



Speech by

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MEMBER FOR WARREGO

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AUSTRALIAN CRIME COMMISSION [QUEENSLAND] BILL

Mr HOBBS (Warrego—NPA) (11.53 a.m.): I am pleased to speak to the Australian Crime Commission (Queensland) Bill 2003. This bill contains a number of issues that are important to all of us. As the member who spoke previously said, to reach the stage of the introduction of this legislation there has been a lot of cooperation and negotiation between all of the states, the territories and the Commonwealth.

Through this bill, the Australian Crime Commission is to replace the National Crime Authority, which was established in 1984. That Commonwealth legislation is the overarching legislation and complementary legislation to that legislation has to be introduced by all the states and territories. The Australian Crime Commission has the powers of a royal commission, and they are very powerful powers. In a lot of ways, our own CMC has similar powers, but the Australian Crime Commission is a much bigger operation that covers a wider range of issues.

This legislation is designed to target complex criminal activity. Things have changed quite dramatically since September 11—the globalisation of criminal networks, terrorism, and the general coordination of illegal activity around the world. The world is becoming a smaller and smaller place all the time. So we need to have the resources and the ability to be able to harness quickly a strategic force that can meet demands head-on, to make sure that Australian shores are secure and that any of that type of criminal activity that comes into Australia is detected quickly.

The Australian Crime Commission has now absorbed the functions of the Office of Strategic Crime Assessments and the Australian Bureau of Criminal Intelligence and can now conduct intelligence operations in addition to carrying out investigative functions. Although the constitution and membership of the Australian Crime Commission Intergovernmental Committee—the IGC—remains similar to its previous arrangements, some of its functions have changed. It is well worth noting how this system actually works. The IGC is no longer involved in recommending or approving references. The ACC board comprises the police commissioners of all the states and territories in addition to the Australian Federal Police Commissioner who acts as the chair. The board also includes other Commonwealth officers: the Secretary to the Attorney-General's Department, the Chief Executive Officer of the Australian Customs Service, the chairperson of the Australian Securities and Investments Commission, the Director-General of Security holding office under the Australian Security Intelligence Organisation Act and the CEO of the ACC.

The functions of this board are also important to understand. Some of those are: determining national criminal intelligence priorities; providing strategic direction to the ACC and determining the priorities of the ACC; authorising the ACC to undertake intelligence operations or investigations; determining whether an intelligence operation or an investigation may have access to coercive powers; determining the class or classes of persons to participate in an intelligence operation or investigation; establishing task forces; and disseminating to law enforcement agencies or foreign law enforcement agencies or to any other agency or body of the Commonwealth, state or territory prescribed by the regulation strategic criminal intelligence assessments provided to the board by the ACC. The board has also two other functions: reporting to the intergovernmental committee on the ACC's performance and such other functions as are conferred on the board by other provisions of the act.

There are a number of points in this bill that I would like to go into in a little bit of detail. The IGC is overseeing the strategic directions of the ACC and the board. In the past, the intergovernmental committee was the overarching committee. To a certain degree, it still is, but it no longer has the

authority that it had before. The chair of the ACC board is to provide an annual report to the intergovernmental committee. Quite frankly, I do not believe that that is sufficient. Generally speaking, annual reports are glossy documents that provide all the good news. In my discussions with people from interstate, I have come to the conclusion that there is a trend for governments to be happy enough for the oversight to be limited to the scrutiny of an annual report. I do not think that that is quite sufficient. Although, obviously, I support the bill 100 per cent, I think there is a slight change in that we have the ACC board, which is now made up of all the policing operations, virtually in charge of themselves. Those people are very honourable people and they do a great job—I admire them for what they do—but I think there is a need for a bit of a separation of powers, to have an oversight body to protect them as well. It is important for us to understand how that works.

The bill does at least get the ACC going. We have been through a lot of uncertainty in recent years in relation to the winding down of the NCA. This should get things going again. There are always delays in implementation because of changes in job descriptions and personnel. At least we will have a system that works, but I think it can be structured better. It is important to understand that the oversight committee has a very important part to play.