

The Parliament of the Commonwealth of Australia

JOINT COMMITTEE ON THE NATIONAL
CRIME AUTHORITY

SECOND REPORT

November 1986

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MEMBERS OF THE JOINT COMMITTEE ON THE
NATIONAL CRIME AUTHORITY

- Mr Alan Griffiths MP (Maribyrnong VIC) Chairman
+ Senator Alan Missen (VIC) Deputy Chairman
* Senator Don Jessop (SA) Deputy Chairman

Senate

- x Senator Brian Archer (TAS)
Senator Nick Bolkus (SA)
Senator Rosemary Crowley (SA)
Senator Janine Haines (SA)

House of Representatives

- Mr John Brumby MP
(Bendigo VIC)
Hon Peter Duncan MP
(Makin SA)
Mr Peter McGauran MP
(Gippsland VIC)
Hon Michael McKellar MP
(Warringah NSW)

Secretary: Robert Walsh
Parliament House
Canberra

- + deceased 30 March 1986
* Deputy Chairman from 1 May 1986
x appointed 17 April 1986

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DUTIES OF THE COMMITTEE

The duties of the Committee are stated in s 55 of the National Crime Authority Act 1984:

55.(1) The duties of the Committee are -

- (a) to monitor and to review the performance by the Authority of its functions;
 - (b) to report to both Houses of the Parliament, with such comments as it thinks fit, upon any matter appertaining to the Authority or connected with the performance of its functions to which, in the opinion of the Committee, the attention of the Parliament should be directed;
 - (c) to examine each annual report of the Authority and report to the Parliament on any matter appearing in, or arising out of, any such annual report;
 - (d) to examine trends and changes in criminal activities, practices and methods and report to both Houses of the Parliament any change which the Committee thinks desirable to the functions, structure, powers and procedures of the Authority; and
 - (e) to inquire into any question in connection with its duties which is referred to it by either House of the Parliament, and to report to that House upon that question.
- (2) Nothing in this Part authorizes the Committee -
- (a) to investigate a matter relating to a relevant criminal activity; or
 - (b) to reconsider the findings of the Authority in relation to a particular investigation.

RESOLUTION OF BOTH HOUSES RELATING TO THE POWERS AND
PROCEEDINGS OF THE COMMITTEE

The following resolution relating to the powers and proceedings of the Committee was passed by both Houses.

That, in accordance with section 54 of the National Crime Authority Act 1984, matters relating to the powers and proceedings of the Parliamentary Joint Committee on the National Crime Authority shall be as follows:

- (a) That the committee consist of 3 Members of the House of Representatives to be nominated by either the Prime Minister, the Leader of the House or the Government Whip, 1 Member of the House of Representatives to be nominated by either the Leader of the Opposition, the Deputy Leader of the Opposition or the Opposition Whip, 1 Member of the House of Representatives to be nominated by either the Leader of the National Party, the Deputy Leader of the National Party or the National Party Whip, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority group or groups or independent Senator or independent Senators.
- (b) That every nomination of a member of the committee be forthwith notified in writing to the President of the Senate and the Speaker of the House of Representatives.
- (c) That the committee elect a Government member as its chairman.
- (d) That the committee elect a deputy chairman who shall perform the duties of the chairman of the committee at any time when the chairman is not present at a meeting of the committee and at any time when the chairman and deputy chairman are not present at a meeting of the committee the members present shall elect another member to perform the duties of the chairman at that meeting.

