

# NATIONAL ORGANISED CRIME RESPONSE PLAN 2015-18

---

|  |    |
|--|----|
| OVERVIEW.....  | 2  |
| PART ONE: THE STRATEGIC CONTEXT.....   | 2  |
| The threat .....   | 2  |
| The response.....  | 3  |
| The framework.....   | 4  |
| PART TWO: OUR PLAN FOR AN ENHANCED RESPONSE.....   | 6  |
| Initiative One: Tackling the increasing prevalence of methylamphetamine in the community .....                 | 6  |
| Initiative Two: Reducing gun-related crime and violence .....  | 8  |
| Initiative Three: Targeting organised crime groups committing technology-enabled crime and<br>cybercrime ..... | 10 |
| Initiative Four: Developing a national approach to targeting financial crime .....                             | 12 |
| Initiative Five: Tackling the criminal proceeds of organised crime.....  | 14 |
| Initiative Six: Reducing barriers to information sharing between agencies .....                                | 17 |
| Strengthening national capabilities – five key capabilities.....   | 19 |
| GOVERNANCE AND REPORTING .....   | 21 |
| ANNEX A – KEY AGENCIES AND FORUMS .....  | 21 |
| The states and territories.....  | 22 |
| The Commonwealth.....  | 22 |
| National forums .....  | 22 |
| International forums.....  | 22 |
| Relevant agencies .....  | 27 |
| ANNEX B – KEY ACHIEVEMENTS SINCE THE FIRST RESPONSE PLAN.....  | 33 |
| Multi-agency and multi-jurisdictional taskforces .....   | 33 |
| Building a stronger understanding of serious and organised crime.....  | 34 |
| Identifying threats at the border and working with international partners.....                                 | 35 |
| Stakeholder partnerships and public engagement.....  | 36 |

## OVERVIEW

Serious and organised crime affects our community, economy, government and way of life. Everyday Australians can feel its effects through a variety of means such as sophisticated investment scams and online attacks, clandestine drug manufacturing laboratories in suburban areas and acts of violence between criminal groups on our streets.

Serious and organised crime also has a broader impact on the Australian economy. Public expenditure is required to support illicit drug treatment services. Serious and organised crime groups can manipulate share prices and asset values for criminal gain, and infiltrate legitimate business to launder money for organised crime. The Australian Crime Commission (ACC) conservatively estimates that serious and organised crime costs Australia \$15 billion every year, however the actual figure is likely much higher. The ACC is undertaking work to update this cost, which is expected to be completed in the second half of 2015.

To meet the omnipresent challenges posed by serious and organised crime, our response requires a coordinated national and, increasingly, international approach that harnesses collective resources, capabilities, expertise and knowledge.

This *National Organised Crime Response Plan 2015-2018* (the Response Plan) articulates Australia's national response to the current threat posed by serious and organised crime. It outlines the national efforts that are on foot and where our operational, policy and legislative responses could be improved over the next three years. It depicts the cooperative and evolving nature of Australia's response to serious and organised crime and will serve as a platform to guide future developments in this area.

## PART ONE: THE STRATEGIC CONTEXT

### The threat

Serious and organised crime groups are more complex and pervasive than ever before. These groups are well resourced, highly adaptive and have diversified their operations across multiple crime types and jurisdictional boundaries.

Our understanding of the organised crime threat environment in Australia is growing. The ACC is responsible for developing a national picture of organised crime activity, which it provides through a range of products such as the biennial *Organised Crime in Australia* (OCA), the Illicit Drug Data Report and *Organised Crime 2020*.

The OCA assesses the key threats to Australia from organised crime, and forms the basis for an integrated and collaborative national response. It provides the most comprehensive contemporary profile of serious and organised crime in Australia. The OCA provides the context in which organised crime operates in Australia and gives an overview of the key illicit markets and the activities which enable serious and organised crime.

Through the OCA, the ACC has identified the following as key emerging threats:

1. The **impact of methylamphetamine** on Australian communities, coupled with the increasing involvement of transnational crime elements.
2. The **growing use of technology** to facilitate serious and organised crime—for example, the use of advanced communication technologies, online marketplaces and virtual currencies.
3. The upward trend in sophisticated transnational serious and organised crime groups **targeting the Australian financial sector**, including Australia’s superannuation sector.
4. The emergence of globalised **professional money laundering syndicates** to launder the proceeds from the sale of illicit drugs, and the complexity of the global electronic banking and finance system that is used to launder the proceeds of financial crime.
5. The **illicit use and trade of firearms** by serious and organised crime groups.
6. The increased prominence of **entrepreneurial individuals as key players in illicit markets**, especially as a result of globalisation and technological advances.

The ACC also identified the central role of corruption and identity crime in enabling or facilitating other types of serious and organised crime, with the potential to undermine the integrity of the economy, law enforcement, and of the licensing, immigration and welfare systems.

## The response

The evolving threat posed by organised crime does not respect state or even national borders. It requires a coordinated and collaborative national response. In 2010, Australian ministers endorsed the first National Organised Crime Response Plan which tied together efforts of the Commonwealth, states and territories.

There have been significant achievements in cross-jurisdictional and national cooperation and collaboration since the first national response plan in 2010.

Key achievements include<sup>1</sup>:

- the increased use and effectiveness of multi-agency taskforces such as Taskforce Morpheus and the work of the National Anti-Gangs Squad (NAGS)
- our progress in building the national picture of the organised crime threat, such as through the Australian Gangs Intelligence Coordination Centre (AGICC), and
- increased efforts to tackle threats at the border through initiatives such as the National Border Targeting Centre (NBTC) which was set up in 2013.

These achievements have made an impact on serious and organised criminal activity in Australia, but more remains to be done. This new Response Plan builds upon the successes and lessons learned from the first plan. It provides a national platform to progress practical initiatives targeting the threats identified by the ACC’s most recent assessment, where jurisdictions consider national action can achieve maximum benefit.

This Response Plan outlines six **initiatives** as key areas of focus to make a tangible effect on the key organised crime threats facing Australia:

**Initiative One:** Tackling the increasing prevalence of methylamphetamine in the community

---

<sup>1</sup> A more detailed list of achievements since the first response plan is at **Annex B**.

**Initiative Two:** Reducing gun-related crime and violence

**Initiative Three:** Targeting organised crime groups committing technology-enabled crime

**Initiative Four:** Developing a strengthened national approach to financial crime

**Initiative Five:** Tackling the criminal proceeds of organised crime, and

**Initiative Six:** Reducing barriers to information sharing between agencies.

Under each action, the Response Plan outlines tangible and practical **activities** to make a real difference and impact on the serious and organised crime environment in Australia. These activities include immediate operational responses as well as longer-term capability building. While these activities respond to the key issues of concern for all jurisdictions in the current threat environment, this Plan does not prevent changes in our response as the threat environment evolves. It is also noted that some activities are contingent on budgetary and policy environments.

Bringing offenders to justice through law enforcement action and prosecution remains a primary method of deterring and disrupting organised crime. In support of this, Australian police and justice ministers have agreed the five enduring **capabilities** that will underpin a collaborative and effective national response:

**Capability One:** Enhanced intelligence and information sharing

**Capability Two:** Connection between domestic and international efforts

**Capability Three:** Preventative partnerships with the community

**Capability Four:** A focus on disrupting and dismantling the criminal business model, and

**Capability Five:** Effective and responsive legal frameworks.

While the focus of the Plan is on the six initiatives above, working towards these enduring capabilities will ensure our response to serious and organised crime remains strong into the future.

## The framework

Effective and streamlined governance arrangements will be key to a successful national response.

This Response Plan will be led by the Senior Officers' Group on Organised Crime (SOG on OC), with key operational and intelligence-led initiatives being progressed through the Serious and Organised Crime Coordination Committee (SOCCC) and by individual jurisdictions. These are the key bodies for coordinating strategic, operational and tactical responses to organised crime on a national level.

Australia's approach to serious and organised crime is multi-layered and multi-jurisdictional. This Response Plan outlines the roles and responsibilities of the Commonwealth, state and territory governments, and the mechanisms for ensuring a coordinated national response. A summary of agencies and governing bodies involved in tackling serious and organised crime in Australia is at **Annex A**.

### Supporting jurisdictional responses

Collaboration and partnership continue to be at the core of this multi-layered approach. All of Australia's justice, regulatory and law enforcement agencies at Commonwealth and State and Territory level provide integral and interdependent components of a unified, national response to organised crime.

The Response Plan is designed to complement existing jurisdictional plans and strategies on serious and organised crime, with a view to supporting the ongoing work of operational agencies. The Response Plan is not intended to constrain the operational, policy or legislative discretion of agencies.

#### **Links to counter terrorism initiatives**

With the increased threat of terrorism in Australia and the demonstrated willingness of serious and organised crime groups to collaborate with other criminal elements to achieve their goals, agencies must consider the potential nexus between terrorist and organised crime groups, both domestically and transnationally. Improvements in responses to serious and organised crime will have reciprocal benefits for Australia's response to the threats posed by terrorism. For example, enhancing information and intelligence sharing and coordinating strategic projects will provide additional benefits to the fight against organised crime and terrorism.

