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COMMISSION

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**JOINT STATUTORY
COMMITTEE ON AUSTRALIAN CRIME COMMISSION**

Tuesday, 24 March 2009

Members: Senator Hutchins (*Chair*), Senator Boyce (*Deputy Chair*), Senators Fielding, Parry and Polley and Mr Champion, Mr Gibbons, Mr Hayes, Ms Ley and Mr Wood

Members in attendance: Senators Boyce, Fielding, Hutchins and Parry and Mr Hayes and Mr Wood

Terms of reference for the inquiry:

To inquire into and report on:

Australian Crime Commission annual report 2007-08

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Committee met at 1.04 pm

CHAIR (Senator Hutchins)—Today's public hearing of the Joint Committee on the Australian Crime Commission is for the committee's examination of the annual report of the Australian Crime Commission, which on this occasion covers the 2007-08 financial year. The committee's proceedings will follow the program which has been circulated.

I remind all witnesses that in giving evidence to the committee they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of the evidence given to a committee and such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence to a committee. The committee prefers all evidence to be given in public, but under the Senate's resolutions witnesses have the right to request to be heard in private session. It is important that witnesses give the committee notice if they intend to ask to give evidence in camera. If a witness objects to answering a question, the witness should state the ground upon which the objection is taken and the committee will determine whether it will insist on an answer, having regard to the ground which is claimed. If the committee determines to insist on an answer, a witness may request that the answer be given in camera. Such request may, of course, also be made at any other time.

Before I welcome our first witnesses I remind members of the committee that the Senate has resolved that government officials should not be asked to give opinions on matters of policy and should be given a reasonable opportunity to refer questions asked of them to a superior officer or to a minister, if that is appropriate. This resolution does not include questions asking for explanations of policy or factual questions about when or how policies were adopted.

[1.06 pm]

BAILEY, Ms Jane, Executive Director, Organisational Services, Australian Crime Commission

KITSON, Mr Kevin, Executive Director, Strategy, Outlook and Policy, Australian Crime Commission

LAWLER, Mr John, APM, Chief Executive Officer, Australian Crime Commission

OUTRAM, Mr Michael, Executive Director, Programs Division, Australian Crime Commission

CHAIR—Welcome. I invite you, Mr Lawler, to make a short opening statement.

Mr Lawler—Thank you. Some of the comments that I will make in my opening statement are statements that I provided to the committee in private, but I thought it important to place those particular statements formally on the public record. With your concurrence, Chair, I would like to do that.

In 2007-08 the Australian Crime Commission continued with its key objective to unite the fight against nationally significant serious and organised crime. While new to the agency and from my perspective as a former Deputy Commissioner of the Australian Federal Police, I believe that the ACC has made a solid contribution to the overall law enforcement effort in Australia. I am proud to have been appointed as the second CEO for the agency and am committed to ensuring that the agency's values and relevance to our partners are enhanced.

One of the key operating principles of the Australian Crime Commission which I wholeheartedly support is the commitment in working in partnership with others. The ACC reported that 87 per cent of operations were conducted with partner agencies in the reporting period. On my first day as the chief executive officer I issued an all staff message and stated to staff: whatever we do needs to be for or with a key stakeholder. I stand by this statement and see it as a key plank in enhancing the agency's relevance. I have also said that we are not in competition with anybody except serious and organised criminals.

The annual report before the committee outlines a number of the ACC's key achievements in 2007 and 2008. My colleagues and I will be happy to answer any questions of the committee; however, before I invite your questions, I would like to advise the committee of my focus for the remainder of 2008-09 and into the future. The ACC has faced some challenges recently, and I fear these have reduced the confidence levels of our stakeholders. I cannot stress strongly enough to the committee that I am intent on addressing this.

I have outlined to the ACC's board my strategies for rebuilding stakeholder confidence in the agency, and I will ensure three key initial activities take place. Firstly, the Commonwealth Ombudsman has agreed to undertake an inspection of the Australian Crime Commission's intelligence and information holdings to ensure compliance with the ACC's statutory function.

The inspection commenced on 10 March and will hopefully be completed by 30 March. The Ombudsman will table this report in the parliament and has left open the option of further inspections should he so choose. Secondly, a broader governance and administration audit will be undertaken by a panel of experts. Terms of reference for this audit is currently being finalised and it is hoped that the first phase of this audit will commence on 30 March and be completed by 30 June 2009. Thirdly, I have engaged with Mr Roger Beale in relation to his review of federal policing capacity. I have held discussions with Mr Beale to reinforce the importance of the Australian Crime Commission in Australia's overall law enforcement context.

With the permission of the chair, I would like to take a further moment to reinforce my focus for the agency in terms of professional standards. Also in my first day message I stated:

Another important focus for us all needs to be on organisational performance. This means enhancing the outcomes and performance of others working in the law enforcement environment. Even exceptional outcomes will be worthless if achieved with poor governance or without proper regard to our code of conduct and values. Failure to follow due process and maintain a strong governance damages your standing and our organisation immeasurably. Examples can include the unlawful access and/or disclosure of ACC information; the failure to secure accoutrements or assets; the failure to protect information; conflicts of interest; and improper associations—to name a few. You should not allow this to occur.

The ACC will, in consultation with its board, in June set priorities for intelligence and investigative activity for 2009-10. I am confident in the agency's ability to continue to deliver sound results and deliver on the expectations of the government and parliament, the board, our partner agencies and, most importantly, the community.

I look forward to receiving the committee's report on our 2007-08 annual report and now invite you to ask any questions you may have.

CHAIR—Thank you very much, Mr Lawler. On behalf of all the committee, we welcome you to your new role and we are quite excited about the experience you bring to it. Congratulations. To start off, I want to go to page 34 of the report and firearm seizures in the 2004 to 2008 period. In 2004-05 you have 284, 1,300 the next year, 323 the next year and then you have got 18. Why would something like that occur? Is that as a result of a change of focus or policy or reporting? You may need to take some of these questions on notice and come back to us.

Mr Outram—There was a significant reduction, as you said, by 94 per cent of the amount of firearms seized. This was due to a shift in strategy in the illicit firearms market determination from a tactical or an investigative response to one of focusing on identifying intelligence gaps, particularly around intelligence relating to rogue firearms dealers and the diversion of firearms into illicit markets from such dealers and from the security industry.

CHAIR—Does that mean there are more firearms out there, or does it mean that not as many are being reported? What does that mean in practical terms?

Mr Outram—In terms of priorities we determined, with the concurrence of the board, that our investigative resources would be better placed elsewhere, focusing on groups. Also, in terms of intelligence, the investigation of firearms offences would be better undertaken by our police partners and that our role would be much more an intelligence role, focusing on collecting

intelligence and identifying vulnerabilities and the sources of some of the firearms that were coming into the illegal firearms market.

Mr Lawler—A theme that will permeate all of the annual reports, particularly as it relates to arrests and charges, is the question of how best the ACC's resources are applied to the problem. Part of the decision making that both the organisation and the board need to make is about tactical incisions and tactical outcomes around seizure of firearms or arrests, or whether there is a view—and it is the view of the ACC—that more benefit to the community can be gained by actually understanding the networks and markets, understanding who the key facilities are and understanding who, as Mr Bottom said, the Mr Bigs and the Mr Big-Enoughs are and making sure that the resources are directed to those efforts. In my experience—and it is my strong view—if we direct the resources in that way, we will have a greater impact on the problem. That is not to say that the seizure of firearms is not an important activity; it most certainly is. That is not to say that arrests are not an important activity; they most certainly are. But it is a case of whether that is the best activity or whether the arrests and the seizures and the charges might be better done by some of our partner agencies. I think that is one of the key fundamentals within the reports and in the reports going forward.

CHAIR—I will deal with pages 71 and 93 together because they both deal with the same issue. Has any action been taken to rectify the legal issues that the ACC faced throughout the Wickenby matters? Also, you might want to include this in your answer: last year there was some controversy surrounding the use of your coercive powers in the Northern Territory. Can you inform the committee of where that is up to?

Mr Lawler—Operation Wickenby investigations are continuing. Notwithstanding the complexity of the cases, their international linkages and the nature of the alleged offences, the ACC is satisfied that the cases are progressing well. To date, the Australian Taxation Office has advised that \$147 million of amended assessments have been or can be issued as a direct result of disseminations from the ACC's Wickenby investigations. Additional amounts are anticipated. Several cases have progressed to court. A Mr Glenn Wheatley was sentenced on 6 July 2007 to 2½ years imprisonment for his part in the above matter.

Mr Lawler—I understand so, and he is to be released after serving 15 months upon entering a reconnaissance of \$5,000 to be of good behaviour for a further 15 months. With matters such as this, in a broader context I would like to make the observation that it is not uncommon—indeed, it is to be expected—that there will be significant legal challenge to the ACC's operations. If the allegations, as asserted by the ACC, bear establishment through the judicial process, what it shows is that the people being targeted through this joint activity have a lot to lose by the ACC and partner operations. Of course, they will, with the vast amounts of money at their disposal, try everything within their power to disrupt and frustrate those activities. But certainly on the information I have been briefed about, I believe these are very necessary and important investigations for the Australian taxpayer and the community.

In relation to the national Indigenous task force and challenges to the powers applied in that particular ACC activity, it is important to understand and to reflect upon the fact that the powers that have been applied have been authorised through lawful determinations by the Australian Crime Commission board. For the public record, that board is made up of every state and territory police commissioner. Indeed, the most senior representatives of the Commonwealth law

enforcement apparatus are also represented on that board. The board has felt that those powers were necessary to fulfil the objectives of the task force's activities. The matters, as you may be aware, are currently before the courts and so it is probably inappropriate at this time for me to comment about those legal proceedings. Suffice to say that I understand they will be handing down a decision in the not-too-distant future.

CHAIR—Mr Lawler, in relation to the Northern Territory intervention, the federal government has agreed to extend its operations there. I understand that is not going to come out of your current budget. Is that your understanding?

Mr Lawler—I am not able to answer that question. I understand decisions as to budget availability for the 2009-10 year will be settled in the budget process on 12 May, where I will be advised as to what the budget allocation for the Crime Commission is and, indeed, whether there is funding for the NITF from that process.

CHAIR—It is certainly my understanding that that was additional funding, that commitment of the \$4½ million or \$5 million.

Mr Lawler—I am also aware of the—

CHAIR—Press reports on that.

Mr Lawler—reports, but I have not been formally advised of that.

CHAIR—I have a few questions, but I will leave it at this one. If you would like to go to page 87, does the New South Wales Police Integrity Commission have jurisdiction to investigate ACC officers? Or just ceded New South Wales police officers?

Mr Lawler—I will stand corrected on this, and one of my colleagues can jump in if I am—

CHAIR—Before you do that, I might take this moment to ask you: and do you find this to be an appropriate mechanism for dealing with complaints made directly to you?

Mr Lawler—As I understand the arrangements, they depend on the employment mechanism that is being used to engage the staff. If they are full-time members of the Crime Commission, then I understand matters are referred to the Australian Commission for Law Enforcement Integrity. If they are New South Wales staff—let us take New South Wales as the example—who are working, paid for and administered by the New South Wales Police, but working in the Crime Commission in a task force arrangement, then those matters would be of interest and referred to the Police Integrity Commission, albeit the Australian Commission for Law Enforcement Integrity would clearly have an interest and be advised. There is a strong network of collaboration, not only between the ACLEI Commissioner and his respective colleagues in the jurisdictions, but also between the police agencies and commissioners and the ACC for the appropriate referral of such matters. So it does depend on the employment arrangements in relation to individuals and which agency has that responsibility.

Ms Bailey—I just want to confirm that I believe this predated the law enforcement integrity commission. I do not have the details in front of me, but if it is referring to the Foster and

McCabe issues, I imagine they were related to seconded police who were subject to the jurisdictions and there may have been other arrangements in place at that time to undertake those investigations.

CHAIR—It was that one, yes.

Ms Bailey—We do make it quite clear that under the board arrangements seconded police are largely subject to their home force corruption regimes and that the ACC deals with the staff who are not seconded.

Senator PARRY—Mr Lawler, in your opening statement you indicated that the result of that self-initiated audit that you have undertaken to report on the intelligence holdings of the ACC, amongst other things, will report by 30 June this year. Who will the report be made available to outside of the organisation?

Mr Lawler—There is just a little bit of confusion there, Senator, in the question that you have posed. The inspection of the ACC holdings will be done by the Commonwealth Ombudsman. In relation to the governance and administrative audit, that has been commissioned by me, as the CEO of the organisation, but quite clearly and necessarily in close consultation with the chair of the board and the board membership and the minister's office. The report will be a report to me and I will, appropriately, disseminate that report to, firstly, the chair of the board and then the board and then, based on advice and guidance, to a wider group that might benefit from the outcome of that activity.

