



Attorney-General

Reference: MS23-001593

Ms Heather Cook
Chief Executive Officer
Australian Criminal Intelligence Commission
GPO Box 1936
CANBERRA CITY ACT 2601

By email: OfficeoftheCEO@acic.gov.au

Dear Ms Cook

Congratulations again on your recent appointment as Chief Executive Officer of the Australian Criminal Intelligence Commission (ACIC).

I am writing to acknowledge the invaluable work of the ACIC in regulating the National Police Checking Service, and to provide you with strategic direction in the form of the attached Ministerial Statement of Expectations (MSoE).

As outlined in the *Regulator Performance Resource Management Guide 128* (RMG 128),¹ while regulators are often operationally independent of government, this does not mean they are independent of expectations or guidance about how they fulfil their statutory roles. Commonwealth regulators are typically accountable to the Parliament, including through Senate Estimates and Australian National Audit Office scrutiny. Clear expectations from Government to regulators can help drive better regulator performance by providing an environment that supports the implementation of best practice.

Consistent with the RMG 128, the enclosed MSoE outlines the principles I expect the ACIC to observe when regulating the National Police Checking Service.

I would appreciate your response to this letter in the form of a Statement of Intent by 31 May 2024. The Statement of Intent should outline how the ACIC proposes to meet the expectations set out in the attached MSoE.

To ensure transparency and accountability, the MSoE and your responding Statement of Intent should be made publicly available on your website by 31 May 2024. The statement should also be integrated into your performance reporting processes as required under the *Public Governance, Performance and Accountability Act 2013* as part of your 2024–25 corporate planning process and for your Annual Report prepared for the 2024–25 reporting period.

Thank you for your timely assistance with this matter.

Yours sincerely

THE HON MARK DREYFUS KC MP

29 / 4 / 2024

Encl. *Ministerial Statement of Expectations*

¹ Available on the Department of Finance's website.

AUSTRALIAN CRIMINAL INTELLIGENCE COMMISSION

STATEMENT OF EXPECTATIONS – 2024

Ministerial Statements of Expectations provide greater clarity about government policies and objectives relevant to the regulator in line with its statutory objectives, and the priorities the Minister expects it to observe in conducting its operations.

As the responsible Commonwealth Minister for the Australian Criminal Intelligence Commission (ACIC) under the *Australian Crime Commission Act 2002 (Cth)*, this statement sets out my expectations of the ACIC.

Overview

The ACIC protects Australia from serious criminal threats through coordinating a strategic response and collecting, assessing and disseminating intelligence and policing information.

Under the *Australian Crime Commission Act 2002 (Cth)*, the ACIC's functions are to:

- 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 investigations and intelligence operations into federally relevant crime
- provide and maintain systems that allow information sharing for policing and law enforcement agencies
- provide nationally coordinated criminal history checks.

The Government recognises and respects the independence of the Chief Executive Officer of the ACIC and their responsibility for regulation of the National Police Checking Service (NPCS), which allows people to apply for a Nationally Coordinated Criminal History Check and facilitates over seven million checks per year. I expect the ACIC to exercise its functions and powers in good faith and to the best of its ability.

The Government's policy priorities and objectives

In addition to the core functions noted above, the Government expects the ACIC to observe and contribute to the following Government priorities and objectives.

Regulatory reform agenda

The Government's regulatory reform agenda is a key component of the Government's plan to support economic recovery by working with States and Territories to effect regulatory reform to reduce duplication and boost productivity, and to account for impacts of regulation on individuals (not just businesses). Ensuring our regulatory settings are the best they can be helps boost productivity and competitiveness and supports well-functioning markets, business investment, job creation and growth.

Under the regulatory reform agenda, the Australian Government is also focusing on improving regulator performance, capability and culture through regulatory stewardship.

I expect the ACIC to contribute to the regulatory reform process by:

- seeking opportunities to remove duplication and streamline processes in order to improve efficiency and lift productivity
- acting in accordance with regulator best practice in its decision-making, policies, processes and communication practices, in order to maximise transparency and minimise compliance costs
- applying the *Regulator Performance Resource Management Guide* to its regulatory functions to assess its performance and engagement with stakeholder
- incorporating regulator performance reporting into the entity's reporting processes, as required by the *Regulatory Performance Management Resource Guide* under the *Public Governance, Performance and Accountability Act 2013* and *Public Governance, Performance and Accountability Rule 2014*, in order to support greater transparency and accountability of regulator performance.

Principles of regulator best practice

Under the *Regulator Performance Resource Management Guide*, the principles of regulator best practice are:

1. **Continuous improvement and building trust:** regulators adopt a whole-of-system perspective, continuously improving their performance, capability and culture, to build trust and confidence in Australia's regulatory settings.
2. **Risk-based and data-driven:** regulators manage risks proportionately and maintain essential safeguards while minimising regulatory burden, and leveraging data and digital technology to support those they regulate to comply and grow.
3. **Collaboration and engagement:** regulators are transparent and responsive communicators, implementing regulations in a modern and collaborative way.

Consequently, I expect the ACIC to:

- seek opportunities to engage and consult genuinely with stakeholders
- be receptive to feedback and diverse stakeholder views
- seek to increase transparency in inquiry and decision-making processes
- provide up-to-date, clear and accessible guidelines and resources in multiple languages to assist employers and persons conducting a business or undertaking with positive duty compliance
- further improve the usability of the NPCS
- work closely and collaboratively with Commonwealth, state and territory policing agencies to achieve national consistency, from the legislative and administrative perspectives, for police checking.

I expect the ACIC to embed and act in accordance with the Government's principles of regulator best practice when conducting its operations, as well as strive for continuous improvement against these principles.

In exercising its functions and powers in accordance with these principles, I expect the ACIC to:

- remain committed to continuous improvement in its processes and capabilities

- continue building public confidence in Australia's regulatory settings
- continue adopting a risk-based and transparent approach to regulation and decision-making
- leverage data and digital technology to inform its approach to compliance and enforcement.

Innovation and regulatory change

I expect the ACIC to continually monitor the environment it operates in to ensure that regulatory approaches keep pace with changes in technology, industry practices and community expectations. I also expect the ACIC to regularly review and, where necessary, adjust policies, protocols and operating procedures, to ensure it can respond to the changing social, technological and commercial context in which it operates.

Relationship with Minister and portfolio

The ACIC plays an essential role in ensuring that I, as the minister responsible for the ACIC, and the Government, are well placed to respond promptly to community safety by delivering timely information as requested, through the NPCS, to support employment decisions. The Attorney-General's Department (the department) also supports and advises me by providing advice on policy development and the performance of the portfolio's regulatory systems. The department takes into account the knowledge and expertise of the ACIC when considering changes to policy and legislation that impact on community safety through the NPCS.

Accordingly, I expect the ACIC to work collaboratively with the department to provide accurate and timely policy advice on significant issues relating to strengthening community safety by supporting employment decisions, through the NPCS.

As the responsible Minister, I will provide an enabling environment for the ACIC to consistently implement best practice by ensuring you are well informed of the Government's policy direction, as specific initiatives and strategies are being considered.