

NATIONAL ORGANISED CRIME RESPONSE PLAN OVERVIEW

2010–13

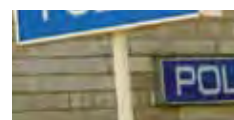
A national response to a national issue



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Purpose

The National Organised Crime Response Plan (National Response Plan) will help strengthen Australia's efforts in combating organised crime across Australia by providing a national strategy for:

- **strengthening** the policy, legislative and operational arrangements which support jurisdictional and national efforts to combat organised crime;
- **promoting** the harmonisation of Commonwealth and State and Territory laws in relation to organised crime;
- **enhancing** the coordination across jurisdictions of activities to combat organised crime, including interoperability of capabilities and resources;
- **removing** both capability gaps and impediments to inter-jurisdictional collaboration and sharing of information and intelligence; and
- **creating** mechanisms to facilitate the ongoing identification and development of measures to target gaps and maintain an effective national response to organised crime.

The National Response Plan aims to strengthen the policy, legislative and operational architecture within Australia to combat organised crime. The National Response Plan provides strategic principles and a range of measures to better target the national organised crime environment. The National Response Plan will complement the Commonwealth Organised Crime Response Plan 2010–11 and existing State and Territory crime strategies.

The National Response Plan recognises that a national response to organised crime requires all of the following elements:

- targeting specific organised crime enterprises and entities at regional and national levels;
- coordinated strategies to suppress priority crime types; and
- working with our international partners to address transnational threats and to share intelligence, information and practices.

The National Response Plan will assist the Commonwealth and the States and Territories to align priorities and promote collaborative and cohesive arrangements across jurisdictions.

It also recognises that the profile of organised crime differs across our country and that each State and Territory is best placed to determine how to combat organised crime within its jurisdiction. For this reason, the National Response Plan does not affect the discretion of any jurisdiction to respond to organised crime in the most effective way.

Background

In 2009, Australian Attorneys-General, through the Standing Committee of Attorneys-General (SCAG), agreed to a national response to combat serious and organised crime, including:

- consideration of stronger legislative measures to combat organised crime;
- arrangements for cooperation between jurisdictions;
- more effective coordination of law enforcement efforts; and
- establishing a Senior Officers' Group on Organised Crime (SOG on OC) to undertake work on legislative interoperability and information-sharing measures.

Significant work is also being led by Australian Police Ministers on organised crime through the Ministerial Council for Police and Emergency Management – Police (MCPEMP).

The National Response Plan, for the first time, brings together both justice and law enforcement aspects of a national response to organised crime in a single resource.

Organised Crime in Australia

Organised crime in Australia comprises groups and networks of criminals who commit crimes in an ongoing capacity. In particular, the National Response Plan focuses on addressing serious organised crime involving criminal entities and enterprises who undertake significant planning and organisation to carry out crime.

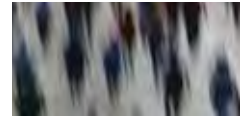
There are a number of fundamental characteristics of serious organised crime which the National Response Plan targets and focuses on.

Organised crime is a threat to Australia's national security

- Organised crime is a serious threat to Australia's national security, due to its presence in all Australian jurisdictions and impact on almost all sectors of our society and economy.
- Transnational organised crime, including the illegal smuggling of people, and trafficking of drugs and illicit goods, is also a challenge to the territorial sovereignty of Australia.

National organised crime threats

- The Australian Crime Commission's (ACC) Organised Crime Threat Assessment (OCTA) has identified three organised crime types as priority risks: money laundering, amphetamine-type stimulants (ATS) and identity crime.
- However, the profile of organised crime and the threat levels of different crime types vary from one jurisdiction to another.



Organised crime has a significant impact upon Australia and the Australian community

- The cost of organised crime to the Australian economy is estimated to be between \$10–15 billion each year and impacts on all Australian governments and communities.
- Organised crime has a broad economic impact, including the perpetuation of illicit markets and exploitation of legitimate markets.
- Organised criminal activity is a burden to Australian governments, particularly in relation to taxation, regulation, criminal justice, health and community support systems.
- Further, organised crime has a number of significant social and economic costs to individuals and the broader society. The prevalence of violence, drugs and theft, including 'street crime', have a devastating communal impact. However, more insidious crimes such as fraud and identity crime can cause significant financial and psychological harm to victims.

Organised crime is multi-jurisdictional and transnational

- The geographical influence of organised crime is increasing, due to the globalised nature of trade, travel, financial markets and flows of information.
- Organised crime transcends territorial borders, including both international borders and borders between Australia's jurisdictions. This has been accentuated by the increasingly globalised nature of trade, travel, financial markets and flows of information.
- In this way, organised crime does not respect delineations of responsibilities between agencies or levels of governments.