Senator PARRY—Let me get this clear: there are two reports. One is the inspection of holdings conducted by the Ombudsman, and that report is expected on 30 June 2009?

Mr Lawler—No. That inspection has already commenced. It commenced on 10 March. There had already been quite a significant amount of work done in that space by some independent private consultants. That will be built upon by the Commonwealth Ombudsman and I am hopeful, subject to resourcing issues within the Commonwealth Ombudsman's office, that that will be completed on 30 March and then to report, as I understand the Commonwealth Ombudsman's wish, the outcome of that inspection to the parliament. Just exactly when that occurs I am not able to respond to that.

Senator PARRY—And 30 June is the expected completion date of the governance and administrative audit?

Mr Lawler—We are hopeful that that will signal the end of phase 1. What I would like to do is leave open the option that, if that audit process identifies specific areas that require more detailed examination or more detailed exposure, the audit move in late July or August to a second phase to specifically focus on key areas of concern—or opportunity.

Senator PARRY—Thank you. Subject to the caveats that you mentioned earlier and the board's final determination, both of those reports may end up being provided to this committee.

Mr Lawler—Indeed.

Senator PARRY—Thank you. I want to move to pages 65 and 69 of the annual report, where there are two tables. In the table on page 65 it says that there were 46 summonses to attend examinations issued and 34 examinations held. On page 69 it says that there were 46 summonses to attend examinations—I presume it is just a coincidence that it is the same number—and 42 examinations held. I am seeking confirmation that the discrepancy in summonses issued and examinations held was due to witnesses' unavailability or a decision not to pursue particular examinations.

Mr Lawler—That is right. There can be a range of reasons for that. I would have to take on notice the specific reasons for the differences—for example, the 12 on page 65 where examinations were not held but summonses were issued. That said, it can also be as a result of legal challenge conducted over a period of time, whereby the subsequent examination is rendered useless by the time delay encountered in that legal challenge. That would be a principal reason.

Senator PARRY—Are any of them as a result of failure to attend or noncompliance?

Mr Lawler—I would need to take the question specifically in relation to the two pages you referred to about noncompliance on notice, but I can advise the committee that there have been, not only in these determinations but certainly with the outlaw motorcycle gang and the high-risk crime groups determination, a significant number of persons summonsed who have failed to cooperate with the examiners and the examination process. Indeed, we have intelligence in relation to the latter group that there have been specific directions given whereby gang members are expected to be charged rather than provide evidence to the commission examinations.

Senator PARRY—Thank you. On the examiners, I want to turn to section 28 of the act for a moment. As you would be no doubt aware, this committee was concerned about the issuing of summonses without the written information being recorded prior to the issuing of the summonses. There is still a matter between the committee and the government that is outstanding on that issue, subsequent to the amendment to the act. We have had indications before that the examiners are now issuing written advice prior to the issuing of summonses. Would you like to make any comment about that or give any assurances to the committee along those lines?

Mr Lawler—Yes, I would. I have spoken to the four examiners and my assurance to the committee is that they are recording those reasons before the relevant summonses are issued. Following on from my earlier comments, that is very good practice and practice that should be and is being undertaken. But we will find challenges elsewhere in the legislation by individuals who want to, as I said, frustrate the process.

Senator PARRY—Yes, as always. I want to move to a matter that is in the media at the moment. We as a committee would understand if there are matters you cannot raise. It is fairly relevant in relation to the committee's current inquiry in relation to serious and organised crime and also outlaw motorcycle gangs. Do you wish to make any comment or place anything on the record at all in relation to the ACC's involvement in issue at Sydney Airport on Sunday?

Mr Lawler—Yes, I would like to. I think this is an opportune time to do so and an appropriate forum in which to do so. I would like to restrict my comments to the broader issue of outlaw

motorcycle gangs and the threat that they pose. I would like to start off by saying that outlaw motorcycle gang members continue to represent a real and present criminal threat to Australia. This should not be confused, and nor should the general public be fooled, by the propaganda that links these individuals to law-abiding motorcycle riders. Outlaw motorcycle gangs' activities range from social nuisance in residential communities through to involvement with some of the most significant criminal syndicates operating in Australia today. Indeed the committee in a private briefing got a short and small window on that nexus.

Outlaw motorcycle gangs are resilient and dynamic and this is important in understanding why the board created a broader determination linking with non-outlaw motorcycle gang members to successfully carry out criminal enterprises. So we have had a shift from outlaw motorcycle gangs as an entity to branching out and linking up with and being facilitated by some of the most serious organised criminals in Australia, and indeed internationally.

At present there are 39 active outlaw motorcycle groups in Australia with some 3,300 patched members. Some 19 of these 39 groups have a presence in New South Wales, and some of the 19 groups also operate in other states. The ACC has uncovered infiltration of some industries, such as the security and the maritime industries, by outlaw motorcycle groups and the ACC has irrefutable evidence that outlaw motorcycle gangs are connected in many ways and work in partnership with broader organised crime groups.

And so the committee might ask: what is the ACC doing to address this problem? If I may then I will take the committee to some of the highlights. The ACC continues to lead the national information collection and coordination response to the threat from OMCG members and associates. In January 2007 the OMCG national intelligence task force was developed under the ACC's high-risk crime groups determination, with which you would be familiar.

The task force was established to support enhanced intelligence sharing on outlaw motorcycle gangs and to support investigations through target development. The task force involved the coordinated effort of all state and territory jurisdictions. Prior to this time the ACC did undertake specific operations against outlaw motorcycle gangs. So we moved very much to a national coordinated collection and intelligence picture of what we were seeing around the country. As I indicated earlier, whilst this task force ceased operation in June 2008 it was effectively replaced by or subsumed into—and strengthened—the ACC board approved serious and organised crime national intelligence task force. This brought in these much broader linkages that we were seeing developing in the OMCG context. The focus of the new task force on high-risk crime groups is designed to unearth the intricate networks and connections of our most serious organised crime threats, many of which involve OMCG in some form.

The purpose of the ACC's work on OMCGs is not to make arrests; that is the work of partner agencies that we are in collaboration with. The ACC has provided, between January 2007 and February 2009, more than 1,500 intelligence disseminations to partner agencies on outlaw motorcycle groups. We know from our partner agencies that intelligence disseminations have greatly assisted their criminal investigations and subsequent prosecutions. It is often difficult to map a single piece of intelligence to a singular arrest or outcome. It may well support that direct link but it also may support in the production of affidavits and investigative support that allows an investigation to take its course. So the actual value of the intelligence is something that the partner agencies need to tell us about.

In addition, 96 examinations have been conducted nationally—18 of those in New South Wales—and 79 notices, which you spoke of earlier, have been issued, with 52 of those in New South Wales. A number of section 28 summonses for examinations have been issued, but the majority of these, as I indicated earlier, have remained unfulfilled. Likewise, a number of OMCG members have failed to answer questions at examinations. I know the committee is aware of some of those difficulties and has made recommendations in that regard; indeed, our ongoing work reinforces the relevance and the importance of those recommendations.

Senator BOYCE—Thank you for those statistics, and you have given us some figures in New South Wales. Is it possible to provide, on notice, a state-by-state breakdown of those statistics that you just outlined?

Mr Lawler—I think we can do that, if I can take that on notice.

Senator BOYCE—Thank you.

Senator PARRY—Thank you, Mr Lawler. That was a detailed explanation. You stressed in your response to my question that you are the national coordinating body of information. What about internationally? Do you have any strong international connections, and are you collating information internationally which is used in the assistance of partner agencies?

Mr Lawler—On the issue of the international reach—and we know that organised crime has a very strong international focus and remit—the ACC relies very heavily on the Australian Federal Police’s international network and capabilities. The government have invested heavily in the international network, which provides a whole host of law enforcement agencies—including state and territory police but, importantly, the Crime Commission—access to international law enforcement agencies and criminal intelligence. We find that works well and services the commission’s needs. That having been said, we will continue to work closely with the AFP as we move forward in this targeting environment.

Senator FIELDING—On the outlaw motorcycle gangs, you say on page 59 of the report that the OMCG National Intelligence Task Force has been formed—which you went through before—but at the end it says:

This task force has collected national intelligence on the membership and serious and organised criminal activities of outlaw motorcycle gangs to better guide national investigative and policy action.

What policy action have you actually put forward over that period of time? It has been going for a while. What actual policy action have you put forward? Not reorganising teams, but what policy?

Mr Outram—The intelligence information we derive from that work certainly did feed its way into the submission we have made to the committee in relation to your investigations into organised crime. Also, we are working currently with the Attorney-General’s Department, at the Commonwealth level, in relation to organised crime frameworks. Again, that intelligence feeds into our advice that we are able to provide to the Attorney-General’s Department around the legislative frameworks and so forth.

Mr Lawler—The other dimension to this is with some of the key representatives, not only state and territory representatives on the board but the federal agencies—the Secretary to the Attorney-General’s Department, for example. Some of the work that the ACC has been undertaking that is linked to this you heard me talk about—outlaw motorcycle gangs penetrating the security industry and the maritime sectors—and it is the gathering of that intelligence that allows policy agencies, particularly in the construction of policy documents like the strategic organised crime framework, information as to how they might better harden those industries and those vulnerabilities to organised crime.

Senator FIELDING—The issue that has been put forward to me is that our legislative framework in Australia—given that we have states and territories and the federal area as well, and obviously a lot of laws in this regard are covered at a state or territory level—is basically like Swiss cheese, with a lot of holes in it that organised crimes can hide in because there is weaker legislation in one state than in another. For example, unexplained wealth legislation is in two places. You have the consorting laws in South Australia and the concern about pushing things into Victoria and New South Wales. Especially considering what has just happened in New South Wales, it makes everybody nervous.

You are talking about the confidence of stakeholders. The Australian public have to have some confidence here as well. I do not want to undermine all the good work that the ACC does, but I am just saying that in this area, given that you have been looking at this for quite some time, I do not get the feeling that we are addressing the Swiss cheese approach to a legislative framework in Australia and actually having policy action put forward by ACC about it. You cannot force the states and territories to change their laws, but I do not think enough of a case is being put forward by those at the national level, saying, ‘Listen, it is crazy to have gaping great big holes—for example, unexplained wealth and consorting laws in South Australia.’ I do not think Australians want us to just wait and see whether it works. We want action.

Mr Lawler—I can understand your frustration. Indeed, the ACC has been active with the Attorney-General’s Department, and I know through my previous roles that the department has been active in a state and territory context. We do have a federated model, and it is often difficult, as I am sure the committee is aware, to harmonise laws and to ensure that we have consistency of application. That is where we need to strive to get to. I know there is work being undertaken, and certainly the ACC will play its part and its role in ensuring that, where it sees gaps and vulnerabilities that would be well treated by legislative remedies, it brings those to the attention of the competent authorities.

Senator FIELDING—I have only been on this committee for a short period of time, but I am feeling as though not enough action is happening in addressing that with enough urgency—really getting that consistency happening. I am hearing at private briefings and non-private briefings how people are really concerned about it, but I just do not think we have in front of us something saying: ‘Here is what the Swiss cheese looks like. Should we allow this to continue collectively?’ That is all.

Mr Lawler—I understand.

Senator FIELDING—I am just saying that someone has to step forward. I do not know all the details, and I really need someone to put up on the board something showing all the states,

with the legislative framework on criminal stuff and organised crime, and saying, 'Here's what we're thinking should be approached.' I am not saying that you have to say, 'We recommend that this happen,' but it is just crazy to allow it to continue on the way it is. I think someone like you should be looking at this, given the role that you play, across a national federal perspective.

Mr Lawler—Can I make a couple of observations. I do not disagree with what you are saying and the intent of the point you are making. The first point I would like to make is that the Swiss cheese will not remain with the same number of holes in it all the time because, as policy treatments are formulated and implemented, the organised criminals will look to drill another hole in the cheese, as it were. The thing is that it is a constant and continual process of enhancement and improvement.

In my earlier comments we spoke about arrests and charges, and one of the things that the ACC needs to do is operate in that strategic space. It needs to have enough capacity to produce a picture of criminality in serious and organised crime intelligence documents to inform governments and the broader policy community as to where the vulnerabilities are. But we need to have done the legwork to actually be able to say with confidence what the terrain looks like and save where the gaps are and what the legislative remedies are that we need to advocate for to those who can make those relevant changes. We will be working hard to address those concerns.

Senator FIELDING—I did not say this beforehand and probably should say it offline: we need more time. I am rushing now and I want to give other members time as well.

CHAIR—The ACC can come back at 4.30.

