

Appendix 7

Commonwealth agencies with responsibility for combating serious and organised crime and their relevant legislative tools³

Agency (head)	Role in combating organised crime	Relevant legislative tools
<p>Australian Crime Commission (ACC) (CEO – John Lawler)</p> <p>Board: AFP Commissioner; State and Territory police commissioners, Director-General of Security, Chair of ASIC, CEO of Customs, Secretary of Attorney-General's Department and ACC CEO as non-voting member.</p>	<ul style="list-style-type: none"> • Combat serious and organised crime by working with Commonwealth, State and Territory law enforcement agencies. • Collect, correlate, analyse and disseminate criminal information and intelligence and maintain a national database of that information and intelligence • Undertake, when authorised, intelligence operations • Investigate, when authorised, matters relating to federally relevant criminal activity • Provide strategic criminal intelligence assessments, and any other criminal information and intelligence, to the Board; • Advice to the Board on national criminal intelligence priorities. 	<ul style="list-style-type: none"> • <i>Australian Crime Commission Act 2002</i> <ul style="list-style-type: none"> - witness protection (section 34) - coercive powers (section 30) • <i>Surveillance Devices Act 2004</i> <ul style="list-style-type: none"> - surveillance devices (section 14) • <i>Telecommunications (Interception and Access) Act 1979</i> <ul style="list-style-type: none"> - telecommunications interception • <i>Crimes Act 1914</i> <ul style="list-style-type: none"> - controlled operations - Part IAB - assumed identities – Party IAC • <i>Proceeds of Crime Act 2002</i> <ul style="list-style-type: none"> - require production of records from financial institutions – section 213) - monitoring orders – Part 3-4 - search warrants – Part 3-5
<p>Australian Federal Police (AFP) (Commissioner Mick Keelty APM)</p>	<ul style="list-style-type: none"> • Investigate and enforce the laws of the Commonwealth • Advise Government on policing issues • Provide community policing to territories (except 	<ul style="list-style-type: none"> • <i>Australian Federal Police Act 1979</i> <ul style="list-style-type: none"> - arrest, search, seizure, • <i>Surveillance Devices Act 2004</i> <ul style="list-style-type: none"> - surveillance devices (section 14)

³ This table is compiled from information made available to the committee by a range of agencies. It is intended as an overview of key legislative mechanisms available to Commonwealth agencies to tackle serious and organised crime only. It is not intended as a complete table of legislation governing the activities of the agencies listed and does not mention the responsibilities and activities of agencies with no or only incidental relevance to organised crime.

	<p>NT); protective services to Government</p> <ul style="list-style-type: none"> • International peacekeeping and policing 	<ul style="list-style-type: none"> • <i>Telecommunications (Interception and Access) Act 1979</i> <ul style="list-style-type: none"> - telecommunications interception • <i>Crimes Act 1914</i> <ul style="list-style-type: none"> - Search warrants - Part IAA - controlled operations - Part IAB - assumed identities – Part IAC • <i>Criminal Code Act</i> <ul style="list-style-type: none"> - control orders (in respect of suspected terrorists (interim/confirmed with Attorney-General's/ Court's consent respectively) - Division 104 • <i>Proceeds of Crime Act 2002</i> <ul style="list-style-type: none"> - require production of records from financial institutions – section 213) - monitoring orders – Part 3-4 - search warrants – Part 3-5 • <i>Financial Transactions Reports Act 1988</i> <ul style="list-style-type: none"> - search and questioning – section 33
<p>Australian Commission for Law Enforcement Integrity (ACLEI) (Integrity Commissioner - Philip Moss)</p>	<ul style="list-style-type: none"> • Preventing, detecting and investigating serious and systemic corruption issues in the Australian Federal Police and the Australian Crime Commission. 	<ul style="list-style-type: none"> • <i>Crimes Act 1914</i> <ul style="list-style-type: none"> - controlled operations - Part IAB - assumed identities – Part IAC • <i>Telecommunications (Interception and Access) Act 1979</i> <ul style="list-style-type: none"> - telecommunications interception • <i>Surveillance Devices Act 2004</i> <ul style="list-style-type: none"> - surveillance devices (section 14) • <i>Proceeds of Crime Act 2002</i> <ul style="list-style-type: none"> - require production of records from financial institutions – section 213) - monitoring orders – Part 3-4 - search warrants – Part 3-5
<p>AUSTRAC (CEO – Neil Jensen)</p>	<ul style="list-style-type: none"> • Oversees compliance with anti-money laundering and counter-terrorist financing legislation by financial institutions, the gambling industry and 	<ul style="list-style-type: none"> • <i>Financial Transactions Reports Act 1988</i> <ul style="list-style-type: none"> - offence for cash dealer to fail to provide AUSTRAC with reports; injunctions – Part V

