



Police Federation
of Australia

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The Secretary
Parliamentary Joint Committee
On the Australian Crime Commission
Parliament House
CANBERRA ACT 2600

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

The Police Federation of Australia (PFA) makes this submission on behalf of all state, territory and federal police associations and unions representing Australia's 50,000 police.

The PFA supports this inquiry into the impact of serious & organised crime on Australian society however we believe that such an inquiry cannot overlook the importance to Australian communities of the impact on them of local community crime.

Police in Australia deal with crime at the local community level, state and territory levels, as well as nationally and internationally. These levels are interlinked, from the local drug dealer right through to organised drug distribution rings and need integrated, coordinated and complementary policing systems and strategies to tackle them.

Criminals know no boundaries. They operate at different levels and across borders. If the Australian Crime Commission (ACC) is not properly integrated into the current policing system, intelligence and information will go missing. This will only be beneficial to criminals and could have the disastrous effect of leading to a growth in crime across the Australia. Hence our argument in

2002 during debate about the formation of the ACC, that the ACC should not become Australia's "ninth Police Force" seen as a stand alone enforcement agency. We were of the view that such an arrangement would be likely to encourage competition rather than cooperation between policing agencies. For these reasons we also called for Australia's Police Commissioners to be on the Board of the ACC, for the Board to be chaired by the Commissioner of the Australian Federal Police and for the CEO of the ACC to be someone with a lengthy law enforcement background.

The PFA recognises that Australia needs a body that focuses solely on serious & organised crime at a national level. It is vital though that the ACC, in undertaking this role, does so in a coordinated and integrated way with Australia's police forces.

Move from the NCA to the ACC

It is the above premise that underpinned the PFA's July 2002 discussion paper, *The Move from the NCA to the ACC*, based on the then planned changes to the National Crime Authority. These changes followed from the COAG Leader's Summit on Terrorism and Multi-Jurisdictional Crime.

At the time the PFA argued strongly that the Federal Government should maintain a body with strong 'in house' powers to investigate major organised crime, staffed by experienced police from all jurisdictions, with specialist capabilities.

We argued that if the investigation of serious & organised crime was left to the individual State, Territory or Federal Police then it wouldn't happen. They were, we suggested, and still are, already stretched to the limit, and in respect to the State, Northern Territory and ACT policing, much of their focus is on community crime. Therefore it is difficult for State and Territory police forces to devote sufficient resources to wide ranging, resource-intensive, and lengthy operations targeting large scale organised crime targets. The same, we suggested, applied to the AFP who are numerically small and are already focussed on such an array of issues that they were, and still are, struggling resources-wise and cannot be expected to put State and Territory interests ahead of those of the Commonwealth.

We proposed that the ACC be a national body focussed on crime affecting all jurisdictions, as opposed to just crimes under Commonwealth law. We argued the ACC should be the vehicle for all jurisdictions to participate equally in tackling more complex and difficult organised crime on a systematic national basis.

We also suggested that making sure such investigations were undertaken by a select group of police attached to the ACC would ensure that investigations, many of which go on for months if not years, would not have a 'revolving

door' of police investigators working on them during their life, thus providing the necessary focus on the task and ensuring that confidentiality and security of operations are not compromised.

The PFA is still of this view.

Earlier this year when the *Crimes Legislation Amendment (National Investigative Powers and Witness Protection) Bill 2006* went before the Senate Standing Committee on Legal and Constitutional Affairs the PFA made a submission based on concerns that attempts were being made to extend police powers to execute search warrants, and use force in the execution of those warrants, to non-sworn personnel attached to the ACC. We understand that as a result of our submission, this Bill will be amended to exclude such powers being given to unsworn personnel. There had been speculation that the powers were being sought by the ACC due to a purported lack of seconded sworn police personnel in the agency.

The issue of sufficient police resources seconded to the ACC to ensure its ongoing effectiveness is an area that this Inquiry should investigate and make recommendations on. We believe that the Committee should ensure that the Commonwealth has appropriate arrangements in place with State and Territory jurisdictions to deploy sufficient numbers of seconded State, Territory and Federal police at the ACC.

Most recently, the Master Builders Association proposed that powers to investigate and prosecute criminal matters be extended to the Australian Building and Construction Commission so that it could pursue criminal infiltration¹. The PFA is totally opposed to any such proposal and agrees with the 'lukewarm response from Workplace Relations Minister Joe Hockey who... said the MBA should refer any criminal allegations to the police'.