Senator FIELDING—I am very pleased there has been a commitment to extend the Northern Territory intervention. I will not go there, so you do not need to make a comment on that. I am wondering whether you can tell us whether the reported level of abuse is the same as what you found yourselves. You have been there for a while under the Northern Territory intervention and I am just interested to know whether you can share with us whether the reported level of abuse in Indigenous communities equates to what have you found out so far.

Mr Lawler—I am a little bit hamstrung in that regard. The task force has now been in operation for quite some period of time and has a very good understanding—although it could be a greater understanding on a few issues that I have briefed the committee on—of the levels of criminality and what the terrain looks like. We have this as an agenda item for the board meeting in June. The board, who have authorised the determination and the application of the powers, have required a report to be brought back to them in June and it would be pre-emptive of me to indicate what is in the report before it has gone formally to the board for comment and assessment.

Senator FIELDING—But this is the annual report. A lot of money went into that, which I think was wisely spent, but could you not give as an indication of whether the level of usage is much lower or much higher? Can you give me an indication at all?

Mr Lawler—I would be reluctant to do that given that I have a responsibility to report back to the board. The outcomes of the intervention and its report will be reported on more broadly and,

indeed, to the committee, but just at this particular point in time I find myself in a difficult position.

Mr HAYES—Can I take you back to your comments about failure to cooperate. I think that was dealt with on page 39. Is there a rising trend of groups being so organised that they refuse to cooperate with the coercive powers of the ACC?

Mr Lawler—Yes, there is. We have seen, as I indicated, very good intelligence that indicates to us that concerted, organised groups are effectively thumbing their noses at the powers of the commission before such examinations. We understand that some outlaw motorcycle gangs have promulgated to their members that they would prefer them to be charged by the ACC for noncompliance than to acquiesce to the examination process. In my view, this is a serious development that we are seeing.

Mr HAYES—This serious development I think has been referred to on just about every previous occasion that I have sat on a review of the ACC's annual report. Of those charged, are you able to give any indication of the time of the process of those charges for failure to cooperate and when they have been dealt with by the courts?

Mr Lawler—I do not have those specific details in front of me but I have received detailed briefings from the Commonwealth Director of Public Prosecutions on this matter, as has the board. It would seem that the DPP are affording a very high priority and extensive resources to ACC matters of this nature, but it would appear that when they are listed within the various state jurisdictions for resolution by the courts there are other competing cases that delay these matters being properly heard. Indeed, by the time they are heard the importance, relevance and value of the information that comes from those hearings is often greatly degraded.

Mr HAYES—I have heard from each state jurisdiction about the length of court lists. Was there not effort taken some distance back to fast-track serious matters, a serious matter being the failure to cooperate with the coercive powers of the commission? That has not occurred, I take it.

Mr Lawler—I understand that everything within the court process has been undertaken by the Commonwealth DPP to expedite the matters, but, as I understand the briefings I have received, the reality within the court process is that other matters take precedence, particularly matters where there are offences against a person or where people are in fact in custody.

Mr HAYES—That being the case, in terms of serious and organised crime, if there is a propensity now for some to show a degree of organisation in failure to cooperate and if that is becoming a pattern, has the ACC a view for this committee as to what we should be doing to address that?

Mr Lawler—I think the committee has already contemplated a number of options—two options, as I understand your previous reports—as to how this might be addressed. I think what needs to happen, as is occurring with other crime commissions around the country, particularly the New South Wales Crime Commission but also others, is a referral of power for contempt needs to be constructed and legislated for. That will enable that referral process to have the matters quickly and expeditiously moved before superior courts, where the person, the subject of

the examination, can either purge their contempt before a senior judicial officer or the full effect of the legislative provisions can be enacted.

Mr HAYES—Yes. Seventeen charges for people failing to cooperate were taken over the last year. Has that materially affected the investigative actions of the ACC in conjunction with its partner organisations?

Mr Lawler—There is no question it has. We would hope that everybody provided with a lawful summons to appear would provide frank and truthful evidence. There will be those in the community who will not, and where we find those we want to have legislative encouragement for them to do so or penalties if they do not.

Mr HAYES—Thank you. The other issue I would like to raise is in relation to staff seconded from state and territory jurisdictions to the ACC. I think that was on page 105. I am not so much interested in the staff that are paid for by the ACC but I am interested in the decrease in staff or secondees that have been allocated over the last 12 months by state and territory jurisdictions to the ACC. Is there a reason for that decline?

Mr Lawler—I might ask Ms Bailey to respond to that question.

Ms Bailey—Are you asking about the secondees funded by the ACC and why those numbers have declined?

Mr HAYES—The ones not funded by the ACC—the ones actually provided for by the states and territories.

Ms Bailey—So task force staff funded by the jurisdiction?

Mr HAYES—Yes, funded by the jurisdictions.

Ms Bailey—That cohort of staff usually come together to work on joint operations, depending on our menu of work agreed for the year or the six months. So they are something of a resource we draw on as we need it. When a joint operation is approved the jurisdictions indicate the resources they will be providing. They meet that commitment but they are, I guess, a less defined source every day. They provide resources to meet the joint operation but they might have to shift them around over a week or a month. It just really reflects the amount of work we have on under those operations as opposed to the more straightforward Wickenby/FIAT type operations, which are ongoing and have a consistent staffing level provided by the jurisdictions.

Mr HAYES—So it would be wrong to read anything into that in terms of a jurisdiction's view?

Ms Bailey—I think it just reflects the menu of work. It does reflect that we have a lot to do. We do our funded work and our tied funded work on those matters and then joint operations as they arise.

Mr Outram—Can I also add that in the year prior to that particular year we were running the Gordian task force, which was a fairly large and significant body of work and a lot of our parts were involved in that.

Mr HAYES—Okay. In terms of the seconded staff funded by the ACC, it seems that Victoria carries the lion's share of that. Is that just a jurisdictional preference to support the ACC over and above other jurisdictions?

Ms Bailey—I would not comment on whether there is a preference between any jurisdiction on supporting us. I guess, again, it depends on the requirements we have and what resources are available. I think people come to it with a commitment to support us. How many they can make available I guess depends on their resourcing mix for the year.

Mr HAYES—I am just trying to ascertain how much state and territory jurisdictions get out of this as opposed to what they are putting into it. I will not take it any further.

Mr Lawler—The important part of that question is that it shows that state and territory police see great value in the task force arrangements to commit their own resources in such a way. That is a positive.

Mr HAYES—I imagine, for instance, John, Queensland would have committed many into task force arrangements because they did not have any phone-tapping ability in Queensland up until a couple of weeks ago.

Mr Lawler—Indeed, that is true.

Mr HAYES—They had to partner with either the AFP or yourselves in order to actually use those techniques?

Mr Lawler—Indeed.

Mr HAYES—I am also interested in the staff allocation of the ACC—the reliance on sworn officers. These, presumably, are still going to be officers seconded by state and territory jurisdictions?

Mr Lawler—Yes, that is right.

Mr HAYES—I think we made comment a little way back that the committee had some concern about officers of the ACC carrying weaponry, albeit that they were former police officers—people who were no longer serving police. I think it is the fact that only serving police have the powers of arrest within your organisation?

Mr Lawler—Indeed. I am aware that this has been a sensitive issue for some members of the committee—the carrying of firearms and indeed the powers to apply lethal force. It is one of the areas that I specifically want the governance and audit review to examine. There are sound operational reasons for ACC officers to have such accoutrements, but there are some other reasons why you would wonder whether that could not be done in another way. I will ask the review team to examine that and advise me as to the best way forward.

Mr HAYES—Do you see down the track a role for officers that fall within that category in the ACC being sworn in as special constables—under the AFP, for instance?

Mr Lawler—I do not understand the complexity well enough to be able to give an informed decision to the committee about that. I am aware of various arguments as to why one would or would not do that, and I would be happy to report to the committee specifically about the review's focus on that particular area when it is concluded.

Senator BOYCE—Mr Lawler, I want to ask a question relating to your comments about the audit by a panel of experts, which I think you said was to start on 30 March. Who appointed and developed the scope of the audit?

Mr Lawler—Given it is an audit that I have commissioned, the terms of reference have been prepared by me. But that has been done clearly in close consultation with a range of stakeholders, including the department and the members who will form this expert panel, as to their expertise and advice around various aspects. We have four persons identified to work on the audit. We are still in the final stages of ensuring that all participants are happy to be engaged—the ones that we have identified. We have received agreement that former New Zealand Police Commissioner Mr Robbie Robinson will lead the administrative audit with support from Ms Elizabeth Kelly, from the Attorney-General's Department, who brings a strong policy and legislative perspective to the audit—and, particularly given the department's key role in formulating a serious and organised crime strategy, her involvement is very important and integral. We have Mr Martin Brady, the former director of the Defence Signals Directorate, who comes with a wealth of intelligence experience and can properly inform around intelligence structures and intelligence processes to make sure we are maximising that asset that is available. Finally, in a mentoring role, Mr Len Early, a former deputy secretary of the Department of Finance and Administration, has agreed to provide support around issues of budgetary and resourcing matters. So we have a former very senior and well respected police officer, who has a view around structure, models, roles and governance, and other members who pick up various dimensions that will be useful in delivering a comprehensive and integrated audit for me and for some of the stakeholders that we spoke about. I am very pleased and delighted with the group, which hopefully will move forward with the first phase of the audit on 30 March.

Senator PARRY—I commend you on the self-initiation of that audit. I think it is a very wise and sound thing and I am sure that the organisation will benefit from that.

CHAIR—We have had a submission from a very knowledgeable, senior and respected commentator on crime, Mr Bob Bottom. In his submission to the committee he argued that the ACC has grown from a law enforcement agency to a gatherer and disseminator of criminal intelligence and that is why the ACC's arrest figures are low relative to the former NCA and the current New South Wales Crime commission. Do you have any comments on that?

Mr Lawler—I do. But can I say firstly, to put that comment into context, that I have the greatest respect for Mr Bob Bottom. I have read his work and, indeed, we have had personal meetings. He has been a longstanding advocate against serious and organised crime. He has also shown a very strong interest in both the National Crime Authority and the Australian Crime Commission. I commend him for his continued efforts and interest.

Mr Bottom and the ACC share the same objective, the objective of disrupting and putting out of business serious and organised criminality. Where our views diverge is on how to do that. There would be a school of thought that would have some strong support that it is about arrests and charges and prosecutions. Without in any way downgrading the importance of that—and that is very important—I would like to submit to the committee that the broader intelligence—both the strategic intelligence that Senator Fielding spoke about, given some of the products that that can deliver to really put them out of business for a long period of time, and some of the very focused targeting of who are the key players and sophisticated ways of doing that—is, I think, where the ACC can really add its maximum value. It can add value in arrests and charges but, if we were to look and ask how it could be most effective and how it could have the greatest impact, my view—and the view of my colleagues and the view of the board—is that that is where it can have impact. Then you give that material—well-honed, well-developed target packages—either to the policymakers or indeed to the partner agencies on the board—the Federal Police, the state and territory police—to put the Mr Bigs and the Mr Big-Enoughts out of business. So in one sense Mr Bottom's observation is in fact the right observation.

CHAIR—There has been a suggestion that the ACC focuses too much on financial crimes and not necessarily on serious and organised crimes, such as drugs and other matters.

Mr Lawler—I have got a very strong view on that.

CHAIR—You can express it if you like.

Mr Lawler—I would love to. If we can take the proposition back one step and ask the question of what motivates the outlaw motorcycle gangs or serious and organised crime, I would submit to the committee there are two things. They are both money and power. That is what they are looking to achieve. So if we accept that proposition as being sound—

CHAIR—Where would a Glenn Wheatley or a Michael Brereton fit into that?

Mr Lawler—Taking Project Wickenby, if it is, as we allege, serious and organised stealing from the Australian community through tax evasion, then that is a very serious thing for the Australian community, because what it does is deprive the government and the community of moneys that are lawfully theirs and that they could put into a whole range of programs to benefit the community. In addition to the moneys going offshore and not being within the economy, there is a significant loss by way of moneys that could have been put into hospital waiting queues, preschools, education—

CHAIR—Mr Lawler, I understand that but I am just saying that the fellow that was shot dead in Sydney last week was hardly on the same plane as Glenn Wheatley.

Mr Lawler—With all due respect, I have a view that they are equally significant and dangerous—dangerous in a different way, dangerous in different profile. But, as for the damage they do, it is not comparing like with like. I understand how people, quite properly, get affronted by serious violence, murder and horrendous crimes that are committed by organised criminals. But, equally on the other side of the spectrum, we have people that are doing serious damage but in a different way. It is organised and, if the amounts of money involved here are as we believe them to be, definitely serious.