## **PART TWO: OUR PLAN FOR AN ENHANCED RESPONSE**

### **Initiative One: Tackling the increasing prevalence of methylamphetamine in the community**

#### **THREAT**

The ACC has reported on the increasing availability and purity of methylamphetamine in the Australian market over the past five years. Traditionally, the Australian methylamphetamine market has been largely supplied by domestic production, which is predominantly in powder form. The significant increase in seizures of methylamphetamine at the border, most of which is in the finished, crystalline form (commonly referred to as 'ice'), highlights the increasing involvement of transnational organised crime in importing the drug into Australia. The high prices at which the drug is sold in Australia, and the resultant high profits to be made, are a major incentive for transnational organised crime to enter this market. Ice is highly addictive and poses a significant risk to the safety of our communities.

Precursor chemicals are needed to produce methylamphetamine domestically. Large amounts of precursor chemicals continue to be detected at the border, as well as being diverted domestically from a range of sources. Criminal groups producing methylamphetamine have a great degree of flexibility as the drug can be synthesised in a number of ways using a variety of precursor chemicals. This means criminals can quickly adapt to changes in the availability of precursors or regulatory controls.

#### **CURRENT FRAMEWORK**

The response to the increasing prevalence of methylamphetamine in Australia is a combination of health and law enforcement policy at Commonwealth and state and territory levels. Law enforcement targets the supply of methylamphetamine whilst health and related agencies target the demand for methylamphetamine. The Commonwealth, through the Australian Border Force (ABF) and Australian Federal Police (AFP), has responsibility for illicit importations, while states and territories are responsible for tackling domestic production and diversion of precursor chemicals.

The Intergovernmental Committee on Drugs (IGCD) is the national body that brings together health and law enforcement agencies from all jurisdictions to coordinate efforts under the *National Drug Strategy 2010-2015*, ensuring that they align with its three pillars of supply, demand and harm reduction. This group has identified methylamphetamine as a key priority in 2014-15. It is working to improve the coordination of current Commonwealth, state and territory activities and to identify and promote best practice responses to the health and law enforcement aspects of methylamphetamine use. Law enforcement agencies are working together through the SOCCC to develop an intelligence-led operational response to target methylamphetamine in close cooperation with the IGCD.

The IGCD is currently drafting the next National Drug Strategy. This will set the direction regarding drug strategies for whole of government, including a strategy for the law enforcement response to the methylamphetamine problem facing Australia.

#### NEW ACTIVITIES

| No. | Activity  |
|-----|---|
| 1A  | Establish a <b>National Law Enforcement Methylamphetamine Strategy</b> to respond to the activities of medium to high level organised crime groups. The Strategy will establish a coordinated response to the methylamphetamine threat by defining roles and aligning responsibility for enforcement, intelligence collection, public engagement and awareness. Improved coordination is critical to enhance cross-border and cross-jurisdictional operational opportunities. The overarching goal of the Strategy is to guide the national law enforcement response to reducing the supply of methylamphetamine. |
| 1B  | Develop an <b>electronic End User Declaration scheme</b> to capture declarations for the end-use of precursor materials for amphetamine-type substances (ATS). This will increase the information available to law enforcement to target domestic production of ATS.  |
| 1C  | Pursue options for <b>national consistency of controls on precursor chemicals</b> , including consistent lists of controlled chemicals and reporting requirements. The Precursor Advisory Group is developing options for consideration at a national level.  |
| 1D  | Develop and implement a range of tools to assist officers responding to <b>clandestine illicit drug laboratories</b> including but not limited to education and training guidelines.  |
| 1E  | Explore options for a <b>national waste water analysis scheme</b> to help provide better information on drug usage in the community.  |

## **Initiative Two: Reducing gun-related crime and violence**

### **THREAT**

Criminals use firearms to protect interests and commit acts of violence. The illicit firearms market in Australia includes the 'grey market' which consists of firearms not surrendered in the 'buy-back' schemes, illegal imports of firearms and firearm parts, targeted thefts, reactivation of deactivated firearms and domestic manufacture of a small quantity of firearms. There is an intelligence gap on the exact size of the illicit gun market.

Firearms can be illegally traded and moved around by criminals over a period of years both within and between jurisdictions. This complicates the process of 'tracing' a firearm to its original source or owner in the event that it is seized by law enforcement.

While the ACC has identified that the vast majority of firearms in the Australian illicit market have been diverted from the grey market, Australia remains vulnerable to the illicit importation of firearms and firearm parts.

### **CURRENT FRAMEWORK**

Responsibility for firearm matters is shared between the Commonwealth and state and territory governments. Firearms regulation is primarily the responsibility of state and territory governments, which manage firearms licensing, registration, possession and access to and for firearms. The Commonwealth regulates the import and export of firearms. Australian firearms laws are underpinned by the 1996 National Firearms Agreement and the 2002 National Handgun Control Agreement. National coordination is achieved through the Firearms and Weapons Policy Working Group.

Currently, each state and territory police agency, the Commonwealth Attorney-General's Department (AGD) and the ABF has its own system to trace firearms. Limited information from these systems is shared nationally through the National Firearms Licensing and Registration System.

The CrimTrac Agency (CrimTrac) plays a role in building systems to support the sharing of firearms information across jurisdictions. For example, CrimTrac worked with state and territory police agencies to develop the Australian Ballistics Identification Network (ABIN), a database of ballistic information from firearms used in crimes recovered by police in every state and territory. In time, the ABIN will hold over 50,000 bullet and cartridge case evidence images.

The ACC develops intelligence assessments on the firearms market, which analyse the domestic use, trafficking and importation of illicit firearms. The ACC-led Firearm Trace Program is helping to improve our understanding of the illicit firearm market by tracing serial numbers of both registered and unregistered firearms. This provides insight into the points of diversion at which firearms enter the illicit market, the types of firearms used and seized and developments in the illicit firearm market.

The ABF and DIBP play a significant role in identifying and verifying licit and illicit firearms imports. The ABF is developing a framework for sharing firearms detection information and related intelligence with foreign partner agencies.

#### NEW ACTIVITIES

| No. | Activity   |
|-----|--|
| 2A  | Prioritise the development of the <b>National Firearms Interface</b> . This will provide a single, shared record for each firearm in Australia, detailing every event in a firearm’s existence and providing the ability to trace the firearm from foundry to furnace. This will improve information and intelligence sharing on firearms.   |
| 2B  | Consider the introduction of <b>Firearm Prohibition Orders (FPOs)</b> in each jurisdiction and mechanisms to share information on people subject to FPOs (such as through the National Firearms Interface). Consider the need for legislation to prohibit persons subject to FPOs in one jurisdiction from acquiring a firearms licence, or to allow the cancellation of an existing licence, in another jurisdiction. |
| 2C  | Simplify the regulation of the legal firearms market through an <b>update of the technical elements of the National Firearms Agreement</b> to take account of technological change and jurisdictional divergence.  |
| 2D  | Provide a paper to ministers on <b>measures which seek to reduce the volume of illegal firearms</b> through coordinated national actions.  |

## **Initiative Three: Targeting organised crime groups committing technology-enabled crime and cybercrime**

### **THREAT**

Traditional criminal activities are increasingly being committed online or through the use of technology such as encrypted communications. This enables crime to be committed remotely and with relative anonymity—characteristics that are attractive to serious and organised crime groups as they make the identification and prosecution of the offenders more difficult.

Our growing reliance on the internet provides increased scope for organised crime groups based overseas to target Australians. The tools of trade can be readily accessed online which lowers the barrier to entry. The ability to target a large number of people with ease can allow for substantial criminal gains.

New money exchange platforms—in particular, virtual currencies—pose challenges for law enforcement as they can fall outside the anti-money laundering and counter-terrorism financing regulatory framework. Virtual currencies such as Bitcoin can be bought and sold anonymously online and without reliance on a central bank or financial institution to facilitate transactions. This makes such currencies appealing to serious and organised crime groups to launder their illicit wealth.

Criminals can also trade illicit items through online marketplaces hosted in hidden and encrypted parts of the internet (sometimes referred to as ‘darknets’). Such marketplaces can help criminals traffic illicit drugs, firearms, precursor chemical and child exploitation material. The use of darknet marketplaces may grow in Australia given the increasing popularity of online trading and the perceived anonymity they provide.

### **CURRENT FRAMEWORK**

A range of agencies are involved in responding to cybercrime in Australia. State and territory agencies are responsible for cybercrime that targets individuals, businesses and government systems in their jurisdictions. Commonwealth agencies are responsible for developing the threat picture of nationally significant cybercrime, and prioritisation and responses against these threats, including those directed at critical infrastructure, systems of national interest and Commonwealth Government systems.

These arrangements are now supported by the Australian Cybercrime Online Reporting Network (the ACORN), a national online facility that receives cybercrime reports from members of the public and refers them to the relevant law enforcement agency. The Australian Cyber Security Centre allows for greater collaboration and information sharing with the private sector, state and territory agencies and international partners to combat the full breadth of cyber threats, including cybercrime.

National coordination of cybercrime policy and strategic response is achieved through the National Cybercrime Working Group (NCWG) and the Australia New Zealand Policing Advisory Agency (ANZPAA) e-Crime Working Group (AeCWG). The NCWG is also responsible for overseeing the implementation of the *National Plan to Combat Cybercrime*.

The current framework also involves significant international cooperation, as offenders are commonly located offshore. Law enforcement and prosecutorial agencies use established partnerships with foreign agencies, or the mutual assistance framework, to pursue evidence of cybercrime where it is located outside Australia.

Jurisdictions are also adopting operational responses to internet-based illicit drug trafficking. An example of this is the South Australian-based multiagency Operation Post, which involves an enhanced relationship with ABF and the AFP to facilitate the simultaneous reporting to South Australia Police of all border seizures. The process has enabled South Australia Police to actively investigate suspected illicit drug importations into the State.

