

AUSTRALIAN CRIME COMMISSION (NATIONAL POLICING INFORMATION CHARGES)
DETERMINATION 2024

EXPLANATORY STATEMENT

Issued by the Attorney-General under section 7 of the *Australian Crime Commission (National Policing Information Charges) Act 2016* (the Charges Act).

PURPOSE AND OPERATION OF THE INSTRUMENT

Authority

The *Australian Crime Commission (National Policing Information Charges) Determination 2024* (the Determination) is made under section 7 of the Charges Act, which provides that the relevant Minister, in this case the Attorney-General, may determine the amount charged for an application for, or the provision of, a kind of national policing information (NPI) service such as a Nationally Coordinated Criminal History Check (NCCHC).

The Determination is a legislative instrument for the purposes of the *Legislation Act 2003*.

The Determination will commence on 1 July 2024.

Purpose

The Determination repeals and replaces the Australian Crime Commission (National Policing Information Charges) Determination 2016, and increases the amount charged for a NCCHC provided to the Australian Federal Police (AFP) or a police force of a state or territory from \$21.00 to \$28.00, and a NCCHC provided to an accredited body from \$23.00 to \$28.00 from 1 July 2024.

The Determination does not change the charge for a NCCHC relating to a volunteer provided to the AFP, a police force of a state or territory, or an accredited body, which will remain at \$7.00.

Background

The Charges Act provides the Australian Criminal Intelligence Commission (ACIC) with the legislative basis to impose charges, as taxes, for the provision of NPI services and to support the ACIC's self-funded business model.

The National Police Checking Service (NPCS) non-core check is the only NPI service for which the Minister must determine the charge through legislative instrument under section 7 of the Charges Act. Section 7 also authorises the Minister to determine different amounts for different classes of person in relation to the same kind of service, and provides that the Minister must have regard to any recommendations made by the ACIC Board.

Following a recommendation from the ACIC Board to increase the charge for a NCCHC, the Attorney-General determined that the charge for a NCCHC is to be increased to \$28.00 from 1 July 2024. This increase is aligned with the average CPI increase over the previous 10-year period, as no change has been made to the cost of a NCCHC in that time.

CONSULTATION

The Attorney-General's Department has worked closely with the ACIC on the development of the Determination.

REGULATION IMPACT STATEMENT

An Impact Analysis is not required for this instrument. Office of Impact Analysis ID: OIA24-07348.

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

The Determination is compatible with the human rights and freedoms recognised or declared in the international instrument listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Instrument

The *Australian Crime Commission (National Policing Information Charges) Determination 2024* (the Determination) repeals and replaces the *Australian Crime Commission (National Policing Information Charges) Determination 2016* and increases the charge for a Nationally Coordinated Criminal History Check (NCCHC) provided to the Australian Federal Police (AFP) or a police force of a State or Territory from \$21.00 to \$28.00, and a NCCHC provided to an accredited body from \$23.00 to \$28.00 from 1 July 2024.

The cost for a NCCHC relating to a volunteer provided to the AFP, a police force of a state or territory, or an accredited body will remain at \$7.00.

Human rights implications

The Determination is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* as the Determination does not engage any of the applicable rights and freedoms.

The Determination is facilitative in nature. It exercises a mechanism provided in the *Australian Crime Commission (National Policing Information Charges) Act 2016* that allows the Minister to determine the charge amount to be imposed for the provision of national policing information services, such as a NCCHC, in a legislative instrument.

Conclusion

The Determination is compatible with human rights as it does not raise any human rights issues.

Attachment A

NOTES ON SECTIONS

Section 1 – Name

Section 1 provides that the title of the instrument is the *Australian Crime Commission (National Policing Information Charges) Determination 2024* (the Determination).

Section 2 – Commencement

The Determination commences on 1 July 2024.

Section 3 – Authority

Section 3 provides that the Determination is made under the *Australian Crime Commission (National Policing Information Charges) Act 2016* (the Charges Act).

Section 4 – Schedules

Section 4 provides that the Determination amends or repeals any other instrument specified in a Schedule as set out in the applicable items to that Schedule.

Section 5 – Definitions

Section 5 defines a number of terms for the purposes of the Determination:

accredited bodies has the same meaning as in the *Australian Crime Commission Act 2002*.

Act means the Charges Act.

nationally coordinated criminal history check has the same meaning as in the *Australian Crime Commission Act 2002*.

Section 6 – Amount of national policing information charge for nationally coordinated criminal history check

Section 6 provides that, for the purposes of subsection 7(1) of the Charges Act, for an NPI service provided by the ACIC, the amount of the NPI charge is:

- for a NCCHC provided to the Australian Federal Police (AFP) or a police force of a State or Territory – \$28.00,
- for a NCCHC provided to an accredited body – \$28.00, and
- for a NCCHC relating to a volunteer provided to the AFP, a police force of a State or Territory, or an accredited body – \$7.00.

SCHEDULE 1 – REPEALS

Australian Crime Commission (National Policing Information Charges) Determination 2016.

Section 1 – The whole of the instrument

Section 1 of Schedule 1 to the Determination repeals the whole of the *Australian Crime Commission (National Policing Information Charges) Determination 2016*.