CHAIR—Thank you, Mr Lawler, for that. Thank you, Gentlemen, and thank you, Ms Bailey, for your attendance.

[2.18 pm]

KEELTY, Mr Mick, Chair, Australian Crime Commission Board

CHAIR—Welcome. I invite you to make a short opening statement.

Mr Keely—I am quite happy not to make an opening statement and to give the committee time to ask questions it may wish to ask. The only thing I ask the committee to keep in mind is that I am here in my capacity as chair of the board as opposed to that of Commissioner of the Australian Federal Police, if that is of assistance to the committee.

CHAIR—We are aware of that but, as some of my colleagues said, you are the elephant in the room! I will open with some questions. The committee has recommended in numerous reports since 2005 that the Commissioner of Taxation should be included on the ACC board. Are you in a position to inform the committee of any progress being made towards the inclusion of the taxation commissioner on the board? What benefits do you consider the tax commissioner's inclusion on the board would have for the management and direction of the ACCC?

Mr Keely—The consideration for having the Commissioner of Taxation on the board of the ACCC goes back to the formation of the ACCC when it was proposed who would comprise the board. The tax commissioner was considered at that point but ultimately rejected. I think the appointment was rejected along numbers' lines which is an issue I know you would be very familiar with people who form this committee because, if I recall correctly, there was concern that it would outnumber the states and territories considerably in having so many Commonwealth members of the board. It is as simple as that. Since that time, and over the time of the life of the ACC, it has become more apparent to the board and, I suspect, to the ACC more generally that there is great benefit in having the tax commissioner on the board, particularly given the links between organised crime and taxation.

One of the things that the board and this committee have in common is that we are both in fierce agreement about having the taxation commissioner on the board. The matter lies with the Attorney-General's Department and with the government to actually pass legislation to amend the act to include the taxation commissioner on the board. However, notwithstanding that, the board took a decision last year, having had the taxation commissioner on a number of occasions as a visiting person to the board meeting to discuss particular issues, after we looked at the legislation. There is nothing in the legislation to prevent us from having the tax commissioner as a permanent observer to the board meetings. Whilst he has no voting rights he can still inform the board and be consulted by the board. So for the interim the board has invited the taxation commissioner to attend board meetings. The taxation commissioner was not able to attend the last board meeting but certainly attended the meeting before that.

CHAIR—You heard me earlier ask the chief executive officer a question in relation to Mr Bob Bottom's comments, I wonder if you would like to make some observations in relation to Mr Bottom's submission?

Mr Keelty—The comments I would make are similar to the comments of the CEO, particularly in the sense that I think Mr Bottom, the board and the ACC are of one mind in terms of trying to combat serious and organised crime. I should declare to the committee that I consider Mr Bottom a colleague of mine. He has been a long-time supporter of mine going back to the days when I used to work for the former National Crime Authority. Like the CEO I have enormous regard for Mr Bottom. I think the CEO summed it up well when he said that what we need to do is to decide the best way to deal with this.

Of course organised crime has become more complex. It has become much better at hiding its assets, much better at trying to exploit vulnerabilities in policy and also in organisational and operational responses. I sit on the management committee of the New South Wales Crime Commission and indeed we sat earlier today. That board of that crime commission is chaired by the New South Wales Minister for Police and has the Commissioner of the New South Wales Crime Commission as well as the Commissioner of the New South Wales Police, me and the head of the department in New South Wales. I see the difference between both boards operating; I see the results of the New South Wales Crime Commission and I see the results of the Australian Crime Commission.

I think for me it is best summed up by trying to meet the needs of all the states and territories that are party to the Australian Crime Commission as well as the Commonwealth. It is hard to try and please everybody, but the approach that has been taken by the ACC is, I think, a sensible one. The approach, particularly in the last 12 months since the board expressed concern to the previous CEO about the targeting packages and the way targeting was occurring, has resulted in different targeting packages and a new way of looking at how performance will be measured. At its board meeting in June this year, the board will continue to do some work around ensuring that the strategic direction of the ACC, which is our statutory obligation as a board, and the performance measurement of the ACC are a lot more tangible than what they have been in the past.

CHAIR—There is one final question from me and then we might limit it to three a member, if we can even get through that. Can you outline for the committee, Mr Keelty, how the board determines national criminal intelligence priorities or how they did determine them for 2007-08.

Mr Keelty—The national criminal intelligence priorities are determined basically through a working meeting of the board. The board receive material from ACC and we actually go through a rating framework on the priorities. That is one of the strengths and, I guess, at the same time one of the weaknesses of the board. The strength is that each of the members of the board, particularly the states and territories, have an opportunity to represent their issue during that process. For example, if outlaw motorcycle gangs are a particular issue for the New South Wales Police Commissioner, when that person attends a board meeting he can be an advocate for that issue. If, for example, another jurisdiction finds that, for want of a better term, ice is an issue for their particular jurisdiction then they can be an advocate for that. So there is quite a deal of discussion in the board meetings about how we find which are the highest priorities and which are not.

What we as a board have to deal with, and what I would like you to understand, is that not all jurisdictions have the same priorities. When you look crime, particularly its impact, it can be very immediate. The outlaw motorcycle gangs are on our radar today but equally I have sat

through board meetings where ice has been a particularly difficult issue for the board to work through. Asian organised crime, Italian organised crime and vulnerabilities in our import-export structure in Australia have been matters particularly concerning some jurisdictions. Organised crime's involvement in the security industry in Australia is of particular concern to some of the jurisdictions. The importing of weapons—firearms, small arms—and the transport of those weapons between jurisdictions has been a particular interest for the board from time to time. So the board does give quite a deal of consideration to all of the issues, trying to come up with answers that meet the majority of concerns from the jurisdictions but at the same time pose some degree of potential for success in terms of the organised crime investigations that are undertaken by the ACC.

CHAIR—In our inquiry into serious and organised crime we have interviewed most of the commissioners or their deputies and even on outlaw motorcycle gangs there is a different approach in every state.

Mr Keelty—And I have to say that that is reflected in the priority that has been given to them by the ACC. One of the pleasing things for me as chair of the board and in sitting in on the New South Wales Crime Commission management committee meeting earlier today is the number of references in the material that that committee had to refer to were the product of ACC intelligence reports and intelligence pictures on what is happening with the outlaw motorcycle gangs. It is a classic case of why the ACC was created, because it is a crime type that transgresses a number of jurisdictions simultaneously, it is a crime type that is readily identifiable by both government and communities and it is a crime type that is very serious and reaches deep into other areas of crime. You will notice that the ACC has actually taken a broader view of outlaw motorcycle gangs, recognising what everyone now knows—that is, you do not have to be the owner of a motorcycle to be a member of an outlaw motorcycle gang these days. It is a euphemism for organised crime.

Senator PARRY—I think the reduction in budget was 2.7 per cent from 2007-08 to 2008-09. I would suggest that there is probably a further reduction on the horizon—at least, not an increase. Have you and the board considered the implications that may have, especially in relation to determinations and priorities?

Mr Keelty—We have in a preliminary way. Obviously, we are prevented from going into detail because we do not know what is going to be in the budget, but the board has forecast this and we will, at our June meeting, look at the impact of the budget statement in May on the workload of the ACC. Remember that the board of the ACC, which I chair, does not have the sort of mandate that a normal board in a private sector would have. So in one sense we must let the CEO look after the day-to-day operations and the fiscal governance responsibilities of the ACC. But of course where we do get reach as a board is if we are setting the strategic priorities and the ACC cannot meet them because of its budget—that has an impact on the board's decisions. We discussed that at our last board meeting earlier this month in Sydney. The board is serious about trying to ensure that the workload of the ACC matches its budget because one of the problems for the ACC in the past has been that it has been trying to be all things to all people. If I am representing the board members fairly, that consensus is one that the board has reached.

Senator PARRY—Is the issue of secondments to the ACC from state jurisdictions largely governed by financial constraints or financial implications to each state jurisdiction? Is that something you discussed with your colleagues around the board?

Mr Keelty—It is, but probably it is discussed more deeply between the former CEO, the current CEO and the various commissioners. We are between a rock and a hard place on this because, like other areas of federal policing, if I can put it in that context, we are, if you like, at the mercy—and I do not mean that in a negative way—of the ability of the states and territories to be able to provide police for the ACC and also for other Commonwealth functions. I nearly digressed into my role as Commissioner of the AFP then. I nearly committed the sin!

It is an issue trying to get resources, and trying to get experienced resources, for the ACC. But as I have said to this committee before, one of the advantages of the old NCA model and, I hope, of the ACC model is that as sworn police are given the opportunity to work in the ACC and, hopefully—and I think this is the case—work on the most difficult and complex of criminal matters then go back to their parent force, that has to return a dividend to the parent force. That is a model that has worked successfully in the past and can work into the future, provided that we can work through the budget issues.

Senator FIELDING—With the way the board is set up, having each of the states represented, are you sure there is unity? There seem to be totally different views on pretty simple issues such as unexplained wealth legislation or consorting laws. As the chair of the board, you are saying that priorities reflect the concerns that we have in Australia about organised and serious crime and outlaw motorcycle gangs. Are you sure there is unity when we have heard in our own inquiries how different state commissioners have totally different views?

Mr Keelty—I think the point you have raised is not dissimilar to the point that the chair raised with me about the submission from Mr Bottom. Various people see the best way to attack crime in different ways, and that is not to say that any one way is wrong. Obviously some of the commissioners or board members see that particular ways in their jurisdiction will work better than in other jurisdictions. I should make the point that none of the commissioners or board members are responsible for making the laws in their own jurisdictions. So often, whilst board members might have a particular view, there may be particular reasons within a jurisdiction why that view is not shared and why that view does not translate to policy in a particular jurisdiction.

I am very aware that the South Australian laws have been discussed by a number of people since their introduction. Of course I am a realist too and I know that in some states, and maybe even at the Commonwealth level, there are some people who may see those laws as draconian and a breach of civil rights. One of the—I was nearly going to say ‘difficulties’ but that is not right—joys of working in the Federation is that we try and align people’s interests as best we can.

Again I do not mean this disparagingly, but I have been chair of this board for seven years and those of us who have been around law enforcement in the policy area for long enough will know that the Standing Committee of Attorneys-General and the Ministerial Council for Police and Emergency Management-Police do represent their jurisdictions in a very strong way; and what we might think is a good idea does not necessarily always translate into policy for,

understandably, very good jurisdictional reasons. It is the same reason why the Commonwealth does not make laws that intervene on states rights—we cannot.

Senator FIELDING—I appreciate your length of service, and your credentials way outdo mine in this area so I am not going to compare at all. However I think that we have already seen, just from the annual report, that outlaw motorcycle gang members continue to represent a significant criminal threat to Australia. This is not new. Isn't this just a ticking time bomb—and we can look at what happened in New South Wales—while we actually, I think, procrastinate? You were saying that you do not make laws, but sure as heck you could recommend them. I just get worried when I do not hear a strong voice from the ACC saying, 'Here are some laws. We've got to get tougher with organised and serious crime and outlaw motorcycle gangs.' I am not so sure that I am hearing that. I am hearing that we definitely have concerns with them and we definitely have problems but I am not hearing the ACC saying, 'Here's some laws that we should definitely put in place.' It just seems odd that we do not have anybody coming out saying this. It seems to be that we will leave it with the states and territories and that just seems odd to me.

Mr Keelty—I would suggest to you that the reason for that is that people's experience with the problem has manifested in different ways. I know some of the senators on the committee are from Queensland. You will recall the bikie incident at the Royal Pines Resort there. You will recall that some time prior to that there were a number of outlaw motorcycle gang murders in Western Australia. And you will recall that since then there have been a number of outlaw motorcycle gang activities in South Australia. I think the ACC is being practical about its role. This really is an issue for ministers and it really is an issue for governments. The ACC does not make the laws. The ACC has highlighted the issue on a number of occasions. The board has taken it seriously and the board has agreed to the suggestions of the ACC to restructure the actual determination to be more effective and to actually recognise that outlaw motorcycle gangs are now reaching more widely than just people who are members of motorcycle gangs.

Senator FIELDING—I fully understand and I will leave the point that the ACC does not make laws, but I think it needs to toughen up itself, take some risks and make some recommendations rather than waiting for someone else to and when it is safe to come out. I do not think we can put our heads in a bucket of sand. The ACC does tremendous work. I do not want to undermine the work it is doing, but I think we need someone to have the courage to step up and say, 'Listen, we need to get tougher; here is where we are putting the stake in the ground on these laws,' rather than waiting for the states and territories to come together and say, 'Okay, we will finally get there'. Why does it need Rann to stand up and the rest to go quiet? It seems to be the premiers, the commissioners or the police forces. I tend to think that there is not a voice out there strong enough and saying: 'Here is what we recommend. We do not make the laws but we recommend these things.'

