

[UNCLASSIFIED]



OFFICE OF THE
CHIEF EXECUTIVE

Our Ref: 10/115102

Mr Hamish Hansford
Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Mr Hansford

Thank you for the opportunity to make a submission to the parliamentary inquiry on the *Aviation Crimes and Policing Legislation Amendment Bill 2010*. The Australian Crime Commission's submission is attached.

Yours sincerely / /

Karen Harfield
A/g Chief Executive Officer
Australian Crime Commission

27th October 2010

ACC HEADQUARTERS
44 Mort Street, Canberra, ACT 2601
Tel: (02) 6243-6613, Fax: (02) 6243-6679, Internet: www.crimecommission.gov.au
GPO Box 1936, Canberra, ACT 2601

[UNCLASSIFIED]

**SUBMISSION TO THE SENATE STANDING COMMITTEE ON LEGAL AND
CONSTITUTIONAL AFFAIRS INQUIRY INTO THE AVIATION CRIMES AND POLICING
LEGISLATION AMENDMENT BILL 2010**

The Australian Crime Commission (ACC) welcomes the opportunity to comment on the *Aviation Crimes and Policing Legislation Amendment Bill 2010*.

The Role and Function of the ACC

As Australia's national criminal intelligence agency, the ACC provides law enforcement and other government agencies with a unique and valuable understanding of serious and organised crime, through intelligence and investigative activity. The ACC's primary objective is to support and complement the law enforcement community and broader government efforts to reduce the threat and impact of serious and organised crime.

In response to the threat posed by serious and organised crime, the ACC is focused on the following priority areas of work:

- high level strategic assessments, including specialist advice on national criminal intelligence priorities,
- criminal intelligence products and national criminal intelligence and information systems, and
- national criminal investigations with our partner agencies.

The ACC's work is supported by a strong value proposition that highlights its unique and specialist capability including:

- national criminal data holding,
- use of coercive powers where traditional law enforcement methods are not successful,
- high quality strategic intelligence products, and
- a national legislative and organisational framework that facilitates collaboration on a range of operational outcomes.

The ACC's role and function are supported by the *Australian Crime Commission Act 2002*. Key activities and priorities are determined and authorised by the ACC Board.

The ACC has examined the nature of serious and organised crime in the aviation sector through the Crime in the Transport Sector (CiTS) Determination and the work of the Aviation Criminal Assessment Team (ACAT). Operational from November 2005 to June 2008, the CiTS Determination found that:

- serious and organised criminal groups (such as outlaw motorcycle gangs or established criminal networks) were operating within the airport environment.
- the majority of organised criminality involved Australia's larger international airports, although criminal activity in general aviation was also observed.
- the principal criminal activity posing a threat to the airstream is the importation of illicit commodities, particularly drugs, into Australia.

Formed in February 2006 in response to recommendations of the Wheeler Review into Airport Security and Policing, ACAT has gathered intelligence on the nature and extent of organised criminal activity in the Australian aviation sector. This intelligence has been disseminated to partner law enforcement and government agencies to inform legislative, policy and operational decision-making. ACAT intelligence has identified both specific and broad vulnerabilities, opportunities and weaknesses in the airstream and aviation environment that are open to criminal exploitation.

UNCLASSIFIED

In conjunction with partner law enforcement and government agencies, the ACC participates in a number of designated airport and national forums, such as the Australian Government Agencies Airport Security Committees (AGAASC), the Airport Intelligence Joint Working Group (AIJWG), and Australian Government Transport Security Policy Committee (AGTSPC). The ACC's representation at these forums injects criminal intelligence advice regarding the aviation vulnerabilities open to criminal exploitation and infiltration, which contributes to strengthening national policy and legislation governing Australia's aviation security environment.

The Scope of the ACC's Submission

This submission considers Schedule 2 of the bill, which deals with legislative amendments for policing at airports.

SCHEDULE 2 — POLICING AT AIRPORTS

The proposed amendments to the *Australian Federal Police Act 1970* and *Commonwealth Places (Application of Laws) Act 1970* support the transition from the Unified Policing Model to an 'All In' policing and security model at Australia's designated airports, which was recommended by the Federal Audit of Police Capabilities (Beale Review) in June 2009.

If enacted, the proposed legislative amendments would further strengthen the policing and counter-terrorism first-response capabilities of the Australian Federal Police at Australia's major airports. In particular, Item 1, which deals with the appointment of members to other police forces, will pave the way in Commonwealth law for ACC staff who are AFP Special Members and AFP members on secondment to the ACC to acquire additional powers as needed to effectively participate in ACC operations and investigations that concern offences against both State and Commonwealth laws.

In view of the CiTS Determination findings on criminality within the aviation sector, it is important to ensure that the AFP is able to effectively conduct investigations within this environment. The ACC is supportive of these amendments, which will facilitate efforts to address serious and organised crime and security threats to the aviation sector.

ACC Contact

Should you require wish to discuss any aspect of this submission further or request any additional information from the ACC, please contact Kim Ulrick, National Manager, Stakeholder Engagement,

UNCLASSIFIED