Commonwealth Cost Shifting on Law and Order

The PFA has been arguing for some time that the lines of demarcation between Local, State & Federal Governments in respect to law & order issues are becoming increasingly blurred. As we have already argued, crime does not operate on State boundaries. It transcends not only State borders, but also national boundaries. Crime undermines the security of Australia and Australians. However, we recognize that there are Constitutional barriers between the Commonwealth and the States in respect to policing.

In its report *At the Crossroads* (February 2003), the House of Representatives Standing Committee on Economics, Finance & Public Administration Inquiry into Local Government & Cost Shifting highlighted that the reporting area of "Education, Health, Welfare & Public Safety" was the fastest growing area of

¹ Builders seek anti-mafia law, *The Australian Financial Review*, 2 March 2007, p 10.

local government expenditure in 1997-98 with an annual growth rate of 7.1%.

In its final report of October 2003, the inquiry stated –

Local Government is now providing community security & crime prevention services. Indeed some local government bodies raise a levy from their community to fund security surveillance programs which employ & train staff to patrol the local government area.

The Western Australian Local Government Association stated that security services or patrols are now a very common sight within many local government areas.

Councils in NSW believed that the State government has the prime responsibility for crime prevention... there is widespread community perception that police numbers & services are inadequate.

Councils in other States & the NT complained about the withdrawal of policing services, a traditional responsibility of State governments”.

The PFA was sceptical about this inquiry in that we saw it as an attempt to blame State and Territory Governments for cost shifting of services onto Local Government. We argue that in the area of serious and organised crime and counter-terrorism measures, it could be suggested that the Federal Government is cost shifting onto State and Territory Governments.

When you consider the AFP's functions & resources over the past 21 years and the consequences for State and Territory police forces in undertaking roles in support of Commonwealth policies and priorities and covering areas vacated by the AFP, cost shifting by the Commonwealth is evident. The visit of USA Vice-President Dick Chaney to Australia and the forthcoming APEC meetings in Sydney and around Australia are the most recent examples of the former; State and Territory policing of Commonwealth owned or leased airports is a prominent example of the latter.

The following table supports our concerns and demonstrates the decline in AFP sworn resources over the last twenty one years:

AFP Functions & Sworn Police Numbers over 21 Years

AFP Functions	1985	2006
ACT Policing	✓	✓
Australian remote territories policing	✓	✓
Illicit narcotics	✓	✓

Commonwealth revenue fraud	✓	✓
Political corruption investigation	✓	✓
Diplomatic & VIP security	✓	✓
Witness protection	✓	✓
Special event security planning	x	✓
People smuggling	x	✓
E-crime – internet and child pornography	x	✓
E-crime – attacks on business continuity	x	✓
Sexual servitude	x	✓
Child sex tourism	x	✓
Air Security Officers (Sky Marshals)	x	✓
Proceeds of crime investigations	x	✓
Mobile Counter-Terrorism Teams	x	✓
International deployment – United Nations teams	✓	✓
International deployment – Australian based teams	x	✓
International disaster response	x	✓
International police training (JCCES)	x	✓
Interpol liaison	x	✓
Policing at Federal Airports	✓	x
Number of sworn police	2,838	2,382

While we argue it is not feasible or expected that the AFP be required to fill all of the sworn seconded positions at the ACC, the above table indicates that if it was agreed that greater sworn police resources need to be available to the ACC, all jurisdictions should second personnel at no cost in re-sourcing terms to their own organisations.

RECOMMENDATION:

That the ACC undertake an analysis of staffing requirements, and in particular sworn staff requirements, and an agreement be negotiated with jurisdictions to provide an agreed number of sworn staff over a determined period. The cost of the secondments, together with an administration fee paid for by the Federal Government, should be sufficient to ensure that all positions allocated by jurisdictions to the ACC are backfilled in their home jurisdiction by staff of equal experience. The Federal Government should ensure that it has in place an agreement with each jurisdiction covering these arrangements.

