



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

JOINT COMMITTEE ON THE AUSTRALIAN CRIME  
COMMISSION

**Reference: Review of the Australian Crime Commission Act 2002**

FRIDAY, 19 AUGUST 2005

BRISBANE

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**JOINT STATUTORY COMMITTEE ON THE  
AUSTRALIAN CRIME COMMISSION**

**Friday, 19 August 2005**

**Members:** Senator Santoro (*Chair*), Mr Kerr (*Deputy Chair*), Senators Ferris, Greig, Ludwig and Polley and Mr Byrne, Mrs Gash, Mr Richardson and Mr Wood

**Members in attendance:** Senators Ferris, Polley and Santoro and Mr Kerr and Mr Richardson

Terms of reference for the inquiry:

Pursuant to Section 61A, the Committee will review the operation of the *Australian Crime Commission Act 2002*, with particular reference to:

1. the effectiveness of the investigative, management and accountability structures established under the Act, including;
  - a. the Australian Crime Commission;
  - b. the Chief Executive Officer;
  - c. the Examiners;
  - d. the Australian Crime Commission Board;
  - e. the Intergovernmental Committee; and
  - f. the Parliamentary Joint Committee on the Australian Crime Commission
2. whether the roles, powers and structure granted to the Australian Crime Commission under the Act and associated legislation remain appropriate and relevant to meeting the challenge of organised crime in the 21<sup>st</sup> century.
3. The need for amendment of the Act.
4. Any other related matter.

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**Committee met at 9.42 am**

**CHAIR (Senator Santoro)**—I declare open this public hearing of the Parliamentary Joint Committee on the Australian Crime Commission. I welcome our witnesses and observers here today. This is the first hearing of the committee's review of the Australian Crime Commission Act 2002. The review is being conducted under section 61A of the Australian Crime Commission Act 2002, which provides for a review of the operation of the ACC Act by either the minister or a parliamentary committee. The terms of reference call for the committee to review the operation of the Australian Crime Commission Act 2002 with particular reference to:

1. the effectiveness of the investigative, management and accountability structures established under the Act ...  
... ..
2. whether the roles, powers and structure granted to the Australian Crime Commission under the Act and associated legislation remain appropriate and relevant to meeting the challenge of organised crime in the 21st century.
3. The need for amendment of the Act.
4. Any other related matter.

The ACC act has been in operation for almost three years. This inquiry is an opportunity to examine the appropriateness of the legislation and management structures to the ACC's task. It is also an opportunity for the committee to hear from associated agencies and to obtain feedback about the work of the ACC and its interaction with them. Criminal activity is growing in sophistication at an alarming rate. The opportunities for large-scale crime committed with the aid of technology are growing daily and our criminal intelligence agency must be equipped not only physically but legislatively to meet this challenge. This inquiry will, we hope, support the provision of such an environment.

[9.43 am]

**BOTTOM, Mr Robert Godier, Private capacity**

**CHAIR**—Welcome. Mr Bottom, information on parliamentary privilege and the protection of witnesses has been provided to you. I invite you to now make a short introductory statement, after which we will move to a more general discussion and question and answer session.

**Mr Bottom**—As a preamble, Bruce Ballantine-Jones OAM, the chairman of the committee that, in the early 1980s, campaigned Australia wide and successfully convinced governments to set up the National Crime Authority, is a joint signatory to my submission, although I appear here today in my own right. We have considered the terms of reference and we see no reason for any significant changes at all to the ACC Act, except perhaps for some machinery amendments, and we have mentioned those in our submission.

In light of a submission that was made to the committee's review of the ACC's annual report, we do emphasise and reiterate our support for the continuation of the role of the PJC, which has very much been an underpinning feature of such a national body since its adoption with the establishment of the regional National Crime Authority in 1984.

In relation to paragraph (4) of the terms of reference, we do wish to make a recommendation—that is, that the Australian Crime Commission should be provided with additional funding to enable it to refocus on its core business of combating drug trafficking. That means targeting and dismantling entrenched crime networks. We have particularly noted a reference on page 64 of the ACC's 2002-03 annual report that says:

The ACC will undertake only one or two major multidisciplinary investigations each year against identified and entrenched ECN targets.

We cannot reconcile that with the fact that, according to an ACC assessment—and we understand you have had access to that; I certainly did through the Victoria Police processes—there are now 97 organised crime groups of national interest in Australia against just 13 identified by the NCA 20 years ago. Of those 97 groups, 32 are deemed to be high risk. What is significant is that, when authorities in the United States announced on 26 April what was described as one of the biggest mob crackdowns in Chicago history, the Americans proclaimed that there were now just four remaining mob crews operating in the Chicago area.

Extraordinarily, according to the ACC assessment, we have 2½ times as many such groups in Sydney, that is 10 of them; twice as many in Melbourne, that is eight of them; the same number in Adelaide, which is four of them; one less in Brisbane and Perth, that is three each; and half as many in Darwin and even in Canberra. And they are just the high risk-groups; there are subsidiary groups that interlock throughout the states. We therefore recommend an allocation of extra funding to enable the ACC to tackle such groups head on, and in particular those masterminding the illicit drug trade.

The current budget for the ACC is hardly any different to what it was in the late 1980s. I am sure that Mr Duncan Kerr, who has been a long-serving member of the committee, will remember that it used to be around about \$50 million a year; it is now \$69 million a year. This year's budget was allocated only an extra \$1.1 million, taking the total budget of the ACC to just \$69.1 million. Let me tell you that, in contrast, the Australian Federal Police received an extra \$69.5 million—which is more than the total budget of the ACC. Customs received an extra \$25.1 million. The government was also able to nominate a \$411 million package over five years for the A Safer Australia policy. That is for protecting infrastructure against possible terrorism attacks. Also relevant is the fact that another \$181.3 million was nominated over four years to combat illegal fishing in the Southern Ocean—that is illegal fishing, not illicit drugs.

More significant still, an amount of \$840.5 million over four years has been allocated to help authorities restore law and order in the Solomon Islands. I can tell you, the ACC have not been involved in an advisory capacity in Victoria following a series of 27 gangland murders. There were more people murdered in Melbourne in the gangland wars than were murdered in the Solomon Islands where this law and order crisis is. We have found \$840 million to help that country, and I think it is only logical that we should be able to get a better allocation so that the ACC, which is our peak body for partnership and multidisciplinary type activities, can target what I would regard as serious organised crime and something of an enemy within.

**CHAIR**—Thank you, Mr Bottom, for that opening statement and also for your submission, which has been received and appreciated by the committee. I will kick-off the proceedings with a couple of questions. The ACC was established in response to the perception that its predecessor, the National Crime Authority, was no longer an appropriate body to undertake the work of a standing royal commission into various kinds of criminal activity. I think, because the nature of criminal activity was changing, that was the response of the government. In your view, has the nature of the problem of organised crime changed in the years since the inception of the NCA and the ACC?

**Mr Bottom**—Organised crime has developed to the stage where it is somewhat different in that it has a multifaceted approach. Those established groups involved in drug trafficking are invariably the most organised and get involved in a whole range of crimes—money laundering, arson for hire and a multitude of other activities. The National Crime Authority was originally set up at the time under public agitation, on the basis that police forces per se throughout Australia had failed to tackle modern organised crime, as it was then called.

I might tell you that we had a great change in Australia in the late 1960s. We used to have the old backstreet crime or racketeering and that became syndicated crime from about 1968. It was the manifestation of that that brought about the National Crime Authority. Its main focus for many years was to tackle those Mr Bigs and Mr Big Enoughs, as the royal commission called them, and it did a pretty good job. It dropped the ball for a period in the 1990s. And, as the chairman has indicated, there is a real challenge now because there are other aspects.

One of our complaints is that, whilst we accept that the new ACC, which is very good, has been broadened to encompass eight determinations—such as money laundering, sex slavery and all sorts of other manifestations of organised and serious crime—the old core business of drug trafficking is confined now to two of those determinations. One is for ECNs—that is, entrenched crime networks. There were once several tackling ECNs in different states. All of it is now put

under one bracket and, as I said, they are only to do one or two a year. We also have the reference on the upsurge in amphetamines with the decline of the heroin trade.

Our criticism is basically that, whilst the ACC is doing a good job in targeting a multiplicity of aspects of organised crime, it is tending to overlook the most serious aspect, which is what it was set up for. There were a series of federal and state royal commissions concerned about the drug trade. That seems to be subsumed now in these multifaceted approaches by the modern ACC.

**CHAIR**—If I understand you clearly, you seem to suggest that one the reasons why the ACC was set up was to respond to the failure of state police jurisdictions in, for example, tackling organised crime within their own jurisdictions. That was one of the rationales that drove the creation of the NCA and then the ACC. How do you see those jurisdictions operating these days? Is that rationale now being overcome by progressively better administration of law and order by state jurisdictions?

**Mr Bottom**—I have to say rather sadly that things have not been as good as they ought to have been. They are improving dramatically now. But in the 1980s, in Australian terms, I believe that we were winning the fight against organised crime on all levels—federal and state. I believe that applied until the beginning of the nineties. Senator Ferris will remember one time when I gave some very interesting evidence back in May 1977. I did an assessment of the NCA from the time of its inception. I was complaining then that there was a period in Victoria, for instance, when John Phillips, who ended up as the Chief Justice of the state, ran the NCA. To its embarrassment, the NCA could not even run a graph at the end of their arrests—they had arrested 40 people, and they used to arrest hundreds. He was diverted onto white collar crime and more or less brought the outfit into disrepute.

What happened across the board in law enforcement in the 1990s was that many of the jurisdictions dropped the ball—that is, state police, federal police and the NCA. That was the aura in which the Prime Minister and others decided that the NCA needed to be remodelled. There were various views, but the fact was that even the NCA or the chairman of it at the time was advocating a soft approach to drugs and whatnot.

To put it in a nutshell, I got involved in April last year in Victoria, where they had the gangland murders—and I know Melbourne pretty well. I went to Victoria at the invitation of the person who, by the way, was the project officer for the re-formation of the NCA into the ACC, Simon Overland. I was absolutely startled, having spent a lifetime on this, that the Victoria Police had lost all their intelligence. They did not know who they were dealing with in Victoria. They had abolished their Bureau of Criminal Intelligence, all their files had gone and they did not know who they were dealing with. It was an absolute scandal. But I must pay tribute to the Victorian government and the police, because they got their act together. But can you imagine that in 2004 in Australia the Victoria Police did not know who the gangs were in Melbourne?

We had an Australian Bureau of Criminal Intelligence from 1981—and Mr Duncan Kerr will know this—and that is now absorbed into the ACC. We have had the NCA and the Federal Police—hundreds of millions of dollars—doing a good job on interdictions overseas, but I have to say truthfully that the Federal Police have allowed their organised crime regional units to scale down within Australia. Some state police forces are doing better at some times than at other

times, but I think there needs to be a shake-up and that is why I think there is more of a necessity than ever for a properly funded and coordinating body like the ACC.

**CHAIR**—Mr Bottom, it staggers me when you say—and, of course, you are correct in saying it—that the Victorian authorities and the government did not know who the organised crime gangs were in that state. That begs the question: what is the difference between the ACC and state jurisdictions and why wasn't the Victoria Police availing themselves of the intelligence that was obviously available to them from the ACC? We have been briefed by the ACC, and we have a fairly good understanding—not to the depth that the ACC has—as to who is who and what is what around the country. What caused that fairly dramatic failure of knowledge and understanding in Victoria? Has that been replicated since, not just in that state but anywhere else?

**Mr Bottom**—There are two sides to it. One is—never to be overlooked, though—that things are better today. When I first used to appear before an NCA committee we used to talk more about corruption—

**CHAIR**—I am talking about 2004.

**Mr Bottom**—I know. But they are up to date now. We have a legacy from the nineties, where jurisdictions dropped the ball. There is an aspect in Victoria, and there was in South Australia, of a bit of corruption, where it is in the vested interests of certain police and people they work with to diminish the role of their police forces in tackling organised crime—that is, they abolished bureaus of criminal intelligence and things like that. But, more particularly, it was part of modern policing that people just approached it in a different way, which was not good enough; the crims are very much organised. But in Victorian terms, you are all politicians.

I was amazed when I got involved in Victoria last April. I used to be with *Insight* with the *Age*. Until I wrote a piece first in the *Bulletin* and then in the *Sunday Age*—an *Insight* piece—last year in April, the gangland murders of Victoria had been featured in the *Times* of London, the *Washington Post*, the *Chicago Tribune* and in some French and Italian newspapers, but not one word had ever been uttered in the parliament of Victoria by either side of politics. And when it was, after the first article appeared, even the Premier could not bring himself to acknowledge it. He called them 'so-called' gangland murders. It has all changed now. The Victorian government are doing a pretty good job. I think it is complacency. I think it is a bit of jealousy between agencies and the like. But this is why this organisation is so important. Police forces are like that; they are territorial. The original NCA, springing from a multitude of royal commissions, was set up as a coordinating body to have a national approach.

I might tell you about intelligence. I know you probably had access, but, you know, a lot of the police forces are not producing intelligence for the ABCI any more within the ACC. It is an absolute scandal. Go back to the royal commission reports, particularly the Williams royal commission. I am credited with starting about 18 royal commissions, judicial inquiries. Time may well be nigh when a number of us may push for another royal commission to review all of this, because a lot of the things the royal commissions recommended and police chiefs promised et cetera are not being delivered.

**CHAIR**—To follow up my last question, where was the failure occurring? Was it occurring at a political level or a police level in terms of the ACC's relationship with state jurisdictions? Where was it?

**Mr Bottom**—I would not say it was at a political level. I think we said this in our last committee meeting. I made the point, I think, where we pushed for your committee to have access to operational information. I made that point and I stand by it. When I started in 1963, we had crooked politicians, particularly in New South Wales and even in Victoria. These days, politically across the board, there tends to be a commitment. There may be divergence of views on drugs between harm minimisation and the 'get tough' policy but I think there is neglect sometimes or a lack of attention by politicians.

We do not have the entrenched corruption in the police forces that we had in the past, although we have had some manifestations in Victoria and Western Australia and a bit in Adelaide. The police forces and the agencies have been the greatest fault, but there is another angle and that is that we would not have an ACC now, rather than the old NCA, if we had not had a series of lawyers running the old NCA. I have a particular view on it. It was in my submission for the last review; I traced the history. Even the law society of Victoria and others came to the conclusion that it is not appropriate for lawyers to run these bodies if you want to really run them properly and pursue criminals.

Let us be honest: the upshot with the NCA was that the then chairman, Gary Crooke, who otherwise had done a good job in Australia, actually recommended that the drug war was unwinnable and that authorities should favour harm minimisation. Whether it is fair or not, it galvanised the Prime Minister and others to act. Out of the pot we got the ACC. I did not agree with all the changes—I think Mr Duncan Kerr will realise that it was a letter from me that was read into the parliament that actually brought about the final settlement—but we were happy with it in the end. We are happy with what is up there. What we really want—let me tell you, there are people who take a bit of interest in this—is to see that body given the resources to do the job. There is often a suspicion—the thing on the table—that you have the Australian Federal Police getting a bit territorial. They think they can do it all themselves. But the fact is that the ACC is in existence because it has the coercive powers and other facilities that other people do not have.

Let me get to Victoria. Extraordinarily, you are right. Victoria had 27 gangland murders. I refer to Chicago. The big crackdown the United States government got behind in Chicago was over 18 murders and they proclaimed their victory to the world. There have been 27 murders in Victoria. The Victorian police did not even approach the ACC seeking assistance until very late in the piece. The ACC then, interestingly and extraordinarily, passed a special determination—ECN Victoria. What a mockery and what an indictment! One would have thought that since 1984 the NCA—and it did have very good intelligence on Victoria—should not have needed an extra determination to help Victoria. If it had been doing its job, it should have been there in the first place.

