



Recommendations

FOREWORD

The Australian Federal Police Association (AFPA) strives to enhance the operational capability of the Australian Federal Police (AFP) through representing its people, the law enforcement professionals themselves.

Although the AFPA has industrial coverage of all AFP employees, our role is greater than mere industrial representation.

We have an obligation to ensure that the AFP operates to the best of its capabilities and can effectively protect Australia from criminal attack. This is an obligation not just to our members, but to the Australian people.

The AFPA would like to thank the Chair of the Parliamentary Joint Committee on the Australian Crime Commission for inviting us to make a written submission to your *Inquiry into the adequacy of aviation and maritime security measures to combat serious and organised crime*.



The AFPA has advocated for significant reform of policing at the 11 CTFR Airports for over a decade. In 2000 we first raised concerns in our submission to the Senate Legal & Constitutional Reference Committee: *Inquiry into the management arrangements and adequacy of funding of the AFP and NCA*.

In September 2005 Sir John Wheeler tabled his report: *An independent review of airport security and policing for the Government of Australia*. Since that time the AFPA has raised concerns in relation to the failure of Government to fully implement a number of his Recommendations. We have also challenged the effectiveness of the Unified Policing Model which was formed in response to his report.

The AFPA welcomes the recent Federal Government announcement that it accepts the findings and Recommendations of the Federal Audit of Policing Capabilities Report by Mr Roger Beale AO which, in particular, rejects the Unified Policing Model and advocates its replacement with 'an 'All In' model under which the Commonwealth accepts the responsibility of funding and staffing nationally coordinated airport security and policing services, noting that this will likely take several years before being fully operational'. This is consistent with the Recommendations made by the AFPA to various inquiries.

The AFPA believes that there are further opportunities to enhance & consolidate the current aviation and maritime security measures in order to better combat serious and organised crime impacting on Australian borders. We look forward to the outcomes of your inquiry.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jon Hunt-Sharman', with a long horizontal flourish extending to the right.

Jon Hunt-Sharman
National President
Australian Federal Police Association

The methods used by serious and organised criminal groups to infiltrate Australia's airports and ports, and the extent of infiltration

Vulnerability of the Voluntary Declaration Procedure at International Airports

Recommendation 1

That Australian Customs and Border Protection Service be adequately resourced (advanced scanning equipment and staffing) to enable screening/searching of all international passengers luggage.

Corrupt elements in government employment at Airports & Ports

Fighting border corruption by expanding ACLEI jurisdiction

Recommendation 2

Compulsory reporting of possible corrupt conduct to ACLEI should be mandatory for all Commonwealth agencies, not just those with law enforcement capabilities. ACLEI should conduct inquiries/hearings or where appropriate, forward those corruption referrals to the AFP for investigation.

Recommendation 3

ACLEIs jurisdiction should be expanded to include high corruption-risk agencies such as those operating in the aviation and maritime security environment.

Fighting border corruption by expanding the AFP Integrity framework

Recommendation 4

To ensure a stringent and seamless integrity framework, employees of Commonwealth law enforcement agencies and law enforcement sections of agencies, should be seconded under the AFP Act similar to the AFP International Deployment Group (IDG) and the former Australian Bureau of Criminal Intelligence (ABCI).

Recommendation 5

Where there are AFP 'standing' joint operations with various Commonwealth agencies and State and Territory Police such as the Joint Aviation Intelligence Group (JAIG) and Joint Aviation Investigation Team (JAIT) etc, all non police members of these joint-operations should be subject to the more stringent integrity regime under the AFP Act by seconding task force personnel from those Commonwealth agencies to the AFP for the duration of the taskforce period.

Fighting border corruption by enacting an illicit enrichment offence

Recommendation 6

An illicit enrichment offence for public officials should be proposed as recommended in Art. 20 of the *United Nations Convention Against Corruption*.

Fighting border crime and corruption by enacting an offence of recruiting persons to engage in criminal activity

Recommendation 7

The *Criminal Code (Cth)* should be immediately amended to include a provision for Recruiting persons to engage in criminal activity based on Section 351A of Crimes Act 1900 (NSW) or similar to Division 270 and 271 of the *Criminal Code (Cth)*.