Role of Commonwealth Government Policies and Programs

In his 2001 publication *What Causes Crime*², Don Weatherburn identified a number of areas that impact on crime. Many of these are areas directly influenced by federal government legislation, policies and funding. Weatherburn points out that many things can make a crime-prone individual, including family factors, school performance, truancy, poverty and unemployment. Poor parenting is a very significant factor in developing crime-prone individuals. The promotion of programs aimed at changing parental behavior could have a very positive impact on crime reduction. Federal funding of employment programs is also likely to impact on crime, as would serious attempts to address issues of poverty and education.

Drugs and Crime: a National Challenge

In support of our argument that you cannot deal with organised and serious crime in isolation from local community crime, Weatherburn also showed that organised crime and insufficient law enforcement makes an ideal environment in which crime can flourish. Organised crime is almost always cross-jurisdictional in nature and usually involves the illicit drug trade at some stage.

Stevenson and Forsythe³ studied two hundred and sixty seven imprisoned burglars. They found that those who were heroin users reported a higher rate of burglary (13.0 per month) than those who did not use heroin (8.7 per month). Eighty percent of those who used a vehicle to get to and from a burglary used a stolen vehicle. Eighty percent reported using some or all of their burglary income on illicit drugs. Generally, median burglary income for heroin users was higher (\$3000 per week) than for non-users (\$1000 per week). Higher rates of burglary were significantly associated with greater expenditure on illicit drugs, regardless of the type of drug.

In the 2001 *Drug Use Monitoring in Australia* Annual Report it was indicated that:

- 60% of adult males arrested for property offences tested positive to an illicit drug, excluding cannabis;
- 45% of adult males arrested for a violent offence tested positive to an illicit drug, excluding cannabis;
- Over half report that they had been arrested on a prior occasion in the past 12 months; and
- 21% report that they had served time in prison during the past 12 months.

In 2002, Fitzgerald and Chilvers⁴ reported that of 1,161 persons detained in police custody for a criminal offence during the study period, over 69% tested

² NSW Bureau of Crime Statistics and Research Bulletin, No 54, Feb 2001

³ Stevenson S & Forsythe L *The Stolen Goods Market in NSW*, NSW Bureau of Crime Statistics and Research 1998

⁴ Fitzgerald J & Chilvers M *Multiple Drug Use Among Police Detainees*, NSW Bureau of Crime Statistics and Research 2002

positive to at least one drug type. Nearly 43% tested positive to two or more drugs.

These results cannot show a direct link between drugs and crime, but very strong and supportable inferences can be drawn that drugs contribute significantly to crime levels. The importation of illicit drugs into Australia is threatening our safety and way of life, not only due to the terrible impact of addiction on individuals, but also due to the crime that addicts are forced to resort to in order to finance their habits. A significant and valuable role for the Federal Government is in the area of programs to fight organised crime and lucrative drug importation schemes. Until such importation is addressed more effectively, there will continue to be a heavy price exacted at the State and Territory level.

The Federal Government can no longer continue to argue that crime in our communities is solely a State or Territory issue and therefore not their responsibility.

As well as organised crime, Weatherburn also identifies insufficient law enforcement as a factor that allows crime to flourish. The effect of increased police appropriately deployed can have a major impact on crime. One only has to look at the extraordinary success of increased strategic policing in New York City over the last 10 years to be impressed by such strategies. Work by Marilyn Chilvers of the NSW Bureau of Crime Statistics and Research also shows the link between effective policing strategies and the reduction of crime rates. The realisation that increasing police numbers could have a positive effect on driving down crime was central to the United States federal crime policy during the Clinton presidency.

It is the PFA's view that a wide range of policies of Local, State, Territory & Commonwealth Governments have a significant impact on crime in local communities & therefore greater integration of policies as they affect policing, law & order & crime prevention is necessary.

Addressing serious and organised crime and terrorism

Debate today about national security is generally focused on terrorism & the threat of terrorism. From a policing perspective at the Commonwealth level this means the Australia Federal Police.

Questions though are now being asked. As the AFP's Counter Terrorism focus evolves, it is realized that this role does not displace the other crime types that they have responsibility for investigating. In fact narcotics trafficking, identity fraud, people trafficking & smuggling & other trans-national crime types remain just as important & sometimes inter-related to Terrorism.

The increasingly apparent link between organised crime and terrorism should be of serious concern to the Committee and to the ACC and the AFP. A recent expose in *The Australian*, 18 January 2007 highlighted the trade in rocket launchers stolen from the Australian Army through a Sydney criminal gang and on-sold to a Sydney terror suspect. According to the report, 'documents tendered to the court state for the first time the alleged inter-connections between suspected terror cells and the criminal underworld'. The inter-connections span drug dealing, firearms dealing and plans to use the weapons for a terrorism attack, including against Sydney's nuclear reactor at Lucas Heights.

