

Chapter 4

Strategies for countering future serious and organised crime

4.1 During the course of the inquiry, the committee heard from a range of law enforcement agencies (LEAs) across the Australian jurisdictions, and from a range of academics and experts, and attempted to explore strategies that could be undertaken to counter the emerging trends in serious and organised crime. It is the committee's primary concern that those we ask to deal with the impact of serious and organised crime are best equipped to do so.

4.2 The submission from the South Australia Police argues the need to establish an agreed philosophical basis across all jurisdictions that will guide and underpin interventions in this area of crime. It suggests that such a philosophical basis must seek to:

- achieve recognition by governments and law enforcement that effective intervention is not necessarily confined to apprehension and imprisonment;
- understand the business that organised crime is in, recognise opportunities for intervention and task those with the necessary skills and legislative support to undertake the activity;
- intervene at the earliest opportunity in enterprises such as drug manufacture;
- acknowledge that deployment of finite law enforcement resources must be to those interventions that have the most disruptive effect on organised crime;
- achieve recognition by regulatory agencies including those that issue forms of identity that they are part of the solution;
- establish a consensus that proof-of-identity documents must incorporate biometrics and other emerging technologies;
- establish a 'joined up' approach between state and Commonwealth law enforcement and regulatory agencies within and across jurisdictions;
- coordinate intervention activities between agencies to optimise outcomes;
- establish a 'joined up' approach between ministerial bodies such as the Ministerial Council for Police and Emergency Management—Police, the Standing Committee of Attorneys General and the Ministerial Council on Drug Strategy;
- remove the incentive to engage in profit motivated serious and organised crime by the confiscation of unexplained wealth;

- ensure that organised crime cannot engage in legitimate business structures and practices that facilitate crime and the protection of proceeds and intervene at the earliest opportunity in attempts by crime entities to establish such structures;
- recognise that organised crime depends on professional service providers in the business and legal environments;
- achieve acceptance by professional bodies that there are ethical and professional boundaries within which their members can extend assistance to clients;
- establish effective and uninhibited exchange, access to and collation of information about criminal activity, associated money movement and those that engage in it;
- maintain a legislative environment in which the inhibitions created by state and territory boundaries are minimised;
- establish a legislative environment that accepts that some intrusions into privacy is part of the price paid for safer communities; and
- engage law enforcement practitioners in the development of legislation intended to intervene in organised crime.¹

4.3 The committee agrees with many of the issues raised by the South Australia Police, and believes that these must be addressed in order to develop effective strategies to counter serious and organised crime. Particular emphasis must be placed on dealing with information exchange, the harmonisation of legislative and operational approaches and the mechanisms required to achieve this.

4.4 Strategies to counter future serious and organised crime will continue to require LEAs, agencies and the private sector to develop strategic partnerships. The Australian Federal Police (AFP) actively pursues a strategy of establishing partnerships in fulfilling its law enforcement responsibilities. These partnership activities include:

- providing direct operational, technical and forensic support;
- enhancing the number and nature of formal relationships with domestic and international police services and regulatory bodies;
- establishing joint strike teams on a range of crime types, involving the Australian Crime Commission (ACC), state and territory police and/or regulatory agencies;
- engaging actively with partner agencies in working groups on key issues;

1 South Australia Police, *Submission 7*, pp 15-16.

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- hosting collaborative arrangements such as the Australian High Tech Crime Centre and managing Australia's Interpol and Europol interactions;
 - providing capacity building in resources, training, and mentoring to regional agencies to assist in strengthening their intelligence, investigative, forensic, and technical capabilities; and
 - funding and contributing to transnational crime and cooperation centres in key Asia-Pacific locations.²

4.5 Similarly, at a state level, LEAs are increasingly forming partnerships with a range of sectors and across jurisdictions in order to address serious and organised crime within their individual jurisdictions:

The strategic partnership between NSW Police and government at both state and federal level is essential in order to develop effective policy and legislation to address emerging threats. The ongoing development of networking and information sharing protocols between partner agencies and increased liaison with industry in select fields will facilitate targeting of organised crime networks on a wider scale and provide greater options for investigations.³

4.6 The ACC outlined that its multi-agency ACC Board approved task force approach has provided the mechanism through which a coordinated and targeted response to serious criminal activity can be achieved in a time critical environment. The strategy of engaging partner agencies, who supply resources commensurate to the level and nature of the targeted activity within their jurisdiction or sphere of responsibility, has proved extremely successful. The task force model is an intelligence-based process that involves:

- identifying and profiling nationally significant criminal groups, including developing insights into their activities, structures and methodologies;
- assessing the level of threat represented by each group;
- considering and selecting operational response options in relation to those groups that represent the highest threat;
- building a multi-disciplinary team that includes the specific skill sets required to disrupt the identified high threat groups; and
- conducting investigations and operations utilising various intelligence and evidence collection methods, including the coercive powers.⁴

2 Australian Federal Police, *Submission 16*, p. 5.

3 NSW Police Force, *Submission 20*, p. 4.

4 Australian Crime Commission, *Submission 17*, p. 12.

4.7 The ACC submission further notes the importance of collaboration between law enforcement and wider government and industry. This is seen as vital to generating effective responses to serious and organised crime, both in building the understanding of the changing criminal environment and in developing strategies that combine the strengths of operational law enforcement activity, regulatory and legislative change and community involvement. Partnerships between law enforcement, industry specialists and government offer the opportunity for law enforcement to build its capability and to increasingly access specialised skills and tools.⁵

Conclusion

4.8 The committee has not attempted to list exhaustively the programs and legislative reforms aimed at addressing serious and organised crime canvassed in the evidence received. Rather, chapters 6 and 7 will, in examining the adequacy of legislative and administrative arrangements, highlight specific strategies in areas where the committee sees potential for a contribution to countering future serious and organised crime.

4.9 While the committee appreciates the need for partnerships and cross-agency and multi-jurisdictional taskforces, it is extremely concerned that there is a broad range of cross-jurisdictional issues that must be resolved before more streamlined strategies to address the emerging trends in serious and organised crime can be effectively implemented.

4.10 It is the committee's opinion that the current federated system of law enforcement creates obstacles for LEAs and opportunities for serious and organised crime groups. Consequently, the cost of organised crime to society, and particularly the cost of countering organised crime into the future, continues to escalate. These issues are discussed in the following chapter.

5 *Submission 17*, p. 14.