**CHAIR**—That is the ACC?

**Mr Bottom**—The ACC. I know that they have prevailed now and you have got a determination—and some of the breakthroughs in Victoria came through some hearings and

other information from the ACC—but that only happened last year. I think a determination—entrenched crime networks, Victoria—by the ACC was finally passed about February or March last year, separate to the general one.

Throughout its history, the NCA had operational headquarters in every state, supposedly gathering intelligence on ECNs. Why would you need an extra determination just because someone raises the issue in Victoria? They should have been holding coercive hearings anytime under the original ECN. Why was Victoria excluded from the original ECN that is in the annual report? There is a real question mark there. Perhaps someone was not up with it, and maybe it does need a proper inquiry sometime. The ACC are now properly involved, but let us be honest about this: they are not that involved. I will tell you a little national secret. I put up a proposition that went to very high powers in this country, after going down to Victoria, that a sum of \$10 million be allocated so that the ACC could send in a proper crew to tackle the Victorian situation. Very sadly, and what is an indictment of the process, it was rejected. I think it was probably on political grounds. That is not acceptable.

In this day and age, we want a proper ACC tackling organised crime as it is always supposed to have done and doing all the other things that are on the list now. But the caution is this: the last time the NCA was diverted into other issues away from drug trafficking and organised crime was under John Phillips as the chairman; the arrest rate dropped down to 40—whereas they used to make 350 to 700 arrests per year—and they could not even get the graph to appear in their annual report.

**Mr KERR**—Could I take up a couple of matters with you? You know we share a different emphasis on harm minimisation, but coming to the issue you raise about the role and functioning of the ACC I think there is a conceptual difference that we have to confront. Essentially the way the government has structured the ACC and the way we as parliamentarians view its operation is that it has a specific role but it is no longer conceptualised as the old National Crime Authority being the principal operating agency against serious and organised crime. It is now conceptualised as a body which provides support and information to Victoria Police, the AFP and various other law enforcement agencies. It is almost a bolt-on facility that is available to work cooperatively with those agencies and only when a reference is specifically provided. In that context, I suppose the criticism you are making is that the agency itself no longer drives the law enforcement agenda in this area—and the instance you are giving is Victoria, where it does not really come in until it is asked—but that really was, I think, part of the change of design. I wonder whether you could tease this out a little bit more.

**Mr Bottom**—I think you are right. There is a letter in the *Hansard* at the end of 2002—I intervened a bit presumptuously; I think Joe Ludwig read it out in parliament, and the government came to the party within about four hours. But it was a very key point that takes you right to the real heart and the history of dealing with organised crime in this country. We all agree, we have to say, with the role of this new ACC, and that is to take the control out of the hands of independent lawyers and to give it to a board, which is made up of police commissioners. In that letter, I pointed to the fact that the police were seeking to deny the intergovernmental committee any say on references, as you might recall. I wrote and said not only should the intergovernmental committee or even the PJC have a say on what references there should be but it should even veto them if need be. You might remember that point. The background of that is that I was lobbied by police to do exactly the opposite. That is why I wrote

that letter. I can tell you the highest sources of police used to lobby me and I would not agree. I made the point in the letter, and it is worth remembering, that if the police cannot live with that it raises a question mark.

I can tell you that in every royal commission—I first appeared in 1973, in the Moffitt royal commission—every time there has been a failure. Sometimes it is the manifestation of development in Australia, but also the police have failed. So what we have done is put this body in the hands of a board of police and bureaucrats. I think, unfortunately, some of them see it as you have just said. It is an adjunct and a facility to use to suit them. Some of these police commissioners have a vested interest in not acknowledging the problem of organised crime. I appear in books and I have brought down some police commissioners in my time, so we have to be very careful. That is why this committee is so important.

Might I just be frank again? Have a look at your submissions for the review of the annual report. How extraordinary that the commissioner in Victoria, Christine Nixon, who I like and respect, put in a submission suggesting the abolition of this parliamentary joint committee. She is a member of the board. Whether you analyse it politically or nationally, it is an affront to the Australian federal system of states. Here is a member of the board and commissioner of one police force trying to get rid of the parliamentary committee oversight. You have to shake your head. Could she do that without the agreement of the other members of the board? I think that you need to be on the ball. I know the chairman you have is pretty much like a terrier on these sorts of matters, but keep a watch. We believe that it is fairly okay at the moment, but it has to be made to work—not starved of money if it is given extra determinations, as you now call them. You have to think.

Even with terrorism: have you had a briefing that some of these people coming up as terrorists run drug trafficking outfits or benefit from them in Sydney? There is a real side to all this. From 1981 we had the Australian Bureau of Criminal Intelligence; now we have the National Crime Authority, with all its intelligence. I am not privy, like I used to be when I was part of it, but let me tell you this: based on the Victorian experience and certain events in Sydney, I cannot believe how far we are behind in dealing with some of the organised crime groups. There are 97 organised crime groups. I think you will find now that they will try to diminish that number, or the importance of it, but 32 high-level organised crime groups in Australia? If it were the climate of the 1980s or 1970s, you would have a royal commission on your plate if someone got organised on this.

There is no item in Australia that affects people so directly. I live on Bribie Island. The people living there are mostly retirees—it has the highest percentage of retirees in the nation. People up there are living in houses like fortresses. Why should people retire onto an island? We even have an organised crime gang now operating from Bribie Island. People get affected because of the drug trade particularly.

You will notice, with the interdiction of shiploads of heroin, that we have had a heroin drought and the number of heroin deaths is down by about 70 per cent. Across the board, in the various states, particularly New South Wales, you find that a lot of crime categories have dropped by about 20 per cent. So we are getting somewhere. That is from interdicting the ships. Now we have gone back to square one with the mules.

In my submission I tell you about Barlow and Chambers. They were hanged in Malaysia 20 years ago. Like the Schapelle Corby issue recently, there was a great national outcry over it. Prime Minister Bob Hawke was asked to intervene with the Prime Minister over there and save their lives; their families all said they were innocent. I wrote a book later. To its credit the National Crime Authority not only investigated but tracked down all the ring leaders behind those two so-called innocent drug traffickers and jailed them in Perth. They were all named in the annual report for the NCA. What happened at that stage was that the suppliers were mainly the triads from overseas. The mules would not go overseas anymore, so all the little shoplifting girls and that did not go over and get caught in Thailand.

Now that we have been stopping the ships with hundreds of kilograms worth hundreds of millions of dollars, we are at the stage—Indonesia is a good example—where we are sending mules all over the world to pick up the drugs because the big financiers will not send it in ships and containers anymore. If there were ever an opportunity to crack and break the syndicates, it is now, because they have to go and recruit and expose themselves. But I do not believe the police are even up with part of that, quite frankly.

**Mr KERR**—We can have an argument up hill and down dale about why there is less heroin available—and academics do—but there is a lesser amount, whatever the cause. But we have seen a market displacement phenomenon. The largest growth in illicit drugs has been in the amphetamines and ecstasy areas, which are domestically manufactured, so there is no risk of importing and customs barrier issues do not arise. We have seen phenomenal growth in those areas. Essentially, the drug war you spoke of in Victoria was over control of those particular products rather than heroin distribution. So you get market displacement.

You made a critical remark about the number of organisations identified. One of the things that is always difficult to do is this disaggregation. I remember the old NCA briefing me and explaining that it was a question of how you described organised crime in Australia. It is not as if there is a single godfather who calls the shots. There are a series of interlinking groups that sometimes deal with this person and sometimes deal with that person. How you describe these groups is really a matter of judgment, because you could describe it as one large interlinked group or you could describe it as three, five or seven groups, because there are different people playing different roles. You have placed a lot of emphasis on the number of these organisations, but frankly I think there are two propositions here. One proposition is that we ought to give the NCA some greater capacity to utilise its intelligence and analysis capacity to drive law enforcement agendas, because at the moment I think it is seen as a bolt-on addition. I think the act was deliberately amended to create that kind of agency. The act did not pull all its teeth—it made sure it still had the effectiveness and capacity when it was asked, but essentially it was designed to say, ‘Now this agency can’t pretend to be Australia’s premier organisation focused on serious and organised crime. It now is something you add to the mix when one of the state or federal jurisdictions requires it.’ I think that that was a deliberate strategic decision.

So if there are these continuing issues, how do you undo that policy decision? A lot of work and effort went into creating it. This committee agreed with it. I agreed with it very reluctantly because I thought it was strategically in error. But there was a policy decision made at an intergovernmental level that this was the way to go for the future. Now, you are challenging that proposition and I wonder where we get to.

**Mr Bottom**—I am in a fairly similar position to you—that is, when the first move was made to reform the NCA, I opposed it. In fact I did specials for the *Canberra Times* and I did specials in Western Australia because there were a couple of people over there. I think the headline in the *Canberra Times* said that Howard's way was a crime. As you probably know I had some meetings with the PM and we convinced him that it had to be above board. He was being pushed by people who did not just want to diminish the NCA but who wanted to abolish it. That came from within the police force. So with goodwill from all of us, including you and Senator Ferris, who goes right back, we thought, 'Let's change it.' But we did it on the basis of saying: 'Hey, we're putting police chiefs, the head of ASIO and all these people in charge of the board to run this.'

Now, let me tell you: you cannot even benchmark it at the moment because there are determinations, investigations, intelligence operations and all of these things. As you say, it has become something of a facility rather than a body that goes out like it did in the good old days. The NCA in the past jailed Mr Sin, Mr Big and many Mr Big Enoughs. They all got jailed by the NCA.

**Mr KERR**—What it also did was to create interagency rivalries. If we are trying to benchmark the ACC we cannot benchmark it against —

**Mr Bottom**—I am saying that you cannot benchmark the ACC at the moment, in all fairness, regarding the arrest and conviction figures of the NCA because the NCA figures generally were dead-set core organised crime and drug trafficking. They got into tax matters—they got \$11 million to tackle tax fraud, and they brought in about \$190 million. But that was separate.

**CHAIR**—This is a fascinating discussion, Mr Bottom and Mr Kerr, and it is possibly a discussion that we should continue to have. Senator Ferris has suggested that we are straying slightly from our terms of reference. There was an important point that I was trying to raise—and I am not asking you to respond to this because there will be an opportunity for us to bring you back, should you agree to appear before us again. The committee has been asked to review:

1. The effectiveness of the investigative, management and accountability structures established under the Act ...

You were suggesting that there seems to be some stand-offish attitude within the management committee of the ACC, perhaps influenced by the state representatives. You instanced the case of Victoria. To me, that is getting back to that first paragraph of the terms of reference. You are saying that the ACC is not pursuing one of its funded, core business requirements. You make a very interesting point and, if that is happening, that is worth pursuing.

**Senator FERRIS**—One of the things that I remember talking to you about was the difficulty with what we call 'turfdom'—that is, when police were seconded from a state based police force, they still had loyalty to the state based police force, they were still subject to the pressures of that police force and they did not necessarily bring with them the intelligence that they could have. I can remember that conversation. If my memory serves me correctly there were, I think, 23 bodies that had the capacity for intelligence gathering that did not have any responsibility for intelligence sharing. The ACC tried to change that. But we still have the basic challenge—that is, with a state based police force, the capacity for turfdom and still bearing loyalties to their own stated based organisations that they go back to. Given the difficulties that you outlined earlier in

your remarks about Victoria—and I think the police commissioner there did charge some corrupt police—do you think the whole premise of the ACC seconding state based police is still the best way to do it? If it is not, should it change? Do you believe that the ACC is able to extract state based police intelligence for its own circumstances or are we still hamstrung with that very fundamental problem?

**Mr Bottom**—There have been a series of royal commissions. The first thing we did in Australia, as a result of the Moffitt royal commission, was to set up a crime intelligence unit in New South Wales, then the other states set up bureaus of criminal intelligence. Because of other royal commissions, from 1979 to 1981, joint police task forces were set up. They were Commonwealth-state police task forces. Out of the flux came the idea that they were limited. They looked at what was needed. Originally, it was to be the national crime commission, but it became the NCA. It was acknowledged that this turf thing would go on—and it happened. I remember talking about it before.

The fact is this: the NCA ultimately sought to employ people more directly rather than second in the end. That was good because it got a very good core of people working for it—former AFP people, people from different police forces and the like. But I have always believed that, regardless of the problems of getting the odd corrupt one from the state, the original concept of joint Commonwealth-state police task forces was the best basis of all. If you take that in its own right and then add the functions and coercive powers of an ACC, that is the way to go because that is a true partnership—that is as long as you have a core to run it. That actually can diminish the turf war aspect. Some of the best police that I dealt with in the seventies and eighties all proudly proclaimed they worked for the NCA on a secondment—even the current Commonwealth police commissioner, Mick Keelty. I first met him when he was with the NCA. There is a multitude of them. They have to be made to work together. The thing is that lawyers were running it—I am not saying there was anything wrong with the lawyers. There was a different, independent chap then. Now there are police chiefs running it.

We should have a better prospect for joint task forces. What they are talking about here is a multidisciplinary thing, not just an ordinary task force of the past. What is accepted now is that ASIO is even on board. In times past—I remember in the 1980s—ASIO used to have tremendous material on organised crime and gave it to nobody. Similarly, Defence Signals—I used to deal with them—had tremendous information on—

**Senator FERRIS**—You are saying that the board might now allow that to be shared.

**Mr Bottom**—I think the board should be made to make it work now. Why wouldn't you do so in Victoria? The ACC has provided hearings and other support for Victoria. Why wouldn't you say, 'Let's do something serious and the Commonwealth and states put in some money to put a task force into Victoria.'

**Senator FERRIS**—If this system could be made better—

**Mr Bottom**—There is no reason not to because—

**Senator FERRIS**—How could it be made better?

**Mr Bottom**—The point is that you have police commissioners on the board. If you want someone from Immigration, surely that is possible. I think we all accept that this was what was envisaged when the ACC was set up. All this should be finished now. It is not some body that is separate. It is run by the very agencies and their boards. There is nothing about a turf war. The commissioners are on the board running this. There is something wrong with the way we effectively deal with organised crime in this country. The people you start looking at are the police commissioners. Those people on this board are going to have to look behind their backs somewhere along the line.

**Senator FERRIS**—That is something that we will do.

**Mr KERR**—I want to follow up the Victorian issue. What has occurred in Victoria post these events is that Victorians have passed a law which effectively gives the same coercive powers to the police commissioner and the ombudsman. I cannot remember specifically—I do not want to be misleading. What we had collectively across all jurisdictions was that exceptional and extraordinary powers are to be given not to police forces at either state or national levels—keep them exclusively away from police forces—but to the management of the ACC, effectively to the commissioners. That could be open to the criticism that it in some ways cuts across that principle, but it does not really because of the independence of the examiners and a range of other safeguards.

In Victoria none of those safeguards exist and the coercive powers have been conferred directly on the police. In that sense in Victoria they have gone a step further. They do not need cooperative arrangements for the ACC to utilise the coercive powers that were conferred by the Commonwealth parliament on this peak organisation. I hope that is not an initiative that spreads to other jurisdictions because I am fundamentally opposed to the idea that police should be able to exercise those powers in a different manner than we have given to the ACC with the safeguards. But it is interesting now that the real utility of and necessity for the ACC has been removed at least in one state jurisdiction because they have given those powers to the police. Even though there is a reference to the ACC you do not need to use it. You can use your own internal mechanisms and bypass the necessity of using the cooperative arrangements. Could you respond to that issue?