- (e) That, in the event of an equality of voting, the chairman, or the deputy chairman when acting as chairman, have a casting vote.
- (f) That 4 members of the committee constitute a quorum of the committee.
- (g) That the committee have power to appoint sub-committees consisting of 3 or more of its members and to refer to such a sub-committee any matter which the committee is empowered to inquire into.
- (h) That the committee appoint a chairman of each sub-committee who shall have a casting vote only, and at any time when the chairman of a sub-committee is not present at a meeting of the sub-committee the members of the sub-committee present shall elect another member of that sub-committee to perform the duties of the chairman at that meeting.
- (i) That the quorum of a sub-committee be a majority of the members of that sub-committee.
- (j) That members of the committee who are not members of a sub-committee may participate in the proceedings of that sub-committee but shall not vote, move any motion or be counted for the purpose of a quorum.
- (k) That the committee or any sub-committee have power to send for persons, papers and records.
- (l) That the committee or any sub-committee have power to move from place to place.
- (m) That a sub-committee have power to adjourn from time to time and to sit during any adjournment of the Senate or of the House of Representatives.
- (n) That a sub-committee have power to authorise publication of any evidence given before it and any document presented to it.
- (o) That the committee have leave to report from time to time.

- (p) That the committee or any sub-committee have power to consider and make use of the evidence and records of the committee appointed during the 33rd Parliament.
- (q) That, in carrying out its duties the committee, or any sub-committee, ensure that the operational methods and results of investigations of law enforcement agencies, as far as possible, be protected from disclosure where that would be against the public interest.
- (r) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Introduction

1. The Parliamentary Joint Committee on the National Crime Authority, established under section 53 of the National Crime Authority Act 1984, tabled its First Report to the Parliament in November 1985. This Report dealt exclusively with the serious problem it was then experiencing in the attempt to establish an appropriate working relationship with the National Crime Authority. With the establishment of an improved working relationship between the two bodies, it is timely for the Committee to report to both Houses of Parliament on a variety of matters relating to the operation of the Authority and the Committee's activities over the past twelve months. The Report draws the attention of the Parliament to some aspects of the performance of the National Crime Authority in carrying out its statutory duties. The Report addresses the difficulties which will be faced in establishing criteria for the evaluation of the work of the Authority given the operation of the sunset clause in the Act, and also addresses the future direction which the Committee may take in performing its statutory and parliamentary duties.

Relationship between the Joint Committee and the National Crime Authority

2. In its First Report, tabled in November 1985¹, the Joint Committee on the National Crime Authority reported that:

[it found] itself unable to fulfil its statutory duty to the Parliament because it [did] not have - and [was] not able to obtain from the National Crime Authority - sufficient information of substance to serve as a basis for₂ the monitoring and review role required of it.

After giving long and detailed consideration to the matters involved in defining the appropriate amount of information required by the Committee to allow it to carry out its statutory duty, the Committee concluded that:

unless section 55 of the National Crime Authority Act is amended along the lines proposed ..., there is no point in retaining a parliamentary committee to act as a watchdog over the National Crime Authority. Indeed, in the absence of the necessary amendment, the retention of the Committee would be a charade, as it provides the appearance but not the substance of the Authority's accountability to Parliament.³

The recommendation of the Committee at that time was that the National Crime Authority Act 1984 should be amended to provide:

(a) that the Parliamentary Joint Committee on the National Crime Authority should have the power to do such things and make such inquiries as it thinks necessary for the proper performance of its duties; and

(b) that where information sought by the Committee is of such a nature that its disclosure to members of the public could prejudice the safety or reputations of persons or the operations of law enforcement agencies then it should be made the subject of a separate report to the Chairman and Deputy Chairman of the Committee.

3. Following the tabling of the First Report the Special Minister of State, the Hon M J Young, MP, convened a meeting between the Joint Committee and the National Crime Authority in an attempt to resolve the impasse which had prevented the establishment of an appropriate working relationship between the two bodies. As a result of this meeting, held in May of this year, it was agreed that the Authority would prepare a comprehensive briefing on its operations for the Committee. As preparation for this briefing the Committee produced a detailed matters of interest document indicating the aspects of the operations of the Authority on which the Committee sought to receive appropriate information.

