

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 117 Part (a)

Senator Humphries asked the following question at the hearing on 18 October 2010:

- a) When was the Annual Report finalised?

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

- a) The corporate *Australian Federal Police Annual Report 2009-10* was finalised on 5 October 2010 and submitted to the Minister for Home Affairs, the Hon Brendan O'Connor MP for approval to table the report before Parliament.

The Minister approved the report for tabling on 8 October 2010.

Following delivery of printed copies, the corporate *Australian Federal Police Annual Report 2009-10* was tabled out of session in the Senate on 15 October 2010.

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 117 Part (b)

Senator Humphries asked the following question at the hearing on 18 October 2010:

Annual Report - Staffing

b) On page two, reference is made to two new portfolios. Please provide a breakdown of all staff broken down by portfolio and by sworn and unsworn members.

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

	AFP Sworn Protective Service Officer	AFP Sworn Police Officer	AFP Unsworn	Total
Serious and Organised Crime	2	256	106	364
Crime Operations	0	379	130	509
Total	2	635	236	873

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 117 Part (c)

Senator Humphries asked the following question at the hearing on 18 October 2010:

- c) Following the Aviation White Paper, please provide how the AFP is responding to each recommendation rising out of this report.

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

- c) The Aviation White paper did not provide specific recommendations, rather it provides a policy platform to ensure a sustainable Aviation environment to maintain and improve Australia's aviation safety in the future. Chapter 8 of the Aviation White Paper articulates policy positions such as Airport Classification and Airport Policing which may impact the Australian Federal Police (AFP).

Airport Classification

The Aviation White Paper notes it is appropriate to ensure consistent development of aviation security policy, particularly in regard to the classification of airports and the associated security measures.

The White Paper states that, *"The Government has decided to amend the Aviation Transport Security Act 2004 to enable security controlled airports to be designated as a particular category of airport, according to their risk profiles. This will also enable regulations to be made to prescribe different legislative requirements for each category of security controlled airports in order to reflect the relative risk profile associated with each category of airport"*.

In January 2010, the Office of Transport Security (OTS) commenced a process to reclassify Australia's major security controlled airports. A working group comprising OTS and AFP Aviation representatives developed a draft Airport Classification Model for the purpose of reviewing security regulated airports.

The OTS model will ultimately be used to assess 30 of Australia's largest security regulated airports (including the current 11 major airports) and provide an intelligence-led, risk-based approach to assist in airport classifications. Any classification of airports will consider the OTS model as part of normal risk management practices however, will also accord with Government direction and budgetary processes.

Airport Policing

The Aviation White Paper states that the Government response to the Federal Audit of Police Capabilities (the Audit), undertaken by Mr Roger Beale AO, will *"improve airport policing and security, ensuring there is the most efficient and effective police presence within the aviation environment"*. In December 2009, the Government endorsed 39 of the 40 recommendations contained within the Audit titled *New Realities: National Policing in the 21st Century*.

A principal recommendation of the Audit in the context of aviation security was for the AFP to transition from the existing Unified Policing Model (UPM) to an 'All-In' Model of Aviation policing and security. The current UPM comprises Airport Uniform Policing (AUP) roles which are performed by state and territory police while Counter-Terrorist First Response (CTFR) roles are performed by AFP Protective Service Officers (PSOs).

The AFP Aviation function has established Project Macer to manage the transition to the 'All-In' Model over the next three to five years. The objectives of this project are to facilitate the transition from the existing UPM at the Australian major airports to the 'All-In' model through:

- transitioning the CTFR workforce from PSOs to sworn AFP police members;
- transitioning from a hybrid Commonwealth / state and territory model of AUP to a dedicated sworn AFP police member workforce; and
- recruiting and training new AFP police members as required.

Under the recommended new model, the UPM workforce will transition into a homogenised, fully-sworn AFP police officer workforce, with the exception of Joint Aviation Intelligence Groups and Joint Aviation Investigation Teams which will maintain their current structure.

Project Macer commenced implementation activities as of 1 July 2010 and will be conducted in annual stages. The project will be subject to a full review after two years of implementation activity.

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 117 Part (c)

Senator Humphries asked the following question at the hearing on 18 October 2010:

c) Following the Beale Review please provide, on notice, how the AFP is responding to each recommendation from this report.

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

c) The report '*New Realities: National Policing in the 21st Century: Federal Audit of Police Capabilities*' provided forty recommendations. The AFP's response to each recommendation is at Attachment A. As a number of the recommendations relate to a range of organisations or to processes that are not the responsibility of the AFP, the answer focuses on the status of relevant AFP action and related action by the Attorney-General's Department and the Australian Crime Commission.