**Mr Bottom**—That is extraordinary. I was involved with Victoria last year. I got caught up as a participant in their strategy group. I did do some analysis publicly and advocated that they set up a separate crime commission along the lines of New South Wales, the Crime and Misconduct Commission in, say, Queensland or the Western Australian one. I analysed them all. That would have been the more logical way to go. What you have touched on is something most extraordinary. I mentioned earlier the Victorian police commissioner wanting to get rid of your committee. I thought, ‘She’s a member of the board.’ I like her but I find that extraordinary, coming from left field. Going back to Victoria, I was a delegate to the national crime summit set up by Bob Hawke in 1983 and we had all the royal commissioners, and all the interested parties spoke.

One of the most telling speeches was by the then Victorian police commissioner, a very venerable guy called Mick Miller. You would all know of him—probably the best of all in modern times. He made the point that we needed a national crime authority on the basis that police needed assistance—they were not doing the job well enough—but more particularly

because you needed such a body to provide those powers. In his speech, he himself acknowledged that that power should not go to police—it is a conflict.

**Mr KERR**—As has Mick Palmer, as has Keelty.

**Mr Bottom**—Yes. So I find it extraordinary that it has happened in Victoria. I think there is a bit of politics in it. Apart from me, those other people and all the major papers down there advocated it. I think the government dug its heels in and thought: ‘We’re going to do it our own way.’ Whether or not it is going to come undone over this I am not sure.

But the dilemma now facing the federal government is that it is very difficult—as you would know from history, being a former Attorney-General—to confer phone tap powers in those circumstances. It is against everything we have ever discussed in the whole evolution of the NCA and any other body, federal or state, so it is a real anomaly and a bit of a mystery down there. But it comes back to the point that I know Senator Ferris made. You were oversighting the NCA and things were more straight up and down in those days. There were some problems. But the thing at the moment is that we are sitting here—Senator Santoro was chairman of the parliamentary committee that oversighted the CJC, you might remember—

**CHAIR**—I was a member of it.

**Mr Bottom**—Right. And part of its jurisdiction was organised crime. So all of this is a fairly interesting challenge. But we are sitting here. You bring up the names of those on the board of the ACC and you think: ‘Hell, we’ve got every police commissioner on this. We’ve got the head of Immigration and all the other key departments.’ If a country cannot rely upon them to really tackle organised crime better than is happening at the moment, if they have the resources—that is my only query; give them the money—and if they do not do it, they are in real trouble.

Go to America. We got this perception, which was pushed, about the FBI being the supreme body and we wanted an FBI for Australia. That was what perhaps people had in mind, rather than an ACC. But the fact is that, in America, there are 18 federal agencies which deal with organised crime. The FBI is not the one agency at all. The British have a new system going now, like our system.

I do not see any argument for changing the act or anything; what we need to do is put some pressure on. Provided you have the money—because you have eight determinations. A lot of them are not to do with the core business. If they can get a proper allocation of money, federal and state political weight should ensure that those people get that job done.

**CHAIR**—Mr Bottom, I have a follow-up question that I will come back to, and Senator Ferris wants to further pursue the issue of coercive powers.

**Mr KERR**—I just wanted to finish this issue that you raised: Christine Nixon’s letter about this committee. As a long-term member of this committee, one of the things I have always been concerned about is that we examine the phenomena of crime through the wrong end of the telescope. We sit here with a whole range of issues relating to the scope, operation and functioning of the ACC, but that is part of a larger framework in which federal law enforcement is dominated by the AFP and the states also exist. There is no process of parliamentary oversight

of the Commonwealth impact on criminal law as a whole. We seek to do that—we broaden our work to cover this, through this wrong end of the telescope, and sometimes we probably stretch the envelope, for example with some of our work that we did on organised sex trading. I think probably the largest impact was through the AFP and other agencies rather than the ACC, but the ACC was the in to look at that.

I ask you for your comments. You have spoken about the need for this committee to remain, to play an active part in the evolution of the organisation, to draw public attention to these kinds of things and to evaluate the work of the organisation. But I wonder whether you have any comments to make about the need for some kind of overarching examination of law enforcement, because at the moment this committee has no remit with respect to the other components of law enforcement. In the intelligence area, there is a parliamentary committee that looks or will be looking at all the intelligence agencies. In law enforcement there is no such overarching capacity.

**Mr Bottom**—It would be a very interesting one. You will not get that power extended to the states, but federally it is fairly logical. I will tell you why: there is a budget allocation and you are setting up an anticorruption body to deal with matters relating to the ACC and upgrading it for the Federal Police. I am not sure of the final analysis of that. I did a piece for the *Canberra Times* on this and did the history. It is exactly along the lines you just described. If they are going to have a body like that, it should cover all federal agencies because there are more employees in Customs than in the Federal Police, and Customs is doing a pretty good—

**Senator FERRIS**—AUSTRAC.

**Mr Bottom**—Yes, AUSTRAC as well. Why wouldn't you? Apart from monitoring it, the financial benefits for Australia of these people getting their act together would be significant. I remember in the 1970s a guy called Donald Mackay was killed in Griffith. It was extraordinary. It really put things on the map, but I remember that as a result of that people started to talk about overseas connections, because the Italian Mafia was involved. In those days the budget papers used to show the unaccounted for money in overseas transactions. Once the alarm went up in 1978 over that murder and the royal commission, Australia dropped that practice, but it was billions of dollars. The last time they did it, with the accent of the royal commissions and the establishment of the NCA, do you know that about \$1.8 billion was re-accounted for in Australia? If we get some of these bodies to do a better job, it could be worth hundreds of millions to Australia. Even on a financial basis, it would be worth while to get AUSTRAC and all of these organisations to cooperate a bit better. It is like that NCA operation—Senator Ferris would know about it—where they received a budget of \$11 million to crack down on organised crime and tax avoidance. In the first year they brought in \$198 million. Then the grant money ran out in the following years and that was it.

**CHAIR**—You are a wealth of inside information and advice. I would ask you to keep your answers as brief as possible and would welcome any further written submissions from you if you wish to amplify your evidence. I just want to give everybody an opportunity to ask their questions. Senator Ferris?

**Senator FERRIS**—Mr Kerr touched on the coercive powers of the ACC. One of the areas that we identified as being a difficulty was where people refused to answer and the subsequent

capacity to prosecute. The act was amended; the difficulty now is the length of time that it takes for that to occur. We have had examples where somebody has been pulled in for questioning, refused to answer and been charged, but because of the backlog it might be 18 months before they appear, by which time they have had an opportunity to get some affairs in order. Do you think the arrangements for prosecution are adequate? On the same topic but from a slightly different perspective, do you think the current arrangements for granting immunity from prosecution are appropriate? That falls into our third term of reference, which relates to the accountability side.

**Mr Bottom**—On the first part of the question, our submission states that we do not see any need for any great changes to the act as it is, but—

**Senator FERRIS**—I was surprised that you said that.

**Mr Bottom**—However, the submission does state:

Except that, as mentioned by the PJC in evaluating the last annual report of the ACC, there may well be instances of machinery-style amendments such as that submitted by the Northern Territory Police that might need to be addressed.

They raised the issue of people refusing to answer questions. They have had particular problems in the Northern Territory. At times I am not that proficient in the machinations of applications of the law, but I see no problem with it—either as a result of this committee’s activities or at any time if there is a necessity for machinery amendments. Why wouldn’t you do it? You are doing it with other legislation.

**Senator FERRIS**—Just think about Operation Wickenby; that is a perfect example of this. It is the tax evasion reference. Those people have been asked to come in and answer questions. As I understand it, they are challenging the powers. In the process of that challenge, months and perhaps even years might go by, by which time an amazing range of changes could be made to their personal arrangements. Without suspecting for a moment those people might be guilty, or innocent for that matter, the capacity that the ACC has to operate within that time frame limits the likely outcome. I am asking you to address that.

**Mr Bottom**—Part of the problem with that is not so much the machine; it is the application of the law at a judicial level. During a variable history of royal commissions, when people have refused to speak or appear royal commissions have been able to issue summonses, and it was always envisaged that the NCA and the ACC should at least be equal to a royal commission—a sort of standing royal commission. They were always resolved fairly quickly, even challenges to royal commissions. The judiciary, whether appeal courts or others, do not sit back and allow the process to go on for 18 months. I am not an expert on the law but, if someone is exploiting a situation with the law, there must be some way that it can be addressed, by legislation or whatever.

**Senator FERRIS**—I would have thought it was a flaw in the act.

**Mr Bottom**—I am not sure whether it is a flaw. If it is a flaw in the act, it should be fixed. There was never a flaw like that so far as ad hoc royal commissions were concerned. You get hauled up by a royal commission and you try and pull that tactic! That royal commission will

have you in jail or whatever. It was always envisaged that the examiners under the ACC Act, by historical precedent, ought to have been given exactly the same powers as an ad hoc royal commission. If there is a deficiency, it ought to be fixed. The Northern Territory have had the same problem up there with some of the bikie groups. By the time they got them 18 months down the track, they have run more drug rackets and the like.

**Senator FERRIS**—Everything has changed.

**Mr Bottom**—I wondered whether that was not just the judiciary being a bit soft or something. But if there is a deficiency in the act it ought to be fixed.

**CHAIR**—You have just provided your views in relation to another question that I was going to ask you, so thank you for pre-empting me.

**Mr RICHARDSON**—In your evidence you refer, under the term of reference ‘Any other related matter’, to the accountability or investigative processes that are affecting the ACC. You directly mention the moneys going to the Solomon Islands. You are critical of either the Solomon Islands funding or the lack of funding naturally going to the ACC for organised crime. Do you have any evidence of or facts on the Solomon Islands contingency?

**Mr Bottom**—Joe Blow down the street would not realise we have allocated \$850.5 million to send Federal Police to the Solomon Islands to restore law and order. One can imagine the big moneys involved in defence and security matters. One does not deny that that should happen, but it is an amazing amount of money for a law enforcement effort in another country. I believe the Solomon Islands have been subdued. But can I tell you that \$8.4 million—one per cent of it—would have been enough to wipe out some of those gangs involved in the Melbourne murders. And if we could allocate 10 per cent of it—\$84 million—under special funding, whether it is through a get tough on drugs policy or whatever, for an all-out effort using joint task forces or multidisciplinary partnership teams to tackle some of these organised crime groups, it would have a very big impact in Australia. When I look at the figures for law enforcement in the budget and see that, apart from security, the biggest budget is \$840 million for law and order in the Solomon Islands, considering we have 97 crime groups running around Australia, as an outsider I would have to say, ‘We want to be very sure that is well spent or that it is necessary.’

**Mr RICHARDSON**—You mentioned that the Victorian commissioner would like this PJC disbanded. Is that hearsay?

**Mr Bottom**—No. She put in a submission. It is on the record. The submission appears in her own right. This is before you took up on 1 July. The secretary will know. The submission by Christine Nixon was produced in March for the review of the annual report. There were two things in it, by the way. I am a bit like Duncan Kerr; you shake your head a bit and think, ‘Hang on.’ Keep in mind, I am not denigrating the lady; she is doing a pretty good job as police commissioner. But it is an extraordinary thing from left field.

Firstly, she says that we should not have the parliamentary committee. We have a body that it is very strange has been accepted in light of the history of having a standing royal commission run by police commissioners, but anyway we all agreed to it. She gets put on the board, and now she wants to wipe out the parliamentary committee. It does not equate. Secondly, she also wants

to wipe out any facility for the federal government. Let us say the Prime Minister's office decided: 'This is serious. We want to be fair dinkum about this and we are going to allocate an extra \$100 million'—and I would like to see that in the next budget, or double the current budget—'for an assault on entrenched organised crime groups.' She wants to take away the right for the federal government to nominate what the money is spent on. You have to read that submission. It is only two pages.

**Senator FERRIS**—We will try to ask her when we have the opportunity.

**Mr Bottom**—Have a look at her submission. I know the committee dealt with it in its last report to an extent, certainly on the continuation of the committee. That was before you came on. But it is a bit odd for someone who has been watching it over the years to see a police commissioner putting that in. I just raise one query: a member of the board putting that up without talking to a fellow board member seems a bit odd. Let me tell you, if there is any caucusing going on with police commissioners to get rid of this committee or downgrade the ACC, they are in for a shock. I can almost guarantee them a royal commission.

**CHAIR**—I am sure you have made our questioning of other witnesses in the future, particularly in Melbourne, a more interesting exercise than what it would otherwise be. We thank you for doing that. I have one more question, and we might invite you to make further submissions to our inquiry. In your view, do the ACC staff have the right specialised skills and experience to do their jobs? For example, are there the necessary specialist accountants, counsel and IT personnel? You talked generally about the budget but do you think the current mix of skills available to the ACC is a reasonable and effective mix of skills?

**Mr Bottom**—I would have to look at their last two annual reports and just equate them with what I know of the past. To its credit, the NCA had two ways of going about this. To go back one step, the original Commonwealth and state police forces used to hire ad hoc lawyers, former bank managers and the like. Then when it was formalised as the NCA, the NCA did two things, and you could identify this in the annual report. It had a component where they could hire a very good legal person or an accountant and forensic type people, particularly on tracking money and that sort of thing, or they could do it ad hoc. You used to see it under their consultants. They would hire either a firm or a very good expert on accountancy to work on particular projects.

Under the current body, from what I am aware, whether it is intelligence or whatever, basically the framework is there but I could not give you a guarantee that it is as good as it should be. I will put in simple terms what I am on about. When the NCA was operating all those years it was dealing with organised crime per se. That was what the Australian public wanted and the biggest component was drugs. Now, it is a very interesting sheet when you look at it—I probably have it here somewhere—but it is only one part of it. They have to do the money laundering and all these things. As valid as they all may be, the fact is it takes up a lot of resources. You have sex slavery and cybercrime—all sorts of experts on that.

**Senator FERRIS**—But a lot of them are interrelated.

**Mr Bottom**—I know they are interrelated. But you front them up in a private session and get them to tell you who are the main gangs. I could mention two Mr Bigs, but I will not do that today. It would be very interesting if I were to mention the two remaining biggest Mr Bigs of

New South Wales. Originally there were eight; two are still alive. I know that neither of them has been targeted by any police force in Australia. They are always a worry to me. One is involved in Queensland as well as in New South Wales, and I believe the other is in the background of some well-publicised cases. Can I tell you that some of the police that we have in these fields at the moment would not even know that they exist.

**CHAIR**—Mr Bottom, you have raised some very interesting points, which could pursue at a later date. We could perhaps pursue some of the things that you have said and suggestions that you have made in camera. Thank you very much for appearing before the committee and for the frankness and comprehensiveness of your views. We look forward to keeping in touch with you.

**Proceedings suspended from 10.50 am to 11.08 am**

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**GOLLSCHEWSKI, Detective Superintendent Stephan William, Detective Superintendent, Intelligence Support Group, State Crime Operations Command, Queensland Police Service**

**CHAIR**—Welcome. As you are a public servant, you are reminded that you are not required to answer questions relating to policy matters and you will be given the opportunity to refer such questions to either the minister or superior officers. Information on parliamentary privilege and protection of witnesses and evidence has been provided to you. I now invite you to make a short introductory statement, after which we can move to a general discussion and questions and answers.

**Det. Supt Gollschewski**—We have an opening statement, which, just for accuracy, I will read. Since its inception in January 2003, the Australian Crime Commission has established and maintained a close collaborative working relationship with the Queensland Police Service in both the intelligence and investigative areas. With respect to operational collaborations, to date the QPS has conducted 21 joint investigations with the Australian Crime Commission. The majority of the investigations have been complex, long-term, protracted investigations resulting in significant criminal networks being disrupted, numerous persons being arrested and charged with serious criminal offences and the seizure and restraint of assets valued at multimillions of dollars. Over this period 332 coercive examinations have been conducted and 221 notices to produce have been issued for jointly investigated matters. All investigations have been conducted under the joint management agreements within the various determinations of the ACC.

