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Attachment B

REPORT: SECTION 15MU CRIMES ACT

WITNESS IDENTITY PROTECTION CERTIFICATES

1 July 2022 - 30 June 2023

Purpose of this Report

Part IACA of the *Crimes Act 1914* (the Act) provides a statutory scheme for the chief officer of law enforcement agencies, defined in section 15M of the Act which includes the Department of Home Affairs (the Department), to give witness identity protection certificates to operatives in relation to criminal and civil proceedings in certain circumstances.

Under subsection 15MU(1) of the Act the chief officer of the Department must submit a report to the responsible Minister, currently the Attorney-General, as soon as practicable after the end of the financial year, in relation to witness identity protection certificates given by the chief officer during that year detailing certain things.

Under subsection 15MU(2) of the Act, the report must include the following information:

- A. the number of witness identity protection certificates given;
- B. on what basis the chief officer was satisfied about the matters mentioned in paragraph 15ME (1)(b) for each certificate;
- C. if disclosure of an operative's identity to a presiding officer was required by section 15ML, details of the proceeding in relation to which disclosure was required and details of the things that the presiding officer required the operative to do under that section;
- D. if leave was given or an order made under section 15MM in a proceeding in which a witness protection identity certificate for an operative was filed, details of the proceeding that relate to the leave or order;
- E. if leave was given for joinder of a person as a respondent to proceedings under section 15MN, details of the person who was joined and who appeared on their behalf;
- F. if leave was given for an adjournment under section 15MP- details of whether an appeal was made against the decision under that section;
- G. if a witness identity protection certificate was cancelled under section 15MQ, the reasons why the certificate was cancelled;
- H. if to give information, disclosing operatives identity permission was given under section 15MR, the reasons why the permission was given;
- I. any other information relating to witness identity protection certificates and the administration of Part IACA that the Minister considers appropriate.

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Department of Home Affairs Report on witness identity protection certificates pursuant to section 15MU of the Act.

During the 2022-2023 financial year

- A. there were no witness identity protection certificates given;
- B. as above, no witness identity protection certificates were given;
- C. there were no unauthorised disclosures of an operative's identity to a presiding officer;
- D. there was no leave given or an order made in a proceeding in which a witness identity protection certificate for an operative was filed;
- E. there was no leave given for joinder of a person as a respondent to proceedings;
- F. there was no leave given for any adjournment;
- G. there were no witness identity protection certificates cancelled;
- H. there were no permissions provided to give information that disclosed, or led to the disclosure of, the operative's identity or where the operative lives;
- I. there is no other information to provide relating to witness identity protection certificates that the Minister may consider appropriate.