

EXPLANATORY STATEMENT

Select Legislative Instrument 2010 No. 194

Issued by the authority of the Minister for Home Affairs

Australian Crime Commission Act 2002 (Cth)

Australian Crime Commission Amendment Regulations 2010 (No. 1)

The Australian Crime Commission (ACC) is a Commonwealth statutory body working nationally with other Commonwealth, State and Territory agencies to counter serious and organised crime. The ACC has both intelligence and investigative functions and capabilities.

Section 62 of the *Australian Crime Commission Act 2002* (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to the Act.

The Regulations ensure that the ACC is able to conduct special intelligence operations on the child sex tourism offences in Divisions 272 and 273 of the *Criminal Code Act 1995* (the Criminal Code), which cover sexual offences against children overseas and possessing child pornography or child abuse material outside Australia, by amending the definition of 'serious and organised crime' in regulation 3 of the *Australian Crime Commission Regulations 2002* (the Principal Regulations).

The Regulations also amend the list of prescribed Commonwealth, State and Territory agencies and bodies with which the ACC may share information.

Definition of 'serious and organised crime'

The ACC may undertake special operations or investigations into matters involving 'serious and organised crime', which is defined in section 4 of the Act. This definition allows the Principal Regulations to prescribe offences as 'serious and organised crime'.

Regulation 3 of the Principal Regulations lists the offences of using a carriage service for child pornography and child sex material or using a carriage service to procure or 'groom' persons under 16 years. These offences are now listed in the definition of 'serious and organised crime' in subsection 4(d) of the Act. The Regulations remove these offences from the definition in the Principal Regulations.

The ACC was previously able to undertake special operations and investigations into child sex tourism offences. This is because the definition of 'serious and organised crime' in the Act includes serious offences within the meaning of the *Proceeds of Crime Act 2002* and the definition of 'serious offences' in the *Proceeds of Crime Act* includes offences prescribed by the *Proceeds of Crime Regulations 2002*, which included the child sex tourism offences in Part IIIA of the *Crimes Act 1914*. However, the *Crimes Legislation Amendment (Sexual Offences Against Children) Act 2010* moved these child sex tourism offences from the Crimes Act into new Divisions 272 of the Criminal Code. This meant that these child sex tourism offences were no longer covered within the definition of 'serious and organised crime' in either the Act or the Principal Regulations, and as a result the ACC was not able to undertake special operations or investigations into matters

involving these offences. The Regulations insert a reference to the child sex tourism offences in Divisions 272 of the Criminal Code into the definition of 'serious and organised crime' in regulation 3 of the Principal Regulations. This will ensure that the ACC is able to conduct special operations and investigations into these offences.

The Crimes Legislation Amendment (Sexual Offences Against Children) Act also inserted new offences involving child pornography and child abuse material outside Australia into Division 273 of the Criminal Code. The Regulations also insert a reference to these new offences in Division 273 to ensure they fall within the definition of 'serious and organised crime' in the ACC Act.

Agencies and bodies with which the ACC may share information

Paragraph 59(7)(c) of the Act states that the CEO of the ACC may give information to any agency or body of the Commonwealth, a State or a Territory prescribed by the Regulations.

Regulation 9 and Schedule 6 of the Principal Regulations set out the agencies and bodies to which information may be given by the ACC.

Following the Intergovernmental Summit on Violence and Child Abuse in Indigenous Communities held on 26 June 2006, the ACC Board endorsed the creation of the National Intelligence Task Force into Violence and Child Abuse in Australia's Indigenous Communities (NIITF). The NIITF commenced operation in September 2006.

The objectives of the NIITF include gathering and coordinating information and intelligence on violence and child abuse in Indigenous communities across Australia, and providing information and intelligence to relevant Commonwealth, State and Territory agencies and bodies, to enhance the understanding of the nature and extent of violence and abuse in Indigenous communities. It is therefore important that the ACC is able to share information and intelligence with Commonwealth, State and Territory agencies and bodies that are involved in work on Indigenous issues throughout Australia.

The Regulations add a number of Commonwealth, State and Territory agencies to Schedule 6 to the Principal Regulations. The agencies and bodies that are prescribed are all involved in working on Indigenous issues and/or issues relating to children and young people generally. Prescription of these agencies and bodies facilitates the sharing of information by the ACC in the course of the performance of duties and functions under the NIITF and enables the ACC to provide agencies with relevant criminal intelligence and information to further the NIITF's objectives.

The Regulations also allow the ACC to share information with legal profession bodies in each State. These bodies have been established by legislation for the purpose of investigating possible misconduct by lawyers. The ACC, in the course of its operations, occasionally comes into possession of information relating to possible misconduct by lawyers. It is appropriate that the ACC is able to provide such information to the relevant State legal profession body so that the possible misconduct can be investigated by the appropriate body.

The Regulations also make revisions to the names of a number of Commonwealth, State and Territory agencies and bodies currently listed in Schedule 6 to reflect changes in the names and responsibilities of agencies and bodies currently prescribed.

Details of the Regulations are set out in the Attachment.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulations commenced on the day after they were registered on the Federal Register of Legislative Instruments.

The Australian Crime Commission was consulted on the Regulations.

