

A culture of corruption made possible by static squads

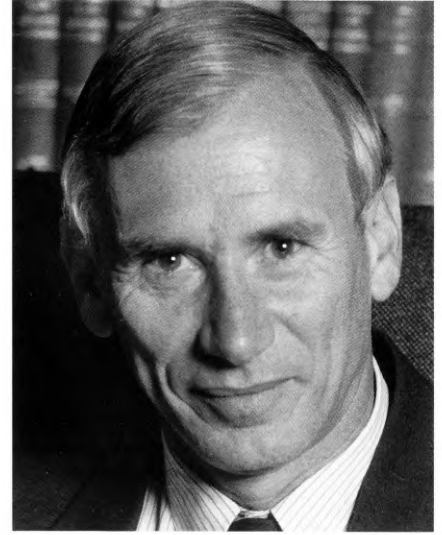
On February 6, 1996, Justice James Wood released the interim report of the Royal Commission into the NSW Police.

The report highlighted corrupt dealings by some NSW and AFP officers and recommended that as a first priority, police management should promote integrity and the eradication of the negative aspects of existing police culture.

Welcoming the release of the interim report arising from the Royal Commission into the NSW Police Service, AFP Commissioner Mick Palmer said that the royal commission found that the greatest risk of corruption was with static units where police officers remained for long periods.

"In the past such units and squads provided the opportunity to develop a culture of corruption," Mr Palmer said.

The Australian Law reform Commission is reviewing the *Complaints (Australian Federal Police) Act* to ensure that the AFP operates under the most open and accountable system of any police service in Australia. The current restructuring of the AFP is creating a more streamlined organisation with less focus on static squads and a greater rotation for police officers through different areas of operation."



Justice James Wood

Mr Palmer referred to the now ratified AFP enterprise agreement as pointing the way to a strong AFP commitment to implement anti-corruption measures including the possible requirement for AFP employees to declare private interests and to submit to testing for illicit drug use.

Royal Commissioner, Justice James Wood said on record that he appreciated the commitment and support AFP management and other Commonwealth law-enforcement agencies had provided. □

ROYAL COMMISSION INTO THE NSW POLICE SERVICE

6 FEBRUARY 1996

ANNOUNCEMENT

I think it helpful to state the future direction which the Royal Commission will take. These observations are consequent upon the delivery of the interim report yesterday, and the earlier announcement of the Premier concerning the additional resources which are to be provided to the Commission.

As the Premier has advised, subject to the approval of the Executive Council, an additional Commissioner is to be appointed to assist me, by taking some of the evidence at public hearings. He will report to me on these matters, and his report and the evidence received, will be part of the matrix of material, upon the basis of which the final Report will be prepared.

It is my intention to preside over the hearings concerning the paedophile reference, and one other area of considerable significance which I prefer not to specify today. I will also receive any further evidence concerning those specific topics where I have already commenced hearings.

Additionally, and importantly, I will be directly involved in taking evidence, and receiving submissions or suggestions, concerning the key structural and management issues which must now be addressed. Much of the material used to inform myself on these topics will be gathered informally, in discussions and meetings with the Service, Police Associations, experts and members of other Police Services. This will be a

consultative phase, and I hope that it may be possible to issue a series of limited reports dealing with specific topics, such as the management of substance abuse by members of the Service, the provision of legal services to the Service, and the like. There is an imperative to seize upon the current recognition by virtually everyone within the Service whose views are worthy of credence, and outside it, that there have to be significant changes in management, culture, and direction. The climate for change is perfect, and no time should be wasted in taking advantage of it.

All members of the Service have an immediate choice – get on board, resist corruption, rebuild the Service, and regain full public respect or move out. The simple fact is unless you share a common goal of integrity and honesty, there is no place for you, and you will be better off leaving now, and where appropriate, doing so with the benefit of the amnesty.

That then will be my role. It will involve a mixture of formal hearings, informal meetings, and reception of submissions on specific issues which will be flagged from time to time. I will continue to use this hearing room to take evidence where appropriate, along with the remote facility for those witnesses who have been the victims of paedophile activity.

The additional Commissioner, whom I will not identify until the Executive Council has considered the relevant nomination, will take evidence in relation to all the other matters for which information has been gathered, or which are the subject of ongoing inquiries.

The various teams which have been established, and Counsel Assisting, will assist the additional Commissioner in the same way that they assist me. The collective evidence and holdings assembled will be formally disseminated and available to each of us. A second hearing room will be established on level 15 of the building, and hopefully, it will be linked through to the media room and elsewhere by a separate facility.

The purpose of the Government initiative is to ensure that this Royal Commission can properly examine, and ventilate the evidence and information collected. Without it, I would have been compelled to leave some very important matters either uninvestigated, or only partially investigated. The appointment of an additional Commissioner and the extension of the Royal Commission until 31 March 1997, will substantially add to our effectiveness and, if the Interim Report is accepted, will enhance the capacity of the Agency which succeeds us. That Agency will progressively take over work from us. As a form of de facto task

force, it would be able to work up prosecution briefs. Otherwise, it would continue investigations commenced by us, and initiate its own inquiries, with the assistance of the intelligence we have accumulated.

