and efficiently. We look to repeat these types of efforts and concentrate on finding similar opportunities for our partners.

Overview of financial performance

The ACIC’s financial result for 2021–22 was an operating surplus of \$37.529 million.

With the exclusion of unfunded depreciation (\$6.477 million) and capital funding income (\$11.990 million), the ACIC would have realised a surplus of \$32.016 million for the financial year. This is an improvement from the budgeted loss of \$17.539 million excluding capital funding income.

The improvement was primarily driven by:

- ▶ growth in the national policing information services revenue of \$18.008 million
- ▶ underspend in the National Criminal Intelligence Services (NCIS) program of \$16.950 million
- ▶ resources received free of charge provided by the Department of Home Affairs for NCIS operating costs of \$8.203 million
- ▶ reduction in employee leave provision and employee benefits due to a government bond rate change of \$3.412 million.

During 2021–22, there were no instances of significant non-compliance with the finance law. The ACIC received an unmodified audit opinion from the Australian National Audit Office.

Revenue and expenditure

Figure 2.12 summarises sources of revenue and expenditure in 2021–22. The total ACIC revenue in the 2021–22 financial year consisted of \$141.701 million revenue from contracts with customers, \$127.331 million revenue from government, \$22.668 million in resources received free of charge and \$1.647 million rental income.

The total ACIC operating expenditure consisted of \$90.583 million employee benefits, \$118.951 million supplier and finance costs, \$35.438 million depreciation, write down and impairment costs, and \$10.846 million resources that are received free of charge.

More details of resources and expenses are provided in tables 2.12 to 2.15.

Figure 2.12: Revenue and expenditure

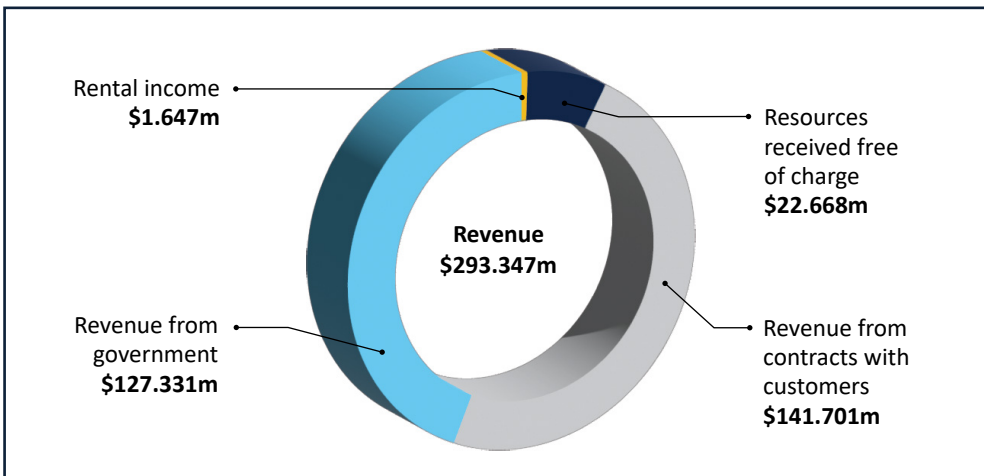
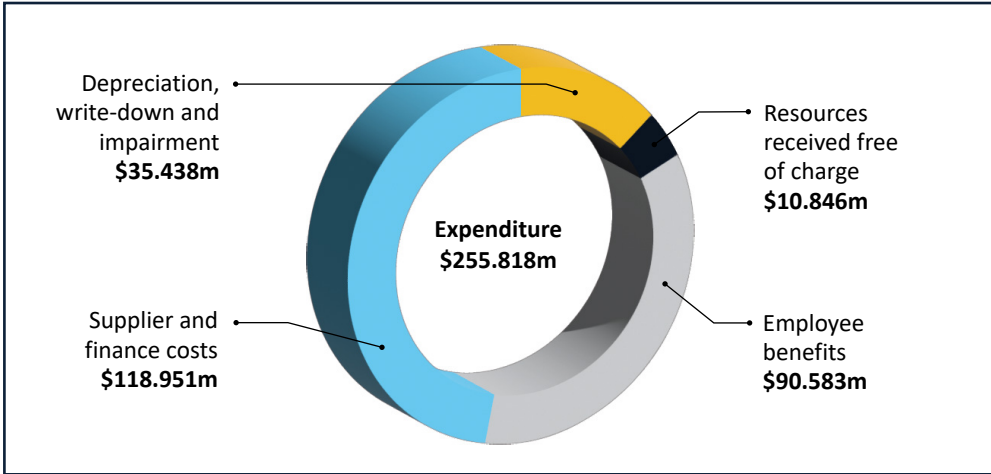


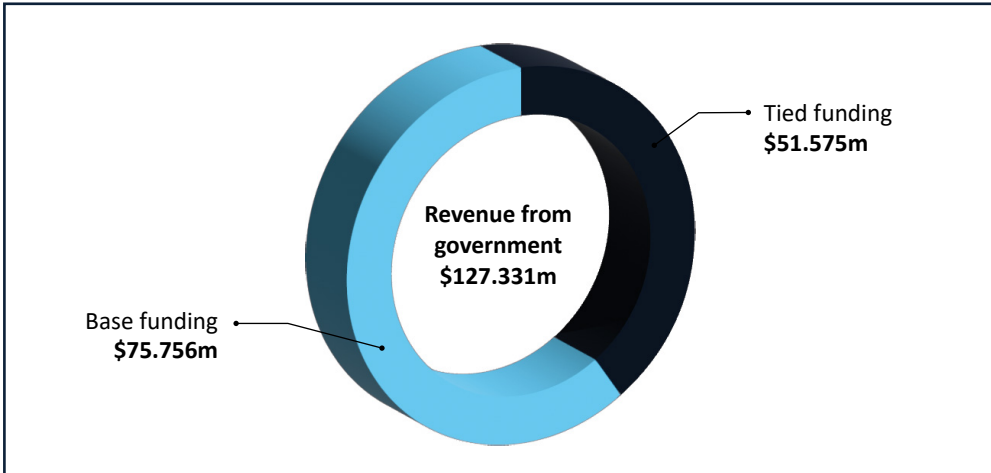
Figure 2.12: Revenue and expenditure (continued)



Revenue from government

The \$127.331 million revenue from government was made up of base appropriation funding of \$75.756 million plus \$51.575 million of tied funding, as shown in Figure 2.13.

Figure 2.13: Revenue from government



The tied funding in 2021–22 consisted of:

- ▶ \$38.023 million additional funding as per the 2021–22 portfolio budget statements, which included \$15.917 million to connect NCIS with mid-late adopters and sustain NCIS, and \$22.106 million to increase the ACIC base funding
- ▶ \$4.934 million to support development of a criminal intelligence assessment capability
- ▶ \$3.750 million to support delivery of the NCIS Tranche 1 program

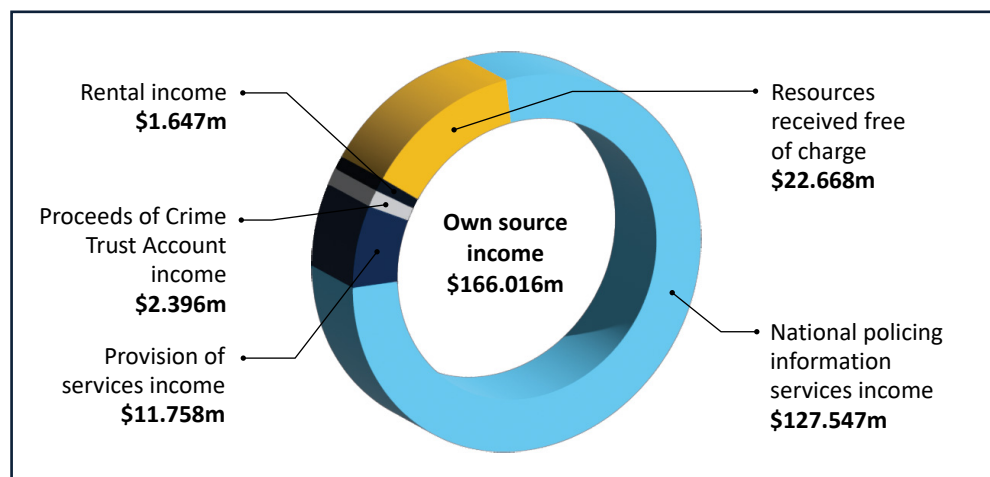
- ▶ \$1.641 million for the Australian Gangs Intelligence Coordination Centre
- ▶ \$1.191 million for the operation of the National Wastewater Drug Monitoring Program
- ▶ \$1.099 million to enhance the Criminal Intelligence Capability program and provide better training to the intelligence workforce for the ACIC and partner agencies
- ▶ \$0.356 million to support 24/7 operation of the Australian Cyber Security Centre to prevent and combat cyber security threats
- ▶ \$0.257 million to provide family law courts with access to real-time detailed and accurate police information to support their issuing of Federal Family Violence Orders
- ▶ \$0.187 million to participate in the taskforce that would reform Australia's electronic surveillance framework
- ▶ \$0.137 million to contribute to the implementation and ongoing sustainment of the cross-border serious crime data-sharing agreement.

Own source income

In addition to the government appropriation as detailed in Figure 2.13, the ACIC had own source income as detailed in Figure 2.14.

Own source income consisted of \$127.547 million as a result of the provision of national policing information services, \$2.396 million received from the Proceeds of Crime Trust Account, \$11.758 million from provision of services, \$22.668 million in resources received free of charge and \$1.647 million rental income.

Figure 2.14: Own source income



Internal controls

The ACIC's internal controls that ensured compliance with our financial management responsibilities included:

- ▶ senior management involvement in budget development, allocation and monitoring
- ▶ internal and external reporting, including providing financial information to the ACIC Board on the National Policing Information Systems and Services Special Account and reporting monthly to the Department of Finance and the ACIC executive
- ▶ full engagement with the ACIC Audit Committee
- ▶ periodic review of the Accountable Authority Instructions, policies and procedures to ensure compliance with the PGPA Act
- ▶ audit by the Australian National Audit Office and the ACIC's internal audit team
- ▶ engagement with the ACIC executive to identify breaches of financial management practices under the PGPA Act and to provide assurance to the accountable authority and the Chief Financial Officer
- ▶ centralised administration of procurement, property leases, assets, travel, credit cards, fleet vehicles, mobile phones and laptops.

Table 2.12: Entity resource statement

	Actual available appropriations for 2021–22	Payments made 2021–22	Balance remaining
	\$'000	\$'000	\$'000
	(a)	(b)	(a – b)
Departmental annual appropriations – ordinary annual services			
Prior year appropriation available	46,378	46,378	–
Departmental appropriation (including departmental capital budget) ¹	130,063	64,181	65,882
Section 74 relevant agency receipts ²	17,081	14,592	2,489
Total ordinary annual services	193,522	125,151	68,371
Annual appropriation – other services non-operating			
Prior year appropriation available	–	–	–
Equity injections ³	6,175	6,100	75
Total other services	6,175	6,100	75
Total annual appropriations	199,697	131,251	68,446
National Policing Information Systems and Services Special Account			
Opening balance	128,801		
Appropriation receipts	23,873		
Non-appropriation receipts	127,206		
Payments made		133,560	
Total special account	279,880	133,560	146,320
Less: departmental appropriations drawn from annual appropriations and credited to special accounts	(23,873)		(23,873)
Total resourcing and payments	455,704	264,811	190,893

1 Annual departmental appropriation includes \$0.143m quarantined.

2 Section 74 agency receipts and payments exclude any GST component.

3 Equity injection funded for 2021–22 was \$6.175m of which \$0.075m is held for future years.

Table 2.13: Expenditure by outcome

Outcome 1: To protect Australia from criminal threats through coordinating a strategic response and collecting, assessing and disseminating intelligence and policing information	Budget 2021–22 \$'000	Actual expenses 2021–22 \$'000	Variation \$'000
Departmental expenses			
Departmental appropriation and section 74 agency receipts	138,214	136,961	1,253
National Policing Information Systems and Services Special Account	127,245	101,535	25,710
Expenses not requiring appropriation in the budget year	9,333	17,322	-7,989
Total departmental expenses	274,792	255,818	18,974
Total expenses for Outcome 1	274,792	255,818	18,974

Table 2.14: Average staffing level

	Budget 2021–22	Actual 2021–22
Average staffing level (number)	851.00	691.01

Note: This figure excludes AIC employees.



FEATURE

Graduate Pathway at the ACIC

"I applied for a graduate position at the ACIC in particular because I want to be involved in an agency that makes a difference, offers unique and exciting career opportunities, and is dedicated to understanding and disrupting criminal activity that impacts the Australian community."
Alexandra, ACIC graduate in 2021

In December 2021, we put out a call to upcoming university graduates to let us know of their interest in an ACIC-specific graduate program. After receiving more than 1,000 expressions of interest, we set to work on establishing our unique 12-month Graduate Pathway. The program will be onboarding up to 50 new graduates in 2023.

Graduates will undertake placements in Canberra, Sydney, Melbourne and Brisbane, with possible short-term placements in other capital cities. The Graduate Pathway is designed to develop their capabilities by providing on-the-job experiences and formal learning to support rotations within our 3 graduate streams: intelligence, technology, and corporate services.

Applications for the new program opened in March 2022. During the recruitment process, ACIC staff attended careers fairs in Brisbane, Melbourne and Sydney. This was a great opportunity to showcase the ACIC in person, after a number of years of participating in virtual fairs due to COVID-19 restrictions.

A series of webinars were also conducted for each graduate stream, culminating in a webinar question and answer session with CEO Michael Phelan in April 2022.

The agency received more than 1,250 applicants for the new program, highlighting the interest that prospective employees have in the important role that the ACIC plays in keeping the Australian community safe. We look forward to welcoming the graduates to the program in the new year.



WE DELIVER **ACCURATE, TIMELY** AND
RELIABLE DATA AND INFORMATION



SECTION 3

MANAGEMENT AND ACCOUNTABILITY

Our governance, people and resources

▶ Internal governance	62
▶ External scrutiny	74
▶ Our people	85
▶ Resource management	95

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.

Executive

On 30 June 2022, the ACIC executive comprised the CEO, the Deputy CEO Support, the Deputy CEO Intelligence, the Chief Operating Officer/Chief Counsel, 4 executive directors, the Chief Financial Officer, the Chief Information Officer and 9 national managers.

Table 3.1 provides details of the positions and responsibilities of the members of the ACIC executive at 30 June 2022.

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.
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.
Deputy CEO Support 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 Tom Hester	Responsible for ACIC investigations and intelligence operations, intelligence 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 and Queensland.
National Manager South Operations Damien Appleby	Responsible for operations and stakeholder relationships (including oversight of state directors) in Victoria, Western Australia, South Australia and Tasmania.
Acting National Manager Operational Strategy Tim Gresham	Responsible for operational strategy; Australian Priority Organisation Target disruption; joint agency operations; financial crime intelligence; Australian sports intelligence; and Commonwealth fraud intelligence.
National Manager Examinations Jason Halls	Responsible for the ACIC's examination capability.

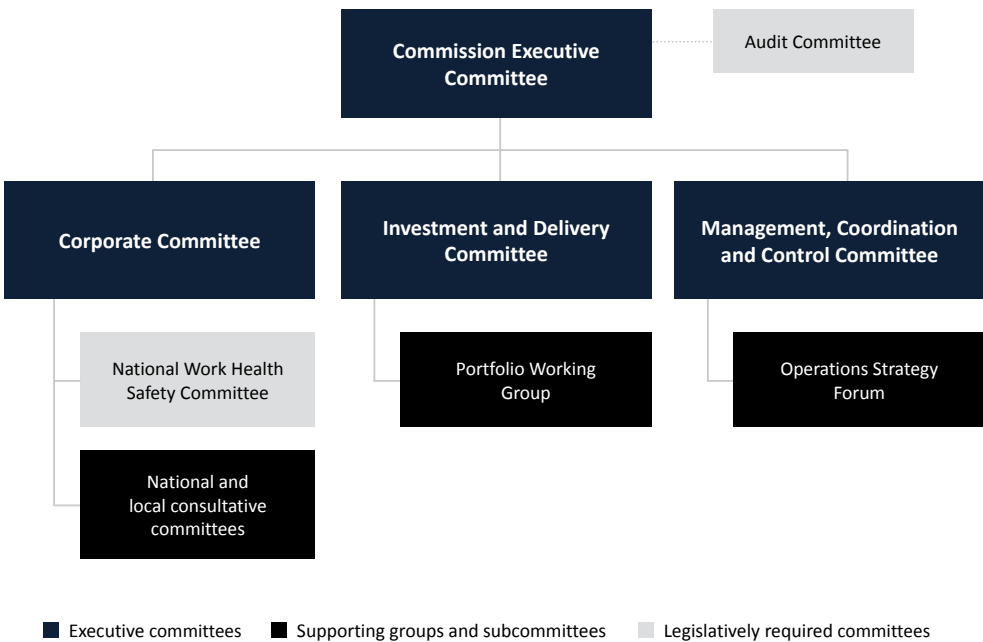
Table 3.1: Executive positions and responsibilities (continued)

Position title and name	Responsibilities
Covert Collections and Insights	
Executive Director Covert Collections and Insights Virginia Hartley	Responsible for intelligence insights, covert intelligence collection operations and data analytics.
National Manager Strategic Intelligence Capability Katie Willis	Responsible for strategic and operational intelligence production, data analytics and criminal information services.
Acting National Manager Collection Operations Jason Pyne	Responsible for covert intelligence collection methodologies.
Business and Partnerships	
Chief of Staff/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; strategic policy; and project governance through the Portfolio Management Office.
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.
Chief Operating Officer	
Chief Operating Officer/Chief Counsel Nicole Mayo	Responsible for key enabling services, including people; security; finance; property; audit and risk; and legal services.
National Manager Finance, Property and Procurement/Chief Financial Officer Yvette Whittaker	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 all human resource, people and wellbeing strategies, an integrated protective security and integrity function, niche operational enablement capabilities, and oversight of the agency's powers to ensure legislative compliance.
Intelligence and Information Systems	
Acting Executive Director Intelligence and Information Systems Stewart Sibree	Responsible for providing critical ICT infrastructure, systems and services to the ACIC and its partner agencies. This includes provision of national law enforcement, intelligence, research and corporate information systems and services.
Chief Information Officer Sam Lewis	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 Investment and Delivery 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 2022



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 deputy CEOs, the Chief Operating Officer and the executive directors. The Chief Financial Officer attends as an observer. 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 and the management of enterprise risk. It is supported by the National Work Health Safety Committee and the Diversity and Inclusion Sub-committee (more information on the subcommittee is in the 'Diversity and inclusion' section of the report) .

The committee consists of the deputy CEOs, the Chief Operating Officer, and the executive directors. The Chief Financial Officer and National Manager Workforce Capability and Assurance attend as observers. The committee meets quarterly, or more often if required.

