



Police Federation
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The Secretary
Dr Jacqueline Dewar
Parliamentary Joint Committee on the
Australian Crime Commission
PO Box 6100
Parliament House
CANBERRA ACT 2600

Inquiry into the legislative arrangements to outlaw serious and organized crime groups

Dear Dr Dewar

The Police Federation of Australia (PFA) thanks you for the opportunity to make a submission to this inquiry.

The PFA has indicated in previous submissions to this committee that as the Australian Crime Commission (ACC) was established to play a leading role in the intelligence gathering, investigation and prosecution of serious and organized crime, it is imperative that the Parliament gives it the appropriate resources and powers to undertake such functions.

In our 2007 submission to this Committee's Inquiry into the *Future Impact of Serious and Organized Crime*, the PFA raised a number of issues including –

- The police role in dealing with crime at the local, state and territory, national and international levels;

- The appropriate co-ordination and integration of the ACC's operations with state, territory and federal police operations;
- That "policing" functions within the ACC be undertaken by fully sworn police officers seconded from state, territory and the federal police;
- The blurring of demarcation lines between state, territory and the federal police and the potential cost shifting that can occur in such an environment;
- The decline of sworn police numbers in the Australian Federal Police (AFP) over the past 20 years;
- The issues of future police staffing arrangements in the ACC in view of national police recruiting concerns;
- Research indicating that insufficient law enforcement allows organized crime to flourish;
- The link between drugs and organized crime and the link between organized crime and terrorism; and
- The importance of nationally integrated criminal information databases through CrimTrac.

The PFA believes the issues raised in the 2007 Inquiry are still relevant today, in particular the issue of police resourcing and its possible impact on ACC operations.

In the lead up to the 2007 Federal Election the PFA sought a number of commitments on policy issues from all political parties. In respect to the issue of Workforce Planning we sought the following –

"The PFA seeks your commitment to support and fund a National Police Workforce Planning Study commencing in 2008 as a collaborative effort between the PFA and all state and territory jurisdictions"

In its response the ALP stated –

"A Rudd Labor Government will undertake a comprehensive workforce planning study following the audit of police"

capability set out in Labor's five-point federal policing plan.

This will ensure the AFP has the real strength in police numbers required to keep Australia safe from federal crime and terrorism.

Labor is committed to conducting a federal audit of police capabilities in 2008 and would encourage all states and territories and the PFA to participate in a national policing white paper to establish a coherent and coordinated national policing strategy"

The PFA believes that a national policing white paper will go a long way to identifying not only the long term needs of Australia's police services but also agencies such as the ACC and we would seek the support of this committee for such a process.

In regard to this current inquiry, the PFA notes that there appears a lack of legislation across jurisdictions specifically targeting serious and organized crime groups. We also note that where legislation is in place (in NSW) or proposed (in SA) or has been previously proposed (in QLD) there is no consistency in the legislation or proposals. As a result, the PFA believes that this committee should consider opportunities for the development of model legislation to be applied to each jurisdiction.

The PFA suggests that the committee should, in the first instance, investigate the *Crimes Legislation Amendment (Gangs) Act 2006 (NSW)*, the *Criminal Code (Organised Criminal Groups) Amendment Bill 2007 (QLD)* and the *Serious and Organised Crime (Control) Bill 2007 (SA)*.

The Committee might also consider developing a proposed definition of an organized crime group as well as the objects of any legislation proposed to be enacted. Such legislation should include provision for appropriate powers for the ACC in respect to the investigation of serious and organized crime groups as well as strong deterrent based penalties consistent with community expectations for offences of that nature.

The outcome of this process should lead to the implementation and harmonization of legislation across all jurisdictions strictly targeting the disruption and restriction of the activities of organized crime groups. Harmonised legislation would also prevent such groups moving from jurisdiction to jurisdiction to exploit loopholes or shortcomings in the law in various jurisdictions.

The PFA notes however that such a concept does not appear to be on the Agenda of the Standing Committee of Attorneys-General (SCAG) based on their

communiqué on 28 March 2008, unless it was proposed to be dealt with via the Model Criminal Code. It might be appropriate for this Committee to establish dialogue with SCAG or make a recommendation to SCAG with a view to having the issue of harmonized laws in respect to serious and organized crime groups placed on their agenda as either a new item or part of the discussion concerning the Model Criminal Code.

The PFA would be pleased to appear before the Committee to elaborate on any issues contained in this submission.

Sincerely yours

Mark Burgess
Chief Executive Officer