



Australian Government
Department of Education

PIC CC 23-060

A New Tax System (Family Assistance) (Administration) Act

1999 Public Interest Certificate

I, **s 22** Director, Intelligence Analytics, Early Childhood and Youth Group of the Department of Education (the department), make this instrument under paragraph 168(1)(a) of the *A New Tax System (Family Assistance) (Administration) Act 1999* (Admin Act).

Dated **s 22** 24 May 2024

Disclosure of information in the public interest

1 Commencement

This instrument commences on the day it is signed.

2 Certification

In accordance with:

- (a) paragraph 168(1)(a) of the Admin Act; and
- (b) section 9 of the *Family Assistance (Public Interest Certificate Guidelines) (Education) Determination 2018*;

I certify that in the case described in section 3, it is necessary in the public interest to disclose the information mentioned in section 5 to a person mentioned in section 6 for the purpose mentioned in section 4.

3 Case

Where the disclosure of the information will facilitate the carrying out of an enforcement related activity.

4 Purpose for which information may be disclosed

The purpose for which information may be disclosed is to facilitate an enforcement related activity which is or will be undertaken as part of the Fraud Fusion Taskforce or by the Australian Federal Police.

5 Information able to be disclosed

The information to be disclosed for the purpose described in section 4 above includes the following information held by the department, relating to:

a) Information relating to Providers:

s 37(2)(b) and s 47E(d)

6 Recipients of information

The information identified in section 5 may be disclosed to:

- (a) any person who holds an office in or is employed in, or is seconded to, a member agency or body in the Fraud Fusion Taskforce who from time to time is responsible for facilitating the matters mentioned at section 4; and
- (b) any person who holds an office in or is employed in, or is seconded to, the Australian Federal Police who from time to time is responsible for facilitating the matters mentioned at section 4.

7 Persons authorised to disclose the protected information

An officer of the department is authorised to disclose the information held by the department mentioned in section 5.

8 Interpretation

(a) In this instrument, terms used have the same meaning that they have in the Admin Act.

(b) In this instrument, unless the contrary intention appears:

Enforcement related activity has the meaning that it has in the *Privacy Act 1988*.

Member agency or body of the Fraud Fusion Taskforce means any of the following:

- (a) Department of Education (DE)
- (b) National Disability Insurance Agency (NDIA)
- (c) Services Australia
- (d) Australian Criminal Intelligence Commission (ACIC)
- (e) NDIS Quality and Safeguards Commission (NQSC)
- (f) Attorney-General's Department (AGD)
- (g) Australian Federal Police (AFP)
- (h) Australian Tax Office (ATO)
- (i) Commonwealth Director of Public Prosecutions (CDPP)

- (j) Australian Securities & Investments Commission (ASIC)
- (k) Australian Transaction Reports and Analysis Centre (AUSTRAC)
- (l) Department of Health and Aged Care (DoHA)
- (m) Department of Veterans' Affairs (DVA)
- (n) Department of Employment and Workplace Relations (DEWR)
- (o) Department of Social Services (DSS)
- (p) Australian Skills Quality Authority (ASQA)
- (q) Australian Charities and Not-for-Profits Commission (ACNC)
- (r) Any other agency or body which joins the Fraud Fusion Taskforce subsequent to the making of this authorisation.

s 37(2)(b) and s 47E(d)

9

Note

Please note that information disclosed in accordance with this public interest certificate is 'protected information' as defined in 3(1) of the Admin Act. The unauthorised use or on-disclosure of this information (including the on-disclosure of the information between member agencies or bodies of the Fraud Fusion Taskforce in circumstances where this is not authorised under the Admin Act) can be an offence.



A New Tax System (Family Assistance) (Administration) Act 1999

Public Interest Certificate

I, **s 22** Director, Intelligence Analytics, Early Childhood and Youth Group of the Department of Education (the department), make this instrument under paragraph 168(1)(a) of the *A New Tax System (Family Assistance) (Administration) Act 1999* (Admin Act).

Dated 24 May 2024

s 22

Disclosure of information in the public interest

1 Commencement

This instrument commences on the day it is signed.

2 Revocation

The public interest certificate 23-020 issued by me under paragraph 168(1)(a) of the Admin Act on 24 April 2023 is revoked.

