



**Australian Government**  
**Department of Home Affairs**



# **Home Affairs Portfolio submission to the Inquiry into criminal activity and law enforcement during the COVID-19 pandemic**

Parliamentary Joint Committee on Law Enforcement

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# Introduction

The Home Affairs Portfolio welcomes the opportunity to make a submission to the Parliamentary Joint Committee on Law Enforcement's (PJCLE) Inquiry into criminal activity and law enforcement during the COVID-19 pandemic. The Department of Home Affairs prepared this Home Affairs Portfolio submission in consultation with the Australian Border Force (ABF), the Australian Federal Police (AFP), the Australian Criminal Intelligence Commission (ACIC), the Australian Institute of Criminology (AIC), and the Australian Transaction Reports and Analysis Centre (AUSTRAC).

## COVID-19 has had varying impacts on criminal activities in Australia

The COVID-19 pandemic has had an ongoing and evolving impact on criminal activity and law enforcement in Australia.

Overall, the threat posed to Australia from serious and organised crime has not changed significantly during the pandemic. While some crime types reduced in risk over the short to medium term, the risk of other crime types has increased and organised crime groups have adapted their operations to continue functioning despite COVID-19 restrictions.

### Crime types remaining stable

*Drug trafficking:* Internationally, the United Nations Office on Drugs and Crime has reported that COVID-19 impacted the route of illicit drug flows across the globe. Measures implemented by governments to curb the COVID-19 pandemic have led to drug trafficking routes by air being disrupted, along with drastic reduction or increased interdiction in trafficking routes over land. Some drug supply chains have been interrupted and traffickers are looking for alternative routes, including maritime routes, depending on the types of drugs smuggled.

Within Australia, intelligence suggests there has been little change to the availability of illicit drugs, although there have been some localised changes in availability of some drug types in some parts of Australia. While prices for some illicit drug types have increased during the pandemic, this is probably due to profiteering and domestic travel restrictions rather than genuine international supply issues.

*Money laundering using cash:* During the pandemic, the general reluctance of many to handle cash, and the impact on the movement of cash caused by travel restrictions, reduction in international flights, and closures of casinos, pubs and clubs has made cash intensive money laundering more difficult. Organised crime groups have been required to adapt to other money laundering methods in response to these challenges.

### Crime types with changing or increasing risk

*Fraud:* Fraud against Australian Government COVID-19 stimulus packages has been a key criminal threat during the pandemic, with both organised crime and opportunistic businesses and individuals targeting these measures. Identity crime is a key enabler of this risk, with criminals seeking to submit fraudulent claims for COVID-19 stimulus payments. This risk has been exacerbated by the influx of new customers — Services Australia alone has dealt with 1.5 million new customers since COVID-19 restrictions began on 23 March 2020, with around a third of those having no historical interactions with the welfare system. Some criminals have also sought to access pandemic stimulus packages to fund criminal activities, while some sought to use their legitimate business to access employment support programs and business loans.

*Cybercrime:* Cybercrime has continued, and shown a modest increase throughout the pandemic, with some cybercriminals seeking to exploit COVID-19 for their own gain. During the pandemic, law enforcement has received several thousand cybercrime reports through the online ReportCyber portal, with several hundred reports relating to COVID-19 themed scams and fraud. Tens of thousands of COVID-19 related websites have also been registered. While the majority of these websites are legitimate, many are being registered by malicious cyber actors seeking to exploit Australians.

*Online child sexual abuse:* With children and offenders spending more time at home and online, the risk of online child sexual abuse has increased during the pandemic. There continues to be a significant increase in

the number of child abuse material files successfully downloaded since COVID-19 restrictions were implemented globally. April – June 2020 showed an average activity increase of approximately 163 percent, compared to the corresponding period in 2019. Direct contact offending by Australians against children overseas has likely decreased, with travel restrictions preventing offenders from leaving Australia. However, offenders' inability to travel has likely increased the potential for livestreamed abuse, especially in impoverished countries experiencing economic hardship. Suspicious financial activity continues to be prominent in relation to identifying potential payments for online child sexual abuse. The reporting of suspicious financial transactions indicating payment for online live-distance child abuse and exploitation increased 32 percent in the six months to June 2020 compared with the period July – December 2019.