4. The matters of interest document, which formed the basis of the subsequent briefing, covered such areas as staffing and organisation; computer and information systems; operations and methodology of the Authority under the terms of the National Crime Authority Act 1984; specific operational matters; and a general briefing on organised crime in Australia.

5. The Authority responded to these matters by providing a large amount of written material and by addressing the remainder of the issues during a joint meeting between the Committee and the Authority in June. Further joint meetings between the two bodies took place in August and early November. The basis for these meetings was the need to complete the briefing on the matters of interest document and on additional administrative and operational matters which had arisen in the intervening months.

6. The Committee has been satisfied with the amount of information which the Authority has provided, especially on organisational and administrative matters. On operational matters, the Authority has been commendably forthcoming, although the Committee has chosen not to pursue any matter in which the Committee and the Authority believe that a current operation, the safety of persons working for the Authority or the reputation of persons under investigation are involved. The Committee,

of course, has not in the past sought these categories of information. The provision of this material denotes a significant change in the Authority's position when compared to that taken at the time of the First Report. The Committee believes that, should the Authority continue to provide the appropriate information, it will be well placed to carry out its parliamentary and statutory duties. The resolution of the threshold problem to the qualified satisfaction of both bodies has allowed a more effective working relationship to develop.

7. This relationship is characterised by a degree of mutual trust, a regular exchange of information and a willingness by each body to allow the other to discharge its statutory duties. At this stage, it is neither possible nor desirable for the Committee to make a definitive judgment as to the efficacy of the Authority's operations, however, it believes that its current relationship with the Authority will allow it to formulate such a judgment in due course.

Briefings by the National Crime Authority

Administrative matters

8. The Committee was particularly interested in receiving information from the Authority on aspects of its organisation and staffing. As with all new authorities, and especially one emanating from quite different bodies, the Stewart Royal Commissions in Sydney and the Costigan Royal Commission in Melbourne, the Committee recognised the organisational and staffing difficulties which would be encountered. The principal role of the National Crime Authority, to investigate matters with a view to assembling admissible evidence for the prosecution of offenders in the area of organised criminal activity, has compounded these difficulties in that the Authority has had to create a unique organisation which combines a wide range of professional skills. The assembly of this team has not been without problems, especially in the recruitment of suitably qualified and experienced legal staff to take up senior legal positions in the Melbourne office. This has been an ongoing problem for the Authority. The use of consultant counsel and intensive recruitment campaigns have not been successful in filling all these positions. The Committee understands the public

sector limitations within which the Authority must work in order to recruit suitable people. However, all possible avenues to rectify this weakness in the Authority's senior legal area must continue to be explored.

9. The Committee has been aware of problems associated with the different backgrounds of some officers in the Sydney and Melbourne offices of the Authority, notably in the expectations of former employees of the Costigan Royal Commission as to the way in which the Authority would perform its duties. It appears that there was a lack of understanding on the part of some people that the Authority was to be a quite different body from a royal commission. It was inevitable that different perspectives would exist on the nature and shape of the Authority. Only the passage of time will reveal whether these differing perceptions will disappear as the Authority develops its corporate identity.

10. The Authority, with its principal aim of gathering admissible evidence and developing prosecution briefs, has a quite different focus from that of the Costigan Royal Commission, which collected primary material on aspects of organised crime in Australia and reported to the Federal Government. An unusual feature of the establishment of the Authority was that, due to the

different dates for the winding up of the parent Royal Commissions, the regional office in Melbourne was functional for almost twelve months prior to the full operation of the central office in Sydney. A further source of anxiety in the Melbourne office during the transition period appears to have been the different management style adopted by the new Authority.

11. The Committee does not judge the value of either style but notes the difficult transition experienced by staff in the Melbourne office and the resulting uncertainty of some relationships within the National Crime Authority. The Committee believes that this situation may prove to be an inevitable transitional problem. The Authority appears to have addressed the difficulty and is now closer to operating as a unified organisation.