Anthony Bergin, a Director of the Australian Strategic Policy Institute (in *The Australian*, 12 January 2007) suggests 'alliances may even form in areas such as bomb making, procuring weapons, identity theft and fraudulent documentation'. He concludes that "the recent links between terrorist cells in Australia and criminal elements should, as a matter of priority, lead to even closer co-operation between intelligence and law enforcement at all levels, most particularly state police forces. There are 45,000 pairs of police eyes in Australia compared to ASIO's 1200 officers".

The PFA strongly supports the view that collaboration and co-operation between the ACC, the AFP and State and Territory police forces is essential to effectively address serious and organised crime, terrorism and local community crime in Australia's cities.

While the PFA does not wish to play down the vital role of Counter Terrorism & National Security, we think it is important that it be seen in its proper context. The average Australian and their family are far more likely to be the victim of everyday crime than a terrorist attack.

A National Criminal Investigation Database

Australia lags seriously behind countries with which we like to compare ourselves when it comes to having an effective national criminal investigation database. This is despite attempts by the Commonwealth in this direction since it allocated \$50 million in 1998 to establish CrimTrac with a key role to coordinate such a database.

Clive Williams from ANU's Strategic and Defence Studies Centre, in a recent article⁵ in *The Canberra Times*, makes a scathing assessment of the progress towards a national database and effective forensics. He puts this down, in large part, to jurisdictional differences in a Federal system and to inadequate resourcing.

⁵ 'Hollywood, and the Kiwis, leave Australia for dead in forensics, *The Canberra Times*, 31 January 2007, p. 13.

By comparison, the unified national approach in the UK has seen, according to Williams, 'improved police investigative procedures and an extraordinarily enhanced clear-up rate'. In DNA profiling, forensic science, and the police intelligence area Williams shows 'we are lagging years behind some of our neighbours, including New Zealand and Singapore'.

RECOMMENDATION:

That Crim Trac be fully developed and utilised as the National Criminal Investigation Database serving the ACC, AFP and State and Territory police forces, and having the capacity to provide access to risk-related data nationwide, including but not limited to:

- **criminal records**
- **active offenders DNA profiles**
- **gun and explosive licences**
- **aviation and maritime licences**
- **chemical and fertiliser purchases and**
- **child sex offenders registers.**

The Committee should also consider recommending that the Federal Government provide funding for numberplate vehicle recognition technology for all jurisdictions.

In the view of the PFA, the added focus, resources and inter-governmental cooperation necessary to make these initiatives a reality should be priorities for the Committee and the Federal Government.

Conclusion

The PFA believes that the Federal Government should have a holistic, national view of policing.

In the 1964 US Presidential election campaign Republican candidate Senator Barry Goldwater said, "Crime is a national problem". Whilst Democratic candidate Lyndon Johnson won that election, he adopted many of Goldwater's ideas in respect to law and order. The PFA argues that a Federal Government in Australia should also consider that "Crime is a national problem".

As we have argued in this submission police in Australia deal with crime at all levels, from the local street-level community crime through to organised drug distribution rings and terrorism related matters. To be effective at all levels requires integrated, coordinated and complementary policing systems and strategies.

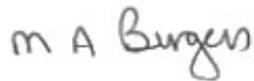
Having sufficient trained police personnel at all levels of Government is vital for such an outcome. The PFA believes that the Federal Government has a responsibility to ensure that the ACC and the AFP have adequate numbers of professional police officers at their disposal to undertake the wide range of policing functions expected of them.

Adequate funding for up-to-date national systems to support effective policing, including a National Criminal Investigation Database serving all jurisdictions, is essential for 21st Century policing.

The PFA considers that the Committee should impress on the Federal Government the critical leadership role it can play in fostering a national approach to policing and ensuring the personnel and financial resources necessary at the Federal level of government.

I would welcome the opportunity on behalf of the PFA to discuss this submission with the Committee.

Yours sincerely

A handwritten signature in black ink that reads "m A Burgess". The signature is written in a cursive, lowercase style.

Mark Burgess
Chief Executive Officer