The Australian Centre to Counter Child Exploitation (ACCCE) continues to observe new users of darknet hidden child abuse material services seeking advice and guidance on how to avoid being identified by law enforcement, including how to safely download content and how to configure their browsers securely. Whilst posting activity on the major darknet child abuse forums has remained constant, the sharing of uploads tagged as 'original content' has increased substantially since February 2020. Increasing levels of activity observed by the ACCCE on the dark web are consistent with increased activity observed by law enforcement partners.

*Criminal profiteering:* The COVID-19 pandemic has created new challenges for law enforcement in combatting criminal profiteering, particularly relating to the import and export of personal protective equipment and medical supplies, and the fraudulent sale of counterfeit or substandard medications and vaccines, with opportunistic businesses and individuals seeking to profit from heightened international and domestic demand for these products.

*Modern slavery and human trafficking:* While travel restrictions have limited organised crime groups from facilitating the movement of people into Australia for exploitation, the COVID-19 pandemic has increased the risks of modern slavery for individuals already in vulnerable circumstances. This includes workers in Australia and in global supply chains who face unemployment or financial hardship. Evidence from civil society groups indicates illegal brothels and illegal sex work continue to operate during the pandemic, which may increase risks in that sector which is vulnerable to modern slavery exploitation. Victims of human trafficking and modern slavery have significantly decreased capacity to seek support and report crimes due to COVID-19. This has affected the capacity of law enforcement to directly engage with victims. During the period April – June 2020, the AFP observed a reduction in reports being received, as compared to the previous quarter (January – March 2020). In particular, reports of allegations of forced marriage dropped approximately 60 percent from the previous quarter – a figure which can be attributed to international border closures. Reports for other types of human trafficking, including labour and sexual exploitation remain relatively stable.

## **Australian Institute of Criminology (AIC) research into the impact of COVID-19 on darknet markets, online gambling and domestic violence**

### ***Availability of COVID-19 related products on darknet markets***

There have been significant concerns about the availability of vital medical supplies and personal protective equipment (PPE) during the COVID-19 pandemic. With increased demand and worldwide shortages, profit-motivated criminal groups and individuals were well positioned to exploit gaps.

The AIC commissioned the Australian National University to survey twenty darknet markets on 3 April 2020 to conduct a census of COVID-19 related medical products and supplies. The findings, published by the AIC in April 2020, found 645 listings, including 222 unique listings, of COVID-19 related products across 12 markets. Three markets alone accounted for 85 percent of all unique listings identified.

Furthermore, of the 110 vendors identified, eight were active in multiple markets. A small proportion of vendors accounted for most listings. The estimated value of all unique listings amounted to \$369,000. PPE accounted for nearly half of all unique listings, and one third of products were antiviral or repurposed medicines. Supposed vaccines, tests and diagnostic instruments each accounted for nearly 10 percent of listings.

While the availability of COVID-19 related products was lower than other contraband, underground sale of fraudulent or untested vaccines and medicines demonstrates a criminal risk that increased during the pandemic.

### ***Changes in online gambling during the COVID-19 pandemic***

Restrictions on social interaction during the COVID-19 pandemic have limited gambling to online channels. In June 2020, the AIC published a paper on changes in online gambling behaviour, comparing two identical surveys from March and April 2020.

The results showed that fewer individuals reported gambling online in April compared with March, but of those individuals, fewer 'gambled less often'. The decline in the 'gambled less often' category was especially pronounced for betting on sporting events in Australia, online casino games and 'other' forms of online gambling. This suggests that decreases in online gambling in March were 'bottoming out' by April.