3 Certification

In accordance with:

- (a) paragraph 168(1)(a) of the Admin Act; and
- (b) the purpose for disclosure provided for in section 9 of the *Family Assistance (Public Interest Certificate Guidelines) (Education) Determination 2018*;

I certify that in the case described in section 4, it is necessary in the public interest to disclose the information mentioned in section 6 to a person mentioned in section 7 for the purpose mentioned in section 5.

4 Case

Where the disclosure of the information will facilitate the carrying out of an enforcement related activity.

5 Purpose for which information may be disclosed

The purpose for which information may be disclosed is to facilitate an enforcement related activity which is or will be undertaken as part of the Fraud Fusion Taskforce or by the Australian Criminal Intelligence Commission.

6 Information able to be disclosed

a) Information relating to s 37(2)(b) and s 47E(d)

The following information, may be disclosed:

s 37(2)(b) and s 47E(d)

b) Information relating to individuals

The following information about s 37(2)(b) and s 47E(d) mentioned in section 6(a) may be disclosed:

- i. Nature of engagement with Providers and services;
 - ii. Any suspected or confirmed fraud or non-compliance with legal obligations; and
 - iii. Any fraud or criminal investigations relating to the person.
- c) Information to the effect that there is no information held by the department about any of the s 37(2)(b) and s 47E(d) listed in this section, may be disclosed.

7 Recipients of information

The information identified in section 6 may be disclosed to:

- (a) any person who holds an office in or is employed in, or is seconded to, a member agency or body in the Fraud Fusion Taskforce who from time to time is responsible for facilitating the matters mentioned at section 5; and
- (b) any person who holds an office in or is employed in, or is seconded to, the Australian Criminal Intelligence Commission who from time to time is responsible for facilitating the matters mentioned at section 5.

8 Persons authorised to disclose the information

An officer of the department is authorised to disclose the information held by the department mentioned in section 6.

9 Definitions

In this instrument, terms used have the same meaning that they have in the Admin Act.

Enforcement related activity has the meaning that it has in the *Privacy Act 1988*.

Member agency or body of the Fraud Fusion Taskforce means any of the following:

- Department of Education (DoE)
- National Disability Insurance Agency (NDIA)
- Services Australia
- Australian Criminal Intelligence Commission (ACIC)
- NDIS Quality and Safeguards Commission (NQSC)
- Attorney-General's Department (AGD)
- Australian Federal Police (AFP)
- Australian Tax Office (ATO)
- Commonwealth Director of Public Prosecutions (CDPP)
- Australian Securities & Investments Commission (ASIC)

- Australian Transaction Reports and Analysis Centre (AUSTRAC)
- Department of Health and Aged Care (DoHA)
- Department of Veterans' Affairs (DVA)
- Department of Employment and Workplace Relations (DEWR)
- Department of Social Services (DSS)
- Australian Skills Quality Authority (ASQA)
- Australian Charities and Not-for-Profits Commission (ACNC)
- Any other agency or body which joins the Fraud Fusion Taskforce subsequent to the making of this authorisation.

s 37(2)(b) and s 47E(d)

10 Note

Please note that information disclosed in accordance with this public interest certificate is 'protected information' as defined in 3(1) of the Admin Act. The unauthorised use or on-disclosure of this information (including the on-disclosure of the information between member agencies or bodies of the Fraud Fusion Taskforce in circumstances where this is not authorised under the Admin Act) can be an offence.

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Legal Privilege

Legal Advice

The following summary of legal advice given by the Australian Government Solicitor is provided pursuant to the *Legal Services Directions 2017*. Legal privilege is not waived.

s 42(1)

The agency receiving protected information is responsible for seeking legal advice to ensure that their proposed use or disclosure of this information is for a purpose consistent with the purposes for which they received the information.

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Australian Government
Department of Education

Your Ref
Our Ref EC24-001672

Secretary
Mr Tony Cook PSM

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

Dear Ms Cook

Disclosure of Protected Information for the Purposes of the Fraud Fusion Taskforce

Through ongoing correspondence with the Department of Education's Assistant Director of Tactical Intelligence, [s 22](#); the Australian Criminal Intelligence Commission (ACIC) has requested the disclosure of protected information for the purposes of the ACIC, including as these relate to the Fraud Fusion Taskforce.

I have authorised the disclosure of protected information to you as Chief Executive Officer of the ACIC for the purposes of the ACIC ([Attachment A](#)).