National Work Health Safety Committee

Undertaking functions as described in section 77 of the *Work Health and Safety Act 2011*, the ACIC National Work Health Safety Committee is the agency's primary means of staff consultation on matters relating to health, safety and wellbeing. Composed of senior management and health and safety representatives, the committee supports the ACIC executive to identify, develop, implement and review health, safety and wellbeing arrangements in the workplace.

More information on National Work Health Safety Committee activities in 2021–22 is in Appendix B.

National and local consultative committees

The ACIC's enterprise agreement sets out the arrangements for consultation at the ACIC. These consultation arrangements are underpinned by the National Consultative Committee and a series of local consultative committees. These committees enable consultation between management and employees on changes which may affect their workplace, and provide a forum for all employees, and their representatives, to have direct input into a wide range of workplace issues and decisions.

Investment and Delivery Committee

The Investment and Delivery Committee is an enterprise-level committee that provides oversight of the ACIC's strategic investments including monitoring the delivery of the portfolio of programs and projects that flow from these investments. The committee is responsible for ensuring that investments are aligned to the strategic objectives of the organisation as outlined in our strategic direction and corporate plan.

The committee consists of the executive directors, the Chief Operating Officer, the Chief Financial Officer, and the National Manager Executive Branch. The National Manager Business Services, the Chief Information Officer, the National Criminal Intelligence System Program Director, the Principal Advisor Systems Design and Delivery, the Director Project Management Office and the Information Technology Security Advisor attend as advisers. The committee meets quarterly, or more often if required.

Formerly the Project Governance Committee, the Investment and Delivery Committee was renamed when its terms of reference were reviewed in 2021.

Management, Coordination and Control Committee

The Management, Coordination and Control Committee provides strategic direction and prioritisation, and monitors and evaluates intelligence operations performance.

The Management, Coordination and Control Committee's membership consists of the 2 deputy CEOs; the executive directors; the Chief Operating Officer/Chief Counsel, and the national managers of Operational Strategy, Strategic Intelligence Capability, Collection Operations, North Operations, South Operations, and Examinations. The Head of Determinations Special ACIC Operations and Investigations attends as special adviser to the committee, which meets quarterly.

Operations Strategy Forum

The Operations Strategy Forum provides strategic intent, oversight and accountability for the ACIC's operational work program and resource allocation.

The Operations Strategy Forum's membership consists of the Executive Director Intelligence Operations (Chair) and the Executive Director Covert Collections and Insights, and the national managers of Operational Strategy, Strategic Intelligence Capability, Collection Operations, North Operations, South Operations, and Examinations. The Deputy General Counsel, the Director Covert Technical Operations and the Head of Determinations Special ACIC Operations and Investigations attend as advisers to the committee, which meets monthly.

Strategic planning

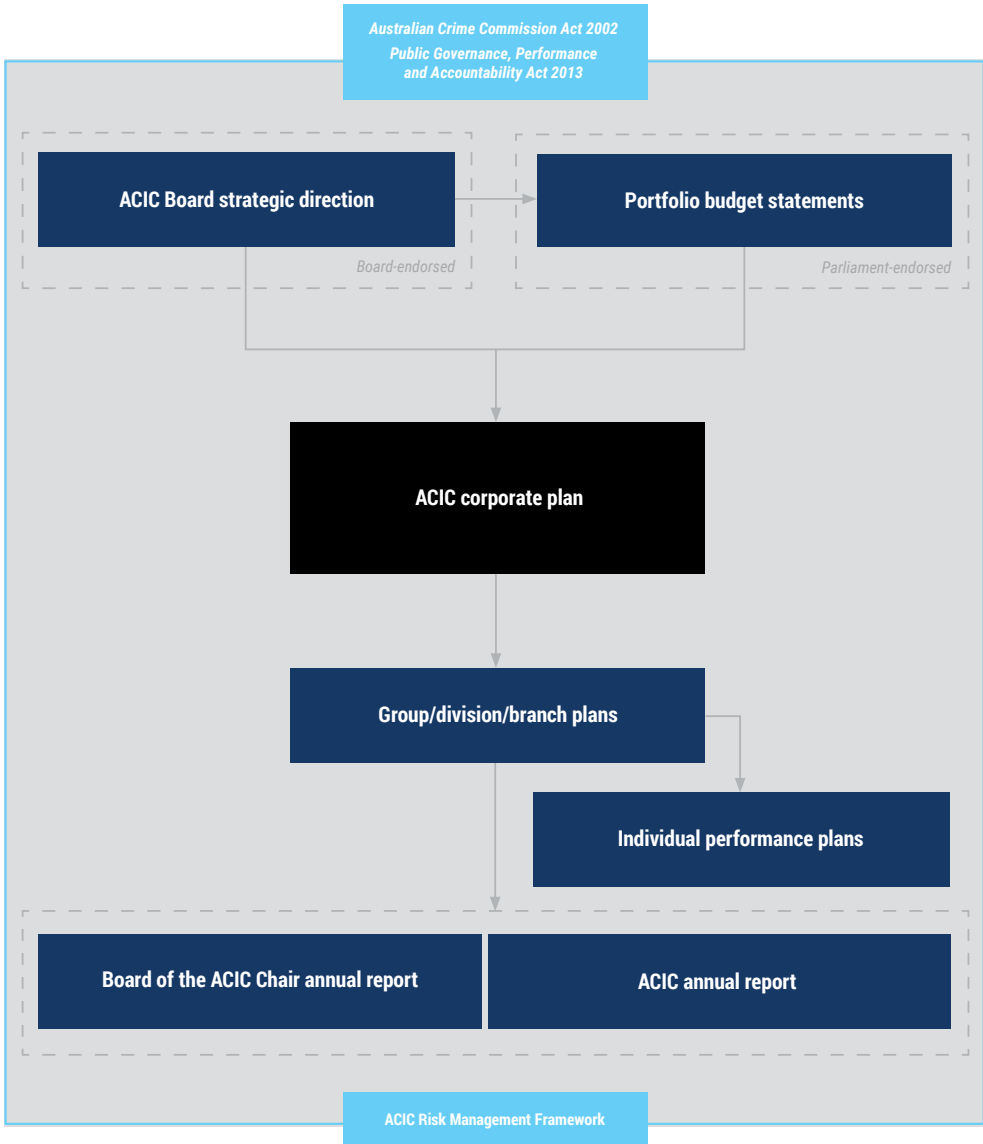
Strategic planning ensures that our activities and resources align with our strategic priorities and support the achievement of our purpose. Two key documents set out our goals and the approach we take to achieve them:

- ▶ 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



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.

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 audits were conducted by internal audit during 2021–22:

- ▶ **ACIC compliance with Surveillance Devices (SD) Act, Telecommunications (Telco) Act, Telecommunications Interception and Access (TIA) Act, and Controlled Operations under the Crimes Act** – The audit noted the importance of monitoring the effectiveness of new detective and preventative controls.
- ▶ **Contract Management** – The audit noted the importance of consultation with all stakeholders for complex procurements.
- ▶ **ICT Incident Management** – The audit identified a number of areas relating to the ICT incident management and issue escalation framework that impact on the effectiveness and efficiency of this process.
- ▶ **Performance Reporting** – The ACIC's performance reporting was found to be compliant with the evolving Australian Government framework. The ACIC's performance measures were also shown to be actively managed and adapted effectively to emerging changes.

We operate a co-sourced internal audit service and contract an external provider for a small number of our audits. 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. Our chief audit executive is the Chief Operating Officer/Chief Counsel.

Audit Committee

In accordance with responsibilities under section 45 of the *Public Governance, Performance and Accountability Act 2013* (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.

Meetings

During 2021–22, the Audit Committee met 6 times and reviewed matters such as:

- ▶ 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.

Three special advisers appointed by the CEO – the Executive Director Intelligence Operations, the Chief Operating Officer and the Executive Director Intelligence and Information Systems – attended Audit Committee meetings to provide subject matter expertise to the committee members.

Additionally, a representative of the Australian National Audit Office (ANAO) attended the Audit Committee meetings, as an observer.

Members

In 2021–22, the Audit Committee consisted of 3 independent members (including the Chair).

As prescribed under section 17AG(2A) of the *Public Governance, Performance and Accountability Rule 2014*, information on each 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)	<p>Bachelor of Economics (Australian National University), FCA, GAICD, RCA</p> <p>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.</p>	<p>6/6</p> <p>\$18,810</p>
Elizabeth Montano	<p>Bachelor of Arts and Bachelor of Laws (University of New South Wales), FAICD</p> <p>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.</p>	<p>6/6</p> <p>\$19,250</p>
Mark Ridley	<p>Bachelor of Commerce and Bachelor of Accounting (University of the Witwatersrand), FCA, GAICD, CRISC</p> <p>Mark currently serves on audit and risk committees for numerous government entities. He has particular strengths in governance, risk and control in relation to ICT, including transformational ICT-based initiatives and the management of project and related risks in complex ICT environments, as well as financial management and organisational leadership. During 20 years as a partner with PricewaterhouseCoopers, he was the national leader of project assurance services and led the company's risk management and assurance business in Canberra.</p>	<p>6/6</p> <p>\$23,100</p>

^a Total remuneration including GST. Independent members received \$2,200–\$3,850 (including GST) for each meeting, including meeting preparations. From October 2021, all members were paid the same rate per meeting.

^b Elizabeth Montano is also paid for her role as an independent adviser for the National Criminal Intelligence System, which is not included in this table. For the purposes of audit committee remuneration disclosure in section 17AG(2A) of the *Public Governance, Performance and Accountability Rule 2014*, only the remuneration that members receive for being on the audit committee during the reporting period should be reported.

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 2021–22, we:

- ▶ managed our enterprise risks across our 6 enterprise risk domains
- ▶ continued to facilitate a deeper understanding of our enterprise risks through the application of bow tie analysis to highlight the effectiveness of our key internal controls
- ▶ further embedded our risk management framework through mandatory risk management training for all staff at and above Australian Public Service Level 6
- ▶ developed a risk culture survey to promote appropriate risk behaviours and develop pathways for improvement.

Additionally, we began reviewing our risk management framework in light of proposed changes to the Commonwealth Risk Management Policy. Our Chief Operating Officer/Chief Counsel is our chief risk officer.

Security and integrity

Security and integrity are critical to the way we operate our agency and achieve our strategic objectives.

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 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 comprehensive pre-employment screening process. We assess individual security risks and identify vulnerabilities when staff commence in the agency and apply 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 communication 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 2021–22 were low level, as shown in Table 3.3, 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.

Table 3.3: Potential security incidents reported

Risk level	2018–19	2019–20	2020–21	2021–22
Low	58	36	56	48
Medium	16	16	26	7
High	7	1	5	8
Total	81	53	87	63

Integrity assurance

In 2021–22, we further expanded the ACIC's internal integrity capability. Specialist intelligence and investigations resources were engaged to contribute to discovery, investigation and 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 (AFP) 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.

In 2021–22, as required under the legislation, we:

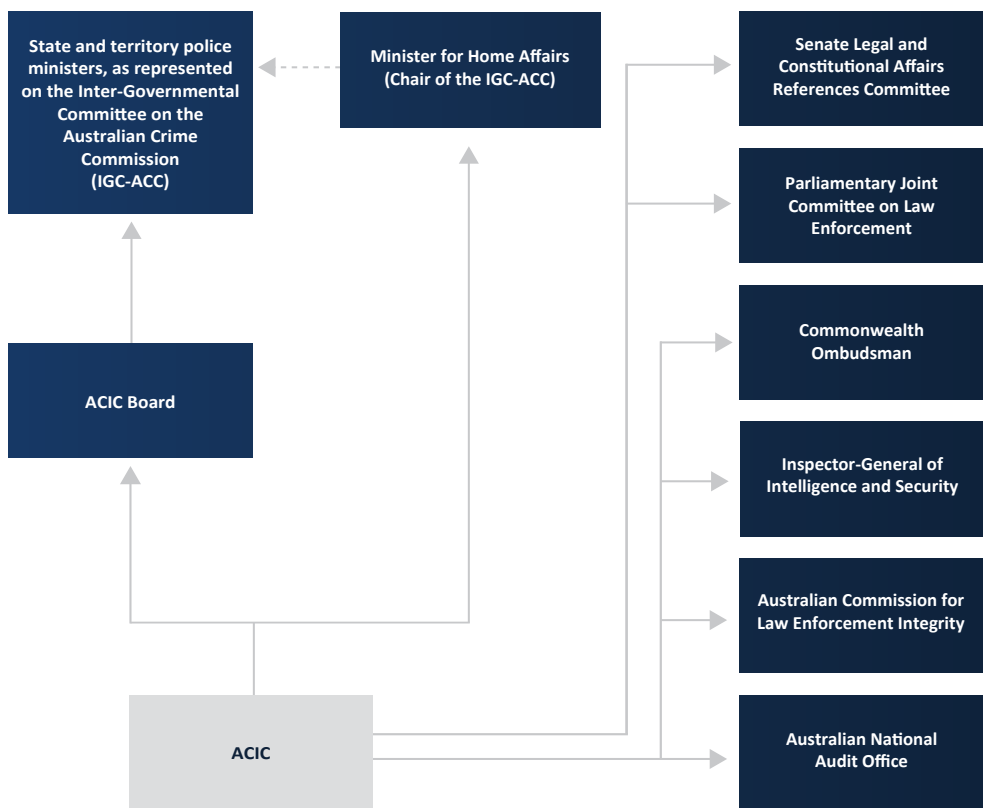
- ▶ reported to Commonwealth, state and territory ministers in accordance with legislative requirements
- ▶ reviewed the ongoing necessity for each authorised member of staff to continue to use an assumed identity
- ▶ conducted mandatory audits of ACIC records relating to assumed identities.

External scrutiny

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, the Inspector-General of Intelligence and Security, 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 2022



Ministerial arrangements

In 2021–22 the ACIC was part of the Home Affairs portfolio. While we were accountable to all portfolio ministers as required, most of our work related to the areas covered by the Minister for Home Affairs.

Under the Administrative Arrangements Order of 23 June 2022, the ACIC was moved to the Attorney-General's portfolio and became accountable to the Attorney-General on 1 July 2022.

Parliamentary Joint Committee on Law Enforcement

The Parliamentary Joint Committee on Law Enforcement (PJCLE) is established by the *Parliamentary Joint Committee on Law Enforcement Act 2010*, to:

- ▶ monitor and review the performance of the ACIC and 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 PJCLE conducted a separate inquiry into the operation of the *Australian Crime Commission Amendment (Special Operations and Special Investigations) Act 2019* and presented its final report in August 2021.

The PJCLE presented its *Examination of the Australian Criminal Intelligence Commission Annual Report 2019–20* report in October 2021.

During 2021–22, the ACIC and the Australian Institute of Criminology provided a joint submission to the PJCLE's inquiry into the impact of illicit drugs being traded online. The submission was published on the committee's website on 20 January 2022.

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 functions most relevant 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.

Other parliamentary committees

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

On 11 February 2022, the ACIC appeared before the Joint Committee on the Australian Commission for Law Enforcement Integrity's inquiry into the expansion of ACLEI's jurisdiction and the corruption vulnerabilities of law enforcement agencies' contracted services. The ACIC works closely with the Joint Committee on the Australian Commission for Law Enforcement Integrity in relation to proactively identifying and notifying corruption allegations and providing intelligence, information and investigation support in joint operations.

The ACIC also appeared before the Senate Legal and Constitutional Affairs References Committee as part of the 2021–22 and 2022–23 Budget Estimates hearings, on 25 October 2021 and 4 April 2022. Transcripts of the proceedings and responses to questions on notice are available on the committee's website.

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 met on 18 March 2022.

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 authorising 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 ACIC Board membership consists of the:

- ▶ Commissioner, Australian Federal Police (Chair)
- ▶ Secretary of the department responsible for administering the ACC Act

- ▶ Commissioner, Australian Border Force (Comptroller-General of 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).

In 2021–22, the CEO of the Australian Transaction Reports and Analysis Centre (AUSTRAC) and the Secretary of the Attorney-General's Department attended board meetings as non-voting observers.

On 1 July 2022, when the ACIC moved to the Attorney-General's portfolio, the Secretary of the Attorney-General's Department joined the board and the Secretary of the Department of Home Affairs left the board.

Meetings

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 setting the strategic direction of the ACIC and authorising or identifying key areas of new work that we should pursue.

In 2021–22, the board met twice and:

- ▶ approved a recommendation to the Minister for Home Affairs for funding for the provision of the National Automated Fingerprint Identification System (NAFIS) NextGen capability and its support to 2034–35
- ▶ considered arrangements for the National Criminal Intelligence System
- ▶ considered the ACIC's 2021–25 National Policing Information Capability Roadmap
- ▶ considered the ACIC's 2022–23 investment proposals
- ▶ considered the National Police Checking Service Modernisation Workplan
- ▶ reviewed the National Policing Information Systems and Services Special Account revenue and prioritisation of national policing information projects for 2022–23
- ▶ approved the ACIC *Strategic Direction 2022–26*.

National Policing Systems Subcommittee

The ACIC Board National Policing Systems Subcommittee 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.

The subcommittee met twice in 2021–22, and established the National Police Checking Service Working Group to develop a future National Police Checking Service model to bring forward to the board for endorsement. The working group is chaired by the ACIC CEO, with representation from state and territory police, and met twice in 2021–22.

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.

The evidence and intelligence gathering activities of special ACIC investigations and special ACIC operations are informed by, and contribute to, the work of board-approved task forces that support collaboration between partners seeking to disrupt criminal enterprises through intelligence-led responses.

Tables 3.4 and 3.5 show the special ACIC investigations, special ACIC operations and task forces that operated under board determinations in 2021–22.

Table 3.4: Board-approved special ACIC investigations and special ACIC operations

Authorisation/determination	Type	Date established
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

Table 3.5: 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

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.

Chair's annual report

The Chair of the ACIC Board provides an annual report that documents the operations of the board and the ACIC as required under section 61 of the ACC Act. The report is presented to the Australian Government and the appropriate minister of each state and territory via the IGC-ACC, as soon as practicable after 30 June.

Chair annual reports are available from our website at <www.acic.gov.au/publications/annual-report/chair-board-annual-reports>.

Australian Commission for Law Enforcement Integrity

ACLEI and the office of the Integrity Commissioner were established by the *Law Enforcement Integrity Commissioner Act 2006* (LEIC Act) to prevent, detect and investigate corruption in Australian Government law enforcement agencies.

Under the LEIC Act, 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, our agency and ACLEI work collaboratively and cases are discussed to assess whether there should be a notification.

Commonwealth Ombudsman and Inspector-General of Intelligence and Security

The Ombudsman is variously empowered to perform examinations of an agency's records under the *Surveillance Devices Act 2004*, *Telecommunications Act 1997*, *Telecommunications (Interception and Access) Act 1979* and *Crimes Act 1914*.

As part of their oversight of the ACIC, the Commonwealth Ombudsman visited our offices in Brisbane, Sydney and Canberra to conduct a total of 8 in-person inspections in 2021–22.

Following each inspection, the Ombudsman provided a report which outlined their findings as well as suggestions to improve our policy, procedures or processes. The results of the Ombudsman's inspections of ACIC records become publicly available once the Minister has tabled them in parliament.