In March, 20 percent of online gamblers increased their spending, compared to 33 percent in April. The likelihood of spending more in April was highest for males, aged under 40 years, but the strongest predictor of spending more in April was 'living as a couple with children'. This factor was not significant in March and suggests that something may have changed for those couples living with children in April to result in increased spending on online gambling.

### ***The prevalence of domestic violence among women during the COVID-19 pandemic***

When COVID-19 pandemic restrictions came into effect, there were a number of media reports about potential increases in domestic violence, more complex types of violence, and potential decreased ability for victims to seek help. In July 2020, the AIC published a paper presenting the findings from an online survey of 15,000 Australian women about their experience of domestic violence during the initial stages of the COVID-19 pandemic.

The paper found that in the three months prior to the survey, conducted in May 2020, 4.6 percent of women who responded experienced physical or sexual violence from a current or former cohabiting partner. Almost six percent (5.8 percent) of women experienced coercive control and 11.6 percent reported experiencing at least one form of emotionally abusive, harassing or controlling behaviour.

For many women, the pandemic coincided with the onset or escalation of violence and abuse. Two-thirds of women who experienced physical or sexual violence by a current or former cohabiting partner since the start of the pandemic said the violence had started or escalated in the three months prior to the survey. Many women, particularly those experiencing more serious or complex forms of violence and abuse, reported safety concerns were a barrier to help-seeking.

## Home Affairs agencies united to respond to COVID-19 and target changes in criminal activity

The Home Affairs Portfolio brings together Australia's federal law enforcement, national and transport security, criminal justice, emergency management, multicultural affairs, settlement services and immigration and border-related functions, working together to keep Australia secure, prosperous and united.

While the Portfolio maintains these crucial functions during the COVID-19 pandemic, the breadth of Home Affairs' responsibility has allowed it to respond flexibly to the evolving threat. The Portfolio has redirected resources, shifted priorities and created specialised task forces to swiftly respond to the changing threat environment, and contributed significantly to whole-of-government efforts to counter serious and organised criminality.

### Specific activities and responses

*National coordination of non-health responses to COVID-19:* Home Affairs led the National Coordination Mechanism (NCM) Taskforce, which was responsible for identifying and coordinating whole-of-government, cross-jurisdictional responses to non-health impacts of COVID-19. This included facilitating engagement with stakeholders from a number of sectors including education; public safety, security and policing; banking and finance; supply chains and distribution; and supermarkets.

The NCM Taskforce established cross-jurisdictional links to relevant law enforcement and correctional agencies, at both the national and state levels, early in the pandemic. Discussions centred on:

- preparedness planning as a result of social distancing measures and the associated impact on the criminal justice pipeline
- risks and safety measures associated with managing positive COVID-19 cases within correctional facilities, including corrections personnel, and
- operationalising law enforcement support, including police assistance with the activation of the *Biosecurity Act 2015*, requirements for mass gatherings and major events, and support at some supermarkets across Australia as a result of panic buying and customer behaviour in stores.

The inherent nature of collaboration within the NCM Taskforce between stakeholders at the Commonwealth and jurisdictional levels enabled emerging issues (including cybercrime, child exploitation and criminal profiteering) and potential gaps to be addressed in a timely manner and for advice to be provided to national leaders.

- The AFP led a community awareness campaign on cybercrime during COVID-19 and the increasing potential for online child exploitation, as children were spending more time online during the pandemic.
- The Government amended the *Customs (Prohibited Exports) Regulations 1958* to temporarily limit exports of certain essential goods (including PPE and sanitisers), to prevent exploitative exports and profiteering on these goods during the COVID-19 emergency.

On 1 July 2020, the NCM Taskforce became a permanent function within Home Affairs (as the National Coordination Mechanism) to coordinate whole-of-government responses to future emergencies and crisis situations, including those that affect public safety, justice and crime.