With respect to intelligence, cooperation between the two agencies has included intelligence exchange; the generation of intelligence products, including nationally significant criminal intelligence holdings and national assessments; and the maintenance and development of national databases—in particular, the Australian criminal intelligence database, ACID, but also the Violent Crime Linkage and Analysis System, ViCLAS. The ACC has shown leadership in developing the national threat assessment model which underpins the methodology utilised to develop the national criminal threat assessments. The QPS has adopted this model in developing its own threat assessment model, thereby improving this jurisdiction's ability to more effectively assess the level of threat posed by specific crime groups to the Queensland community.

The effort to collect and further develop intelligence with respect to significant crime issues and crime networks from the national perspective is strongly supported by the QPS. Both the national criminal threat assessments and the Picture of Criminality undertaken by the ACC will assist to develop a better national understanding of the significant crime issues as well as improve the ability to undertake coordinated law enforcement action against identified high-threat crime networks possessing transnational and cross-jurisdictional characteristics. The ACC sponsors the national criminal intelligence and operations forum and is endeavouring to establish that forum as an effective coordination tool for law enforcement at the national level. This has been undertaken in conjunction with the initiative to establish consistent coordination arrangements within each state jurisdiction, and that is supported by the QPS as being fundamental to an effective national law enforcement response to organised crime.

It should be acknowledged that the ACC has demonstrated leadership with respect to other national initiatives, including the establishment of a national OMCG coordination system, the maintained commitment to the various desks that provide valuable intelligence and assistance to the jurisdictions on such issues as fraud and drugs, and the continuing enhancement of ACID through the Australian law enforcement referencing and targeting project. The QPS considers that other national initiatives being coordinated by the ACC, including their information-sharing working group and the national ViCLAS database—and I can speak about those issues a bit later if you like—need to be addressed in order to effectively resolve issues that remain unresolved in those areas.

The QPS has obtained significant operational outcomes from assistance through ACC's operations in the areas of special investigations and special intelligence operations through the provision of operational assistance, intelligence products and access to special powers. In particular, the ability of the ACC to provide access to telephone intercepts for investigations undertaken in partnership with the QPS has been critical to the success of a number of these significant investigations. The QPS, in not having telephone interception powers, is unique as a policing jurisdiction within Australasia. Consequently, partnerships with policing agencies that can facilitate access to those powers are often critical to the QPS investigations targeting significant criminal entities and networks.

Every major investigation conducted between the ACC and the QPS has utilised TI as a major investigative strategy, and this support will continue to be critical to the QPS investigations targeting serious and organised crime. To date, a total of 224 telephone intercept warrants have been executed, with 495 telephone lines being intercepted during joint QPS-ACC investigations. The ACC's coercive examination powers and notices to produce are investigative strategies that are increasingly being used to good effect in joint investigations between the ACC and QPS. The outcomes achieved as a result of coercive examinations and notices to produce have contributed significantly to the overall efficiency and effectiveness of investigations.

Since the inception of the ACC, the placement of a senior QPS investigator as the manager of operations in Brisbane has enhanced the capacity of both the ACC and the QPS to maintain an excellent liaison and effective partnership. As a sworn QPS officer, the professional network and organisational understanding of this person serves to enhance the collaboration between both agencies to effectively and efficiently resource and manage joint investigations. The QPS strongly recommends that future incumbents to that role—the manager of operations, Brisbane—be drawn from the sworn ranks of the QPS.

In conclusion, the QPS views the ACC's role as integral to the national law enforcement capability with respect to combating major and organised crime and is committed to an ongoing and effective partnership with the ACC. With the exception of issues that have arisen recently in relation to a person in contempt of the commission—in taking prosecution against it, where there were difficulties with the legislation—the QPS sees no significant issues to be addressed from the perspective of the legislation.

**CHAIR**—In your opening statement you emphasised the provision of intelligence and information to the QPS by the ACC. Would you like to elaborate on your opinion of the usefulness of the criminal intelligence that you have received from the ACC?

**Det. Supt Gollschewski**—Yes, certainly. It comes in a number of different forms. There are strategic alerts, other alerts and different intelligence assessments that come out. Some are about more immediate things that have occurred, such as a development in firearms trafficking or something like that, whilst others—the national criminal threat assessments—talk more strategically about different areas of criminality. What we have done from a jurisdictional point of view is that we have tried to align ourselves with what is happening at the national level. The national criminal threat assessments, the national criminal intelligence priorities and the national criminal intelligence collection requirements are set by the board. We, in setting our own strategic directions within both the service and state crime operations command, take cognisance of them and attempt to coordinate how we collect our intelligence so that we can feed into that process.

We are a little different from most other jurisdictions in that we use the Australian Criminal Intelligence Database, ACID, as our primary intelligence database. We are in fact the only jurisdiction that does that. So the ACC's role in maintaining that database and in collecting intelligence is pivotal to how we do business. And it is very much the case that what we do, with respect to collecting intelligence and storing on ACID, feeds then into the national process, which in turn contributes to the products that are coming out. I am one of the people who directly receives the product coming from the ACC. There has been an increase in the amount and quality of the product since the inception of the agency. Certainly it is of great use to us; it definitely helps us with our own strategic assessments of crime, and in particular areas—such as outlaw motorcycle gangs—we have the Queensland perspective but we need to have the greater national perspective, and the ACC certainly provides that.

**CHAIR**—You obviously have expressed a lot of confidence in the information and intelligence that you get. I asked Mr Bottom for his opinion of the skills sets that are available within the ACC. Do you have any comment to make in terms of the specialist skills that are available within the ACC?

**Det. Supt Gollschewski**—There are two levels to how we as an agency interact with the ACC. There is the local ACC office that a lot of our operational collaborations go through, and I have to say that we probably have a better relationship than a lot of the other jurisdictions do. There are issues with respect to TIs that cause that, of course.

There is also the relationship with the national aspect of the ACC, and in particular with their strategic intelligence areas. Looking at what they do there, I think it is fair to say that in the early days the relationship between the ACC and us was problematic because of their expectations about what they thought the jurisdictions could provide in the collection process: the national criminal intelligence collection requirements. This has improved; they now seem to have a better understanding of their impact on jurisdictions and of what our main role is and how we can feed into the national process, whereas that was not apparent initially.

I think from a personal point of view there was a large number of people that came into their strategic area that did not have a law enforcement background and it has taken some time for them to find their way. They are very capable people but they did not have that corporate knowledge of crime intelligence as opposed to either military or other specialised intelligence. Things have definitely improved and they have definitely worked hard to try and improve that. I think the quality of the product that is coming out of there of late has certainly increased.

**CHAIR**—In terms of the type of officer that they have recruited from state jurisdictions, do you see a particular emphasis in terms of the skills being asked to come out of a state like Queensland?

**Det. Supt Gollschewski**—That continues to be a major challenge for us because we develop, in particular, quite skilful civilian analysts and we tend to lose them to other agencies because of restrictions within our career pathways. Recently in my area we lost one of my more experienced strategic analysts to the ACC. If I had to comment, in that instance they have actually targeted exactly the right sort of person to take, and unfortunately they have taken her rather quickly. I think they recognised the skills that we have developed and that person is actually undertaking the role of the intelligence collection coordinator within our jurisdiction for the ACC. They could not have picked a better person.

**CHAIR**—I see the ACC operations manager going very red behind you. It is almost mission accomplished; that is that.

**Det. Supt Gollschewski**—I am happy to say that he is not the only one. The Crime and Misconduct Commission frequently steal our staff as well. That is just part of it.

**CHAIR**—This is probably not a question that you would prefer to address, but I will ask it anyway. I was going to ask the commissioner had he been in attendance. It is with regard to the operation of the board on which Commissioner Atkinson sits. Does the Queensland Police Service have a view on how that board operates in terms of the accountability back to Queensland and the other way?

**Det. Supt Gollschewski**—I can only comment on the interaction I have with the commissioner's office. There is quite a bit of interaction between my command and the commissioner on board issues. It is difficult for me to comment on the operations of the board and how that would impact on us as a jurisdiction as a whole. I will probably have to pass on that one.

**CHAIR**—I appreciate that.

**Senator FERRIS**—I really only have one question because you have covered quite a lot of the areas I have an interest in. It concerns time lags. I will use an example. You pull in some members of a bikie gang on what appears to be quite a significant potential series of criminal activities and you use the coercive powers that the ACC has, whom you have been working with, and the person refuses to answer questions. He is then able to leave. He is certainly charged with contempt, but it may be a year or more before that person appears on that charge of contempt. The ACC, the old NCA, is hamstrung because it is not able to do anything about forcing questions to be answered. There now seems to be a time lag. In your cooperative activities with the ACC, has this occurred? If it has, have you given any thought to how it could change?

**Det. Supt Gollschewski**—I have been briefed on a particular recent incident. False evidence was provided during a coercive hearing. There were significant delays in getting that person charged with perjury as a result of that appearance. My briefing is that the problems were with the need for the authority from the Commonwealth Director of Public Prosecutions before anything could take place, which significantly delayed that. From an operational point of view,

that is not very helpful if you are trying to achieve something in an investigation because they know, if they do not say anything, that a significant period of time is going to take place before anything happens to them.

**Senator FERRIS**—And many things can change.

**Det. Supt Gollschewski**—Yes. And, if you are prosecuting a very significant criminal enterprise, they can do a lot of things in that period before they are brought to account.

**Senator FERRIS**—Do you see that as a flaw in the current set of arrangements?

**Det. Supt Gollschewski**—Yes. Certainly, we believe that is a flaw that needs to be addressed.

**Senator FERRIS**—Is it fair to say that there have been occasions on which that has affected some of your criminal investigations?

**Det. Supt Gollschewski**—Yes. In that brief it definitely affected it.

**Senator FERRIS**—Can you give us any more detail on it?

**Det. Supt Gollschewski**—I do not have that with me but we can find that out and pass it on.

**Senator FERRIS**—It would be useful because it is something that we hear quite frequently. It is an area that I have had a particular interest in for a long time. I think it might be something we want to look at.

**CHAIR**—We would be grateful for that additional submission.

**Senator FERRIS**—Do you have any personal experience in working for any other police agency?

**Det. Supt Gollschewski**—Yes. I spent five years with the Crime and Misconduct Commission. I was on secondment as part of the joint organised crime task force in the nineties.

**Senator FERRIS**—In Queensland?

**Det. Supt Gollschewski**—Yes.

**Senator FERRIS**—One of the issues that has come up over the years with the ACC, the former NCA, is this difficulty for police on transfer to respond to the challenges of the police force they technically belong to whilst working with the new agency, particularly if it means they have transferred interstate because of special skills that they have or whatever. With your experience of five years in a related policing agency, is there anything you can suggest that we might be able to do to smooth that process? For example, when QPS staff have come back from a period with the then NCA, now the ACC, is there anything that has come up in conversation that might be helpful in trying to smooth the pathway? That old loyalty to the organisation that you are going to go back to has, in the past, been described as quite a significant problem. Do you have any comments to make on that?

**Det. Supt Gollschewski**—The experience of the Criminal Justice Commission, as it was in those days, was that there were certainly difficulties, in particular because of the anticorruption aspect of the commission and the investigation of police officers. It does cause problems. I do not know that you get around the issue of the anticorruption thing; it is just one of those things that is incumbent in the culture, which is what I guess you would call it.

I think there have been improvements. Our jurisdiction has undertaken a reintegration program for people who come back from specialist areas. Indeed, in my area one of the girls from ACC surveillance has come into the intelligence area. We undertake an assessment of the skills she has and have a development program for her, with mentoring to make sure that she is integrated back into it very quickly. I think it is just the nature of being in a separate organisation—out of sight, out of mind. You tend to drop off the radar within your own organisation, to some degree.

**Senator FERRIS**—Is that seen as a career difficulty?

**Det. Supt Gollschewski**—I can tell you about my experience. I had to go sideways to come back before I could be promoted. So, whilst I enjoyed it immensely and I stayed for five years, had I stayed in the service I would probably have been promoted sooner. That was a conscious decision that I had to make.

**Senator FERRIS**—Is transfer to a body like the ACC seen as a good thing within the QPS?

**Det. Supt Gollschewski**—Yes, definitely. Some significant members of our command—Superintendent Barnett comes to mind—have been seconded to the NCA and have certainly enhanced their reputations whilst being attached to it. They have come back and progressed very well within our own service. Locally, the relationship between the ACC and QPS is very strong. The bottom line is that, if we have a job that is of significance, we go knocking on the door, cap in hand, saying, ‘Please do a job with us because we need TIs; we don’t have that capacity.’

**Senator FERRIS**—And the coercive powers, presumably.

**Det. Supt Gollschewski**—The coercive powers come along with that. Whilst we can access those through the CMC, the CMC are in the same position as us—they do not have the TI capacity. There are definitely some criminal groups that you need that type of capability to be effective against.

**CHAIR**—Are those requests quickly satisfied?

**Det. Supt Gollschewski**—Obviously, it has to come within the determinations. The ACC are very conscious of the fact that they must work within their operations, and we have to workshop that. There have been occasions when they have not been able to help us. But, where they have been able to help us, the cooperation has been very good and mutually beneficial. If it fits within the determination, as well as us getting operational outcomes from a jurisdictional point of view and them being able to assist us with that, they get the intelligence outcomes by enhancing their knowledge a bit about these groups and how they are operating.

**Senator FERRIS**—You were sitting here for some of Mr Bottom’s evidence. I am not sure whether you heard him discussing the ACC budget and the need to increase that budget, particularly to target organised crime working in the drug industry. Do you have a comment on whether you agree with his call for greater funding for the ACC for that particular area? Or do you think that the current state based police are working cooperatively enough for the current arrangements to continue?

**Det. Supt Gollschewski**—In Queensland the cooperation is very good. Obviously, it is dependent on how many major jobs we have running at any given time. There are occasions when there are only so many resources that can be given, including telephone intercept capacity. We have it all the time even from the QPS perspective, where we have good jobs that have to be put on hold because we do not have the resources to progress them.

**Senator FERRIS**—I guess that is a yes.

**Det. Supt Gollschewski**—Yes, I would be supportive.

**Senator FERRIS**—That is a very interesting comment.

**Det. Supt Gollschewski**—But how long is a piece of string? At any given time we could have 15 jobs but they can drop down. The ACC put a lot of resources into assisting us with joint operations, which must impact on some of the other things they are trying to achieve as well. They are not a huge organisation.

**Senator FERRIS**—No, they are not. In some ways it was said to be a benefit that they are flexible and small but they can pull in experts when they need to. However, that is a very interesting answer.

**Senator POLLEY**—You said there was some disadvantage if you go to the ACC and then have to come back sideways to get back into the state service. Are there any other disadvantages to being seconded to the ACC?

**Det. Supt Gollschewski**—I will clarify that a little. From the ACC’s point of view it has not been the problem that it has been with some other agencies, such as the CMC and the CJC, as they used to be, because of that anticorruption aspect and the investigation of police issues. People who go to the ACC are seen as investigating major crime and it does not really have the perception problem that an agency such as that would have.

I think it is inherent in any government organisation. If you go out of your own organisation for some time and drop off the radar, you tend to have to come back and re-establish your credentials. But I am confident for our QPS people. It happens fairly quickly these days. Certainly I can give you a number of examples of people whose career it has enhanced.

**CHAIR**—I will ask you a question that I asked of Mr Bottom about the changing nature of organised crime. In your view, have the nature of organised crime and the problems associated with it changed since the inception of the NCA and the ACC?

