

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN FEDERAL POLICE

**Question No. 178**

**Senator Ludwig asked the following question at the hearing on 24 May 2005:**

Asia Pacific Economic Cooperation (APEC) 2007:

- a) What will be the AFP's role in this budget measure?
- b) Can you provide a breakdown of where the funds will be spent?
- c) Does the budget include funding for additional AFP officers? If so, how many?
- d) How much in terms of resources from your general budget are being used for the APEC 2007 summit?

**The answer to the honourable senator's question is as follows:**

(a) The AFP's role in the budget measure will be to provide the following:

- Provision of Close Personal Protection (CPP) to Australian Holders of High Office, diplomats, visiting dignitaries and others assessed to be at risk consistent with the National Counter Terrorism Plan and Handbook.
- AFP operational, investigative and support services on location as required, to ensure the Commonwealth is well placed to respond to any incidents, i.e.:
  - Forensic Services;
  - Australian Bomb Data Centre;
  - Enhanced Counter Terrorist First Response through deployment of Regional Rapid Deployment Teams (RRDT);
  - Joint Counter Terrorism Teams;
  - Media and Public Relations;
  - Intelligence Analysts;
  - Police Technical Teams; and
  - Police Radio Communications.

(b)

Financial Year	Activity	Cost (\$m)
2005/06	Employee expenses for AFP Member on APEC Task Force	\$0.117
2006/07 & 2007/08	Travel and accommodation costs for:	
	Security Liaison Officers	\$0.084
	Close Personal Protection	\$0.200
	CTFR additional functions	\$0.045
	Forensics	\$0.035
	Investigations	\$0.039
	Joint Counter Terrorism Team	\$0.036
	Media and Public Relations	\$0.017
	Intelligence	\$0.036
	Police Technical Team	\$0.030
	Police Radio Communications	\$0.029
	ABDC	\$0.036
	Criminal History Checks	\$0.660
	Salary for member on APEC Task Force	\$0.234
Costs for administering increase in activity	\$0.070	
<b>TOTAL ESTIMATED COSTS</b>	<b>\$1.668m</b>	

*Note: Travel costs have been priced around current costs – the estimate is expected to change as further details are confirmed of meeting locations/dates.*

(c) No.

(d) The AFP will absorb the salary costs of members involved in the provisions of services, including CPP, Investigations, Forensic and Protective Service members.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
ATTORNEY-GENERAL'S DEPARTMENT

**Output 2.4**

**Question No. 179**

**Senator Ludwig asked the following question at the hearing on 24 May 2005:**

- a) Could you provide a breakdown of the \$174,948 figure given at February estimates?
- b) How were the private security providers chosen?
- c) Was there a tender process for the contracts to perform these duties?
  - i) Was it open or closed?
  - ii) Was it advertised? If so, in which newspapers was it advertised?
  - iii) Who is on the selection committee for the tender?

**The answer to the honourable senator's question is as follows:**

- a) Of the \$174,948 figure \$75,771 is for guarding provided by SAPOL Security Services (a branch of SAPOL). \$99,177 is for guarding provided by two private security companies.
- b) 2003-04 was the first time that private security companies were engaged to supplement guarding services. Each instance was at very short notice to deal with unforeseen requirements that were time critical. PSCC is developing a process for managing this situation should the need arise in the future. This will involve a service provider panel selected by tender.
- c) No.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN FEDERAL POLICE

**Question No. 180**

**Senator Ludwig asked the following question at the hearing on 24 May 2005:**

In relation to the comments made by Mick Keelty, reference Legal & Con page 20, Commissioner Keelty says "*the issue is we've actually been funded to do these things, we have been funded to provide police with the Solomon Islands, New Guinea, East Timor and Cyprus etc*".

In relation to the AFP's significant number of overseas commitments, when these overseas commitments terminate what will happen to the officers who were hired specifically for those commitments or the staffing levels that were boosted specifically to meet those commitments? Will these officers be retrenched?

**The answer to the honourable senator's question is as follows:**

The AFP has employed a range of strategies to meet overseas commitments. These strategies include some two year fixed term employment of some former AFP employees, two year fixed term employment of some former State police, and fixed term arrangements for the backfilling of some Australian based positions, where the usual occupant is working overseas.

In the context of overall employment strategies for all AFP commitments, this range of measures is expected to continue to provide workforce capability and flexibility. A Workforce Planning Committee chaired by the Chief Operating Officer monitors staffing across all functions. The Committee incorporates planning and decision making on workforce modelling, projection, and adjustment at its monthly meetings.

While it is difficult to be catagorical about any future based workforce strategy, with careful planning, it is not envisaged that retrenchments will be required.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN FEDERAL POLICE

**Question No. 181**

**Senator Ludwig asked the following question at the hearing on 24 May 2005:**

Regarding the 2004-05 Budget measures 'Solomon Islands Health Services for AFP Personnel'

- a) Was this provided as a commercial contract?
- b) What sort of tender process was there for the provision of the contract?
- c) Was it open or closed?
- d) How many applications were received?

**The answer to the honourable senator's question is as follows:**

- a) Yes. Health Services are provided under commercial sub-contract by Aspen Health Services to the Prime Contractor, Patrick Defence Logistics (PDL), for contract V310126 – *Provision of Logistic Support Services to the RAMSI – Operation Helpem Fren.*
- b) A two stage tender process was undertaken for the prime contract by the Australian Defence Force; Stage 1 - Invitation to Register Interest (ITR) followed by Stage 2 - Request for Tender (RFT). In the subsequent RFT sent to four companies, the health services component was undefined because of operational uncertainties. Once the health component became defined, some time after prime contract signing, PDL were directed to seek a subcontractor by open tender. There were two respondents and Aspen Health Services was successful.
- c) Open.
- d) Fourteen responses to the ITR were received. In the subsequent RFT, four responses were received and evaluated.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN FEDERAL POLICE

**Question No. 182**

**Senator Ludwig asked the following question at the hearing on 24 May 2005:**

Regarding the following measures:

AFP - Enhanced technical capacity to strengthen intelligence & Detection of terrorist threats