**Case study – Supermarket Taskforce – Ensuring supermarket supply**

The NCM worked with the ACCC, states, territories and local governments to secure the supply of essential goods to Australians.

- Supermarkets raised their concerns about potential breaches of relevant legislation around competition, such as working together to restrict the number of specific items that could be purchased by a consumer in a single transaction, which could have constituted an 'output restriction'.
- The ACCC has the power to grant exemptions or protection against legal action for conduct that might breach competition law.
- The ACCC issued an interim authorisation permitting collaboration between supermarkets on responses to COVID-19 through the Supermarket Taskforce in order to secure the supply of essential goods. This arrangement is still in effect.

In addition to this, the Supermarket Taskforce worked with states, territories and local governments to resolve issues around the supply of goods to supermarkets, particularly during off-peak periods (such as overnight), to enable supermarket staff to restock shelves.

- Through this engagement, jurisdictions temporarily reformed trucking curfews and restrictions to allow the delivering of stock to supermarkets during certain times that would ordinarily have been restricted, and for the use of high performance vehicles (such as B-doubles, B-triples) on normal roads.
- The Supermarket Taskforce also worked with states and territories to revise supermarket trading hours, including stores opening on some public holidays, to allow vulnerable persons and others in the community to access essential goods safely during the height of the pandemic.
- This action assisted in preventing the emergence of law and order issues linked to lack of supply of essential goods.

*Creation of specific taskforces and networks to respond to the highest risk criminal threats:* Home Affairs Portfolio agencies worked closely with counterparts across government to create, lead and/or participate in coordinated operational responses to crime types with increased risk during the pandemic. This included:

- COVID-19 Counter Fraud Taskforce: the AFP and Attorney-General's Department (AGD) established the COVID-19 Counter Fraud Taskforce to support Commonwealth agencies to prevent fraud against the COVID-19 economic stimulus measures. The Taskforce has produced a range of tools, intelligence products and advice to support agencies' counter fraud efforts.
- Taskforce IRIS: The AFP, in collaboration with Services Australia, established Taskforce IRIS to detect and target groups and individuals planning to defraud pandemic response measures. Taskforce IRIS is working closely with partner agencies including AUSTRAC, the Australian Taxation Office (ATO), the Australian Competition and Consumer Commission (ACCC); and Australian Prudential Regulation Authority (APRA).
- Taskforce Quadrant: The AFP, ABF, ACIC and AUSTRAC established Taskforce Quadrant to focus on the prevention and disruption of non-commercial exports of certain goods designated as essential to Australia's COVID-19 response, including PPE and medical supplies.
- Operation Hangfire: The ABF established Operation Hangfire in response to the COVID-19 pandemic to combat the diversion of essential goods and protect the community from counterfeit or illegitimate goods (such as counterfeit COVID-19 test kits). The operation was established to focus on trade related fraud and the risk posed by trade based money laundering from the commercial sale of unapproved or counterfeit critical consumables.
- Serious Financial Crime Taskforce: Home Affairs agencies continue to participate in and support the ATO-led Serious Financial Crime Taskforce (SFCT). During the pandemic, SFCT agencies have agreed that the SFCT would focus on the additional priority of fraud against ATO-led stimulus

measures. Services Australia has become a member of the SFCT to enhance the fight against the threat posed by serious and organised crime to COVID-19 stimulus packages.

- Operational Working Group on Human Trafficking and Slavery: The Government's Operational Working Group on Human Trafficking and Slavery (OWG) has increased the frequency of its meetings to identify and respond to emerging challenges related to the impacts of COVID-19 on human trafficking and modern slavery in Australia. The OWG brings together operational and policy teams from Home Affairs, AFP, ABF, Department of Social Services and Commonwealth Director of Public Prosecutions (CDPP).
- Australian Centre to Counter Child Exploitation: During the pandemic, the AFP-led ACCCE continues to work in partnership with state, territory and Commonwealth agencies and industry with a focus on preventing immediate risk to children, including contact offences. The AFP delivered a national online safety initiative to enhance community safety messaging, with the Minister for Home Affairs announcing new ThinkUKnow at-home resources and a family seven-day safety challenge for parents, carers and children. The AFP worked with the Office of the eSafety Commissioner and the Alannah and Madeleine Foundation to deliver an early childhood resource on online safety.