In all but one instance, the Ombudsman provided a streamlined report and generally noted our approach to quality assurance, commitment to compliance and responsiveness to remedying issues as they arose. One formal report was received, in December 2021, as a result of an inspection conducted in April 2021, which assessed ACIC adherence to the Industry Assistance regime under Part 15 of the *Telecommunications Act 1997*.

The ACIC was also subject to both a 'health check' by the Ombudsman and the first inspection by the Inspector-General of Intelligence and Security (IGIS) in relation to their respective responsibilities for new powers under the *Surveillance Legislation Amendment (Identify and Disrupt) Act 2021* that came into effect on 3 September 2021. The IGIS inspection was conducted on 7 April 2022 and resulted in favourable feedback that no areas of concern had been identified with existing compliance frameworks. The Ombudsman 'health check' resulted in a findings letter and generally positive feedback.

To more effectively support compliance requirements from the Ombudsman and IGIS, the ACIC has implemented a review of our governance, our training and our destructions program and introduced a suite of induction programs and significant, robust amendments to assurance documents 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 IGIS. All feedback, advice on best practice or suggestions for improvement guide the development of our policy, procedures and training programs.

Australian National Audit Office

The ANAO undertook a performance audit on 'Management of Staff Leave in the Australian Public Service' which included the ACIC. The objective of the audit was to assess the compliance by selected Australian Public Service entities with legislation and other relevant requirements relating to staff leave. The audit report, including the ACIC's responses, is publicly available on the ANAO's website. The Auditor-General's performance audits of this agency and 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 2021–22, there were 7 matters which did not ultimately proceed to a judicial decision that had or would have had a significant effect on the operation of the ACIC, but are included to reflect those matters that will be reported in the Board of the Australian Criminal Intelligence Commission Chair Annual Report 2021–22 pursuant to section 61 of the ACC Act. The outcomes of these matters are reported below.

D1 v Commonwealth of Australia [2021] FCCA 163; D2 v Commonwealth of Australia [2021] FCCA 164

D1 and D2 were in immigration detention when they were each served with a summons to appear before an ACIC examiner. On 22 January 2021, the ACIC was served with 2 applications for judicial review and section 78B notices in the Federal Circuit Court, which raised constitutional challenges regarding the ability of an unlawful citizen under the *Migration Act 1958* to be removed from immigration detention and detained for the purpose of appearing before an ACIC examiner.

D1 and D2 were each successful in seeking injunctions restraining the ACIC examiner from examining them. The summonses in relation to D1 and D2 were then withdrawn by the ACIC examiner and fresh summonses were issued for each of D1 and D2 to appear before an ACIC examiner.

D1 and D2 sought further injunctions to prevent the examinations from proceeding.

On 22 June 2021, the proceedings before the Federal Circuit Court were dismissed by consent of the parties.

APM21 v Lusty & Ors [2021] FCCA 570

APM21 (a court-ordered pseudonym) was served with a summons to appear before an ACIC examiner in the furtherance of a special ACIC investigation. On 12 February 2021, APM21 filed an application for judicial review in the Federal Circuit Court seeking to challenge the summons for APM21's examination and/or the decision of the ACIC examiner to issue that summons, and the determination made by the ACIC Board in respect of the special ACIC investigation.

APM21's application for interlocutory relief as part of the judicial review was unsuccessful.

On 30 March 2021, the proceedings were transferred by consent to the Federal Court.

On 14 July 2021, the proceedings were discontinued by consent.

DJ1 & VJ1 v Anderson & Ors

DJ1 and VJ1 (court-ordered pseudonyms) were each served with a summons to appear before an ACIC examiner in the furtherance of a special ACIC investigation. On 16 April 2021, DJ1 and VJ1 filed an application for judicial review in the Federal Circuit Court seeking to challenge the summons for their examinations and/or the decision of the ACIC examiner to issue that summons, and the determination made by the ACIC Board in respect of the special ACIC investigation.

On 14 July 2021, the proceedings were discontinued by consent.

ASQ22 v ASR22 & Anor

On 16 March 2022, respective applications for judicial review were filed by ASQ22 (a court-ordered pseudonym) in the Federal Court seeking to challenge the validity of the summons issued to ASQ22 to attend an examination, and the constitutional validity of the associated provisions under the ACC Act. There was a further constitutional challenge to the determination made by the ACIC Board in respect of the special ACIC operation.

On 13 May 2022, the proceedings were discontinued in the Federal Court by consent.

BGE21 v Lusty; BFL21 v Anderson

On 10 May 2021 and 11 May 2021, respective applications for judicial review were filed by BGE21 and BFL21 (court-ordered pseudonyms) in the Federal Court seeking to challenge the validity of the summonses issued to both BGE21 and BFL21 to attend an examination, the associated special ACIC operation, and the constitutional validity of the associated provisions under the ACC Act.

On 15 September 2021, the proceedings were discontinued in the Federal Court by consent.

BQH21 v Anderson; BQT21 v Anderson

On 26 May 2021 and 9 June 2021, respective applications for judicial review were filed in the Federal Court seeking to challenge the summonses for BQH21 and BQT21 (court-ordered pseudonyms) issued to both BQH21 and BQT21 to attend an examination, the decisions of the ACIC examiner to issue the summonses, and the determination made by the ACIC Board in respect of the special ACIC operation.

On 15 September 2021, the proceedings were discontinued in the Federal Court by consent.

CVS21 v Anderson; CVQ21 v Anderson

On 19 August 2021, respective applications for judicial review were filed in the Federal Court seeking to challenge the summonses for CVS21 and CVQ21 (court-ordered pseudonyms) issued to both CVS21 and CVQ21 to attend an examination, the decisions of the ACIC examiner to issue the summonses, and the determination made by the ACIC Board in respect of the special ACIC operation and special ACIC investigation.

On 14 October 2021, the proceedings were discontinued in the Federal Court by consent.

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 matters were active in 2021–22.

Anderson v EVA20 [2021] FCA 457

This matter commenced in 2020–21, as described in the ACIC’s 2020–21 annual report. In early 2021, contempt proceedings were commenced in the Federal Court against EVA20 (a court ordered pseudonym) for failure to answer questions that an ACIC examiner required EVA20 to answer. EVA20 pleaded guilty and, on 6 May 2021, was sentenced to an indefinite period of imprisonment. On 11 May 2022, EVA20 brought an application in the Federal Court seeking a fixed term of imprisonment. On 19 August 2022, the Court fixed EVA20’s indeterminate sentence as at that date. EVA20 ultimately served 15 months and 14 days for the contempt.

Australian Crime Commission v DTO21 [2022] FCA 288

On 17 June 2021, DTO21 (a court-ordered pseudonym) appeared before an ACIC examiner in answer to a summons. DTO21 refused to answer 7 questions. On 22 October 2021, contempt proceedings were commenced in the Federal Court under section 34B(1) of the ACC Act. DTO21 was given an opportunity to purge the contempt but declined. On 8 December 2021, DTO21 pleaded guilty to each of the 7 contempt charges. On 28 March 2022, DTO21 was sentenced to an indefinite period of imprisonment.

Legislative changes

Three significant changes were made to the legislative framework for the ACIC’s responsibilities and activities in 2021–22.

Transport Security Amendment (Serious Crime) Act 2021

On 22 June 2022, amendments made to the ACC Act by the *Transport Security Amendment (Serious Crime) Act 2021*, inserting Division 2A, came into effect. Under Division 2A, the ACIC has been given a new function of conducting criminal intelligence assessments as a part of the background checking process for applicants for an Aviation Security Identification Card (ASIC) or a Maritime Security Identification Card (MSIC).

Criminal intelligence assessments can be initiated by the ACIC when required or permitted by the *Aviation Transport Security Act 2004*, the *Maritime Transport and Offshore Facilities Security Act 2003* or regulations under those Acts.

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 an ASIC/MSIC, that person will not be eligible for an ASIC/MSIC. Adverse assessments will be reviewable in the Security Division of the Administrative Appeals Tribunal.

Surveillance Legislation Amendment (Identify and Disrupt) Act 2021

The *Surveillance Legislation Amendment (Identify and Disrupt) Act 2021* commenced on 3 September 2021, providing the ACIC and AFP with significant new powers to investigate and disrupt serious and organised crime, particularly where criminal networks are hiding behind anonymising technology or operating on the dark web to facilitate their criminal activities.

The Act introduced 3 new warrant types for both the ACIC and the AFP:

- ▶ network activity warrants, which permit access to data on computers and devices used by criminal networks operating online, to gather intelligence about serious offending
- ▶ data disruption warrants, which permit the modification and/or deletion of data held in a computer, in order to frustrate the commission of a relevant serious offence occurring online
- ▶ account takeover warrants, which enable the ACIC and AFP to take control of a person's online accounts for the purpose of enabling the gathering of evidence to further a criminal investigation.

Telecommunications Legislation Amendment (International Production Orders) Act 2021

The *Telecommunications Legislation Amendment (International Production Orders) Act 2021* received royal assent on 23 July 2021. This legislation established the new international production order (IPO) framework under the *Telecommunications (Interception and Access) Act 1979* (TIA Act).

The IPO framework enables Commonwealth, state and territory agencies to seek data and communications, via the Australian Designated Authority, from communications service providers in foreign countries with which Australia has a designated agreement.

An IPO may be issued for purposes in connection with the investigation of an offence of a serious nature. Specifically, subject to the existence of a relevant international agreement, the TIA Act allows the ACIC to issue orders directly upon overseas communications providers (via the Australian Designated Authority):

- ▶ to instruct a communications provider to intercept communications, for 'serious category 2 offences' (offences which are defined as 'serious offences' under section 5D of the TIA Act, which relevantly includes an offence in relation to which the ACIC is conducting a special ACIC investigation)
- ▶ to instruct a communications provider to provide stored communications information and to provide telecommunications data, for 'serious category 1 offences' (offences with a maximum penalty of 3 years imprisonment or more).

The IPO powers available to the ACIC will be subject to oversight by the Commonwealth Ombudsman.

The *Telecommunications Legislation Amendment (International Production Orders) Act 2021* contains 2 minor technical amendments to the ACC Act. The 2 amendments (made to section 19A(5)(d) and Schedule 1) have the effect that an agency's obligations when served with a request or notice under section 19A or section 20 of the ACC Act are subject to the TIA Act prohibition on use, recording, communication or publication of protected information or the admission of protected information in evidence provided for in the IPO framework. This is in line with existing restrictions under the TIA Act relating to interception information.

Our people

At 30 June 2022, the ACIC had a staff of 751 Australian Public Service (APS) employees and statutory office holders, including 24 staff from the Australian Institute of Criminology (AIC), supplemented by 46 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 77 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, including staff locations and classifications, are provided in Appendix C. Information on our use of consultants is provided in the 'Resource management' section on pages 97–98.

Staffing profile

Table 3.6 shows our staffing profile at the end of 2021–22.

Table 3.6: Staffing profile at 30 June 2022

Staffing category	Number of staff
APS employees and statutory office holders	751 ^a
Secondees funded by the ACIC ^b	10
Secondees funded by jurisdictions ^b	36
Total core staff	797
Task force members	100
Total overall available resources	897

APS = Australian Public Service

a This is equivalent to 712.47 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 2022. However, as secondees and task force members work with us for different periods of time throughout the year, the overall total for 2021–22 was 371.

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

During 2021–22, our average staffing level of APS employees and statutory office holders was 714.69 staff. This included 7 statutory office holders – 6 examiners and the CEO – all appointed on fixed-term arrangements.

At 30 June 2022, we had a total of 46 secondees from 15 agencies, on short-term or long-term assignment. During the year, we hosted a total of 88 secondees.

We coordinate and participate in joint task forces and joint analyst groups with partner agencies. At 30 June 2022, we had 100 task force members from 11 agencies, on short-term or long-term assignment. During the year, we hosted a total of 283 task force members.

Table 3.7 shows a breakdown of secondees and task force staff by home agency and jurisdiction at 30 June 2022.

Table 3.7: Secondees and task force staff by home agency and jurisdiction at 30 June 2022

Agency	Secondees funded by the ACIC	Secondees funded by jurisdiction	Task force staff funded by jurisdiction
Australian Transaction Reports and Analysis Centre	0	2	2
Australian Defence Force	0	1	0
Australian Federal Police	0	9	30
Australian Geospatial-Intelligence Organisation	0	1	0
Australian Securities and Investments Commission	0	0	1
Australian Signals Directorate	0	2	0
Australian Taxation Office	0	0	8
Department of Home Affairs	1	8	20
Department of Human Services	0	0	1
Northern Territory Police Force	0	1	0
New South Wales Crime Commission	0	0	1
New South Wales Police Force	3	2	6
Queensland Crime and Corruption Commission	0	1	0
Queensland Police Service	1	4	5
South Australia Police	0	2	0
Tasmania Police	2	1	0
Victoria Police	2	1	22
Western Australia Police Force	1	1	4
Total	10	36	100

Table 3.8 shows staffing profile trends over the 3 most recent financial years.

Table 3.8: Staffing profile trends

Headcount at 30 June	2019–20	2020–21	2021–22
APS employees and statutory office holders	781	768	751
Secondees funded by the ACIC	24	12	10
Secondees funded by other jurisdictions	19	17	36
Total core staff	824	797	797
Task force and joint analyst group members	113	176	100
Total overall available resources	937	973	897
Full-time equivalent ^a	740.71	727.72	712.47
Average staffing level ^a	737.22	724.26	714.69

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 3.9, and 3 overseas locations.

Table 3.9: Australian Public Service employees and statutory office holders by location at 30 June 2022

Location	Number
Canberra	407
Sydney	118
Melbourne	85
Brisbane	71
Adelaide	34
Perth	29
Darwin	2
Hobart	2
Overseas	3

As shown in Table 3.10, at 30 June 2022 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 3.10: Australian Public Service employees and statutory office holders by classification level at 30 June 2022

Classification level	Number
CEO	1
SES 3	2
SES 2	4
SES 1	10
EL 2	71
EL 1	295
APS 6	133
APS 5	115
APS 4	90
APS 3	22
APS 2	1
APS 1	1
Examiners	6

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 2022. Staffing numbers include AIC staff. Further staffing details are provided in the AIC annual report.

Staff retention and turnover

In 2021–22, a total of 182 APS employees 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 3.11.

Table 3.11: Australian Public Service employees and statutory office holders turnover

Reason for termination	Number
Completion of non-ongoing contract	3
Early termination of non-ongoing contract	0
External promotion	8
External transfer	68
Invalidity retirement	1
Resignation	76
Retired after age 55	19
Involuntary redundancy	1
Voluntary redundancy	6

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

In 2021–22, our average retention rate was 93.0%.

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.

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 2021–22, 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 APS Employee Census.

ACIC employees' responses to the 2022 APS Employee Census indicated that:

- ▶ 85% of staff strongly believe in the purpose and objectives of the APS
- ▶ 92% of staff suggest ideas to improve the agency's way of doing things

- ▶ 88% of staff believe that the people in their workgroup cooperate to get the job done
- ▶ 80% of staff are satisfied with the stability and security of their job
- ▶ 71% of staff feel they are able to take part in decisions that affect their job, where appropriate.

Remuneration and benefits

During 2021–22, our *ACIC Enterprise Agreement 2016–19* covered all APS employees (not including substantive Senior Executive Service 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% on 30 December each year for 3 years. The final pay rise under the section 24(1) determination was paid 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.

Diversity and inclusion

The ACIC is committed to creating an environment that respects and values the expertise, diverse backgrounds, 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 ACIC has 5 diversity action plans, which focus on:

- ▶ gender equality
- ▶ people from culturally and linguistically diverse (CaLD) 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).

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

In 2021–22, we:

- ▶ appointed new diversity champions and committed to developing a diversity action plan working group composed of diversity co-champions in 2022–23 – the working group will actively implement, track and monitor progress against all action plans
- ▶ continued to develop the ACIC’s diversity capability by refreshing the gender equality, reconciliation and CaLD action plans for future implementation
- ▶ continued to drive the ACIC’s diversity agenda by promoting and celebrating days of significance, including Pride Month, Wear It Purple Day and Trans Awareness Week in line with the newly implemented LGBTIQ+ action plan.

Gender equality

The ACIC promotes gender equality in the workplace. We support our staff, deliver our services and conduct our business in an equitable way. We are committed to continuing to develop inclusive policies that support gender equality in the agency.

During 2021–22, the ACIC:

- ▶ participated in an International Women’s Day fundraising lunch, hosted by UN Women Australia, which recognised and celebrated the contributions of women and girls around the world who are working to change the climate of gender equality and build a sustainable future
- ▶ developed the *Gender Equality Action Plan 2022–25*, which focuses on equal access and opportunities, safe workplaces and intersectional actions, for release in 2022–23
- ▶ continued to promote and support the Women in Law Enforcement Strategy mentoring program
- ▶ continued to review and provide flexible working arrangements, including options to work from home or to modify working hours.

Women made up 49.7% of our organisation in 2021–22, as shown in Table 3.12.

Table 3.12: Australian Public Service employees and statutory office holders by gender at 30 June 2022

Gender	Number	Proportion (%)
Male	378	50.3
Female	373	49.7
Indeterminate	0	0

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

At 30 June 2022, female APS employees made up 67.1% of employees in APS levels 1–6 and 33.8% 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 and recognises that people from CaLD backgrounds are integral to our transnational criminal intelligence work.

In 2021–22, we continued to foster an inclusive, positive and productive working environment by:

- ▶ developing a CaLD action plan for 2022–25, guided by core principles of respect, inclusion and community, that focuses on building language and operational capability and encouraging recruitment of people from CaLD backgrounds
- ▶ continuing to develop our multilingual capabilities, including our language skills registry, which currently has 50 languages registered to assist with operations
- ▶ renewing our corporate membership with Diversity Council Australia
- ▶ continuing to promote the ACIC as an employer of choice by publishing a statement of diversity and inclusion for externally advertised vacancies.

Of our APS employees, 13.9% have self-identified as being from a non-English speaking background, 7.6% have stated that they do not have English as their first language, and 17.2% have stated that Australia is not their country of birth.

Reconciliation Action Plan

The *ACIC Reconciliation Action Plan 2022–24* is in the final design stages and has been provisionally cleared by Reconciliation Australia prior to publication. A key action item in the plan is to improve employment outcomes by increasing Aboriginal and Torres Strait Islander recruitment, retention and professional development.

The ACIC continues to support our internal Indigenous Network, which ensures that our Aboriginal and Torres Strait Islander staff have a supportive and inclusive network within the agency.

The ACIC continues to promote and deliver culturally-appropriate leadership development opportunities. These opportunities are available to all Aboriginal and Torres Strait Islander staff in the agency. The ACIC also offers such opportunities to APS and National Intelligence Community partner agencies.

To celebrate National Reconciliation Week 2022, the ACIC hosted a number of events, which included a presentation from Nova Peris OAM, the first Indigenous woman to be elected to federal parliament and the first Australian Aboriginal to win an Olympic gold medal.

