

The committee recommended that the bill pass this Assembly but to ensure consistency across the Territory statute book it is also recommended that the definition of criminal intelligence be amended to align it with the definition in section 6 of the *Serious Crime Control Act 2009*. This provides a detailed definition of criminal intelligence in section 6 and defines classified information as information the Commissioner classifies as criminal intelligence.

However, under clause 7 of the bill defines criminal intelligence as information that the Commissioner of Police classifies as criminal intelligence under the *Serious Crimes Control Act 2009*. Consequently, the term criminal intelligence would have a different meaning under the two acts and what is referred to as criminal intelligence under the National Disability Insurance Scheme worker clearance would then be referred to as classified information under the *Serious Crime Control Act*.

Pursuant to clause 44, the bill then attempts to provide a similar scheme to the handling of criminal intelligence to that provided for in section 73 of the *Serious Crime Control Act 2009* resulting in consequences that under clause 44 (2) and (3) the NTCAT will not need to consider the content of classified information to determine whether it is criminal intelligence but whether it is information that the Commissioner of Police has classified.

Clause 44(5) then provides the classified information also means information the Commissioner of Police classifies as criminal intelligence under the *Serious Crime Control Act 2009* because the definition of classified information mirrors that of criminal intelligence it is logically impossible for NTCAT to consider classified information not to be criminal intelligence under clause 44(2) and (3).

Given the above, the committee sought clarification from the department. It was an unintended consequence of drafting and the intention of the NDIS insurance scheme, the Worker Clearance Bill 2009 was the definition of criminal intelligence to align with the definition in the *Serious Crime Control Act 2009*.

This is why the bill applies the scheme from section 73 of the act to the NTCAT appeals, noting the interpretation issue would be inappropriate for the definition in the bill to be amended to align with the act definition.

The committee recommended that the definition of 'criminal intelligence' in clause 7 be amended to align with the *Serious Crime Control Act* either by including identical definition of 'criminal intelligence' or by defining 'criminal intelligence' by specific reference to section 6 of the *Serious Crime Control Act*. I thank the committee for that work. The government has accepted that recommendation.