ATTACHMENT

Details of the Australian Crime Commission Amendment Regulations 2010 (No. 1)

The Australian Crime Commission (ACC) is able to undertake special operations and investigations into matters relating to 'serious and organised crime', as defined in section 4 of the *Australian Crime Commission Act* (the Act). Section 4 of the Act defines 'serious and organised crime' to include offences prescribed by the *Australian Crime Commission Regulations 2002* (the Principal Regulations).

The definition of 'serious and organised crime' in the Act covered the child sex tourism offences that were previously set out in Part IIIA of the *Crimes Act 1914*. However, since these child sex tourism offences were moved from the Crimes Act to the *Criminal Code Act 1995* (the Criminal Code) by the *Crimes Legislation Amendment (Sexual Offences Against Children) Act 2010* (the SOAC Act), the definition of 'serious and organised crime' in the Act no longer covers these offences. The Regulations amend the definition of 'serious and organised crime' in the Principal Regulations to ensure that the definition covers the child sex tourism offences that it previously covered as well as the new offences involving child pornography or child abuse material outside Australia that were inserted by the SOAC Act.

Paragraph 59(7)(c) of the Act states that the Chief Executive Officer of the ACC (the CEO) may give information to any agency or body of the Commonwealth, a State or a Territory prescribed by the Principal Regulations.

Regulation 9 and Schedule 6 to the Principal Regulations set out the agencies and bodies to which information may be given by the ACC. Part 1 of Schedule 6 to the Principal Regulations sets out the Commonwealth agencies and bodies to which the CEO can give information. Parts 2 to 9 of Schedule 6 set out the State and Territory agencies and bodies to which the CEO can give information.

The Regulations allow the ACC to share information about violence and child abuse in Indigenous communities with Commonwealth, State and Territory agencies and bodies that have involvement in issues affecting Indigenous communities. The Regulations also allow the ACC to share information about possible misconduct by lawyers with legal profession bodies in each State.

Regulation 1 – Name of Regulations

This regulation provides that the title of the Regulations is the *Australian Crime Commission Amendment Regulations 2010 (No. 1)*.

Regulation 2 – Commencement

This regulation provides for the Regulations to commence on the day after they are registered.

Regulation 3 – Amendment of Australian Crime Commission Regulations 2002

This regulation provides that the *Australian Crime Commission Regulations 2002* are amended as set out in Schedule 1.

Schedule 1 – Amendments

Item [1] – Regulation 3

Item [1] amends the definition of ‘serious and organised crime’ in regulation 3 of the Principal Regulations. ‘Serious and organised crime’ is defined in the Principal Regulations for the purposes of paragraph 4(1)(d) of the Act, which contains a definition of ‘serious and organised crime’.

The ACC may undertake special operations or investigations into matters involving ‘serious and organised crime’. Previous regulation 3 prescribed the following offences contained in the Criminal Code as ‘serious and organised crime’:

- section 474.19 – using a carriage service for child pornography material
- section 474.20 – possessing, controlling, producing, supplying or obtaining child pornography material for use through a carriage service
- section 474.22 – using a carriage service for child abuse material
- section 474.23 – possessing, controlling, producing, supplying or obtaining child abuse material for use through a carriage service
- section 474.26 – using a carriage service to procure persons under 16, and
- section 474.27 – using a carriage service to ‘groom’ persons under 16.

The definition of ‘serious and organised crime’ in paragraph 4(1)(d) of the Act was amended by the SOAC Act to include Subdivisions C and D of Division 474 of the Criminal Code, which includes the offences in sections 474.19, 474.20, 474.22, 474.23, 474.26 and 474.27. Therefore, it is no longer necessary or appropriate for these offences to remain in the definition of ‘serious and organised crime’ in the Principal Regulations. Item [1] removes these offences from regulation 3.

The SOAC Act created new Divisions 272 and 273 of the Criminal Code for engaging in sexual activity with children and young people outside Australia and offences involving child pornography or child abuse material outside Australia. The new offences prescribed in Divisions 272 and 273 are:

- section 272.8 – sexual intercourse with child outside Australia
- section 272.9 – sexual activity (other than sexual intercourse) with child outside Australia
- section 272.10 – aggravated offence—child with mental impairment or under care, supervision or authority of defendant
- section 272.11 – persistent sexual abuse of child outside Australia
- section 272.12 – sexual intercourse with young person outside Australia—defendant in position of trust or authority
- section 272.13 – sexual activity (other than sexual intercourse) with young person outside Australia—defendant in position of trust or authority
- section 272.14 – procuring child to engage in sexual activity outside Australia
- section 272.15 – “grooming” child to engage in sexual activity outside Australia
- section 272.18 – benefiting from offence against this Division
- section 272.19 – encouraging offence against this Division

- section 272.20 – preparing for or planning offence against this Division
- section 273.5 – possessing, controlling, producing, distributing or obtaining child pornography material outside Australia
- section 273.6 – possessing, controlling, producing, distributing or obtaining child abuse material outside Australia, and
- section 273.7 – aggravated offence—offence involving conduct on three or more occasions and two or more people.