As I have previously observed, we have been in a position for some time, to identify those members of the Service who are, on reasonable grounds, suspected of corruption, and those areas where the potential for corruption is high. There are a number of persons who have already been placed on notice of our interest in them, either because of serious suspicion as to their criminality, or because we believe them to be in a position to provide information and evidence of assistance to us. There are other members of the Service whom we have deliberately not chosen to forewarn yet by way of Notice, Summons or personal approach.

If you happen to be corrupt, it would be as foolhardy to think that you can outlast this Royal Commission, as it would be to assume that you have not been noticed. What has been recommended in the Interim Report is a permanent, lean Agency, specifically focussed on dealing with serious Police misconduct and corruption, armed with similar coercive powers, and prepared to use similar strategies as this Royal Commission. That is the thrust of the Interim Report, which underlines the fact that the existence of such an Agency is the final backstop or safety net. It is but part of a strategy which will be progressively developed, aimed at refashioning the Service and ending corruption.

Such an Agency will be of unceasing relevance to corrupt police, who can never rest easy again, as there is no reason for it to confine its attention to future conduct.

Its existence should be encouraged by honest Police, as a means of preserving the environment of integrity and trust in which they would prefer to operate. For those honest police who have information in their possession which has been troubling them, I can only say that now is the time to take your stand. The assistance you give now may be critical to us, at the very least it will mark a positive commitment to the future direction of the Service.

In conclusion, I wish to acknowledge the very positive support which the Government has provided this Royal Commission in the provision of the additional resources needed for us to finish our task. It has clearly recognised that this is the best opportunity yet to make a complete break with the past, and to create a fully accountable Police Service committed to integrity and subject to modern and effective management. I hope that we can repay that over the remaining term of this Commission.

A guide to the federal law-enforcement allies

Continued from page 6

- input into OSCA processes and to be briefed by OSCA on ongoing and planned activities;
- establish and service a National Law Enforcement Intelligence Committee (NLEIC) to determine national law enforcement intelligence assessment priorities and supporting national law-enforcement intelligence collection requirements; and
- support strategic decision-making at CLEB and government level about adjustments to government policy and law-enforcement agency priorities to meet identified threats. OSCA will not compete with the integral intelligence units of individual law-enforcement agencies.

National Crime Authority (NCA)

A number of royal commissions in the late 1970s and early 1980s identified sophisticated criminal networks spreading across state and territory borders and, in some cases, internationally as well. The royal commissions also identified a lack of co-operation among law-enforcement agencies. As a result of those revelations, the Commonwealth Parliament passed the *National Crime Authority Act 1984* (the Act), establishing the National Crime Authority. All states and territories have passed corresponding legislation.

The mission of the NCA is to counteract organised criminal activity and reduce its impact on the Australian community, working in partnership with other agencies.

The principal functions of the NCA are set out in section 11 of the Act. The NCA investigates relevant criminal activities and collects, analyses and disseminates information and intelligence relating to those activities. It works in co-operation with other law-enforcement agencies and, where appropriate, establishes and co-ordinates task forces for the investigation of those matters. It may also make recommendations for legal and administrative reforms.

The NCA has jurisdiction to

investigate offences against federal, state and territory laws.

The NCA and AFP are currently developing a much closer strategic alliance as a result of recent decisions by Government. Since the Commonwealth Law Enforcement Review (CLER) and the establishment of CLEB, much closer working relationships have developed between the two organisations in a number of areas. These include: the development of agreed National Management Plans for high priority organised crime targets; the integration of specific operations; enhanced communication on strategic intelligence targeting and an improved flow of tactical intelligence; and the implementation of arrangements for the sharing of technical services and expertise.

Heads of Commonwealth Operational Law Enforcement Agencies (HOCOLEA)

HOCOLEA comprises the heads of a number of Commonwealth agencies with major law-enforcement functions. These include AFP, NCA, ASC, ATO, ACS, DPP, AUSTRAC, ISC and Australian Competition and Consumer Commission (ACCC). The group meets three to four times a year to be briefed on various developments in crime and other elements of matters and programs being dealt with by particular agencies.

In its four-year existence, it has only in a general way considered issues of co-operation/co-ordination. It operates on a voluntary basis to exchange ideas and encourage co-operation. HOCOLEA is chaired on a rotational basis.

The Australian Federal Police

The AFP is a statutory authority brought into existence by the *Australian Federal Police Act 1979*. At 30 June 1995, the AFP had a staff of 3008, comprising 2284 police officers and 724 staff members. Its total expenses for 1994-95 amounted to \$274.8 million partially offset by total revenues from independent



Mr John Broome
Chairman
National Crime Authority

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sources and user charges amounting to \$54 million. The AFP received \$212.8 million in total revenue from the Government.

The AFP provides police services in relation to:

- laws of the Commonwealth;
- property of the Commonwealth (including Commonwealth places) and its authorities;
- safeguarding Commonwealth interests;
- the Australian Capital Territory (ACT) under arrangements with the ACT government;
- the Jervis Bay Territory and an External Territory (Christmas Island, Cocos (Keeling) Islands, Norfolk Island) under arrangements with that External Territory;
- the provision of witness protection services for state and territory police forces, the NCA and prescribed Commonwealth, state and territory authorities; and
- anything incidental or conducive to the foregoing functions.