CHAIR—I am not sure that the witness is able to answer that question, and I do not think he needs to. Your frustration has been noted, Senator Fielding!

Senator BOYCE—Commissioner Keelty, you mentioned earlier a ratings scheme that is used to decide your strategic priorities. Who developed the ratings scheme?

Mr Keelty—There have been a number of schemes used over the course of the life of the board. The most recent one, as I understand it, was developed out of a copy of a model that has been used by the Serious Organised Crime Agency in the United Kingdom.

Senator BOYCE—So it was a board-developed scheme?

Mr Keelty—There was one developed by the ACC and put to the board. We agreed that it was a much better approach than what we had been using in the past, which was largely a priority system using numbers and letters. But, in a sense, we do not want to make it too academic. What we want to do is to make sure that what is troubling jurisdictions is actually being met and addressed by the ACC. But we do have to have some methodology.

Senator BOYCE—Is that rating scheme a publicly available document?

Mr Keelty—I would have to check with the ACC.

Senator BOYCE—If you would not mind, that would be good. My background is as a private company director, and one thing that struck me when I was listening to you earlier was that you seemed to be suggesting that directors of the board of the ACC are in fact representatives of their home jurisdictions or agencies rather than performing in what you would anticipate to be a normal function as a director of a board. Could you comment on that.

Mr Keelty—The point I was making earlier is that under the legislation the board does not have a mandate to look at the day-to-day operations of the ACC in a governance way that a normal board would. There is no fiduciary responsibility, there are no directorship responsibilities. Our responsibility under legislation is to set the strategic direction of the ACC and, in relation to jurisdictional interests, whereas you might have a board of a company where people come from other backgrounds and bring that experience and those outlooks to a board—

Senator BOYCE—Nevertheless, they must behave only in the best interests—

Mr Keelty—Of the board—

Senator BOYCE—of the entity they serve on the board of in that capacity.

Mr Keelty—In fairness to all the board members, they often are very much in agreement. But they are, as you would have noticed as you travelled around the country, prone to have their own views. There is quite a diverse group of people on the board, from the Director-General of ASIO—

Senator BOYCE—And a lot of them.

Mr Keelty—and there are a lot of them—to each of the commissioners. So it is a challenge, and I do not say that in a negative way, but it is a challenge to try and get consensus and make sure that we are all travelling in the same direction. One of the things that the board will be doing at the June meeting is doing some more work down that path.

Senator BOYCE—In terms of how to perhaps make it less challenging to reach a consensus?

Mr Keelty—Exactly, and to try and give clearer direction to the ACC so that it knows what its priorities are and how those priorities will be measured.

Senator BOYCE—Would it be helpful or are there any legislative changes in your charter that need to be made to assist the board to focus on a national perspective rather than a state-by-state perspective?

Mr Keelty—That is a very good question. I have not looked as chair of the board at whether there is any way of addressing the issue from a legislative perspective. I would not want you to think that the board meetings are—

Senator BOYCE—I am not suggesting that, no.

Mr Keelty—characterised by infighting or anything like that. There is a lot of consensus but also, I think, an acceptance that—

Senator BOYCE—Nevertheless, there would be conflicting priorities.

Mr Keelty—Exactly. I do not know that you can actually draw up policy to achieve that; I think it is up to us. One of the things we are doing at the next board meeting is a facilitated workshop before we have the board meeting, to try and get better group dynamics within the board, because we have had a couple of changes in the board. The appointment of Simon Overland, as the Chief Commissioner of the Victoria Police, as a new member of the board is an opportunity for us to do that, and there are a couple of other new members who have joined. I should remind the committee that, in his former life, Simon Overland was chair of the working group that formed the ACC, so he was very directly linked to its formation.

Senator BOYCE—There has been a bit of conversation here about the patchiness of state legislation that assists with investigating organised and serious crime. Is this an issue that has been discussed by the board?

Mr Keelty—The board has discussed particularly, I suppose, the outlaw motorcycle gang legislation in South Australia, but it has not been an issue for the board to discuss in terms of other people's jurisdictions. It is felt that the ACC powers and the ACC legislation are sufficient to address the issues that are emerging. I know that the ACC does have a legislative program with the Attorney-General's Department. I know that is being pursued.

CHAIR—As there are no further questions, thank you very much, Mr Chairman.

Proceedings suspended from 2.47 pm to 3.00 pm

BACHE, Mr Peter, Acting Executive Director, Australian Commission for Law Enforcement Integrity

MOSS, Mr Philip, Integrity Commissioner, Australian Commission for Law Enforcement Integrity

CHAIR—Welcome. I invite you to make a short opening statement.

Mr Moss—Thank you for this opportunity. It is a pleasure to be here. This being my first occasion appearing before the PJC on the ACC, I thought it might be useful if I provide a brief outline of the role of the Integrity Commissioner and the Australian Commission for Law Enforcement Integrity, or ACLEI, as it is known.

Let me start by explaining why ACLEI was established. Where any role involves discretionary power, there is the potential for corruption to arise. It is generally recognised that there is a particular risk that corruption may arise in law enforcement environments unless appropriate countermeasures are in place to meet that risk. There are a number of reasons for this view. Because the duties of law enforcement officers bring them directly into the path of opportunity, there may be a temptation for them to use their discretionary power to gain uncommon reward. For instance, law enforcement work necessarily includes engaging in high-corruption-risk activities such as: dealing directly with criminals, including in covert operations or through criminal informants; seizing and handling of property and drugs; having a high degree of control over the investigation, charging and arrest of individuals; and access to law enforcement information sources. It is also true that law enforcement officers are at risk of being compromised by criminals. That is, specific temptations may be offered to recruit law enforcement officers on an individual basis to a criminal cause. This may occur opportunistically or in a planned and targeted way.

If these risks were left uncontrolled or unmitigated, a number of other factors could combine to magnify the threat of corruption manifesting. For instance, it is recognised that a culture of mutual support amongst law enforcement officers may result in divided loyalties and reluctance to report misconduct. Another challenge facing corruption investigators is that law enforcement officers are likely to be well versed in law enforcement methods and may be skilled at countering them in order to avoid scrutiny. For these reasons, even though there has been no recent crisis or serious doubt about the integrity of Australian government law enforcement agencies, ACLEI was created to ensure corruption risks in law enforcement agencies are addressed appropriately. Accordingly, ACLEI provides a higher level of assurance to the Australian government and the public than previously existed.

Let me now turn to the role of the Integrity Commissioner and ACLEI. The Law Enforcement Integrity Commissioner Act 2006 establishes the office of Integrity Commissioner. Supported by ACLEI, the Integrity Commissioner's responsibilities fall into three areas. Firstly, my role is to detect, investigate and prevent corruption in law enforcement agencies. The agencies currently prescribed in the LEIC Act for this purpose are the Australian Crime Commission, the Australian Federal Police and the former National Crime Authority. Secondly, I have a role to maintain and improve the integrity of staff members of law enforcement agencies that fall under my scrutiny.

Amongst other endeavours, this broader role allows me to partner with those agencies to ensure that their integrity systems are up to date and appropriately designed to meet changing times. Finally, the act requires me to collect and process information and intelligence about corruption and corruption risk in Australian government law enforcement agencies.

To understand the role of the Integrity Commissioner, it is important to appreciate that the responsibility for maintaining and improving integrity in law enforcement is shared between the Integrity Commissioner and the heads of law enforcement agencies, whose staff and former staff are subject to the scrutiny of the Integrity Commissioner. For instance, when the head of a law enforcement agency becomes aware of an allegation or information that raises a corruption issue, the agency head must notify the Integrity Commissioner. This is not a matter of discretion for the agency head.

Corruption issues relating to prescribed law enforcement agencies can also be referred by other agencies and individuals. In addition, the Integrity Commissioner can investigate a corruption issue of his or her own initiative. However, the Integrity Commissioner is not expected to investigate every corruption issue that arises in federal law enforcement. Rather, the Integrity Commissioner's role is to ensure that indications and risks of corruption in federal law enforcement are identified and addressed effectively. This approach involves investigation of corruption issues by the Integrity Commissioner only where there is advantage in the Integrity Commissioner's direct involvement—for example, if a coercive information gathering hearing were desirable or where independent investigation would be beneficial.

To meet the challenges of investigating law enforcement corruption, an array of coercive and intrusive investigative powers are available to the Integrity Commissioner through various means. These measures include the ability for the Integrity Commissioner to hold coercive information-gathering hearings to further investigations.

I will now turn to ACLEI's relationship with the Australian Crime Commission. I welcome the appointment of Mr John Lawler as CEO of the Australian Crime Commission and pay tribute to the work of his predecessor, Mr Alistair Milroy. Prior to his taking up this appointment, and since, Mr Lawler and I have had occasion to discuss the changing demands on the current integrity arrangements of the ACC. These discussions have demonstrated to me that Mr Lawler has a well-informed commitment to ensuring the integrity of the agency that he now heads and its staff. I am pleased with the frankness of our discussions and Mr Lawler's appreciation of the importance of integrity and its central role in the ACC. I consider that the ACC is entering a new stage in its development, building on the considerable achievements of the previous CEO, Mr Milroy. It is for the ACC to ensure that its integrity framework and systems are fully matched to the law enforcement challenges and consequent corruption risks that lie ahead. ACLEI has a role in providing advice about corruption prevention and detection, and provides an independent insurance of these measures. I do not intend to detail these discussions here, other than to say that we have covered the prospect of changes to employment arrangements to provide a loss of confidence and enhanced stand-down power for the CEO, given consideration to the establishment of a whistleblower scheme, and have begun to explore the possibility of enhanced arrangements for the internal detection and investigation of misconduct within the ACC.

The committee may note that the recent report of the inquiry into law enforcement integrity models by the Parliamentary Joint Committee on the Australian Commission for Law

Enforcement Integrity recommended that those first two issues—employment and whistleblower arrangements—should be the subject of further consideration by the Australian government. ACLEI and the Australian Crime Commission continue to discuss what arrangements would be most suited to the ACC’s current and anticipated risk profile.

I wish to bring to the committee’s attention a recent submission by ACLEI to the Australian Law Reform Commission’s current review of secrecy laws. In my submission I have suggested that consideration be given to increasing penalties related to the unauthorised disclosure of law enforcement information, particularly where it can be demonstrated that corruption was a motivating factor. In developing this position, ACLEI consulted with the Australian government law enforcement community and the ACC was particularly helpful in our deliberations.

The Attorney-General has asked the Law Reform Commission to report to him by 31 October 2009, and I am hopeful that the link between corrupt conduct and unauthorised disclosure of law enforcement information will receive due attention in the final report. I raise this issue with you now because I want to show you one of the ways in which ACLEI translates its observations from investigations and research into suggestions for action and reform. ACLEI’s ability and status as an independent observer may be of future use to this committee, particularly when this committee becomes the parliamentary joint committee on law enforcement.

Finally, ACLEI’s reporting on ‘complaints’. It was the practice of the former National Crime Authority, and now the practice of the Australian Crime Commission, to publish in its annual report a listing of what it describes as ‘complaints’. The list appears each year as an appendix, and is a mixture of complaints from members of the public, internal whistleblower reports and information reports from various sources. The list appears as appendix C in the ACC’s 2007-08 annual report, on page 163. I am informed that the former Parliamentary Joint Committee on the National Crime Authority recommended that such a list be included in the annual report each year. I understand that the committee suggested this measure because the NCA was excluded from the Commonwealth Ombudsman’s jurisdiction and it was felt that greater accountability was warranted. Since that time, the ACC has continued to publish the list despite its inclusion in the Commonwealth Ombudsman’s jurisdiction and, since January 2007, its inclusion in ACLEI’s jurisdiction in respect of corruption issues.

You will note that some of the matters referred to in the 2007-08 list relate to ACLEI investigations, or matters that have come to ACLEI for assessment. I consider it would be counterproductive to continue to publicise what corruption issues ACLEI may be investigating. At the same time, I am not convinced that continuing to publish this information in the present form adds greatly to the ACC’s accountability measures. I note that ACLEI publishes annually a summary of each corruption issue that has been the subject of a report to the minister, and publishes statistics about all other matters that have been received and dealt with. In this way, transparency obligations are fulfilled and the potential for compromise to ongoing investigations and any undeserved harm to reputations would be avoided. Respectfully, I asked the committee and the ACC to consider whether the continued publication of the list, as far as ACLEI is concerned, adds materially to the ACC’s accountability or transparency and to examine options that may take account of my concerns.