AFP - NIDS - enhanced technical capacity

AFP - NIDS - AFP law enforcement cooperation programme

AFP - NIDS - AFP communications network

AFP - Provision of five boats to the Indonesian police

- a) What year were these measures announced in?
- b) What was the year-by-year breakdown of funding in the announcement?
- c) Regarding the AFP program 'Continued Funding for People Smuggling Strike Team' (2004-05), was this funding mutually exclusive of the funding announced in the 2002-2003 budget for double the strike team capacity of the AFP?
- d) Regarding the AFP program 'National Illicit Drugs Strategy - AFP law enforcement cooperation programme' (2003-04), was this funding mutually exclusive of the 2002-2003 budget measures for expansion of the Law Enforcement Cooperation Programme?
- e) Regarding the AFP program 'Continued Australian Police presence in the UNTA in East Timor'. Is the 2001-2002 budget measure, 'Payment for AFP East Timor peacekeepers', included in this funding? Was all of this expended?
- f) Regarding the AFP program 'Unauthorised Arrivals - additional resourcing to investigate people smuggling', is this funding mutually exclusive of the people smuggling strike force announced in 2002-2003?

**The answer to the honourable senator's question is as follows:**

AFP - Enhanced technical capacity to strengthen intelligence and detection of terrorist threats

(a) Announced in 2002-03 Budget

- |     |         |        |
|-----|---------|--------|
| (b) | 2002-03 | \$3.1m |
|     | 2003-04 | \$3.1m |
|     | 2004-05 | \$2.8m |
|     | 2005-06 | \$2.0m |

AFP - NIDS - enhanced technical capacity

(a) Announced in 1999-2000.

- |     |         |        |
|-----|---------|--------|
| (b) | 1999-00 | \$1.6m |
|     | 2000-01 | \$0.9m |
|     | 2001-02 | \$0.9m |
|     | 2002-03 | \$0.9m |

AFP – NIDS – AFP law enforcement co-operation programme

- (a) There were two new measures announced which relate to this description – in 1998-99 and an expansion in 1999-2000
- (b) 1998-99 \$1.2m  
1999-00 \$1.5m  
2000-01 \$1.5m  
2001-02 \$1.5m  
  
1999-2000 \$2.0m  
2000-01 \$2.0m  
2001-02 \$2.0m  
2002-03 \$2.0m

AFP – NIDS – AFP communications network

- (a) Announced in 1999-2000.
- (b) 1999- 00 \$1.2m  
2000-01 \$1.2m  
2001-02 \$1.2m  
2002-03 \$1.2m

Note: The funding for NIDS is now ongoing and incorporated into the AFP's forward estimates.

AFP – Provision of 5 boats to Indonesia Police

- (a) Announced in 2002-03 Budget
- (b) 2002-03 \$0.9m  
2001-02 \$0.2m  
2004-05 \$0.2m  
2005-06 \$0.2m
- (c) Yes. There was separate funding for the two new measures.
- (d) Yes. There was separate funding for these two new measures, despite the similarity in names.
- (e) The 2001-02 budget measure 'Payment for AFP East Timor peacekeepers' related to a one-off adjustment payment for AFP officers who served in the first three deployments to East Timor as compensation for tax exemptions for which they were not previously entitled. This funding was not included in the funding provided for AFP peace-keeping activities in East Timor. This funding was not fully spent as some AFP officers chose to have the adjustment processed through the tax system.
- (f) The Unauthorised Arrivals budget measure was announced in the 2000-01 budget. This program received renewal funding in 2004-05, but there was no funding announced in 2002-03.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
ATTORNEY-GENERAL'S DEPARTMENT

**Output 2.4**

**Question No. 183**

**Senator Ludwig asked the following question at the hearing on 23 May 2005:**

- a) How much of the AGD's funding in terms of diplomatic guarding services is being transferred to the AFP? All of it?
- b) What role will the AGD continue to play in diplomatic guarding services?
- c) What was the rationale behind transferring the guarding services from the AGD to the AFP?
- d) How long will the transfer of roles take? Ie Will it be immediate, or will there be a phase-in period?
- e) If there is a phase-in period, how long will that take?
- f) Is this just a transfer of funding and powers or are there any new initiatives that are being undertaken by the AFP as part of the reorganisation?

**The answer to the honourable senator's question is as follows:**

- a) \$10.4m. \$200,000 will be retained by AGD to meet security costs associated with Holders of High Office overseas travel and guarding services in locations where the AFPPS are unavailable.
- b) The AGD has responsibility for whole-of-government coordination of protective security arrangements. The department will continue to coordinate the national protective security arrangements and delivery of diplomatic guarding services in Australia.
- c) The transfer of the funding to the AFP allows the provider of the service to be funded directly for patrolling and guarding services.
- d) The new funding model is immediate and commences in 2005-06.
- e) There is no phase in period.
- f) The funding transfer is one element of a restructuring of the delivery of guarding services arising out of the Protective Security Review recommendations.



SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN FEDERAL POLICE

**Question No. 184**

**Senator Ludwig asked the following question at the hearing on 24 May 2005:**

In relation to the National Missing Persons Hotline:

- a) Where does it get this funding from? It is all federal or shared between federal and state?
- b) Has it begun any initiatives over the last year? If so, what are they?
- c) For the following years, please provide a breakdown of the number of calls made to this Hotline between 99/00 – 04/05
- d) What was the cost of this service over those years?
- e) How much has been spent on advertising this service for each year 99/00-04/05?
- f) What evaluation has been performed by the NMPU on this hotline?

**The answer to the honourable senator's question is as follows:**

- a) The National Missing Persons Hotline is the FreeCall 1800 000 634 number, funded by the AFP.
- b) No.
- c) During the period 99/00 – 02/03 the Australian Bureau of Criminal Investigation (ABCI) had responsibility for the NMPU. The AFP does not hold any records relating to the number of calls made to the hotline for this period. During the period 2003/04 approximately 481 calls were received on the hotline. During the period July 2004 to 16 May 2005, 1454 calls were received on the hotline.
- d) During the period 99/00 – 02/03 the ABCI had responsibility for the NMPU. The AFP does not hold any records relating to the cost of calls made to the hotline for this period. During the period 03/04 the hotline cost approximately \$485.03. During the period July 2004 to 16 May 2005 the hotline cost \$1132.60.
- e) The function of the National Missing Persons Unit transferred to the AFP on 1 July 2003. Full cost of Telstra White Pages entries and FreeCall provision across Australia since that time is \$42,530.48.