The ACIC also invited its Canberra-based staff to tour the National Museum of Australia's *First Australians* exhibition. In addition, ACIC raised funds for The Healing Foundation, an organisation that provides a platform to amplify the voices and lived experiences of stolen generations survivors and their families.

During 2021–22, the ACIC also:

- ▶ promoted our Tertiary Study Support Policy, which provides Aboriginal and Torres Strait Islander staff with additional study leave to assist in the completion of tertiary study related to their role or the role of the ACIC
- ▶ held regular Reconciliation Action Plan Working Group meetings to assist in the implementation of the plan.

Of our APS employees, 2% 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 3.13.

Table 3.13: Indigenous staffing by classification at 30 June 2022

Classification	2021–22
SES 1–3	0
EL 2	0
EL 1	4
APS 6	2
APS 5	1
APS 4	8
APS 1–3	0
Total	15

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

Disability

The ACIC promotes a workforce culture that actively welcomes, includes and supports people with disability. We continue to ensure that we support our staff, deliver our services and conduct our business in an equitable way. We are committed to continuing to promote accessibility, develop inclusive policies and support our managers to successfully lead diverse teams in the workplace.

During 2021–22, the ACIC:

- ▶ promoted International Day of People with Disability across state and territory offices, focusing on leadership and participation among people with disability toward an inclusive, accessible and sustainable post-COVID-19 world
- ▶ partnered with internship programs, such as PACE Mentoring through the Australian Network on Disability, with the aim of building and creating a safe and enjoyable employment experience for people with disability within the agency
- ▶ renewed membership of the Australian Network on Disability and partnerships with JobAccess and the National Disability Recruitment Coordinator.

Of our staff, 2.5% have self-identified as having disability.

Disability reporting is included in the Australian Public Service Commission's State of the Service reports and statistical bulletins. These documents are available at <www.apsc.gov.au>.

Learning

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 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 collaborations across teams, branches and divisions; providing mobility within the agency; and acknowledging the value of informal learning opportunities.

Core skills

With the majority of learning now delivered in house, the ACIC focuses on the development of core knowledge and skills which represent the intrinsic capabilities required of all ACIC employees.

To deliver core skills, the ACIC uses business simulation, micro-learning and just-in-time learning to allow staff to learn what they need to know, when they need to know it. 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

In spite of the challenges posed by COVID-19, the ACIC continued to deliver intelligence and operational training courses as part of the Core Criminal Intelligence Training Pathway. The pathway focuses on developing our niche intelligence collection and analysis capabilities from the foundation level through to advanced practitioner level.

Key specialist training activities delivered in 2021–22 included bespoke courses related to our coercive powers, covert intelligence collection, critical thinking, intelligence analysis, writing assessments, investigations, intelligence systems and databases, and strategic and financial intelligence.

We have continued to build on the success of our partnership with Charles Sturt University to deliver the National Advanced Strategic Intelligence Course. This course is delivered to staff from state, territory and Commonwealth law enforcement agencies, the Department of Defence, and our international partner organisations.

The ACIC also works closely with partners in state and international law enforcement and the National Intelligence Community to deliver scenario-based training in Australia and overseas. In doing so, we promote the sharing of resources, capability and expertise, and ensure that our training curriculum is based on contemporary best practice.

Leadership development

The ACIC continues to focus on the development of our leadership cohort. In late 2021–22, we redeveloped and launched our leadership framework, outlining the 4 levels of leadership roles in the agency, as well as the competencies, behaviours and core capabilities required for each level.

As the leadership framework matures, it will consist of a combination of externally and internally delivered standalone training modules which provide the opportunity for staff to learn at their own pace. A key component of the framework is the ability for staff to proactively identify their future leadership development requirements and structure their learning around their individual goals.

Evaluation and governance

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 as well as areas for further improvement.

Work health, safety and wellbeing

We are committed to ensuring the health, safety and wellbeing of all staff. We take a proactive approach, focusing on prevention, early intervention and support for injuries, illness and exposure to hazards in the workplace. We aim to take all reasonably practicable steps to protect our staff and achieve positive and sustainable health, safety and wellbeing outcomes for staff, their families and the agency.

Appendix B of this report details our 2021–22 work health 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 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 2021–22, with over 98% 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 3 years. A full valuation was undertaken in 2020–21. Independent professional valuers were engaged to undertake a desktop valuation of tangible assets across the country. There was no material change in the value of assets held, hence asset records were not adjusted for 2021–22.

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. Some intangibles were retired due to obsolescence; there was 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 right-of-use assets.

Our asset mix at the end of 2021–22 comprised:

- ▶ \$40.557 million of leased office space
- ▶ \$79.544 million of intangible assets (software)
- ▶ \$31.846 million of property, plant and equipment
- ▶ \$10.248 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.

Under the Australian Government's whole-of-government property services arrangements, the ACIC is supported by Ventia in 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 2021–22, 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 2021–22, the ACIC had 28 contracts in place with majority Indigenous-owned businesses, collectively valued at \$1,473,394. This contributed to the Home Affairs portfolio meeting its annual targets for purchasing from Indigenous enterprises as set by the National Indigenous Australians Agency for the financial year.

Contracts

In 2021–22, 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 2021–22, 2 new consultancy contracts were entered into involving total actual expenditure of \$0.063 million. In addition, 6 ongoing consultancy contracts were active, involving total actual expenditure of \$0.872 million during the period.

Tables 3.14 and 3.15 give details of our consultancy contracts in 2021–22.

Table 3.14: Expenditure on reportable consultancy contracts

Measure	Contracts	Expenditure \$ ^a
New contracts entered	2	63,250
Ongoing contracts entered into during a previous reporting period	6	871,695
Total	8	934,945

a Includes GST.

Table 3.15: Organisations receiving a share of reportable consultancy contract expenditure

Organisation	Australian Business Number	Expenditure \$ ^a	Share of expenditure %
KPMG	51 194 660 183	637,252	68
Synergy Group Australia Pty Ltd	65 119 369 827	167,013	18
Ernst & Young (Canberra)	75 288 172 749	44,000	5
Elizabeth Montano ^b	68 758 946 781	24,750	3
JLL Public Sector Valuations Pty Ltd	39 167 493 889	21,450	2

a Includes GST.

b Elizabeth Montano performed 2 separate roles for the ACIC, serving as both an independent member on the Audit Committee and an independent member on the National Criminal Intelligence System 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 in 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 2021–22, 232 new non-consultancy contracts were entered into involving total actual expenditure of \$40.653 million. In addition, 230 ongoing non-consultancy contracts were active, involving total actual expenditure of \$85.415 million during the period.

Tables 3.16 and 3.17 give details of our non-consultancy contracts in 2021–22.

Table 3.16: Expenditure on reportable non-consultancy contracts

Measure	Contracts	Expenditure \$ ^a
New contracts entered	232	40,653,337
Ongoing contracts entered into during a previous reporting period	230	85,415,438
Total	462	126,067,775

a Includes GST.

Table 3.17: 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	19,205,325	15
Ventia Property Pty Ltd	16 618 028 676	15,263,712	12
Datacom Systems (AU) Pty Ltd	39 135 427 075	8,469,615	7
Queensland Police Service	29 409 225 509	4,518,362	4
PricewaterhouseCoopers Consulting (Australia) Pty Ltd	20 607 773 295	4,919,253	4

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 2021–22, 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 2021–22.

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 2021–22:

- ▶ 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 \$14,500.
- ▶ A total of \$43,635 (including GST) was paid to ThinkPlace Pty Ltd to undertake work on the 2020–21 stakeholder survey.
- ▶ A total of \$42,345 (including GST) was paid to Steve Meekin AM to undertake work on the 2021–22 stakeholder survey.

Grants

The ACIC did not award grants during 2021–22.

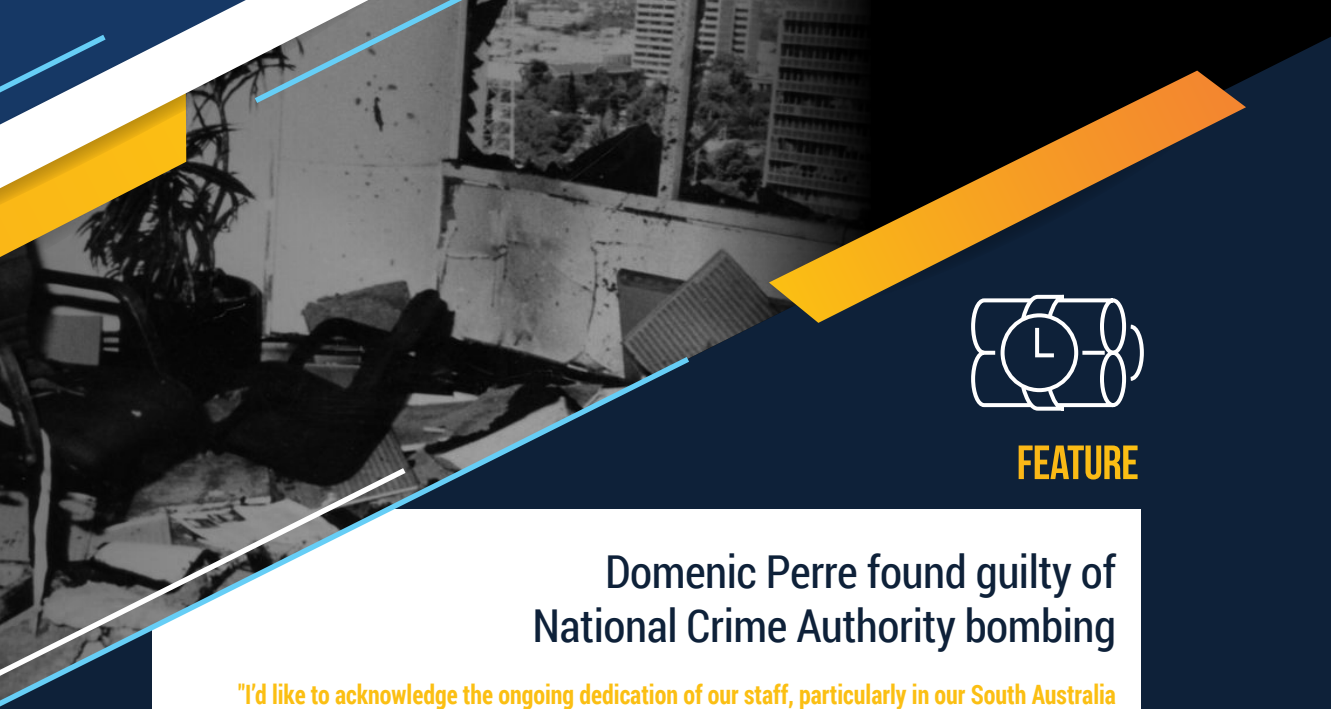
Ecologically sustainable development

While the ACIC does not undertake activities with direct implications for ecologically sustainable development, we observe the principles set out in the *Environment Protection and Biodiversity Conservation Act 1999* in our daily operations. We strive to be environmentally responsible, 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.



FEATURE

Domenic Perre found guilty of National Crime Authority bombing

"I'd like to acknowledge the ongoing dedication of our staff, particularly in our South Australia office, who have been working with South Australia Police on Task Force Cornus since 2015."

Michael Phelan, ACIC CEO

In June 2022, more than 28 years after the events, Domenic Perre was found guilty of the murder of Detective Sergeant Geoffrey Bowen and the attempted murder of National Crime Authority (NCA) lawyer Peter Wallis in the bombing of an NCA office in 1994.

The NCA was a predecessor to the ACIC, and this outcome ended a significant, long-running investigation.

At 9:15 am on 2 March 1994, a parcel bomb exploded at the NCA office on Waymouth Street in Adelaide, killing Geoffrey Bowen and causing significant injuries to Peter Wallis.

Although Perre was arrested for the crime within weeks of the explosion, charges were not able to be laid at the time, due to a lack of evidence. South Australia Police (SAPol) continued to review the case over subsequent years, and in 1999 a coronial inquest was conducted, lasting 56 days.

In 2015, Task Force Cornus commenced investigating the bombing, with 15 full-time independent investigators and additional resources as required. The investigation continued for two-and-a-half years, led by SAPol, the ACIC and Forensic Science SA, and informed by a review of the evidence gathered by the South Australian Director of Public Prosecutions.

Following the review and investigation, the South Australian Director of Public Prosecutions agreed that there was a reasonable prospect of conviction with respect to charges of murder and attempted murder, and in 2018 Perre was arrested, charged and remanded in custody.

In 2021, Perre was tried in the Supreme Court of South Australia. The prosecution case consisted of approximately 170 prosecution witnesses and 372 exhibits. No defence witnesses were called. The guilty verdicts were announced on 30 June 2022.

The crimes have had an ongoing impact on the Bowen and Wallis families, and on current and former staff of the NCA and ACIC. We acknowledge that pain, and hope that the verdicts provide some closure to all those affected.

We commend the SAPol and ACIC officers who were involved in the investigation for their dedication and persistence, and acknowledge the support that former ACIC CEO Chris Dawson APM provided to the investigation.



WE USE **SUPERIOR TRADECRAFT**



SECTION 4

AUDITED FINANCIAL STATEMENTS

Our financial statements for 2021–22

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Independent Auditor's Report



INDEPENDENT AUDITOR'S REPORT

To the Attorney-General

Opinion

In my opinion, the financial statements of the Australian Criminal Intelligence Commission (the Entity) for the year ended 30 June 2022:

- (a) comply with Australian Accounting Standards – Simplified Disclosures and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and
- (b) present fairly the financial position of the Entity as at 30 June 2022 and its financial performance and cash flows for the year then ended.

The financial statements of the Entity, which I have audited, comprise the following as at 30 June 2022 and for the year then ended:

- Statement by the Accountable Authority and Chief Financial Officer;
- Statement of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity;
- Cash Flow Statement; and
- Notes to the financial statements, comprising a summary of significant accounting policies and other explanatory information.

Basis for opinion

I conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Entity in accordance with the relevant ethical requirements for financial statement audits conducted by the Auditor-General and his delegates. These include the relevant independence requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) to the extent that they are not in conflict with the *Auditor-General Act 1997*. I have also fulfilled my other responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Accountable Authority's responsibility for the financial statements

As the Accountable Authority of the Entity, the Chief Executive Officer is responsible under the *Public Governance, Performance and Accountability Act 2013* (the Act) for the preparation and fair presentation of annual financial statements that comply with Australian Accounting Standards – Simplified Disclosures and the rules made under the Act. The Chief Executive Officer is also responsible for such internal control as the Chief Executive Officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Chief Executive Officer is responsible for assessing the ability of the Entity to continue as a going concern, taking into account whether the Entity's operations will cease as a result of an administrative restructure or for any other reason. The Chief Executive Officer is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless the assessment indicates that it is not appropriate.

GPO Box 707, Canberra ACT 2601
38 Sydney Avenue, Forrest ACT 2603
Phone (02) 6203 7300

Auditor's responsibilities for the audit of the financial statements

My objective is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian National Audit Office Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with the Australian National Audit Office Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Accountable Authority;
- conclude on the appropriateness of the Accountable Authority's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Entity to cease to continue as a going concern; and
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Accountable Authority regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Australian National Audit Office



Summer Wesche

Signing Officer

Delegate of the Auditor-General

Canberra

23 September 2022



AUSTRALIAN
**CRIMINAL
INTELLIGENCE
COMMISSION**

STATEMENT BY THE ACCOUNTABLE AUTHORITY AND CHIEF FINANCIAL OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2022 comply with subsection 42(2) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), and are based on properly maintained financial records as per subsection 41(2) of the PGPA Act.

In our opinion, at the date of this statement, there are reasonable grounds to believe that the Australian Criminal Intelligence Commission will be able to pay its debts as and when they fall due.

Signed.....

A handwritten signature in black ink, appearing to read 'Matthew Rippon'.

Matthew Rippon

A/g Chief Executive Officer

21 September 2022

Signed.....

A handwritten signature in black ink, appearing to read 'Yvette Whittaker'.

Yvette Whittaker

Chief Financial Officer

21 September 2022

STATEMENT OF COMPREHENSIVE INCOME*for the period ended 30 June 2022*

				Budget
	Notes	2022 \$'000	2021 \$'000	2022 \$'000
NET COST OF SERVICES				
Expenses				
Employee benefits	1.1A	90,583	90,882	108,987
Suppliers	1.1B	118,443	104,153	129,686
Depreciation and amortisation	2.2A	35,192	31,817	35,632
Finance costs	1.1C	508	624	487
Write-down and impairment of property, plant and equipment	2.2A	219	72	–
Losses from asset sales		27	–	–
Resources received free of charge	1.1D	10,846	6,222	–
Total expenses		255,818	233,770	274,792
Own-source revenue				
Revenue from contracts with customers	1.2A	141,701	136,701	121,951
Rental income	1.2B	1,647	1,049	–
Resources received free of charge	1.2C	22,668	14,990	2,655
Total own-source revenue		166,016	152,740	124,606
Gains				
Other gains	1.2E	–	4,065	–
Total gains		–	4,065	–
Total own-source income		166,016	156,805	124,606
Net cost of services		(89,802)	(76,965)	(150,186)
Revenue from Government	1.2D	127,331	95,786	127,474
Surplus/(Deficit) attributable to the Australian Government		37,529	18,821	(22,712)
OTHER COMPREHENSIVE INCOME				
Items not subject to subsequent reclassification to net cost of services				
Changes in asset revaluation reserves – leasehold improvements and property, plant and equipment		–	1,535	–
Changes in asset revaluation reserves – provision for restoration obligations		2	(51)	–
Total other comprehensive income		2	1,484	–
Total comprehensive income/(loss) attributable to the Australian Government		37,531	20,305	(22,712)

The above statement should be read in conjunction with the accompanying notes.

Budget to actual variance commentary: see Note 7 for major variance explanations.

STATEMENT OF FINANCIAL POSITION

as at 30 June 2022

		2022	2021	Budget 2022
	Notes	\$'000	\$'000	\$'000
ASSETS				
Financial assets				
Cash and cash equivalents	2.1A	158,259	131,910	82,555
Trade and other receivables	2.1B	75,975	66,481	66,067
Other financial assets		–	–	523
Total financial assets		234,234	198,391	149,145
Non-financial assets				
Buildings	2.2A	40,557	50,746	39,015
Leasehold improvements	2.2A	10,248	12,943	9,786
Property, plant and equipment	2.2A	31,846	40,088	32,631
Intangibles	2.2A	79,544	48,329	60,082
Prepayments		8,960	10,528	9,448
Total non-financial assets		171,155	162,634	150,962
Total assets		405,389	361,025	300,107
LIABILITIES				
Payables				
Suppliers	2.3A	24,603	15,254	21,531
Other payables	2.3B	7,470	4,501	7,381
Total payables		32,073	19,755	28,912
Interest bearing liabilities				
Leases	2.4A	52,105	62,493	47,762
Total interest bearing liabilities		52,105	62,493	47,762
Provisions				
Employee provisions	4.1A	27,537	30,659	30,603
Other provisions	2.5A	1,566	2,305	6,946
Total provisions		29,103	32,964	37,549
Total liabilities		113,281	115,212	114,223
Net assets		292,108	245,813	185,884
EQUITY				
Contributed equity		88,094	79,330	88,079
Reserves		18,451	18,449	16,963
Retained surplus		185,563	148,034	80,842
Total equity		292,108	245,813	185,884

The above statement should be read in conjunction with the accompanying notes.
Budget to actual variance commentary: see Note 7 for major variance explanations.