The penalties for the above offences range from five to 25 years imprisonment. These offences are all serious offences, and it is appropriate that the ACC be able to undertake special intelligence operations and investigations into matters involving these offences. Amending the definition of ‘serious and organised crime’ in regulation 3 ensures that the ACC is able to do this.

Items [2]–[8] – Schedule 6, Part 1

Items [2] to [8] amend Part 1 of Schedule 6 to the Principal Regulations. Schedule 6 sets out the agencies and bodies to which the ACC may give information. Part 1 of Schedule 6 sets out the Commonwealth agencies and bodies to which information may be given. Items [2] to [7] update Part 1 to reflect changes in the names and responsibilities of agencies. Items [6] and [8] add new agencies.

In September 2006, the ACC began operating the National Intelligence Task Force into Violence and Child Abuse in Australia’s Indigenous Communities (NIITF). The objectives of the NIITF include gathering and coordinating information and intelligence on violence and child abuse in Indigenous communities across Australia, and providing information and intelligence to relevant Commonwealth, State and Territory agencies and bodies, to enhance the understanding of the nature and extent of violence and abuse in Indigenous communities. It is therefore important that the ACC is able to share information and intelligence with Commonwealth, State and Territory agencies and bodies that are involved in work on Indigenous issues throughout Australia.

The agencies and bodies prescribed by Items [6] and [8] are involved in working on Indigenous issues and issues relating to children and young people generally. Prescription of these agencies and bodies facilitates the sharing of information by the ACC in the course of the performance of duties and functions under the NIITF and enables the ACC to provide agencies with relevant criminal intelligence and information to further the NIITF’s objectives.

Item [2] replaces current item 104 ‘Australian Customs Service’ with new item 104 ‘Australian Customs and Border Protection Service’ to reflect the agency’s change of name.

Item [3] replaces current item 112 ‘Australian Sports Drug Agency’ with new item 112 ‘Australian Sports Anti-Doping Authority’ to reflect the agency’s change of name.

Item [4] replaces current item 115 ‘Centrelink’ with new item 115 ‘Commonwealth Services Delivery Agency’ to reflect the agency’s legislative name.

Item [5] replaces current item 117 ‘Department of Communications, Information Technology and the Arts’ with new item 117 ‘Department of Broadband, Communications and the Digital Economy’ to reflect the agency’s change of name.

Item [6] amends items 119, 119A, 119B, 122 and 123 to reflect changes in the names of various agencies and bodies. New item 119 'Department of Education, Employment and Workplace Relations' replaces old item 119 'Department of Education, Science and Training'. New item 119A 'Department of Families, Housing, Community Services and Indigenous Affairs' replaces old item 119A 'Department of Families, Community Services and Indigenous Affairs'. New item 119B 'Department of Finance and Deregulation' replaces old item 119B 'Department of Finance and Administration'. New item 122 'Department of Infrastructure, Transport, Regional Development and Local Government' replaces old item 124 'Department of Transport and Regional Services'. New item 123 'Department of the Environment, Water, Heritage and the Arts' replaces old item 122 'Department of the Environment and Water Resources'.

Item [6] also inserts two new agencies into Part 1 to whom information may be given; item 119D 'Department of Health and Ageing' and item 120 'Department of Human Services'.

The Department of Health and Ageing's responsibilities include achieving the Governments priorities for population health, pharmaceutical services, medical services, aged care and population ageing, primary care, rural health, hearing services and Indigenous health among others. Current priorities include improving health for Aboriginal and Torres Strait Islander peoples through whole-of-government arrangements for policy development and service delivery, and improved access to, and responsiveness of, the mainstream health system. It is appropriate that the ACC be able to share information with the Department of Health and Ageing given its responsibility for Indigenous and rural health.

The Department of Human Services directs, coordinates and brokers improvements to policy on service delivery and service delivery reform across Human Services agencies from a whole-of-government perspective. In particular, the Department focuses on cross-portfolio objectives such as the reduction of health and welfare fraud, improved access to services for Indigenous Australians and major programs, such as the development and implementation of Job Capacity Assessments. It is appropriate that the ACC be able to share information with the Department of Human Services given its responsibility for access to services for Indigenous Australians.

Item [7] replaces current item 129 'National Measurement Institute, Department of Industry, Tourism and Resources' with new item 129 'National Measurement Institute, Department of Innovation, Industry, Science and Research' to reflect the agency's change of name.

Item [8] inserts a new agency: item 131A 'Office of the Registrar of Indigenous Corporations'. The role of the Office of the Registrar of Indigenous Corporations is to register and offer support to Indigenous corporations. It is appropriate that the ACC be able to share information with this body, given its role in supporting Indigenous corporations.

New items 119D, 120 and 131A ensure the ACC is able to progress the NIITF's objectives by providing information and intelligence to these agencies so that the information can be used to inform policies and programs that affect Indigenous communities, particularly young people in Indigenous communities.

Item [9] – Schedule 6, Parts 2 to 9

Item [9] substitutes Parts 2 to 9 of Schedule 6 of the Principal Regulations with new Parts.

Schedule 6, Part 2 – New South Wales

Item [9] amends Part 2 of Schedule 6, which sets out the New South Wales agencies and bodies to which information may be given by the ACC, to prescribe additional agencies and bodies to which the ACC may give information and intelligence and update the names of agencies currently listed in Part 2 of Schedule 6.

