

# Chapter 1

## Overview of the inquiry process

### Terms of reference

1.1 On 14 September 2009, the then Parliamentary Joint Committee on the Australian Crime Commission (PJC-ACC) initiated an inquiry into the adequacy of aviation and maritime security measures to combat serious and organised crime, pursuant to the committee's duties set out in paragraph 55(1)(d) of the *Australian Crime Commission Act 2002*:

To examine trends and changes in criminal activities, practices and methods and report to both Houses of the Parliament any change which the Committee thinks desirable to the functions, structure, powers and procedures of the ACC.

1.2 Following the 2010 federal election, the committee resolved to continue the inquiry.

1.3 On 24 November 2010, the PJC-ACC became the Parliamentary Joint Committee on Law Enforcement (PJC-LE) with the added function of oversight of the Australian Federal Police (AFP), in addition to the ACC.<sup>1</sup> The transitional arrangements allowed the committee to continue to conduct the inquiry.<sup>2</sup>

1.4 The terms of reference required the committee to examine the effectiveness of current administrative and law enforcement arrangements to protect Australia's borders from serious and organised criminal activity. In particular the committee examined:

- (a) the methods used by serious and organised criminal groups to infiltrate Australia's airports and ports, and the extent of infiltration;
- (b) the range of criminal activity currently occurring at Australia's airports and ports, including but not limited to:
  - the importation of illicit drugs, firearms, and prohibited items;
  - tariff avoidance;
  - people trafficking and people smuggling;
  - money laundering; and
  - air cargo and maritime cargo theft;
- (c) 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

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1 *Parliamentary Joint Committee on Law Enforcement Act 2010*, paras. 7(1)(d)–(g).

2 *National Security Legislation Amendment Bill 2010*, para. 7(1)(b).

and the storage of, and sharing of, ASIC and MSIC information between appropriate law enforcement agencies;

- (d) 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; and
- (e) the findings of the Australian Crime Commission's special intelligence operations into Crime in the Transport Sector and Illegal Maritime Importation and Movement Methodologies.

### **Conduct of the inquiry**

1.5 The committee advertised the inquiry in *The Australian* newspaper and on the committee's website. In addition, the committee wrote to a range of organisations and individuals inviting submissions.

1.6 The committee received 29 submissions, of which five were confidential. The 24 public submissions were published on the committee's website. A list of submissions is included at Appendix 1.

1.7 In addition, the committee held five public hearings in Canberra, Melbourne, Sydney and Perth. The witnesses who appeared before the committee at these hearings are listed at Appendix 2.

1.8 The committee also conducted a number of site visits to airports, seaports and other facilities around Australia. A list of places visited is included at Appendix 3.

### **Terminology**

1.9 It should be noted that some international jurisdictions employ the term 'serious organised crime' whereas the convention in Australia is to use the term 'serious and organised crime'. These terms are used interchangeably within this report. In some cases the abbreviated 'organised crime' is also used.

1.10 Other abbreviations and acronyms are listed in the glossary.

### **Structure of report**

1.11 The chapters of this report are organised around the key themes which emerged during this inquiry and therefore do not directly mirror the terms of reference.

1.12 Chapter 2 provides an overview of the major themes of the inquiry. This includes the background to the inquiry and an analysis of the threat of serious and organised crime in the aviation and maritime sector. It concludes with a number of issues that informed the committee's recommended course of action.

1.13 Chapter 3 deals with the issues of intelligence sharing and agency cooperation and coordination. This includes the security and policing models in place at airports and ports and the use of key intelligence in order to inform the law enforcement response.

1.14 Chapter 4 focuses on security measures within the aviation and maritime sectors which minimise vulnerabilities that can be exploited by serious and organised criminal networks. Referred to as 'target hardening', such measures focus on improving the physical environment and vulnerable processes within that environment.

1.15 Chapter 5 addresses the ASIC and MSIC schemes. A number of current vulnerabilities are noted along with relevant recommendations.

### **Acknowledgements**

1.16 The committee wishes to express its appreciation to all parties that contributed to the conduct of this inquiry, whether by making a written submission or through attendance at a hearing, or in many cases, both.

1.17 As part of this inquiry the committee conducted a number of site visits, which enabled it to gain a more in-depth understanding of the issues and agencies involved in combating serious and organised crime in Australia. Accordingly, the committee would like to thank officers from the Australian Customs and Border Protection Service, the ACC, the AFP and state and territory police. In addition, the committee would like to thank the many private organisations that assisted the committee in accessing airport and port facilities.

1.18 The committee would also like to acknowledge the assistance and expertise provided by those state and territory Commissioners of Police and senior police officers who met with the committee during this inquiry.