The 1800 number is included on all National Missing Persons posters, National Missing Persons Week posters, AFP website and links from state and territory police forces, electronic and print media articles at no cost to NMPU.

- f) The 1800 number was commissioned during 1999 by the NMPU when it was located in the ABCI. It transferred to the AFP in July 2003. An evaluation of its effectiveness will occur during 2005-06.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN FEDERAL POLICE

**Question No. 185**

**Senator Ludwig asked the following question at the hearing on 24 May 2005:**

The NMPU delivers an integrated approach nationally to reduce the incidence and impact of missing persons and informs senior law-enforcement, government and community decision-makers about the issues relating to missing persons.

- a) Could you outline what sort of an integrated approach there is to missing persons information that is provided by the NMPU?
- b) Which senior law-enforcement, government and community decision-makers has the NMPU provided formal advice to so far this year?
- c) What is the national incidence of missing persons for each year since 99/00 to 04/05 by:
  - i) total sum of cases
  - ii) total per 100,000 population
- d) What is the Budget allocated to this unit for each financial year from 99/00 to 04/05?
- e) What was the Budget of the predecessor National Missing Persons Bureau?
- f) What risk factors have the National Missing Persons Unit identified in an Australian context?
- g) Regarding the National Advisory Committee and Police Consultative Group on Missing Persons that was in existence in 2002/03, is this body still extant? Is it one body or two?
- h) Please provide the Committee with a synopsis of the functions of this organisation/s?
- i) Who is on the National Advisory Committee and Police Consultative Group on Missing Persons?
- j) How often have they met? Are the minutes of those meetings available?
- k) Including Crimtrac and ACID, how many agencies carry all or part of a missing persons database function in Australia?

**The answer to the honourable senator's question is as follows:**

a) The National Missing Persons Unit (NMPU) ensures the sharing of information relating to missing persons through: the NMPU website; maintaining contact with all Australian jurisdictions and where necessary, Interpol; media liaison through magazines, newspapers and electronic media; coordination of missing person information for inclusion on National Missing Persons posters; coordination of National Missing Persons Week; and through the production of publications. The NMPU also initiated the National Minimum Standards for the Investigation of Missing Persons to ensure that all jurisdictions apply consistent practices and procedures in responding to reports of missing persons.

The NMPU has initiated a social impact study, in conjunction with the NSW Attorney-General's Department, to examine and gain a better understanding of the characteristics and motivations of the missing population. The aim of the study is to enable prevention or early intervention with people at risk, and gain a better understanding of the needs of missing persons and their families.

b) Advice has been provided to:

- The Australian Government, through the Minister of Justice and Customs; and
- State and territory jurisdictions through minutes from Police Consultative Group on Missing Persons and National Advisory Committee on Missing Persons.

c) i) Total sum of cases:

1999-00	2000-01	2001-02	2002-03	2003-04	2004-05
29481	29386	28290	28094	27713	28493

ii) total per 100,000 population

1999-00	2000-01	2001-02	2002-03	2003-04	2004-05
154	151	144	141	138	142*

\*based on Australian Bureau of Statistics 2003/04 population statistics.

(d) During the period 99/00 – 02/03 the Australian Bureau of Criminal Intelligence (ABCI) had responsibility for the NMPU. Records held by the NMPU indicate that in May 1995 the Commonwealth Government committed \$1.2m over four years to establish and fund the National Missing Persons Bureau. In August 1998, the Commonwealth Attorney-General's Department advised the ABCI that the funding was *'recurrent and until the Government decides otherwise, any adjustments will be parameter in nature.'*

In the financial year 2001/2002, the NMPU received additional funding in the amount of \$57,000. A budget allocation of \$0.108m received by the AFP to support the NMPU responsibility on transfer to the AFP in July 2003 lapsed in June 2004. The actual expenditure for 2003/2004 financial year was \$187,460.84 in employee expenses and \$29,956.11 in supplier expenses. The AFP funding of the NMPU for the financial year 2004/2005 is approximately \$0.280m, an increase of over 200%. This is funded from the AFP budget. The actual year to date expenditure for the 2004/2005 financial year as at 31 May 2005 is \$155,872 in employee expenses and \$69,628 in supplier expenses.

e) Refer to the answer to (d).

f) In 1998 the NMPU commissioned a research project resulting in the publication of *Missing People: Issues for the Australian Community*. That study identified 18 priority areas for action, the majority of which have been completely addressed, and some which are now superseded. Each state and territory has utilised the results of the research to instigate their own strategies in accordance with identified trends.

Specific risk factors identified through that research include over-representation of young Aboriginal females in the age group 13-15 years old, mental health issues, young people comprising 55% of the missing population and the incidence of homeless people as forming a large component of the missing population.

The NMPU, Police Consultative Group on Missing Persons (PCGMP) and the National Advisory Committee on Missing Persons (NACMP) have subsequently identified that each jurisdiction maintains independent systems and practices for recording missing persons. In addition there is no national database which records all information regarding missing persons across jurisdictions.

g) The PCGMP and NACMP are extant. They are two separate bodies.

h) The NACMP provides a forum for discussion of issues relating to missing persons at national and jurisdictional levels. Specific functions of the Committee include:

- Identification of strategies to raise public awareness in the most cost effective manner utilising existing resources;
- Facilitation of a national unified approach to Missing Persons Week by building on existing infrastructure;
- Assistance in the development of a comprehensive national response to the issue of missing persons;
- Identification and recommendation on legislative change; and
- Identification and recommendation on procedures associated with reporting and investigation of missing persons.