Organised criminal networks are clandestine, opportunistic, flexible and resilient

- Organised crime groups are adaptable to existing and emerging opportunities for illegal profit.
- Many individuals and groups are involved in multiple crime types.
- Organised criminals also exploit opportunities presented by new technology, including the use of the internet.

National Response to Organised Crime

The Australian response to serious organised crime is a multi-layered and multi-jurisdictional approach. The Commonwealth has responsibility for Commonwealth laws and leading efforts against organised crime at an international and national level, including targeting organised crime at the border. Australia's response against organised crime in Australia is led by the States and Territories in partnership with the Commonwealth, from broad efforts to suppress crime types to the targeting of organised criminals, entities and enterprises.

Collaboration and partnership continue to lie at the core of this multi-layered approach. In this way, 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.

Outline of existing arrangements

The Commonwealth and each of the States and Territories have a broad range of policies, legislation and operational activities in place to respond to the threat of organised crime. The Commonwealth has developed the Commonwealth Organised Crime Strategic Framework (OCSF) and a Commonwealth Organised Crime Response Plan 2010–11. The States and Territories have also developed their own responses to organised crime as both specific strategies and integrated components of their broader law enforcement responsibilities. Jurisdictions have had significant demonstrated success in cross-jurisdictional organised crime investigations.

All Australian governments recognise the importance of cross-jurisdictional collaboration and the sharing of information and intelligence.

Commonwealth

Under the Constitution, the Commonwealth does not have a head of power with respect to criminal law. Rather, Commonwealth criminal laws and law enforcement activities are directed at particular crime types which fall within Commonwealth power, including corporate and financial crime, drug offences and illicit goods.

The Commonwealth has a number of agencies with general functions and capabilities that can be applied to combat organised crime, including the ACC, Australian Federal Police, AUSTRAC, Australian Customs and Border Protection Service, CrimTrac, Australian Tax Office, Centrelink, Department of Immigration and Citizenship, Commonwealth Director of Public Prosecutions and the Australian Competition and Consumer Commission. Due to their national presence, intelligence and operational capacities and relationships with jurisdictional law enforcement, these agencies are critical to a cohesive approach to organised crime in Australia. The Commonwealth Attorney-General's Department (AGD) leads the development of Commonwealth organised crime policy.

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The Commonwealth has responsibilities for international matters relating to organised crime, including international organised crime and inter-country collaboration. Australia is a member of the United Nations Convention against Transnational Organised Crime and has ratified a series of related United Nations Conventions. Australia is party to a number of multilateral fora and also has a network of bilateral extradition and mutual assistance agreements. In April 2010, the Attorneys-General of Australia, New Zealand, Canada and the United States agreed to the *Declaration to Cooperate on Combating Organised Crime*.

States and Territories

The States and Territories have general responsibility for criminal law in Australia, particularly in relation to murder, assault, sexual assault, robbery, theft, fraud and the illicit trafficking of firearms and drugs at all levels. The States and Territories are responsible for developing and enforcing their respective criminal laws and policies. They are also critical to the gathering of criminal intelligence and information to conduct their own operations as well as to inform a national response to organised crime.

The States and Territories are essential to Australia's response against most aspects of organised crime, whether it is at a regional, inter-jurisdictional or national level. In particular, the States and Territories are central to a strong law enforcement targeting of organised crime individuals, entities and enterprises.

Industry and Community

Organised criminals exploit existing legitimate markets and manipulate market forces. Organised crime groups can wield significant competitive advantages over, and seriously harm, legitimate market participants. Furthermore, organised crime can challenge the integrity of whole sectors and industries through infiltration and corruption. Industry therefore has a key role in protecting itself from organised crime exploitation and working with the Commonwealth and States and Territories to combat organised crime.

Communities have a strong role to play in working with governments to eradicate organised crime activity. Organised crime activity invariably exploits Australia's communities, from vulnerable sectors such as the users of illicit drugs to individuals who purchase counterfeit goods. However, all people can be adversely impacted by the activities and products of organised crime, including violence, theft, fraud, intimidation and fear.

It is only by working with industry and communities that governments can succeed in building and maintaining a national environment that is hostile and resilient to the activities of organised crime.



Governance

The SOG on OC will continue to operate as the national officer-level body for organised crime issues, including leading the development and implementation of the National Response Plan. SOG on OC comprises representatives from law enforcement and justice agencies from each Australian jurisdiction. In undertaking this role, SOG on OC will continue to:

- Address gaps, seek improvement to and share information on organised crime policies, legislation and where needed, operational processes.
- Proactively consider opportunities to enhance information and intelligence sharing across and between Australian governments and internationally, including with regulatory agencies, the private sector and communities.
- Exchange information in relation to effective strategies for combating organised crime, including policies, best practice and research on organised crime.