The agencies and bodies, other than the Office of the Legal Services Commissioner, that are inserted into Part 2 of Schedule 6 by Item [9] are involved in working on Indigenous issues and/or issues relating to children and young people generally. Prescription of these agencies and bodies facilitates the sharing of information by the ACC in the course of the performance of duties and functions under the NIITF and enables the ACC to provide agencies with relevant criminal intelligence and information to further the NIITF's objectives. Prescription of the Office of the Legal Services Commissioner allows the ACC to provide information relating to possible misconduct by lawyers to this body for investigation.

Item [9] inserts three new agencies or bodies to which information may be given into Part 2: item 203 'Commission for Children and Young People, item 205 'Department of Education and Training' and item 210 'Office of the Legal Services Commissioner'.

The Commission for Children and Young People is an independent organisation that reports directly to NSW Parliament. The Commission administers the *Commission for Children and Young People Act 1998* with the aim of promoting the safety, welfare and wellbeing of children. The Commission promotes the participation of children and young people in decision-making and contributes to the development of laws and policies that affect children and young people. The Commission undertakes research and produces publications and resources about children and young people's issues. It is appropriate that the ACC be able to share information that relates to or leads to allegations of child abuse and violence, pornography or drug use involving young people with the Commission so that this information can inform the development of policies and programs in which the Commission has an interest.

The Department of Education and Training delivers public education and training with an emphasis on providing life-long learning and development of skills. The Department, in partnership with the NSW Aboriginal Education Consultative Group, has responsibility for policies and programs for improving education standards in Indigenous communities. It is appropriate that the ACC be able to share information and intelligence with the Department of Education and Training because the incidence of violence and child abuse impacts on the provision of educational services in Indigenous communities.

The functions of the Office of the Legal Services Commissioner include receiving and investigating complaints about the conduct of solicitors. If the ACC obtains information relating to possible misconduct by solicitors, it is appropriate for the ACC to share this information with this body.

Item [9] also amends eight existing items in Part 2, to reflect changes in the names of various agencies and bodies.

New item 201 'Casino, Liquor and Gaming Control Authority' replaces old item 201 'Casino Control Authority'.

New item 202 'City of Sydney Council' replaces old item 201A 'Council of the City of Sydney'.

New item 204 'Corrective Services NSW' replaces old item 202 'Department of Corrective Services'.

New item 206 'Department of Environment, Climate Change and Water' replaces old item 203 'Department of Environment and Conservation'.

New item 207 'Fair Trading, Department of Services, Technology and Administration' replaces old item 206 'Office of Fair Trading'.

New item 212 'Primary Industries, Industry & Investment NSW' replaces old item 204 'Department of Primary Industries'.

New item 214 'Roads and Traffic Authority of NSW' replaces old item 210 'Roads and Traffic Authority'.

New item 215 'WorkCover Authority' replaces old item 211 'WorkCover Authority of New South Wales'.

As a consequence of the new agencies and bodies added to Schedule 6, Part 2 and the name changes of agencies and bodies already listed in Part 2, four of the agencies and bodies that were already listed in Part 2 have new item numbers. This renumbering keeps the list of agencies and bodies in alphabetical order.

The Independent Commission Against Corruption, previously listed as item 205 in the Principal Regulations, is relisted as item 208.

The Office of State Revenue, previously listed as item 207 in the Principal Regulations, is relisted as item 209.

The Police Integrity Commissioner, previously listed as item 208 in the Principal Regulations, is relisted as item 212.

The Registry of Births, Deaths and Marriages, previously listed as item 209 in the Principal Regulations, is relisted as item 213.

Schedule 6, Part 3 - Victoria

Item [9] amends Part 3 of Schedule 6, which sets out the Victorian agencies and bodies to which information may be given by the ACC, to prescribe additional agencies and bodies to which the ACC may give information and intelligence and to update the names of agencies currently listed in Part 3 of Schedule 6.

The agencies and bodies, other than the Legal Services Board and the Legal Services Commissioner, that are inserted into Part 3 of Schedule 6 by Item [9] are involved in working on Indigenous issues and/or issues relating to children and young people generally. Prescription of these agencies and bodies facilitates the sharing of information by the ACC in the course of the performance of duties and functions under the NIITF and enables the ACC to provide agencies with relevant criminal intelligence and information to further the NIITF's objectives. Prescription of the Legal Services Board and the Legal Services Commissioner allows the ACC to provide information relating to possible misconduct by lawyers to these bodies for investigation.

Item [9] inserts five new agencies into Part 3 to which information may be given: item 302 'Department of Education and Early Childhood Development', item 303 'Department of Human Services', item 305 'Department of Planning and Community Development', item 307 'Legal Services Board' and item 308 'Legal Services Commissioner'.

The Department of Education and Early Childhood Development has responsibility for policies and programs focussing on the learning, development, health and wellbeing of all young Victorians, from birth to adulthood. The Department, in partnership with the Victorian Aboriginal Education Association Inc., has responsibility for progressing strategies for providing educational services to Koori children in Victoria. It is appropriate that the ACC be able to share information and intelligence with the Department because the incidence of violence and child abuse impacts on the provision of educational services in Indigenous communities.