**Det. Supt Gollschewski**—I think it is constantly changing. I have been in the intelligence area for the last three years and we have seen a number of things emerge, re-emerge and drop off. Heroin, for instance, was a major issue a few years ago. It dropped down but is starting to come back a little bit now. With cocaine we do not really know what is going on. We need to get a handle on that sort of thing. Amphetamines continue to go through the roof. It is getting to the point where it is very difficult for us as a service to respond to the number of laboratories that are being detected. That is where an organisation such as the ACC is very important from the national perspective. Essentially, state jurisdictions are driven by calls for service, volume crime and those issues. A lot of our resources are focused on the call for service and volume crime type issues. We put a bit aside for the organised crime stuff, but we can only do so much from that perspective. With regard to the changing nature of organised crime, the OMCGs are a classic example. They move into different areas of crime as the opportunity arises. We have seen Vietnamese crime groups moving into organised hydroponic cannabis production, which has never occurred before. It changes all the time. The ability to connect the dots only comes if you can capture all the information in the one spot.

**CHAIR**—Could you elaborate on the leadership being local as opposed to overseas, and on the use of technology? Would you like to elaborate on your views on the changing trends in those areas of organised crime: local versus overseas leadership and technology?

**Det. Supt Gollschewski**—Technology, and telecommunications in particular, is a major issue for us. We talk about telephone intercepts but there have been a lot of developments recently with mobile phones, prepaid mobile phones, the ability to send SMS messages from public phones and all those sorts of things which defeat our ability to intercept these sorts of people. We are constantly a little behind the eight ball with that, trying to catch up. Organisations at the national level—not just the ACC, but those such as the Law Reform Advisory Council, which deals with telco issues—are positioned to drive these things nationally and pull the jurisdictions together in a coordinated and concerted effort to address these issues and at least try and keep up with them.

It is not just telecommunications that are an issue. We are seeing it with the OMCGs. I keep coming back to them because they are a major issue for us here. Their ability to do counter-surveillance and that type of thing, using technology, is increasing. Their ability with computers and their skills in that area are increasing. We need national bodies like the ACC because something may happen in another jurisdiction and unless someone consciously captures that information and passes it on to the other jurisdictions we do not know about it until it occurs in our area.

**Mr RICHARDSON**—As a former police officer in South Australia I dealt with TIs and e-crime, so that falls into line with what Senator Santoro was saying. Do you think that you are on top of e-crime, and are you working in conjunction with the ACC on that?

**Det. Supt Gollschewski**—I do not know that we ever get on top of organised crime. In the QPS, and I am sure in other agencies, we work from the philosophy that we need to improve all the time. If we think we have it made, we are going to be severely embarrassed because we do not. E-crime is changing as quickly as we can look at it. I am certainly no expert on it. Our fraud area looks at that. I think it is safe to say that in the national threat assessments fraud is a very significant threat when you look at the damage to the community money-wise. We need to

improve on it. The ACC is certainly pushing that barrow. We see that coming out of there. They have the National Fraud Desk and a few other initiatives that work very well for that. I think it is being conscious of the fact that we need to improve and we need to be on top of that that keeps us at least close to what is going on, but I doubt if we will ever get on top of it.

**Mr RICHARDSON**—With respect to TIs, what are the frustrations in the state and national arena with the legislation? Can you comment on the frustrations you have experienced at a state level? It has been improved by the ACC's involvement but can we still get it a bit better so that we are not missing some key crime groups?

**Det. Supt. Gollschewski**—Telephone intercepts are a difficult issue in Queensland. The comment is that TI is a very effective investigative tool. It is not the only tool, but it is a very effective one. The only way we can access it is through key agencies like the ACC. We see it as integral to effectively combating organised crime—and not just for gathering evidence; it also gives you intelligence and it helps you to develop knowledge of groups and how and where they operate. What level we need that supplied at to be able to operate effectively is problematic. As I said before, it is a fluid area and it changes on a weekly basis. But we see it as being very important and something that needs to be continually looked at.

Having said that, I think law enforcement agencies should be very careful not to rely on it as the be-all and end-all, because there are other important things such as human sources. No matter how effective you are as a law enforcement agency, how many TIs you have got and how many surveillance assets you have, unless you have someone who is telling you what is going on in the first place, you are not going to know about it. So a lot of our jurisdiction's focus is on developing our capacity to handle and manage human sources as intelligence sources.

**Mr RICHARDSON**—My last question links with the whole lot. In your evidence you shared the fact that there were unresolved matters with the information sharing. Like you said, ACID is only in Queensland.

**Det. Supt. Gollschewski**—Yes.

**Mr RICHARDSON**—I would love it to be in South Australia, and so it should be. Can you elaborate on the unresolved matters in that information sharing?

**Det. Supt. Gollschewski**—The National Information Sharing Working Group was set up several years ago. It is designed to address issues—specifically the sharing of information and intelligence between jurisdictions. ACID is a medium that can achieve that and, while all jurisdictions have access to ACID—including Commonwealth agencies such as Customs and the AFP, we are the only jurisdiction that uses it as a primary intelligence database. We made that decision some years ago when ACID first came in.

The working group tries to resolve the ability to share the information between jurisdictions, which is in some ways impacted on by legislation at the state level and that type of thing. There are differing focuses on different areas. I think it is fair to say, if you look at the national picture state by state, that, while there are key areas that are of national significance from the point of view of major and organised crime, there are also subtle differences. For instance, Queensland's main focus is quite rightly on child sex offences at the moment. That is not replicated across the

nation. So you get those subtleties and therefore different priorities in different states. Different databases and different legislations all go towards impeding the flow and exchange of information.

**Mr RICHARDSON**—Are you critical of the information sharing?

**Det. Supt. Gollschewski**—No. We want to promote more complete information sharing, more complete development of intelligence and the ability for each jurisdiction to access the intelligence it needs to be effective in combating these groups. All these impediments need to be addressed. The working group was set up several years ago and it really has not progressed as well as it should have. From the QPS point of view, we think the ACC is well placed to be able to drive that issue.

**Mr RICHARDSON**—That is what we were hoping to hear from you, if that is the case.

**Det. Supt. Gollschewski**—The other issue concerns ViCLAS. ViCLAS is the Violent Crime Linkage Analysis System database, which is aimed at being able to pull information together from across the nation and identify serial sexual and violent offenders. Some cases in Canada—the Barnardo case and the Yorkshire Ripper—identified the failure of police jurisdictions that were not talking to each other and were not exchanging information to identify people who operate across borders. This was brought in to help address that.

The database is not well supported uniformly across Australia. I think it is fair to say that some jurisdictions make no contributions at all, and it will never reach its full potential while that occurs. We need to have that addressed at a national level one way or another so that we can decide how we are going to take it forward. Once again, the ACC has carriage of ViCLAS. They inherited it from the old Australian Bureau of Criminal Intelligence. It is a difficult problem for them because it does not really fit within their charter, but they have inherited it. But we, as a jurisdiction which has committed fairly heavily towards it, would like to see some sort of resolution on what is going to happen to ViCLAS.

**Mr RICHARDSON**—Thank you, Stephan. Sometimes, like you said, they have to go sideways and then put their hand up to go into politics for promotion's sake. I could welcome you one day.

**Mr KERR**—Is it a promotion?

**Mr RICHARDSON**—I don't know.

**Det. Supt Gollschewski**—I am very happy with what I am doing, thank you.

**CHAIR**—It has been said that the ACC is pretty reliant on officers from other jurisdictions. They come and then they may go. Do you think that it is too reliant on officers from other jurisdictions? What impact does that have in terms of corporate memory, continuity and the efficient operation of the ACC? We all know what the advantages are, particularly for the incoming officers who eventually will become the outgoing officers. We appreciate that, but what does that do for the actual organisation and how does it impact operationally from your perspective?

**Det. Supt Gollschewski**—I will address that from two perspectives. I will deal with it first from the intelligence area, which is what my responsibility is. A lot of my interaction is with the national strategic intelligence area, which is, with a couple of exceptions, primarily staffed by ACC employees. There are a few seconded ones in there in key positions and in some instances I think they have been inherited from the old structures as well. That area is primarily ACC employees and the continuity there has been good. As I alluded to before, there were initial teething problems in that it was a new organisation with people new to the law enforcement environment having to gain an understanding of it. There were some teething problems. We seem to have got through that and things are on the improve. There is better understanding and the continuity is good in that particular area.

I do not have as much interaction on the operations side, but, as I understand it, at the local level there is the Manager of Operations, Brisbane, as I mentioned, and there are also surveillance officers and other investigators there. I can see that maybe that does impact on the continuity and corporate knowledge of the agency. But the heart and soul of any law enforcement and intelligence type agency is its intelligence component. Operationally people can come and go—people who are going to do surveillance, people who are going to kick doors in or do whatever. If you have the key intelligence functions of the organisation, particularly an organisation like the ACC, staffed by more permanent members, you will maintain that corporate knowledge.

Clearly there is also consistency at the management level—the key management roles are ACC staff. I can see that there are problems, but there are also benefits, as you alluded to—people coming from the jurisdictions mean that jurisdictions have someone they are comfortable dealing with. Certainly from our perspective, the person down there at the moment is highly respected and there is a very good relationship locally. Nationally the relationships are improving all the time. I do not see it as a major issue, from our perspective anyway.

**Mr KERR**—The ACC has developed a new methodology for distributing its product. Were you involved in that process and are you happy with the way in which that has evolved?

**Det. Supt Gollschewski**—The national area uses email a lot to distribute things. I have raised that at the national level, saying that that causes problems, because if you email to an individual and that individual is not around for a months, no-one gets it. They have addressed that by trying to come in at different layers to make sure they get capture. I am not a great fan of email being the delivery method of a lot of product. Certainly it gives you timeliness—you can get it to people straightaway—but for the very significant issues I would like to see that followed up with other more traditional communication.

**Mr KERR**—The product itself has been simplified—the classifications and structure of that product?

**Det. Supt Gollschewski**—Yes, I had some come through this week. They are very easily read and easily understood. They are quite good. The best thing we can say is that we have looked at how they do their national threat assessments, the underpinning methodology that they use and the way they deliver their stuff and we have actually decided that we will meld ourselves to be compliant with how they do it. We see it as a good template—a good benchmark. It allows us

then to feed into the national reporting requirements that we need to meet in a seamless manner and still meet our objectives and our needs at the jurisdiction level.

**Mr KERR**—Good. That is a very nice piece of news.

**Det. Supt Gollschewski**—I am not a real fan of email, I have got to tell you.

**Mr KERR**—Well understood. I am getting 240 a day, I think, at my present rate.

**CHAIR**—Thank you for your attendance and for your frank and comprehensive answers to our questions.

**Proceedings suspended from 11.45 am to 1.20 pm**

[1.20 pm]

**O’GORMAN, Mr Terence Patrick, President, Australian Council for Civil Liberties**

**CHAIR**—I welcome Mr Terry O’Gorman. Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you. I now invite you to make a short introductory statement, after which we will move to general discussion and questions.

**Mr O’Gorman**—The introductory statement will be short because this has been fitted in between ongoing court. The observation should be made that the Australian Crime Commission’s structure is fundamentally different from that of the National Crime Authority. Without being personally disrespectful to any of the law enforcers who constitute its board, it is in effect a law enforcers’ club. The National Crime Authority—whatever criticisms one had of it, and there were some—at least by its structure of having members who were not necessarily law enforcers but who had legal backgrounds probably made it work a little more accountably.

On a separate point, I have concerns that particularly in Queensland the Queensland Police Service is increasingly engaging in joint operations with the Australian Crime Commission which has the end effect—I say query intended—of getting around the lack of Queensland based telephone tapping powers. Senators might be aware of the position the Queensland government has held for some time—and that is that, until such time as the federal government is prepared to address the Queensland government’s request for a Public Interest Monitor concept to oversee telephone tapping powers, the Queensland government is not prepared to enter into a discussion with the federal government to have telephone tapping powers in the state. I could spend a fair bit of time on that but I won’t, except to make this point. The Public Interest Monitor concept was introduced by a conservative government in Queensland. Unless I have my history wrong, your chair, Senator Santoro, was a member of that government. It was introduced by the Borbidge government when Russell Cooper was police minister essentially to try to do something about the excesses occurring, particularly in relation to the obtaining of listening device warrants arising out of the case of the ex-police officer hearing.

The Queensland government’s position has been that they consider that telephone tapping powers should not be granted to Queensland police unless the protection of a body like the Public Interest Monitor is extended. The federal government appears to be resistant to that, what I submit is a reasonable, measure. Certainly from my observations as a lawyer reading briefs in which the Australian Crime Commission is involved, they seem to be increasingly involved in circumstances that are less serious than they used to be, in terms of reference which are much wider than they used to be, which therefore have a net catch of targets which is much larger than it used to be, in circumstances where the end result is that in a de facto sense the Australian Crime Commission is giving telephone tapping powers to the Queensland police without the protection of the Public Interest Monitor.

The next point is the issue of complaints against members of the Australian Crime Commission. In the limited time I have had available I have read part of the Commonwealth Ombudsman’s own motion investigation into the Australian Crime Commission which was reported on in February 2004. I concede that apparently the own motion investigation was

precipitated by an approach made by the CEO of the ACC, I think the own motion investigation highlights a fundamental defect in relation to the Australian Crime Commission which carried over a fundamental defect from the previous National Crime Authority—that is, the failure of any independent body to investigate, whether by way of reacting to complaints or by own motion, the Australian Crime Commission and its activities.

There has been a report of the Australian Law Reform Commission which has been gathering dust for a long time—and might I observe that the only reports of the Australian Law Reform Commission that gather dust are those that bring in checks and balances; the reports that propose greater police powers quickly get implemented—and that report I referred to has in effect suggested either a CMC, PIC or WA Anti-Corruption Commission model external complaints body in respect of the ACC and various other federal law enforcement agencies. To my knowledge, while the previous Attorney-General, Mr Williams, committed to bringing that concept in, as I understand it—I do not wish to be repetitive but given the limited time I have had available it is my understanding—it has not been implemented. If I am correct, then that remains a most fundamental problem.

There can be debate among people of law enforcement persuasion on the one hand, defence lawyers and civil libertarians on the other and all of those people who occupy the position between the two extremes as to whether the Australian Crime Commission is a better structure or a worse structure than the NCA. But my submission is that what is revealed in the Ombudsman's own motion investigation is typical of what existed in state police forces before, particularly in Queensland and New South Wales, external agencies that were there to investigate complaints against police that had true independence were in fact brought in. Or, to put it differently, it took things like the Fitzgerald royal commission and the Wood royal commission to persuade the Queensland and New South Wales governments respectively that you would only deal effectively with complaints against police if you had a truly independent body that was there to investigate them.

It just amazes me that, almost seven years since the Fitzgerald report was released in this state, such a powerful body as the ACC still has no effective external body as proposed by the Australian Law Reform Commission. There could be a rejoinder to that, and that is: doesn't the Ombudsman's own motion report indicate that the Ombudsman is operating as an effective external agency? My reply to that would be: the Ombudsman's investigation, as I understood it, was only instituted once the particular problem of the alleged criminal conduct of the secondees was brought to its notice, but the general criticism of the Ombudsman's office has been that it is so widely stretched across so many aspects of the bureaucracy that it cannot properly take on the role of investigating the Australian Crime Commission.