## NEW ACTIVITIES

| No. | Activity  |
|-----|---|
| 3A  | <p><b>Continue to progress the priorities under the <i>National Plan to Combat Cybercrime</i></b> through the work of the NCWG:</p> <ul style="list-style-type: none"> <li>• educating the community to protect themselves</li> <li>• partnering with industry to tackle the shared problem of cybercrime</li> <li>• fostering an intelligence-led approach and information sharing</li> <li>• improving the capacity and capability of government agencies, particularly law enforcement, to address cybercrime</li> <li>• improving international engagement on cybercrime and contributing to global efforts to combat cybercrime, and</li> <li>• ensuring an effective criminal justice framework.</li> </ul> |
| 3B  | <p><b>Develop a ‘Technical Capability Community of Interest’</b> that comprises a national forum for relevant agencies and organisations to come together to discover and understand the technical capability challenges facing law enforcement agencies nationally that impede investigations into cybercrime and technology-enabled crime. This forum will identify mechanisms to mitigate or address these capability challenges including operational, intelligence, regulatory and policy responses leveraging existing fora, government initiatives and law enforcement activities.</p>   |
| 3C  | <p>Explore opportunities for targeted and collaborative operations similar to the South Australian-based multi-agency Operation Post to <b>address the emerging issue of internet-based importation (trafficking) of illicit drugs and new psychoactive substances.</b></p>   |

## **Initiative Four: Developing a national approach to targeting financial crime**

### **THREAT**

Serious and organised crime poses an increasing threat to Australia's financial sector. The ACC's *Financial Crime Risk Assessment 2014* identified that organised crime will continue to be heavily involved in financial crime and will use more sophisticated methods to avoid detection.

Financial crimes are diverse in nature, scale and, the level of harm they cause. Examples include investment and financial market fraud, superannuation fraud, revenue and taxation fraud and credit card fraud. The modern globalised economy and advances in technology create new opportunities for organised crime to exploit vulnerabilities for illicit profit.

The expansion of organised crime into the financial sector poses a significant risk to the integrity of the Australian economy, financial markets, regulatory frameworks and revenue collection. This risk is particularly salient in the current economic environment, in which damage to financial markets, government revenue bases and the savings of private individuals can have far-reaching implications.

Australia's very large pool of compulsory superannuation savings, totalling \$1.62 trillion, is an attractive target for organised crime. The inherent complexities of the superannuation industry offer a range of opportunities for fraud, including the theft of contributions and fund assets, fraudulent fund investments, non-existent schemes and excessive fees charged by advisers.

Our understanding of the full extent of the problem is incomplete. In particular, the intermingling of licit and illicit financial transactions makes it difficult to fully gauge the extent of these activities. Financial crime's complexity and potential scale pose major challenges to both law enforcement and regulators.

### **CURRENT FRAMEWORK**

There have been a number of successful cross-agency taskforces tackling different aspects of financial crime.

The Australian Taxation Office-led (ATO) Project Wickenby cross-agency task force targets tax evasion, tax avoidance and crime. With the combined efforts of seven government agencies, international cooperation and sophisticated technology, Project Wickenby has achieved strong results. As at October 2014, Project Wickenby had collected \$865 million of outstanding revenue.

The ACC-led Task Force Galilee was established in April 2011 to respond to serious and organised investment fraud. This type of fraud is often based offshore and colloquially known as 'boiler-room' fraud due to the high pressure sales tactics used to sell non-existent or fraudulent investments. Through multi-agency activity and a holistic approach, the task force helped to disrupt this criminal activity and better educate Australians about the threat it poses.

The AFP has established its Fraud and Anti-Corruption Centre (FAC) to enhance the Commonwealth's efforts to prevent, detect and investigate serious and complex cases of fraud and corruption. The FAC brings together members from across Commonwealth government enforcement agencies,

including the ACC, ABF, Australian Securities and Investments Commission (ASIC) and the ATO. The FAC works in partnership with other Australian law enforcement and regulatory agencies to prevent, detect and investigate fraud and corruption.

#### ENHANCED RESPONSE

| No. | Activity   |
|-----|--|
| 4A  | <b>Establish a multi-agency Serious Financial Crime Taskforce</b> within the Fraud and Anti-corruption Centre to provide a practical Commonwealth response to high priority serious financial crime, informed by ACC <i>Financial Crime Risk Assessments</i> . The Commonwealth will explore options to share lessons learned with states and territories. |

## Initiative Five: Tackling the criminal proceeds of organised crime

### THREAT

Most organised crime is motivated by profit. Attacking the profit that motivates and finances organised criminal activity is a highly effective means of disrupting serious and organised crime networks and reducing the harm they cause. This can be achieved through targeting criminals' laundering operations, pursuing proceeds of crime and make full use of unexplained wealth laws.

#### Money laundering

Money laundering is an intrinsic enabler of serious and organised crime. Organised crime groups rely on money laundering to legitimise the proceeds of their criminal activities, fund their lifestyle and finance their continued operation. Money laundering is carried out at different levels of sophistication by most organised crime groups.

For organised crime groups operating in Australia, money laundering is increasingly a transnational enterprise, with the proceeds of crime generated in Australia typically being put through an international laundering cycle. The complex transnational nature of money laundering has led organised crime groups to employ the services of professional money laundering syndicates.

In order to avoid detection, methods of laundering are constantly evolving to adapt to new technology or regulatory gaps. Emerging risks in the money laundering space include virtual currencies and exploitation of international trade. Traditional methods such as cash smuggling are also prevalent. However, significant challenges for enforcement stem from the increasingly global nature of the financial system. Professional syndicates bring an increased sophistication and an ability to exploit global financial networks to rapidly move money around the world.

The use of professional facilitators (lawyers, accountants, trust and company service providers) by criminals to exploit legitimate business structures remains a vulnerability. Such facilitators are not substantially captured by Australia's anti-money laundering and counter-terrorism financing (AML/CTF) regime. As a result, they are not subject to customer due diligence or reporting obligations imposed on financial institutions and other reporting businesses. Professional facilitators will continue to be an important part of the organised crime business model while they remain outside Australia's regime.

#### Targeting wealth and assets

Unexplained wealth laws provide an important mechanism for undermining serious and organised crime by targeting wealth and assets that are suspected to have been obtained via criminal activity. Confiscating illegally obtained wealth and assets not only undermines criminal syndicates, but also prevents the reinvestment of illegal wealth to support further criminal ventures. All states and territories (except the ACT) have their own laws to target unexplained wealth.

In February 2014, the *Report of the Panel on Unexplained Wealth* by former police commissioners, Mr Ken Moroney AO APM and Mr Mick Palmer AO APM, found that current arrangements for dealing with unexplained wealth are not working effectively, particularly where criminal assets and

activities are spread across multiple jurisdictions. The Report found that more needs to be done at a national level to seize more of the estimated billions of dollars in criminal proceeds in Australia, and effectively use unexplained wealth law to put criminal organisations out of business.

## CURRENT FRAMEWORK

A range of legislative arrangements, bodies and initiatives across the Commonwealth and the states and territories make up the national response to money laundering and unexplained wealth.

The main coordinating body for anti-money laundering policy issues is the Commonwealth Anti-Money Laundering Inter-Departmental Committee which meets to share information and inform the strategic direction and priority setting of Commonwealth agencies working on anti-money laundering initiatives. National and international taskforces have also successfully targeted specific areas of concern where laundering activity is involved. The Eligo National Task Force, targeting the remittance sector, has recently had success in disrupting crime syndicates and identifying high-risk remitters for enforcement action.

As Australia’s anti-money laundering and counter-terrorism financing regulator and financial intelligence unit, the Australian Transaction Reports and Analysis Centre (AUSTRAC) provides support and financial intelligence to Australian law enforcement agencies. The use of criminal and financial intelligence is also coordinated via the ACC National Criminal Intelligence Fusion Capability (Fusion Capability).

The multi-agency Criminal Assets Confiscation Taskforce (CACT) provides a coordinated and integrated approach to identifying and removing the profits derived from serious and organised criminal activity. Led by the AFP, the CACT also includes experts from the ATO. It was established in March 2011 to enhance the identification of potential criminal asset confiscation matters and strengthen their pursuit.

Furthermore, the ATO’s initiative to list the CACT and the Fusion Capability as prescribed task forces for information sharing purposes under the *Taxation Administration Act 1953* has proven valuable for investigations into criminal wealth and money laundering activities. Criminal investigations and prosecutions of tax crime and other serious financial offending are also supported by AGD’s management of extradition and mutual assistance requests to foreign jurisdictions.