12. An issue raised by the Committee on which the Authority is taking action is the possible duplication of administrative machinery in the Sydney and Melbourne offices of the Authority. The Committee understands that the Authority is monitoring the work undertaken in the administrative divisions of the Sydney and Melbourne offices with a view to determine whether there is unwarranted duplication between the two offices and, if so, to examine ways of removing any such duplication.

13. The Committee has been concerned at a possible lack of balance in the number of legal and investigative personnel employed in the Authority compared to the number of financial analysts and accountants. The Committee expresses this concern in view of the perceived nature of organised criminal activity in Australia which encompasses not only drug trafficking related crime but also criminal activity associated with a wide variety of financial transactions. The Committee recognises, of course, that both strands are often interrelated. In response to the Committee's concerns the Authority has this matter under review and, if considered necessary, will take the appropriate action when it is setting its future priorities.

14. In the area of computer and information systems the Authority has responded to areas of concern raised by the Committee. These matters covered the Authority's acquisition process, the use of consultants, software development and the security and utilisation of information systems technology in the work of the Authority, together with civil liberties matters arising from the use of computer facilities. The Committee has received detailed material on these matters together with copies of the Authority's ADP Strategic Plans for 1985-86 and 1986-87. The Committee's most serious concerns in this area related to the security of the system and the

increased threat to civil liberties entailed in a computer data base, however, these have been allayed by the Authority's approach. This provides for selective incorporation of material into the system, access to the database to authorised officers within the Authority only and the prevention of access to the data base by other agencies. At this stage the Committee is satisfied with the operation of the Authority's computer and information systems.

15. The Committee has generally been satisfied with the amount of information provided by the Authority on matters relating to its administration and information systems. It will continue to monitor and review these aspects of the Authority's operations.

Operational matters

16. The Committee requested information from the Authority on general and particular matters relating to its operations. The general matters have included the methodology adopted by the Authority in the exercise of its special functions (sub-section 11(1) of the Act) and its general functions (sub-section 11(2) of the Act); the number and general nature of the references from the Inter-Governmental Committee; prosecutions arising from

Authority operations; coordination and cooperation with other law enforcement agencies; criminal intelligence requirements; and the operation of the sections of the National Crime Authority Act 1984, inter alia, relating to search warrants, delivery to the Authority of passports of witnesses, Authority hearings, summoning of witnesses, obtaining of documents, and protection of witnesses.

17. Specific matters raised by the Committee have included the Bruce Cornwell and Barry Bull extradition proceedings, including the difficulties experienced with the original extradition application relating to Mr Cornwell and the justification for the use and expense of a plane from the VIP fleet to transport him to Australia. The Committee has raised allegations relating to some aspects of the operations of the Authority, for example, the allegation that an allegedly discredited New South Wales policeman was given access to confidential information about an alleged target of the Authority. The Authority provided an oral briefing on this matter at the joint meeting in June. The Committee noted the detail of this briefing and whilst the Committee regrets this apparent lapse in security, it is satisfied that appropriate remedial action has been taken. No adverse impact appears to have occurred to the operations of the Authority as a result of this incident.

18. A further allegation which the Committee raised with the Authority was that police officers who gave evidence to the Royal Commission into alleged telephone interceptions were to be employed in a new investigative unit of the Authority. Once again the Committee received an oral briefing on this matter at the joint meeting in June. The Committee noted the Authority's explanation of this allegation and the Chairman recorded, on public policy grounds, the Committee's disquiet at the proposition of employing police who had received indemnities to give evidence before the Royal Commission.

19. The Authority provided a briefing on the allegation that it proposed to use a private inquiry agent whose previous clients included businessmen referred to the Authority for investigation by the Costigan Royal Commission. The Committee was satisfied with the material it received and that the integrity of the Authority's operations had not been jeopardised.