*Information and intelligence sharing*: The rapidly evolving nature of the pandemic has required the Home Affairs Portfolio to work with partners, including the private sector and international counterparts to develop and share information and intelligence to support targeted and timely responses to changing criminal threats. This included:

- Criminal Justice and Law Enforcement Forum (CJLEF): The Home Affairs Portfolio worked closely with other Commonwealth agencies through CJLEF during the COVID-19 pandemic, convening multiple times to consider the effect of the pandemic on organised crime groups and opportunistic criminals, the evolving threat picture, and opportunities for agencies to act together to ensure a united Commonwealth response to this threat.

CJLEF brings together agency heads from across the Commonwealth to consider the threat of serious and organised crime and provide strategic oversight and guidance for the development of whole of government strategies, policies and coordinated activities to respond to this threat. CJLEF is chaired by the Secretary of the Department of Home Affairs. Other members include agency heads from the ABF; AFP; ACIC; AUSTRAC; AGD; ATO; ACCC; APRA; CDPP; Department of the Treasury (Treasury); Department of Agriculture, Water and the Environment (Agriculture); Australian Signals Directorate (ASD); Office of National Intelligence (ONI); Services Australia; Australian Securities and Investments Commission (ASIC); and Australian Commission for Law Enforcement Integrity (ACLEI).

The Home Affairs Portfolio will continue to work closely with CJLEF agencies during and beyond the COVID-19 pandemic to further enhance whole-of-government efforts to tackle serious and organised crime in Australia.

- Development of pandemic-related intelligence reports: Home Affairs agencies are developing substantial amounts of pandemic-related criminal and financial intelligence reports. As at late June, the Department of Home Affairs had produced 82 products, AFP had produced 88 products, ACIC had produced 121 products, and AUSTRAC had produced 57 products and referred over 1500 suspicious matter reports to partners.
- COVID-19 Joint Intelligence Group: The AFP created and leads the COVID-19 Joint Intelligence Group, which provides intelligence summaries identifying the impacts and predicted impacts to Australia's criminal threat environment from COVID-19. The Joint Intelligence Group draws on intelligence from international and domestic (state, territory and Commonwealth) partners to deliver timely and informed advice to assist decision-making.
- Information and intelligence sharing with international partners and the private sector: AUSTRAC is producing financial intelligence on pandemic-related illicit activity in collaboration with Pacific and

South East Asian counterparts and is working with the private sector (including through the Fintel Alliance) to assist industry identify financial transactions that display indicators of potential fraud against the Government's COVID-19 economic response measures and to improve targeted reporting. AUSTRAC has also worked closely with the private sector to address challenges created by the COVID-19 pandemic in complying with anti-money laundering and counter-terrorism financing obligations by providing a range of regulatory relief measures, including through the extension of compliance reporting timeframes. Home Affairs agencies are also sharing intelligence and information with the Five Eyes community on pandemic-related issues across the law enforcement, border, financial intelligence, and tax communities. The ABF released public guidance on actions that entities can take to reduce the risk of vulnerable workers in their operations and supply chains becoming exposed to modern slavery as a result of the COVID-19 pandemic, and provided input about its customs responses to a database maintained by the World Customs Organization (WCO).