This information remains protected information in the ACIC's hands and may only be used for the purposes for which it was disclosed. To help the ACIC's officers understand their obligations, I enclose a summary of legal advice given by the Australian Government Solicitor ([Attachment B](#)). Going forward, it will be the ACIC's responsibility to safeguard the information and ensure it is only used, recorded and disclosed for the purposes of the ACIC.

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If you require any further assistance in this matter, please contact s 22

Yours sincerely



Tony Cook

16/8/2024

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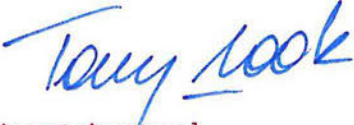
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ATTACHMENT A

A New Tax System (Family Assistance) (Administration) (Release of Protected Information) (ACIC) Authorisation 2024

I, TONY COOK, Secretary of the Department of Education, acting under subparagraph 168(1)(b)(i) of the *A New Tax System (Family Assistance) (Administration) Act 1999*, authorise the disclosure of the protected information mentioned in Schedule 1 to the head of the Australian Criminal Intelligence Commission (ACIC) for the purposes of that authority.

Dated **16/08/2024**
[Day Month Year]


[Insert signature]

1. Context

- (1) The Department of Education (department) and the ACIC are members of the Fraud Fusion Taskforce (FFT).
- (2) The FFT is a partnership between the NDIA, Services Australia and 15 other government agencies (including the department and the ACIC), which aims to detect, disrupt and prevent fraud and Serious and Organised Crime (SOC) with an objective to improve payment integrity across government programs.
- (3) The department is providing information to the ACIC that is relevant to the ACIC's role in providing strategic and tactical intelligence advice as part of the Fraud Fusion Taskforce (FFT).
- (4) The ACIC will also be able to use that information for any purpose of the ACIC, including but not limited to the purpose described in subsection (3).

2. Interpretation

- (1) In this instrument, terms used have the same meaning that they have in the *A New Tax System (Family Assistance) (Administration) Act 1999*.
- (2) In this instrument, unless the contrary intention appears:

Member agency or body of the Fraud Fusion Taskforce means any of the following:

- (a) Department of Education (DE)
- (b) National Disability Insurance Agency (NDIA)

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- (c) Services Australia
- (d) Australian Criminal Intelligence Commission (ACIC)
- (e) NDIS Quality and Safeguards Commission (NQSC)
- (f) Attorney-General's Department (AGD)
- (g) Australian Federal Police (AFP)
- (h) Australian Tax Office (ATO)
- (i) Commonwealth Director of Public Prosecutions (CDPP)
- (j) Australian Securities & Investments Commission (ASIC)
- (k) Australian Transaction Reports and Analysis Centre (AUSTRAC)
- (l) Department of Health and Aged Care (DoHA)
- (m) Department of Veterans' Affairs (DVA)
- (n) Department of Employment and Workplace Relations (DEWR)
- (o) Department of Social Services (DSS).
- (p) Australian Skills Quality Authority (ASQA)
- (q) Australian Charities and Not-for-Profits Commission (ACNC)
- (r) Any other agency or body which joins the Fraud Fusion Taskforce subsequent to the making of this authorisation.

s 37(2)(b) and s 47E(d)

3. Purpose of initial disclosure

- (1) I am satisfied that the initial disclosure to the ACIC described in subsection 1(3) is for the purposes of the ACIC. Those purposes are described in the *Australian Crime Commission Act 2002* (ACC Act). In particular, the information supports the purpose described in section 7A of the ACC Act: "to collect, correlate, analyse and disseminate criminal information and intelligence...".
- (2) Subsection (1) does not, by implication, limit the purposes for which information is disclosed under this instrument, being "for the purposes of that authority".

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Schedule 1— Information able to be disclosed

The following information may be disclosed:

1. Information about providers

s 37(2)(b) and s 47E(d)

2. Information relating to individuals

s 37(2)(b) and s 47E(d)

3. Information not held

Information to the effect that there is no information held by the department about any of the Providers, services or individuals listed in this section, may be disclosed.

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Legal Advice

The following summary of legal advice given by the Australian Government Solicitor is provided pursuant to the *Legal Services Directions 2017*. Legal privilege is not waived.

s 42(1)

The agency receiving protected information is responsible for seeking legal advice to ensure that their proposed use or disclosure of this information is for a purpose consistent with the purposes for which they received the information.

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