

Central Region — a case study of inter-agency co-operation in South Australia

By Terry Browne

While all AFP regions do not operate in exactly the same manner, *Platypus Magazine* looks at the working relationships between the AFP and selected federal and state agencies in South Australia to illustrate how inter-agency co-operation is working.

With its head office in down-town Adelaide, AFP's Central Region is well located to liaise with allied agencies and client departments. Regular liaison is promoted and encouraged by Central Region. It has several investigators outposted or seconded to a number of federal departments and the region is active in training its departmental representatives in detecting fraud against the Commonwealth and in combating organised crime.

As the base of AFP Central Region's operations, Adelaide is also the location of the full range of client federal departments and allied law-enforcement agencies that the AFP comes into contact with elsewhere in Australia.

Along with implementing the change process, AFP's Central Region had to cope with the move into a new building at 176 Grenfell Street in late July 1995.

The region's General Manager, Peter Donaldson, said that the move proved beneficial not only in bringing the region physically closer to client and allied agencies, but it assisted the implementation of the change process.

"The interior layout of the building was designed to be conducive to the team-based approach to investigations, but equally as important, we are now in close proximity to our client and allied agencies," he said.

All of the AFP's client and allied agencies have offices in Adelaide's city centre and, according to Mr Donaldson, there is sufficient work to keep state and federal law-enforcement agencies fully occupied.

THE ALLIED AGENCIES

National Crime Authority (NCA)

Headed nationally by John Broome, the NCA has offices in Sydney, Melbourne, Adelaide, Perth, and Brisbane.

The *National Crime Authority Act* 1984 established the National Crime Authority federally and all states and territories followed with corresponding legislation.

Working in partnership with other agencies, the NCA's mission is to counteract organised criminal activity and reduce its impact on the Australian community.

The NCA investigates relevant criminal activities and collects, analyses and disseminates information and intelligence relating to those activities.

It works in partnership with other 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.

Since the publishing of the 1994 Review of Commonwealth Law Enforcement, federal law-enforcement agencies have been encouraged to work closely with each other in order to serve the Australian community



better and in particular, the AFP and the NCA were required to form a strategic alliance against crime.

The nature of the alliance

John Ganley, NCA's Regional Director in South Australia said it is easy to construct an alliance on paper, but it requires the right people to make it work in practice.

"Certainly in South Australia we have the right people," he said.

"Where perhaps in the past the AFP and NCA worked in isolation, now the organisations are working in close liaison not only in South Australia but throughout the country."

The South Australia Police also have been involved in several AFP and NCA 'think tanks' and all agencies now share resources to the benefit of that state's community.

A prime example of this multi-agency co-operation is the current joint task force investigating the effects of South East Asian organised crime on the South Australian community. The joint task force consists of the South Australia Police (SAPOL), AFP and NCA officers and is headed by a joint management committee.

Mr Ganley said in South Australia good faith exists between all law-enforcement agencies and that there is a genuine loyalty to each other without compromise to individual corporate integrity.



Photo by D. Allen

John Ganley, NCA's Regional Director in South Australia

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While emphasising that co-operation between law-enforcement agencies is fundamental to successful police work, "It's understood between law-enforcement agencies that there will always be corporate activities that can only be spoken about on a need-to-know basis," he said.

The NCA is in a period of demystifying itself and has been promoting its functions to the public and other agencies.

"While there still at times needs to be some mystique and secrecy about NCA activities, there is no reason why information cannot be shared, where legally proper, between allied agencies," Mr Ganley said.

In South Australia the NCA also has opened up its premises to other agencies and departments by hosting training programs and co-located task forces.

Senior officer liaison

Mr Palmer, Mr Whiddett and an AFP Association representative attended the NCA's senior management seminar in early 1995.

Mr Ganley said it was invaluable having a senior AFP presence to explain the organisational changes underway in the AFP.

"It was clearly a fine example of senior management discussing similar problems within their respective organisations and finding common solutions.

"I returned to Adelaide with a clear blueprint of where the AFP and NCA were going and with that knowledge and local co-operation it is now just a matter of continuing to build bridges between the organisations," he said.

The NCA brings to joint task forces the ability to co-ordinate state and federal agencies on a national basis. This does not mean that joint task forces come under NCA control as evidenced by the national operations, Cerberus, Panza and Blade.

AFP and NCA joint task forces have the advantage of being able to combine the AFP's police powers with the NCA's coercive powers. This arrangement also allows the NCA to tap into the AFP's international

investigation expertise. The NCA's overseas inquiries are generally made via the AFP so as to maintain consistency with international contacts.

Resources

Peter Donaldson, AFP Central Region General Manager, said that the high level of co-operation in South Australia has significantly improved the knowledge of where to best place limited law-enforcement resources.

"By rationalising our resources we have been able to identify and focus on some really big issues," he said.

Working with the NCA at the moment there are three routine AFP secondments and two federal agents attached to a money laundering operation in addition to an intelligence analyst located with the NCA as part of a swap.

Mr Ganley said: "Instead of just talking about integrating you have to physically go out and do it. And we are doing that.

"The interchange of personnel can only lead to more effective operations. This is a forerunner to more effective integration. The thrust from our point of view is that the result is the effective expenditure of the federal law-enforcement dollar," he said.

Intelligence sharing

The restructuring of the NCA that took place under the previous director, Tom Sherman, placed the NCA in a position to quickly move into a strategic alliance with the AFP, particularly when it came to sharing criminal intelligence.

In the law-enforcement community, intelligence officers have always had a high degree of co-operation, but now the networking has been formalised. In this area, the AFP assisted the NCA to set up an effective IT system for a current joint task force which was readily accepted by SAPOL and the NCA.

