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Standing Committee on Legal and Constitutional Affairs
S1. 61
Parliament House
Canberra ACT 2601
<https://senate.aph.gov.au/submissions>

Attention: Peter Hallahan, Committee Secretary

SUBMISSION TO THE INQUIRY INTO THE *AUSCHECK AMENDMENT BILL 2009*

Dear Mr Hallahan,

Thank you for the invitation to make a submission with regard to the *AusCheck Amendment Bill 2009*.

The Australian Crime Commission (ACC) supports the proposed amendments, which would provide a capacity for AusCheck to conduct criminal history checks as part of background checks for a broader scope of national security purposes, when such checks are authorised under some other legislative instrument.

The ACC notes that the amendments reflect an expanded scope of national security in the Australian context, and is therefore supportive of including national security as one of the purposes for which the regulations may establish the AusCheck scheme.

By inserting a definition of 'national security background check', the Bill expands the purposes for which a background check can be authorised under other legislation to include national security and terrorist acts under the Part 5.3 Chapter 5 of the Criminal Code. This will ensure background checking services can be undertaken for a range of national security purposes beyond the aviation and maritime industries, allowing the Government to scrutinise persons with access to a broader range of security sensitive places, items and substances.

The proposed definition of national security recognises the relationship between criminality and terrorism. Despite the differing objectives and motives, organised criminal groups and terrorist groups employ the same methodologies, exploit the same vulnerabilities and make use of the legitimate economy (including transport,

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communications, and financial services). Where possible, each seeks to exploit opportunities arising from deficiencies and vulnerabilities in the target environment.

While the evidence base in Australia may be low, internationally, organised crime is increasingly being used to fund terrorist activity and the proceeds of criminal enterprises such as drug trafficking, extortion and people smuggling have been channelled to international terrorist campaigns as state sponsorship of terrorism has declined and anti-terrorist financing legislation has had an impact on traditional sources of funds.

The nexus between terrorism and criminality suggests that safeguarding industry sectors against terrorist attack, and the detection and prevention of organised criminal activity within these sectors, are closely interrelated objectives. Therefore, an expanded use of criminal histories, to identify and indicate elevated risk and threat across a broader range of sectors, will make a positive contribution to hardening the Australian environment against serious threats.

Once again, I thank you for the opportunity to make this submission. If you have any further queries, please contact Samantha Chard, Manager, Policy, on 02 6243 6743, or at Samantha.Chard@crimecommission.gov.au.

Yours sincerely



John Lawler APM
Chief Executive Officer
Australian Crime Commission

2 June 2009