STATEMENT OF CHANGES IN EQUITY
for the period ended 30 June 2022

	Retained earnings			Asset revaluation reserve			Contributed equity/capital			Total equity		
	2022	2021	Budget 2022	2022	2021	Budget 2022	2022	2021	Budget 2022	2022	2021	Budget 2022
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Balance carried forward from previous period	148,034	129,213	103,554	18,449	16,965	16,963	79,330	70,050	79,330	245,813	216,228	199,847
Adjusted opening balance	148,034	129,213	103,554	18,449	16,965	16,963	79,330	70,050	79,330	245,813	216,228	199,847
Comprehensive income												
Surplus/(Deficit) for the period	37,529	18,821	(22,712)	–	–	–	–	–	–	37,529	18,821	(22,712)
Other comprehensive income	–	–	–	2	1,484	–	–	–	–	2	1,484	–
Total comprehensive income	37,529	18,821	(22,712)	2	1,484	–	–	–	–	37,531	20,305	(22,712)
Transactions with owners												
Contributions by owners												
Equity injection – Appropriations ¹	–	–	–	–	–	–	6,175	6,681	6,160	6,175	6,681	6,160
Departmental capital budget ¹	–	–	–	–	–	–	2,589	2,599	2,589	2,589	2,599	2,589
Total transactions with owners	–	–	–	–	–	–	8,764	9,280	8,749	8,764	9,280	8,749
Closing balance as at 30 June	185,563	148,034	80,842	18,451	18,449	16,963	88,094	79,330	88,079	292,108	245,813	185,884

1. Amounts appropriated which are designated as 'equity injections' and 'Departmental capital budgets' are recognised directly in transactions with owners in that year.

The above statement should be read in conjunction with the accompanying notes.
Budget to actual variance commentary: see Note 7 for major variance explanations.

CASH FLOW STATEMENT

for the period ended 30 June 2022

		2022	2021	Budget
	Notes	\$'000	\$'000	2022 \$'000
OPERATING ACTIVITIES				
Cash received				
Appropriations		116,725	117,668	127,439
Revenue from contracts with customers		146,900	125,751	121,951
Other		2,137	4,727	–
Net GST received		12,312	10,286	–
Total cash received		278,074	258,432	249,390
Cash used				
Employees		93,301	90,500	108,987
Suppliers		106,206	128,705	126,996
Interest payments on lease liabilities	1.1C	507	618	487
Section 74 receipts transferred to Official Public Account		2,489	1,921	–
Other		2,102	761	–
Total cash used		204,605	222,505	236,470
Net cash from operating activities		73,469	35,927	12,920
INVESTING ACTIVITIES				
Cash received				
Proceeds from sales of property, plant and equipment		80	23	–
Total cash received		80	23	–
Cash used				
Purchase of property, plant and equipment and intangibles		41,559	26,249	27,129
Total cash used		41,559	26,249	27,129
Net cash used by investing activities		(41,479)	(26,226)	(27,129)
FINANCING ACTIVITIES				
Cash received				
Contributed equity		8,764	9,280	8,749
Total cash received		8,764	9,280	8,749
Cash used				
Principal payments of lease liabilities		14,405	11,986	11,736
Total cash used		14,405	11,986	11,736
Net cash/(used by) financing activities		(5,641)	(2,706)	(2,987)
Net increase/(decrease) in cash held		26,349	6,995	(17,196)
Cash and cash equivalents at the beginning of the reporting period		131,910	124,915	99,751
Cash and cash equivalents at the end of the reporting period	2.1A	158,259	131,910	82,555

The above statement should be read in conjunction with the accompanying notes.
Budget to actual variance commentary: see Note 7 for major variance explanations.

Overview

The Australian Criminal Intelligence Commission (ACIC) is a Commonwealth entity within the Home Affairs portfolio. The objective is to protect Australia from criminal threats through coordinating a strategic response and collecting, assessing and disseminating intelligence and policing information.

For the 2021–22 financial year the ACIC remained within the Home Affairs portfolio, then, in line with the Administrative Arrangements Order signed on 23 June 2022 and effective from 1 July 2022, the ACIC transferred to the Attorney-General's portfolio.

The continued existence of the ACIC in its present form is dependent on Government policy and on continuing funding by Parliament. The ACIC's activities contributing toward this outcome are classified as departmental. Departmental activities involve the use of assets and income controlled, or liabilities and expenses incurred by the ACIC in its own right.

Basis of preparation of the financial statements

The financial statements are required by section 42 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).

The financial statements have been prepared in accordance with:

- a. Public Governance, Performance and Accountability (Financial Reporting) Rule 2015 (FRR); and
- b. Australian Accounting Standards including simplified disclosure for Tier 2 Entities under AASB 1060 issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The financial statements have been prepared on an accrual basis and in accordance with the historical cost convention, except for certain assets and liabilities at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position. The financial statements are presented in Australian dollars and values are rounded to the nearest thousand dollars unless otherwise specified.

Modification to applicability of the PGPA for designated activities under PGPA Act section 105D

The Minister for Finance and the Minister for Home Affairs made determinations under PGPA Act section 105D, which allow modification to specified aspects of the PGPA Act in relation to designated intelligence or security activities. The annual financial statements have not been modified as a result of the determination.

New accounting standards

All new standards, including AASB 1060 on simplified disclosure issued prior to the sign-off date and are applicable to the current reporting period did not have material impact on ACIC's financial statements.

Accounting judgements and estimates

The preparation of the ACIC's financial statements required management to make judgements, estimates and assumptions that affect the reported amounts in the financial statements. Management continually evaluates its judgements and estimates in relation to assets, liabilities, revenue and expenses. Management bases its judgements, estimates and assumptions on experience and expert advice, including expectations of future events based on historical information, which management believes to be reasonable under the circumstances. The resulting accounting judgements and estimates will seldom equal the related actual results. The judgements, estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year are discussed below.

Estimation of useful lives and fair value of assets

The ACIC determines the estimated useful lives and related depreciation and amortisation charges for its property, plant and equipment and intangible assets. The useful lives could change significantly as a result of technical innovations or other events. The depreciation and amortisation charge will increase where the useful lives are less than previously estimated lives, or technically obsolete or specialised assets that have been abandoned or sold will be written off or written down.

The fair value of ACIC's leasehold improvements and property, plant and equipment has been taken to be the market value or depreciated replacement costs as determined by an independent valuer. In some instances, ACIC's leasehold improvements are purpose-built and some specialised property, plant and equipment may in fact realise more or less in the market.

Employee benefits provision

The liability for employee benefits expected to be settled more than 12 months from the reporting date are recognised and measured at the present value of the estimated future cash flows to be made in respect of all employees at the reporting date. In determining the present value of the liability, through the short-hand method, assumptions are based on estimates of attrition rates, pattern of leave claims made, future salary movements and discount rates.

Restoration obligations

A provision has been made for the present value of anticipated costs for future restoration of leased premises. The provision includes future cost estimates associated with vacating of premises. The calculation of this provision requires assumptions such as the exit date and cost estimates. The provision recognised is periodically reviewed and updated based on the facts and circumstances available at the time. Changes to the estimated future costs are recognised in the statement of financial position by adjusting the provision. Any adjustments to the provisions are recognised in profit or loss.

Estimated revenue on incomplete police searches

The amount of unearned revenue for incomplete searches, by type, requires a degree of estimation and judgement at year end. The basis for the estimation is consideration of historical averages on open searches, by service type.

No other accounting assumptions or estimates have been identified that have a significant risk of causing a material adjustment to carrying amounts of assets and liabilities within the next reporting period.

Taxation

The ACIC is exempt from all forms of taxation except Fringe Benefits Tax (FBT) and the Goods and Services Tax (GST).

Revenues, expenses and assets are recognised net of GST except:

- ▶ where the amount of GST incurred is not recoverable from the Australian Taxation Office; and
- ▶ for receivables and payables.

Contingent assets and liabilities

The ACIC did not have any quantifiable contingent assets or liabilities to report for the financial year ended 30 June 2022 (2021: nil). As at 30 June 2022, the ACIC had a number of legal matters pending that may eventuate in judgements or outcomes that could require monetary payments being made to or from the ACIC. However, it was not possible to quantify the amounts of any receipts or payments that may eventuate in relation to these matters.

Events after the reporting period

The ACIC did not have any events after 30 June 2022 to report in the 2021–22 financial statements.

Notes to the financial statements

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7. Explanations of major variances between budget and actual

1. Financial performance**Note 1.1: Expenses**

	2022	2021
	\$'000	\$'000
Note 1.1A: Employee benefits		
Wages and salaries	67,830	66,349
Superannuation		
Defined contribution plans	8,568	8,480
Defined benefit plans	4,240	4,390
Leave and other entitlements	9,523	10,911
Separation and redundancies	422	752
Total employee benefits	90,583	90,882

Accounting Policy

Accounting policies for employee related expenses: refer Note 4 people and relationships.

Note 1.1B: Suppliers**Goods and services**

IT support and maintenance	47,196	41,801
Consultants and contractors	34,723	24,894
Jurisdiction fees and payments	10,908	13,361
Property and security expenses	5,994	5,185
Operational expenses	3,536	3,996
Communication	4,062	3,956
Secundee placements reimbursed to state, territory and Commonwealth agencies	1,732	3,114
Travel	3,768	2,350
Staff development and training	1,794	1,504
Legal expenses	1,661	1,326
Office expenses	900	886
Other	1,160	838
Total goods and services	117,434	103,211

Other suppliers

Short-term leases	82	207
Workers compensation expenses	927	735
Total other suppliers	1,009	942
Total suppliers	118,443	104,153

Accounting Policy*Short-term leases and leases of low-value assets*

The ACIC has elected not to recognise right-of-use assets and lease liabilities for short-term leases of assets that have a lease term of 12 months or less and leases of low-value assets (less than \$10,000). The ACIC recognises the lease payments associated with these leases as an expense on a straight-line basis over the lease term.

Note 1.1: Expenses (continued)

	2022	2021
	\$'000	\$'000

Note 1.1C: Finance costs

Interest on lease liabilities ¹	505	618
Unwinding of discount on provision for restoration obligations	3	6
Total finance costs	508	624

1. Interest on lease liabilities related to leased commercial properties, data centres and motor vehicles.

Note 1.1D: Resources received free of charge

Resources received free of charge – NCIS operating costs	8,203	3,408
Seconded	2,478	2,654
Remuneration of auditors	165	160
Total resources received free of charge	10,846	6,222

Note 1.2: Own-source revenue

	2022	2021
	\$'000	\$'000

Note 1.2A: Revenue from contracts with customers

Revenue – special account	127,547	119,055
Revenue – proceeds of crime and memoranda of understanding	13,662	16,962
Revenue – other	492	684
Total revenue from contracts with customers	141,701	136,701

Accounting Policy

Revenue from contracts with customers

Revenue is recognised when the customer obtains control of the services provided. ACIC generates revenue from the National Police Checking Service (NPCS) and National Automated Fingerprint Identification System (NAFIS) through the *Proceeds of Crime Act 2002* (Crime Act) and Memoranda of Understanding (MoU) with Commonwealth agencies and other revenues from minor sources. The revenue recognition processes are discussed below.

- For NPCS and NAFIS search services provided by the ACIC, the performance obligation is satisfied at a point in time and over time, respectively. The ACIC recognises revenue when it satisfies the performance obligations by transferring the promised goods or services.
- For goods or services provided by the ACIC for Crime Act funding, the performance obligation may be satisfied over time. The ACIC revenue recognition from this source is dependent upon the satisfactory submission of regular progress reports.
- For goods or services provided by the ACIC based on MoU, the performance obligation is satisfied over time. The ACIC revenue recognition from this source is based on the premise that the underlying goods or services will be transferred to the customers and not retained for own use.
- For other revenues from minor sources, the performance obligation is satisfied at a point in time. The ACIC recognises revenue when it satisfies the performance obligations by transferring the promised goods or services.

Note 1.2: Own-source revenue (continued)

	2022	2021
	\$'000	\$'000

Note 1.2B: Rental income

Operating lease ¹	1,647	1,049
Total rental income	1,647	1,049

1. The ACIC, head lessee, receives rental income through a subleasing arrangement. The ACIC is treating this arrangement as an operating lease as substantially all the risks and rewards of the head lease are not transferred to the sub lessee.

Note 1.2C: Resources received free of charge

Resources received free of charge – secondees	2,478	2,654
Resources received free of charge – ANAO audit	165	160
Resources received free of charge – NCIS capital costs ²	11,791	8,768
Resources received free of charge – NCIS operating costs ²	8,203	3,408
Resources received free of charge – Donated assets	31	–
Total resources received free of charge	22,668	14,990

2. During 2022 ACIC received resources free of charge in respect to NCIS project from another Commonwealth government entity.

Accounting Policy*Resources received free of charge*

Resources received free of charge are recognised as revenue at fair value when it can be reliably measured and the services or transferred assets would have been purchased if they had not been provided free of charge. Use of those resources is recognised as an expense or as an asset when received.

Note 1.2D: Revenue from Government

Appropriations		
Departmental appropriations	127,331	95,786
Total revenue from Government	127,331	95,786

Accounting Policy*Revenue from Government*

Amounts appropriated for departmental appropriations for the year (adjusted for any formal additions and reductions) are recognised as Revenue from Government when the ACIC gains control of the appropriation, except for certain amounts that relate to activities that are reciprocal in nature, in which case revenue is recognised only when it has been earned. Appropriations receivable are recognised at their nominal amounts.

Note 1.2E: Other gains

Gains from reversal of onerous lease	–	4,042
Gains from sale of assets	–	23
Total gains from sale of assets	–	4,065

Accounting Policy*Sale of assets*

Gains from disposal of assets are recognised, when control of the asset has passed to the buyer.

2. Financial position

Note 2.1: Financial assets

	2022	2021
	\$'000	\$'000

Note 2.1A: Cash and cash equivalents

Special account cash held in Official Public Account	146,320	128,801
Cash at bank and on hand	11,939	3,109
Total cash and cash equivalents	158,259	131,910

Note 2.1B: Trade and other receivables

Trade receivables ¹	16,763	20,649
Comcare receivable	30	20
Appropriations receivable	56,364	43,269
GST receivable	2,829	2,543
Total trade and other receivables	75,986	66,481
Less: impairment loss	(11)	—
Total trade and other receivables (net)	75,975	66,481

1. Trade receivables adjusted for impairment loss, determined as not economical to pursue the recovery.

Credit terms for goods and services were within 30 days (2020–21: 30 days)

Accounting Policy

Trade and other receivables

Trade and other receivables are held for the purpose of collecting the cash from contracts with customers and are measured at amortised cost.

Note 2.2: Non-financial assets**Note 2.2A: Reconciliation of the opening and closing balances of leasehold improvements, property, plant and equipment and intangible assets**

	Buildings \$'000	Leasehold improvements \$'000	Property, plant and equipment \$'000	Computer software \$'000	Total \$'000
As at 1 July 2021					
Gross book value	71,254	13,373	45,621	108,928	239,176
Accumulated depreciation, amortisation and impairment	(20,508)	(430)	(5,533)	(60,599)	(87,070)
Total as at 1 July 2021	50,746	12,943	40,088	48,329	152,106
Additions					
Purchase ¹	–	777	2,270	39,242	42,289
Right-of-use assets	1,181	–	2,874	–	4,055
Depreciation/amortisation	–	(3,472)	(9,510)	(7,871)	(20,853)
Depreciation on right-of-use assets	(11,370)	–	(2,969)	–	(14,339)
Other movements ²	–	–	(737)	–	(737)
Disposals	–	–	(107)	–	(107)
Write-down and impairment of property, plant and equipment ³	–	–	(63)	(156)	(219)
Total as at 30 June 2022	40,557	10,248	31,846	79,544	162,195
Total as at 30 June 2022 represented by					
Gross book value	72,435	13,529	46,224	147,638	279,826
Accumulated depreciation, amortisation and impairment	(31,878)	(3,281)	(14,378)	(68,094)	(117,631)
Total as at 30 June 2022	40,557	10,248	31,846	79,544	162,195
Carrying amount of right-of-use assets	40,557	–	8,848	–	49,405

1. Purchase includes assets moved to appropriate classes during the asset capitalisation process.

2. Other movements includes adjustment to right-of-use assets on termination of leases; and other assets cost.

3. This category includes write off of assets valued at \$0.219m arising out of annual stocktake.

There are no leasehold improvements expected to be sold or written-off within the next 12 months.

The ACIC uses market approach and current replacement costs fair value measurement techniques to measure the fair value of property, plant and equipment and uses current replacement costs to measure the fair value of leasehold improvements.

An independent desktop valuation was conducted in accordance with the revaluation policy stated in Note 2.2A by an independent valuer on leasehold improvements and property, plant and equipment (a full valuation of the leasehold improvements and property, plant and equipment was conducted in June 2021).

Note 2.2: Non-financial assets (continued)

Accounting Policy

Asset recognition

Property, plant and equipment costing greater than \$5,000, leasehold improvements costing greater than \$25,000, intangible assets purchased externally costing greater than \$5,000 and intangible assets purchased and modified or developed internally, when costs grouped together, greater than \$20,000 are capitalised. Items costing less than these thresholds are expensed in the year of acquisition.

Leasehold improvements

Leasehold improvements include office furniture and fit-out acquired as part of the lease of office accommodation. The depreciable amount of these assets is progressively allocated over the unexpired period of the lease or the useful lives of the improvements, whichever is the shorter.

Lease Right of Use (ROU) assets

Leased ROU assets are capitalised at the commencement date of the lease and comprise of the initial lease liability amount, initial direct costs incurred when entering into the lease less any lease incentives received. These assets are accounted for by ACIC as separate asset classes to corresponding leasehold improvements and property, plant and equipment assets that are owned outright, but presented in the same column as where the corresponding underlying assets would be presented if they were owned.

ROU assets continue to be measured at cost after initial recognition in the ACIC.

Revaluations

Following initial recognition at cost, property, plant and equipment and leasehold improvements (excluding ROU assets) are carried at fair value. Carrying values of the assets are reviewed every year for market changes and a full independent valuation is performed every third year. Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reversed a previous revaluation decrement of the same asset class that is previously recognised in the surplus/deficit. Revaluation decrements for a class of assets are recognised directly in the surplus/deficit except to the extent that they reverse a previous revaluation increment for that class. Upon revaluation, any accumulated depreciation is eliminated against the gross carrying amount of the asset.

Depreciation

Depreciable property, plant and equipment assets are written-off to their estimated residual values over their estimated useful life using the straight-line method of depreciation. Leasehold improvements are depreciated over the life of the lease term. Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate.