Attachment A

Recommendation	AFP response
Recommendation 3.1 The Attorney-General's Department (AGD) and the Australian Federal Police (AFP) should review the training requirements in the Commonwealth Fraud Control Guidelines and the Australian Government Investigations Standards, and current training levels to ensure they are appropriate and are being consistently applied across the Commonwealth. The AFP should continue the practice of out-posting Federal Agents to Commonwealth agencies as a quality assurance measure and to reinforce a whole of government investigation culture.	The Government is currently reviewing the Commonwealth Fraud Control Guidelines and the Australian Government Investigation Standards. In undertaking these reviews, AGD and AFP are also assessing training needs to ensure they fulfil the needs of Australian Government agencies and are being consistently applied. The AFP continues the practice of out-posting Federal Agents to Commonwealth agencies as a quality assurance measure and to reinforce a whole of government investigation culture. The AFP currently has seventeen officers out-posted to Government agencies.
Recommendation 3.2 The Attorney-General's Department should lead a working party including the Australian Federal Police, the Commonwealth Director of Public Prosecutions, the Treasury, the Australian Securities and Investments Commission, the Australian Prudential Regulatory Authority, the Australian Competition and Consumer Commission, and the Department of Climate Change to examine: i. The scope to make criminal sanctions more consistently available to regulatory agencies and use them more actively to deter breaches and reinforce voluntary compliance ii. The availability and use of warrant powers to the principal business regulatory agencies and whether evidence acquired through AFP warrant powers should be able to be used for any relevant remedy, including	The Attorney-General's Department will lead a working party to examine a range of issues raised by the Federal Audit. The availability of warrant powers to regulatory agencies is now being considered in a broader review of Part IAA of the Crimes Act 1914. This will also consider the appropriateness of evidence acquired through Crimes Act warrants to be available under regulatory frameworks.

civil remedies, under the regulatory body's legislation iii. The case prioritisation protocols, likely ongoing workload and need for development of AFP investigative skills relevant to corporate crime types iv. Conduct a more considered review of the 'lessons learned' issues raised with the Audit identified at finding 3.6A below	
Recommendation 3.3 Further to the commitment made by the Commonwealth Government, and recommendations made by the Clarke Inquiry and the PJC on the Australian Crime Commission, it is essential that interoperable case management systems be developed as soon as practicable. The Commonwealth should take the initiative in securing a firm commitment at the Council of Australian Governments level to having interoperable case management systems in place by 2015. CrimTrac's feasibility study should inform future Council of Australian Governments commitments in relation to this. Without prejudicing whole of Federation initiatives, the AFP's Spectrum Project should continue to facilitate a move by Commonwealth agencies towards interoperable case management systems, common standards and business practices.	CrimTrac is leading the development of a National Case Management Feasibility Study. The Commonwealth will consider the outcomes of the National Case Management System feasibility study once they have been finalised by CrimTrac. The AFP has committed \$82 million over five years from the 2007-08 Budget Measure and internal resources, for Project Spectrum. This program will incorporate the development of an interoperable case management system amongst Commonwealth agencies. A national case management capability would build upon the work already undertaken as part of Project Spectrum. A national case management capability will require collaboration with the states and territories.
Recommendation 3.4 The Australia New Zealand Policing Advisory Agency (ANZPAA) should progress the establishment of national centres of excellence in specialist forensic skills on a formal basis including protocols associated with the charging and	ANZPAA NIFS has agreed to develop a concept paper on establishing centres of excellence as part of its 2010/2011 work program. The Minister for Home Affairs (MHA) launched the Australian Illicit Drug Data Centre (AIDDC), which incorporates domestic drug profiling on 18 February

