

Australian Criminal Intelligence Commission

STATEMENT OF INTENT – May 2024

This statement sets out my intentions as the accountable authority of the Australian Criminal Intelligence Commission (ACIC) regarding how I will meet the expectations outlined by the Attorney-General under the *Public Governance, Performance and Accountability Act 2013 (PGPA Act)* in the Ministerial Statement of Expectations of April 2024.

Overview

The ACIC protects Australia from serious criminal threats by 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; and
- provide nationally coordinated criminal history checks.

I appreciate the recognition and respect of the Government for the independence of my role as Chief Executive Officer of the ACIC and my responsibility for regulation of the National Police Checking Service (NPCS). The NPCS allows people to apply for a Nationally Coordinated Criminal History Check and facilitates over 7 million checks a year. As the accountable authority, I will ensure the ACIC exercises 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 cover functions noted above, I will ensure that the ACIC observes and contributes 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 will ensure that the ACIC contributes 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 our decision-making, policies, processes and communication practices, in order to maximise transparency and minimise compliance costs;
- applying the *Regulator Performance Management Guide* to its regulatory functions to assess our performance and engagement with stakeholders; and
- incorporating regulator performance reporting into the entity's reporting processes, 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

I note that under the *Regulator 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 proportionally 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.

I will ensure the ACIC adheres to these principles by:

- seeking opportunities to engage and consult genuinely with stakeholders;
- being receptive to feedback and diverse stakeholder views;
- seeking to promote transparency in inquiry and decision-making processes;
- providing up-to-date, clear and accessible guidelines and resources in multiple languages to assist entities, employers and persons conducting a business or undertaking with positive duty compliance;
- further improving the usability of the NPCCS; and
- working closely with Commonwealth, state and territory policing agencies to achieve national consistency, from the legislative and administrative perspectives, for police checking.

I will ensure the ACIC acts in accordance with the Government's principles of regulator best practice when conducting its operations, as well as striving for continuous improvement against these principles.

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

- remains committed to continuous improvement in its processes and capabilities;

- continues to build public confidence in Australia's regulatory settings;
- continues to adopt a risk-based and transparent approach to regulation and decision-making; and
- leverages data and digital technology to inform its approach to compliance and enforcement.

Innovation and regulatory change

I will ensure the ACIC continually monitors the environment we operate in to ensure regulatory approaches keep pace with changes in technology, industry practices and community expectations. I will also ensure the ACIC regularly reviews and, where necessary, adjusts policies, protocols and operating procedures, to ensure we can respond to the changing social, technological and commercial context in which it operates.

Relationship with Minister and portfolio

I acknowledge the essential role the ACIC plays in ensuring that you, 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 and entitlement decisions.

I note that the Attorney-General's Department (the department) also supports and advises you 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 will ensure the ACIC continues 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.

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