



FURTHER SUBMISSION

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Review of the Australian Crime Commission Act 2002

21 September, 2005

During the course of being the first witness to give evidence before the Committee's current Inquiry at its opening hearing in Brisbane on 19 August, 2005, I was invited by the Chairman of the Committee to submit a further submission if further relevant issues arose.

I hereby submit a further submission in the light of a submission just published by the Committee in the name of the Australian Federal Police Association pushing for the abolition of the Australian Crime Commission.

That an industrial officer for a police union should put forward such an agenda invites scrutiny.

Neither Craig Shannon, whose name appears at the bottom of the submission, and who is the AFPA's Director Workplace Relations, nor any member of the AFPA National Executive, have any known background in ever investigating organised crime.

Although it cannot be seen as seeking to diminish Australia's efforts to combat organised crime for any corrupt purpose, it is nevertheless reminiscent of the machinations of elements of state police unions in the bad old days of New South Wales and Queensland.

Wittingly or unwittingly, the union submission has served to bring out into the open the hitherto hidden agenda of what may be referred to as a Canberra white shirt brigade, elements within the Australian Federal Police and Commonwealth Public Service who originally sought to have the National Crime Authority abolished and absorbed into the Australian Federal Police.

That the AFPA should now openly lobby for the absorption of the Australian Crime Commission into the AFP and the transfer of coercive powers (via the role of Examiners) to the Commonwealth Attorney-General's Department is not only an affront to State and Territory partner agencies that make up the ACC but it is an insult to the vision and recommendations of a succession of Royal Commissioners.

PARLIAMENTARY JOINT COMMITTEE ON
THE AUSTRALIAN CRIME COMMISSION

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FROM: Bob Bottom

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SECRETARY

It is also a gross betrayal of concerned citizens who campaigned to have Commonwealth, State and Territory authorities combine to establish a national agency to combat organised crime.

An indictment of the AFPA's submission is documented in the AFPA's own assessment of AFP limitations in dealing with organised crime published on its own website.

Referring to organised crime, the AFPA states that the AFP "focuses on the connections between Australian and overseas criminal enterprises."

Referring to narcotics investigations, the AFPA states: "It is only now; following the government's 'tough on drugs' initiative, that the AFP can afford some target based proactive investigations, but this function and budget allocation needs to be expanded over the next three years ...

" ... Many members of the AFPA have expressed their concern that even with the NIDS funding the lack of human resources and the lack of high technological surveillance equipment has led to investigations not being continued and the drugs only being seized by the AFP and destroyed ...

" ... The suggestion of AFPA members is that all too often the AFP relies upon its overseas liaison network and Australian Customs Service (ACS) for information concerning impending importations of narcotics, rather than quality, locally based information which taps directly into the operations of criminals within Australia ...

" ... Whilst the AFPA is not advocating that the AFP should investigate street level narcotic distribution with a view to building up appropriate levels of tactical intelligence, it does put forward the view that greater resources should be allocated in order to develop AFP members' access to this intelligence and the use of AFP strike forces, based on that intelligence directly targeting organised narcotics syndicates operating in the local community ...

" ... AFP members must be given greater opportunity to develop their own informants, work closer with the local communities and State Police at the local level. This is an untapped resource to counter domestic organized crime syndicates involved in narcotic importations and then supply."

Such an assessment through the AFPA is disturbing.

Having been a confidant of the original Commonwealth Police dating back to the beginning of the 1970s, and of the Australian Federal Police after its inception and absorption of the Federal Bureau of Narcotics in 1979, I find it astounding that cultivation of informants and liaison with police at a local level is now deemed to be an "untapped" resource.

That was always a core function for the AFP, especially in the 1970s and 1980s, when it was to the forefront in gathering intelligence on organised crime, especially in NSW and Victoria, where such intelligence enabled its regional organised crime squads to achieve conspicuous operational success.