Depreciation rates applying to each class of depreciable asset are generally based on the following expected useful lives, unless an individual asset is assessed as having a different useful life.

	2022	2021
Leasehold improvements	Lease term	Lease term
Property, plant and equipment	3–10 years	3–10 years
Intangibles – Software purchased	3–5 years	3–5 years
Intangibles – Internally developed/configured	3–10 years	3–10 years
Right of use assets	Lease term	Lease term

Intangibles

Intangible assets comprise internally developed software and externally purchased software. These assets are carried at cost less accumulated amortisation and accumulated impairment losses.

Software licences with the renewable term ending beyond 30 June 2022 are treated as prepayments at the time of purchase and expensed over the term of the prepayment.

Impairment

All assets were assessed for impairment at 30 June 2022. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

Derecognition

An item of property, plant and equipment is derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

Note 2.3: Payables

	2022	2021
	\$'000	\$'000

Note 2.3A: Suppliers

Trade creditors and accruals	24,603	15,254
Total suppliers	24,603	15,254

Standard settlement terms for suppliers are within 20 days unless contracted otherwise.

Note 2.3B: Other payables

Wages and salaries	1,866	1,512
Superannuation	304	254
Unearned income	3,282	1,896
GST payable	17	40
Other	2,001	799
Total other payables	7,470	4,501

Accounting Policy*Financial liabilities*

Supplier and other payables are classified as financial liabilities measured at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced). Supplier and other payables are derecognised on payment.

Note 2.4: Interest bearing liabilities

	2022	2021
	\$'000	\$'000

Note 2.4A: Leases

Lease liabilities

Buildings	42,964	53,392
Property, plant and equipment	9,141	9,101
Total leases	52,105	62,493

Total cash outflow for leases for the year ended 30 June 2022 was \$14.912m (2021: \$12.605m).

Maturity analysis—contractual undiscounted cash flows

Within 1 year	12,845	14,831
Between 1 to 5 years	33,865	38,379
More than 5 years	6,321	10,854
Total leases	53,031	64,064

The ACIC has floor space in a number of commercial buildings and data centres and motor vehicles under the leasing arrangements. The majority of the leases are on fixed yearly rental charge increments, however some are on variable increments.

Accounting Policy

Since the inception of AASB 16 for all new contracts entered into, the ACIC considers whether the contract is, or contains a lease. A lease is defined as 'a contract, or part of a contract, that conveys the right to use an asset (the underlying asset) for a period of time in exchange for consideration'. Once it has been determined that a contract is, or contains a lease, the lease liability is initially measured at the present value of the lease payments unpaid at the commencement date, discounted using the interest rate implicit in the lease, if that rate is readily determinable, otherwise incremental borrowing rate provided by the Department of Finance.

Subsequent to initial measurement, the liability will be reduced by the payments made and increased by the interest. It is remeasured to reflect any reassessment or modification to the lease. When the lease liability is remeasured, the corresponding adjustment is reflected in the right of use asset or profit and loss depending on the nature of the reassessment or modification.

Note 2.5: Other provisions

	Provision for restoration obligations	Other provisions ¹	Total
	\$'000	\$'000	\$'000

Note 2.5A: Other provisions

As at 1 July 2021	1,736	569	2,305
Additional provisions made	(2)	—	(2)
Amounts reversed	(251)	(312)	(563)
Amounts used	—	(177)	(177)
Unwinding of discount	3	—	3
Total as at 30 June 2022	1,486	80	1,566

1. Following the finalisation of building works, majority of the provision is reversed as used. The remaining other provisions costs for destruction of obsolete assets.

3. Funding

Note 3.1: Appropriations

Note 3.1A: Annual appropriations (recoverable GST exclusive)

Annual appropriations for 2022

	Annual appropriation ¹ \$'000	Adjustments to appropriation ² \$'000	Total appropriation \$'000	Appropriation applied in 2022 (current and prior years) \$'000	Variance ³ \$'000
Departmental					
Ordinary annual services	127,474	17,081	144,555	(123,504)	21,051
Capital budget	2,589	–	2,589	(1,584)	1,005
Equity	6,175	–	6,175	(6,100)	75
Total departmental	136,238	17,081	153,319	(131,188)	22,131

1. Annual appropriation includes \$0.143m withheld and quarantined under section 51 of the *Public Governance, Performance and Accountability Act 2013*, legally available to ACIC as at 30 June 2022.
2. This includes receipts under section 74 of the *Public Governance, Performance and Accountability Act 2013*.
3. Variance in ordinary annual services of \$21.051m includes \$0.143m withheld and quarantined for savings measures and the balance in part to fund provisions and payables. Variance in capital budget of \$1.005m and equity \$0.075m are held for forward year spending.

Annual appropriations for 2021

	Annual appropriation ¹ \$'000	Adjustments to appropriation ² \$'000	Total appropriation \$'000	Appropriation applied in 2021 (current and prior years) \$'000	Variance ³ \$'000
Departmental					
Ordinary annual services	98,672	19,807	118,479	(136,482)	(18,003)
Capital budget	2,599	–	2,599	(2,291)	308
Equity	8,679	–	8,679	(6,681)	1,998
Total departmental	109,950	19,807	129,757	(145,454)	(15,697)

1. Annual appropriation includes \$2.886m withheld and quarantined under section 51 of the *Public Governance, Performance and Accountability Act 2013* legally available to ACIC as at 30 June 2021.
2. This includes receipts under section 74 of the *Public Governance, Performance and Accountability Act 2013*.
3. Variance in ordinary annual services of \$18.003m includes \$2.886m withheld and quarantined for savings measures and the balance is spent towards capital and operational expenses. Variance in capital budget of \$0.308m is held for forward year spending. Variance in equity of \$1.998m is withheld and quarantined under section 51 of the *Public Governance, Performance and Accountability Act 2013*.

Note 3.1: Appropriations (continued)

	2022	2021
	\$'000	\$'000

Note 3.1B: Unspent annual appropriations (recoverable GST exclusive)

Appropriation Act (No.1) 2021–22 ¹	68,371	—
Appropriation Act (No.2) 2021–22 ¹	75	—
Appropriation Act (No.1) 2020–21	—	46,378
Total departmental	68,446	46,378

1. The Appropriation Act (No.1) balance for 2020–21 and 2021–22 represents unspent appropriation and cash held at bank for the year.

Note 3.1C: Unspent annual appropriation withheld under S51 of the PGPA Act or administrative quarantine

Appropriation Act (No.1) 2021–22 ¹	143
Appropriation Act (No.1) 2020–21 ¹	2,886
Appropriation Act (No.2) 2020–21 ^{1&2}	1,998
Appropriation Act (No.1) 2019–20 ¹	404
Appropriation Act (No.2) 2019–20 ^{1&2}	14,878
Total departmental	20,309

1. Impact of legislation delays.

2. Movement of funds between years.

Note 3.2: Special accounts

	2022	2021
	\$'000	\$'000
Note 3.2A: National Policing Information Systems and Services Special Account¹		
Balance brought forward from previous period	128,801	121,079
Total increases ²	151,079	123,270
Available for payments	279,880	244,349
Total decreases	(133,560)	(115,548)
Total balance carried to the next period	146,320	128,801
Balance represented by:		
Cash held in the Official Public Account	146,320	128,801
Total balance carried to the next period	146,320	128,801

1. Legal authority: *Australian Crime Commission Act 2002* section 59C.

The purposes of the National Policing Information Systems and Services Special Account (NPISS Special Account) are defined by section 59E of the *Australian Crime Commission Act 2002* and are:

- a. paying for scoping, developing, procuring, implementing and operating information technology systems and services in connection with the national policing information functions;
- b. paying or discharging the costs, expenses and other obligations incurred by the Commonwealth in the performance of the national policing information functions;
- c. paying any remuneration and allowances payable to any person under this Act in relation to the national policing information functions;
- d. meeting the expenses of administering the account;
- e. repaying to a state all or part of an amount received from the state in connection with the performance of national policing information functions, if it is not required for a purpose for which it was paid;
- f. paying refunds in accordance with section 15A;
- g. reducing the balance of the account (and therefore the available appropriation for the account) without making a real or notional payment.

The NPISS Special Account was initially established by the *Financial Management and Accountability Determination 2006/07—National Policing Information Systems and Services Special Account Establishment 2006*.

The Account is a special account for the purpose of the *Public Governance Performance and Accountability Act 2013*.

2. Represents income primarily from police checking and fingerprint identification services and departmental appropriation for special account expenses.

4. People and relationships

Note 4.1: Employee provisions

	2022	2021
	\$'000	\$'000
Note 4.1A: Employee provisions		
Leave	27,537	30,559
Separations and redundancies	–	100
Total employee provisions	27,537	30,659

Accounting Policy

Liabilities for 'short-term employee benefits' and termination benefits expected within twelve months of the end of reporting period are measured at their nominal amounts. The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability.

Leave

The liability for employee benefits includes provision for annual leave and long service leave. The leave liabilities are calculated on the basis of employees' remuneration at the estimated salary rates that will be applied at the time the leave is taken, including employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination. The liability for long service leave has been determined by reference to Financial Reporting Rule 24 using the shorthand method. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

Separation and redundancy

Provision is made for separation and redundancy benefit payments. The ACIC recognises a provision for termination when it has developed a detailed formal plan for the terminations and has informed those employees affected that it will carry out the termination.

Superannuation

The ACIC staff are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS) or the PSS accumulation plan (PSSap) or other superannuation funds held outside the Australian Government. A small number of staff are members of employee nominated superannuation funds, as allowed under the ACIC's enterprise agreement. The PSSap and other employee nominated superannuation funds are defined contribution schemes. The CSS and PSS are defined benefit schemes for the Australian Government. The liabilities for defined benefit schemes are recognised in the financial statements of the Australian Government and are settled by the Australian Government in due course. This liability is reported in the Department of Finance's administered schedules and notes. The ACIC makes employer contributions to the employees' defined benefit superannuation schemes at rates determined by an actuary to be sufficient to meet the current cost to the Government. The ACIC accounts for the contributions as if they were contributions to defined contribution plans. The liability for superannuation recognised as at 30 June 2022 represents outstanding contributions for the final fortnight of the year.

Note 4.2: Key management personnel remuneration

Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly. The ACIC has determined the key management personnel positions to be the Chief Executive Officer, Deputy Chief Executive Officer Intelligence and Deputy Chief Executive Officer Support. Key management personnel remuneration is reported in the table below:

	2022	2021
	\$	\$
Note 4.2A: Key management personnel remuneration		
Short-term employee benefits	1,181,971	1,689,386
Post-employment benefits	184,695	291,281
Other long-term employee benefits	28,055	40,889
Termination benefits	–	366,185
Total key management personnel remuneration expenses¹	1,394,721	2,387,741

1. The above key management personnel remuneration excludes the remuneration and other benefits of the Minister.
The Minister's remuneration and other benefits are set by the Remuneration Tribunal and are not paid by the ACIC.

The total number of key management personnel that are disclosed in the above table is 3 (2021: 6). The reduction in KMP between 2021 and 2022 is due to an organisational restructure. Following the restructure the definition of KMP was revised to include the new Deputy CEO positions and remove the SES Band 2 positions.

The ACIC CEO is also the Director of the Australian Institute of Criminology. The full cost of the CEO's remuneration is disclosed in this note and therefore none in the AIC annual financial statements.

Note 4.3: Related party disclosure

Related party relationships:

The ACIC is an Australian Government controlled entity. Related parties of the ACIC comprise the ministers responsible for the ACIC, other cabinet ministers, other Australian Government entities, the key management personnel of the ACIC, and parties related to the ACIC's key management personnel.

Transactions with related parties:

Given the breadth of government activities, related parties may transact with the government sector in the same capacity as ordinary citizens. Such transactions include the payment or refund of taxes. These transactions have not been separately disclosed in this note.

Giving consideration to relationships with related entities, and transactions entered into during the reporting period by the entity, it has been determined that there are no related party transactions requiring disclosure.

5. Managing uncertainties

Note 5.1: Financial instruments

	2022	2021
	\$'000	\$'000

Note 5.1A: Categories of financial instruments

Financial assets

Financial assets at amortised cost

Cash and cash equivalents	158,259	131,910
Trade and other receivables ¹	16,782	20,669
Total financial assets	175,041	152,579

Financial liabilities

Financial liabilities measured at amortised cost

Trade creditors and accruals	24,603	15,254
Total financial liabilities	24,603	15,254

1. Based on the receivable management history and the current debtor management process, the ACIC assessed the impairment loss for the year ended 30 June 2022 as \$0.011m (2021: nil).

6. Other information**Note 6.1: Current/non-current distinction for assets and liabilities**

	2022	2021
	\$'000	\$'000

Note 6.1A: Details of current/non-current distinction for assets and liabilities**Assets expected to be recovered in:****No more than 12 months**

Cash and cash equivalents	158,259	131,910
Trade and other receivables	75,975	66,481
Prepayments	7,400	7,822
Total no more than 12 months	241,634	206,213

More than 12 months

Buildings	40,557	50,746
Leasehold improvements	10,248	12,943
Property, plant and equipment	31,846	40,088
Intangibles	79,544	48,329
Prepayments	1,560	2,706
Total more than 12 months	163,755	154,812
Total assets	405,389	361,025

Liabilities expected to be settled in:**No more than 12 months**

Suppliers	24,603	15,254
Other payables	7,470	4,501
Leases	12,595	14,290
Employee provisions	9,522	10,467
Other provisions	80	570
Total no more than 12 months	54,270	45,082

More than 12 months

Leases	39,510	48,203
Employee provisions	18,015	20,192
Other provisions	1,486	1,735
Total more than 12 months	59,011	70,130
Total liabilities	113,281	115,212

This note indicates the liquidity position of the ACIC.

7. Explanations of major variances between budget and actual

The following are explanations of events that have impacted on the ACIC's operations and activities for the year. Budget numbers are sourced from the ACIC's *Portfolio Budget Statements 2021–22* and are provided in the primary statements. Budgeted numbers are not audited.

Major variances are those deemed relevant or most significant to an analysis of the ACIC's performance by management, not focused merely on numerical differences between the actual and budgeted amounts.

When providing explanations, the ACIC has identified the financial impact in relation to those key aggregates relevant to the ACIC's performance. Users should be aware that there will be consequential impacts on related statements i.e. a variance in the Statement of Comprehensive Income is likely to have consequential impacts in the Statement of Financial Position and the Cash Flow Statement.

Explanation for major variances	Affected line items (and statements)
<p>High national policing check demand</p> <p>The budgeted revenue for NPCS was determined in early 2021 when the timing for easing of COVID restrictions was unclear. The actual volume of national police checks recovered more quickly than estimated. The budget NPCS revenue has been revised in the later budget round.</p>	<p><i>Own-source revenue: Revenue from contracts with customers (Statement of Comprehensive Income)</i></p> <p><i>Financial assets: Cash and cash equivalents (Statement of Financial Position)</i></p>
<p>Labour shortages/pressures</p> <p>The ACIC budgeted for an increase in workforce size in line with new policy funding received for 2021–22 financial year. However due to the general labour shortages experienced in Australia, the ACIC was unable to recruit at levels required to backfill natural attrition and recruit to the new positions. The result is a small drop in workforce size in 2021–22 rather than a net growth, causing underspends in employee expense.</p>	<p><i>Own-source revenue: Employee benefits (Statement of Comprehensive Income)</i></p> <p><i>Financial assets: Cash and cash equivalents (Statement of Financial Position)</i></p>
<p>Arrangements with other government agencies</p> <p>The agency entered into several arrangements with other government agencies after the 2021–22 Budget. As a result the agency has increased fee for service revenue, higher resource received free of charge revenue, and reduced cash required. It also re-classified part of the supplier expenses to resources received free of charge.</p>	<p><i>Own-source revenue: Revenue from contracts with customers, Resources received free of charge (Statement of Comprehensive Income)</i></p> <p><i>Expenses: Suppliers, Resources received free of charge (Statement of Comprehensive Income)</i></p> <p><i>Financial assets: Cash and cash equivalents (Statement of Financial Position)</i></p>

Explanation for major variances (continued)	Affected line items (and statements) (continued)
Subsequent government decisions After the publication of the 2021-22 PBS, the Government approved the upgrade of the National Fingerprint Identification Services, and the reclassification of operating expense to capital expense for the National Criminal Intelligence Systems. This has resulted increases in Intangible Asset offset by decreases in employee and supplier expense.	<i>Expenses: Employee benefits, Suppliers (Statement of Comprehensive Income)</i> <i>Financial assets: Cash and cash equivalents (Statement of Financial Position)</i> <i>Non-Financial assets: Intangibles (Statement of Financial Position)</i>
Change in Government Bond Rate The change in Government bond rate has resulted in a lower discounting factor for employee leave provisions, which reduced employee expenses for the financial year. This was not included in the budget.	<i>Own-source revenue: Employee benefits (Statement of Comprehensive Income)</i> <i>Financial assets: Cash and cash equivalents (Statement of Financial Position)</i>



WE HAVE **HIGHLY TRAINED AND SKILLED STAFF**



SECTION 5

APPENDICES AND REFERENCES

Information required by legislation and aids to access

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Appendix A: List of requirements

As required by section 17AJ(d) of the *Public Governance, Performance and Accountability Rule 2014*, we have included the following list of requirements as an aid to access.