The Department of Human Services is responsible for funding, delivering and integrating services including health care services, accommodation services for homeless persons and persons with low incomes, family violence and alcohol and drug treatment services. The Department of Human Services also has responsibility for Victoria's statutory responsibilities to vulnerable children and young people in relation to child protection and youth justice. It is appropriate that the ACC be able to share information about violence and child abuse in Indigenous communities with the Department of Human Services, given its responsibility for the delivery of services that cater for young people in Indigenous communities.

The Department of Planning and Community Development works with local government, communities and developers to better understand local planning issues. Within the Department of Planning and Community Development, Aboriginal Affairs Victoria coordinates and monitors the development of government policy relating to the delivery of programs and services to Indigenous communities in Victoria and works to strengthen relationships between government agencies and Indigenous communities. Given the work of Aboriginal Affairs Victoria, it is appropriate that the ACC be able to share information and intelligence about violence and child abuse in Indigenous communities with the Department of Planning and Community Development.

The Legal Services Board and the Legal Services Commissioner receive and investigate complaints relating to legal practitioners. If the ACC obtains information relating to possible fraud or corruption by solicitors, it is appropriate that the ACC share this information with these bodies.

Item [9] also replaces old item 307 'VicRoads' with new item 311 'Roads Corporation to reflect the agency's legislative name. The body established under section 15 of the *Transport Act 1983* (Vic) is Roads Corporation.

As a consequence of the new agencies and bodies added to Schedule 6, Part 3 and the name changes of agencies and bodies already listed in Part 3, five of the agencies and bodies that were already listed in Part 3 have new item numbers. This renumbering keeps the list of agencies and bodies in alphabetical order.

The Department of Justice, previously listed as item 302 in the Principal Regulations, is relisted as item 304.

The Department of Primary Industries, previously listed as item 303 in the Principal Regulations, is relisted as item 306.

The Office of Police Integrity, previously listed as item 304 in the Principal Regulations, is relisted as item 309.

The Registry of Births, Deaths and Marriages, previously listed as item 305 in the Principal Regulations, is relisted as item 310.

The State Revenue Office, previously listed as item 306 in the Principal Regulations, is relisted as item 312.

Schedule 6, Part 4 - Queensland

Item [9] amends Part 4 of Schedule 6, which sets out the Queensland agencies and bodies to which information may be given by the ACC, to prescribe additional agencies and bodies to which the ACC may give information and intelligence and to update the names of agencies currently listed in Part 4 of Schedule 6.

The agencies and bodies, other than the Legal Services Commission, that are inserted into Part 4 of Schedule 6 by Item [9] are involved in working on Indigenous issues and/or issues relating to children and young people generally. Prescription of these agencies and bodies facilitates the sharing of information by the ACC in the course of the performance of duties and functions under the NIITF and enables the ACC to provide agencies with relevant criminal intelligence and information to further the NIITF's objectives. Prescription of the Legal Services Commission allows the ACC to provide information relating to possible misconduct by lawyers to this body for investigation.

Item [9] inserts five new agencies or bodies into Part 4 to which information may be given: item 401 'Commission for Children and Young People and Child Guardian', item 403 'Department of Communities', item 404 'Department of Education and Training', item 405 'Department of the Premier and Cabinet' and item 408 'Legal Services Commission'.

The Commission for Children and Young People and Child Guardian has responsibility for monitoring and reviewing laws, policies and practices impacting on services provided to children and young people and on the safety and wellbeing of vulnerable children and young people. As one of NIITF's key objectives is to investigate violence and child abuse in Indigenous communities, it is appropriate that the ACC be able to provide information and intelligence to this body.

The Department of Communities supports and monitors the provision of quality services to both Indigenous and non-Indigenous people, including support and counselling services for neglected or abused children, families experiencing domestic and family violence and youth development and justice services. Information and intelligence gathered by NIITF will be highly relevant to the provision of these services, so it is appropriate that the ACC be able to provide information and intelligence to the Department of Communities.

The Department of Education and Training is responsible for education and training services in Queensland, and supports programs for education in Indigenous communities. It is appropriate that the ACC be able to share information and intelligence with the Department of Education and Training because the incidence of violence and child abuse impacts on the provision of educational services in Indigenous communities.

The Department of the Premier and Cabinet has within it a number of relevant areas for the ACC. The Criminal Justice Research unit has implemented a process standardising the collection of Indigenous information across the major Queensland criminal justice agencies, including the police,

courts and correctional agencies. The Social Policy Branch plays a central role in addressing Queensland's key social policy issues including Indigenous affairs and children, youth and family issues. The Policy Development Office broadens the research base for policy development by establishing improved research partnerships and managing significant projects such as the 'Stronger Indigenous Communities' and 'Fairer and Safer Queensland' chief executive office committees.

The Legal Services Commission receives and investigates complaints relating to legal practitioners. If the ACC obtains information relating to possible fraud or corruption by solicitors, it is appropriate that the ACC share this information with this body.

Item [9] also amends four existing items in Part 4, to reflect changes in the names of various agencies and bodies.

New item 406 'Department of Transport and Main Roads' replaces old item 406 'Queensland Transport'.