The SOG on OC will report to the SCAG and the MCPEMP on the implementation of the National Response Plan. The SOG on OC will also undertake a review of the National Response Plan.

Reporting and governance structure: SOG on OC and the National Response Plan





Strategic Principles

To ensure a coordinated and targeted national response to organised crime and to achieve the objectives of the National Response Plan, the approach of Australian governments is guided by the following principles and protocols for engagement in organised crime activities and the responses outlined in the National Response Plan:

- All governments have a responsibility to maintain an environment that is hostile to organised crime including through:
 - **Preventing** people and groups from engaging in organised crime;
 - **Deterring, detecting, disrupting** and **disabling** organised crime activity; and
 - **Enforcing** criminal justice and the rule of law by pursuing and prosecuting organised criminals.
- A partnership approach between Australian governments, and between the public and private sectors and communities, is the basis for an integrated national approach to combating organised crime.
- Essential elements of an integrated national approach are enhancing interoperability, the sharing of information and intelligence in an effective and timely manner and coordinating responses to organised crime across jurisdictions.
- Responses to organised crime at the policy, legislative and operational level will be evidence based and intelligence-led.
- Organised crime is an adaptive and dynamic threat and the response to organised crime will combine traditional law enforcement approaches with innovative and non-traditional law enforcement responses.
- Capacity building, education and training are important for ensuring agencies and officers with a role in combating organised crime have the appropriate capabilities and skills.
- Education and awareness-raising will increase the ability of the public, consumers and industries to protect themselves against organised crime threats such as fraud and identity theft.
- All governments should ensure that new policy development and operational activity are proportionate to the risk context, based on evidence and respect the rule of law.
- It is critical to build and maintain links with international law enforcement, financial intelligence and regulatory agencies, particularly with parties to the *Quintet Declaration to Cooperate on Combating Organised Crime* and within the broader Asia-Pacific region.
- Measures should be regularly evaluated and best practices shared to maximise efforts across States and Territories and Commonwealth agencies, and with the private sector and communities.

Summary of National Strategies

Jurisdictions have agreed to a wide range of measures to enhance Australia's national response to organised crime. These are centred on five core strategies.

STRATEGY 1:

Effective inter-agency, national and international collaboration

Organised crime impacts on Australian society at the international, national, state and territory and local levels. In recognition of this, all Australian governments have a broad range of measures which have been put in place to combat organised crime. The National Response Plan supports Australian governments' approach to combating organised crime and establishes the strategic direction for all governments' response to the organised crime threat. Further, the National Response Plan promotes the development and maintenance of robust inter-agency, national and international partnerships to meet the challenges posed by the increasingly multi-jurisdictional and transnational presence of organised crime.

This strategy includes measures to:

- enhance information sharing and collaboration on investigations between jurisdictions; and
- increase collaboration with international partners through existing and emerging networks.

STRATEGY 2:

Enhancing intelligence and information sharing

This strategy seeks to enhance the ability of Australian governments to build a national understanding of organised crime and ensure that responses to organised crime are intelligence based and led in a timely and informed manner.

This strategy includes measures to:

- improve the prioritisation and coordination of organised crime intelligence and operational matters;
- support interoperability of resources and capabilities between jurisdictions; and
- support, at a national level, the ACC's Criminal Intelligence Fusion Centre.



**Strategy 3:
Stronger multi-jurisdictional approaches to combating organised
crime entities and targets**

This strategy outlines an approach for strengthening national and multi-jurisdictional approaches to targeting, disrupting and investigating cross-border organised crime networks.

This strategy includes measures to:

- reduce barriers and improve the conduct of multi-jurisdictional investigations; and
- adopt a more strategic national approach to cyber crime.

**STRATEGY 4:
A national response to key elements of the organised crime
environment**

This strategy outlines an approach for strengthening national and multi-jurisdictional approaches to key risks within the organised crime environment.

This strategy includes measures to target the three priority risks identified by the OCTA:

- ATS;
- identity crime; and
- money laundering.

**STRATEGY 5:
Stakeholder partnerships and public engagement**

This strategy outlines an approach based on prevention partnerships with industry and the community to meet the challenges posed by organised crime groups engaging in criminal infiltration and corruption.

This strategy includes measures to:

- improve engagement and awareness raising with industry; and
- support communities through the work of Crime Stoppers.

Glossary

| | |
|-----------|--|
| ACC | Australian Crime Commission |
| ATS | Amphetamine-type stimulants |
| MCPEMP | Ministerial Council for Police & Emergency Management – Police |
| OCSF | Organised Crime Strategic Framework |
| OCTA | Organised Crime Threat Assessment |
| SCAG | Standing Committee of Attorneys-General |
| SOG on OC | Senior Officers' Group on Organised Crime |