prioritisation of access to these scarce forensic skills. A domestic drug signature profile database should be developed to provide a domestic equivalent of the international drug profile database. A Commonwealth/State task force driven by the Attorney-General's Department should identify the barriers in evidence and other law to the establishment of a genuinely national forensic framework, including a domestic drug signature profile database, and propose remedies.	2010. The AFP has been provided with \$5 million over four years through the proceeds of crime fund to profile 6,000 domestic illicit drug seizures. The drug profiling project, known as the <i>Enhanced National Intelligence Picture Illicit Drugs (ENIPID)</i> will provide a database developed on domestic samples from the each jurisdiction. The project is funded to profile a total of 6000 samples (1500 per year) of Methamphetamine (500 per year), MDMA (500 per year) and Heroin (500 per year). The project is managed by a board chaired by the AFP and includes members from Attorney General's Department, Australian Crime Commission and NSW Police. As the samples will be drawn from each jurisdiction the AFP is establishing an MOU to permit the collection and movement of State and Territory seized samples for analysis by the National Measurement Institute. Currently the Northern Territory has signed and Western Australia is about to sign. Another key element of the project is the provision of an IT platform on which to collect and collate the data and disseminate reports back to state jurisdictions. A procurement strategy has been completed to obtain the platform from the Western Australian Government's Chemical Centre. Under the auspices of the Standing Committee of Attorneys-General, the Attorney-General's Department and state and territory counterparts have formed a DNA Forensic Procedures Working Group, that is responding to the need for greater national consistency around the use of forensic procedures and evidence for law enforcement purposes.
Recommendation 3.5 As recommended in the Street Review, the Audit agrees that the Australian Government should place a high priority on developing strong mechanisms that will facilitate intelligence sharing among Commonwealth, State and Territory law enforcement agencies, and which carefully manage the risks of the compromise of that information.	Action has been taken to implement this recommendation within the Commonwealth and nationally The Commonwealth Organised Crime Strategic Framework encourages the use of existing Commonwealth data and intelligence holdings, as well as the analytical skills and systems of each agency through collective engagement and closer working relationships. The Framework identified the value of a Criminal Intelligence Fusion Capability to enhance intelligence sharing and Commonwealth responses to organised crime threats and the Australian Crime

	Commission received funding for the fusion capability of \$14.5 million in the 2009–10 Budget. The AFP also supports the proposal of a National Organised Crime Intelligence Model outlined in the Framework to be led by the ACC. The development of this model was recently endorsed by the ACC Board. It is expected that the proposed intelligence model will identify intersections between agencies and allow for the seamless movement of intelligence to inform responses to organised crime. The ACC also maintains the Australian Criminal Intelligence Database (ACID) and the Australian Law Enforcement Intelligence Network (ALEIN) which provides a gateway to ACID for law enforcement agencies. ACID and ALEIN provides federal, state and territory law enforcement and other regulatory authorities with a framework to securely store, retrieve, analyse and share criminal information and intelligence on a national basis. The ACC is currently working with partner agencies through an information sharing working group, to scope the longer term needs of ACID/ALEIN. Nationally, the Standing Committee of Attorneys- General (SCAG) Meeting agreed in 2009 to a series of recommendations to strengthen the national response to organise crime, including those made by the ANZPAA Crime Forum (ACF), through the ANZPAA Board, relating to interoperability and information sharing. The primary ACF recommendations were to develop a national protocol on information sharing and a national protocol on cross-border investigations. SCAG tasked ANZPAA with developing both protocols. This decision was endorsed by the ANZPAA Board in September 2009 and protocols were developed and endorsed by the ANZPAA Board on 2 September 2010. The Protocol for Information Sharing for Serious and Organised Crime has been developed to support any national organised crime response strategies and
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	outlines the commitment from Australian and New Zealand law enforcement agencies to improve information exchange to combat serious and organised crime. The Protocol on Multi-Jurisdictional Investigations for Serious and Organised Crime has been developed to establish a new framework to support the coordination of serious and organised crime investigations, targets and threats. The elements of the framework include establishing a Serious and Organised Crime Coordination Committee (SOCCC). The first meeting of the SOCCC was held on 6 October 2010. The SOCCC is Chaired by the AFP's National Manager of Serious and Organised Crime, and the ACC provide the Secretariat support to the committee. The Protocols will be reviewed at six and 12 months from the date of implementation respectively, and every two years thereafter.
Recommendation 3.6 The Australian Crime Commission (ACC) should emphasise its role as a provider, coordinator and analyst of intelligence in support of the investigation of nationally significant serious and organised crime. As soon as feasible, the ACC should be relieved of tasks and obligations in relation to the investigation of crime other than nationally significant serious and organised crime.	The ACC's revised operating model was incrementally implemented between October 2009 and April 2010. This has enabled the ACC to target its resources—as a provider, coordinator and analyst of intelligence—to maximum effect by supporting both strategic and operational activity that can successfully reduce the harm caused by nationally significant serious and organised crime to the Australian community now and in the future. The ACC will continue to monitor and review the model to determine the value and benefits for the ACC's stakeholders, in support of the recommendation.
Recommendation 3.7 The ACC and its governance structure should be reviewed after a suitable period of experience and confidence building in developing and pursuing a national strategy on serious and organised crime (see Recommendation 8.1).	A review of the Commonwealth Organised Crime Strategic Framework, developed in consultation with a range of law enforcement agencies including the ACC and designed to improve leadership, coordination and effectiveness of Commonwealth responses to serious and organised crime, will be undertaken by 2012. This review will include consideration of a range of agencies, including