CHAIR—Do you have anything to add, Peter?

Mr Bache—No, I do not.

CHAIR—The committee understands the ACC is unique amongst Australian law enforcement agencies in not having the power to summarily dismiss employees based on a loss of confidence. I know you referred to this sort of issue in your submission, or your opening statement to us. What is ACLEI's view on whether such a power is necessary or desirable for the ACC?

Mr Moss—I note that the Parliamentary Joint Committee on the ACLEI, in its inquiry and report on law enforcement integrity models, dealt with this very issue in Recommendation 7. It recommended that the Australian government review existing obligations on employees of law enforcement agencies to report misconduct—I am sorry, I have the wrong recommendation. It relates to another recommendation.

CHAIR—I have no doubt that the parliamentary joint committee has made—

Mr Moss—Sorry, I just wanted to introduce that as the prelude to my response to your comment. It is Recommendation 8. I support that recommendation. The committee considered evidence from a number of law enforcement agencies in the states and was convinced by that evidence that that recommendation was warranted. My own view is that it would be helpful for the CEO of the ACC to have that power. It is a power that is available to the AFP Commissioner. In matters that I assess or investigate as corruption issues, a number of them—in fact, about half of them—relate to unauthorised disclosure. Provided there were adequate protections for the individual ACC officer concerned, I think for the ACC CEO to have that power would be beneficial and be consistent with the nature of the ACC as a law enforcement agency.

Senator FIELDING—Obviously unauthorised disclosure information cuts to the heart of undermining confidence across the board. Sometimes it can lead to very serious ramifications. I am going to cross jurisdictions here and then come back to the issue. Victoria is an example where someone under witness protection ended up dead; obviously some information went astray. I will come back to it at this level: how much of the unauthorised disclosure information was initiated by you or was someone coming to you telling you that it was unauthorised or letting you know they thought it was? How many did you find yourselves versus how many were tip-offs?

Mr Moss—I have mentioned the statistic already in the current year, 2008-09. I have had 13 corruption issues notified or referred to me involving the Australian Crime Commission, and six of those—just under half—related to the issue of unauthorised disclosure. As to the numbers that I discovered myself, I will seek assistance on that point.

Mr Bache—None of the matters before us are matters that we have discovered in our own right, if that was your question.

Senator FIELDING—That is my question. I go back to the Australian Commission for Law Enforcement Integrity. The ACLEI was established to prevent, detect and investigate. I am just trying to work out 'detection'. Does that rely on someone coming to you or do you do something? I am certainly not going to say that there are systematic problems in the ACC; I am just asking who is checking. Are you just relying on people coming to you with information? What are you doing?

Mr Moss—The question of detection does, as you indicate, raise the prospect of whether ACLEI has the resources and the capacity on its own to detect such matters. So far, we do not have much capacity to do that. What we rely on is the requirement under the framework provided by our legislation for heads of agencies to notify us of corruption issues. The heads of the agencies, including the ACC CEO, are required to notify me when they become aware of a corruption issue. We are endeavouring to improve our capacity to detect in our own right, and that will come partly—it is a trend that has commenced—through individual members of the ACC and the AFP coming to us direct. There have been instances of that from both the ACC and the AFP. So that is another avenue at this stage whereby ACLEI is able to detect corruption issues.

Senator FIELDING—You can see where I am coming from, can't you?

Mr Moss—Yes, I do.

Senator FIELDING—Having none—it just seems odd. We are trying to work out whether there are enough resources, because unauthorised disclosure of information cuts to the very heart of corruption and organised crime. I am wondering whether we are skimping and saving in that area, because once it happens once the next person coming forward will not disclose information because they will be worried about it leaking out. Are we skimping and saving here when we should not be? Do we have a resource problem?

Mr Moss—I think it is a question of starting where we see the need for a measure—and ACLEI was the measure, and the framework provided for in the legislation is the way the measure is implemented—and then seeing how we go. This invokes the building block approach to resourcing ACLEI.

Senator FIELDING—But are you underresourced to really go and do what you set out to do? ACLEI was established to prevent, detect and investigate corruption issues. Are you underresourced to carry that out?

Mr Moss—Certainly in terms of investigation we have a capacity which we are developing. In terms of prevention we have a modest program to examine the anticorruption measures of agencies and to give commentary and to advise on that. As to detection, I think you could say we are still heavily reliant on notification.

I might also say generally about unauthorised disclosure that it is difficult to detect of ACLEI's own motion. It is a question of law enforcement officers passing on information in an undisclosed or inappropriate way to former colleagues or to criminal entities. You become aware of it when the information gets into the public arena and then you can address the problem retrospectively. That has been our experience so far. As to proactively being out there to develop measures to prevent it, this is a longer term project in terms of education and setting up systems within the agencies and of ACLEI becoming more conversant with this kind of corruption issue.

Senator FIELDING—The issue I have, though, is that it commenced operation on 1 January 2007 and it is now 2009. It seems a long time to be still establishing it.

Mr Moss—I talked before about the building-block approach to ACLEI. No-one quite knew what would be the workload of an agency like ACLEI, and there have been measures put in place to enhance ACLEI's resourcing and capacity. For instance, as a result of provisions in the 2008 budget, ACLEI will have a staff increase from 12 permanent staff to 17 in July this year. This is part of the building-block approach that I have mentioned and is part of the normal budget processing whereby agencies apply for additional funding where they see a need and where they can convince the government that this need, as against other priorities, should be met.

CHAIR—Mr Moss, fortunately or unfortunately, Senator Fielding and I are among the few people on the committee here today who are not on the ACLEI committee.

Mr Moss—I might also point out for Senator Fielding's benefit that in the recent report produced by the PJC on ACLEI, recommendation 1 was:

The committee recommends that the Australian Government undertake a review of the Australian Commission for Law Enforcement Integrity's funding levels as a matter of urgency.

Senator FIELDING—I can see why.

Senator PARRY—Mr Moss, in your opening statement you raised the matter—referring to appendix C at page 163 of the report—of 'complaints' and not listing them. Could you give the committee a more defined reason as to why they should not be listed? Do they in any way compromise any investigation? I suppose, in terms of timeliness, when a report is printed the information can be out of date fairly quickly.

Mr Moss—I think I have no concern about what is printed in that report for 2007-08. My concern is an anticipated one, that at some future stage there might be a difference in the way that ACLEI might decide to report on a corruption issue and the way that the Australian Crime Commission might so decide. My interest here is that investigations are sometimes ongoing and to report them in this format might at some future time compromise those investigations. As I indicated in my opening statement, it might even go to harming reputations of those people who are merely facing allegations and, at the end of the investigation, may be completely exonerated. This is the kind of the consideration that I am bringing to that suggestion that I made regarding the reporting at appendix C.

Senator PARRY—Have you raised the matter with the CEO of ACC?

Mr Moss—No, I have not at this point.

Senator PARRY—Is this something you intend to raise?

Mr Moss—Yes, I would do that, but I note that it is a requirement on the ACC coming from the PJC. That is why I saw fit to raise it today.

Senator PARRY—I think it is very valid and important for us to take that matter further, so thank you very much for that.

Mr Moss—When I say the PJC, it is the former PJC on the NCA.

Senator PARRY—Yes. It is a matter that we can certainly review at one of our private meetings. I am sure it is something we will discuss.

Mr HAYES—Mr Moss, are you satisfied with the internal integrity measures deployed by the ACC?

Mr Moss—I think I will be in a better position to answer that question at the conclusion of this financial year, by which time I will have completed ACLEI's pilot review of the anticorruption measures of both the AFP and the ACC. This is an attempt by ACLEI to be proactive in a situation where largely, to date, we have been responding to referrals or notifications of corruption issues.

This is one way of, again, confirming what the corruption issues are in the ACC and then determining what the mitigating measures are and their priority; hence, for me, your question would be better answered once I have done that. But, apart from one or two issues which have been in a predecessor agency—that is, the National Crime Authority—the integrity of the ACC in a general sense is sound, although we do have examples before us now where we are testing that proposition by way of investigation of matters. However, I think in an overall sense it is sound. You will appreciate that ACLEI was not established in any climate or context of crisis or doubt about the integrity of these agencies but to ensure that they remain so. My comment would be that, in a general sense, I have no doubt about the ACC's integrity.

CHAIR—Gentlemen, thank you very much for coming along today. It is very much appreciated.

[3.27 pm]

BOTTOM, Mr Robert Godier, Private capacity

CHAIR—Welcome. I invite you to make a brief opening statement, at the conclusion of which I will invite members of the committee to ask questions.

Mr Bottom—Thank you very much, Mr Chairman. The submission speaks for itself to an extent; but, in having had the opportunity today to sit in on earlier evidence, might I say at the outset that that only serves to prompt me to re-emphasise my suggestion or recommendation that your committee institute a separate inquiry or review into the role and priorities of the Australian Crime Commission. Historically, after the establishment of the National Crime Authority, there were a series of what were then termed ‘evaluations’—very useful exercises by the then parliamentary joint committee. Since the establishment of the ACC in 2003, there has been one review but it was really a review of the act. In fact, I was the one who put the submission to the committee which resulted in that being put in the legislation. There is some need for review.

I also appear today in the wake of an interesting and landmark interview given some hours ago in Washington by the Prime Minister, Mr Rudd. In it, he expressed his concern and the national concern over the outlaw motorcycle gang problem in Australia. He made it very plain that, as others have been advocating, there should be—as he said—a zero tolerance attitude towards it in Australia. Very particularly, the Prime Minister has announced while in the capital of another country that he is prepared to allocate appropriate resources to enable a national crackdown against outlaw motorcycle gangs.

In the light of some things that I will draw some attention to, we are in an unfortunate position in that the only avenue for such an approach in Australia is the Australian Crime Commission, which is made up of state and territory governments and every national law enforcement jurisdiction in Australia. I emphasise the necessity now of a new focus and perhaps a separate inquiry. You already have an inquiry into outlaw motorcycle gangs that is related to the differences, as Senator Fielding has raised, between the states and other jurisdictions in terms of laws. Your committee is looking at that—you are yet to report.

What we need is a real look. I know what some of the people have said in compliment earlier, and I accept it. I am at one with the ACC in the sense of combating organised crime. But I have noticed concern by you, Mr Chairman, in the press and from Mr Jason Wood. This is a very historic day. I have been involved in these sorts of matters since the first royal commission in 1973. After that commission, they set up a crime intelligence unit in New South Wales. I was the first witness at that royal commission. I used to run around in those days with 24-hour federal police guards. It was not very pleasant, and it happened many times after. That is what happened. This is what we are faced with now in the light of earlier evidence. We set up in New South Wales a crime intelligence unit to deal with organised crime. As a result of that initiative, every state followed and set up bureaus of criminal intelligence. Victoria’s became the premier one in the nation.

In the wake of that, we set up in Australia an Australian Bureau of Criminal Intelligence. It was made up of all the jurisdictions that we now have relevant to the ACC. That included people posted to Australia here in Canberra from the FBI, New Zealand and other relevant countries—all over. In the meantime, we also set up official joint Commonwealth/state task forces. Out of that evolved a very concerted campaign, which started in New South Wales and spread to other states—and there were people federally; the man who deserves the most credit is Ralph Jacobi from South Australia—that led to the establishment of the National Crime Authority. There was no doubt as to what it was for: it was to combat, arrest and charge organised crime figures. It did a very good job and turned the tide in the 1980s. Then there was a re-evaluation of things and we ended up with the ACC.

What concerns me today is that all the good work—which I can extend to the ACC, because they do a good job in many respects—might be undone. The new chief executive officer has today said that it is not their aim to make arrests. That was in relation to some questions on outlaw motorcycle gangs. He reiterated later that it was not the intention of the ACC as it is evolving to make arrests or lay charges or institute prosecutions. Moreover, he said that in the simplest terms, the intention was to approach things with broader and more coordinated intelligence. That is a betrayal of the past. It is not what the Australian public want.

I was a broker between some states and the Commonwealth on the legislation that brought in the ACC. I was consulted on this in the case of the New South Wales legislation and on part of the Queensland legislation. I suggest that the committee check this, but if you read their *Hansard*, those governments, in coming to the party on the ACC, talked very specifically—and I meant to bring the New South Wales *Hansard* with me—about coordinating intelligence but also about seeking out, charging and prosecuting and dismantling organised crime, not about running a glorified ABCI.

