

Strategic alliance counteracts major organised crime

Tom Sherman, Chairperson, National Crime Authority

The Government's decisions on the Commonwealth Law Enforcement Review (CLER) requires the AFP and the NCA to develop quickly an effective strategic alliance to counteract major organised crime.

As the operational guidelines issued by Commissioner Mick Palmer and myself in August 1994 state, the alliance is one of:

equality in respect to interests, people and work without either agency being, or perceived to be, dominant or subordinate.

I believe the concept of equality in this alliance is absolutely crucial to its success. We must put aside old attitudes and rivalries and get on with the business of fighting organised crime together. The NCA/AFP alliance will complete the alliance of all Australian law enforcement agencies fighting organised crime.

Rationalisation/integration

The Government's decisions on CLER also means that both our organisations have to find better ways of spending the Commonwealth's law enforcement dollar through more effective integration and rationalisation.

It is important to understand that the Government recognises and respects the statutory independence of each organisation.

I do not accept the proposition that, because our organisations are required to rationalise support services, it necessarily affects our independence. The NCA, for example, acquires a number of services from other Commonwealth agencies. We acquire services from the Australian Protective Service, AUSCRIP, the

Australian Government Solicitor and the Australian Property Group, without any diminution of our independence. I do not see appropriate provision of services to the NCA by the AFP in the future as affecting our independence; nor for that matter do I see the NCA providing services to the AFP affecting the AFP's independence.

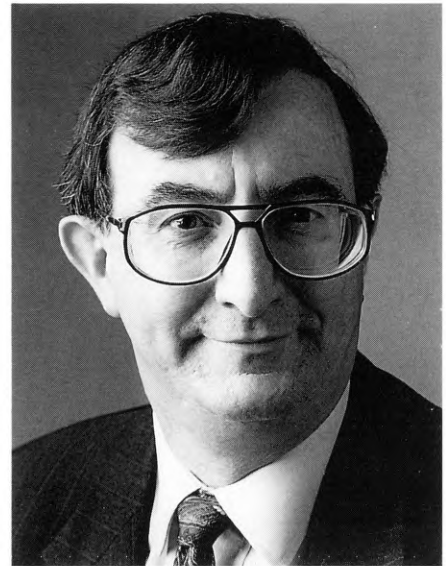
The rationalisation/integration process has taken a little time to get underway and this is hardly surprising. It is a new environment for both organisations and people cannot be criticised for treading warily on new ground. I detect, however, there is now a growing momentum being built up.

The translation into the AFP of the NCA's contract investigators (and the NCA Chinese specialists) is nearing completion. Commissioner Palmer and I have signed joint operational guidelines and we have signed a service agreement under which the AFP will provide technical surveillance to the NCA across the country on federal matters.

Working parties are still developing proposals for rationalisation/ integration of appropriate corporate service areas. I expect in those areas the proposed changes will be clear in early 1995. Integration of information technology will not be capable of providing significant savings in the short term and the best hope for savings lies in the development of the new five-year information technology plan.

It will be important that the new technologies provide maximum permissible communication between our two organisations as well as serving our separate requirements.

The structures for greater cooperation and integration in operational work have now been established. The real task now is to jointly identify the major organised crime threats (involving, of course, our state and territory allies in this



NCA Chairperson, Tom Sherman

endeavour) and then carrying out joint operations to counter those threats. Peter Lamb and Deputy Commissioner Adrien Whiddett are working very closely on integrating the operational work.

Binding law enforcement together

We all know that the world is getting smaller and major criminal organisations, by using modern communications, transport and other technologies, can engage in criminal activity across and beyond national borders. We also know that within Australia the major criminal organisations engage in illicit activities in several states and territories at any one time. Unfortunately, organised criminals do not specialise in federal offences, NSW offences, Northern Territory offences or, for that matter, offences within Australia. It follows from this that in order to attack criminal organisations effectively we must do it both in cooperation and in a cohesive way.