	the ACC's, role in implementing the Framework which is the agreed Commonwealth strategic framework to address serious and organised crime.
Recommendation 3.8 The Productivity Commission should be commissioned, with the support of the Council of Australian Governments (COAG), to conduct a study on the national policing workforce akin to that which has been conducted in relation to health. This should incorporate likely future demands, examine demographic drivers and alternative mechanisms for assisting police in determining the allocation of policing resources geographically. It should also examine barriers to the development of a national policing labour market, in particular barriers relating to qualifications and the mutual recognition of qualifications.	The Commonwealth is awaiting the outcomes of the ANZPAA Police Practice Standards Model Feasibility Study and will consult all jurisdictions prior to finalising its response to this recommendation.
Recommendation 3.9 Current levels of funding for the International Network should at least be maintained, and the AFP should continue to be the sole provider of international liaison for all Australian police forces, working in close collaboration with the Department of Foreign Affairs and Trade (DFAT) through its diplomatic missions.	The Government maintains a strong commitment to the AFP International Network and maintaining its role as the sole provider of international liaison for all Australian police forces, working in close collaboration with DFAT.
Recommendation 4.1 The scope and breadth of the National Security strategic planning, budget and other complementary processes should take a broad approach to considering the National Interests that are vulnerable to criminality as a basis for driving priority setting. It would be desirable to develop whole of government plans dealing with strategies over the short, medium and	To support whole of government implementation of this recommendation, the AFP revised its strategic planning framework. This is reflected in the current AFP business planning process which ensures a direct link between the Portfolio Budget Statements (PBS) Strategic Directions, Ministerial Directions, AFP Strategic Priorities, Strategic Processes, Capabilities and deliverables, Recognising that the 2010-11 PBS draws its strategic themes from the strategic context articulated in the text of this recommendation.

longer terms. Priorities for these whole of government plans should include flexibility to respond to changes in the environment, and encompass: - counter terrorism - border protection (under way) - serious and organised crime (under development) - Australian policing deployments overseas in support of peacekeeping and development - e-security and e-crime, and - law enforcement support for business regulation including the Carbon Pollution Reduction Scheme. Strategic Policing Objectives, associated capabilities and budgets should be considered iteratively against the background of these strategies.	
Recommendation 4.2 These plans should progressively provide the framework within which the Minister's direction to the AFP is developed, and against which budget proposals are considered.	This recommendation has been completed for the current planning cycle with the issue of a new ministerial direction on 1 July 2010.
Recommendation 4.3 Greater clarity concerning the links between budget, capabilities and performance in the law enforcement and national security environment should be achieved through a closer and more structured dialogue between the Government, its principal policy advisers and the AFP.	The AFP is party to several refined arrangements for closer and more structured dialogue between the Government, its principal policy advisers and the AFP. This has been primarily affected through mechanisms for the construction of the 2010-11 PBS. An additional new initiative is a programmed strategic, risk-informed, dialogue at agency head level within the portfolio led by AGD. Coupled with the new AFP strategic planning framework outlined at the response to recommendation 4.1 there is now improved clarity about the links between budget, capabilities and performance in the law enforcement and national security environment.

Recommendation 4.4 The Minister should request from the Commissioner a Statement of Intent under s 37(6) of the AFP Act, in response to the Ministerial Direction. This Statement of Intent should set out how the AFP intends to give effect to the Minister's directions and the implications for the AFP's responsibilities.	An updated Statement of Intent is currently being prepared for the MHA and will inform the MHA on how the AFP intends to give effect to the Ministerial Direction.
Recommendation 4.5 The AFP should maintain its new Budget Monitoring Committee (BMC) processes conducted by the Chief Operating Officer and the Deputy Commissioners so as to strengthen its internal systems to better link strategic objectives to capabilities (and their necessary inputs) and thence to budgets. The AFP Commissioner should maintain the appointment of non-executive independent members to key committees such as the Strategic Leaders Group (SLG), the Audit Committee and strategic projects such as the Spectrum Program, to keep informing the AFP's knowledge of and access to governance and strategic best practice.	The AFP has maintained and refined the BMC process to become the Performance and Budgets Monitoring Committee (PBMC) to better reflect the integration of financial, performance and business planning information into one consolidated process. The integration of these three elements into one process will assist the AFP in linking objectives to capabilities, allocating resources to priority areas, and in monitoring deliverable and performance outcomes. The internal budget framework involves: • Maintaining a rolling four year budget, detailing proposed budgets over the four year forward estimates at business areas levels; • An annual budget development review and allocation process, carried out by the PBMC in April/May each year, where the coming year's budgets for all business area's are agreed; • An annual mid year review of budgets and financial performance by the PBMC in November/December each year; and • Regular reporting of financial performance to the Finance Committee (monthly) and SLG (Bi-monthly). The Commissioner has continued the appointment of non-executive independent members to key committees such as the SLG and the Audit Committee. Each of these Committees has two independent members.