*Identity management:* The COVID-19 pandemic response has required urgent delivery of assistance to a great number of Australians, including many who had not previously accessed government support services. This has challenged traditional methods of identity checking (such as face-to-face checks). The Home Affairs Portfolio is working with partner agencies to assist with identity management and assurance during this time. This includes delivering enhanced system capacity of the Document Verification Service (DVS) as part of the COVID-19 pandemic response, to support Services Australia and the ATO to efficiently deliver Job Seeker and Job Keeper payments, utilising newly updated Anti Money Laundering/Counter-Terrorism Financing rules and guidance to support effective customer identification during social distancing requirements and to support the early release of superannuation initiative, as well as other assistance measures. In the third week of April 2020, the DVS processed its highest ever weekly transaction volumes of 1.88 million, and as at 30 June 2020, had processed over 33.5 million transactions, more than 65 percent of the 50 million transactions conducted in all of 2019.

## **Home Affairs agencies have had significant operational successes**

During the COVID-19 pandemic, the Home Affairs Portfolio has continued to achieve significant operational successes. Some of these have overcome pandemic-related challenges, while others have directly targeted changes in criminal activity as a result of COVID-19. Since 30 April, Home Affairs agencies have led or supported operations that have:

- interdicted illicit drug imports, including one tonne-plus and several multi-hundred kilo imports
- seized cash, including a few multi-million and several multi-hundred thousand dollar seizures
- continued undercover operations and covert human source activity, which disrupted criminal activity and enhanced the understanding of serious and organised crime during the pandemic
- detected groups and individuals seeking to defraud the early release of superannuation scheme, Jobkeeper measure, Services Australia-administered support payments, and Services New South Wales small business grants
- detected groups and individuals seeking to export bulk PPE and medical supplies, as well as individuals seeking to import unapproved pandemic related pharmaceutical products, and
- identified and disrupted SMS phishing campaigns that impersonated Australian government services to deliver mobile malware designed to steal banking information from Australians.



## **There are opportunities to learn from the COVID-19 experience and enhance future responses to organised crime**

The COVID-19 pandemic provides lessons in strengthening, streamlining, and unifying responses to increase Australia's resilience to organised crime threats, while future proofing the country from challenges similar to COVID-19 in their size, scale and mass impact. Home Affairs will consider its responses and assess the utility of continuing taskforces and networks formed during the COVID-19 pandemic. Agencies will also consider operational opportunities that may arise due to COVID-19 related changes in the serious and organised crime environment. Some of these operational opportunities may be able to be exploited now, while others may be exploited following the easing of restrictions.

The challenges posed by the pandemic, and the Home Affairs Portfolio's response, also highlights the benefits in progressing specific reforms in key areas to enhance Australia's response to organised crime. This includes:

### Enhancing identity security

The COVID-19 pandemic response has required urgent delivery of assistance to a great number of Australians, including many who had not previously accessed government support services. This has challenged traditional methods of identity checking (such as face-to-face checks). It has also highlighted an urgent need for a best practice identity management model that:

- delivers assurance in an identity
- protects Australians from identity theft
- supports vulnerable and under-identified people to access services, and
- creates commercial opportunities in an increasingly digital economy.

There is a significant opportunity to enhance current name-based identity checks through greater use of the Face Verification Service (FVS) to provide additional protections against identity crime and fraud. Work is already underway to enhance the capability of the government's Digital Identity Service, myGovID, to use the FVS to create trusted digital identity credentials. The use of myGovIDs and other digital identity credentials will make it easier for people to access online government and other services with greater protection for individuals against identity-related fraud.

Home Affairs is working with jurisdictions to deliver full national coverage of the FVS, with the ability to verify driver licences, subject to the passage of the Identity-matching Services Bill 2019 currently before Parliament.

### Strengthening capabilities to address money laundering and terrorism financing

As noted above, the COVID-19 pandemic has required the Home Affairs Portfolio to work closely with the private sector and international counterparts to develop and share information to respond to changing criminal threats. The Anti-Money Laundering and Counter-Terrorism Financing and Other Legislation Amendment Bill 2019, currently before Parliament, contains a range of measures to strengthen Australia's capabilities to address money laundering and terrorism financing risks. Among other measures, passage of the Bill will strengthen the framework for the use and disclosure of financial intelligence to better support combatting money laundering, terrorism financing and other serious crimes.