If we integrate the efforts of law enforcement against organised crime properly, we will be able to be more effective with even fewer resources than we are utilising at the moment.

It will require good intelligence and the right operational focus to get the best results.

Finally we should understand the distinctive roles of the major law enforcement agencies in the fight against organised crime.

The AFP

Although most organised crime activity occurs at the state level, the AFP's jurisdiction is at the important Australian entry points and international levels.

Another important resource of the AFP is its international liaison network which can contribute important intelligence on organised crime as well as facilitating cooperation with law enforcement overseas.

State and Territory police services

State and Territory police services are also crucial in the main areas of organised criminal activity within Australia. No effort against domestic organised criminals will ever be fully successful without the involvement of those services.

Specialist agencies

In addition, we have a number of specialist agencies which need to be part of the wider alliance to make our actions more effective. Agencies such as the Australian Taxation Office, Australian Customs Service and Austrac are all capable of providing considerable support and assistance in multi-jurisdictional operations. Other important agencies exist at the state level such as the NSW Crime Commission and the Criminal Justice Commission.

The National Crime Authority

Finally, I come to the NCA. The NCA's primary role is to coordinate and support national efforts (involving all relevant law enforcement agencies) against those areas of organised crime which are regarded as of the highest national priority. The NCA is the only

organisation which has the legislative capacity to coordinate and support attacks on organised crime across Australia's jurisdictional boundaries. CLER recommended a menu of 11 areas of organised crime for the NCA. This represents a good starting point in what will obviously be an ongoing process of prioritisation.

The NCA has established itself, I believe, as a non-competitive coordinator of major investigations, particularly with state and territory police services. Operation Cerberus has developed more successfully than many believed it would. The challenge now, and indeed the opportunity, is to involve the AFP more in these strategic alliances and I believe the AFP's involvement will make the national effort considerably more effective and successful.

Another function of the NCA is the use of its special powers. The special powers (particularly summoning witnesses to give evidence and produce documents) are very important resources available to law enforcement generally in the fight against organised crime. They have proved particularly effective in tracing and identifying proceeds of crime and increasingly they are showing their worth in the examination of professionals who advise organised criminals either wittingly or unwittingly. There is a growing realisation among state and territory police services of the importance of these powers in assisting their own organisations. I envisage in future that police investigators working on coordinated investigations will be able to directly question witnesses at NCA hearings.

A third role for the NCA is the utilisation of its growing expertise in tracing and seizing the proceeds of crime and the investigation of money laundering. Our *section 29* power enables us to call for the production of financial records, particularly from banks, without the prerequisites which are required for the issue of search warrants.

The AFP and the NCA have a mutual interest in money laundering at the federal level. I believe that by working together we can achieve much

more significant results in this area than we ever could by working independently.

The challenge for the future

The CLER decisions, I believe, create a rare opportunity for Australia to get its whole law enforcement act together in the fight against organised crime. The key elements in my view are:

- complete sharing between agencies of all available relevant intelligence on major organised crime structures to improve the collective knowledge of those structures;
- high quality analysis of the best available intelligence to ensure that we have identified the major organisations and criminals in an appropriate order of priority;
- the development of joint operational plans to exploit the vulnerabilities of those organisations; and
- effective joint operations which include timely action to deny the criminals proceeds of their crimes.

The Commonwealth's role, through the auspices of CLEB, will be very important in this process. The Commonwealth is capable of providing very comprehensive intelligence on criminal organisations, both current and threatening.

The assessments from the Office of Strategic Crime Assessments (OSCA) will, I believe, prove to be very important in ensuring that we are aware of all major trends, particularly transnational organised crime, that may threaten Australia.

The consultative processes now exist to enable the Australian law enforcement community to identify and agree upon the major threats to this country. The role of CLEB will be to ensure that the Commonwealth law enforcement community provides the highest quality input into this process.

There can no longer be room for the turf protection and organisational rivalry of the past. We now need to develop mature organisational values which recognise that there are crucial organisational objectives which are shared with others.