20. The Committee is mindful that these allegations and other similar ones which the Committee has raised with the Authority are obviously more sensitive to the image of the Authority rather than to the integrity of particular investigations. The Committee, in considering these matters, has not yet come to a final view; it will,

however, report on all these matters in due course.

21. On each of the general and specific matters of interest relating to the operations of the Authority, the Committee was provided with an oral briefing at the meetings held in June, August and November 1986. The Committee does not intend to make these briefings public at this stage either by way of a report to Parliament or by any other mechanism. The Committee has been satisfied with the operational material made available by the Authority as far as that material goes. The Committee, of course, respects the Authority's view that it should not reveal details of specific matters where this may jeopardise a current operation or proceedings, or endanger the safety or reputation of officers of the Authority or people under investigation by the Authority. For this reason the Committee has not pressed the Authority on matters relating to its current operations, however, it should be understood that there may come a time when the Committee is placed in a position where it has no alternative but to pursue a particular matter. The Committee is not suggesting that this is an inevitability but should it occur, it may then be appropriate for the second leg of the Committee's recommendation in its First Report to be invoked. It will be recalled that this recommendation involved the presentation of a separate report or briefing to the Chairman and Deputy Chairman of the Committee.

22. This will enable the Chairman and Deputy Chairman to establish strict parameters by which to identify matters which may encroach on operational details. It would prevent the situation arising where a simple assertion can be made by the Authority that certain matters are operational and therefore not areas for legitimate concern for the Committee in terms of its statutory and parliamentary duties. This situation has not arisen thus far, and it may not, but should it occur, this mechanism will allow a bipartisan view to be given as to whether the Committee as a whole ought to pursue a particular line of inquiry.
23. The option for the Committee to pursue matters of concern to finality must remain open if its role as a parliamentary watchdog is to have any credibility with both the Parliament and the community. The Authority's response to specific questions put by the Committee has changed considerably and has accordingly improved the Committee's prospects of discharging its parliamentary and statutory duties.

National Crime Authority Annual Report 1984-85

24. The Annual Report of the National Crime Authority for the year 1984-85 was tabled in the House of Representatives on 19 March 1986 and in the Senate on 9 April 1986 together with comments made by the Inter-Governmental Committee on the report, in accordance with section 61 of the National Crime Authority Act 1984⁴. The Report covers the period from the inception of the Authority, 1 July 1984, to 30 June 1985 and contains material on the establishment and operation of the Authority together with material on the Authority's investigations, law reform matters, the Authority's consultation and cooperation with Australian and international law enforcement agencies and issues relating to the management and administration of the Authority.
25. Sub-section 61 (2) of the Act provides, in detail, for the areas to be addressed in the Authority's Annual Report. The specified areas include matters referred for investigation; a description of patterns or trends and the nature and scope of any criminal activity brought to the attention of the Authority during its investigations; recommendations for changes in the laws of the Commonwealth or participating States or Territory, or for

administrative changes; information furnished by the Authority to law enforcement agencies; prosecutions resulting from Authority investigations; and court proceedings involving the Authority. The Committee noted that these matters were dealt with exhaustively in the Annual Report particularly under the headings of investigations⁵ and legislative matters and law reform.⁶ In the section dealing with investigations the Committee noted particularly the table of relevant offences under investigation.⁷ The table revealed that as at 30 June 1985 the main relevant offences under investigation were drug offences, tax evasion, fraud, currency offences, theft and company offences. The other information contained in the table is the number and type of investigations being carried out in each area of criminal activity. Each investigation is categorised as arising from a reference, a general investigation, an intelligence gathering operation or those that have been referred to other agencies for investigation. The Committee notes that references to the Authority and general investigations cover seventeen areas of major criminal activity and that intelligence gathering operations range across most areas of major crime.

26. The allocation of priorities is one of the most difficult tasks which specialised law enforcement bodies such as the National Crime Authority must deal with, before any

major investigation is commenced. In this context the Committee noted the material in the Annual Report on the preliminary investigative and evaluative work done by the Authority in determining its priorities in the fight against organised crime in Australia.