The role of the PCGMP is to

- Facilitate a national, standardised and improved police response to reported missing persons through prevention, location, education and support of missing persons as identified by the NACMP.

i) The core membership of the PCGMP are officers in charge of the jurisdictional police Missing Person Units, the NMPU and representatives from Interpol. The NACMP core membership is a representative from the Salvation Army Family Tracing Service, International Tracing and Refugee Services Australian Red Cross, Families and Friends of Missing Persons (NSW Attorney-General's Department), Missing Persons Committee NSW Inc, Link-Up (NSW Aboriginal Corporation), Open Family Foundation, International Social Services, representatives from at least four law enforcement jurisdictions, a media advisor from Austral Media (Melbourne) and the National Missing Persons Unit.

j) The two groups have met at least nine times each and Minutes are available subject to the clearance of attending members.

k) Each law enforcement jurisdiction maintains missing persons records within their police operating systems. NSW Police developed an independent database (Missing Person Intranet Application) to improve information management and service delivery. A number of non-government tracing organisations also maintain their own tracing databases.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN CRIME COMMISSION

**Question No. 187**

**Senator Ludwig asked the following question on 24 May 2005:**

- a) What is the information sharing working group doing at the moment? How has it progressed the development of the issues mentioned at February estimates?
- b) How many times has it met in the last twelve months? Please provide dates?
- c) Are any minutes available?

**The answer to the honourable senator's question is as follows:**

a) As mentioned at February Estimates, the ACC Board approved Information Sharing Working Group (ISWG), chaired by a senior officer of the ACC, is examining how technical, legal and other impediments to the sharing of criminal intelligence between Australian law enforcement agencies can be reduced or removed. The functions of the ISWG dovetail with the implementation by the ACC of improvements to the Australian Criminal Intelligence Database (ACID), under the Commonwealth-funded ALERT initiative. The ISWG aims to maximize the flow of intelligence into ACID, so that the improved analytical tools and hardware reliability developed under ALERT can improve availability and quality of criminal intelligence for Australian law enforcement agencies. ALERT is intended to be implemented by mid-2006.

Since February 2005, the ACC has continued to implement the ALERT initiative, focusing particularly on:

- the commissioning of a new Storage Area Network for ACID, to improve system robustness, capacity and flexibility; and
- development and implementation of a range of improved intelligence analytical tools to be provided to all law enforcement agencies.

In its dual roles of managing the ALERT initiative and leading the ISWG, the ACC has also corresponded in recent months with its intelligence partner agencies, to inform agency heads of progress in enhancing ACID and to deal with issues specifically affecting each agency's contributions to, and usage of, ACID. At the same time, discussions have continued between the ACC and those agencies on technical and policy issues.

The ACC Board will receive the findings of the ISWG's work at its November 2005 meeting.

- b) At the ISWG's last general meeting, held in March 2004, it was agreed that its objectives should be progressed by the ACC dealing bilaterally with each member of the Group, to identify agency-specific issues affecting the sharing of criminal intelligence through usage of ACID and to help develop strategies for dealing with those issues. In the past twelve months, numerous bilateral ISWG discussions have been held between the ACC and its intelligence partner agencies.
- c) Notes and minutes of ISWG discussions contain sensitive information and are not generally available.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN CRIME COMMISSION

**Question No. 188**

**Senator Ludwig asked the following question on 24 May 2005:**

- a) Did the board make a decision based on the March presentation regarding chemical precursors and pharmaceutical products? If so, what was that decision?
- b) Where are we going now in terms of the legislative requirements? Has work on any drafts begun? If so, when are they expected to be completed? If not, why not? Is there going to be work begun on them?

**The answer to the honourable senator's question is as follows:**

- a) The Board requested that the ACC develop an action plan to identify strategies to address the amphetamines and other synthetic drugs issue. This work is underway.
- b) The Attorney-General's Department has advised that the *Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures) Bill 2005* was introduced in Parliament on 26 May 2005. The Bill will introduce new federal offences that focus specifically on the trade in precursor chemicals. Dealings in precursors with the intention of manufacturing illicit drugs will be dealt with under a new range of pre-trafficking offences.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN CRIME COMMISSION

**Question No. 189**

**Senator Ludwig asked the following question on 24 May 2005:**

- a) How has the work being done on legislative difficulties in trying to target chemical precursors and pharmaceutical products progressed?
- b) Where is the ACC at in terms of the discussions relating to the findings of the special intelligence operations regarding the trafficking of chemical precursors and pharmaceutical products?
- c) Has anything resulted from the discussions? Any reports, discussion papers, surveys, etc.? If so, please provide?
  - i) If not, will there be anything like this?
- d) Is this process continuing?
- e) Has the national clandestine laboratory database been established?
  - i) If not, is there a timeline for its establishment?
- f) What data will be stored on the database? Who will have access to the database?
- g) Will it be available on ALEIN?

**The answer to the honourable senator's question is as follows:**

- a) The Attorney-General's Department has advised that the *Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures) Bill 2005* was introduced in Parliament on 26 May 2005. The Bill will introduce new federal offences that focus specifically on the trade in precursor chemicals. It will be a defence to the new federal offences if conduct is justified or excused by or under a law of the State or Territory in which the conduct occurs (for example, through the operation of licensing schemes). To provide additional protection to legitimate industry, the Bill also includes a defence to protect those who reasonably believe that they hold a valid licence to use the relevant precursor but, for some reason outside their control, the licence is not valid
- b) Findings from the ACC's Amphetamines and Other Synthetic Drugs (AOSD) Special Intelligence Operation have led to discussions regarding the trafficking of chemical precursors and pharmaceutical products.

These discussions have been progressed through the ACC's representation on two national committees specifically related to the trafficking and diversion of precursor chemicals and pharmaceuticals. These are:

- The National Working Group on the Prevention of The Diversion of Precursor Chemicals Into Illicit Drug Manufacture (PWG), and
- The Inter-Governmental Committee on Drugs Scheduling Working Party on Controlled Substances (SWCS).

The PWG was established by the Minister for Justice and Customs, Senator the Hon Chris Ellison and the then Parliamentary Secretary for Health and Ageing, Trish Worth. It comprises Commonwealth, State and industry representatives and provides a peak forum for stakeholders in the management of precursor chemicals and equipment used in the production of illicit drugs. Members work together, to identify best practice, ensure a consistent national approach and promote better coordination and collaboration.

The ACC contributed to the PWG submission to the National Drugs and Poisons Schedule Committee (NDPSC) on the issue of scheduling pseudoephedrine, which was lodged with the NDPSC Secretariat on Friday 3 June 2005.

