



Australian Government

**Australian Customs and
Border Protection Service**

AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE

Submission to the
Parliamentary Joint Committee
on Law Enforcement

Inquiry into the gathering and use of criminal
intelligence

August 2012

Introduction

Today the world faces an environment of diverse and multi-layered threats to not only security but to our communities. Globalisation has brought with it many benefits but it has also increased the threats posed to Australian sovereignty, communities and individuals alike.

Every week in Australia:

- approximately 268,000 passengers arrive on more than 1,620 flights
- around 260 large cargo ships arrive carrying almost 50,000 sea cargo containers
- over 260,000 air cargo importations land
- over a million mail items and overseas parcels are received
- about 14 overseas smallcraft arrive into Australian ports

This massive volume of trade and movement of people offers many economic benefits however also brings with it the risk of exploitation by criminal syndicates.

The Australian Customs and Border Protection Service (Customs and Border Protection) manages the security and integrity of Australia's borders. We have staff in Australia and overseas, supported by sophisticated surveillance and intelligence systems. We work closely with other government and international agencies to protect Australia.

The mission of Customs and Border Protection is the protection of the safety, security and commercial interests of Australians through border protection designed to support legitimate trade and travel and ensure collection of border-related revenue and trade statistics.

Broadly speaking, our role is to:

- prevent, deter and detect the illegal movement of people across Australia's borders
- prevent, deter and detect prohibited, harmful and illegal goods from entering Australia
- the investigation of suspected breaches of a range of border controls
- the interception of irregular maritime arrivals
- joint intelligence and operational activity involving domestic and overseas partner agencies, including the Australian Federal Police (AFP) and the Australian Crime Commission (ACC) and state Police forces.

Customs and Border Protection employs an intelligence led risk based approach to managing threats and works with partner agencies – both domestic and international – to identify, disrupt and dismantle organised criminal syndicates attempting to import prohibited goods. Customs and Border Protection has a close working relationship with the ACC, and its other partners, to effectively deliver law enforcement and community protection outcomes.

Customs and Border Protection welcomes the opportunity to make a submission to the Parliamentary Joint Committee on Law Enforcement. Customs and Border Protection would be pleased to appear before the Committee to expand upon the issues discussed in this submission.

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Terms of Reference

a) **Role and objectives of the ACC within the context of the National Security Framework**

Serious and organised crime is a recognised national security threat. The ACC provides a framework to support an integrated Commonwealth response to national security through its strategic criminal intelligence products, such as the *Organised Crime Threat Assessment*, the provision of specialist advice and resources and access to its collection of information and intelligence holdings through the National Criminal Intelligence Fusion Capability.

Customs and Border Protection is a fusion capability partner and works collaboratively with the ACC in support of criminal investigations, the development of intelligence product and collecting and exchanging information and intelligence. This includes:

- Significant contribution to the ACC's Illicit Drug Data Report, with the provision of illicit drug seizure data and other intelligence materials.
- Secondment of a senior intelligence analyst to the Financial Intelligence Assessment Team in Canberra.
- Secondment of a senior intelligence analyst to the ACC led National Organised Crime Taskforce.
- Collaboration on advanced analytic projects.
- Upload of approximately 19,000 intelligence reports to the ACC's Australian Criminal Intelligence Database (ACID) platform per year.

It is the view of Customs and Border Protection that the ACC, with the support of its partner agencies, has played a significant role in improving coordination and collaboration across law enforcement activities, enhancing the effectiveness of joint management groups and joint analyst groups, and improving the collective understanding of threats and criminal syndicates.

b) **ACC's criminal intelligence collection capability, including resourcing, expertise, powers, and criminal intelligence community network**

Customs and Border Protection is a contributor to, and consumer of, ACC criminal intelligence - in both its raw and synthesised form. The ACC has collection powers not available to Customs and Border Protection and they have provided the agency with assistance in the conduct of coercive hearings, collected intelligence and information in support of Customs and Border Protection intelligence priorities, and on occasion provided investigative and intelligence support to Customs and Border Protection operations and intelligence projects.

The ACC also regularly provides strategic and operational intelligence to Customs and Border Protection, supporting the agency's understanding of criminal network methodologies and thematic threats. This supports Customs and Border Protection's intelligence led risk based approach to managing threats at the border and identifying and disrupting organised criminal syndicates attempting to import prohibited goods.

Whilst access to ACC criminal intelligence holdings and powers is typically timely, a number of instances have identified as opportunities for improvement.

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c) Adequacy of the ACC's criminal intelligence holdings

The ACC is a key contributor of intelligence to Customs and Border Protection, with 109 tactical intelligence reports and 37 strategic and operational intelligence reports received this calendar year. As noted above, these reports enhance Customs and Border Protection's understanding of criminal network methodologies, thematic threats and assist in focussing our intervention activities. This reporting supports the agency's intelligence led risk based approach to managing threats at the border and identifying and disrupting organised criminal syndicates attempting to import prohibited goods.

Along with its law enforcement partners, Customs and Border Protection contributes intelligence to the ACC's national intelligence database (ACID), uploading an average of 19,000 reports every year. However contributing agencies apply different business rules to the process, which can result in marked differences in information quality, timeliness and consistency.

d) Availability and accessibility of the ACC's criminal intelligence

The ACC is very cooperative in relation to providing access to their criminal intelligence holdings. Some of this access is directly available via the ACID and Australian Law Enforcement Intelligence Network (ALEIN) platform whereas other intelligence and information is available upon request. The ACC's response to requests for information is typically timely, and opportunities for follow-up, with the provision of contact officer details, offered.

e) Interoperability of Australian law enforcement agencies in relation to criminal intelligence holdings

Customs and Border Protection has intelligence analysts out-posted to the ACC and the AFP permanently and on an as needs basis to work on joint operational activity. The primary emphasis of this collaboration is on serious and organised crime and the exchange of intelligence to inform tactical and operational decision making. When information or intelligence is received, agencies come together as part of a joint taskforce or joint target development team to pool resources to successfully disrupt, apprehend and prosecute those involved in criminal activities at the border. These arrangements have led to some significant detections and disruption of serious criminal activities in recent times.

Customs and Border Protection also maintains a liaison officer network. Liaison officers regularly engage with Commonwealth and state law enforcement agencies to facilitate the timely exchange of information and intelligence on issues of mutual interest and responsibility. Information and intelligence exchange covers issues surrounding serious and organised criminal activity.

In addition to working with the ACC and other Commonwealth and state and territory agencies on specific operations, Customs and Border Protection is involved in joint management and intelligence groups in each region and nationally. These groups are designed to assist the flow and exchange of information between agencies regarding operational and intelligence matters and assist deconfliction and linking of activities. These groups also discuss thematic areas of interest and develop operational and intelligence matters.

Although interoperability between agencies in regard to intelligence holdings is continually improving, differing levels of security classification of intelligence products and the variety of

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databases information is stored on, is an impediment to information sharing and collaboration between partner agencies. Customs and Border Protection intelligence analysts often do not have access, or have limited access to other law enforcement databases, unless either part of a joint taskforce or outposted with the partner agency. Siloed access to agency databases has resulted in duplication of analytical effort and operational activity. A consolidated IT domain, where intelligence can be shared and accessed across agencies would be a significant step in improving the interoperability of Australian law enforcement agencies in relation to criminal intelligence holdings.

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