An allied point is: if, one day, the Australian Law Reform Commission recommendation is implemented I urge that whatever that body might be called—and PIC seems to be an acronym that found favour with the Australian Law Reform Commission—it must avoid the emerging problems that exist with the CMC in Queensland. The CMC in Queensland, in my view, has become increasingly effete in investigating complaints against police for two reasons. It has handed back the role of investigating all but serious complaints to the Queensland police, and that has had at least this consequence. One of the observations of major royal commissions into police, whether you start with Mollen in the US, Fitzgerald or Wood, is you can only deal with corruption or misconduct, particularly misconduct, if you have a pattern of picking up errant

behaviour by individual police as represented by an unusually large number of complaints or systemic behaviour arising from the activities of particular squads. If you hand back, as the CMC has, all of its investigation powers of complaints against the police to the very police service it is supposed to oversight, where does the pattern and where do the facts that constitute a trend start to come from, are they being analysed and do they emerge? My observation is no.

Before I move off the CMC I make this observation about it in terms of its growing ineffectiveness in making proper investigations against police. I urge you to look at its recent report into the Palm Island police investigation of the burning down of the police station and the associated 'riot'. That report was published about a month ago and, despite the fact that there were complaints that police used stun guns and were wearing balaclavas when they raided the homes of Aboriginal people long after the riot had finished, the report said, 'We haven't been able to investigate these complaints properly because we haven't interviewed all the relevant interviewees.' The question has to be asked: why? So I urge you not to take the CMC as credible any longer. It once might have had credibility in that area. In my view it has very little. That is partly because it is now performing a high-powered law enforcement role in its organised crime division as well as, at the same time, having the same rotating personnel supposedly then neutrally investigating complaints against police.

I have two final points. I submit that it would be appropriate, in the enhanced complaints mechanism and accountability regime that I am arguing for in respect of the ACC, to take up a recommendation of the 1977 Lucas inquiry into enforcement in criminal law in Queensland. That was an inquiry into police corruption which unsurprisingly, as seems to be the case in most inquiries, ended up with greater police powers being implemented. Nevertheless, one of the recommendations of that inquiry was that prosecutors be obliged to report to a complaints mechanism all allegations of misconduct made against police in court so that at least the pattern and the trends that I talked about could be centralised and examined. That has never been implemented. It is something that should be implemented in relation to the Australian Crime Commission.

My final point is this. Because of the secrecy under which the Australian Crime Commission works it is almost impossible for members of the criminal bar to find out what other criminal lawyers are running across in terms of deficient procedures and, arguably, improper procedures. That extends even to what goes on in examinations. Because of the secrecy provisions of the Australian Crime Commission, particularly in relation to examinations, if I see something going on in an examination that I am representing someone on I cannot go and hawk that around other lawyers and ask whether they have had a similar experience, because the non-publication provision means that if I do that I have committed an offence. Those are the brief prepared points.

**CHAIR**—Thank you very much, Mr O'Gorman. You have expressed some serious concerns about the lack of proper oversight of the ACC. Do I have the correct impression?

**Mr O'Gorman**—Yes.

**CHAIR**—What role do you see the parliamentary committee, of which we are all members, playing in terms of that oversight?

**Mr O’Gorman**—I think an extremely important one, but, in a de facto sense, your ability to supervise is very restricted unless you have a body like the proposed ALRC oversight body doing the work for you. Experience has shown—and this has been the case with the CJC, now CMC, parliamentary committee that supervises the CMC in this state—that, because of lack of time, resources and law enforcement experience by committee members and the constant turnover of committee members, a parliamentary committee just simply cannot by itself, without having an external agency positioned between the ACC and itself, do its job.

I would see and I would urge that, as well as there being a PIC-CMC external body over the ACC, the parliamentary commissioner role that has been introduced into the supervising committee over the CMC in Queensland be part of the accountability mechanism. Briefly put, what occurred with the supervising parliamentary committee of the CJC was that they learnt over a period of time that they had the deficiencies that I have outlined and, I think about five years ago, it was decided to appoint a lawyer, who is called the Parliamentary Commissioner for the CJC or something similar. When the committee have concerns about whether the CMC has done something right or wrong, they use that legally trained, usually quite experienced, barrister to go and do the investigative work for them. So I think the parliamentary commissioner role is also very important.

**CHAIR**—Acknowledging that you cannot speak openly about some of the specific cases that you may have been involved in, have you in your experience, which I suggest is quite extensive, come across an abundance of what you would consider to be breaches of civil liberties, civil rights or privacy?

**Mr O’Gorman**—The examples I can quote without giving them names are somewhat limited, but could I urge that it does not therefore follow that there are no problems. I will come to the examples in a minute. The reason why I, as a defence lawyer who does nothing but defence criminal work, have only limited experience is that I can only talk about what I run across. Further, if you seek to use the subpoena process in a given ACC run criminal case in order to test, for instance, suspicions that you have that something might have been done not according to the procedures or arguably wrongly, you are met with public interest immunity claims, which are run by high-profile barristers and which, particularly in the Magistrates Court, are almost invariably successful. And if you cannot get the evidence in the Magistrates Court at committal, it is too late to try to get it on trial, because you are running it blind.

I will tell you one of my personal examples. One night about three years ago I indicated over the phone to a police officer seconded to the ACC that my client declined to talk to him at all, and I asked him to please leave my client’s house. He did leave the house and, contrary to what I conveyed to him over the phone, according to the complaint that was made to me by that client, he then came back and attempted to undermine the legal advice that I had given my client. I made a complaint about that. To my knowledge—I no longer act for the client, because there was a conflict of interest that emerged and one had to go elsewhere—that complaint was never investigated. Certainly up to the time that I remained in that case it took, impressionistically, six months or maybe even 12 after the complaint I made—and the complaint in writing was made fairly soon—for even a response to come back. That is illustrative of the inadequate system of investigating what I would refer to as complaints of procedural misconduct, as opposed to complaints of corruption.

The Ombudsman's report identified, or the CEO of the ACC referred to, alleged evidence of criminal misconduct/corruption. The current problem with the ACC is that where you as a lawyer wish to complain that procedures have been either flouted or ignored it is even harder to have those complaints investigated.

**CHAIR**—I want to give other members of the committee the chance to ask questions, but I have just been advised that it is possible for us to receive further evidence from you in camera. If you are agreeable, the committee may wish to consider extending that invitation to you.

**Mr O’Gorman**—Today or at some other time?

**CHAIR**—I would suggest some other time. We know of your time constraints. The committee will discuss it. It wouldn't be disagreeable for us to contact you in relation to that?

**Mr O’Gorman**—No.

**Mr KERR**—I want to follow up this issue of the effective extension of telephone tapping powers that you raised in Queensland. One of the underlying motivations, I suppose, for the restructuring of the National Crime Authority to the ACC was to better enable state law enforcement agencies to access and utilise the coercive powers of the National Crime Authority. That was a deliberate and explicit extension—one which was contentious at the time. I had some concerns about those decisions, but they were made. Are you suggesting that there is impropriety beyond the intended and natural consequences of the restructuring of the way the agency has now been focused to operationalise that intention?

**Mr O’Gorman**—I do not think I can go as far as to call it impropriety. I simply say that I and a number of other defence lawyers share a concern that, in a de facto sense and in a way which is not accidental, the ACC are conducting many more joint operations with the QPS, with the end result that de facto telephone tapping exists in Queensland. One can debate the rights and wrongs of that—one can debate the law enforcement gains of telephoned tapping versus the abuses versus the privacy and civil liberties concerns—but, if it has in fact been government policy that they want the protections of the Public Interest Monitor before this state goes down that track, then the de facto extension of telephoned tapping power by increasingly joint operations should not have happened. Part of the reason for that is that the ACC, in my view more so than the NCA—and I think this represents the fact that it is now a law enforcers club with none of the checks that the lawyer members once might have had on it—are now conducting operations with such wide terms of reference and such wide time frames that any individual criticism that you might make of a particular joint operation in Queensland would no doubt be answered by saying, 'That's under Operation Panzer,' or whatever else. The fact is that it has happened in a de facto sense and it should not have happened, because the government's clearly stated policy is that it wants the protection of the Public Interest Monitor. We have made submissions to the government about this.

**Mr KERR**—The federal government?

**Mr O’Gorman**—The state government. The reason that is being sought as a protection is that there is a widespread view that the protections that used to exist against abuse or misuse of

telephoned tapping powers when they were introduced in the mid-seventies have now been so watered down that, in effect, they are useless.

**Mr KERR**—In the intelligence gathering areas there has been the establishment of the Inspector-General of Intelligence and Security—an independent person with a small staff to hear and determine complaints in that area, which is covered by similar secrecy obligations. Is that the kind of model that you would propose? Obviously, the size of the unit for the intelligence services might differ. My second question is: does the same complaint about the absence of an independent, fully arms-length process apply to complaints against the Australian Federal Police?

**Mr O’Gorman**—I will answer the first one. If you are referring to IGIS as the same body that oversees the intelligence services, my submission in that regard is it is fully committed and fully extended and, even in that area, is not able to do its job properly.

**Mr KERR**—No, I was talking about the model rather than the person.

**Mr O’Gorman**—That model, as a model, is not sufficiently empowered statutorily, from what I see of it. As both a lawyer and a civil libertarian you see only the end product of the often censored reports—the censoring being justified by national security considerations. My short answer is no. On my understanding of that model, it is considerably more restricted than the model argued for by the Australian Law Reform Commission. In relation to the Australian Federal Police, my answer is yes. There was beauty in the Australian Law Reform Commission’s recommendation for a single body to be an oversight complaints body against both the ACC and the Australian Federal Police. We argued also for the other federal government agencies that exercise police powers: the ATO, Customs, et cetera. The reason it was proposed was that it be extended across all federal law enforcement agencies. It had a body of powers and a budget, which on my understanding is much more effective than IGIS.

**Mr KERR**—Currently the Ombudsman exercises the complaint assessment process. To help us weigh your submission, do you have any specific criticisms about the way those processes currently operate?

**Mr O’Gorman**—I think the best criticism you can look at as to the inadequacy of the Ombudsman’s office is to go to the ALRC report. They examine both the arguments in favour of the Ombudsman continuing and the arguments against it. Effectively, they came down on the side of a new body because they concluded, to put it simply, that the Ombudsman was so stretched over so many bureaucracies and inadequately funded and, importantly, did not have sufficient people in it who understood and knew how to get at an errant police culture—that is a topic for debate all on its own. You need a body to investigate complaints against police which has in it people who have had a policing background—not ones who jump from the police service to the external complaints body and then go back—who know how to catch police and who know the system better than most. Lawyers are not necessarily good at that. You need a joint approach of people with a demonstrated policing background who are now out of it, and who will not be going back working in conjunction with lawyers in this external agency.

**Mr KERR**—In the recent past, similar coercive powers to those which have been conferred by the federal parliament on the Australian Crime Commission have been conferred on the

Victorian police, following the spate of gangland murders in Victoria. Do you have comments about that development and, if you do, insofar as it is relevant to our work as parliamentarians supervising the ACC, is there any view you think we should draw in relation to that matter?

**Mr O’Gorman**—I think it is a dangerous model to have the police effectively entrusted with permanent standing royal commission powers. By definition it is dangerous. Further, I am not aware of any other state or territory in Australia that has a similar arrangement. I suspect it is because of that that criticism is, properly, levelled at it. The unwillingness by the Victorian Labor government to set up a body, which is simply straight politics—

**Mr KERR**—The unwillingness to set up what body?

**Mr O’Gorman**—The failure to set up an alternative body, such as an independent complaints mechanism or a crime commission, was just the Victorian Labor government playing politics. That said, recent disclosures about 500 pages of sensitive information going from Mr Brouwer’s office out to someone who was never entitled to it and the subsequent disclosure that it did not just happen in the mailroom would tend to indicate that even the supervisory body over this expanded police regime is not working.

**Mr KERR**—One point that a witness earlier today, Bob Bottom, put to us was that, if this committee is to work as effectively as it ought, the limitation that currently exists about the agency’s disclosure of operational information to the committee should be modified or removed. I can see arguments both ways, but I was wondering what your views might be.

**Mr O’Gorman**—Operational secrecy is something behind which errant—and I accept that they are a minority, but sometimes a significant minority—law enforcers have long hidden in order to hide their misdeeds or avoid accountability. The Queensland scheme of having a parliamentary commissioner—normally a very experienced barrister and frequently quite experienced in criminal law—appears, at least to the extent that I have been able to get information from the three or four people who have from time to time filled that role, to have addressed that problem. But I would urge the committee to look at that role and in fact talk to the three or four people who have filled the role of parliamentary commissioner to see whether they agree that it has worked.

**Mr KERR**—Does the committee or do they have access to operational information?

**Mr O’Gorman**—My understanding, but I am not sure that I am fully accurate, is that they do have access to the operational secrecy material. Certainly, the Public Interest Monitor does in the allied field of—

**Mr KERR**—Telephone tapping.

**Mr O’Gorman**—No, applications for listening devices. And I am told that works pretty well against a background of initial resistance. But, even if the parliamentary commissioner for the CMC committee here in this state does not, then in my view that person or office should, because operational secrecy can be a blind for many things which if exposed to sunlight would cause people concern.

**Senator FERRIS**—Mr O’Gorman, in your opening statement you described the ACC as a ‘law enforcers’ club’. Is that because the police commissioners form the board?

**Mr O’Gorman**—Yes.

**Senator FERRIS**—How would you restructure the board so that it could not be called a ‘law enforcers’ club’?

**Mr O’Gorman**—In two ways which are not necessarily to be read together: firstly, to look at a revival of the member structure of the NCA. The ACC, as I understand it, has a structure of an executive or committee of law enforcers. To put it simply, as I recall the NCA had something of a loose similarity, but above it sat three or four NCA members, all of whom over a period of time were lawyers, all of whom came from non law enforcement backgrounds. The view that I hold from talking to those lawyers over time, even when I was fighting with them when they were in office, was that it offered a greater degree of accountability than one suspects is currently happening with the ACC.

Another improvement that could occur—but it is a challenge to the individual concerned—is to do what the Queensland Crime Commission did when it existed. It has now merged back with the CMC. The Queensland Crime Commission, when it existed, had on its committee a roughly similar group of law enforcers but it also had a civil liberties representative and a community representative. I do not think the civil liberties representative was able to match the number of the law enforcers who were on the committee but, from speaking to the first person who was the civil liberties representative, who I stress did not give me any operational information, the very strong impression I got from that person was that that person’s presence was very important.

Similarly in relation to the structure of the Crime and Misconduct Commission, at the moment one of those commissioners has to be a civil liberties representative. I have never been and never will be asked to do it, but the impression I get is that those who have filled that role have challenged the law enforcement mentality. I accept that the Australian Crime Commission by definition is a law enforcement body, but it has challenged it at least to the extent of having forced it to address legitimate civil liberties concerns that defence lawyers never see the facts of because they are hidden behind secrecy.

**Senator FERRIS**—What do you say to Victorian Police Commissioner Christine Nixon’s comments that this oversight committee should not exist at all?

**Mr O’Gorman**—How does she propose oversight of that—by themselves, by the law enforcement club constituting the committee? My submission, having appeared before the NCA parliamentary committee for many years and having appeared before the supervising committee of the CJC, now renamed the CMC, since 1990, is that the parliamentary committee oversight is critical. You have got here a permanent standing royal commission that is now peopled exclusively by people from the SES of various law enforcement agencies who, when you try to bring them to account by subpoenas in court, use public interest immunity arguments, and you lose. If you are not going to supervise it, who is?

**Senator FERRIS**—I think her suggestion was the IGC as the oversight body. I am interested in your comments on that.

**Mr O’Gorman**—I think parliamentary committee oversight is vital. The deficiency of parliamentary committee oversight I answered in relation to Mr Kerr’s question and that is: you get snowed. I should not say that you do—your precursors as the parliamentary committee over the NCA used to constantly complain in its reports that it was getting snowed by this wall of ‘sorry, can’t tell you—operational secrecy’.