The SWCS comprises Commonwealth and State representatives and was established by the Inter-Governmental Committee on Drugs to develop model schedules of drugs and precursors and threshold quantities to be considered for adoption by all Australian jurisdictions. The schedules will be designed to apply to model drug and precursor offences that have been developed by the Model Criminal Code Officers Committee and are progressively being implemented by Australian jurisdictions. The SWCS will play an important role in achieving nationally consistent drug and precursor offences.

c) In addition to the ACC contribution to the PWG submission mentioned in b) above the ACC has produced one National Criminal Threat Assessment, 14 Alerts and one Current Intelligence Report outlining: findings and relevant case studies from the use of its special coercive powers; issues relating to the diversion of precursor chemicals for drug manufacture; drug trends; and emerging threats.

d) Yes, the ACC's Special Intelligence Operation is scheduled to continue to December 2005 and the ACC will continue to report on drug trends and threats.

e) No. The Attorney-General's Department has advised that the establishment of the database is predicated on the endorsement of a business case by the Ministerial Council on Drug Strategy (MCDS). The business case will be considered by MCDS at or before its May 2006 meeting, at which point the timeline for establishment of the NCLD will be finalised.

f) The Attorney-General's Department has advised that it is too early in the development of the database to confirm what types of data will be stored on the database, other than to advise that it will store data from across Australia on seized clandestine laboratories and precursor chemicals used to manufacture illicit drugs. Users of the database will include jurisdictional police drug squads, jurisdictional police forensic laboratories (including outsourced laboratories contracted to State and Territory police), the Australian Crime Commission, the Australian Customs Service, the Australian Federal Police and the National Institute of Forensic Science.

g) The Attorney-General's Department has advised that it is too early in the development of the database to confirm the likelihood or feasibility of integration with existing networks and systems, including ALEIN.



SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN CRIME COMMISSION

**Question No. 190**

**Senator Ludwig asked the following question at the hearing on 24 May 2005:**

- a) To what extent does the ACC work with Australian IT industry stakeholders in determining policy on cybercrime? If so, which ones?
- b) Has the ACC conducted any investigations into internet 'phishing' in Australia?
- c) If so, have any charges been laid, and have any convictions been recorded?
- d) Have any 'phishing' websites been found to have been operating from inside Australia?
- e) Have the ACC conducted any investigations into denial-of-service extortion or attacks in Australia?
- f) If so, have any charges been laid, and have any convictions been recorded?
- g) Have any Denial of Service groups been found to have been operating from inside Australia?
- h) Has the ACC conducted any investigations into extortion crimes that are conducted over the internet?
- i) If so, have any charges been laid, and have any convictions been recorded?
- j) Is the ACC involved in any international investigations or task forces in relation to either of the above two offences? If so, please provide details.
- k) Has the ACC conducted any investigations into computer virus production in Australia? If so, have any charges been laid, and have any convictions been recorded?

**The answer to the honourable senator's question is as follows:**

a) The ACC does not work with Australian IT industry stakeholders in determining policy on cybercrime. The lead Commonwealth agency responsible for cybercrime policy development is the Commonwealth Attorney-General's Department. The lead Commonwealth agency responsible for investigating cybercrime is the Australian High Tech Crime Centre. (AHTCC).

The ACC investigates criminal activities such as drug manufacture or fraud, where computers have been used as a tool, and consults with external stakeholders where appropriate.

Cybercrime is an ACC Board approved National Criminal Intelligence Priority, and as such the ACC consults with other law enforcement agencies to produce intelligence assessments on current and emerging threats. The ACC liaises closely with the AHTCC and the Attorney-General's Department in the production of these assessments.

- b) The ACC has not conducted any investigations into internet 'phishing' in Australia.
- c) Not applicable.
- d) The AHTCC would be the most appropriate agency to respond to this question.
- e) The ACC has not conducted any investigations into "denial-of-service attacks" or extortion in Australia.
- f) Not applicable.

- g) The AHTCC would be the most appropriate source for this information.
- h) No. The ACC has not conducted any investigations into extortion crimes that are conducted over the internet.
- i) Not applicable.
- j) The ACC has previously offered technical assistance to the NSWCC/NSWPOL/AFP Ebenezer Cybercrime Task Force. This Task force investigates Cybercrime related offences including 'phishing' and Denial of service. In the last 12 months this assistance has been reduced, due to other competing ACC priorities
- k) No.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
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**Question No. 191**

**Senator Ludwig asked the following question at the hearing on 24 May 2005:**

- a) Is the ACC organised crime hotline only available in English, Chinese and Vietnamese?
- b) Why have only these languages been targeted?
- c) Are there any plans to add additional languages? If so, which ones?

**The answer to the honourable senator's question is as follows:**

- a) Yes.
- b) English is used to gather information from the community in general. Cantonese and Vietnamese were targeted because of the ethnicity of criminal groups involved in specific trafficking operations under previous NCA References and current ACC Determinations.
- c) The ACC will consider its future use of hotlines in accordance with resource and operational requirements.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN CRIME COMMISSION

**Question No. 192**

**Senator Ludwig asked the following question at the hearing on 24 May 2005:**

- a) Has the ACC finished updating its Security Policy and Procedures?
- b) Was this done in conjunction with an external agency or agencies, if so which ones?
- c) Was this done as a result of the ANAO report?

**The answer to the honourable senator's question is as follows:**

- a) The ACC Security Policy and Procedures updates are in draft form and those drafts will be finalised following the release of the 2005 Commonwealth Protective Security Manual (PSM). The new IT Security Policy in line with the new DSD ACSI33 was endorsed by the ACC Executive on 16 March 2005.
- b) No, except as a reflection of revised PSM standards; as these apply to all Commonwealth agencies.
- c) No, however the update of the ACC policy and procedures chapter on Incident Reporting and Investigations will reflect the ANAO recommendations.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN INSTITUTE OF CRIMINOLOGY