The *AFP Act* empowers the Minister for Justice to direct the general policy to be pursued in relation to the functions of the AFP. Under s.13(2) of the Act, the Minister provides written directions to the AFP Commissioner after receiving advice from the Commissioner and the Secretary of the Attorney-General's Department, which is the department responsible for administering the *AFP Act*. The accepted recommendations by the Government of the Inquiry into Fraud on the Commonwealth (the Elliott Report) which was published in November 1993, and of the CLER which reported in February 1994, form the thrust of the AFP's strategic direction for the foreseeable future.

The Government views the AFP as the prime instrument of federal law enforcement. Its role is to preserve the integrity of the Commonwealth criminal law and interests as they are threatened by criminal activity within Australia and beyond.

The AFP carries out its role in partnership with other law-enforcement agencies, recognising that no single agency operating in isolation can act effectively against the current criminal environment. The

AFP accepts the need to fuse and focus the complementary array of enforcement, regulatory, compliance and confiscation powers and authorities as a means of representing the most powerful and effective alliance against major and organised crime. To this end, the AFP co-operates with other government organisations in providing technical support, training programs, information and assistance in particular investigations.

At the Commonwealth level, the AFP interacts operationally with the DPP, NCA, ACS, ASC, AUSTRAC, ATO, DIEA, ITSA, DSS, HIC, APS and others where co-operation, joint efforts or liaison in the performance of AFP investigatory functions is required. The AFP also undertakes investigations where breaches of Commonwealth legislation occur or are suspected on behalf of departments, agencies and statutory authorities. In addition to being a constituent member of CLEB, the AFP participates with Commonwealth and State agencies in APMC SOG, HOCOLEA, SACPAV, and the Boards of Management of the NCPS.

At the state and territory level, the AFP interacts with various government agencies, primarily in the course of its Commonwealth investigative efforts.

The AFP acts as the Government's international representative, fulfilling the Government's law-enforcement commitment to the UN and fostering international liaison and mutual assistance in law-enforcement matters.

The AFP maintains an extensive international liaison network to facilitate communication between Australian and foreign law-enforcement agencies. This network involves officers based in 15 overseas posts in 13 countries (Thailand, the United Kingdom (UK), the United States of America (USA), Pakistan, Italy, Argentina, Cyprus, Hong Kong, the Philippines, Malaysia, Singapore, Indonesia and Papua New Guinea). In addition, the AFP has a dedicated liaison officer for countries in the South Pacific and currently has a small number of officers deployed as advisers

to law-enforcement development projects in Papua New Guinea and the Solomon Islands.

At various times, a range of other law-enforcement training and assistance is provided to countries in the Asia-Pacific region. Under its Ministerial Direction, dated December 23, 1994, the AFP provides assessments on international crime trends to the NCA and to other agencies based on reporting from the AFP's overseas liaison officer network and other sources.

The AFP continues to pursue a culture of continuous improvement in its performance and to establish closer co-operative arrangements with agencies that administer and enforce laws. This includes the development of ongoing alliances involving a client focus and service orientation, together with an understanding of respective roles engendered through regular liaison, and the provision of training and investigative skills either jointly or in liaison with the NCA and other relevant agencies.

As part of its restructuring process, the AFP has moved to a task force approach to crime, with a pooling of investigative resources in each region. Key features of the task force approach include:

- each investigative team will cover the whole investigation of an operation;
- staff competent in tactical intelligence, general surveillance and proceeds of crime actions will be part of the teams, together with administrative and specialist support such as lawyers and accountants, as necessary;
- the size and the composition of the teams will vary with the demands of the operation, but teams will not continue beyond the life of the operation; and
- team leaders will be chosen on the basis of the complexity of the investigation and the skills required for the job, rather than the rank they hold.

The task force model is not intended to be prescriptive, but will set a framework within which more flexible and easily co-ordinated investigative arrangements will operate. Such organisational flexibility is intended to give the AFP improved capacity to respond to the current nature of organised criminal activity in Australia.

A review was conducted during late 1995 of how the AFP has adapted to the Government's decisions on the CLER, the Commonwealth fraud control policy, and the Ministerial Direction of December 1994. This review noted that the AFP has undergone significant change over the past five years, including major industrial reforms as well as the changes flowing from its move in October 1994 to replace specialised operational units with more flexible, multi-skilled teams. It also noted that while many of the specific changes associated with the Government's decisions in 1994 have been implemented, others are not expected to be in place until the end of 1995 or early 1996.

The review concluded, in brief, that the concept of continuous improvement is fundamental to many of the cultural change strategies currently being advanced within the AFP. It also concluded that while the AFP has made significant progress towards meeting the objectives set for it by the Government during 1994, its plans to build on these achievements are likely to be even more significant. □

Australian Federal Police

Vision

To fight crime and win

Mission

To provide dynamic and effective law enforcement to the people of Australia

Values

Integrity

Commitment

Excellence

Accountability

Fairness

Trust