## NEW INITIATIVES

| No. | Activity  |
|-----|---|
| 5A  | <p><b>Enhance measures to address money laundering and terrorism financing</b> by responding to:</p> <ul style="list-style-type: none"> <li>the findings of the Financial Action Task Force’s Mutual Evaluation of Australia</li> <li>the recommendations of the statutory review of the <i>Anti-Money Laundering/Counter-Terrorism Financing Act 2006</i></li> <li>the lessons-learnt from Task Force Eligo and</li> <li>the risks identified in AUSTRAC’s Money Laundering Risk Assessments.</li> </ul> |
| 5B  | <p>Develop a <b>national scheme on unexplained wealth</b> with participating jurisdictions. Constitutional limits currently restrict the capacity for Commonwealth agencies to work</p>   |

|    |   |
|----|---|
|    | <p>with states and territories to pursue assets located offshore or to coordinate action across multiple states. A national scheme will enable Commonwealth, state and territory agencies to combine investigative tools, intelligence and resources to better target particular criminal syndicates.</p>   |
| 5C | <p><b>Increase AUSTRAC’s operational support to law enforcement</b>, including through:</p> <ul style="list-style-type: none"> <li>• providing online access to new AUSTRAC intelligence systems</li> <li>• expanding the use of liaison officers within the joint analyst group framework</li> <li>• increasing AUSTRAC’s regulatory enforcement activity, and</li> <li>• boosting AUSTRAC’s participation in state joint management groups and task forces, including the SOCCC and ACIF.</li> </ul> <p>AUSTRAC will also host a <b>National Financial Intelligence Forum</b>, which will bring together agencies, regulators and industry to discuss ways to enhance use of financial intelligence in combating serious and organised crime and terrorism financing.</p> <p><b>State and territory participation should be further promoted in existing industry engagement forums</b>, such as the Major Reporters Forum, Casino Forum and Remitters Forum.</p> |
| 5D | <p><b>Promote the Asset Recovery Interagency Network - Asia Pacific (ARIN-AP) in the region</b> as a key network for information sharing for law enforcement and justice officials to assist with the recovery of proceeds of crime. In 2015, Australia is the chair of this regional body.</p>   |

## **Initiative Six: Reducing barriers to information sharing between agencies**

### **THREAT**

Expanding globalisation, escalating cross-border movements of people, goods and money and rapidly developing technologies have provided a fertile operating environment for serious and organised crime groups.

National and transnational criminal networks are increasingly exploiting advanced digital communications and the collaborative operating environment provided by information technologies. Globally, data is doubling in quantity every two years with the forecasted growth of data created and replicated in 2020 to be 50 times larger than in 2014.<sup>2</sup>

This has resulted in increasing challenges for law enforcement agencies, including increasingly complex criminal investigations and intelligence operations as well as cross jurisdictional issues associated with the sharing and management of criminal and other intelligence.

It is crucial that law enforcement has effective infrastructure to share information and intelligence on a national basis. Some systems currently in use were developed as long ago as 1985 and need to be updated to ensure effectiveness in light of modern technology and changing law enforcement requirements.

Improving information sharing is a key capability and will impact on law enforcement's ability to respond to a range of threats. All Commonwealth and state and territory agencies have a responsibility to share information with other agencies where appropriate. It is important that agencies have suitable technical, cultural and legal frameworks in place to effectively share information and intelligence. The transnational nature of organised crime means that agencies must also seek to ensure effective cooperation and timely information exchange with foreign law enforcement partners.

### **CURRENT FRAMEWORK**

A broad range of legislation in the states and territories and at the Commonwealth level governs the disclosure of information, including privacy, freedom of information and spent conviction legislation, secrecy provisions. These laws are both general as well as information or agency specific. While a key aspect to enabling greater information sharing between agencies is removing legislative barriers, many information sharing impediments faced by agencies are cultural rather than legislative. Any legislative amendments to facilitate information sharing must therefore be accompanied by concerted efforts to effect a cultural change within agencies.

### **NEW ACTIVITIES**

The following activities will help to reduce barriers to information sharing between agencies.

| No. | Activity |
|-----|----------|
|-----|----------|

<sup>2</sup> Executive Summary: A Universe of Opportunities and Challenges, The Digital Universe in 2020 (extracted from ACC ACID/ALEIN Scoping Study)

|    |  |
|----|--|
| 6A | <b>Upgrade the national criminal intelligence system.</b> Technology which provides agencies with streamlined access to national information and intelligence holdings is part of our nation's critical infrastructure and needs to be well-maintained and offer modern capabilities.  |
| 6B | Enhance arrangements with the ATO, Centrelink and AUSTRAC to <b>improve information sharing in unexplained wealth investigations and litigation</b> , with a view to extending these to proceeds of crime and serious and organised crime investigations where possible. A Law, Crime and Community Safety Council (LCCSC) Officials-Level Working Group has identified specific barriers which may impede effective information sharing in a cross-jurisdictional action to pursue unexplained wealth and is working to address these. Enhancing arrangements for intelligence, data and information sharing between jurisdictions will also have broader benefits for pursuing criminal assets in both the serious and organised crime and national security contexts. |
| 6C | <b>Improve analysis and sharing of prisons intelligence</b> by facilitating the exchange of information between the ACC and corrective services on incarcerated high risk criminal targets. This would allow the fusing of intelligence from corrective services with national criminal intelligence holdings to help improve the local and national threat picture on Australia's highest risk incarcerated criminal targets. It will also provide improved identification, analysis and sharing of critical pieces of information such as new criminal trends, emerging methodologies, linkages between crime groups and cross-border criminal activities.   |
| 6D | <b>Enhance legislative arrangements</b> for sharing information between Commonwealth agencies on the highest risk criminal targets and activities, including by addressing any constraints in the <i>Australian Crime Commission Act 2002</i> .  |
| 6E | Explore a <b>National Facial Biometric Matching Capability</b> to improve the ability of law enforcement agencies to share and match facial images used on key proof of identity documents, such as passports, visas and drivers' licenses. This will assist agencies to combat the increasingly sophisticated use of fraudulent identities by organised crime groups.   |

## **Strengthening national capabilities – five key capabilities**

The Response Plan 2015-18 is underpinned by Ministers' agreement on five key capabilities that will drive national efforts and strengthen existing capabilities. These capabilities are interrelated and build on the priorities articulated under the first Response Plan.

Bringing offenders to justice through prosecution and law enforcement action remains a primary method of deterring and disrupting organised crime. To this end, prosecution agencies in all jurisdictions play a key role in the fight against organised crime. Deterrence and disruption through criminal investigations also feature as key aspects of our response.

### ***Capability One: Enhanced intelligence and information sharing***

Sharing quality, timely and comprehensive information and intelligence will help develop a greater understanding of serious and organised crime and improve our ability to effectively respond to the threat. Agencies should use their information sharing powers to the fullest extent possible by looking for reasons why they cannot share information with other agencies, rather than reasons why they should. While collaboration with non-law enforcement agencies, such as the ATO, has improved over recent years, there are opportunities for greater national collaboration. Similarly, the ability to share information on risks, threats and vulnerabilities with the private sector is yet to be fully utilised.

### ***Capability Two: Strengthened connections between national and international efforts***

Agencies' responses to serious and organised crime, including those under the first Response Plan, have traditionally treated national and international collaboration as distinct spheres of activity. While these strategies have been successful, crime types that were previously perpetrated at a domestic level are increasingly enabled by transnational travel, financial markets and flows of information. As serious and organised crime transcends national and international borders and exploits weaknesses across jurisdictional boundaries, mechanisms that promote cooperation with international partners are becoming increasingly important, as is building capacity in the region.

### ***Capability Three: A focus on disrupting and dismantling the criminal business model***

As serious and organised crime is driven by profit, strengthening our collective capacity to disrupt and dismantle the means by which this profit is realised is a key element of our approach. This can be achieved through anti-money laundering mechanisms, proceeds of crime investigations and tax collections, ensuring that serious and organised crime groups cannot exploit legitimate business structures or use professional advisers, such as accountants, to facilitate their activities. Given the ease with which funds can be transferred across jurisdictions, identifying ways to use and expand upon existing international partnerships will be crucial to this task.

### ***Capability Four: Preventative partnerships with industry and the community***

Forging industry and community partnerships is about prevention: identifying potential vulnerabilities and making them more difficult to exploit through increasing the resilience of people, business processes and systems. Industry engagement has been most successful in sectors where serious and organised crime has a clear impact on profits, such as the impact of fraud on the banking and finance industries. The challenge lies in generating interest in sectors where the impact of serious and organised crime on industry is less obvious, and ensuring our response is coordinated to best leverage existing relationships and reduce the burden on industry. In terms of community

engagement, there are only a few initiatives that encourage a genuine dialogue between government and the community, or that actively seek information from the community about serious and organised criminal behaviour. This makes it difficult for government to gauge whether information is being absorbed and, if it is not, why this is the case. It also means a potential source of intelligence is being underutilised.