**Senator FERRIS**—I think that in the past some of us thought we were getting snowed too.

**Mr O’Gorman**—My submission is that legitimately the concerns of the law enforcers, the concerns of the civil libertarians and, importantly, the concerns of the parliamentarians who constitute this committee could all be addressed if the parliamentary commissioner concept was appropriately modified for the ACC but with absolute powers to access all operational intelligence material that it needs. If the IGIS can access it, why shouldn’t the parliamentary commissioner access it? If accountability is going to mean anything, then we have to get away from this shield behind which these law enforcers constantly hide called ‘operational secrecy’.

**Senator FERRIS**—An issue which I think you have talked to this committee about before is the use of coercive powers and what is now available to the ACC when people decline to answer. It is a contempt of court question. Somebody can be left hanging, waiting for a contempt of court charge against them to be heard for perhaps 18 months because of delays in court procedures. There has been some suggestion that it should be made more efficient by having that period shortened so that there can be a more direct way of forcing people to answer questions. Would you like to comment on that? I have probably not expressed that very clearly.

**Mr O’Gorman**—If a person refuses to answer questions and they are then to be dealt with for contempt, it would be fundamentally wrong to have any contempt action dealt with other than in the courts. If there is a delay then it is a matter, whether by negotiation with the court or by legislation, of giving it a fast-track. In most of the Australian jurisdictions there is an arrangement with the heads of the superior courts to fast-track cases that involve child sexual offence complainants. I would not have thought that would be particularly hard to do with people who are to be dealt with for contempt.

**Mr RICHARDSON**—This is probably along the same lines. You mentioned perhaps having a civil liberties president or someone like you on the board because of the club that you mentioned. In the old NCA there were solicitors and barristers in the format of that team. The ACC was formulated because of the many royal commissions and the lack of accountability et cetera through that period. That is a statement I would like you to reflect and comment on. But also, in line with what Senator Ferris was saying—and I probably know the answer to this—the ACC has contempt provisions in its legislation as well as a power to penalise noncompliance with directions to attend or produce documents. That is in sections 29 and 30 of the ACC Act. Should the ACC have those contempt provisions in its legislation to ensure that we can enforce compliance and directions to attend or produce documents?

**Mr O’Gorman**—Realistically, the answer to the last part of that question has to be yes, whatever my private views would be. If you are trying to adopt a reasonable position, the answer has to be yes. It may be that the way that enforcement works when someone chooses not to answer questions could be improved both in terms of a quicker route to the courts and maybe better protections for the accused. In relation to the first part of your question, I do not seek to be

on the board of the ACC. I do not think, however, that because the ACC, its precursor the NCA, the CMC or ICAC has lawyers on it, that therefore means that the civil liberties concerns are addressed. The lawyers become imbued with the law enforcement culture. I daresay—but this is speculative—that anyone employed there as a lawyer who expresses civil liberties concerns would not last very long.

**CHAIR**—Some of your answers have provided scope for additional questions. We might consider putting some further points to you in writing and you may wish to respond. We might also ask you to appear again in person before the committee, perhaps in camera.

**Mr O’Gorman**—If I appeared before this committee in its previous role as the NCA supervising committee at the beginning of its sessions and then was able to read the transcripts of other people’s evidence, there was then the opportunity to make further comments. Because of time problems, unless you are called back it tends to become part of the bundle of paper on your desk.

**CHAIR**—It would be difficult to give a universal right of reply to all witnesses, but certainly we will have a look as to how we can maintain the interchange during the hearings. Thank you.

[2.15 pm]

**CROOKE, Mr Gary William QC, Private capacity**

**CHAIR**—Welcome, Mr Crooke. Do you have any comments to make on the capacity in which you appear today?

**Mr Crooke**—I am a former chairman of the NCA.

**CHAIR**—Of course, you appreciate that information on parliamentary privilege and the protection of witnesses and evidence has been provided to you.

**Mr Crooke**—Yes.

**CHAIR**—I now invite you to make a short introductory statement, after which we will move to some general discussion and questions.

**Mr Crooke**—By way of explanation I should inform the committee that, when I left the NCA, I became a feather duster very quickly and I have not made it my business to be privy to or seek to know anything that has occurred over the last three years since my departure, any more than the average citizen would have done. So I inform the committee that I am not in a position to speak with any knowledge about anything internal over the last three years since I left.

**CHAIR**—I think that, despite that very modest introduction of yourself today, we will still gain much insight from you. I will kick it off. The ACC structure is obviously quite different from that of the NCA in any of its previous incarnations. Do you think that the current ACC structure—in which the organisation is accountable to a board, the intergovernmental committee and the minister as well as to this parliamentary committee—is the best structure for such a body?

**Mr Crooke**—I could not think of a worse one.

**CHAIR**—Would you like to elaborate?

**Mr Crooke**—I went blue in the face during the demise of the NCA. I wrote to many people. There were a number of issues. The first one, from my point of view, was this question of effectively giving coercive powers to a police force. People like Commissioner Keelty, as he even then was when the NCA expired, was on record as saying, ‘This should never happen.’ I do not know whether his view has changed, although I think I read somewhere in the press that he continued to espouse that view. I think, as far as public administration is concerned, it should never happen. I do not think there is anywhere else in the world where it happens.

I guess the question is: is it really being given to the police force? The response to the proposition that I and others put was that it is not really given to them because it is reposed in the hearing officers—or examiners, as I think they are called. To my mind, that skirts around the issue. The hearing or compulsive powers come into existence when the board makes a decision

that a matter is to be activated and the powers come and follow immediately and necessarily from that position. So the introduction of the examiner does not really answer the question.

There is another issue that goes to the whole basis of the National Crime Authority. When I was asked to take the position of chairman, I did a lot of work looking at the legislation and had cause to do a lot more work during my tenure, especially towards the end. The more I read the legislation, the more amazed I was as to the care and the dovetailing with which the National Crime Authority act, from its inception and through its amendments, pieced together in a way that was practical and took account of the various interests that had to be safeguarded on the one hand and provided for on the other. The more I looked at it in detail, the more I saw that the way the sections interlocked was intensely practical, useful and workable, and quite a model, really, of balancing individual liberties against organised crime and those sorts of problems that the NCA was brought about to address.

One thing at the very basis of all of this—the very *raison d'être* of the NCA—was that there were already a number of police forces in Australia. In fact, one of the things that has been bandied about over the years, as some of you here will know, is a criticism or put-down that the NCA was nothing more than a ninth police force. I accept that, if it is nothing more than a ninth police force, it is the fifth wheel on the carriage. There are plenty of police forces, there are plenty of good police forces, there are plenty of good police officers and there are plenty of people to do the work that police are supposed to do—namely, catch the crooks and track down people who have committed a specific offence. On the other hand, the NCA was there not only because of the federal limitations on jurisdiction but, more particularly, like a royal commission, to get to the background of the problems, discover whether there was something systemic and put together a bigger picture.

Peter Ryan said to me once that he thought that the role of the NCA should be to hover above the field of skirmish in a helicopter and provide information, background and other similar material to those at the coalface as to whether they are at the right place, whether they should be somewhere else or to watch out for something that is happening over there. To me, that was a very apt description. Indeed, one of the things we always had as a challenge when police came to the NCA—and I must say that in my time, and I do not think anybody before me would disagree, we were very fortunate that police commissioners were prepared to give us very good people to come and work there—was the career challenge that if they were not at the home base then perhaps they would be passed over. But I must say that they tried to do something to recognise their service and not let it be detrimental to their careers.

Having said that, it was a challenge to persuade them or make them realise that they had come to a different place and that this was not a matter of chasing the guy with the balloon in his mouth down the street, taking it out and saying, 'Ha! I've got you!' and processing it through to the court. It was, to use that example, to take it further and say, 'Well, where did that come from, where did it come from before that, where did the money come from, what was the money trail and was there overseas involvement and the like?' There is a world of difference in that. When you are in the field as a police officer and the constraints on you are to get results and move on to the next one, you cannot take that attitude. The public demands that you just get on with it, arrest the person and say, 'Next, please.'

You had that difference in culture and also the imperative to try to be national in what you did at the NCA. This, again, was a constant transitional process. I think, when I was there, the thrust was that we would do a lot fewer operations but make sure they were national, had significance and had a lot of intelligence value to people as to what was going on in that field—systemic more than case-by-case. But I am saying all of this to emphasise the fact that if you are going to do this sort of thing it is very hard if you have somebody who has grown up purely in a police environment.

With this board structure, the new body is the ninth police force, with bells on. The one little thing I did pick up in the media—and I do not know how accurate this is because, as we all know, what you read is not always gospel—was that there was a management committee within the committee of the board, and, surprise, surprise, that management committee was all AFP. That to me compounded the difficulty because, whatever good things the AFP does, it has a very limited crime jurisdiction in Australia. State police forces deal—and must deal because of our law—with the majority of crime in Australia. So what is the monopoly of the AFP to do with major crime in Australia? That is a very real worry. The other thing is, if you are going to have something managed, do you have a board of however many people—it used to be 14 or 15 people, all with daytime jobs—to meet once or twice a year? I do not know how many times a year it was; I did know, at the time that everything wound up.

**Mr KERR**—It was four times a year, I think.

**Mr Crooke**—How hands-on can that board be? And, if it is all to do with the police superintendence, if the people there have a background of doing their job as police commissioners, the other people have so many other things to do that I question whether a hands-on role is going to be the way to go. I think the other baby that was thrown out with the bathwater is the examiners. At the NCA, whenever hearings were held, it was an integral part of an investigation, but an investigation in the sense of making sure that the widest possible net was cast to see what was going on. We used to discuss whether this was the best possible way to run it.

There is another school of thought that has been introduced, since the NCA expired, by a couple of police forces in Australia—I think it was Western Australia and, now, Victoria—which seems to parallel the examiner. This person is not in the arena; he pitches his tent to one side, perhaps even behind the grandstand, and when it suits the police, they march people past this person who is there to see that they answer questions. That person is not integrally involved in the investigation by way of being strategically the master of what is happening. The difference with the NCA was that, when members conducted a hearing, they were very much over the top of what was happening and made it their business to be absolutely certain that the national intelligence based approach was taking place. I fear that what is happening—and I emphasise that I do not know—is that the position of the examiner is very much like the position of the person who pitches his tent behind the grandstand and waits for people in the game to march somebody through while they go back to the game and the examiner is none the wiser. I might be wrong in that, but that was certainly the fear that I had when it was introduced. As far as a national body, which is going to try to get behind what is happening, is concerned that was quite devastating.

There was very serious debate and a very serious suggestion that this new body, the ACC, was not going to have any in-house investigative capacity. Again, that was something we struggled against very hard. At the end of the day, the decision was made that it should and would have that investigative capacity. I understand that that is still going on and hopefully it is managing very well—except to say that I am quite convinced that, in the later stages, the last thing that the AFP wanted on the landscape was the NCA.. Just why that was perhaps does not much matter but there was a real interest in seeing it emasculated.

The big difference between the new body and the old body is that independence has gone out the door. I do not think the CEO of the ACC can open his mouth unless the chairman of the board—namely, the commissioner of the AFP—says he may do so. That, as far as the national approach to organised crime matters is concerned, is a pretty inhibiting thing. There are indeed very serious questions about accountability. Any organisation does have to have accountability. But my strong feeling was, and still is, that it was a bad thing for public administration when a body charged with this type of work having all the attributes of a standing royal commission and set up for very good reason because of that—because of there being nothing in the field to cover the area that it was covering—is deprived of its independence. That is a very big step to take.

**CHAIR**—I was going to hand over to Mr Kerr, which I will do in a minute, but you have prompted me to ask a question which I had here in front of me but in a different context. You talk about the CEO of the ACC not being prepared to move too far without consulting with the commission. I was going to ask you the question: do you think that the CEO is answerable to too many organisations and too many chiefs? But from what you just said, your view is quite different from that.

**Mr Crooke**—I have to be very guarded about any categorical assertion I make here because I do not know how the thing works. But the way it was set up was that, for example, the NCA, by statute, was obliged to report to state and federal ministers responsible for law enforcement as to matters that were needing attention in legislation et cetera. The new act does not enable the ACC or its chief executive to do that. It is through the board and there is no capacity to make public statements or the like. So it seems to me that it is not as though there are a lot of people and the CEO does not know where to go. He is just very much down the line in the food chain and has to come to one place.

**Mr KERR**—Your sometime nemesis, Bob Bottom, appeared this morning and made some remarks which, ironically, may now coincide, to some extent, with views that you are expressing. His criticism was not that the ACC is now just another police force; what he was suggesting is that it has moved more to a bolt-on or add-on component that is now being applied to, in a sense, confer the coercive powers that exist within the ACC structure, either to a federal police investigation or to a state based police force. We heard later from Terry O’Gorman, who made the suggestion that in fact this is now being extended to facilitate the extension of provision of telephone tapping in circumstances which would not otherwise be available and that the spread now is not in serious and organised crime but has really just become facilitative over the widest range of matters. So it is thin, broad but facilitative rather than targeted, strategic and focused on the major and serious organised crime issues.

I wonder whether you might take each of those points, the first of which being that in fact it may not be an additional police force but rather it is capable of being seen as a bolt-on

facilitative mechanism for conferring these coercive powers on police jurisdictions. The second point is about the capacity for it to be now applying its resources in a much thinner way, really just to facilitate routine policing.

**Mr Crooke**—I think there is a lot in that, and indeed it probably embodies the concept I was trying to express with the tent behind the grandstand and not being in the game—those in the game come to the tent behind the grandstand, wheel the person through, and back they go again. That is a very real danger. They do not have those powers but they will use this merely, as you say, as a bolt-on, to make sure they will get them, in what may well be an ordinary policing operation. It is a very real worry. Just how it is working in practice I do not know, but it does trouble me that you have not got this corps of people there to exercise these powers and to, as it were, make sure that the operations were significant, national et cetera—much more so than just prosecuting this person and that person. That is a concern. I guess it depends on how, in practice, things have been working, but that was the very potential that was at the foundation of the protest or the submission—that things should not be changed from the governing body being comprised of these people that had the responsibility for the operations, and also that the powers were not used improperly or excessively.

**Mr KERR**—The other point that Mr Bottom made that I would appreciate your comment on—and I think somebody, I do not know who, also used the term ‘police club’—is his analysis that, because the board is now made up of commissioners, where there may be very serious matters within a state jurisdiction involving serious and organised crime but it does not suit the judgment of that local jurisdiction, basically nothing is done at a national level. He gave the instance of what he asserted to be 36 people, I think it was, being killed by organised crime hits, apparently, in Victoria, and a great delay where the Victorians did not choose to seek the application of the—

**CHAIR**—Sorry, that was 27.

**Mr KERR**—27, not 36.

**Mr Crooke**—We will have to be careful walking along the street not to trip over.

**Mr KERR**—The point Mr Bottom was making was that, although he was an advocate of this structure, he identified at least one of its side-effects as being that there may be too much ‘clubbability’, in the sense that nobody is willing to take on a jurisdiction which says, ‘We look after this.’ This is because there is not an effective way of the board operating except by consensus. Therefore if a state says, ‘We would rather you focus your powers at X other areas, or use them in other aspects of our work, we would rather you not be involved in this area,’ then, even if it is in a sense the key work that the organisation was set up to do, it is not doing it.

**Mr Crooke**—You are mentioning the example of them not wanting you to come rather than wanting you to come.

**Mr KERR**—I am saying that the argument is twofold. One side is that this has led to the use of the powers in areas that we would not have anticipated to be functionally part of serious and organised crime in the priority areas. So it is thin and being utilised in areas just in supplementary police work.