Recommendation 4.6 The incoming Commissioner should consider inviting the Secretary of the Attorney- General’s Department and the National Security Advisor to join the AFP Strategic Leaders Group’s discussions relating to future Budget bid priorities and new policy proposals for future budgets, and high level resource allocations against government and organisational priorities. This will complement AFP participation on the range of multi-agency executive fora, strengthen AFP awareness of whole of government priorities, and increase knowledge and understanding of AFP capabilities and needs in the policy and coordinating community.	The Commissioner has provided a standing invitation to the Secretary of the Attorney-General’s Department and the National Security Adviser to attend the SLG when it discusses future budgetary submissions, new policy proposals or high level resource allocations against government and organisational priorities. It is expected that both will be in a position to attend in the 2011 schedule.
Recommendation 4.7 The link between the Strategic Leaders Group and the National Operations Committee (NOC) should be strengthened to ensure that Committee reflects whole of AFP priorities and supports the flexible deployment of resources to achieve them. The Deputy Commissioner Operations (DCO) should chair the National Operations Committee for a period of at least one year. Following this period, the Chair should remain the responsibility of a member of the Strategic Leaders Group, such as the National Manager Intelligence, to maintain the direct link to the Strategic Leaders Group.	The National Operations Committee (NOC) has been the subject of reforms. The Deputy Commissioner Operations (DCO) now chairs two AFP forums that have replaced the NOC, designed to enhance AFP wide business prioritisation and coordination. The first of these is a Weekly Operations Committee (WOC). Convened every Monday, Senior Executives from key AFP business areas receive an intelligence update, discuss AFP wide operations and determine priorities. Based on the prioritisation of AFP wide business, resources are then flexibly directed to achieve planned outcomes. DCO also chairs the AFP Operations Committee (AFP OC). The AFP OC comprises Senior Executives representing AFP operational, operational support, corporate and governance portfolios. The AFP OC undertakes a detailed evaluation of intelligence, operational business and receives comprehensive performance reports. The AFP OC manages the longer term direction of AFP operations and is complemented by the operational level WOC. The AFP OC agenda broadly replicates that of the AFP Senior Leaders Group (SLG) and scheduling of the AFP OC links with the SLG. AFP strategic priority

	setting is managed by the SLG and operational business is executed by the WOC and AFP OC. These initiatives have strengthened the links between the SLG, AFP OC and the WOC.
Recommendation 4.8 The AFP should consider reviewing the delegation of decision-making responsibilities and creating a third Deputy Commissioner, in recognition of the increased expectations and obligations of senior AFP participation and decision-making across Government.	Recommendation accepted and implemented by the Government. Deputy Commissioner Close Operations Support was appointed on 1 January 2010.
Recommendation 5.1 The existing core, lapsing and terminating funding (other than mission specific terminating funding) provided in the AFP Budget should be consolidated into base funding under two outcomes into four programs in accordance with the objectives of Operation Sunlight and to provide the flexibility to meet emerging and new priorities as follows: • Outcome 1 – Program 1: Security and Protection – Program 2: International Deployments – Program 3: Serious Crime • Outcome 2 – Program 4: Community policing for the AFP and the directly policed Territories	The AFP has implemented a new program structure along with a new Outcome Statement for Outcome 1 to be used from 2010-11. This new program structure closely aligns with the AFP's internal organisational structure and is reflected in the PBS for 2010-11. In the 2010-11 budget, the Government consolidated lapsing funding into AFP base and approved the AFP retaining savings generated through the implementation of Beale recommendations to offset the shortfall in the 500 funding. In addition a number of lapsing measures including all ongoing and lapsing Aviation measures were rolled in as ongoing funding.
Recommendation 5.2 These revised Budgetary arrangements should recognise: • the increased transparency that will flow from both	The AFP internal budget development process for 2010-11 was expanded to include performance and renamed the PBMC. The PBMC incorporates performance measure and business planning information into a consolidated