27. The Committee noted the amount of time and the difficulties which the Authority had experienced in the recruitment of suitable staff and the establishment of satisfactory administrative procedures.

28. The first Annual Report of the National Crime Authority is a noteworthy document and the Committee looks forward to the examination of subsequent Annual Reports.

Briefings by law enforcement agencies and related bodies

29. The Committee, pursuant to its specific mandate under paragraph 55 (1) (d) of the Act:

to examine trends and changes in criminal activities, practices and methods and report to both Houses of the Parliament any change which the Committee thinks desirable to the functions, structure, powers and procedures of the Authority ...,

wrote to the Premiers of all States and the Chief Minister of the Northern Territory seeking their cooperation in having each Commissioner of Police address the Committee on organised criminal activity in their jurisdiction. In the tabling statement, at the time of presenting the First Report, on 29 November 1985, the Chairman and the then Deputy Chairman drew attention to the fact that all States except Queensland, had given their ready cooperation to this request. A subsequent request to the Queensland Premier to give further consideration to this matter was also rejected.

30. The Committee has had briefings from the Commissioners and senior officers of the police forces of South Australia, Victoria, Tasmania, New South Wales, Northern Territory and Western Australia. It has also received a

briefing from the Australian Federal Police, the Australian Customs Service and the Australian Bureau of Criminal Intelligence. These briefings have ranged over many areas of law enforcement and organised criminal activities in Australia. It is not appropriate for the Committee to divulge the detail of these briefings but in general terms the briefings from the Police Commissioners and senior officers covered matters such as the extent of organised criminal activities within their areas of responsibility; the strategies undertaken to deal with the problem of organised crime; possible future trends in criminal activities; difficulties being experienced in the fight against organised crime; and coordination and liaison between the various state and federal agencies, especially in relation to the work of the National Crime Authority. The briefings by the senior officers of the Customs Service and the Australian Bureau of Criminal Intelligence covered similar matters relating to their respective areas of responsibility.

31. The Committee appreciates the contributions made by the various Commissioners and senior officers who have appeared before it during these briefings. It believes that, as a result of these briefings, members of the Committee are better placed to understand the overall background against which the National Crime Authority is expected to carry out its duties and to appreciate the

difficulties facing law enforcement agencies working to combat organised crime. In this context the Committee was disappointed that it was unable to receive a briefing from the Queensland Commissioner of Police. As Queensland is an important link, such a meeting would have been valuable in completing the Committee's overview of matters relating to the fight against organised crime throughout Australia.

32. It is planned to continue this pattern of briefings from law enforcement bodies and to extend them to include officials from the relevant Commonwealth departments and statutory authorities who participate in, and advise on, the development of government policy in combating organised crime. Should these briefings reveal any deficiencies in the development or implementation of policy in this area, the Committee will report to the Parliament.

33. One theme which has been stressed by many of the representatives of the law enforcement agencies who have appeared before the Committee is the crucial need for a high level of coordination and cooperation between all agencies involved in the fight against organised crime. In view of this the Committee intends to examine and report on the Authority's relationships with other law enforcement agencies and the degree of coordination and cooperation which is taking place between these agencies.

Difficulties associated with assessing the work and achievements of the National Crime Authority

34. Section 63 of the National Crime Authority Act 1984 stipulates that the Act, and with it the Authority, shall cease to be in force 5 years after its commencement. The Authority will cease therefore to exist on 30 June 1989 unless replacement legislation is enacted in the meantime. There was very little notice given to the operation of the sunset clause in any of the parliamentary debates surrounding the introduction of the legislation in 1983-84. Nevertheless it is one of the most important sections in the Act and one which will cause a good deal of political and parliamentary debate as the time draws closer.
35. The Committee believes that the inclusion of the sunset provision will necessitate a wide ranging review of the achievements and impact of the Authority on the activities of organised crime. This review will entail an assessment of the effectiveness of the legislation with the object of making recommendations as to the future of the Authority and its modus operandi. The Committee was interested to note that a senior official from the

Department of Special Minister of State informed Senate Estimates Committee E at its hearings in October 1986 that the fate of the legislation and of the Authority would probably be considered at the beginning of 1987.⁸ The Committee puts all participants on notice that it intends to play a major role, on behalf of the Parliament, in the review of the operations of the Authority in the lead up to June 1989.

