

April 2026

Review of the Crimes and Other Legislation Amendment (Omnibus No. 1) Bill 2026 *Submission by the Australian Federal Police*

Senate Legal and Constitutional Affairs Committee



AFP

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Introduction

1. The Australian Federal Police (AFP) welcomes the opportunity to provide a submission to the Senate Legal and Constitutional Affairs Committee's review of the Crimes and Other Legislation Amendment (Omnibus No. 1) Bill 2026 (the Bill).
2. The AFP is facing new challenges fuelled by converging crime types, the mixed motivations of criminals, defiance of the rules-based order, fractures in society and evolving technologies. As the criminal threats facing Australia evolve, so too must the AFP's ability to combat serious crime.
3. The reforms in the Bill will provide tangible operational benefits for law enforcement and will enable the AFP to better defend and protect Australia and Australia's future from domestic and global security threats. The reforms improve the AFP's ability to respond to criminality and ensure the safety of our members and the public.
4. This submission focuses on the reforms in the Bill that directly impact on the AFP and on which the AFP was consulted during development.

Schedule 1 – Police Powers and Warrants

Sydney West Airport

5. The Bill would ensure that AFP's powers at Sydney West Airport are consistent with other equivalent airports including Sydney Kingsford Smith Airport. This is achieved by listing Sydney West Airport (Western Sydney International Airport) as a major airport for the purposes of Division 3B, Part IAA of the *Crimes Act 1914*.
6. The AFP provides policing and aviation security services at major airports. This involves AFP police officers and protective services officers (PSOs) conducting patrols and targeted operations at the airports we protect. The AFP's aviation teams disrupt and prevent a range of crimes, including antisocial and dangerous behaviour, carrying dangerous goods such as illicit substances, weapons or explosives, and threats or hoaxes against airports and aircraft.
7. This Bill would enable AFP police officers and PSOs to exercise identity-checking and move-on powers at Western Sydney International Airport, as they do at other major Australian airports. These powers are essential to maintaining the safe and secure functioning of Western Sydney International Airport.

Search warrant applications

8. The Bill makes it explicit, through the introduction of section 3QA into the *Crimes Act 1914*, that applications for section 3E search warrants and section 3LA assistance orders may be made by electronic means, as well as in person.
9. The warrants contained in Part IAA are essential to the AFP's day-to-day activities to investigate crime. As federal investigations can span across numerous jurisdictions, this often results in AFP members needing to travel between jurisdictions to obtain a search warrant in person. In recent years, as society shifts toward a 'paperless' world, it has become clear there is a need to allow for warrant applications to be made electronically where in-person lodgement is not feasible or is not in line with Court preferences for lodgement of documents.

10. These amendments ensure these routine warrants are future-proofed to account for modernised practices or extenuating circumstances. This is a much-needed change, which will bring legislation in line with modern operational needs.

Extension of sunseting date for data disruption, network activity and account takeover warrants

11. The Bill would extend the sunseting date for the three warrant types introduced under the *Surveillance Legislation Amendment (Identify and Disrupt) Act 2021* (SLAID Act). Currently the provisions are set to sunset on 3 September 2026, and the Bill extends this date to 4 September 2029.
12. The powers afforded to the AFP under the SLAID Act enable the AFP to detect, investigate and disrupt serious crime including terrorism, cybercrime, human exploitation and transnational serious and organised crime. The AFP executes these powers in a lawful and targeted manner to fulfill the AFP's mission in protecting Australians and Australia's interests. Since the implementation of the SLAID Act, the AFP has achieved significant operational outcomes as a direct result of this legislation. For this reason, the AFP considers it important that the SLAID Act powers remain in effect, beyond the legislated sunset date.
13. The AFP participated in the Independent National Security Legislation Monitor (INSLM)'s review of the SLAID Act, which examined the AFP's use of the powers and their effectiveness and considered whether the legislative framework, including safeguards and oversight, continues to be appropriate. The AFP's evidence in the review included a public submission and hearing. Amongst other things, the INSLM found:

The new powers have been effective in helping to identify and disrupt serious crime, including in cases where other powers would have been ineffective, so there is a strong case for maintaining them.¹

14. The powers introduced under the SLAID Act have enhanced the AFP's ability to investigate and prevent serious crime, by enabling the AFP to overcome technological obstacles, collect valuable intelligence and evidence, and disrupt unlawful activity.
15. Allowing these powers to sunset would be detrimental to the AFP's capacity to identify, disrupt and prevent serious criminal conduct.