The effectiveness of the Aviation Security Identification Card (ASIC) and Maritime Security Identification Card (MSIC) schemes; including the process of issuing ASICs and MSICs, the monitoring of cards issued and the storage of, and sharing of, ASIC and MSIC information between appropriate law enforcement agencies

Definition of adverse criminal record to be harmonised across SICs

Recommendation 8

That the definition of adverse criminal record for ASIC be amended with the addition of the words: *(including a suspended sentence, periodic detention, home-based detention, and detention until the rising of the court)*, to ensure harmonisation of the SICs.

Definition of adverse criminal record must include where a person is sentenced for two or more security-relevant offences (with no imprisonment).

Recommendation 9

That the definition of adverse criminal record for ASIC be amended with the deletion of the words *[one of which was received within 12 months of the criminal history check]* and that this amended definition be replicated for MSIC to ensure harmonization of the SICs.

Definition of adverse criminal record must include negative Criminal Intelligence Assessment

Recommendation 10

That there should be criminal intelligence checks of current and prospective SIC holders and that the AFP Commissioner must be satisfied, based on that intelligence, that the applicant or SIC holder is a 'fit and proper person'. If he or she is not satisfied an *adverse criminal record* is established.

Recommendation 11

That the definition of *adverse criminal record* for Security Identification Cards be amended to include:

'or c) a *negative Criminal Intelligence Assessment by the AFP Commissioner*'

Definition of Security-relevant offence to be harmonised across SICs

Recommendation 12

A *security relevant offence* should be defined as 'an offence against a law of the Commonwealth, a foreign indictable offence or a State offence that has a federal aspect'.

SIC Certifying Officers list is vulnerable to organised crime

Recommendation 13

That certification of copies of original documents is restricted to those professionals articulated for the purpose of obtaining an Australian Passport.

Proof of Identity documents for SICs must be supported by unique identifier

Recommendation 14

That current and prospective SIC holders be required to provide a unique identifier such as a fingerprint as a condition of being eligible to be a SIC holder.

Lack of ongoing probity checks on SIC holders

Recommendation 15

That current and prospective SIC holders details should be recorded on the National Police Reference System (NPRS) to enable ongoing probity checks on SIC holders.

Back checking of current SIC holders

Recommendation 16

That AusCheck collaborate with Crimtrac in relation to the National Face Recognition Project with a view to utilising the Face Recognition computer program to compare the photo records held on all current and potential SIC holders with police database photo images.

The current administrative and law enforcement arrangements and information and intelligence sharing measures to manage the risk of serious and organised criminal activity at Australia's airports and ports

Administrative and law enforcement arrangements - Airports

Airport policing and the outcomes of the Federal Audit of Policing Capabilities.

Recommendation 17

The AFPA fully supports the findings and Recommendations of the Audit.

Airport Security and Policing – Vulnerability in domestic Check-in processes.

Recommendation 18

That an offence be inserted into the Aviation Transport Security Act 2004 (Cth) that will make it an offence to travel on an aircraft flight under a false or assumed name or name of another person, without reasonable excuse; and

That a further offence be inserted into the Aviation Transport Security Act 2004 (Cth) that will make it an offence for a person or organisation to assist a person to travel on an aircraft flight under a false or assumed name or name of another person, without reasonable excuse.

Airport Security and Policing – Vulnerability in domestic screening processes.

Recommendation 19

Aviation legislation should be amended to create a legal requirement that there is screening of domestic aviation passengers, crew, baggage and freight.

Administrative and law enforcement arrangements – Maritime Ports

Maritime port policing and the Federal Audit of Policing Capabilities.

Recommendation 20

The Commonwealth should vigorously pursue the replacement of the existing Maritime security and policing arrangements with an ‘All In’ model under which the Commonwealth accepts the responsibility of funding and staffing nationally coordinated maritime port security and policing services, noting that this will require cooperation of the State and Territory Governments.

Maritime Port security and policing – Joint Maritime Investigation Teams

Recommendation 21

The Commonwealth should vigorously pursue the establishment of a Joint Maritime Investigation Team (JMIT) with similar functions to the Joint Aviation Investigation Team (JAIT).

Maritime Port security and policing – Joint Maritime Intelligence Group

Recommendation 22

The Commonwealth should vigorously pursue the establishment of a Joint Maritime Intelligence Group (JMIG) with similar functions to the Joint Aviation Intelligence Group (JAIG).

Recommendation 23

The Commonwealth should vigorously pursue the provision of AFP services for both maritime security and policing utilising AFP Protective Service Officers for protective security of this critical infrastructure, AFP uniform police at passenger terminals and the AFP JAIT and JAIG model for organised crime investigations relating to the maritime ports.