**Question No. 193**

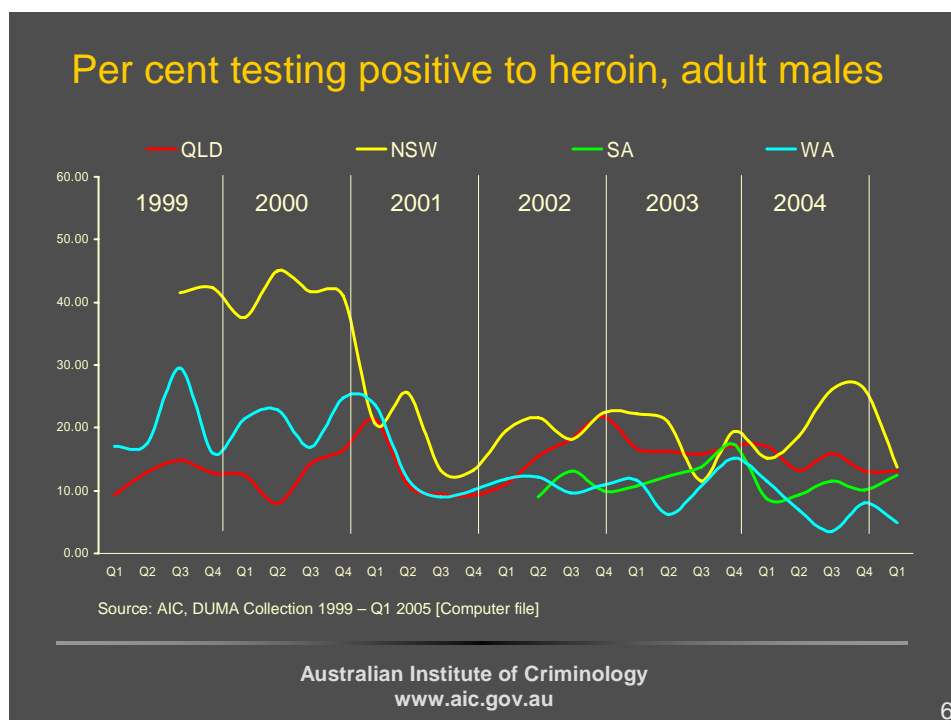
**Senator Ludwig asked the following question at the hearing on 24 May 2005:**

I refer you to a recent newspaper report in the Sydney Morning Herald titled 'Bad news if this drought breaks: heroin dry spell may be over'.

- a) Is the AIC continuing to monitor the national heroin drought?
- b) When is the next report on these issues coming out? That is, when will we know if the downward trend is continuing?
- c) How much heroin has been confiscated so far this year? In weight and dollar value.
- d) Is there any subsequent evidence to suggest that the break of the drought may be spreading to states other than NSW?
- e) Could you provide the latest statistics tables you have on this issue?

**The answer to the honourable senator's question is as follows:**

- a) Yes through its Drug Use Monitoring in Australia (DUMA) program.
- b) A report was released in April 2005 providing an overview of the 2004 calendar year. The next annual report will be released in April 2006 covering the calendar year for 2005. Quarterly data are provided to local law enforcement.
- c) The AIC does not collect this information. Responsibility for collection of this information rests with Customs.
- d) There is no evidence from DUMA to support this.
- e) Below are the latest quarterly trend data aggregated to states.



SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN CUSTOMS SERVICE

**Question No. 194**

**Senator Ludwig asked the following question at the hearing on 24 May 2005:**

- a) How many sniffer dogs have been trained in 01-02, 02-03, 03-04, 04-05?
- b) Of those, how many have gone into service?
- c) How many dogs have been exported in the years mentioned above? To which countries were they exported (also, provide a breakdown)?
- d) How much is charged for a sniffer dog that is exported?
- e) How much has been received in these charges over the years mentioned above?
- f) What is the cost of training a sniffer dog?
- g) How many positive identifications of drugs have the dogs made? If possible, please provide a breakdown into drugs, airport and year.
- h) Of those positive identifications, how many have subsequently resulted in criminal charges?
- i) Of those charges, how many have resulted in a conviction?
- j) If available, please provide information as to the nature of the conviction (ie. charged convicted of, penalty, etc.).

**The answer to the honourable senator's question is as follows:**

- a) The table below represents dogs that have successfully completed an Australian Customs Service (Customs) Detector Dog Program (DDP) training course since 2001.

2001-02	2002-03	2003-04	2004-05	Total
12	20	27	11	<b>70</b>

- b) All dogs were deployed as follows:

	2001-02	2002-03	2003-04	2004-05	Total
<b>Customs</b>	7	20	23	9	59
<b>AFP</b>	0	0	3	0	3
<b>NT Police</b>	0	0	0	2	2
<b>Qld Police</b>	2	0	1	0	3
<b>NSW Police</b>	1	0	0	0	1
<b>Saipan Customs</b>	2	0	0	0	2
<b>Total</b>	12	20	27	11	<b>70</b>

c) The table below represents dogs exported for breeding as well as detection work.

	2001-02	2002-03	2003-04	2004-05	Total
<b>USA</b>	28	30	0	0	58
<b>Saipan</b>	0	4	5	0	9
<b>Thailand</b>	2	0	0	0	2
<b>Total</b>	30	34	5	0	<b>69</b>

d) Customs Detector Dogs are usually sold to international agencies for approximately US\$3,000 per dog. There are factors that can vary the price of the dog such as:

- an individual agreement between agencies;
- requirement of dog (detection work or breeding);
- the ability of the dog (trained or not trained); and
- the age of the dog.

e) For the period in question, Customs received approximately US\$12,000 for the sale of four trained Customs bred detector dogs to Saipan. In addition, Customs was reimbursed some \$AUS24,000 in freightage and vaccination costs for these and five other dogs to Saipan. In other cases dogs have been gifted to various agencies such as the US Department of Homeland Security to begin their own breeding programs.

f) The cost of developing a dog from first born to 12 months is approximately \$5,000. The cost of training a sniffer dog from 12 months old to fully operational is approximately \$50,000. This figure incorporates the additional costs of vet/food expenditure; trainee handler costs, trainers and training equipment etc. This cost can vary depending on the number of dogs on each course and the type of training being provided (eg narcotics or explosives detection).

g) The tables provided below represent DDP significant drug seizures in each financial year since 2001-02. Significant seizures are 50 gm or more in quantity or because of the nature of the concealment. Due to their large numerical occurrence, cannabis seizures below 200 gm are not recorded. The decrease in significant cannabis seizures during 2002-03 is indicative of the move to “powder only” detector dogs in locations other than Cairns, Darwin and Hobart. It also reflects the decline in the amount of detection work conducted by the DDP for other agencies.