***Capability Five: Responsive and effective legal and policy frameworks***

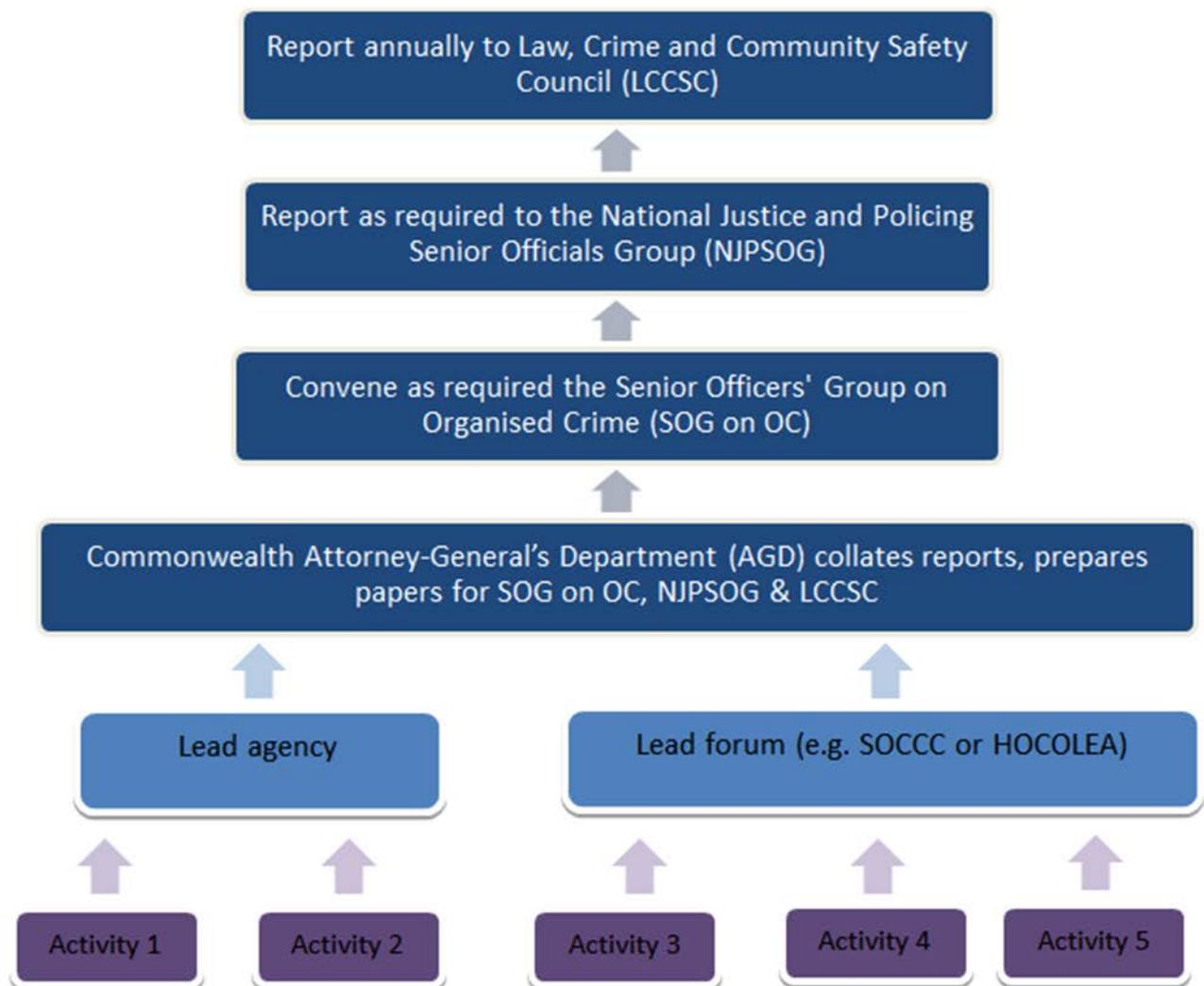
The Commonwealth, state and territory governments have each implemented strong legal and policy frameworks to respond to serious and organised crime. However, the changing nature of serious and organised criminal activity and advances in technology means that our laws require ongoing review. Current legal frameworks can be strengthened and further steps taken to ensure that criminals cannot exploit inconsistencies and gaps between jurisdictions. In guiding national responses to organised crime, a good policy environment is as important as the relevant laws. Policy frameworks such as protocols developed by multi-agency national forums provide a framework for achieving and reporting on operational achievements, such as the successes of joint task forces or intelligence priorities.

## GOVERNANCE AND REPORTING

The process for measuring progress against the initiatives in this plan will be streamlined and will not duplicate existing reporting mechanisms. This will help reduce the burden on implementing agencies.

A **classified Implementation Plan** will support this Response Plan. This will outline key milestones, coordinating agencies and timeframes for the specific activities outlined in this Response Plan. Coordinating agencies will be responsible for sponsoring and reporting on the activities, but the success of each activity will be the collective responsibility of all relevant agencies and jurisdictions.

The diagram below illustrates how agencies will report progress in implementing the Response Plan. The SOG on OC will continue to operate as the national officer-level body for serious and organised crime issues. The Commonwealth AGD will seek updates on the progress of initiatives prior to National Justice and Policing Senior Officials Group (NJPSOG) and LCCSC meetings to develop a consolidated annual report for ministers. Updates will be sought from coordinating agencies or existing forums that play an oversight role for the relevant initiatives.



## **ANNEX A – KEY AGENCIES AND FORUMS**

Australia’s approach to serious and organised crime is multi-layered and multi-jurisdictional. This annex broadly outlines the roles and responsibilities of the Commonwealth, state and territory governments, and the existing mechanisms for ensuring a coordinated national response to serious and organised crime.

### **The states and territories**

The states and territories have primary responsibility for criminal law in Australia, particularly in relation to murder, assault, sexual assault, robbery, theft, fraud, handling of illicit firearms and domestic manufacture and distribution of drugs. The states and territories are responsible for developing and enforcing their respective criminal laws and policies. As such, state and territory law enforcement agencies have primary responsibility to police serious and organised crime to support the national response. They are at the forefront of gathering criminal intelligence and information in their jurisdictions, both to conduct local operations and to inform national activities. The states and territories are central to the effective targeting of organised crime individuals, entities and enterprises.

### **The Commonwealth**

Under the Constitution, the Commonwealth does not have a head of power with respect to criminal law. Commonwealth criminal laws and law enforcement activities are directed at particular crime types which fall within the scope of Commonwealth power such as corporate and financial crime, cybercrime, trafficking of drugs and people across the border and trade in counterfeit goods.

The Commonwealth is responsible for serious and organised crime matters with an overseas or border aspect, including international crime cooperation such as exchange of evidence and surrender of suspects or convicted persons across borders. However, as crimes that originate outside Australia typically have domestic components, Commonwealth responsibilities sometimes overlap with those of the states and territories making a collaborative approach to combating serious and organised crime essential.

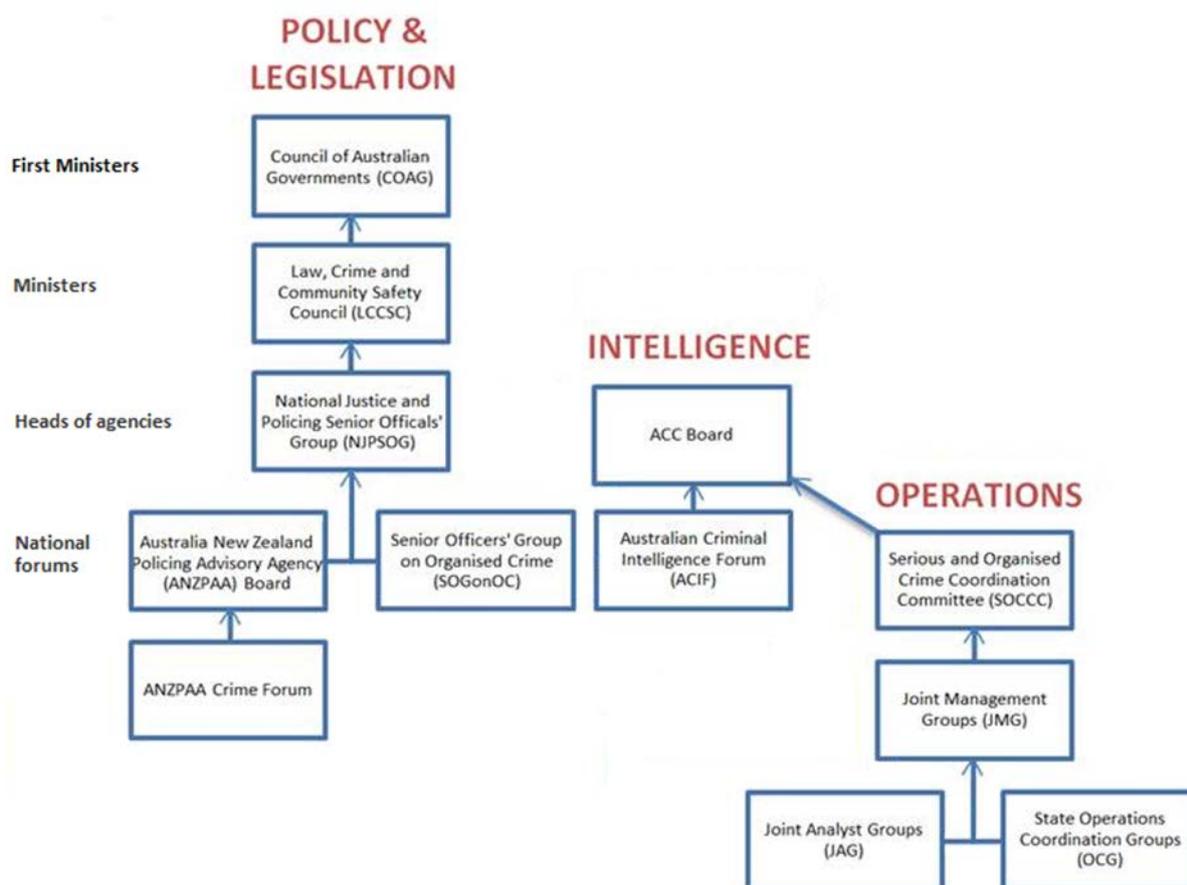
### **National forums**

A number of governance and decision-making mechanisms are in place to ensure a genuinely national response to serious and organised crime. These fall within the three broad categories of operations, intelligence, and policy and legislation (or law reform). These forums provide strategic guidance on national priorities, harmonise government efforts to tackle crime and provide the ability to collaborate with international law enforcement partners to avoid duplicating efforts. The diagram below illustrates how these coordination mechanisms fit together.