Schedule 2 – Amendment of the Criminal Code

Evidentiary certificates

16. Part 1 of Schedule 2 of the Bill would amend the *Criminal Code Act 1995* to introduce the ability for law enforcement officers to issue evidentiary certificates as prima facie evidence of continuous possession of seized illicit substances for the purposes of proceedings for serious Commonwealth drug offences.
17. In the AFP's experience, evidence of continuous possession of a seized substance is often not controversial and is not challenged in court. Without an evidentiary certificate, each individual (potentially upwards of 20 people) who forms part of the chain of custody for a seized substance will be required to produce a written statement and be available to

¹ INSLM, *Data Disruption, Network Activity and Account Takeover Powers Review of Surveillance Legislation Amendment (Identify and Disrupt) Act 2021* (2025), p.i.

provide evidence in court in the event that a party to the proceedings challenges whether law enforcement had continuous possession of the seized substance.

18. Evidentiary certificates are an efficient and effective way of providing prima facie evidence of a matter in court proceedings, particularly for evidence that is generally uncontroversial. A certificate would permit a single issuing officer to certify a summary of the chain of custody for a seized substance. The reforms include safeguards, including the ability for defence to rebut the evidence certificate.

Drug purity

19. The Bill would amend the approach for determining the quantity of prohibited substances to better align with state, territory and international jurisdictions. Currently, the AFP is required to undertake a complex process of testing substances seized to determine the pure weight of illicit substance within a mixture. This does not reflect the reality of how drugs are imported and sold in Australia and results in hazards for forensic analysts.
20. Under the amended laws the prosecution would treat the entire weight of a mixture as the relevant quantity of an illicit substance for Commonwealth drug offences. This is accomplished through amending the Criminal Code to remove the existing requirement in section 312.1 either the pure drug content or a prescribed dilute quantity in a mixture of substances and replace it with a single mixture-weight rule.
21. Illicit drugs are typically imported and trafficked inside mixtures of other substances. For example, in February 2026, Australian Border Force officers seized 10 kilograms of ketamine concealed in packets of aluminium sulphate, a white crystalline salt.² By diluting or 'cutting' illicit drugs with other substances (i.e. sugar, laundry detergent, veterinary medications) criminals increase their profits selling these harmful mixtures, funding serious organised criminal activity in Australia and overseas. The less pure the substance is, the more money they make.
22. Members of the Australian community purchase and consume substances containing a mixture of harmful chemicals, not aware of the percentage of the drug in the substance they've taken nor the serious risks of consuming mixtures of chemicals along with illicit substances.
23. To obtain and test samples of a drug under the current framework, forensic analysts may need to use toxic materials to extract or dissolve substances or undertake intensive physical processes. Analysts are required to have prolonged exposure to open amounts of illicit substances and other hazardous chemicals, wear personal protective equipment for long periods of time and deal with heavy volumes of substances.
24. For example, the high potency of synthetic opioids means that exposure to very small amounts can be life threatening, increasing the risk to those that may come into contact with the drug or with surfaces where residue remains whilst conducting mandated testing. The potential for hazardous exposure to illicit drugs is particularly high during removal of drug wrappings, the transfer of bulk amounts into examination bags for weighing and homogenisation of composite samples.
25. The amendments proposed in the Bill will significantly improve the efficiency and efficacy of Commonwealth drug prosecutions and will bring Commonwealth processes in line with equivalent frameworks in the states and territories and internationally, which allow for

² <https://www.afp.gov.au/news-centre/media-release/sydney-man-charged-after-authorities-snatch-27kg-ketamine>

thresholds to be determined using mixture weights or a dual-framework of purity and mixture weights.

Schedule 4 - Extradition

Extradition arrest warrant powers

26. The Bill amends the *Extradition Act 1988* (Extradition Act) to provide police officers with an explicit power to enter premises where they reasonably believe the subject of an extradition arrest warrant is located, and to use reasonable force in executing the warrant.
27. The Fugitive Apprehension Strike Team (FAST), within the AFP, are responsible for conducting arrests of international fugitives within Australia. Unlike a domestic arrest warrant, the Extradition Act does not provide powers of entry to premises or use of reasonable force for the purposes of arrest. This has resulted in difficulties for AFP members executing extradition arrest warrants.
28. When effecting an arrest warrant, the AFP conducts risk assessments and engages in tactical decision making to ensure the safety of AFP members, the public and the arrestee. Providing law enforcement with the power to enter premises for the purpose of executing an extradition arrest warrant ensures that law enforcement are not limited when determining the safest approach.