<b>DDP Significant seizures 2001-02</b>						
	Cannabis	Heroin	Cocaine	Ecstasy	*Other	<i>Total Seizures</i>
<b>Airport/ PAX/Baggage</b>	0	3	1	2	3	9
<b>Post</b>	5	0	0	4	0	9
<b>Freight</b>	0	0	0	1	0	1
<b>Other Agencies</b>	28	1	0	1	1	31
<b>TOTAL SEIZURES</b>	33	4	1	8	4	<b>50</b>

<b>DDP Significant seizures 2002-03</b>						
	<b>Cannabis</b>	<b>Heroin</b>	<b>Cocaine</b>	<b>Ecstasy</b>	<b>*Other</b>	<i>Total Seizures</i>
<b>Airport/ PAX /Baggage</b>	1	5	4	3	2	15
<b>Post</b>	2	1	19	10	3	35
<b>Freight</b>	0	1	0	2	1	4
<b>Other Agencies</b>	2	0	0	3	5	10
<b>TOTAL SEIZURES</b>	5	7	23	18	11	<b>64</b>

<b>DDP Significant seizures 2003-04</b>						
	<b>Cannabis</b>	<b>Heroin</b>	<b>Cocaine</b>	<b>Ecstasy</b>	<b>*Other</b>	<i>Total Seizures</i>
<b>Airport/ PAX /Baggage</b>	0	1	11	1	1	14
<b>Post</b>	4	0	56	3	2	65
<b>Freight</b>	0	0	0	3	0	3
<b>Other Agencies</b>	4	0	0	2	0	6
<b>TOTAL SEIZURES</b>	8	1	67	9	3	<b>88</b>

<b>DDP Significant seizures 2004-05</b>						
	<b>Cannabis</b>	<b>Heroin</b>	<b>Cocaine</b>	<b>Ecstasy</b>	<b>*Other</b>	<i>Total Seizures</i>
<b>Airport/ PAX /Baggage</b>	0	0	2	2	0	4
<b>Post</b>	0	5	12	2	0	19
<b>Freight</b>	0	0	0	0	0	0
<b>Other Agencies</b>	0	1	1	0	0	2
<b>TOTAL SEIZURES</b>	0	6	15	4	0	<b>25</b>

**Note:**

\* Other seizures include amphetamines, LSD, Gammabutyrolactone (GBL) and Ephedrine

- h) Responsibility for the investigation and prosecution of offences relating to cannabis, heroin, cocaine and ecstasy rests with the Australian Federal Police. Customs does not record the link between a DDP detection and a conviction.
- i) Refer to answer provided under (h) above.
- j) Refer to answer provided under (h) above.



SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN CUSTOMS SERVICE

**Question No. 195**

**Senator Ludwig asked the following question at the hearing on 24 May 2005:**

Regarding the officers engaged in the area of intelligence in the ACS:

- a) Where are they located? Please provide by states, ports if possible.
  - b) What is their APS classification?
  - c) Could you provide the figures for the number of Customs staff employed, and the areas in which they were located for 2002-03-04-05?
- d) How much in the way of funding and resources is allocated to Customs Intelligence area? Could you give us the figures for 96-97-98-99-00-01-02-03-04-05?

**The answer to the honourable senator's question is as follows:**

**a, b and c)**

**Risk Identification & Intelligence (RI&I)**

**FTE by Classification and by Year**

**RI&I FTE at end June 2005 by Classification by Location**

**RI&I FTE 2002-03 to 2004-05 by Location**

Location	APS classification						Total	Location	2002/ 2003	2003/ 2004	2004/ 2005
	SES	CL 5 EL2	CL 4 EL1	CL 3 APS 5/6	CL 2 APS 3/4	CL 1 APS 1/2					
Customs House <b>ACT</b>	1.0 <b>1.0</b>	6.0 <b>6.0</b>	7.6 <b>7.6</b>	23.2 <b>23.2</b>	8.6 <b>8.6</b>	6.0 <b>6.0</b>	52.4 <b>52.4</b>	Customs House <b>ACT</b>	65.6 <b>65.6</b>	57.2 <b>57.2</b>	52.4 <b>52.4</b>
AFP Headquarters Sydney Clyde				6.0			6.0 1.0	AFP Headquarters Sydney Clyde		3.0 1.0	6.0 1.0
Customs House Sydney Airport Sydney Kingsford Smith Airport Sydney (Surveillance)		1.0	4.0	29.8 2.0 1.7	30.1 4.0 5.6	5.0 2.0	70.0 8.0 7.3	Customs House Sydney Airport Sydney Kingsford Smith Airport Mascot (Link Road)		1.0 10.0 34.0	8.0 8.0
<b>New South Wales</b>	<b>1.0</b>	<b>4.0</b>	<b>39.6</b>	<b>40.7</b>	<b>7.0</b>	<b>92.3</b>	<b>92.3</b>	Marrickville Newcastle		1.0 1.0	
Melbourne (La Trobe) Tullamarine		1.0	3.0	23.2 5.9	21.9 21.9	2.5 2.0	51.6 29.8	Sydney Central Sydney (Other)	23.0 35.0	34.4 6.0	7.3
<b>Victoria</b>	<b>1.0</b>	<b>3.0</b>	<b>29.1</b>	<b>43.8</b>	<b>4.5</b>	<b>81.4</b>	<b>81.4</b>	<b>New South Wales</b>	<b>97.0</b>	<b>90.4</b>	<b>92.3</b>
Brisbane (140 Creek St) Brisbane (International Terminal) Cairns		1.0	3.0	15.0 1.0 2.0	19.4 1.0 2.0	2.0 5.0	40.4 7.0 6.0	Melbourne (La Trobe) Tullamarine <b>Victoria</b>	61.7 25.5 <b>87.2</b>	55.1 31.5 <b>86.6</b>	51.6 29.8 <b>81.4</b>
Brisbane Airport Logistic Centre <b>Queensland</b>		<b>1.0</b>	<b>3.0</b>	<b>18.0</b>	<b>27.4</b>	<b>9.0</b>	<b>58.4</b>	Brisbane (140 Creek St) Brisbane (International Terminal) Cairns	42.3 5.0 7.0	38.1 5.0 7.0	40.4 7.0
Container Examination Facility Port Adelaide <b>South Australia</b>			1.0	5.0	8.0	3.0	17.0	Brisbane Airport Logistic Centre <b>Queensland</b>	4.0 <b>58.3</b>	4.0 <b>54.1</b>	5.0 <b>58.4</b>
Container Examination Facility Fremantle Perth				1.0 3.0	6.0 13.0 9.0	0.8 2.8 2.0	7.8 34.4 12.0	Adelaide (Airport) Container Examination Facility Port Adelaide	1.0 22.0		2.0 17.0
<b>Western Australia</b>		<b>3.0</b>	<b>15.0</b>	<b>30.6</b>	<b>5.6</b>	<b>54.2</b>	<b>54.2</b>	<b>South Australia</b>	<b>23.0</b>	<b>21.0</b>	<b>19.0</b>
Hobart <b>Tasmania</b>				1.0 <b>1.0</b>	4.0 <b>4.0</b>	1.0 <b>1.0</b>	6.0 <b>6.0</b>	Container Examination Facility Fremantle Perth		4.6 34.6 15.0	7.8 34.4 12.0
Darwin <b>Northern Territory</b>				4.0 <b>4.0</b>	7.6 <b>7.6</b>	2.0 <b>2.0</b>	13.6 <b>13.6</b>	<b>Western Australia</b>	<b>53.4</b>	<b>54.2</b>	<b>54.2</b>
<b>All Locations</b>	<b>1.0</b>	<b>9.0</b>	<b>21.6</b>	<b>134.8</b>	<b>172.7</b>	<b>38.2</b>	<b>377.3</b>	Hobart <b>Tasmania</b>	6.0 <b>6.0</b>	5.7 <b>5.7</b>	6.0 <b>6.0</b>
								Darwin <b>Northern Territory</b>	16.0 <b>16.0</b>	15.0 <b>15.0</b>	13.6 <b>13.6</b>
								<b>All Locations</b>	<b>406.5</b>	<b>384.2</b>	<b>377.3</b>