New item 407 'Fair Trading, Department of Employment, Economic Development and Innovation' replaces old item 404 'Office of Fair Trading'.

New item 410 'Primary Industries and Fisheries, Department of Employment, Economic Development and Innovation' replaces old item 403 'Department of Primary Industries and Fisheries'.

New item 411 'Queensland Corrective Services' replaces old item 402 'Department of Corrective Services'.

As a consequence of the new agencies and bodies added to Schedule 6, Part 4 and the name changes of agencies and bodies already listed in Part 4, three of the agencies and bodies that were already listed in Part 4 have new item numbers. This renumbering keeps the list of agencies and bodies in alphabetical order.

The Crime and Misconduct Commission, previously listed as item 401 in the Principal Regulations, is relisted as item 402.

The Office of State Revenue, previously listed as item 405 in the Principal Regulations, is relisted as item 409.

The Registry of Births, Deaths and Marriages, previously listed as item 407 in the Principal Regulations, is relisted as item 412.

Schedule 6, Part 5 – Western Australia

Item [9] amends Part 5 of Schedule 6, which sets out the Western Australian agencies and bodies to which information may be given by the ACC, to prescribe additional agencies and bodies to which the ACC may give information and intelligence and to update the names of agencies currently listed in Part 5 of Schedule 6.

The agencies and bodies, other than the Legal Profession Complaints Committee, that are inserted into Part 5 of Schedule 6 by Item [9] are involved in working on Indigenous issues and/or issues relating to children and young people generally. Prescription of these agencies and bodies facilitates the sharing of information by the ACC in the course of the performance of duties and functions under the NIITF and enables the ACC to provide agencies with relevant criminal

intelligence and information to further the NIITF's objectives. Prescription of the Legal Profession Complaints Committee allows the ACC to provide information relating to possible misconduct by lawyers to this body for investigation.

Item [9] inserts five new agencies or bodies into Part 5 to which information may be given: item 502 'Department for Child Protection', item 504 'Department of Education', item 506 'Department of Health', item 506 'Department of Indigenous Affairs' and item 510 'Legal Profession Complaints Committee'.

The Department for Child Protection's major focus is to support children and young people and protect them from abuse and to support individuals and families at risk. The Aboriginal Engagement and Coordination Directorate within the Department of Child Protection provides leadership and direction to address the needs of Aboriginal and Torres Strait Islander individuals, families and communities. It is appropriate that the ACC be able to share information and intelligence that relates to violence and child abuse in Indigenous communities with this agency.

The Department of Education implements programs and strategies for providing high quality public education and vocational education and training in Western Australia. The Aboriginal Education and Training Directorate manages a range of programs and strategies for Aboriginal students that allow for local decision-making and encourage the involvement of the Aboriginal community in education and training. It is appropriate that the ACC be able to share information and intelligence with the Department of Education because the incidence of violence and child abuse impacts on the provision of educational services in Indigenous communities.

The Department of Health funds projects aimed at improving the health of aboriginal families. Within the Department, the Office of Aboriginal Health works in partnership with Aboriginal communities and health service providers to ensure that Aboriginal and Torres Strait Islander people receive culturally appropriate health care. It is appropriate that the ACC be able to provide the Department with information and intelligence about violence and child abuse in Indigenous communities, so that the Department can feed this information into their planning of health service projects.

The Department of Indigenous Affairs works with Indigenous communities and key agencies in numerous projects and programs, some of which are focussed on improving the coordination and sharing of intelligence between government agencies with respect to violence and child abuse in Indigenous communities. It is appropriate that the ACC be able to share information and intelligence about violence and child abuse in Indigenous communities, as this will enhance the ability of the Department of Indigenous Affairs to improving intelligence sharing between government agencies in this area.

The Legal Profession Complaints Committee receives and investigates complaints relating to legal practitioners. If the ACC obtains information relating to possible fraud or corruption by solicitors, it is appropriate that the ACC share this information with this body.

Item [9] also amends two existing items in Part 5, to reflect the agencies' name changes.

New item 503 'Department of Commerce' replaces old item 502 'Department of Consumer and Employment Protection'.

New item 509 'Department of the Attorney General' replaces old item 505 'Department of Justice'.

As a consequence of the new agencies and bodies added to Schedule 6, Part 5 and the name changes of agencies and bodies already listed in Part 5, four of the agencies and bodies that were already listed in Part 5 have new item numbers. This renumbering keeps the list of agencies and bodies in alphabetical order.

The Department of Fisheries, previously listed as item 503 in the Principal Regulations, is relisted as item 505.

The Department of Industry and Resources, previously listed as item 504 in the Principal Regulations, is relisted as item 508.

The Office of State Revenue, previously listed as item 506 in the Principal Regulations, is relisted as item 511.

The Registry of Births, Deaths and Marriages, previously listed as item 507 in the Principal Regulations, is relisted as item 512.

Schedule 6, Part 6 – South Australia

Item [9] amends Part 6 of Schedule 6, which sets out the South Australian agencies and bodies to which information may be given by the ACC, to prescribe additional agencies and bodies to which the ACC may give information and intelligence and to update the names of agencies currently listed in Part 6 of Schedule 6.