**Senator FERRIS**—Mr O’Gorman called it the ‘law enforcers club’.

**Mr KERR**—Yes, but I am not sure what words Mr Bottom used. Mr Bottom was saying that he thought there was another impact, which was that, where a state jurisdiction was unenthusiastic, notwithstanding that the issue was one of serious and organised crime and right in the core area of what he saw as ACC business, the ‘club’—if I can use that word loosely—would not look there.

**Mr Crooke**—Yes, I think that is probably right. There would be a comity, because otherwise it would be a question of saying, ‘If you scratch my back, I’ll scratch yours.’

**Mr KERR**—Or ‘I will not scratch yours’.

**Mr Crooke**—Yes. That has always been a problem. It is a problem with our federal system, isn’t it. You see it every day. Sometimes states want to take a particular view that might not necessarily be shared by their colleagues in another state or by the Commonwealth. The NCA had its own challenges in that regard. Usually it was in the area of a state wanting the NCA to do something and the NCA having limited resources and saying, ‘If we do that, we might have to pull people out of what we are doing in Western Australia’—something like that. But I can see that it certainly comes from the other direction as well. When you have somebody who is distant from it making the decision—not the chairman and members of the NCA but people at the head of law enforcement—the problem is compounded.

**Mr KERR**—I think I should give you the opportunity to respond to his comments, because he did specifically identify you as perhaps the author of the demise of the National Crime Authority. I think the suggestion was that your remarks regarding the necessity to think more broadly on responses to the issue of drug use in Australia had created an opportunity for this transformation to occur. I think he put it rather more bluntly than that. But I think I should let you respond to that, because perhaps implicit in what you were saying is that there was a latent competitiveness between the ACC and the AFP, and when you were weakened, in a sense the organisation became a subset of AFP priorities. I think that was the implication of what you were saying.

**Mr Crooke**—I think that is what has happened, and it was a studied set of measures that advanced it. To come back to that issue of the report on organised crime in Australia, what caused the furore has been so much misstated in the media and certainly by a lot of people in politics who never read the report. What was said in the report in quite clear terms—and I have it imprinted on my mind; I think it is at page 25—was that the drug problem is a terrible one and drug dealers must be relentlessly pursued. The thrust of the argument was that, if you went to the addicts who were the main part of the market and if you tried to treat them medically, you would make a much smaller market available to those who purvey this substance, the criminals who are the drug dealers, who always must be relentlessly pursued; that you tried to make their life more difficult by taking these poor captives, the addicts, out of the market.

The way you could do that by experiment—and this again is a most important thing; you are only talking about trials—would be to treat heroin addiction by weaning them off heroin with heroin. It is suggested that that be a trial. It so happens that in Switzerland they have had such a trial and they have had the best results of anywhere in the world by doing precisely that. It has been written up in *The Lancet*, the esteemed journal of the British Medical Association. In fact,

the editor of that publication said that he had never seen so much political argy-bargy and interference with a medical research project. I think there are people in Australia who say that too. But there is another dimension to this: there is this question of whether you cannot try to attack this sort of thing medically as well as otherwise, again with this thing that drug dealers must be relentlessly pursued. Nobody wanted to understand that. It was clear in black-and-white in that paper.

Funnily enough, at the beginning of the commentary, I made the observation that hopefully this would be regarded as a serious discussion paper and things would not be taken out of context. Of course, history has shown otherwise. It may well be that that misinterpretation caused so much angst that it caused people to say, 'Let's do something about getting rid of this upstart body that wants to speak its mind on matters of national importance.' When you look at it, I think it is going to prove to be a sorry day in Australian public administration when a body set up to make comments on the adequacy of law enforcement in making those comments finds itself abolished for doing so. History will tell this in the passage of time—and perhaps you will have to wait 30 years for material to come out in an archival report.

One of the things that was absolutely devastating to me was when it came to my attention that one of the things in the Palmer report—which was not released—was an assertion that the police commissioners did not want the NCA and that they did not think it was of much use to them. In the course of the discussions leading up to the passing of the legislation, and the finalisation of what the new body was going to be, the police commissioners sent senior representatives to a meeting to each disavow that they had said anything like that. There was another assertion that the NCA was not really national but was a series of separate outposts. Again, nothing could have been further from the truth.

One of the things that really upset me about the whole thing was that this very committee did a seminal review of the NCA about two years before, calling a number of witnesses, and very carefully assessed and reviewed what was going on. In fact, the catchwords for the report were that the NCA was needed more now than ever before. But within two years it was no longer there. Again, I have no barrow to push about politics in any shape or form, but I did come into this body when I had other things to do in my life with the view that it was serious about law enforcement. When I see the way it was treated, and what has replaced it, I can only think that law enforcement in Australia has suffered a savage blow.

**Mr KERR**—I do not want to say anything other than that, sadly, there are times when public officials speak out—as Mr Keelty did when he made what I thought was a transparently self-evident observation about linkages between the Iraq war and other consequences—and they suffer for it. It is just that the calumny that was heaped on you on that occasion might have opened the door for the changes which have transpired.

**Mr Crooke**—Yes, it is very sad if that was the catalyst, because the big thing is that organised crime, as you all know, is a very serious problem and it needs to be dealt with in the best possible way. Trying to slap an irritation that was not in accordance with perceived government policy is not really the way to go about trying to get on top of organised crime.

**Mr KERR**—I am trying to get away from this topic but I thought I should at least give you the opportunity to have a spray in your own defence.

**Mr Crooke**—I do not regard it as being in my defence because I would do the same thing tomorrow. That is the truth. Everything in that commentary about the statistics and everything else stands up to any scrutiny or argument, even today.

**Mr KERR**—I will move on but I thought that was useful. The point I wanted to raise with you has been raised by Mr Bottom and then by Mr O’Gorman, and you have the operational experience to be able to assist us. One of the things that has always made this committee’s work difficult is the barrier between us and operational information.

**Mr Crooke**—Yes.

**Mr KERR**—Various chairs of the NCA and now the ACC have taken greater or lesser judgments about where that line is, but wherever they have made that judgment it has stopped well short of being able to penetrate into the internal workings of the organisation. Mr Bottom has suggested that we should review and remove the restraints that exist to permit this committee to examine operational information in the course of our function. Mr O’Gorman said that perhaps one mechanism that would assist this would be a ‘parliamentary commissioner’—I think that was the expression he used—so that this committee would be assisted by an experienced barrister or by some person who was appropriate so that in the task that we were undertaking, even if we did not have the time or appropriate skills to undertake that role, we would be able to delegate that task to somebody who could do that and then report back and work through these issues, so that we could properly discharge those responsibilities that the statute gives us. I wonder whether you have any comment on that, having been chair of the organisation?

**Mr Crooke**—Thank you for the opportunity. It is a very important issue. There is this challenge about independence—if it is there—and accountability, because you have to have both. Well, you do not now, but in my submission to you, you have to have both if you are going to get into this area. It is a practical difficulty; they have addressed it in Queensland in the way you have just reiterated because what happened there was that in practice there were leaks. Whether they came from the committee, I do not know.

When I came to the chair of the NCA I was prepared to explore just how much further we could go in relation to the NCA giving private information to the committee. At the first meeting of the committee—this is indelibly printed on my mind—we had a discussion. The chairman at the time said, ‘Yes, this is in camera’—it was not a private hearing—‘and this meeting will be held in a confidential way.’ So we discussed various matters, none of which were deeply operational, but the next day I saw in the Canberra newspaper a verbatim account of just about everything that had been discussed. I could not take that matter much further as far as my own superintendence of the NCA was concerned.

**Mr KERR**—You had not spoken to the newspaper, I assume.

**Mr Crooke**—No, I had not. But there is a bigger issue in this. We are talking concrete boot stuff in relation to the things that the NCA does—organised crime et cetera—and it is not overstating the situation to say that if some of the information got out in the course of an operation, or even afterwards, people could be killed. There is an issue for the good people on the committee as to whether they want to be burdened with the responsibility of having that information in their possession or even in their heads. If anything goes wrong, do they really

want to be part of an investigative loop to see whether it could possibly have been them, either deliberately or through some sort of inadvertence, who let information go? That has been debated and discussed in law enforcement circles for a very long time. The solution that the Queensland situation came up with after the same sort of frustration was to put a parliamentary commissioner there who could satisfy himself or herself that there is nothing untoward going on, yet those on the committee do not get burdened with the responsibility and risk of being privy to this information.

I do not really know whether that is the best possible solution. Out of all the alternatives for a superintending body such as this, it seems to me that a joint parliamentary committee such as this one is in the best possible position to do so. It is the best organ. Ministers and the IGC have so many other things on their plate—not that you people do not also have a daytime job—and their work is at a level where getting down to the detail does not really sit with the things that they have to do. It is probably worthy of much further exploration as to how the committee could take more of a role in the monitoring, because that is what the act used to say. I do not know whether the new one still says that. Do you monitor the activities of the ACC?

**Mr KERR**—I am not sure what the wording is.

**Mr Crooke**—It used to be the case with the NCA. I sympathise and I think it is only right to say that if you do not know what is going on how do you monitor what is going on.

**CHAIR**—Time is moving on. I have suggested to the committee secretary that we follow up these hearings with an additional list of questions as well as an invitation to our witnesses to elaborate further on their answers. I am very conscious of your time commitments and the fact that Senator Ferris and possibly Mr Richardson would like to ask a couple of other questions.

**Senator FERRIS**—Mr Crooke, I remember those days very well. You might be interested to know that we all signed what were in effect legal documents to say that we had nothing to do with that unauthorised disclosure but it was a terrible tragedy, and it was not the first, unfortunately. I am interested in exploring this law enforcers club a little more because, as you know, the chair of the board currently is the head of the AFP. If it were not to be the head of the AFP, who do you think it should be?

**Mr Crooke**—You go back to the question: what is this body? I suppose you have to start with the proposition that you used to have the National Crime Authority which, strictly speaking, was the chairman and the two members. Take them away and what are you going to substitute? I find it very hard to see how you should go to something much different from that concept—namely independent people with some legal training or experience who are aware of the rights of citizens and the gravity of the powers that are going to be introduced—

**Senator FERRIS**—I thought you might say a retired judge.

**Mr Crooke**—Yes, that could be. But it has to be a hands-on group. They have to be in amongst it, it seems to me. The minute you take them away and they become visitors from outside it does not have the same sort of thrust that the model had when you had this authority that would superintend the day-to-day activities of the NCA. I find it very hard to go to some model where there is some sort of inspector or supervisor. Then again you can have too many

cooks in the kitchen. My own view is that somehow or other this committee, made up of elected representatives of the people and as a joint house, joint party committee, is the best vehicle in public administration to superintend it. But a lot of work needs to be done to clear away the debris and the baggage of confidentiality.

**Senator FERRIS**—Which is always going to be difficult with a group of political operators.

**Mr Crooke**—Yes, that is life, isn't it? As you say, it is not the first time it has ever happened.

**Senator FERRIS**—I think the worst time was when we were dealing with the Elliott matter. It was very difficult. In your experience at the NCA was there anything that came up in relation to the use of state based police being transferred which you could constructively pass onto the committee as a suggestion that might make those transfers more effective for both the NCA, as it was then, and those individuals when they go back? For example, we had evidence this morning from a member of the Queensland Police Service who said that he believed that the time he had spent in another body, not this one, had affected his promotion within his state based force. Do you have any comments on how that could be done better?

**Mr Crooke**—Yes. People have been trying for a long time, and I think there is a lot of goodwill amongst the commissioners to say, 'As far as I'm concerned, it is going to be regarded as a good mark in their career.' The same sort of thing applies in many other situations. If they go into the Ethical Standards Command, the anticorruption part of the police, and they come back to normal policing, they say they have missed out. It is perhaps more acute at the NCA because training courses are very important in progression through their careers. If they are at the NCA there is every chance that they will not be able to be spared because they are only there for a short time, and if they miss a course it might not come up again et cetera. I think it is only a question of extending the goodwill of the police commissioners into some sort of practical points recognition system—and you cannot do it off the top of your head immediately—for promotion, or the like, to make it more than the good wishes and goodwill of the commissioners.

**Senator FERRIS**—Did you ever come across a difficulty with, for example, state based police who had been seconded finding themselves part of an operation that involved the investigation of their colleagues in their own state police forces or did you try to arrange things so that those people were not investigating in their own state?

**Mr Crooke**—No, not necessarily. Usually the people who were seconded would go to their local office of the NCA. It was not very frequently that there were things that involved local police corruption, although that is not to say it did not happen. It was just a question of carefully managing it. There might have been occasions where, say, AFP people were in your police at a local office and it possibly involved state police or vice versa. On those occasions you would structure things so that the state police were kept distant from it—but that was not always necessarily the case.

**Senator FERRIS**—In regard to the contempt powers, do you have any comments on the difficulties that currently arise, for example, in a case where people have refused to answer and were charged with contempt and then there is that long delay? In your experience, did that substantially inhibit outcomes?

**Mr Crooke**—Absolutely. The long delay brought about the introduction, from my perception, of the contempt power. What used to happen was that the smarties would come along and take an objection and three years later, in a couple of cases, there was a final ruling on it, and what happens to your investigation in the meantime? We said, ‘We have to have something that will let us act immediately.’ The beauty of the contempt power is that it has done away with that. Having the contempt power is a strategy that seeks to get an answer to a question as opposed to punishing a person for not answering a question. The procedures of the court in relation to contempt are that if we were in a hearing here now and a witness did not answer a question, they could be marched down to the Supreme Court now and have a judge deal with it now, the same day. This was the basis of the request by the NCA to have this contempt power. They had it in Queensland by amendment in the Fitzgerald commission and it proved very effective, and they had it in the Wood royal commission in New South Wales. I certainly experienced it in both of those commissions. It was immediate and effective because the other thing was useless.

**Senator FERRIS**—It was toothless.

**Mr Crooke**—Yes.

**Senator FERRIS**—Thanks.

**Mr RICHARDSON**—I think it is important to state on the *Hansard* that the reference to the law enforcers club was from Mr Terry O’Gorman. Also, the integrity of the respective commissioners, I believe, is and should not be questioned like yours was as the chair of the NCA. If there is any aspect or inference of backstabbing, it is not from myself or the members of this committee. I know that Jonathan, the committee secretary, is going to follow up your suggestion that there is a management committee within the board—AFP, AFP, AFP—which we are not aware of at this stage. So we look forward to hearing about that. My only question is: do you believe that the ACC is reliant on police input at every level to a much greater extent than the NCA was? Do you consider that this is desirable or appropriate? How would you describe the appropriate relationship between the police and an organised crime fighting agency like the ACC?

**Mr Crooke**—That was one of the big differences and indeed issues in the NCA over its history. There were times when there was considerable tension between police and nonpolice, because the NCA was very different to a police force in that it had the luxury of being able to have multidisciplinary teams that could include accountants, analysts, lawyers and other people as well. For that reason it was not the same for a police officer to go to work there—what they were used to did not have these other people as part of a team. I think, especially in relation to this standing commission to combat organised crime et cetera, that that is a very effective way of doing it. But, like the police having to come to terms with a royal commission type approach to a thing and looking at something beyond the particular offence, they have also got to come to terms with the difference between working in a multidisciplinary team and working with their police colleagues. That takes a little bit of doing but, carefully managed and with goodwill, it settles down and it becomes part of the new environment. In answer to your question, Mr Richardson, for a body such as that it is very much the way to go.

**Mr RICHARDSON**—Thank you.

**CHAIR**—Mr Crooke, thank you very much for your attendance today, for your advice and for your forthright answers to our questions. We will forward the transcript to you in the next little while with the invitation to comment on what others have said, if you wish, and also to elaborate further on what you have said here today, if you wish.

**Committee adjourned at 3.07 pm**