

Term of reference (b) - Strategies for countering future serious and organised crime

The underlying strategy that guides the approach taken by the ACC to support a concerted attack on serious and organised crime is to deliver an integrated criminal intelligence and operational capacity that draws its strength from effective collaboration with, and engagement of, partner agencies and other relevant organisations, including the private sector.

At the most strategic level, it is critical that Australian law enforcement maintains the capability to assess the changing nature of the strategic criminal environment and identify the major developments that look set to occur in Australia's crime markets in the future. The ACC plays a pivotal role in providing this 'over-the-horizon' criminal intelligence perspective through the production of a broad range of strategic intelligence assessments. These products, combined with the effective delivery by the Commission of other criminal information services, provide the foundation for shaping effective and sustained responses to serious and organised crime.

The continued delivery of these capabilities will be supported significantly by increased holdings in the national Australian Criminal Intelligence Database (ACID), which is hosted by the ACC. These holdings are derived through collection from law enforcement partners and other agencies, both domestic and international, as well as through joint investigations and operations, including intelligence operations and investigations authorised by the ACC Board.

Expanding law enforcement's knowledge of organised crime is one of the ACC's key objectives. Increased understanding of the changing world of organised crime and the criminal marketplace will inform and influence future Australian law enforcement strategies and operations. Raising community and private sector awareness of organised criminal activities and methodologies is an important component of this approach. Appropriate media strategies that highlight successful operations and prosecutions, combined with the release of publications such as the ACC's annual Illicit Drug Data Report, will both encourage members of the public and the business sector to provide information to assist law enforcement efforts and deter some criminal activity.

The relationships the ACC has with Board member agencies and other partners, and the strong cooperation that has been achieved through Task Forces, joint investigations, joint intelligence operations, secondments and other collaborative arrangements, have been, and will continue to be, fundamental platforms for the significant disruption of serious and organised criminal groups.

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Inquiry into the future impact of serious and organised crime on Australian society

To implement effective targeting strategies to combat serious and organised crime in Australia, the ACC, with assistance from law enforcement partners, is measuring the characteristics of organised crime including its size, scope, growth, offences of choice, methods of operation, levels of violence, changing commodities and crime markets. Through benchmarking with international counterparts, the ACC is confident that it has some of the most sophisticated approaches to understanding the criminal environment.

Operationally, collaborative, multi-disciplinary interagency activity which is flexible in approach and both proactive and forward looking in nature, as well as effectively responding to the specific criminal activity, needs to remain a cornerstone of law enforcement's efforts to counter serious and organised crime.

The ACC's multi-agency Board approved Task Force approach has proved particularly effective in generating valuable intelligence and investigative outcomes nationally. It has provided the mechanism through which a coordinated and targeted response to serious criminal activity can be achieved in a time critical environment. It is a highly successful method of engaging partner agencies, who supply resources commensurate to the level and nature of the targeted activity within their jurisdiction or sphere of responsibility.

The Task Force approach has progressively evolved through the experience of investigations and intelligence operations, and through the direction of the ACC Board. The Task Force model is an intelligence-based process which involves:

- identifying and profiling nationally significant criminal groups, including developing insights into their activities, structures and methodologies;
- assessing the level of threat represented by each group;
- considering and selecting operational response options in relation to those groups that represent the highest threat;
- building a multi-disciplinary team that includes the specific skill sets required to disrupt the identified high threat groups; and
- conducting investigations and operations utilising various intelligence and evidence collection methods, including the coercive powers.

Following the money trail and aggressively pursuing proceeds of crime action are also strategies that continue to prove effective in the disruption of serious and organised criminal groups. While the ACC has enjoyed some success in this area, it has recently revised its approach to targeting high threat groups to give greater emphasis to the investigation of unexplained wealth and to criminal exploitation of legitimate commerce to conceal illicit profits.

The ACC Board may determine that an intelligence operation or investigation into matters relating to federally relevant criminal activity⁵ is a special operation or special investigation, therefore authorising the use of the coercive powers under the Act. Before making such determinations, the Board must consider whether methods of collecting the criminal information and intelligence that do not involve the use of those powers have been effective or, in the case of an investigation, whether ordinary police methods of investigation are likely to be effective.

The ACC's coercive powers are instrumental to achieving operational results and collecting significant criminal intelligence, both in ACC and joint agency activities. The powers generate insight into the intentions, methodologies and funding of criminal groups and networks, and the roles of individuals. They also provide the opportunity to identify and explore actual and potential vulnerabilities of these groups. Combined with the range of traditional investigative methods, including telephone interception, surveillance devices and controlled operations, the coercive powers continue to provide one of the most effective and unique mechanisms through which serious and organised crime can be targeted.

In the course of conducting investigations and operations, including coercive examinations, the ACC also derives significant criminal information and intelligence which, while incidental to its own activities, is of interest to one or more of its partners. This actionable intelligence is disseminated to relevant agencies under the provisions of the Act and has frequently resulted in successful operational outcomes.

The establishment of international connections by domestic SOCGs, combined with the targeting of Australia by criminal groups and networks based overseas and the expansion of transnational crime generally, will heighten the need for the ACC to continue to receive timely and comprehensive intelligence through the international liaison networks and established international cooperation frameworks of the Australian Federal Police (AFP) and the Australian Customs Service (ACS). The capacity of these two agencies to maintain and extend the delivery of criminal information and intelligence on which the ACC can draw to inform the national criminal intelligence picture will be a key element of countering future serious and organised crime. At the same time, the continuation of off-shore activity by the AFP, which has achieved significant outcomes in dismantling groups targeting Australia, will remain a critically important component of future national strategies.

⁵ For the purposes of the ACC Act, federally relevant criminal activity is, essentially, serious and organised crime that is an offence against the law of the Commonwealth or a Territory, or an offence against the law of a State that has a federal aspect (ss4(1) and ss4A(2) refer).

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Inquiry into the future impact of serious and organised crime on Australian society

Collaboration between law enforcement, wider government and industry is vital to generating effective responses to serious and organised crime – both in building the understanding of a changing criminal environment and in developing strategies that combine the strengths of operational law enforcement activity, regulatory and legislative change and community involvement. Partnerships between law enforcement, industry specialists and government offer the opportunity for law enforcement to build its capability and to increasingly access specialised skills and tools.

The ACC has, for example, applied significant effort to developing relationships in the finance sector and has received strong cooperation in response. This engagement has provided the ACC with the opportunity to further understand the nature and depth of fraud in the private sector and facilitated access to previously unreported fraud events and other data. It has also enabled the ACC and partner agencies to undertake target development work on previously unknown organised criminal groups. Through this collaboration, the ACC is also able to alert industry to new and emerging criminal practices and maintain avenues of communication that provide timely insights into the level and nature of criminal activity.

At the same time, industry groups are actively and successfully working with law enforcement through forums such as the National Working Group on the Prevention of the Diversion of Precursor Chemicals into Illicit Drug Manufacture (chaired by the Attorney-General's Department), applying their expertise and knowledge to support and assist the development of legislative reforms and other proposals to counter criminal activity as well as providing an important avenue for the education of their members.

A continuation of flexible, innovative responses and effective partnerships between governments, law enforcement agencies and the private sector is fundamental to maintain a concerted attack on serious and organised crime and to protect the Australian community. The importance of this approach is likely to grow if, as predicted, organised crime seeks to exploit areas of legitimate commercial activity previously largely unaffected by criminality.