In a sense, it may be stated that in painting such a picture of limitation of the new AFP the AFPA tends to support the proposition in my original submission (in conjunction with the Reverend Bruce Ballantine-Jones) pointing up the limitations of AFP regional operations within Australia and the necessity of greater funding for the ACC to enable it to more effectively pursue its core business - organised crime groups and in particular drug trafficking.

The AFPA submission underlines the naivety of Johnny-come-latelies in overlooking the evolution of a federal approach to fighting organised crime.

As I emphasised when giving evidence, originally, there were State and Commonwealth police crime intelligence units (the first was set up by the Commonwealth Police in the late 1960s), then there were joint Commonwealth-State task forces from the late 1970s, then the Australian Bureau of Criminal Intelligence in 1981) and then the National Crime Authority in 1984 which became the Australian Crime Commission in 2003.

Never at any stage was it ever deemed that the AFP on its own could supplant the combined efforts of Commonwealth, State and Territory police forces - as now implied by the AFPA submission.

In its submission, the AFPA goes so far as to say that it "believes that by incorporating the functions of the ACC into the AFP better advice could be given to the IGC".

What a nonsense - the AFP without the participation of State and Territory police forces presuming to advise an inter-government committee incorporating ministers from six State and two Territory Governments!

The Committee should dismiss the AFPA agenda out of hand.

It is interesting to note that the AFPA submission is dated 15 August, 2005, yet it is marked as having been received belatedly a month later on 16 September.

It so happens that on 16 September what might be referred to politely as unexpected evidence was given before the Committee's hearing in Melbourne by Mr Peter Farris, QC, recommending the same agenda as the AFPA.

Aside from himself once having been Chairman of the NCA, what raises questionmarks about his evidence at this time is that Mr Farris is on the public record for having taken exactly the opposite stance throughout 2004 when he publicly and repeatedly supported the establishment of a state crime commission for Victoria.

A clue to the agenda of the AFPA may be discerned from the union's final summary outlining a fallback option: "In conclusion the AFPA would like the Committee to examine the urgent consideration of an option to see the ACC abolished and its role, employees and functions, with the exception of the examinations unit, be transferred to the AFP. A further options, should the Parliament decide to retain a ACC, could see all of the employees with the exception of the CEO transferred back to employment with AFP and then seconded back to the ACC."

In other words, whichever way it went, the AFPA would stand to represent all ACC employees.

Under its payroll deduction scheme covering union membership fees, the AFPA levies a fortnightly charge equivalent to one per cent (1%) of base salary and any extra margins. With the ACC having an annual payroll exceeding \$46 million, the AFPA would stand to extract extra income totalling more than \$460,000.

Thankfully, the official submission of the Australian Federal Police does not reflect the agenda of the AFPA and, indeed, proclaims: "In the AFP's view the ACC has evolved into a demonstrably effective operational agency which is responsive and accountable to its law enforcement partners .."

The AFP "welcomes" moves by the ACC to actively embrace the task force mechanism provided for by Section 7C(1)(0) of the ACC Act and which continues to reflect the original charter for the NCA, and proclaims: "In the AFP's view the task force model provided by the ACC Act should be the default mechanism by which the ACC pursues cooperative operational work with its partners."

As the ACC itself observed in its submission, it is this very model that has “delivered actionable intelligence and operational results that have disrupted the activities of 34 criminal entities and 36 significant individuals.”

As outlined by the ACC, “These operational successes have been achieved predominantly in partnership with federal, state and territory LEAs. Using its special powers, a multi-disciplinary approach and in-house specialist capabilities, ACC operations have also contributed to substantial seizures of illicit substances, goods, and other property, and the generation of proceeds of crime action and tax assessments of over \$87 million.”

In closing, it is pleasing to note that it is recorded in the ACC’s submission that the Board has recently approved a new Special Investigation to target High Risk Crime Groups which underlines the case put in my original submission seeking a special allocation of extra funding to enable the ACC to confront such groups head-on.

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