### **International forums**

Australia participates in a number of international and regional forums to strengthen the connection between national and international efforts to combat organised crime. Examples of such forums include the Asset Recovery Interagency Network - Asia Pacific (ARIN-AP), the Financial Action Task Force and the Bali Process on People Smuggling and Trafficking in Persons.

**Diagram 2: Key forums in Australia’s response to serious and organised crime**



## Ministerial Councils

### *Council of Australian Governments (COAG)*

COAG is Australia’s peak inter-governmental forum. Chaired by the Prime Minister, it comprises state Premiers, territory Chief Ministers and the President of the Australian Local Government Association. The role of COAG is to initiate, develop and monitor the implementation of policy reforms of national significance which require cooperative action by Australian governments. COAG has discussed various aspects of serious and organised crime policy on a number of occasions.

### *Law, Crime and Community Safety Council (LCCSC)*

The LCCSC is one of eight COAG councils and was established to assist COAG by developing a national focus on fighting crime. The LCCSC consists of a maximum of two ministers from the Commonwealth, each state and territory and New Zealand, with portfolio responsibility for law and justice, police and emergency management. The LCCSC’s role is to develop a national and Trans-Tasman focus on fighting crime and to promote best practice in law, criminal justice and community safety, including in policy, operations and service provision. One of the LCCSC’s priority issues is developing a national and Trans-Tasman approach to serious and organised crime, including gangs, firearms and cross-border issues.

## **National law reform bodies**

### *National Justice and Policing Senior Officials' Group (NJPSOG)*

The NJPSOG comprises the Chief Executive Officer of each jurisdiction's Attorney-General's or justice department, each jurisdiction's Commissioner of Police or Chief Police Officer and the Chief Executive Officers of the ACC and CrimTrac. NJPSOG's role is to support the LCCSC on matters of law reform, law enforcement and crime.

### *Senior Officers' Group on Organised Crime (SOG on OC)*

The SOG on OC comprises senior officials from Commonwealth, state and territory justice departments and law enforcement agencies. It meets as necessary to coordinate organised crime policy issues and reports to NJPSOG and LCCSC. Many members of key operational and intelligence bodies, set out in the next section, are also represented on the SOG on OC. This allows operational and intelligence experts to share ideas with officials responsible for law reform and policy.

## **Operational coordination bodies**

### *ACC Board*

The ACC Board brings together Commonwealth, state and territory law enforcement and key national security and regulatory agencies. It plays an integral role in determining national criminal intelligence priorities. It also sets the strategic direction of the ACC and is responsible for determining special operations or investigations and approves the use of the ACC's special coercive powers. The Board consists of Commissioners of Commonwealth, state and territory Police, and the heads of the ACC, Commonwealth AGD, ABF, ASIC, Australian Security Intelligence Organisation (ASIO) and ATO.

### *Serious Organised Crime Coordination Committee (SOCCC)*

The SOCCC reports to the ACC Board and comprises senior representatives from state and territory police services and key Commonwealth operational agencies. The SOCCC prioritises and coordinates operational strategies for dealing with national investigations, targets and threats. Participation in the SOCCC creates strong operational relationships across jurisdictions and a shared understanding of the key serious and organised crime priorities in each jurisdiction. This is critical for the success of cross-jurisdictional operations. The SOCCC comprises Assistant Commissioners (Crime) or equivalent of all police jurisdictions in Australia and New Zealand as well as the ACC, ABF and the ATO.

### *Joint Management Groups (JMGs)*

The SOCCC is supported by state and territory JMGs, which are key mechanisms for policing agencies and criminal intelligence agencies to share information and discuss operational initiatives in a local context. The SOCCC and JMGs have played a crucial role in facilitating the sharing of information and ideas to harmonise national efforts to combat serious and organised crime. A primary focus of the JMGs is providing direction and resourcing to support joint agency operations into serious and organised crime.

### *Operations Coordination Groups (OCGs)*

State and territory OCGs are working-level groups which report to relevant JMGs. They comprise middle management representatives from relevant state and Commonwealth law enforcement agencies. These groups are responsible for the coordination and tactical management of operations conducted in their jurisdictions.

### *Joint Analyst Groups (JAGs)*

State and territory JAGs are staffed with analysts from multiple agencies and support JMGs and the SOCCC by developing intelligence to inform operational priorities. In these groups, information and intelligence is shared and analysed to develop a holistic picture of the criminal environment in each jurisdiction.

## **Other cross-jurisdictional bodies**

### *Australian Criminal Intelligence Forum (ACIF)*

The ACIF brings together heads of intelligence to collaborate on strategic intelligence issues. The ACIF is responsible for monitoring implementation of the Australian Criminal Intelligence Model (ACIM) which aims to achieve the free flow of intelligence across policing, law enforcement, regulatory and national security agencies, based on consistent standards, processes and protocols. The ACIF provides coordinated national intelligence advice to the ACC Board.

### *Australia New Zealand Policing Advisory Agency (ANZPAA) Crime Forum (ACF)*

The ACF is comprised of Assistant Commissioners (Crime) from all Australian police forces as well as representatives from the ACC, CrimTrac, the Commonwealth AGD and New Zealand Police. The ACF provides strategic advice to the ANZPAA Board (consisting of all police commissioners) on cross-jurisdictional policing issues relating to crime. It also oversees the Protocols on Information Sharing for Serious and Organised Crime and Multi-jurisdictional Investigations for Serious Organised Crime.

### *Inter-Governmental Committee on Drugs (IGCD)*

The IGCD brings together senior officials from state and territory police services and health agencies as well as the Commonwealth AGD and the AFP. DIBP and the ACC both have observer status. The IGCD oversees the National Drug Strategy (NDS) 2010-15 and reports to police and justice ministers through the Law, Crime and Community Safety Council and to health ministers through the COAG Health Council. An IGCD working group is currently overseeing development of the next iteration of the NDS.

### *Precursor Advisory Group (PAG) and Precursor Industry Reference Group (PIRG)*

The PAG is a cross-jurisdictional working group of health and law enforcement agencies established to develop recommendations for improving controls on precursor chemicals across Australia. The PAG directs the AFP's National Drug Precursor Risk Assessment Capability (NDPRAC) to carry out risk assessments on prioritised chemicals and, in consultation with the Precursor Industry Reference Group (PIRG), uses these assessments to make recommendations to the IGCD for regulatory or other action relating to these chemicals. The PIRG includes representatives from industry, such as the Pharmacy Guild of Australia and the Plastics and Chemicals Industry Association.

#### *Electronic End User Declaration Working Group*

This working group is chaired by NSW Police and was established in January 2014 under the SOG on OC to examine technical solutions to provide law enforcement with greater oversight of the sale of particular precursor chemicals. This includes examining the possibility of an electronic End User Declaration (eEUD) system for these chemicals.

#### *National Identity Security Coordination Group (NISCG)*

The NISCG group was created by COAG, via an intergovernmental agreement, to coordinate implementation of the National Identity Security Strategy, including the Document Verification Service. The NISCG operates under the auspices of the LCCSC.

#### *National Cybercrime Working Group (NCWG)*

The NCWG brings together representatives from state, territory and Commonwealth law enforcement and justice agencies to ensure that agency efforts in response to cybercrime are properly aligned. The NCWG is also responsible for overseeing the implementation of the National Plan to Combat Cybercrime.

#### *ANZPAA e-Crime Working Group (AeCWG) and ANZPAA Child Protection Working Group (ACPWG)*

The AeCWG is a key forum of senior cybercrime investigators which coordinates efforts on operational cybercrime issues, as well as policy and strategy development. The ACPWG supports a national policing focus on child protection issues. Both working groups report to the ACF.

#### *Firearms and Weapons Policy Working Group (FWPWG)*

The FWPWG includes representatives from each of the Australian jurisdictions and meets regularly to exchange information on the operation and interoperability of national firearms laws, and to identify and remedy any possible areas of weakness or inconsistency.

## Relevant agencies

### All states and territories

Police retain operational responsibility for criminal law in Australia, particularly in relation to murder, assault, sexual assault, robbery, theft, fraud and illicit trafficking of firearms and drugs at all levels. The departments of Attorney-General and Justice are responsible for the state's legal and justice system. They contribute to the state's legal infrastructure, draft laws to protect the community and provide advice to the government on law, justice and legal reforms. State and territory Directors of Public Prosecutions are also key in ensuring that organised criminals are brought to justice. Specialised bodies in each of the states and territories are set out below.

### Australian Capital Territory

#### ACT Policing

ACT Policing is the community policing arm of the AFP created for the purpose of providing policing services to the ACT under the Policing Arrangement between the Commonwealth and ACT Governments. The Arrangement requires that ACT Policing work in partnership with the community to create a safer and more secure ACT through the provision of quality police services.

This is being achieved through the following key areas:

- Crime and Safety Management – providing a safer and more secure ACT so that members of the community can go about their daily lives without undue fear of crime
- Prosecution and Judicial Support – maximising the number of successful prosecutions in court by providing support to the Office of the Director of Public Prosecutions and the courts
- Crime Prevention – reducing and preventing crime through government and community cooperation to address risk factors associated with criminal behaviour and recidivism and raise awareness of the community's role in their own safety and security.

### New South Wales

#### NSW Crime Commission

The NSW Crime Commission identifies and investigates high-level organised crime figures and their associates, and those persons who have gained substantial financial benefits from criminal activities. The Commission brings confiscation proceedings to return those proceeds to the Crown and cooperates with the ACC, AFP and other relevant agencies.