36. The Committee has been canvassing the general issue of establishing appropriate evaluation criteria for organisations such as the National Crime Authority during its briefings with law enforcement officials and academics. The only conclusion the Committee is prepared to make at this point is that it will be extremely difficult to establish criteria by which to evaluate the effectiveness of the Authority - a conclusion shared by most people with whom the Committee has met over the past months.

37. As with all law enforcement agencies, there is an understandable tendency to measure the effectiveness of the operation by simply referring to the number of prosecutions resulting from the investigations carried out by the Authority. If this is established as the criterion by which the Authority is to be judged, it is safe to assume that the Authority would produce the

requisite number of prosecutions. The danger is that such prosecutions may not go to the heart of the organised crime issue in this country. The Committee recognises the inherent difficulty in using such a simplistic measure when it is remembered that the major role of the Authority is to gather admissible evidence which is then passed to the prosecuting agencies. It must be remembered also that much of the Authority's work is carried out in conjunction with Federal and State police forces under whose auspices prosecutions are often launched. The Committee therefore remains sceptical of the value of this kind of "scoreboard material" and, even if a qualitative feature could be added, it would want to look at additional, more appropriate, criteria before arriving at any conclusion as to the effectiveness of the Authority.

38. The Committee is also mindful of the long term perspective which may be required to assess adequately the success or failure of the National Crime Authority. While many people may be interested in a visible return for public expenditure on the Authority in its first two or three years of operation, the reality is that the impact of this expenditure is more likely to be cumulative than immediate. The Committee is of the view that it is difficult to disrupt organised crime effectively in the short term but in the longer term, say

five to seven years, it may be possible to disrupt the financial structures and organisation which surround much of the activity of organised crime. This appears to be especially the case in organised crime related to drug trafficking. The Committee does not suggest that the Authority can be expected to achieve results only towards the end of its statutory life; however, it does caution against making hasty judgments as to its effectiveness.

39. A further aspect of this question is that it may be unavoidable for subjective judgments to be made with respect to the effectiveness of the Authority. The usual orientation for law enforcement agencies is to be satisfied if offenders are locked up or specific prosecutions are launched. A broader social control perspective may need to be adopted whereby the effectiveness of the Authority can be assessed according to the contribution it has made to the removal of the atmosphere of organised crime which pervades certain sections of Australian society. Once again the difficulty will lie in establishing appropriate criteria to measure this contribution.

40. While the task may be daunting, the Committee is resolved, as part of its monitor and review duty, to address the questions of the effectiveness of the Authority in some detail. In due course the Committee may

decide to hold in camera and public hearings at which all these issues can be examined. For the moment the Committee will continue, in spite of its reservations expressed above, to monitor the arrest and prosecutions figures for the Authority. More importantly, the Committee will endeavour to pursue vigorous post-investigation reviews, an activity which hopefully the Authority already carries out as part of the management of its organisation. Whilst the Committee does not expect to receive operational details, it would be appropriate for it to receive substantial material relating to post-operational reviews undertaken by the Authority.

41. The Committee will also continue to meet regularly with the Authority. These joint meetings provide opportunities for the Committee to receive briefings on matters of interest raised by members. These matters, as indicated elsewhere in this Report, deal with a range of issues from organisational and administrative matters to a variety of operational aspects of the Authority's functions. The Committee will also continue to meet with other law enforcement agencies, Government officials and academics involved in, or observers of, the fight against organised crime. In this way the Committee will build up a reasonably complete overview of the effectiveness of the National Crime Authority. These activities will allow

the Committee to make a substantial contribution to the evaluation process which must take place as the Authority's statutory time limit draws closer.