PGPA Rule reference	Part of report	Description	Requirement
17AD(g) Letter of transmittal			
17AI	iv	A copy of the letter of transmittal signed and dated by the accountable authority on date final text approved, with statement that the report has been prepared in accordance with section 46 of the Act and any enabling legislation that specifies additional requirements in relation to the annual report.	Mandatory
17AD(h) Aids to access			
17AJ(a)	v	Table of contents.	Mandatory
17AJ(b)	160	Alphabetical index.	Mandatory
17AJ(c)	157–159	Glossary, abbreviations and acronyms.	Mandatory
17AJ(d)	134–139	List of requirements.	Mandatory
17AJ(e)	Inside back cover	Details of contact officer.	Mandatory
17AJ(f)	Inside back cover	Entity's website address.	Mandatory
17AJ(g)	Inside back cover	Electronic address of report.	Mandatory
17AD(a) Review by the accountable authority			
17AD(a)	2–3	A review by the accountable authority of the entity.	Mandatory
17AD(b) Overview of entity			
17AE(1)(a)(i)	4	A description of the role and functions of the entity.	Mandatory
17AE(1)(a)(ii)	6–7	A description of the organisational structure of the entity.	Mandatory
17AE(1)(a)(iii)	9	A description of the outcomes and programs administered by the entity.	Mandatory
17AE(1)(a)(iv)	4	A description of the purposes of the entity as included in the corporate plan.	Mandatory
17AE(1)(aa)(i)	6	Name of the accountable authority or each member of the accountable authority.	Mandatory
17AE(1)(aa)(ii)	6	Position title of the accountable authority or each member of the accountable authority.	Mandatory
17AE(1)(aa)(iii)	6	Period as the accountable authority or member of the accountable authority within the reporting period.	Mandatory
17AE(1)(b)	Not applicable	An outline of the structure of the portfolio of the entity.	Portfolio departments – Mandatory
17AE(2)	Not applicable	Where outcomes and programs administered by the entity differ from any Portfolio Budget Statement, Portfolio Additional Estimates Statement or other portfolio estimates statement that was prepared for the entity for the period, include details of variation and reasons for change.	If applicable, Mandatory

PGPA Rule reference	Part of report	Description	Requirement
17AD(c) Report on the performance of the entity			
<i>Annual performance statements</i>			
17AD(c)(i); 16F	16–50	Annual performance statement in accordance with paragraph 39(1)(b) of the Act and section 16F of the PGPA Rule.	Mandatory
17AD(c)(ii) Report on financial performance			
17AF(1)(a)	52–55	A discussion and analysis of the entity's financial performance.	Mandatory
17AF(1)(b)	56	A table summarising the total resources and total payments of the entity.	Mandatory
17AF(2)	Not applicable	If there may be significant changes in the financial results during or after the previous or current reporting period, information on those changes, including: the cause of any operating loss of the entity; how the entity has responded to the loss and the actions that have been taken in relation to the loss; and any matter or circumstances that it can reasonably be anticipated will have a significant impact on the entity's future operation or financial results.	If applicable, Mandatory
17AD(d) Management and accountability			
<i>Corporate governance</i>			
17AG(2)(a)	iv	Information on compliance with section 10 (fraud systems).	Mandatory
17AG(2)(b)(i)	iv	A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared.	Mandatory
17AG(2)(b)(ii)	iv	A certification by accountable authority that appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with, and recording or reporting fraud that meet the specific needs of the entity are in place.	Mandatory
17AG(2)(b)(iii)	iv	A certification by accountable authority that all reasonable measures have been taken to deal appropriately with fraud relating to the entity.	Mandatory
17AG(2)(c)	62–73	An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance.	Mandatory
17AG(2)(d) – (e)	52	A statement of significant issues reported to the Minister under paragraph 19(1)(e) of the Act that relates to non-compliance with finance law and action taken to remedy non-compliance.	If applicable, Mandatory
<i>Audit Committee</i>			
17AG(2A)(a)	69	A direct electronic address of the charter determining the functions of the entity's audit committee.	Mandatory
17AG(2A)(b)	70	The name of each member of the entity's audit committee.	Mandatory
17AG(2A)(c)	70	The qualifications, knowledge, skills or experience of each member of the entity's audit committee.	Mandatory
17AG(2A)(d)	70	Information about the attendance of each member of the entity's audit committee at committee meetings.	Mandatory
17AG(2A)(e)	70	The remuneration of each member of the entity's audit committee.	Mandatory

PGPA Rule reference	Part of report	Description	Requirement
<i>External scrutiny</i>			
17AG(3)	74–84	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	Mandatory
17AG(3)(a)	80–83	Information on judicial decisions and decisions of administrative tribunals and by the Australian Information Commissioner that may have a significant effect on the operations of the entity.	If applicable, Mandatory
17AG(3)(b)	75, 79–80	Information on any reports on operations of the entity by the Auditor-General (other than report under section 43 of the Act), a Parliamentary Committee, or the Commonwealth Ombudsman.	If applicable, Mandatory
17AG(3)(c)	Not applicable	Information on any capability reviews on the entity that were released during the period.	If applicable, Mandatory
<i>Management of human resources</i>			
17AG(4)(a)	85–94	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives.	Mandatory
17AG(4)(aa)	144–145	Statistics on the entity's employees on an ongoing and non-ongoing basis, including the following: <ul style="list-style-type: none"> ▶ statistics on full-time employees; ▶ statistics on part-time employees; ▶ statistics on gender; ▶ statistics on staff location. 	Mandatory
17AG(4)(b)	146–149	Statistics on the entity's APS employees on an ongoing and non-ongoing basis; including the following: <ul style="list-style-type: none"> ▶ statistics on staffing classification level; ▶ statistics on full-time employees; ▶ statistics on part-time employees; ▶ statistics on gender; ▶ statistics on staff location; ▶ statistics on employees who identify as Indigenous. 	Mandatory
17AG(4)(c)	89, 149	Information on any enterprise agreements, individual flexibility arrangements, Australian workplace agreements, common law contracts and determinations under subsection 24(1) of the <i>Public Service Act 1999</i> .	Mandatory
17AG(4)(c)(i)	149	Information on the number of SES and non-SES employees covered by agreements etc. identified in paragraph 17AG(4)(c).	Mandatory
17AG(4)(c)(ii)	150	The salary ranges available for APS employees by classification level.	Mandatory
17AG(4)(c)(iii)	89	A description of non-salary benefits provided to employees.	Mandatory
17AG(4)(d)(i)	89	Information on the number of employees at each classification level who receive performance pay.	If applicable, Mandatory
17AG(4)(d)(ii)	Not applicable	Information on aggregate amounts of performance pay at each classification level.	If applicable, Mandatory
17AG(4)(d)(iii)	Not applicable	Information on the average amount of performance payment, and range of such payments, at each classification level.	If applicable, Mandatory
17AG(4)(d)(iv)	Not applicable	Information on aggregate amount of performance payments.	If applicable, Mandatory

PGPA Rule reference	Part of report	Description	Requirement
<i>Assets management</i>			
17AG(5)	95	An assessment of effectiveness of assets management where asset management is a significant part of the entity's activities.	If applicable, Mandatory
<i>Purchasing</i>			
17AG(6)	96	An assessment of entity performance against the <i>Commonwealth Procurement Rules</i> .	Mandatory
<i>Reportable consultancy contracts</i>			
17AG(7)(a)	97	A summary statement detailing the number of new reportable consultancy contracts entered into during the period; the total actual expenditure on all such contracts (inclusive of GST); the number of ongoing reportable consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).	Mandatory
17AG(7)(b)	97	A statement that ' <i>During [reporting period], [specified number] new reportable consultancy contracts were entered into involving total actual expenditure of \$[specified million]. In addition, [specified number] ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$[specified million].</i> '	Mandatory
17AG(7)(c)	97	A summary of the policies and procedures for selecting and engaging consultants and the main categories of purposes for which consultants were engaged.	Mandatory
17AG(7)(d)	98	A statement that ' <i>Annual reports contain information about actual expenditure on reportable consultancy contracts. Information on the value of reportable consultancy contracts is available on the AusTender website.</i> '	Mandatory
<i>Reportable non-consultancy contracts</i>			
17AG(7A)(a)	98	A summary statement detailing the number of new reportable non-consultancy contracts entered into during the period; the total actual expenditure on such contracts (inclusive of GST); the number of ongoing reportable non-consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).	Mandatory
17AG(7A)(b)	98	A statement that ' <i>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.</i> '	Mandatory
17AD(daa)	<i>Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts</i>		
17AGA	97, 98	Additional information, in accordance with section 17AGA, about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts.	Mandatory

PGPA Rule reference	Part of report	Description	Requirement
<i>Australian National Audit Office access clauses</i>			
17AG(8)	98	If an entity entered into a contract with a value of more than \$100,000 (inclusive of GST) and the contract did not provide the Auditor-General with access to the contractor's premises, the report must include the name of the contractor, purpose and value of the contract, and the reason why a clause allowing access was not included in the contract.	If applicable, Mandatory
<i>Exempt contracts</i>			
17AG(9)	98	If an entity entered into a contract or there is a standing offer with a value greater than \$10,000 (inclusive of GST) which has been exempted from being published in AusTender because it would disclose exempt matters under the FOI Act, the annual report must include a statement that the contract or standing offer has been exempted, and the value of the contract or standing offer, to the extent that doing so does not disclose the exempt matters.	If applicable, Mandatory
<i>Small business</i>			
17AG(10)(a)	96	A statement that ' <i>[Name of entity] supports small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises (SME) and Small Enterprise participation statistics are available on the Department of Finance's website.</i> '	Mandatory
17AG(10)(b)	96	An outline of the ways in which the procurement practices of the entity support small and medium enterprises.	Mandatory
17AG(10)(c)	96	If the entity is considered by the Department administered by the Finance Minister as material in nature – a statement that ' <i>[Name of entity] 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.</i> '	If applicable, Mandatory
<i>Financial statements</i>			
17AD(e)	104–131	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act.	Mandatory
<i>Executive remuneration</i>			
17AD(da)	151–153	Information about executive remuneration in accordance with Subdivision C of Division 3A of Part 2–3 of the Rule.	Mandatory
17AD(f)	Other mandatory information		
17AH(1)(a)(i)	Not applicable	If the entity conducted advertising campaigns, a statement that ' <i>During [reporting period], the [name of entity] conducted the following advertising campaigns: [name of advertising campaigns undertaken]. Further information on those advertising campaigns is available at [address of entity's website] and in the reports on Australian Government advertising prepared by the Department of Finance. Those reports are available on the Department of Finance's website.</i> '	If applicable, Mandatory

PGPA Rule reference	Part of report	Description	Requirement
17AH(1)(a)(ii)	99	If the entity did not conduct advertising campaigns, a statement to that effect.	If applicable, Mandatory
17AH(1)(b)	Not applicable	A statement that <i>Information on grants awarded to '[name of entity] during [reporting period] is available at [address of entity's website].'</i>	If applicable, Mandatory
17AH(1)(c)	92	Outline of mechanisms of disability reporting, including reference to website for further information.	Mandatory
17AH(1)(d)	80	Website reference to where the entity's Information Publication Scheme statement pursuant to Part II of FOI Act can be found.	Mandatory
17AH(1)(e)	Not applicable	Correction of material errors in previous annual report.	If applicable, Mandatory
17AH(2)	99, 140–143	Information required by other legislation.	Mandatory

Appendix B: Work health and safety

This appendix addresses our annual reporting responsibilities under Schedule 2, Part 4, of the *Work Health and Safety Act 2011*.

Priorities

In 2021–22, we prioritised:

- ▶ providing advice to our workers in relation to COVID-19 in the workplace and implementing COVID-19 safe protocols to ensure the safety of workers returning to the office, including a COVID-19 vaccination policy
- ▶ strengthening our existing rehabilitation management system (RMS) to address the areas of improvement identified in the 2020–21 audit by making improvements to policy and the RMS risk register
- ▶ improving our existing work health safety (WHS) and wellbeing systems by promoting a shared responsibility for health and safety and actively engaging with business areas and Comcare to proactively address complex hazards
- ▶ promoting early intervention strategies for health case management, leading to improved injury and illness prevention and a reduction in unplanned leave and workers' compensation claims.

Management arrangements

Our National Work Health Safety Committee is responsible for:

- ▶ supporting the ACIC executive to identify, develop, review and implement measures to protect and actively manage the health and safety of staff
- ▶ promoting and monitoring measures to ensure safe work practices
- ▶ facilitating consultation and communication with staff about WHS and wellbeing matters
- ▶ undertaking functions prescribed in the Work Health and Safety Act and associated regulations.

The National Work Health Safety Committee meets quarterly and is the conduit for consultation with staff on all WHS and wellbeing issues.

Staff and managers across the ACIC work collaboratively to manage WHS and wellbeing arrangements for the agency, including undertaking annual risk reviews and due diligence meetings. These activities ensure that:

- ▶ WHS and wellbeing arrangements are being applied and managed consistently
- ▶ business area specific hazards are being managed effectively and mitigations are aligned with best practice
- ▶ our officers are meeting their obligations under the Work Health and Safety Act.

Initiatives

We have implemented various agency-wide initiatives and programs to demonstrate our commitment and empower staff to take ownership of their own health, safety and wellbeing in the workplace.

Health, safety and wellbeing events

Our WHS and wellbeing calendar of events provides staff with an opportunity to engage with information, resources and activities that:

- ▶ promote a holistic approach to workplace health, safety and wellbeing that includes physical, mental, social, financial and community aspects
- ▶ foster a shared understanding of WHS principles
- ▶ help staff to make positive health and behaviour changes
- ▶ demonstrate our commitment to the health, safety and wellbeing of our staff and their families.

In 2021–22, we:

- ▶ held a Cupcakes for a Cause event to raise money for the Australian Red Cross flood relief program
- ▶ participated in Stress Down Day by facilitating a workplace trivia competition and encouraging staff to wear their slippers to work
- ▶ promoted physical health by holding our annual STEPtember competition
- ▶ engaged with the National Safe Work Month theme of ‘Think Safe. Work Safe. Be Safe.’ by having workers participate in a ‘spot the hazard’ initiative and provide their tips on being safe at work
- ▶ provided information and resources to staff on topical health, safety and wellbeing matters such as COVID-19, mindfulness, and early intervention and support.

Prevention programs

Our prevention programs aim to equip our workers with the knowledge and skills required to identify potential workplace health, safety and wellbeing hazards and implement practical strategies to resolve a hazard prior to an injury or illness occurring.

In 2021–22, our programs provided:

- ▶ regular opportunities for consultation on potential hazards and preventative actions, via workplace inspections, risk-assessing activities and policy consultation
- ▶ access to early intervention support, ergonomic assessments and health and injury advice and support
- ▶ opportunities for workers to proactively engage with health, safety and wellbeing through our calendar of events and initiatives
- ▶ a dedicated employee assistance program which includes 24/7 emergency counselling, staff and manager assistance, mediation services and other information and support services
- ▶ engagement with Fortem Australia’s services and activities.

Drug and alcohol testing

Our drug and alcohol policy seeks to eliminate harm arising from the effects of drugs and alcohol in the workplace and to deter misuse of drugs, alcohol and prescription and non-prescription medication among our workers. The policy includes:

- ▶ a zero-tolerance position in relation to the use, possession, sale and distribution of illicit drugs for all workers
- ▶ a limit of 0.00 blood alcohol concentration for high-risk workers and 0.05 blood alcohol concentration for all other workers while on duty.

Our drug and alcohol testing program was completed for 2021–22, with 89 targeted high-risk and 123 random drug and alcohol tests undertaken. One positive result was returned but did not require further action.

Professional services

In 2021–22, we engaged specialist consultants to assist with:

- ▶ auditing our rehabilitation management processes and identifying areas for improvement
- ▶ conducting external rehabilitation and vocational assessments
- ▶ facilitating compensable and non-compensable matters
- ▶ conducting ergonomic assessments for staff experiencing pain and discomfort, injury, changes in work practices or the installation of new equipment
- ▶ mediating workplace issues
- ▶ providing workplace training, information and education sessions.

Outcomes

The ACIC is committed to supporting injured and ill workers to return to work in the safest and most sustainable manner possible, as demonstrated through our rehabilitation management processes and programs for early intervention and wellbeing support.

Workers compensation

An agency's workers compensation premium rates are driven by the agency's performance in managing its workers compensation claims and supporting injured and ill workers to return to work.

The ACIC's premium and regulatory contribution amount for 2021–22 was \$1,013,311 (including GST). This was higher than initially predicated, and was as a result of 2 existing premium-impacting psychological claims.

The ACIC's estimated premium and regulatory contribution amount for 2022–23 is \$1,307,696 (including GST). The actual premium amount is expected to be determined by Comcare in July 2022, and may be slightly different to the estimate due to updates to full-time equivalent staff and payroll figures.

The estimated increase in cost from the 2021–22 financial year is a result of high predicted claim costs relating to 2 existing premium-impacting psychological claims and poor overall scheme performance.

In 2021–22, we had one claim accepted by the Administrative Appeals Tribunal for a closed period, relating to a psychological injury sustained in 2018. That number of claims was consistent with the previous year's total, as demonstrated in Table B.1.

Table B.1: Accepted compensation claims

Year	Claims
2017–18	3
2018–19	2
2019–20	2
2020–21	1
2021–22	1

Incidents

Thirty incidents or hazards (excluding notifiable incidents) were reported in 2021–22, as shown in Table B.2. This was an increase of 2 compared with the total for 2020–21.

Table B.2: Injuries, incidents and hazards

Type	Injuries
Biological	4
Body stressing	5
Chemicals and other substances	3
Environmental factors	3
Heat or electrical	1
Hitting object with body	3
Mental stress	1
Other and unspecified	2
Slips, trips and falls	3
Hazard reports	5
Total	30

Notifiable incidents and investigations

Under section 38 of the Work Health and Safety Act, we are required to notify Comcare immediately after becoming aware of any death, serious personal injury or dangerous incident.

In 2021–22, we were required to notify Comcare on 43 occasions, including 35 occasions related to COVID-19. In all instances, the agency and Comcare consulted with stakeholders to conduct the required investigations and implemented corrective actions to reduce the likelihood of reoccurrence. All incidents have been closed by Comcare.

Appendix C: Employee statistics

The tables in this appendix provide an overview of ACIC staffing, including details required by section 17AG(4) of the *Public Governance, Performance and Accountability Rule 2014*.

Table C.1: Ongoing employees by location at 30 June 2022

	Male			Female			Indeterminate			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
NSW	59	1	60	37	9	46	0	0	0	106
QLD	33	1	34	29	4	33	0	0	0	67
SA	12	1	13	12	6	18	0	0	0	31
TAS	0	0	0	2	0	2	0	0	0	2
VIC	46	0	46	31	7	38	0	0	0	84
WA	26	0	26	3	0	3	0	0	0	29
ACT	168	3	171	181	32	213	0	0	0	384
NT	1	0	1	1	0	1	0	0	0	2
OS	3	0	3	0	0	0	0	0	0	3
Total	348	6	354	296	58	354	0	0	0	708

OS = overseas

Note: Staffing numbers include Australian Institute of Criminology (AIC) staff. Further staffing details are provided in the AIC annual report.