### Driving industry action on online child sexual abuse

In March 2020, the US-based National Center for Missing and Exploited Children (NCMEC) received more than two million reports of suspected online child sexual abuse, which represented a 106 percent increase from March 2019. The vast majority of reports to NCMEC are made by electronic service providers. Reports are expected to rise as restrictions ease, with children returning to school and technology companies' human content moderators returning to work in the office (having had reduced capacity to review material in home environments). Remote working arrangements have also increased the time it takes for companies to assess

and action reports. The UK-based Internet Watch Foundation has seen an 89 percent reduction in child sexual abuse websites being taken down between 16 March 2020 and 15 April 2020, when compared to the previous month. Existing artificial intelligence-based systems are being placed under unprecedented stress, having been designed to operate with greater human oversight.

As more countries move towards a recovery phase, the Department of Home Affairs and its counterparts in likeminded countries are stepping up engagement with digital industry to ensure companies take proactive and meaningful action in line with the Five Country Ministerial *Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse*. This engagement on COVID-19 presents an opportunity to test companies' claims that machine learning and artificial intelligence tools are capable of detecting online child sexual abuse activity and material as effectively as human moderators.

### National Coordination Mechanism

The COVID-19 pandemic highlighted a gap in Australia's ability to respond collectively to a crisis affecting multiple sectors and jurisdictions. The NCM Taskforce effectively filled this gap by coordinating and facilitating responses between Commonwealth, state and territory agencies, and where required, industry representatives, on a range of contemporaneous issues to effect a timely and coordinated response. The NCM Taskforce also provided briefing to Government, including National Cabinet, on the non-health response activities.

On 1 July 2020, the NCM Taskforce became a permanent function within Home Affairs (as the National Coordination Mechanism) to coordinate whole-of-government responses to future emergencies and crisis situations, including those that affect public safety, justice and crime.

### Strengthening security in the aviation and maritime sectors

The COVID-19 pandemic has demonstrated that serious and organised criminal groups continue to be prominent in Australia's threat landscape. Despite a reduction in transport operations, airports and seaports remain vulnerable to exploitation by organised crime groups seeking to transport illicit goods.

To address this, the Department of Home Affairs is working with partner agencies to strengthen background checking under the aviation and maritime security identification card (ASIC and MSIC) schemes. The Transport Security Amendment (Serious Crime) Bill 2019 (Serious Crime Bill) introduces an additional purpose to the *Aviation Transport Security Act 2004* and the *Maritime Transport and Offshore Facilities Security Act 2003* to prevent the use of aviation and maritime transport or offshore facilities in connection with serious crime.

The additional purpose aims to reduce criminal influence at Australia's security controlled airports, security regulated ports, and security regulated offshore oil and gas facilities. The intention is to provide for the prescription of new eligibility criteria in the ASIC and MSIC schemes to better target serious crime. The Serious Crime Bill will facilitate the introduction of new offence categories, such as, offences relating to: anti-gang or criminal organisation legislation, illegal importation of goods, interfering with goods under customs control, and foreign incursion and recruitment. The amendments to the ASIC/MSIC schemes will apply to all persons required to hold an ASIC or MSIC.

In March 2020, as part of its inquiry into the Serious Crime Bill, the Senate Legal and Constitutional Affairs Legislation Committee recommended that the Bill be amended to incorporate a criminal intelligence assessment in the background check process for the ASIC/MSIC schemes. The Government is currently considering this recommendation.

## **Conclusion**

The Home Affairs Portfolio will continue to monitor the impacts of the COVID-19 pandemic on criminal activity and law enforcement in Australia, and take active steps to address new threats as they emerge. Representatives from the Home Affairs Portfolio would be happy to elaborate on the points made in this submission to the Committee.