### Northern Territory

#### NT Police

The NT Police Gangs Taskforce is a unit within the Drug and Organised Crime Squad (DOCS), responsible for combating Organised Crime and Outlaw Motorcycle Gangs (OMCGs) in the NT.

The Gangs Taskforce works closely with the NAGS as part of Operation Morpheus, the combined national law enforcement operation committed to identifying and investigating OMCGs nationwide.

The Assets Forfeiture Unit (AFU) is a unit established to investigate and where appropriate, initiate confiscation proceedings, for unexplained wealth from criminal organisations in the NT. The AFU works closely with DOCS and other sections of NT Police to restrain and confiscate property that is derived from, or used in criminal activity.

## **Queensland**

### State Crime Command (SCC)

Queensland's SCC provides focused, high level, proactive investigative expertise targeting serious and organised crime. SCC engages in task forces with national and international law enforcement agencies. Specialist capabilities are located within the following groups of SCC:

- Child Safety and Sexual Crime Group – protects children and the community by identifying, responding to and preventing physical and sexual offending. The group includes Task Force Argos and the Child Protection Offender Register.
- Drug and Serious Crime Group – provides state-wide specialist response, support and investigative expertise to target serious and organised crime.
- Fraud and Cyber Crime Group – conducts and assists in investigations of major and serious fraud, arson offences, identity crimes or theft, money laundering, complex property theft and internet and computer related crime. The group undertakes extensive proactive education programs.
- Homicide Group – provides state-wide specialist response, support and investigative expertise to homicide, missing persons, corrective institutions and Stock and Rural Crime Investigation Squad investigations.

### Crime and Corruption Commission (CCC)

The CCC is a statutory body set up to combat and reduce the incidence of major crime and corruption in the public sector in Queensland. The CCC investigates both crime and corruption, has oversight of both the police and the public sector, and protects witnesses. The CCC:

- investigates organised crime, paedophilia, terrorist activity and other serious crime
- receives and investigates allegations of serious or systemic corrupt conduct
- helps recover the proceeds of crime
- provides the witness protection service for the state of Queensland, and
- conducts research on crime, policing or other relevant matters.

## **South Australia**

### South Australia Police (SAPOL)

South Australia identifies and prioritises serious organised crime investigations in association with partner agencies through the SA Joint Management Group (JMG). SAPOL's Crime Service is comprised of branches managed collaboratively by a single Assistant Commissioner to combat serious organised crime. This Service includes the following Branches; State Intelligence, Major Crime, Commercial and Electronic Crime, Forensic Services and Serious Organised Crime comprising Drug and Organised Crime Task Force, Serious Crime Task Force and Crime Gangs Task Force.

### Independent Commissioner Against Corruption (ICAC)

The ICAC is a law enforcement body that was established in response to community expectations that government agencies, including local government, be as open and accountable as possible. The ICAC's functions include identifying corruption in public administration, assisting agencies to identify and deal with misconduct and maladministration and conducting associated education programs.

## **Tasmania**

### Integrity Commission

Tasmania's Integrity Commission is a statutory body which works to improve the standard of conduct in Tasmania's public sector. The functions of the Integrity Commission include to:

- improve the standard of conduct, propriety and ethics in public authorities in Tasmania;
- enhance public confidence that misconduct by public officers will be appropriately investigated and dealt with
- enhance the quality of, and commitment to, ethical conduct by adopting a strong, educative, preventative and advisory role.

## **Victoria**

### Independent Broad-based Anti-corruption Commission (IBAC)

The primary purpose of the IBAC is to strengthen the integrity of the Victorian public sector, and to enhance community confidence in public sector accountability.

The IBAC's main function and objectives are to:

- provide for the identification, investigation and exposure of serious corrupt conduct, and police personnel misconduct
- assist in the prevention of corrupt conduct and police personnel misconduct
- facilitate the education of the public sector and the community about the detrimental effects of corrupt conduct and police personnel misconduct on public administration and the community, including how corrupt conduct and police personnel misconduct can be prevented
- assist in improving the capacity of the public sector to prevent corrupt conduct and police personnel misconduct.

### Office of the Chief Examiner (OCE)

The OCE enables Victoria Police to obtain evidence from witnesses by compulsory examination where the privilege against self-incrimination is abrogated. The Chief Examiner is an independent statutory officer who controls the compulsory examination process. The OCE assists the function of the Chief Examiner and police in their applications for coercive powers orders and for the issuing of witness summonses or the making of custody orders.

## **Western Australia**

### Corruption and Crime Commission (CCC)

Western Australia's CCC is an anti-corruption body with the same powers as a Royal Commission. The CCC was established to help public sector agencies minimise and manage misconduct and, in doing so, improve the integrity of the public sector. The CCC also assists the WA Police Service to combat organised crime through the granting of special powers.

## **Commonwealth**

### Australian Border Force (ABF)

The ABF will become operational on 1 July 2015 and will be Australia's primary border enforcement agency. It will be the single operational organisation within DIBP and will bring together existing immigration and customs operational border functions to facilitate and monitor the movement of people and goods across the border in a manner that protects the community, intercepts prohibited and restricted items, identifies illegal movement of people and maintains compliance with Australian law. It will have a wide range of law enforcement and regulatory powers at the border, including the ability to search, examine, question, seize and arrest at the border.

The ABF will be an intelligence-led, mobile and technologically-enabled force. It will operate under a Strategic Border Command, ensuring its assets and resources are deployed to greatest effect, including offshore, domestically and in our maritime zone. The ABF will exercise border controls on behalf of 52 Commonwealth, state and territory agencies. The ABF will share and receive information related to border protection with foreign counterpart agencies bilaterally and through multilateral groups.

The ABF includes a specialist investigation and enforcement capability that is deployed against individuals, organisations or networks that seek to harm the Australian community or economy through threats, crime and abuse of border law and systems. The response or treatments will be determined through an assessment of the most effective mitigation to the risk and applicable to both people and goods.

### Australian Commission for Law Enforcement Integrity (ACLEI)

ACLEI's role is to prevent and detect corrupt conduct and to investigate serious and systemic corruption issues in the AFP, the ACC, ABF, AUSTRAC, CrimTrac and prescribed parts of the Department of Agriculture. Other Commonwealth government agencies with law enforcement functions may be added to ACLEI's jurisdiction by regulation. One of ACLEI's strategic priorities is to investigate corruption issues which may indicate a link between law enforcement and organised crime. ACLEI works in partnership with law enforcement agencies and with state and territory anti-corruption commissions.

### Australian Crime Commission (ACC)

The ACC is Australia's national criminal intelligence agency with specialist investigative capabilities. The ACC collects criminal intelligence and combines it with intelligence from partner agencies to create and share a comprehensive national picture of serious and organised crime. It is empowered

to conduct special investigations and special operations where conventional law enforcement methods are unable or unlikely to be effective.

#### *Australian Federal Police (AFP)*

The AFP is the Commonwealth's principal investigative agency, responsible for enforcing Commonwealth criminal law and protecting Australia's national interests, including through cooperation with key international partners and state and territory law enforcement. Its strategic priorities are aimed at a range of serious and organised criminal activity. The AFP has established partnerships with foreign law enforcement agencies around the world, through an extensive International Liaison Officer Network, to service the needs of all Australian law enforcement agencies. The Network provides a whole of government approach to fighting crime at its source and facilitates the exchange of information between Australian and foreign law enforcement agencies.

#### *Attorney-General's Department (AGD)*

AGD is the central policy, legislative and coordinating element of the Attorney-General's portfolio for which the Attorney-General and Minister for Justice are responsible. AGD has responsibility for Commonwealth law enforcement policy and criminal law, anti-corruption and fraud policy, mutual assistance and extradition arrangements and international legal cooperation and related assistance. AGD also advances crime cooperation through overseas capacity-building work, which is a cross-cutting tool that advances the priorities and responses in this Response Plan.

#### *Australian Institute of Criminology (AIC)*

The AIC is Australia's national research and knowledge centre on crime and justice which undertakes and communicates evidence-based research to inform policy and practice.

#### *Australian Securities and Investments Commission (ASIC)*

ASIC is Australia's corporate, markets and financial services regulator which seeks, inter alia, to build confidence in the integrity of Australia's capital markets.

#### *Australian Security Intelligence Organisation (ASIO)*

ASIO's responsibility is to gather information and produce intelligence that will enable it to warn the government about activities or situations that might endanger Australia's national security.

#### *Australian Transaction Reports and Analysis Centre (AUSTRAC)*

AUSTRAC is Australia's anti-money laundering and counter-terrorism financing regulator and financial intelligence unit. AUSTRAC's financial intelligence is extensively used in targeting domestic and international organised crime threats. Complementing this function, AUSTRAC's regulatory activities are designed to ensure that regulated businesses report transactions and to harden these businesses against misuse by criminals. AUSTRAC has memorandums of understanding with financial intelligence units in other countries which enable it to exchange financial reporting information.

### Australian Taxation Office (ATO)

The ATO is the principal revenue collection agency of the Australian Government and delivers various social and economic benefit and incentive programs. The ATO administers major aspects of Australia's superannuation system. The role of the ATO is to ensure the community has confidence in the administration of Australia's taxation and superannuation systems.