It might be a bit radical for me to be saying it today but it is a very, very important subject—probably not easy for you to come to grips with in a review of the annual report. So I would suggest that, aside from your current report, which is nearing the end with respect to outlaw motorcycle gangs, a separate review or evaluation would be very appropriate. Funnily enough, I have a meeting in Sydney tomorrow which ordinarily would have been totally confidential. It is a meeting of some of the old stakeholders responsible for some of the biggest public gatherings politically in the history of this nation that were held in country towns, cities, and Melbourne. I think the biggest crowd was in Melbourne, with Barbara Mackay and me calling for a national crime authority. At the time, it was the biggest crowd in the heart of Melbourne since the Vietnam War. There is a concern out there. The Prime Minister wants to target the motorcycle gangs and others. He wants to give extra resources, but why give it to a body that is just going to do an intelligence operation? I think we need to get back to taws with the priorities and tackle things more head-on.

I could say many things, but—while this motorcycle gang issue is on the horizon—I noticed this morning that you were told that there were 39 such groups in Australia now. Might I tell you that over time, and this is where you wonder about the value of some of these intelligence reports, various figures have been given in the past and I think Mr Wood would be aware of some of the figures in the past and how many of these groups there are supposed to be. Previously, the ACC claimed there were 35, but let me tell you that Senator Boyce asked a relevant question. How many are there in Queensland? It is interesting. We are told today that

there are now 39, as against 35, and that there are 19 in New South Wales. Now I will give you the list, state by state. In New South Wales, according to documentation provided by the ACC—and if you want to take note it is very relevant—there are 18 in New South Wales, 17 in Victoria, 11 in Queensland, eight in South Australia, six in Western Australia, four in Tasmania, three in the Northern Territory and two in the ACT. Can I tell you that the number is 69.

Mr HAYES—Are they all different bodies, or—

Mr Bottom—They are all outlaw motorcycle gangs. That is the total number. The ACC told you this morning that there were 39, whereas previously they said there were 35 and, once before, 10. These are ACC tabulations of how many outlaw motorcycle gangs there are in Australia. Previously there were 3,500 fully-badged members; now they say 3,300.

Mr HAYES—These are all different chapters?

Mr Bottom—Yes. All those details are in the 2005-06 annual report. It is a little bit akin to another appearance I made before this committee. I know that this committee once pushed and pushed in the picture of criminality report, for the public version, to actually list how many organised crime groups there are in Australia. I gave them to the committee once, because I was privy to them as a participant in the strategy group dealing with the gangland murders in Victoria. I was on the strategy group with the police. We had access to the ACC's database then, and there were 97 organised crime groups in Australia. Now we are told that 69 of them are outlaw motorcycle gangs, but more particularly might I tell you that there were 32 high-risk groups. I think even in intelligence terms, let alone whether you are going to pursue and prosecute people, the ACC really does need an evaluation to just have another look at some of their intelligence and how reliable it is.

I have dealt a lot with Canberra—I have met every Prime Minister since Bob Menzies; I came here at a very young age—and there is sometimes in Canberra what I call a white-shirt brigade, and when you have bodies here they get hijacked a bit. People like yourselves come here from all the states—even from Tasmania, where there are four outlaw motorcycle gangs. That is a very great concern to the government in Tasmania. There are 11 in Queensland, and everyone knows that they are very active there.

I would mention one other aspect in support of the report I did. There are statistics and statistics, but the fact is this: in the latter period of the NCA, there was a little bit of disillusionment and a thought that perhaps it had not done as good as it had done earlier, but for the last five years of the NCA the average number of people charged was 463. If you look at the figures in the annual report that you are reviewing, the number is 210, but the average for their first full operational years is 220. That is less than half the number of people charged at the NCA, even in its declining years. Compare that with the New South Wales Crime Commission. Their five-year average is 422. It is almost double.

There is concern about funding for the ACC at the moment, but the reality is that, on official staff figures, the ACC operated on 573—and I do not think that included some secondees—and the overall budget was \$115 million. The ACC's budget is more than twice what the NCA had. The New South Wales Crime Commission has a staff of only 109. The ACC has more than five times as many staff and eight times the budget, yet fewer than half the number of people are

charged by the ACC. There is a need to look at the priorities and get back to a time when Australia had faith in the NCA.

A lot of what is going on in the ACC in relation to intelligence gathering and dissemination is good but, as Mr Wood would probably know, from a police point of view, a lot of people were rather proud to serve with ABCI and they did a very good job. They did work on the bikie problem in the eighties and people from America even benefited from their work. And here we have a group now that is doing the same as what the ABCI did, when in fact its brief should be to do what the ABCI did—because they are embodied in their organisation—plus go out and arrest these people and disrupt some of these gangs. The key to the bikie problem in Australia is the interstate affiliations. The killing at Sydney airport was on Commonwealth jurisdictional property. These bikies came from interstate. They were not in St Kilda or the valley in Brisbane or whatever; they were on Commonwealth property. They run backwards and forwards between states. A lot of that is due to the interstate drug distribution system in Australia. This problem can only be tackled properly through a national approach, through state and federal jurisdictions.

I could go on to speak on a number of fronts, but I really do emphasise that you cannot deal with it all in detail and thoroughly in an annual review. After you finish your current inquiry, I would ask you to think about instituting a further review—or do what the NCA used to call an evaluation. When you have an evaluation or such a review, the stakeholders are invited to put in submissions. In the NCA evaluations—and I used to give evidence there—the police commissioners would give evidence. They were not required to give evidence but they would look much like a goose if they did not turn up. They came and gave evidence and had to undergo questioning.

At the moment a lot of it this has become what I would almost call ‘wankerism’. This morning some of you—particularly Senator Fielding—were trying to find out where the ACC or the board stood on this diversity of legislation between the states. The ACC put a submission on this to the committee last year. It was, I might say, very wishy-washy—as are those from other jurisdictions. The differences between the attitudes of some of these police commissioners and what not are quite revealing. I could go on, but I would be happy to answer any questions.

CHAIR—Thank you very much for that and for your submission. I agree with your submission, particularly the end of it. I have not backed off from my view about the ACC’s priorities. You would have heard Mr Lawler’s view about taxation issues, Wickenby and so on.

Mr Bottom—I welcome the fact that Mr Lawler announced that, apart from the audits, there would be a review of the organisational structure. When you have people coming on as managers of programs and whatnot, it really tells you a lot. Compare the structures of the New South Wales Crime Commission, Queensland’s CMC, the organised crime group in London and the groups in Ireland. None of them has anything like the ACC’s organisational structure. It sounds like a branch of the National University or something. It is just not compatible with policing. There is no mention, as you will notice in some of the strategy documents, of the word ‘investigation’ or even ‘intelligence’. It is policy and all that sort of nonsense. There really just needs to be a review. I notice, Mr Chairman, you have been publicly credited with calling for a return to the core priorities, and I agree.

The other thing that Mr Lawler mentioned, and I think you would have welcomed it, was that he is expecting the board in June to re-evaluate some of the priorities. It is sort of dwindling down. Some of the other references or, as you call them now, 'determinations'—listed firearms and various other government instituted things—are petering out. We are coming back to a fair core of priorities. Outlaw motorcycle gangs, as you will find in the report, have been subsumed under 'serious and organised crime'. You have to question that.

I was involved in the Melbourne gangland murder advisory process. One day some people from the university here in Canberra plus the Institute of Criminology ran a working group which was attended by people from the FBI and elsewhere. I would not participate because they wanted us to discontinue using the words 'gangs', 'syndicates' and 'networks' and to call them nodes. It was just nonsense. We are seeing a bit of that being injected into this. We need to get back to the core values in the territory, state and federal government approach to this.

In particular the NCA was set up to pursue drug trafficking in the wake of a series of royal commissions, but it was broadened into organised crime generally. The NCA had a core group of about four determinations or 'references', as they were called in those days. The list today is just silly. We started off with 'established criminal networks'. Then it was 'high-risk crime groups'. Now it is 'serious and organised crime', and it is subsumed by financial dealings and whatnot. That is very comfortable for someone sitting in Canberra, and of course we have to follow the money trail. Royal commissions have done that, particularly since Costigan, but that does not mean you do not want task forces in partnership with the states to actually combat organised crime. That is what the NCA was for.

As someone mentioned earlier, Queensland has not done a bad job in recent years. You know why? Because they had to rely on the Australian Crime Commission and, prior to that, the NCA for phone taps and whatnot. Because they had a good partnership, they kept things under control.

Mr HAYES—Queensland made the arrests there.

Mr Bottom—Sorry?

Mr HAYES—In the Queensland instance, whilst they relied on the phone taps—

Mr Bottom—They arrested people.

Mr HAYES—The arrests were actually credited to the Queensland Police Service despite the fact they were on—

Mr Bottom—I will give the Queensland police their due. They have always come along to these committees and given full acknowledgement to the NCA, originally—I appeared at all of those committees—

Mr HAYES—Absolutely. But I mean the credited arrest went to the home jurisdiction.

Mr Bottom—No, not always; a bit of both.

Mr HAYES—But you are actually seeing that now.

Mr Bottom—Yes.

Mr HAYES—You are saying there has been a diminution in the arrest rate. With a lot of all those partnered operations, it seems to me, particularly in Queensland—and I know this firsthand—the arrests were attributed to the Queensland Police Service.

Mr Bottom—That is right.

Mr HAYES—So that is why they do not appear on the ACC log sheet, if you like.

Mr Bottom—I think you asked the question—and I do not know the answer myself—but I would say one of the real factors in evolution originally of the ABCI was the preparedness of the state police forces and those to contribute. When the ABCI was set up, Victoria, in particular, sent a whole team, then New South Wales and other states all took part. They did a very good job particularly in the eighties and into the nineties. They did Italian mafia. They did all sorts of great things. But then we got the NCA, and this is to get to the real point. I think the Prime Minister will get a shock if he says, ‘Now, what are we going to do? We’ve got these announcements in Washington. Their resources are available or they are going to be made available.’ Who would you give them to? Would you give them to the Australian Crime Commission if they are not going to have police? In the *Canberra Times* paper the other day they said—and this was published in the *Canberra Times*—that for the whole of the duration of the outlaw motorcycle gangs reference there has been not one policeman actually attached to it. That was in the *Canberra Times*. That was not disputed.

Mr WOOD—My question was going to be on that. We had the outlaw motorcycle gangs national intelligence task force, which started up in January 2007 and was closed down. I am interested in your view about its closing down. Obviously, I have a fairly strong opinion on it.

Mr Bottom—I cannot understand it. There is another clue to this with the committee, and I watch all of these things. But do you know that, prior to that happening, there was a group anyway happening within the ACC? It had another term then and it ran. I think the key is this. Can I tell you that nationally throughout Australia there is one classic example, and you can go and do a Google search on this, in the national task force to take on the bikies. At that time the government wanted authorities to take on the bikies. This task force was lauded all over the place. It had been set up to take them on. Buried away later, within the ACC, was the thing to make it intelligence for policy advice and all this sort of nonsense. It was intended to be a proper one. You have seen this at certain times. Study the annual reports for 2½ or so years. By the third there has been something that has happened within the ACC so that the task forces have all become intelligence task forces, not ordinary task forces.

Mr WOOD—The question I had was this: what is the importance of re-establishing the outlaw motorcycle gangs national intelligence task force? But you could also have a national outlaw motorcycle gangs task force. So you would have the two combined. What are your thoughts on that? You would have the investigative and analytical.

Mr Bottom—No, there is not. What it is this. It is an evolutionary thing. It is very interesting. I did a thing on how it has evolved. I am sorry I cannot put my hands on it now. As it stands at the moment, it has gone back to—

Mr WOOD—I am asking what you think it should be.

Mr Bottom—I just think it should be an organised motorcycle group task force. The difference is this. When you examine this report—and it has evolved differently over the period—you notice they are listing now, and are talking about, policy matters. Even the titles have ‘organisation’. It is ‘intelligence’—because they absorbed the ABCI and all of that and the A-G’s office that used to do it—and ‘investigations’. What has been happening is that there has been this fusion of intelligence and investigations. Why would you call it an intelligence task force? There is supposed to have been a task force nationally to tackle the bikies. Someone has injected that. Mr Chairman, I know you have had some concerns on another front but I might just throw this in in this respect. If you go on the website of the Australian Crime Commission and look up who they list as a task force in the old form—a task force to tackle organised crime—do you know the only task force listed on that website? It is the Northern Territory Indigenous intelligence task force. They do not mention anything about high-risk crime or anything else. You can see it there in black and white. There is something terribly wrong going on. I am not going to make myself popular, but a lot of people have risked a lot in the past, let me tell you. There is a very powerful network of some people who still exist in this nation who know a lot about organised crime, and I do not think they are going to sit back much longer.

Mr WOOD—Can I ask a question about the importance of having state-seconded members going to the ACC.