Information and Intelligence Sharing – Maritime Ports

Airport & Maritime Port security and policing – Gap in Federal Policing Capabilities

Recommendation 24

The AFP, with its established International Network, should be responsible for all federal criminal law enforcement functions and should investigate and/or oversight border crime investigations such as drug trafficking, weapon trafficking, money laundering, identify fraud, terrorism and smuggling.

Recommendation 25

The Government should expand the role of the AFP Border & International to include responsibility for all federal criminal law enforcement functions, absorbing the criminal law enforcement functions of DIAC, AC&BPS, and other relevant agencies, with the AFP providing Police officers to those agencies on a 'user pay' basis based on both operational and integrity grounds.

Airport & Maritime security and policing – Regular breach of protocol by AC&BPS- illicit Drugs

Recommendation 26

That the Parliamentary Joint Committee on the Australian Crime Commission seek AFP and AC&BPS records in relation to the number of cases where AC&BPS has breached protocol in not reporting illicit drugs and precursor drugs found at airports within the prescribed period, with a view to recommending legislative amendment to strengthen reporting and referral requirements.

Clarification and enhancement of the ACC role

Recommendation 27

The establishment of the ACC as the central National Criminal Intelligence Agency responsible for national criminal intelligence functions (not limited to organised crime) with the ACC's role focusing on three main areas, those being:

- Strategic criminal intelligence
- Operational criminal intelligence
- ACC Hearing powers

Clarification and enhancement of the AFP role

Recommendation 28

There needs to be clarification and enhancement of the roles of the ACC and the AFP (as outlined above). In particular the Chief Executive Officer of the ACC and the Commissioner of the AFP should respectively have oversight and coordination of all National and Commonwealth law enforcement efforts in relation to security and policing and report to the National Security Advisor on the success of those efforts.

Airport & Maritime security and policing - Closed Circuit Television Monitoring (CCTV)

Recommendation 29

To improve efficiency and effectiveness of Airport & Maritime Port security and Policing:

- **The Government should fund a full upgrade of CCTV at the eleven (11) designated airports as a matter of urgency; and**
- **The Office of Transport Security, within the Department of Infrastructure, Transport, Regional Development and Local Government should ensure the development and adherence to standards governing airport security including CCTV monitors; and**
- **The AFP, being responsible for providing national security law enforcement on behalf of the Commonwealth and performing the Policing and CTFR function at the eleven (11) designated airports, should operate & monitor the CCTV for those CTFR airports; and**
- **The Government consider CCTV for designated maritime ports similar to the above arrangements adapted to the maritime environment.**

Airport & Maritime security and Policing – Automated Number Plate Recognition

Recommendation 30

To improve efficiency and effectiveness of Airport & Maritime security and Policing:

- **The Government should fund implementation of Automated Number Plate Recognition (ANPR) at the eleven (11) designated airports as a matter of urgency; and**
- **The Office of Transport Security, within the Department of Infrastructure, Transport, Regional Development and Local Government should ensure the development and adherence to standards governing airport security including ANPR cameras; and**
- **The AFP, being responsible for providing national security law enforcement on behalf of the Commonwealth and performing the Policing and CTFR function at the eleven (11) designated airports, should operate & monitor the ANPR cameras for those CTFR airports; and**
- **The Government consider ANPR for designated maritime ports similar to the above arrangements but adapted to the maritime environment.**

The findings of the Australian Crime Commission's special intelligence operations into *Crime in the Transport Sector and Illegal Maritime Importation and Movement Methodologies.*

The document is not a public document so the AFPA is unable to comment on the findings of the report however would be surprised that it does not validate concerns raised by the AFPA on behalf of our members.

Conclusion

The AFPA believes that a number of significant improvements have already been made to Airport security and policing, largely as the result of the 2005 Wheeler Review. There have been a number of subsequent reviews and inquiries that have reinforced the outcomes and Recommendations of that review. However, there are still some important measures that can be introduced to improve upon the substantial work done by the Commonwealth and its agencies in protecting Australians from criminal attack.

Unfortunately maritime security and policing has been 'under the radar' due to the important focus on aviation security. The AFPA respectfully submits that the evidence presented in our submission demonstrates that it is time for maritime ports to receive equal attention from the Commonwealth in order to combat serious and organised crime in the maritime sector.

If the Committee require any clarification on this submission the AFPA would be happy to appear before it in relation to this important inquiry.