**Notes:**

- FTE staffing numbers are at a particular point in time (not averages). The numbers can be slightly inflated at the senior levels as a result of acting arrangements.
- RI&I was responsible for Customs Security and Counter-Terrorism functions until October 2002-03. These functions then moved to another Branch. Changes in staffing numbers over these two years in part reflect this change.
- Variations in locations reflect changes to locations of Customs facilities (for example, the move to the new Customs House in Sydney in 2004-05), or changes in inter-agency support arrangements.
- The above figures relate to Risk Identification and Intelligence Branch only. Intelligence activities undertaken in District Offices or other Divisions have not been included.

**d)**

As there have been changes to the way the function is structured, it is not possible to provide figures for the years prior to 2002-03. The total allocations for the function since 2002-03 are:

2002-03	\$27,568,334
2003-04	\$28,596,875
2004-05	\$31,211,002
2005-06	\$37,133,357

**Notes:**

- The change in total allocation from 2003-04 reflects changes in the functions performed by the area.
- Financial information does not include Tasmania, as this Region does not, for reasons of scale, maintain separate allocations for the RI&I function.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN CUSTOMS SERVICE

**Question No. 196**

**Senator Ludwig asked the following question at the hearing on 24 May 2005:**

- a) When was the investigation into ACS personnel trafficking marijuana begun?
- b) When did the investigation cease?
- c) How many personnel were assigned to the investigation?
- d) Which section of Customs conducts these investigations?
- e) What resources were allocated to the investigation?
- f) How many Customs Intelligence investigations have resulted in a disciplinary action of any kind?
- g) How many ACS personnel have been dismissed or otherwise reprimanded as a result of an internal investigation (not necessarily this one) in 2002-03-04-05?
  - i) Please provide a breakdown into the nature of the investigation, and the number of reprimands, dismissals or other sanctions issued against ACS personnel.
  - ii) Are any ACS personnel currently facing charges as the result of an internal investigation?
  - iii) Have any ACS personnel been convicted of any charges as the result of an internal investigation?
  - iv) How many of these investigations are related to drug-related matters?
- h) Is it possible get a rundown of the investigation?
- i) To what extent did the person(s) making the allegations co-operate and assist with the investigation?
- j) Did they provide any further information?

**The answer to the honourable senator's question is as follows:**

- a) On 14 December 2004, the Manager of the Customs Internal Affairs Unit made preliminary inquiries, however, due to the lack of detail and corroboration and inability to test the veracity of the complainant, the matter did not progress to disclose any issues of substance. Instead, a record was made of the allegation and maintained by the Internal Affairs Unit as intelligence in the event of the receipt of further relevant information. To date no further information has been forthcoming.
- b) See answer to question 196(a) above.
- c) See answer to question 196(a) above.
- d) This type of allegation is referred to the Internal Affairs Unit for recording and inquiry as appropriate.
- e) See answer to question 196 (a) above.
- f) 2002/03 17 Internal Affairs Unit investigations resulted in breach of Code of Conduct action.  
2003/04 27 Internal Affairs Unit investigations resulted in breach of Code of Conduct action.  
2004/05 6 Internal Affairs Unit investigations resulted in breach of Code of Conduct action.

- g) The table below provides information on the number of ACS personnel that have been sanctioned under the Code of Conduct provisions of the Public Service Act 1999 (Section 13).

<b>Sanction</b>	<b>2002/03</b>	<b>2003/04</b>	<b>2004/05 *</b>
Reassigned to other duties		1	
Salary reduction or demotion	1		1
Fine and counselling	5	2	6
Terminated		5	
Counselled	6	5	1
Fined	5	16	1

\* It should be noted that for the 2004/05 period there are 6 matters awaiting Code of Conduct action and a further 18 matters still under investigation.

- (i)

<b>Nature of investigation</b>	<b>2002/03</b>	<b>2003/04</b>	<b>2004/05</b>
Misuse of computer	14	23	7
Inappropriate behaviour	2	3	2
Theft	1	1 investigation involving 3 employees	

- (ii) There are no ACS personnel currently facing criminal charges as the result of an Internal Affairs Unit investigation, however, some are still awaiting the outcome of Code of Conduct action.
- (iii) Yes. During the period 2002/03 one employee was convicted for the theft of commonwealth property and during the period 2003/04 one employee was convicted for making harassing telephone calls using a work extension. In both instances the employees concerned resigned from Customs.
- (iv) None.

- h) See answer to (a) above.
- i) See answer to (a) above.
- j) See answer to (a) above.