the revised governance arrangements and the development of agreed performance measures; • the unlikelihood of any significant overall reduction in the need for policing resources from around their current level; • the scope for some operational efficiencies and associated savings; and • the scope for greater flexibility to absorb changing future priorities that will flow from consolidated budgetary arrangements.	process. The outcome of this process not only provided internal budgets for business areas but enables the completion of the Commissioner's Statement of Intent, facilitating resource allocation in line with the Ministerial Statement of Expectations.
Recommendation 5.3 In the future the AFP Budget should be retained in a flexible base allocation so that its application can be adjusted to reflect the changes in the government's strategic policing objectives and associated required capabilities and inputs. This base funding structure should be maintained throughout the forward estimates and beyond so the flexibilities (and concurrent additional accountabilities) anticipated by the preceding recommendations are sustained.	The Government's acceptance of the budget related recommendations from the Beale review has restructured the AFP's budget funding so that in 2010-11, 65% is now based funding compared to 27% in 2009-10. A further 20% of funding relates to terminating or lapsing funding, while the remaining 15% relates to the AFP IDG International Future Strategy funding which is under consideration by Government.
Recommendation 6.1 The Government should consider whether it will re-define in capability terms (instead of the 1,200 staff capacity terms originally announced) the mission and resourcing base for the AFP IDG, after it has received a report from the whole of government review of the AFP International Future Strategy which should examine AFP capability requirements in the context of Australia's foreign and development policy objectives and complementary ADF capabilities.	The AFP is in consultation with the MHA and other relevant portfolios in relation to these issues.

Recommendation 6.2 Whilst the AFP Operational Response Group has been recognised as a Police Tactical Group within the National Counter-Terrorism Committee arrangements, and it has good networks with State and Territory-based tactical groups, the National Counter-Terrorism Committee should remain cognisant of the Operational Response Group's priority role as part of the Government's offshore specialist and tactical response capability. Opportunities for utilising available Operational Response Group capacity to service operational exigencies in the broader AFP, including ACT Policing, should continue to be examined closely and implemented as appropriate.	In April 2010, the AFP commenced an internal review to consider enhanced interoperability between the ACT Police Specialist Response and Security Team (SRS) and the International Deployment Group Operational Response Group (ORG). As a result of this review, in September 2010 the AFP decided that planning be commenced to amalgamate the SRS and ORG as one Specialist Policing Capability with a view to full integration effected in the 2011 calendar year. In November 2010, the outcome of the ORG geographic review were released. The result of this review was that all ORG activities will be centralised in Canberra, with full transfer and integration to be effected by 1 July 2012.
Recommendation 6.3 The current respective roles of the AFP and Australian Defence Force in their contribution to peacekeeping operations in the region should be maintained. The current approach involving complementary roles for the Australian Defence Force and the IDG in responding to circumstances of civil unrest in the region should be maintained. The Australian Defence Force and AFP should continue to work together to improve interoperability and should develop joint training and development programs for use where relevant with paramilitary forces in countries to which the IDG deploys. The capability and capacity of the AFP Operational Response Group should continue to be assessed periodically to ensure that it keeps pace with the intensity and scale of civil disturbances for which it may be called upon to respond.	Complete. AFP will review annually (between September and November) the capability and capacity of the ORG and will be informed by an evaluation of the international and regional environment, including input from the Australian Intelligence Community, ADF, AFP Intelligence, AFP Serious and Organised Crime, IDG missions and other relevant stakeholders.
Recommendation 7.1	Implemented through 2010-11 budget with the establishment of Program 1.1

Funding for these programs should be consolidated into a single Program under Outcome 1. ¹	National Security Policing as outlined in the AFP's Portfolio Budget Statement.
Recommendation 7.2 The ongoing agreement between the Commonwealth and States to remain focused on incidents and crime types most relevant to their respective policing responsibilities should be maintained, with clear arrangements for the full operational interoperability between Commonwealth airport police and local State/Territory police.	The AFP is implementing this through Project Macer, a three to five year transition program. Current operating parameters established through existing Memorandum of Understanding (MOU) and Letters of Exchange will be retained during the transition, however the AFP has proposed to establish new concurrent enduring agreements to accommodate the 'All-In' model. The AFP is seeking to establish a new Head Agreement, being a MOU between the AFP and each Jurisdiction, to describe each party's agreed overall and on going roles, policies and mutual objectives that are relevant to Aviation policing and security arrangements under the 'All-In' model.
Recommendation 7.3 Funding for all aspects of airport policing, including lapsing programs, should be rolled into the consolidated core Security program to provide greater certainty and flexibility.	Implemented through 2010-11 budget.
Recommendation 7.4 The Joint Airport Investigations Team (JAIT) and Joint Airport Intelligence Group (JAIG) capabilities as per the current Unified Policing Model should be maintained, by deployment of members from local State/ Territory police agencies in recognition of shared interests in the airport environment.	The AFP is implementing this through Project Macer, a three to five year transition program whereby JAITS and JAIGs will maintain their current structure. More detail on Project Macer is provided in the response to Recommendation 7.5, below.
Recommendation 7.5	Through Project Macer, the AFP will transition from the current Unified Policing

¹ Recommendation 7.1 relates to Finding 7.1 about providing security for Australians, Australian interests and holders of high office.