	<p>others.</p> <ul style="list-style-type: none"> • Gathers financial intelligence data which is provided to law enforcement and revenue agencies. 	<ul style="list-style-type: none"> - inspection of premises - part IVA • <i>Anti-Money Laundering and Counter Terrorist Financing Act 2006</i> - monitoring warrants; production of documents; external audits – Division 3
<p>Australian Hi-Tech Crime Centre (Director – James McCormack) Part of the AFP</p>	<ul style="list-style-type: none"> • Co-ordination of technology enabled crime matters between Australian law enforcement, Federal Government and international agencies. • Investigation of high tech crimes. • Intelligence services 	
<p>CrimTrac (CEO - Ben McDevitt AM APM)</p>	<ul style="list-style-type: none"> • Leads the development national policing information services; advanced national police investigation tools; and national criminal history record checks for accredited agencies. • Developing a new National Automated Fingerprint Identification System; a National Criminal Investigation DNA Database; a National Child Sex Offender System; and the provision of rapid access to national operational policing data. 	<ul style="list-style-type: none"> • <i>Intergovernmental Agreement for the Establishment and Operation of "CrimTrac", a National Law Enforcement Information System for Australia's police services</i> - Jurisdictions agreed to cooperate to provide CrimTrac with the information necessary to establish a National Automated Fingerprint Identification System, National DNA Criminal Investigation System, National Child Sex Offender System and access to national operational policing data – Clause 3.2; Recital D • <i>Telecommunications (Interception and Access) Act 1979</i> - telecommunications interception
<p>Attorney-General's Department (Secretary - Roger Wilkins AO) (First Assistant Secretary, Criminal Justice Division - Elizabeth Kelly)</p>	<ul style="list-style-type: none"> • The Criminal Justice Division is responsible for Australian Government crime prevention initiatives, national law enforcement policy, fraud policy, legal and policy advice on criminal law and legal aspects of the Commonwealth criminal justice system as well as international criminal law and transnational crime issues. • The National Law Enforcement Policy Branch provides policy advice on the operational law enforcement agencies within the Attorney-General's portfolio (AFP, ACC and ACLEI); firearms; illicit 	<ul style="list-style-type: none"> • Attorney-General's consent required to approve interim control order in respect of suspected terrorists requested by AFP.

	<p>drugs and fraud against the Australian Government.</p> <ul style="list-style-type: none"> • The Strategic Policy Coordination Branch provides advice on a range of crime prevention and criminal justice issues, including: transnational organised crime, trafficking in persons, anti-money laundering and counter-terrorism financing, corruption and foreign bribery. • The Identity Security Branch is coordinates the development of the National Identity Security Strategy and other measures to enhance identification and verification processes and combat identity crime. 	
<p>Australian Customs Service (ACS) (CEO – Michael Carmody)</p>	<ul style="list-style-type: none"> • Managing security and integrity of Australian borders • Intercepting illegal and harmful goods such as drugs and weapons. This is done using intelligence, computer-based profiling and analysis, x-ray, CCTV monitoring, detector dogs. 	<ul style="list-style-type: none"> • <i>Customs Act 1901</i> <ul style="list-style-type: none"> - examination of goods for import or export; production of documents, search - search warrants - Part XII - coercive questioning powers – section 243SA • <i>Crimes Act 1914</i> <ul style="list-style-type: none"> - controlled operations - Part IAB - Assumed identities – Part IAC • <i>Proceeds of Crime Act 2002</i> <ul style="list-style-type: none"> - monitoring orders – Part 3-4 - search warrants – Part 3-5 • <i>Financial Transactions Reports Act 1988</i> <ul style="list-style-type: none"> - search and questioning – section 33
<p>Australian Tax Office (ATO) (Commissioner Michael D'Ascenzo)</p>	<ul style="list-style-type: none"> • Works with AUSTRAC to identify tax evasion and fraud including money laundering 	<ul style="list-style-type: none"> • <i>Crimes Act 1914</i> <ul style="list-style-type: none"> - Assumed identities – Part IAC • <i>Taxation Administration Act 1953</i> <ul style="list-style-type: none"> - recovery of tax debts; penalties for failure to meet tax obligations • <i>Income Tax Assessment Act 1936</i> <ul style="list-style-type: none"> - compel production of documents and evidence, access to books (sections 263 and 264)

<p>Commonwealth Director of Public Prosecutions (CDPP) <i>Director – Christopher Craigie SC)</i></p>	<ul style="list-style-type: none"> • Independent prosecuting service that prosecutes alleged offences against Commonwealth law, and deprives offenders of the proceeds and benefits of criminal activity. • The main cases prosecuted by the CDPP include drug importation, money laundering, offences against the corporations legislation, fraud on the Commonwealth, people smuggling, people trafficking, terrorism and a range of regulatory offences. 	
<p>Department of Immigration and Citizenship <i>(Secretary – Andrew Metcalfe)</i></p>		<ul style="list-style-type: none"> • <i>Migration Act 1958</i> <ul style="list-style-type: none"> - Deportation of non-citizens convicted of certain offences– Part 2, Division 9 - Refusal or cancellation of visa on character grounds – section 501