Possible matters for detailed examination

42. Section 55 of the National Crime Authority Act 1984 provides for the duties of the Committee; paragraph (1) (d) charges the Committee:

to examine trends and changes in criminal activities, practices and methods and report to both Houses of the Parliament any change which the Committee thinks desirable to the functions, structure, powers and procedures of the Authority[.]

Sub-section 55 (2) limits the work of the Committee, to prevent it from investigating a matter relating to a relevant criminal activity or from reconsidering the findings of the Authority in relation to a particular investigation. Even so, the Committee has considerable latitude to examine trends in organised criminal activities and to report to Parliament on the impact these trends may have on the powers and operation of the Authority. The Committee, of course, recognises that this examination can only extend to research and not to investigation, however, it believes it has an important role to play in synthesising the vast amount of work which is being done in dealing with organised crime by a range of people and organisations in Australia and in reporting on its findings to the Parliament.

43. In this context the Committee has given consideration to possible areas which it may examine in detail during 1987. Areas which have been considered include forfeiture of assets and the destruction of the economic base of organised crime; witness protection; following the money trail; laundering illegally obtained money; following up the various recommendations from Royal Commissions in these areas; the granting of indemnities; strategies for dealing with organised crime in other jurisdictions; parliamentary supervision of law enforcement agencies; organised criminal activities in Australia; coordination and liaison in the fight against organised crime; legislation against corrupt organisations; and the interrelated nature of the illegal drug trade and other organised criminal activities.

44. The Committee will give further consideration to this aspect in the near future with a view to carrying out a major examination of one feature of organised criminal activities. The Committee will report to both Houses of Parliament during 1987 on this examination and on any change which the Committee thinks desirable to the functions, structure, powers and procedures of the Authority.

Senator Alan Missen

45. It was with deep regret that the Committee recorded the untimely death of its widely respected Deputy Chairman, Senator Alan Missen, on 30 March 1986. Senator Missen, as a staunch believer in the accountability of government agencies to the Parliament, always believed in the value of a permanent joint parliamentary committee to monitor the performance of the National Crime Authority. In his capacity as Deputy Chairman, Senator Missen did much to establish the parameters within which the Committee would carry out its statutory duties. His views on the role of the Committee and the scope of its inquiries were always appreciated. Senator Missen made a crucial contribution to the establishment of the bipartisanship which has continued to characterise the work of the Committee. This is a reflection of the trust which he placed in his colleagues and his conviction that a parliamentary committee could possess the integrity and good sense to ensure the effective oversight of the operation of the National Crime Authority. The work of the Committee is testimony to the faith Senator Missen had in the value of parliamentary committees.

46. The Committee appreciates the cooperation and the material it has received from the various Federal and State officials who have appeared before it during the year. This cooperation is a necessary feature of the work of monitoring both the performance of the National Crime Authority and the nature of organised criminal activities in Australia. Finally the Committee thanks members of the staff of the Senate who have assisted in its work, including Robert Walsh, Rosa Ferranda, Christine Hall, Jacqueline Bradley and Elizabeth Malone.

Parliament House
CANBERRA
November 1986



Alan Griffiths, MP
Chairman

End notes

1. Joint Committee on the National Crime Authority First Report, 29 November 1985, Parliamentary Paper No 501/1985
2. ibid, paragraph 2
3. ibid, paragraph 71
4. National Crime Authority, Annual Report 1984-85, Parliamentary Paper No 39/1986
5. ibid, pp 20-31
6. ibid, pp 32-39
7. ibid, p 24
8. Senate Estimates Committee E, Hansard, 26 September 1986, p 1039