The Commonwealth should vigorously pursue the replacement of the existing Unified Policing Model with an ‘All In’ model under which the Commonwealth accepts the responsibility of funding and staffing nationally coordinated airport security and policing services, noting that this will likely take several years before being fully operational.	Model (UPM) to an ‘All-In’ model where current state and territory police performing Airport Uniformed Policing (AUP) roles and AFP Protective Service Officers (PSOs) performing Counter-Terrorist First Response (CTFR) roles are provided by a sworn AFP police workforce. The current UPM comprises 328 state and territory police performing AUP roles and 420 AFP PSOs providing CTFR across Australia’s 11 major airports. The objectives of Project Macer are, over the next three to five years, to facilitate the change to the ‘All-In’ model by: • Transitioning the CTFR workforce from PSOs to sworn AFP police; • Transitioning the hybrid Commonwealth/state and territory model of Airport Uniform Police to a dedicated sworn AFP police workforce; and • Recruiting and training new AFP police officers as required. The project will be delivered in stages with annual targets commencing 1 July 2010. Current AUP special members, drawn from state and territory police jurisdictions, will be progressively withdrawn from service and replaced with sworn AFP police members. Current AFP PSOs within Aviation, Protection and the International Deployment Group will be given the opportunity to apply to undertake training to become sworn AFP police members. Not all PSOs will desire to become sworn AFP police members, therefore we expect movement of PSOs between the Aviation and Protection functions during the transition to maintain operational capability. Recruitment has commenced for Project Macer, initially comprising AFP PSOs
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	and AUP Lateral Recruits, existing AFP members and in later years, base recruits. The AFP is actively recruiting on an annual basis and this will be reviewed following the results of each intake. In August 2010, the first recruitment process for PSO and AUP Lateral applicants took place. A total of 446 AFP PSOs and 187 eligible AUP Lateral applications were received and are currently progressing through AFP recruitment gateways. Between July 2010 and June 2011, up to 162 new AFP police officers will be deployed to the 11 major airports. This includes approximately 97 existing AFP PSOs and 65 Lateral AUP officers (jurisdictional police officers) who complete the training to be AFP police officers. Two new training programs have been developed: a sixteen week Federal Police Transition Program (FPTP) for PSOs transitioning to become sworn AFP police members; and a three week Federal Police Conversion Program (FPCP) for current or former AUP Lateral police officers transitioning to become sworn AFP police members. Between October 2010 and June 2011, the AFP will conduct four FPTP's and two FPCP's and one Federal Police Lateral Program. As of 29 November 2010, Project Macer has 66 members undertaking transition training programs.
Recommendation 7.6 Under the 'All In' model, the AFP should seek agreement from all State Police Commissioners to swear in AFP Airport Uniform Police members as special members of the State police forces and/or make any necessary legislative amendments to ensure that the powers of AFP members policing airports are clear and adequate to the task.	On 29 September 2010, the Aviation Crimes and Policing Legislation Amendment Bill 2010 (the Bill) was re-introduced into Parliament. The Bill would amend the <i>Crimes (Aviation) Act 1991</i>, the <i>Commonwealth Places (Application of Laws) Act 1970</i> and the <i>Australian Federal Police Act 1979</i>. The amendments to the <i>Commonwealth Places (Application of Laws) Act 1970</i> and the <i>Australian Federal Police Act 1979</i> rectify existing anomalies relating to

	the policing capabilities of the AFP. In particular, the Bill would amend the <i>Commonwealth Places (Application of Laws) Act 1970</i> so that standard arrest and search powers are available to AFP members when investigating applied state offences at relevant major (Commonwealth place) airports. The Senate passed the Bill on 19 November 2010. It is anticipated that the Bill will go before the House of Representatives in the Autumn sittings this year. The amendments to the <i>Crimes (Aviation) Act 1991</i> are intended to strengthen the existing legislative framework surrounding Australia's international and domestic aviation security regime. Under the proposed amendments, a range of penalties are increased for a number of existing offences and three new offences are created making sure that an appropriate range of offences are applicable for Aviation security. Cairns airport is not a Commonwealth place. This means that the amendments proposed to the COPAL Act will not apply to it. Special arrangements will be needed to ensure appropriate AFP powers at Cairns airport once Queensland Police withdraw. We anticipate working closely with the Queensland Police to develop appropriate arrangements. The AFP will keep the need for additional legislative reform under review.
Recommendation 7.7 The Audit supports the review by the AFP Aviation portfolio of the Counter Terrorism First Response function, which should expand analysis of the requirements, costs and benefits of potential delivery options.	This recommendation is being implemented as part of Project Macer.