### The CrimTrac Agency (CrimTrac)

CrimTrac's role is to generate national approaches to information sharing solutions for law enforcement agencies. CrimTrac delivers and maintains national information sharing solutions that enable Australia's police and law enforcement agencies to share information across state and territory borders. CrimTrac's services include: biometrics, incident and investigation management, child protection, firearms and ballistics information and cybercrime reporting.

### Department of Immigration and Border Protection (DIBP)

DIBP contributes to Australia's national security, economy and society through effective border protection, targeted temporary and permanent migration, and humanitarian and citizenship programs. In May 2014, the Commonwealth Government announced that operational border protection services will be consolidated into a single operational border organisation—the Australian Border Force (ABF)—within DIBP. Migration and customs policy, visa and trade services and corporate services currently performed by DIBP and the Australian Customs and Border Protection Service will be consolidated into DIBP. DIBP is a key national security portfolio, with a strong focus on law enforcement.

### Office of the Commonwealth Director of Public Prosecutions (CDPP)

The CDPP is Australia's federal prosecution service and plays a vital role in combatting organised crime through deterrent prosecution. Prosecutions include large-scale international drug trafficking, money laundering, tax evasion and corruption prosecutions, often involving cross-border and international conduct. The CDPP works closely with partner agencies including the AFP and multi-agency taskforces commissioned to combat and disrupt organised crime. Early engagement with the CDPP assists agencies to effectively target investigations and best utilise investigative resources. The CDPP also contributes to policy development and law reform.

## **ANNEX B – KEY ACHIEVEMENTS SINCE THE FIRST RESPONSE PLAN**

Recognising the need to work collaboratively to address serious and organised crime threats, in 2010 Ministers endorsed the *National Organised Crime Response Plan 2010-13* which set out the first blueprint for how governments would work together to combat serious and organised crime.

Since then, national collaboration to address serious and organised crime has improved significantly as agencies have found innovative ways to work together.

The following are key achievements since the first response plan.

### **Multi-agency and multi-jurisdictional taskforces**

Multi-agency and multi-jurisdictional taskforces enable more sophisticated responses to serious and organised crime activities that effectively harness the specialised skills of each agency.

#### ***Task Forces Attero and Morpheus***

The SOCCC created Task Force Morpheus in late-2014 to investigate, disrupt, disable and dismantle the criminal activity of Australia's highest-risk Outlaw Motorcycle Gangs (OMCGs) and their members. Task Force Morpheus comprises all state and territory police agencies as well as the ACC, AFP, the ABF, ATO, ASIC and AUSTRAC. The DIBP and Department of Human Services (Centrelink) also support the Task Force.

Task Force Morpheus expands on the work of the Attero National Task Force, which targeted the Rebels Motorcycle Club. From February 2012, the Attero Task Force:

- arrested or reported approximately 3,000 people
- laid more than 4,200 charges ranging from violence-related offences including serious assault, stalking, kidnapping and affray to a range of firearms and weapons offences, drug offences, property, street and traffic offences
- seized over 80 firearms and approximately 60 other weapons including knuckle dusters, tasers, throwing stars, machetes, illegal knives and batons
- seized drugs including amphetamines, cannabis, ecstasy and steroids, and
- led to more than \$15 million in tax liabilities raised by the ATO, with work still ongoing.

This taskforce model brings together the substantial investment of state and territory police resources with additional Commonwealth resources through the AFP-led National Anti-Gangs Squad (NAGS) and the ACC-led Australian Gangs Intelligence Coordination Centre. Between January 2014 and November 2014, the NAGS supported 125 state and territory police gang-related investigations and operations, and assisted international law enforcement and domestic NAGS partners in the arrest of 25 offenders overseas.

#### ***Task Force Eligo***

The Eligo National Task Force commenced in December 2012 as an ACC-led special investigation into the use of alternative remittance and informal value transfer systems by serious and organised

crime. As at January 2014, it had resulted in the seizure of more than \$580 million worth of drugs and assets, including \$26 million in cash.

The Task Force is made up of the ACC, AUSTRAC and the AFP. It is supported by state and territory law enforcement, key Commonwealth agencies and international law enforcement bodies.

As at January 2014, the Eligo National Task Force had resulted in:

- seizure of illicit drugs with a combined estimated street value of more than \$530 million
- seizure of more than \$26 million cash, including a record \$5.7 million single cash seizure
- restraint of more than \$30 million worth of assets
- disruption of 18 serious and organised criminal groups/networks
- identification of more than 128 targets previously unknown to law enforcement
- arrests of 105 people on 190 charges, and
- the closing down of three commercial amphetamine laboratories, including one of the largest and most sophisticated clandestine laboratories ever discovered by Victoria Police.

### *Joint Waterfront Task Forces*

The Polaris, Trident and Jericho Joint Waterfront Task Forces were established to target criminal exploitation of Australian ports and related supply chains in New South Wales, Victoria and Queensland. These taskforces bring together officers from state police and Commonwealth agencies including the AFP, ABF, ACC, ATO, ACLEI and AUSTRAC. They have also worked closely with industry partners such as stevedores and maritime transport companies, as well as the authorities that issue maritime security identification cards (a prerequisite for working at the ports) to detect vulnerabilities in the waterfront environment and related supply chains.

These taskforces have been successful in identifying significant vulnerabilities in the port supply chain. Major seizures of narcotics and other illicit commodities have been made, resulting in numerous arrests and the disruption of serious and organised crime groups. The taskforces have identified corrupt practices and the manipulation of systems, processes and people which have been subject to joint targeting by ACLEI and relevant integrity bodies.

## **Building a stronger understanding of serious and organised crime**

### *National Criminal Intelligence Fusion Capability*

The ACC-led Fusion Capability brings together subject matter experts, investigators, analysts and tools from across a range of government agencies at the national and state and territory levels. By applying advanced computer technology, it is able to 'fuse' a variety of data sets to identify previously unknown targets, relationships between known targets or strategies used by serious and organised crime groups. It enables law enforcement to be proactive and tackle emerging threats before they become entrenched.

### *Organised Crime Threat Assessment*

The ACC produces a biennial classified Organised Crime Threat Assessment (OCTA) to provide an evidence base for law enforcement and decision makers, incorporating a detailed assessment of the most significant serious and organised crime threats to Australia. This is a collaborative effort,

consisting of input from all jurisdictions so that the report provides a national picture of the risks posed by criminal activity. It also highlights gaps in knowledge and helps to identify threats requiring a stronger response. Modified OCTA findings are subsequently made publicly available in the declassified Organised Crime in Australia report.

### ***Australian Gangs Intelligence Coordination Centre (AGICC)***

The ACC-led AGICC was established in 2013 to create a one-stop-shop for intelligence on gangs and to coordinate an intelligence-led response to gangs operating across state and territory borders. The AGICC comprises staff from the ACC, AFP, ATO, ABF, DIBP and Centrelink. The AGICC provides a dedicated intelligence capability for the AFP-led NAGS and Task Force Morpheus.

## **Identifying threats at the border and working with international partners**

The AFP and ACC have been working closely with DIBP and the ABF to develop innovative responses to the pervasive threat of serious and organised crime, including by disrupting the travel of serious and organised crime targets in Australia.

### ***National Border Targeting Centre (NBTC)***

The ABF-led NBTC was established in 2013 to enable earlier and better-informed risk assessments and appropriate responses to border threats through whole of government information sharing and coordinated response. The centre comprises staff from DIBP, AGD, ACC, AFP, AUSTRAC, Department of Agriculture, Department of Foreign Affairs and Trade and the Office of Transport Security within the Department of Infrastructure and Regional Development. The NBTC also brings together intelligence from Five Eyes partners and has co-located representatives from the Canada Border Services Agency and the New Zealand Customs Service. The ABF has officers seconded to the International Targeting Centre in the United States who provide real time national security and law enforcement targeting information to the NBTC.

### ***National Forensic Rapid Lab (NFRL)***

The AFP-led NFRL opened in March 2013 and was designed to identify importations of significant quantities of illicit drugs via the international postal system through the collection, analysis and assessment of forensic intelligence. The NFRL shortens the turnaround time for the analysis of suspect parcels and subsequent referral of intelligence to police investigators, both nationally and internationally. The NFRL provides valuable and actionable operational intelligence to other countries via the AFP's International Network. This enables effective disruption and prosecution activities within those countries, with the aim of preventing the importation of illicit drugs into Australia.

### ***Joint Airport Investigation Teams (JAITs)***

The AFP-led JAITs, which include seconded state and territory police personnel, are tasked with investigating serious and organised crime within the aviation sector and at major airports. Their focus is on detecting, impeding and prosecuting serious criminal activity, as well as taking responsibility for other law enforcement and security incidents within the aviation sector as necessary. The related Joint Airport Intelligence Groups (JAIGs) are tasked with collecting, collating, analysing and disseminating information and intelligence on criminal activity and threats to security within the aviation sector.

## **Stakeholder partnerships and public engagement**

### ***Australian Cybercrime Online Reporting Network (ACORN)***

Launched in November 2014, the ACORN provides a national online facility for members of the public to report cybercrime and access educational advice. The ACORN assists both the government and community to understand the extent and impact of cybercrime, and how to prevent it. This partnership provides law enforcement and justice agencies with accurate and current data and will assist in developing more targeted responses to areas of community need.

### ***National Fraud Exchange (NFX)***

The Commonwealth AGD, in conjunction with the four major Australian banks, is developing the NFX to increase engagement with and amongst the private sector. The NFX will enable members to share specific fraud-related data to combat fraud and ultimately protect customers and shareholders. A pilot phase of the NFX is expected to commence in 2015.