Table C.2: Non-ongoing employees and statutory office holders by location at 30 June 2022

	Male			Female			Indeterminate			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
NSW	6	1	7	5	0	5	0	0	0	12
QLD	2	0	2	2	0	2	0	0	0	4
SA	1	1	2	1	0	1	0	0	0	3
TAS	0	0	0	0	0	0	0	0	0	0
VIC	0	0	0	0	1	1	0	0	0	1
WA	0	0	0	0	0	0	0	0	0	0
ACT	13	0	13	9	1	10	0	0	0	23
NT	0	0	0	0	0	0	0	0	0	0
OS	0	0	0	0	0	0	0	0	0	0
Total	22	2	24	17	2	19	0	0	0	43

OS = overseas

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

Table C.3: Ongoing employees by location at 30 June 2021

	Male			Female			Indeterminate			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
NSW	68	3	71	36	11	47	0	0	0	118
QLD	35	1	36	24	3	27	0	0	0	63
SA	10	1	11	12	7	19	0	0	0	30
TAS	0	0	0	2	0	2	0	0	0	2
VIC	40	0	40	32	5	37	0	0	0	77
WA	25	0	25	4	1	5	0	0	0	30
ACT	179	7	186	194	36	230	0	0	0	416
NT	1	0	1	0	1	1	0	0	0	2
OS	2	0	2	0	0	0	0	0	0	2
Total	360	12	372	304	64	368	0	0	0	740

OS = overseas

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

Table C.4: Non-ongoing employees and statutory office holders by location at 30 June 2021

	Male			Female			Indeterminate			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
NSW	1	2	3	3	0	3	0	0	0	6
QLD	2	0	2	1	0	1	0	0	0	3
SA	1	1	2	0	0	0	0	0	0	2
TAS	0	0	0	0	0	0	0	0	0	0
VIC	0	0	0	1	0	1	0	0	0	1
WA	0	0	0	0	0	0	0	0	0	0
ACT	5	0	5	11	0	11	0	0	0	16
NT	0	0	0	0	0	0	0	0	0	0
OS	0	0	0	0	0	0	0	0	0	0
Total	9	3	12	16	0	16	0	0	0	28

OS = overseas

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

Table C.5: Australian Public Service Act ongoing employees at 30 June 2022

	Male			Female			Indeterminate			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
SES 3	1	0	1	1	0	1	0	0	0	2
SES 2	2	0	2	2	0	2	0	0	0	4
SES 1	8	0	8	2	0	2	0	0	0	10
EL 2	43	1	44	23	3	26	0	0	0	70
EL 1	192	2	194	78	15	93	0	0	0	287
APS 6	43	1	44	66	18	84	0	0	0	128
APS 5	32	0	32	65	12	77	0	0	0	109
APS 4	24	1	25	43	7	50	0	0	0	75
APS 3	2	0	2	16	3	19	0	0	0	21
APS 2	1	0	1	0	0	0	0	0	0	1
APS 1	0	1	1	0	0	0	0	0	0	1
Total	348	6	354	296	58	354	0	0	0	708

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

Note: These figures represent positions that were substantively filled at 30 June 2022. Staffing numbers include AIC staff. Further staffing details are provided in the AIC annual report.

Table C.6: Australian Public Service Act non-ongoing employees at 30 June 2022

	Male			Female			Indeterminate			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
SES 3	0	0	0	0	0	0	0	0	0	0
SES 2	0	0	0	0	0	0	0	0	0	0
SES 1	0	0	0	0	0	0	0	0	0	0
EL 2	1	0	1	0	0	0	0	0	0	1
EL 1	3	0	3	5	0	5	0	0	0	8
APS 6	3	0	3	2	0	2	0	0	0	5
APS 5	2	0	2	4	0	4	0	0	0	6
APS 4	9	0	9	4	2	6	0	0	0	15
APS 3	0	0	0	1	0	1	0	0	0	1
APS 2	0	0	0	0	0	0	0	0	0	0
APS 1	0	0	0	0	0	0	0	0	0	0
Total	18	0	18	16	2	18	0	0	0	36

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

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

Table C.7: Australian Public Service Act ongoing employees at 30 June 2021

	Male			Female			Indeterminate			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
SES 3	0	0	0	0	0	0	0	0	0	0
SES 2	1	0	1	2	0	2	0	0	0	3
SES 1	8	0	8	3	0	3	0	0	0	11
EL 2	49	2	51	20	7	27	0	0	0	78
EL 1	195	3	198	73	18	91	0	0	0	289
APS 6	41	3	44	80	14	94	0	0	0	138
APS 5	29	2	31	57	8	65	0	0	0	96
APS 4	30	1	31	56	11	67	0	0	0	98
APS 3	6	0	6	13	5	18	0	0	0	24
APS 2	1	0	1	1	0	1	0	0	0	2
APS 1	0	1	1	0	0	0	0	0	0	1
Total	360	12	372	305	63	368	0	0	0	740

APS = Australian Public Service, 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.

Table C.8: Australian Public Service Act non-ongoing employees at 30 June 2021

	Male			Female			Indeterminate			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
SES 3	0	0	0	0	0	0	0	0	0	0
SES 2	0	0	0	0	0	0	0	0	0	0
SES 1	0	0	0	0	0	0	0	0	0	0
EL 2	0	0	0	0	0	0	0	0	0	0
EL 1	3	0	3	6	0	6	0	0	0	9
APS 6	2	0	2	2	0	2	0	0	0	4
APS 5	0	0	0	6	0	6	0	0	0	6
APS 4	2	0	2	2	0	2	0	0	0	4
APS 3	1	0	1	0	0	0	0	0	0	1
APS 2	0	0	0	0	0	0	0	0	0	0
APS 1	0	0	0	0	0	0	0	0	0	0
Total	8	0	8	16	0	16	0	0	0	24

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

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

Table C.9: Australian Public Service Act employees by full-time and part-time status at 30 June 2022

	Ongoing			Non-ongoing			Total
	Full time	Part time	Total ongoing	Full time	Part time	Total non-ongoing	
SES 3	2	0	2	0	0	0	2
SES 2	4	0	4	0	0	0	4
SES 1	10	0	10	0	0	0	10
EL 2	66	4	70	1	0	1	71
EL 1	270	17	287	8	0	8	295
APS 6	109	19	128	5	0	5	133
APS 5	97	12	109	6	0	6	115
APS 4	67	8	75	13	2	15	90
APS 3	18	3	21	1	0	1	22
APS 2	1	0	1	0	0	0	1
APS 1	0	1	1	0	0	0	1
Total	644	64	708	34	2	36	744

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

Note: These figures represent positions that were substantively filled at 30 June 2022. Staffing numbers include AIC staff. Further staffing details are provided in the AIC annual report.

Table C.10: Australian Public Service Act employees by full-time and part-time status at 30 June 2021

	Ongoing			Non-ongoing			Total
	Full time	Part time	Total ongoing	Full time	Part time	Total non-ongoing	
SES 3	0	0	0	0	0	0	0
SES 2	3	0	3	0	0	0	3
SES 1	11	0	11	0	0	0	11
EL 2	69	9	78	0	0	0	78
EL 1	268	21	289	9	0	9	298
APS 6	121	17	138	4	0	4	142
APS 5	86	10	96	6	0	6	102
APS 4	86	12	98	4	0	4	102
APS 3	19	5	24	1	0	1	25
APS 2	2	0	2	0	0	0	2
APS 1	0	1	1	0	0	0	1
Total	665	75	740	24	0	24	764

APS = Australian Public Service, 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.

Table C.11: Australian Public Service Act employees by location 2021–22 and 2020–21

	2021–22			2020–21		
	Ongoing	Non-ongoing	Total	Ongoing	Non-ongoing ^a	Total
NSW	106	7	113	118	4	122
QLD	67	4	71	63	3	66
SA	31	2	33	30	1	31
TAS	2	0	2	2	0	2
VIC	84	1	85	77	1	78
WA	29	0	29	30	0	30
ACT	384	22	406	416	15	431
NT	2	0	2	2	0	2
OS	3	0	3	2	0	2
Total	708	36	744	740	24	764

OS = overseas

a This table corrects an error in Table C.11 of the 2020–21 annual report, where 4 non-Australian Public Service Act employees were unintentionally included as non-ongoing employees in 2020–21.

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

Table C.12: Australian Public Service Act Indigenous employees 2021–22 and 2020–21

Employment	2021–22	2020–21
Ongoing	14	17
Non-ongoing	1	1
Total	15	18

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

Table C.13: Australian Public Service Act employment arrangements 2021–22

Arrangement title	SES	Non-SES	Total
Enterprise agreement	0	728	728
Common law contract	16	0	16
Total	16	728	744

SES = Senior Executive Service

Table C.14: Australian Public Service Act employment salary ranges by classification 2021–22

	Minimum	Maximum
SES 3	\$318,000	\$378,000
SES 2	\$256,284	\$297,981
SES 1	\$184,586	\$240,520
EL 2	\$132,211	\$148,961
EL 1	\$105,820	\$127,577
APS 6	\$83,934	\$94,983
APS 5	\$76,926	\$81,572
APS 4	\$69,476	\$75,436
APS 3	\$63,207	\$68,219
APS 2	\$54,634	\$60,582
APS 1	\$47,558	\$52,563

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

Note: Remuneration for SES officers is determined on an individual basis under common law contracts. Staffing numbers include AIC staff. Further staffing details are provided in the AIC annual report.

Appendix D: Executive remuneration disclosures

The tables in this appendix provide information on executive remuneration as required by Subdivision C of Division 3A of Part 2–3 of the *Public Governance, Performance and Accountability Rule 2014*.

The nature and amount of remuneration for Senior Executive Service (SES) officers are determined through the ACIC Senior Executive Service Remuneration and Benefits Policy. SES salary increases take into account the complexity of the officer's role, their current and previous performance, their contributions to corporate goals and values, the financial position of the ACIC, comparisons with other SES officers, and the quantum of remuneration relative to other ACIC staff.

The ACIC uses common law contracts for all SES employees to govern remuneration and entitlements.

As our Chief Executive Officer (CEO) and ACIC examiners are statutory office holders, the Remuneration Tribunal sets their remuneration and entitlements.

Table D.1: Key management personnel

Name	Position	Term as key management personnel
Michael Phelan	Chief Executive Officer	Full year
Anne Brown	Deputy CEO Support	Full year
Matthew Rippon	Deputy CEO Intelligence	Full year

Table D.2: Summary of remuneration for key management personnel

	2021–22	2020–21
	\$	\$
Short-term benefits		
Base salary	1,177,213	1,680,696
Bonuses	0	0
Other benefits and allowances	4,758	8,690
Total short-term benefits	1,181,971	1,689,386
Superannuation	184,695	291,281
Total post-employment benefits	184,695	291,281
Other long-term benefits		
Long service leave	28,055	40,889
Total other long-term benefits	28,055	40,889
Termination benefits	0	366,185
Total key management personnel remuneration	1,394,721	2,387,741

Note: Final figures have been rounded to the nearest dollar.

Table D.3: Information about remuneration for key management personnel 2021–22

Name	Position title	Short-term benefits			Post-employment benefits	Other long-term benefits		Termination benefits	Total remuneration
		Base salary ^a	Bonuses	Other benefits and allowances		Long service leave ^c			
Michael Phelan	Chief Executive Officer ^d	501,139	0	1,586	79,594	12,155		0	594,474
Anne Brown	Deputy CEO Support	341,166	0	1,586	53,793	7,950		0	404,495
Matthew Rippon	Deputy CEO Intelligence	334,908	0	1,586	51,308	7,950		0	395,752
Total		1,177,213	0	4,758	184,695	28,055		0	1,394,721

^a Base salary includes salary paid or due to the employee for the year; it includes net annual leave (total annual accrual minus leave taken in this financial year) and any applicable acting allowances.

^b Superannuation is subject to Public Sector Superannuation Scheme, Commonwealth Superannuation Scheme and Public Sector Superannuation Accumulation Plan rules. Superannuation contributions are the 2021–22 contributions by the ACIC to the applicable superannuation fund. They do not include employee post-tax contributions or additional lump sum payments.

^c Long service leave is the value of long service accrued during this financial year.

^d CEO salary is subject to a 2022 full-time office holder Remuneration Tribunal determination. The ACIC CEO is also the Director of the Australian Institute of Criminology. The full cost of the ACIC CEO is included above.

Note: Final figures have been rounded to the nearest dollar.

Table D.4: Information about remuneration for senior executives 2021–22

Total remuneration bands \$	Number of senior executives	Short-term benefits			Post-employment benefits	Other long-term benefits	Termination benefits	Total remuneration
		Average base salary \$	Average bonuses \$	Average other benefits and allowances \$				
0–220,000	7	89,169	0	854	14,470	2,295	0	106,788
220,001–245,000	6	199,997	0	1,514	27,470	4,517	0	233,498
245,001–270,000	2	216,469	0	1,586	34,438	5,326	0	257,819
270,001–295,000	4	231,962	0	9,558	39,279	6,007	0	286,806
320,001–345,000	1	273,439	0	1,586	30,486	6,662	0	312,173

Note: Final figures have been rounded to the nearest dollar.

Table D.5: Information about remuneration for other highly paid staff 2021–22

Total remuneration bands \$	Number of other highly paid staff	Short-term benefits			Post-employment benefits	Other long-term benefits	Termination benefits	Total remuneration
		Average base salary \$	Average bonuses \$	Average other benefits and allowances \$				
495,001–520,000	1	435,496	0	0	55,369	10,508	0	501,373

Note: Final figures have been rounded to the nearest dollar.

Appendix E: Commonwealth Child Safe Framework – Annual statement of compliance

The Australian Criminal Intelligence Commission (ACIC) is committed to protecting children and young people from the risk of harm or abuse. Several elements of our work directly support providing a safe environment for children in Australia.

Police use our child protection services to help identify and manage offenders against children, helping to protect children at risk. This includes the National Child Offender System, the Violent and Sexual Crime Database and the National Domestic Violence Order Scheme.

We also deliver the Working with Children Checks National Reference System. The service supports decisions to approve applicants to work with children, including the national provision of negative notices to relevant stakeholders.

The ACIC's purpose is to protect Australia from criminal threats through coordinating a strategic response and collecting, assessing and disseminating intelligence and policing information. The nature of our work means there is limited direct interaction with children across the scope of our activities and functions.

Given the nature of our work, the ACIC assesses the risk to child safety and wellbeing as low.

The ACIC requires all employees to hold a minimum Negative Vetting 1 security clearance. We also conduct an Organisational Suitability Assessment prior to their employment and they are subject to an enduring integrity framework.

The ACIC is actively working toward full compliance with the framework and is committed to the following program of work in 2022–23 to achieve this:

- ▶ conducting an evaluation to ensure that any risks to children are proactively identified and managed – this work will be used to inform further initiatives, including the review and refinement of training modules and policy
- ▶ establishing a process for conducting an annual risk assessment in line with the Commonwealth Child Safe Framework
- ▶ embedding child safety and wellbeing in organisational leadership, governance and culture, including developing a child safety communication plan
- ▶ integrating oversight of child safety arrangements into the ACIC's compliance framework.

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ACC Act	<i>Australian Crime Commission Act 2002</i>
ACIC	Australian Criminal Intelligence Commission
ACLEI	Australian Commission for Law Enforcement Integrity
AFP	Australian Federal Police
AIC	Australian Institute of Criminology
ANAO	Australian National Audit Office
APOT	Australian Priority Organisation Target
APS	Australian Public Service
ASIC	Aviation Security Identification Card
CACT	Criminal Assets Confiscation Taskforce
CaLD	culturally and linguistically diverse
CEO	Chief Executive Officer
EL	Executive Level
GST	goods and services tax
ICT	information and communications technology
IGC-ACC	Inter-Governmental Committee on the Australian Crime Commission
IGIS	Inspector-General of Intelligence and Security
IPO	international production order
IT	information technology
JPP	joint project proposal
LEIC Act	<i>Law Enforcement Integrity Commissioner Act 2006</i>
LGBTIQ+	lesbian, gay, bisexual, transgender, intersex, queer/questioning and/or outside the gender binary
MSIC	Maritime Security Identification Card
NAFIS	National Automated Fingerprint Identification System
NCIS	National Criminal Intelligence System
NPCS	National Police Checking Service
PGPA Act	<i>Public Governance, Performance and Accountability Act 2013</i>
PJCLE	Parliamentary Joint Committee on Law Enforcement
RMS	rehabilitation management system
RPOT	Regional Priority Organisation Target
SES	Senior Executive Service
SME	small and medium-sized enterprise
TIA Act	<i>Telecommunications (Interception and Access) Act 1979</i>
WHS	work health and safety

Glossary

Availability (of systems) – The percentage of time systems were available, excluding scheduled outages. We provide our systems nationally to multiple agencies. Many of our systems are integrated or routed via partner agency systems, meaning issues unrelated to our service can also affect availability. As a result, we derive national availability reporting from user notifications of outages across multiple jurisdictions.

Coercive powers – The ACIC has coercive powers similar to those of a royal commission, which may be exercised only by ACIC examiners for special ACIC intelligence operations or special ACIC investigations. The powers allow the ACIC to summons a person to give evidence under oath, require the production of documents, require information from Commonwealth agencies (or state agencies, where arrangements are in place), apply for a search warrant or arrest warrant, and require the production of a passport.

Determination – A decision by the ACIC Board to authorise the ACIC to undertake a special ACIC operation or a special ACIC investigation that may involve the use of coercive powers.

Disclosure/Dissemination – Information the ACIC has shared under an information disclosure provision contained in the *Australian Crime Commission Act 2002*.

Disruption – Interruption of the flow or continuity of the criminal behaviour and/or enterprises of a criminal entity. Disruption may be a direct result of ACIC or joint agency operational activities such as arrests, the seizure of illegal commodities (drugs or firearms), the confiscation of proceeds of crime and/or prosecutions. Disruption may also occur through undermining criminal businesses by exposing their methodologies, releasing intelligence alerts and warnings on their activities, or reducing their ability to operate in the criminal markets of their choice.

Disruption achieved by law enforcement is deemed to be either ‘severe’ or ‘significant’.

- ▶ **Severe disruption** is the dismantling and/or complete disruption of a serious and organised crime entity, with the cessation of its serious and organised crime activities.
- ▶ **Significant disruption** involves significant impacts caused by arrests, seizures (of drugs, cash or assets), tax liabilities raised, and any other disruptive effects on a serious and organised crime entity, without the cessation of its serious and organised crime activities.

Estimated street value – The cost to purchase a drug at the end of the supply chain or ‘on the street’, estimated by considering factors such as (though not limited to) drug purity, location of drug seized, wholesale supply and distribution. Data for calculating the estimated street value is provided by operational areas of the ACIC and partner agencies.

Examination – A method of gathering evidence performed by ACIC examiners. Examiners can summons a person, for the purpose of a special ACIC investigation or special ACIC operation, to attend a compulsory examination and answer questions under oath. The person is entitled to legal representation and the examination is held in private. The evidence gained from an examination cannot be used against the person in a criminal proceeding. A person summonsed to an examination cannot disclose that summons to any person other than their legal representative, unless permitted by the examiner.

Examiners – Independent statutory officers, who are experienced legal practitioners, who may exercise the ACIC’s coercive powers for the purposes of a special ACIC investigation or a special ACIC operation.

Intelligence systems – IT-based systems that facilitate dissemination and sharing of criminal intelligence, including databases containing intelligence holdings that can be accessed and analysed by approved users.

Proceeds of crime – The profits of criminal activity. Legislation provides for these proceeds to be controlled, confiscated and potentially forfeited to the Commonwealth to discourage criminal activity and to prevent reinvestment in further criminal activity.

Serious and organised crime – A concept defined in the *Australian Crime Commission Act 2002*, which in general terms means an offence that involves 2 or more offenders, substantial planning and organisation, and the use of sophisticated methods and techniques, that is committed (or is of a kind that is ordinarily committed) in conjunction with other offences of a like kind, and involves specific offences listed in the *Australian Crime Commission Act 2002*, usually punishable by a period of imprisonment of 3 years.

Special ACIC investigations – ACIC investigations designed to disrupt and deter criminal groups by collecting evidence and intelligence about criminal activity. Coercive powers may be used in combination with a range of other investigative tools, including telecommunications intercepts, surveillance and controlled operations.

Special ACIC operations – ACIC operations focused on gathering intelligence around particular criminal activity so that decisions are informed by the true extent, impact and threat of that criminal activity. Coercive powers may be used as well as other investigative tools if appropriate.

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