Intelligence gathering is now a business-like operation and the level of information sharing means that quality criminal intelligence is going out to the operational people in a timely fashion.

Mr Ganley said that the

methodology employed in South Australia has proved beneficial to each of the participants.

"We've gone from card index filing systems to computer data bases in an extremely short time, and I am sure that similar situations have been experienced between the AFP and the NCA in the rest of the country," he said.

Australian Securities Commission (ASC)

The ASC works to maximise the credibility of Australian corporations and securities markets by regulation, enforcement, and the maintenance of a publicly available data base aimed at providing accurate information about Australian companies, their officers and members.

It is an independent federal government body that ensures fair play in business, prevents corporate crime, protects investors and helps maintain Australia's business reputation abroad.

The ASC has offices throughout Australia. ASC Chairman, Alan Cameron, has offices in Sydney and Melbourne.

The ASC's Executive Director in South Australia, Stephen Howell, believes that a two-year secondment to the ASC for an AFP officer is an opportunity that will enrich a federal agent's investigative and commercial skills.

"The ASC is specifically looking for federal agents with a background in commerce, accounting or law. Most ASC investigators are tertiary qualified in at least one of those disciplines," he said.

Mr Howell said that the ASC takes federal agents on board because of their police expertise. This is not to say that they play a lesser role in an investigation. On the contrary, once a period of orientation has taken place, federal agents are expected to take the lead in assigned areas of investigation.

The ASC investigates all manner of corporate crime, ranging from stock market misconduct to complaints arising from small business activities. While any member of the public can raise a complaint with the ASC, the majority of concerns are raised by company liquidators. However, no



Photo by D. Allen

The ASC's Executive Director in South Australia, Stephen Howell

matter what the source of the referral, seeing Australia has in the vicinity of 800,000 corporations, any resultant investigations can be very complex and protracted.

Mr Howell said that the ASC subscribed to a philosophy of continuous improvement and the organisation was characterised by a flattened hierarchical structure which had devolved power and responsibility to self-managing teams of investigators.

He said that the ASC valued federal agents for their investigative methodology and police powers, and maintained that after a two-year posting with the ASC concentrating on corporate investigations, the AFP was getting a much improved fraud investigator in return.

Apart from having seconded federal agents located at the ASC, Mr Howell said that through regular liaison with the AFP Central Region office, the working relationship between the AFP and ASC in South Australia is excellent.

The Director of Public Prosecutions (DPP)

Under the national Director, Michael Rozenes QC, the DPP prosecutes offences against Commonwealth law, including corporations law, and recovers the proceeds of crime committed against the Commonwealth.

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The DPP is within the portfolio of the Commonwealth Attorney-General, but the office effectively operates independently of the Attorney-General and of the political process. It has offices in Canberra, Sydney, Melbourne, Brisbane, Perth and Adelaide. There is also a sub-office of the Brisbane office in Townsville.

Heading up the Adelaide office is Deputy Director Paul Foley. He said that the working relationship between the DPP and the AFP in South Australia is excellent.

In the past 12 months, one of DPP's lawyers has attended the Central Region's head office on a fortnightly basis and liaison meetings between senior officers of both organisations are held every couple of months.

The discussions are frank and open according to Mr Foley.

"I am pleased with the AFP placements with Commonwealth government agencies," he said.

"This has allayed concerns that smaller agencies may have had about not being able to have an AFP commitment under the recently introduced Fraud Control Policy.

"Certainly Peter Donaldson and I have had a number of discussions about concerns that perhaps some of the agencies would not get the attention they felt they required.

"That hasn't happened. The AFP has moved to place people in the agencies where they are needed. A perfect example being the Insolvency Trustee Service Australia (ITSA). ITSA has a solid level of work, but not necessarily the investigative capacity to put together a brief for a *Crimes Act* offence.

"Having an AFP officer located with ITSA has produced a double benefit. The AFP officer does not work only on cases but conducts training as well. In cases such as this, the DPP is happy to help as well," he said.

The AFP provides training to departments so that its representatives get a working knowledge of the legal requirements of preparing a brief of evidence for the DPP.

Training and regular liaison makes for a better approach to prosecutions.

"We encourage AFP investigators

to seek DPP advice early on an investigation, particularly on complex matters. The DPP provides advice on what lines of enquiry are likely to prove fruitful and how wide-ranging the investigation needs to be.

"Quite often you can't prosecute everything that has been investigated. The DPP can help to narrow the focus of the investigation while still giving something worth putting before the courts.

"Putting a manageable case before the courts is in everybody's interest. Putting every conceivable charge before the courts may take months and cost a fortune for us and the community," he said.

The DPP is becoming more client focused. The DPP has the ultimate decision on whether or not to prosecute, but in the end it relies on client agencies for assembling briefs.

The DPP prosecutes two types of areas – general prosecutions and corporate prosecutions. Its clients in South Australia include the AFP, the Australian Taxation Office (ATO), the Australian Securities Commission (ASC) and the Department of Social Security.

Mr Foley said: "As the AFP puts more resources into major investigations in South Australia the DPP has entered into a steep learning curve.

"Our people are realising that many investigations that they have given early advice on now may take some time to get to court because of their complexity. This means that it is necessary for the AFP and the DPP to keep in regular contact to monitor the progress of investigations.

"There is a very high level of trust between the law-enforcement agencies in South Australia. We can have frank discussions and this means that we can resolve any problems quickly before they impede on the progress of an investigation. □



Paul Foley, Deputy Director DPP in Adelaide

Photo by D. Allen

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