The agencies and bodies, other than the Legal Practitioners Conduct Board, that are inserted into Part 6 of Schedule 6 by Item [9] are involved in working on Indigenous issues and/or issues relating to children and young people generally. Prescription of these agencies and bodies facilitates the sharing of information by the ACC in the course of the performance of duties and functions under the NIITF and enables the ACC to provide agencies with relevant criminal intelligence and information to further the NIITF's objectives. Prescription of the Legal Practitioners Conduct Board allows the ACC to provide information relating to possible misconduct by lawyers to this body for investigation.

Item [9] inserts three new agencies into Part 6 to which information may be given: item 603 'Department for Families and Communities', item 605 'Department of Education and Children's Services' and item 606 'Legal Practitioners Conduct Board'.

The Department of Education and Children's Services is responsible for public education services and ensuring the provision of children services. The Department is committed to strengthening links between Aboriginal communities and education resources to enhance the outcomes of Aboriginal students. It is appropriate that the ACC be able to share information and intelligence with the Department of Education and Children's Services because the incidence of violence and child abuse impacts on the provision of educational services in Indigenous communities.

The Department for Families and Communities has a broad mandate to work with those who may be poor, vulnerable, at risk of harm or isolated. The Department has responsibility for the receipt of and response to notifications of suspected child abuse and neglect. The Department has a number of services and programs specific to Aboriginal people. Given the Department's responsibility for services and programs targeted at Aboriginal people, in particular in cases of suspected child abuse and neglect, it is appropriate that the ACC be able to share information and intelligence with this agency.

The Legal Practitioners Conduct Board receives and investigates complaints relating to legal practitioners. If the ACC obtains information relating to possible fraud or corruption by solicitors, it is appropriate that the ACC share this information with this body.

Item [9] also amends three existing items in Part 6 to reflect changes in the names of various agencies and bodies.

New item 602 'Department for Correctional Services' replaces old item 605 'South Australian Department for Correctional Services'.

New item 604 'Department for Transport, Energy and Infrastructure' replaces old item 606 'TransportSA'.

New item 608 'Primary Industries and Resources SA' replaces old item 602 'Department of Primary Industries and Resources, South Australia'.

As a consequence of the new agencies and bodies added to Schedule 6, Part 6 and the name changes of agencies and bodies already listed in Part 6, two of the agencies and bodies that were already listed in Part 6 have new item numbers. This renumbering keeps the list of agencies and bodies in alphabetical order.

The Office of Consumer and Business Affairs, previously listed as item 603 in the Principal Regulations, is relisted as item 607.

RevenueSA, previously listed as item 604 in the Principal Regulations, is relisted as item 609.

Schedule 6, Part 7 - Tasmania

Item [9] amends Part 7 of Schedule 6, which sets out the Tasmanian agencies and bodies to which information may be given by the ACC, to prescribe additional agencies and bodies to which the ACC may give information and intelligence and to update the names of agencies currently listed in Part 7 of Schedule 6.

The agencies and bodies, other than the Legal Profession Board of Tasmania, that are inserted into Part 7 of Schedule 6 by Item [9] are involved in working on Indigenous issues and/or issues relating to children and young people generally. Prescription of these agencies and bodies facilitates the sharing of information by the ACC in the course of the performance of duties and functions under the NIITF and enables the ACC to provide agencies with relevant criminal intelligence and information to further the NIITF's objectives. Prescription of the Legal Profession Board of Tasmania allows the ACC to provide information relating to possible misconduct by lawyers to this body for investigation.

Item [9] inserts three new agencies into Part 7 to which information may be given: item 701 'Department of Education', item 702 'Department of Health and Human Services' and item 706 'Legal Profession Board of Tasmania'.

The Department of Education is responsible for providing high quality public education, vocational education and training, adult and community education, library and archive services throughout Tasmania. The Aboriginal Education Unit assists Learning Services Groups to support the specific needs of Aboriginal students, to improve student outcomes and increase opportunities for Aboriginal students. It is appropriate that the ACC be able to share information and intelligence

with the Department of Education because the incidence of violence and child abuse impacts on the provision of educational services in Indigenous communities.

The Department of Health and Human Services provides a wide range of health and community services to the Tasmanian public. Aboriginal health is a target population group for the Department because Aboriginal people have the lowest health status of any identifiable population group in Australia. As the incidence of violence and child abuse impacts on health in Indigenous communities, it is appropriate that the ACC be able to provide information to the Department of Health and Human Services.

The Legal Profession Board of Tasmania receives and investigates complaints relating to legal practitioners. If the ACC obtains information relating to possible fraud or corruption by solicitors, it is appropriate that the ACC share this information with this body.

Item [9] amends four existing items in Part 7 to reflect changes in the names of various agencies and bodies.

New item 703 'Department of Infrastructure, Energy and Resources' replaces old item 705 'Transport, Department of Infrastructure, Energy and Resources'.

New item 705 'Department of Primary Industries and Water' replaces old item 702 'Department of Primary Industries, Water and Environment'.

New item 707 'State Revenue Office, Department of Treasury and Finance' replaces old item 704 'State Revenue Office'.