Mr Bottom—It is terribly important. I notice that at the moment there are some secondees—I think 15 fewer in the last six months. You have to analyse these things. Who has been deterring the states from sending us secondees?

Mr WOOD—That has been paid for; I can tell you that—hundreds of men have been paid for.

Mr Bottom—I actually, rather proudly in a sense, claim a bit of credit for this, because I had a shock. I was part of the process with the reformation of the NCA into the ACC, and I opposed it in the first instance. In fact, one article I wrote in one paper was ‘Howard’s way: a crime’. I did specials and then they briefed me and everything, and I dealt with the governments. I dealt with Simon Overland. He was the project officer in all this. But let me tell you about one thing in particular that I did. I ended up behind the scenes as the broker between the office of the Minister for Police in New South Wales, Michael Costa, and Simon’s to get a deal that would be acceptable, and that was what was accepted. It is all documented, but it is not publishable—maybe one day.

The deal done—and I will make it public because I know Costa would not deny it because he acknowledged it publicly later on—was that Costa and they wanted this to be an active ACC, not an intelligence body. He wanted to tackle organised crime. The feds beefed it up, and the New South Wales parliament *Hansard* reflects what the New South Wales government wanted—that they would target, arrest and prosecute organised crime, not just run intelligence. But more particularly, on the basis of that, Michael Costa agreed to restore state funding of secondees. Tom Sherman wiped that out. All the states under the NCA always paid for their secondees. Someone got carried away under the NCA and wiped it out and said, ‘The feds can pay for everything.’ Then, when it was restored, Costa sent a team down. The Victorian government came onside. Queensland were a bit reluctant to start with. All the states—in Costa’s office, John

Whelan is an operator—then agreed: ‘Let’s make it effective. We’ll pay for our share, the secondees.’

I have a feeling that down here with the white shirt brigade they do not want some of these secondees. They are real police, you know. What I am really pre-empting, Mr Chairman, is that I think there is something serious in this. You need to have some sort of review or evaluation like you did with the NCA so that some of the stakeholders can come along and have a bit of a say and determine a more acceptable path for the future.

Mr HAYES—Thanks, Bob. I take on board what you say, but I have to say that in the past a lot of people dealt with bikies and gangs and things like that. I am old enough to recall the 21 Division in New South Wales, for instance. Perhaps we would not apply the same ethical standards as they had to at that point—but, there again, you would know all about that.

You were talking about following the money trail. There is one thing you have probably seen from reading the transcript so far—and I know this does not go to the review, but since we have you here I may as well ask you. What is your view about going in the direction of unexplainable wealth as opposed to proceeds of crime, in terms of withdrawing the financial benefit from criminal activity?

Mr Bottom—I have been involved in a few things. One other little sense of pride for me is that I was hired by the New South Wales government in 1989, and I worked with another person—a legal person; I was not the legal person—to prepare the legislation that New South Wales has now for the confiscation of assets.

Mr HAYES—But that does not go far enough.

Mr Bottom—No, but it was significant because it was broadened to enable them to confiscate assets where they could not be explained. It is virtually an adaptation of what you are talking about that happens in other states. If you study the annual report, have a look at how much New South Wales confiscate each year. With 109 people, they are confiscating—I do not have their annual report in front of me—double what the ACC confiscate. New South Wales legislation embodies those principles. I am not saying you should not look at it like you would for bikie legislation.

Can I digress again. You have an inquiry at the moment on whether South Australia’s legislation should be adopted by the other states. I know that two of the members of the committee have mentioned—and I think you were alluding to it in your original question a while ago—the aspect of ‘consorting laws’. Victoria has reintroduced old-style consorting laws. In the world history of organised crime, at the time that Al Capone was on the rage in Chicago, Australia had the worst illegal drug trade in the world. It was instituted in Sydney by what were then described as razor gangs. In Melbourne it was instituted by Squizzy Taylor, and in Queensland by the Black Hand society combined. There was a lot of gang warfare at the time so the governments of Australia brought in legislation to stop them from waving pistols around and shooting each other. So we got the concealed pistol law, which you probably heard of when you were a kid. It worked. The crims then started to use razors and, in Sydney, they became known as razor gangs. This is the key to the analysis of modern law.

New South Wales led the way. They brought in consorting laws in the context of the revulsion in the public mind about the cocaine trade. People could be seen on the streets—the barrow men—with holes in their noses; people were being sliced and everything. But, once they introduced the consorting laws—and I have documented this in the past and it was very well documented around the world—a sergeant and a constable of police, leading a team that was probably smaller than most of the ACC’s task forces, jailed not hundreds of criminals in New South Wales but thousands. They jailed anyone who organised crime or sold drugs. It was the only place in the world that this happened. Federal and state governments were able to proclaim to Australia and the world in 1935 that Australia was totally free of illegal drugs. We did not have an illicit drug problem until it came back in the late-1960s and the early-1970s. So those types of laws can achieve an objective, as long as they are framed in the right way.

CHAIR—We have had a lot of discussion with the various states about the different approaches to proceeds of crime and unexplained wealth. It seems to be strongest in the Northern Territory and the most successful. But one of the things—and I think one of my colleagues referred to this with an earlier witness—is the different approaches by the state police forces to motorcycle gangs. It is not fair to name the states but in some states the commissioners have said that they like the idea of the gang members being patched so that they can identify them and take photographs of them—and if they want to bust in they will. In another state they were not even on the priority list—as I said, I do not want to name the state. Professor Arthur Veno has appeared before the committee. Professor Veno said—and my colleagues will correct me if I am wrong—if you want to know who the bikies in Australia are just go and see who owns Harley-Davidsons. But then we heard evidence that a number of the motorcycle gangs do not even ride motorcycles; they are just gangs. I do not know your observations of this. Are they the great threat to society that they have been made out to be? From what I understand, on Sunday they were not wearing colours, patches or badges. They were just wearing ordinary clothes.

Mr Bottom—That would have been because they had come from interstate and were in transit. But if they were in a more official meeting they would have been wearing their colours. I think there is a difference between the states—and, chair, I think you are on to something here. In requesting Mick Keelty as chairman of the board—I know that he was asked—are they really reflecting what is in the interests of their police forces or agencies or the governments of those states?

When royal commissions got underway in Australia, originally in the seventies but particularly in the eighties, they were on one basis only—that is, as good as some police commissioners were, governments, federal and state, recognised that there were limits to police power and you had to take a more national or statewide approach. As honest as some of them might be, you cannot trust police commissioners at times to pursue matters in the public interest. Much of the time they are worrying about keeping it out of the news, if it suits them.

One of the things that shocks you sometimes about the bokie realm is that you will hear police say, ‘Oh, we are going to go out and talk to them and tell them to sort out their problems and we will negotiate with them,’ and the like. These are one-percenters. They are running the distribution of the drug trade, but one of the other worrying sides of it at the moment and the manifestation that I think would concern the Prime Minister, if he is briefed properly—and he

may be getting briefing from someone better than the ACC, and you should have this—is the entrenched organised crime through the bikie gangs for the distribution of drugs.

It is not so much importation but they now manufacture as well. Worse still, they are being taken over by some of the Middle Eastern gangs, and they are very, very serious in this country, as the Chinese were for the importation of heroin and indeed, say, the Italians were in turn for the marijuana. But the most powerful organised crime groups in Australia are still the entrenched Australian ones in Melbourne—the *Underbelly*-type characters, and those in Sydney.

I got the shock of my life recently. There was a New South Wales Crime Commission inquiry and they did arrest some very notable people. But it started on tackling a Mr Big of Australia. I bet he is not even registered by the ACC. He drives around Sydney in an armoured vehicle. Can you imagine this happening in Washington or Chicago—that an Al Capone could drive around Chicago in an armoured vehicle? He is one of the most powerful men in the country and the police do not even know he exists. We need to beef it up and realise that these are not mickey mouse bikie groups and they are linked with very serious ones. As John Lawler said, if that is the case—and it is—we need proper national coordinated action to assist the states.

Going back to answer the question, there is a book out at the moment that I would recommend to each member of the committee. It is called *Smack Express*. It brings up to date the real information on organised crime, particularly in New South Wales. It is by a former assistant commissioner of the New South Wales Police called Clive Small. He in fact advocates a royal commission into some of the aspects of this, and you will see people mentioned in that book who I bet that the ACC would not even know exist. It is a very worrying book to read; it is not this *Underbelly* nonsense. It is real material and I think it would be salutary reading for members of the committee.

Senator BOYCE—Mr Bottom, you have certainly made it very clear that you do not think the ACC is doing enough investigation. Would you see that investigation being in addition to what they are currently doing, or do you think they are spending too much time on intelligence? I am asking about their focus.

Mr Bottom—I think it would have to be more of a combination. Instead of just calling something an intelligence operation—why would you do phone taps and financial examinations and call bikie people, let alone other criminals, and never attempt to charge them or whatnot? It does not add up.

Senator BOYCE—Their answer would be that they would provide that information to the states.

Mr Bottom—Yes, but if they are doing financial matters through the ACC, that would tend to be in the federal jurisdiction. They have had a very good operation in recent years called Gordian. They recovered about \$95 million and charged international traffickers and money launderers. But if they had not done it and had not charged them, I do not know what would have happened. I am concerned that they just want to sit back here in Canberra—they have their own edifice now—and be a glorified ABCI. We had the ABCI back in '81. This is 2009. We are not going backwards. We need joint task forces, and that is the real premise: the states have

come in on this and they can send secondees and everything and/or have some intelligence operations.

Can I just make one little point to you: look at the national attention given to the Indigenous intelligence task force. When it comes to the ACC, with all due respect, they have only produced two reports. They are really worth looking up. One of them is by an academic. I have it here. It is a compilation of what is available in the media on child sexual abuse—that is, children abusing other children. Any institute could have done that. They have a second one, and this is a shocker. Their main document on the intervention you have to see to believe it. It is the ACC reconciliation action plan. What the heck has the ACC got to do with Australia's reconciliation action plan? That was done in the last year or so and it is a detailed document. Can you imagine a constable of police or a sergeant from Brisbane being attached to this and saying, 'Look, this is what you have got.'

I do not know if the committee has seen the Horizon reports. I think someone has mentioned them. These are public now. The Prime Minister is in Washington expressing concern about a killing on Commonwealth territory soil in Australia. He is about to see United States President and he intervened to do this. In the Horizons report, point No. 1 says 'high petrol prices and organised crime.' They have said, 'Let's set up a task force to combat this in case organised crime interferes with petrol prices. Another one says 'global food shortage and organised crime'. We are producing country. We are exporting food all over the world. You have to read these to believe them. What sort of mentality is this? If they are saying, 'We'd rather produce this for the white shirt brigade of Canberra than pursue organised crime on behalf of the public of Australia', I think you do need an inquiry.

Senator BOYCE—So my next question to you is: would it be your contention that there currently exists a gap in the crime investigative framework of Australia because of the priorities that the ACC currently have?

Mr Bottom—I think that the priorities need to be reviewed. We saw some indication today that they are going to have another look in June. One of the problems is with what they call 'determinations'. They used to be called 'reference'. By the way, the references were always worked out with the states before and they were very circumspect. I have a list here. It is now whittling down to several, if you look at those finishing dates and how they are absorbing them and everything. But we have had a lot of that have been imposed by government, and rightly so, to look at the aviation industry, the private security industry and all sorts of things such as sexual slavery. They are boiling down at this stage, and this would be helpful to you. The private security one is going to the end of June this year. The serious and organised crime national intelligence task force will go to June 2009. By the way, that body is now the outlaw motorcycle group task force. We still have Victorian established criminal networks—that is the old term. That is to help the Purana Task Force. They are still pursuing people involved in the gangland war down there. The National Indigenous Violence and Child Abuse Intelligence Task Force is to go, at this stage, until the end of June, subject to possibly some extra funding. The one they are giving the priority to now is financial crimes. It says 'financial crimes special investigations' here, which is interesting. I think the only investigation we have now is financial crimes, and that goes till 30 June 2009. That is an investigation so that you can charge people.

The NCA used to have about four. It is in my report anyway. So we are getting back a lot of those ones that were hanging around, but it really does need someone to have a look. What gets me is that on the website the only one they list is the national Indigenous violence one. They did not intend to have a task force on some of these other matters. These are very goodwilled people, but something has gone amiss. You can trace it through annual reports. It has almost been hijacked.

CHAIR—Thank you very much, Mr Bottom. You have given us a lot to absorb this afternoon. I would now like to bring the session to a close. I thank all witnesses who have given evidence to the committee today. I commend the Australian Crime Commission for producing an informative annual report for 2007-8. I now declare this meeting of the parliamentary Joint Committee on the Australian Crime Commission adjourned.

Committee adjourned at 4.15 pm