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OFFICE OF THE
CHIEF EXECUTIVE

Our Ref: 12/87508

Committee Secretary
Senate Standing Committee Legal and Constitutional Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Secretary

ACC Submission – Inquiry into the *Maritime Powers Bill 2012* and the *Maritime Powers (Consequential Amendments) Bill 2012*

1. The Australian Crime Commission (ACC) welcomes the opportunity to make a submission to the Senate Standing Committee on Legal and Constitutional Affairs (the Committee) with regard to its inquiry into the *Maritime Powers Bill 2012* (the Powers Bill) and the *Maritime Powers (Consequential Amendments) Bill 2012* (the Amendments Bill).
2. This submission is unclassified and can be published on the Committee's website.

Introduction to the Australian Crime Commission

3. The Australian Government established the ACC on 1 January 2003 as an independent statutory authority under the *Australian Crime Commission Act 2002* (ACC Act). The ACC is Australia's national criminal intelligence agency, and provides a key nexus between law enforcement and national security agencies in the response to organised crime domestically and abroad. The ACC achieves this by:
 - a) delivering national assessments of vulnerabilities to organised crime exploitation
 - b) being a custodian and national coordinator of criminal intelligence holdings and delivering a contemporary national picture of organised crime, and
 - c) delivering nationally focused Special Operations and Special Investigations where traditional law enforcement methods have, or are likely, to be ineffective.
4. Each of these unique contributions are interdependent and serve the common goal of breaking the business of organised crime and reducing the threat it poses to the Australian community and its national interests.
5. Importantly, the ACC plays a pivotal role in fusing the information and intelligence of Australia's law enforcement community into a single repository of intelligence. In this

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way, the ACC is uniquely placed to develop and report on the picture of criminality in Australia.

6. The ACC has collaborated with its partner agencies over the past decade to identify vulnerabilities in the aviation and maritime sector, which are exploited by serious and organised crime. This work has included:
 - a) Intelligence operations under the Crime in the Transport Sector Determination (November 2005 – June 2008),
 - b) Intelligence operations under the Illegal Maritime Importation Methodologies Determination (November 2006 – December 2008),
 - c) Assessments delivered by the Aviation Criminal Assessment Team (current), and
 - d) Operation Polaris (current).

Criminality in the aviation and maritime sector

7. While Australia's geographic isolation provides some insulation against organised crime, it also generates a dependency on high volumes of legitimate sea and air freight within which illicit commodities can be concealed. Additionally, Australia's long and vulnerable coastline provides opportunity for illicit goods to be trafficked into and out of the country via small vessels and light aircraft. As such, the aviation and maritime sectors are highly desirable environments for serious and organised criminal infiltration and exploitation.
8. Organised crime groups primarily exploit vulnerabilities in the maritime sector for the purposes of organised theft, the avoidance of duty on licit goods, and as the primary gateway into Australia for illicit drug importation. These activities can have significant impact on Australia's economy and on the health, welfare, and safety of Australian citizens.
9. The Committee may wish to review the ACC's submission to the Parliamentary Joint Committee on Law Enforcement's (PJC-LE) inquiry into the adequacy of aviation and maritime security measures to combat serious and organised crime. The submission provides an overview of the vulnerabilities identified in the maritime sector, and is available on the PJC-LE's website.
10. In order to combat the threats posed by serious and organised crime, Australia's maritime law enforcement and defence officers require the requisite enforcement powers to investigate, interdict, and prosecute against organised crime in the maritime environment. For this reason, the ACC supports the ascension of the Powers Bill, and the associated Amendments Bill.
11. In particular, the ACC supports Section 116 of the Powers Bill, which facilitates the sharing of information between maritime officers and cooperating agencies, such as government agencies responsible for the gathering or evaluating of intelligence. The ACC notes the strategic value afforded by such information sharing practices, and agrees that such sharing of information should be subject to strong safeguards (as outlined on page 5 of the Powers Bill *Explanatory Memorandum*). The ACC supports the continued reciprocal sharing of information between maritime enforcement personnel, and their agencies, and Australia's criminal intelligence community. The ACC believes that continued and enhanced information sharing in this regard would lead to a better understanding of the exploitation of the Australian maritime environment by serious and organised crime. This, in turn, will assist in interdicting and preventing organised crime's

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impact on the Australian community.

12. ACC officers who hold Australian Federal Police (AFP) Special Member status will continue to have access to maritime powers as outlined in the Powers Bill. There is no change to ACC's access to these powers under the proposed amendments. The ACC has not exercised these powers historically and does not foresee a situation that would require ACC officers to exercise these powers unless they were supported by partners in the AFP and the Australian Customs and Border Protection Service.
13. The ACC will continue to engage with its partners to target organised crime on the waterfront.

Should your office require further information please have them contact
Executive Director, Intervention and Prevention on _____ or via email to _____

Yours sincerely

John Lawler AM APM
Chief Executive Officer
16 July 2012

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