New item 708 'Tasmanian Registry of Births, Deaths and Marriages' replaces old item 703 'Registry of Births, Deaths and Marriages'.

As a consequence of the new agencies and bodies added to Schedule 6, Part 7 and the name changes of agencies and bodies already listed in Part 7, the Department of Justice, previously listed as item 701 in the Principal Regulations, is relisted as item 704. This renumbering keeps the list of agencies and bodies in alphabetical order.

Schedule 6, Part 8 – Australian Capital Territory

Item [9] amends Part 8 of Schedule 6, which sets out the Australian Capital Territory agencies and bodies to which information may be given by the ACC, to prescribe additional agencies and bodies to which the ACC may give information and intelligence and to update the names of agencies currently listed in Part 8 of Schedule 6.

The agencies and bodies that are inserted into Part 8 of Schedule 6 by Item [9] are involved in working on Indigenous issues and/or issues relating to children and young people generally. Prescription of these agencies and bodies facilitates the sharing of information by the ACC in the course of the performance of duties and functions under the NIITF and enables the ACC to provide agencies with relevant criminal intelligence and information to further the NIITF's objectives.

Item [9] inserts four new agencies or bodies into Part 8 to which information may be given: item 802 'ACT Health', item 803 'ACT Human Rights Commission' item 805 'Department of Disability, Housing and Community Services', and item 806 'Department of Education and Training'.

ACT Health funds a range of non-Government organisations to provide healthcare services to the people of the ACT. ACT Health also supports Aboriginal health and well-being initiatives and records statistics on Indigenous patients and the services it provides. As the incidence of violence and child abuse impacts on health in Indigenous communities, it is appropriate that the ACC be able to provide information to this agency.

The ACT Human Rights Commission includes the ACT Children and Young People Commissioner. The Commissioner provides an independent, fair and impartial process for the resolution of complaints about services provided for children and young people. It is appropriate that the ACC be able to share information about violence and child abuse in Indigenous communities with the ACT Human Rights Commission, as the incidence of violence and child abuse will be relevant to the services provided for children and young people in the ACT.

The Department of Disability, Housing and Community Services includes the Aboriginal and Torres Strait Islander Services Unit, which administers a range of Indigenous-specific program initiatives. Also within the Department is the Office for Children, Youth and Family Support, which provides targeted programs and services focussed on the prevention, early intervention and tertiary levels of care in a range of settings. Given the work of the Aboriginal and Torres Strait Islander Services Unit and the Office for Children, Youth and Family Support, it is appropriate that the ACC be able to share information and intelligence with this agency.

The Department of Education and Training is responsible for providing education and training to meet individual student needs and support for teaching staff. The Department aims to achieve equitable educational outcomes for Indigenous students. It is appropriate that the ACC be able to share information and intelligence with the Department of Education and Training because the incidence of violence and child abuse impacts on the provision of educational services in Indigenous communities.

Item [9] also amends four existing items in Part 8, to reflect changes in the names of the agencies.

New item 807 'Department of Territory and Municipal Services' replaces both old item 803 'Environment ACT' and old item 806 'Roads ACT'.

New item 808 'Office of Regulatory Services' replaces both old item 804 'Office of Fair Trading' and old item 805 'Registrar-General's Office'.

As a consequence of the new agencies and bodies added to Schedule 6, Part 8, the ACT Revenue Office, previously listed as item 802 in the Principal Regulations, is relisted as item 804. This renumbering keeps the list of agencies and bodies in alphabetical order.

Schedule 6, Part 9 – Northern Territory

Item [9] amends Part 9 of Schedule 6, which sets out the Northern Territory agencies and bodies to which information may be given by the ACC, to prescribe additional agencies and bodies to which the ACC may give information and intelligence and to update the names of agencies currently listed in Part 9 of Schedule 6.

The agency inserted into Part 9 of Schedule 6 by Item [9] is involved in working on Indigenous issues and/or issues relating to children and young people generally. Prescription of this agency facilitates the sharing of information by the ACC in the course of the performance of duties and functions under the NIITF and enables the ACC to provide this agency with relevant criminal intelligence and information to further the NIITF's objectives.

Item [9] inserts one new agency into Part 9 to which information may be given: item 901 'Department of Education and Training'.

The Department of Education and Training is responsible for providing public education and has a specific focus on Indigenous students. It is appropriate that the ACC be able to share information and intelligence with the Department of Education and Training because the incidence of violence and child abuse impacts on the provision of educational services in Indigenous communities.

Item [9] also amends two existing items in Part 9, to reflect changes in the names of the agencies.

New item 903 'Northern Territory Treasury' replaces old item 904 'The Treasury'.

New item 904 'Primary Industries, Department of Resources' replaces old item 902 'Department of Primary Industry, Fisheries and Mines'.

As a consequence of the new agencies and bodies added to Schedule 6, Part 9 and the name changes of agencies and bodies already listed in Part 9, two of the agencies and bodies that were already listed in Part 9 have new item numbers. This renumbering keeps the list of agencies and bodies in alphabetical order.

The Department of Justice, previously listed as item 901 in the Principal Regulations, is relisted as item 902.

The Registry of Births, Deaths and Marriages, previously listed as item 903 in the Principal Regulations, is relisted as item 905.