Recommendation 7.8 Subject to findings of the Aviation review, the Audit gives its in-principle support for integration of Counter Terrorism First Response into the Airport Uniform Police. If supported by the review, the AFP should recruit additional police to perform this function, giving first priority to any existing AFP Protective Service Officers who are capable and interested in applying for the AFP base recruit course.	This recommendation is being implemented as part of Project Macer.
Recommendation 7.9 Funding for the protection of Official Establishments and Diplomatic Premises should be provided through ongoing appropriations to the Department of the Prime Minister and Cabinet and the Department of Foreign Affairs and Trade, subject to periodic review. Risk assessments should continue to be coordinated across the Commonwealth and State sources by the Protective Security Coordination Branch. The AFP should provide these services on a tied purchaser-provider basis as it does for Parliament House, certain Department of Defence and Department of Foreign Affairs and Trade establishments and the Australian Nuclear Science and Technology Organisation. A limited surge capacity could be provided by Protective Service Officers employed within other AFP programs.	Government does not accept this recommendation. Risk assessments will continue to be coordinated by AGD's Security Coordination Branch.
Recommendation 7.10 The efforts of the AFP Culture and Language Centre, and an active program to reach out to and recruit members of the AFP from at-risk communities should be maintained and deepened, to ensure relevant skills are developed in line with future	The AFP has implemented this recommendation by: • Establishing the AFP People Plan in early 2010 to set the AFP's strategic human resource principles and principles; and

threats.	• Developing a two year workforce plan to identify numbers, skills and appropriate workforce mix incorporating a higher number of women, indigenous groups and people from culturally and linguistically diverse communities. The workforce plan is informed by: • market research undertaken in 2009 to test and validate community awareness and perceptions of the AFP, attitudes towards AFP as an employer and barriers and motivators for recruitment; and • developing a recruitment strategy and related marketing and promotion campaign. An AFP Diversity Plan (with related performance indicators) has been developed. The plan focuses on all diversity groups including women, indigenous groups and culturally and linguistically diverse groups. It will build on a range of initiatives that are already in place or being developed. AFP has a number of initiatives in place to work with ‘at risk’ communities. Several AFP state offices have established Community Liaison Teams to develop closer networks with ‘at risk’ and culturally diverse communities. The end outcome is to generate recruits from these communities. Melbourne office staff, for example, have been working very closely with Islamic communities.
Recommendation 7.11 There should be a whole of government consideration of the adequacy of, and any necessary steps to improve, security cleared translation and interpreting services for at-risk groups.	The AFP is participating in the National Counter Terrorism Committee forums where the implementation of a National Register of Trusted Interpreters for counter terrorism investigations is under consideration.

Recommendation 7.12

The AFP, ASIO and the Commonwealth Director of Public Prosecutions should continue to give a high priority to the implementation of the recommendations of the Street Review and Clarke Inquiry. Consistent with the findings of those reports, the Audit recognises that domestic counter terrorism activities continue to require ongoing resourcing for proactive preventative investigations.

All Street Review recommendations with the exception of 4(b) have been fully implemented.

Recommendation 4(b) requires that ASIO officers seconded to the Joint Counter Terrorism Teams (JCTT) have direct information connectivity to ASIO systems. This recommendation is being implemented and will be complete upon installation of secure connectivity in the JCTTs in each state and territory.

The AFP welcomed the findings of the Clarke Inquiry and continues to work with government to implement the ten recommendations. The majority of the recommendations relevant to the AFP have been implemented.

Those recommendations not implemented to date are due to broader issues which also impact on other agencies and are beyond AFP control. For examples, Recommendation 9 relating to a National Case Management System for major police investigations remains ongoing, and is a long term project and will have significant impact on resources. (refer item 3.3)

The recommendations of particular relevance to the AFP are those which address legislation, and those concerning cooperation, coordination and interoperability in national security operations. The legislative recommendations were addressed in the *Independent National Security Legislation Monitor Act 2010*, National Security Legislation Amendment Bill 2010 and the Parliamentary Joint Committee on Law Enforcement Bill 2010.

Further to the ten recommendations raised by the Clarke Inquiry, the additional issues raised by Mr Clarke during the inquiry have been addressed by the AFP and were implemented operationally in Operation Neath. They are now considered standard investigative practice for the AFP.

The AFP has developed operational protocols for an investigational structure and

	Major Investigation Room guidelines to be implemented for counter-terrorism investigations.
Recommendation 8.1 The work underway led by the Attorney-General's Department to develop a whole of Commonwealth strategy for tackling serious and organised crime should receive a high priority with the aim of bringing forward a submission on the strategy to National Security Committee of Cabinet in the lead up to the 2010-11 budget.	In February 2010, the AFP launched a new operational model known as the Crime Program. The new Crime Program compliments and supports the National Security Statement and Commonwealth Organised Crime Strategic Framework The Crime Program has been developed to: • Drive the AFP's implementation of the Commonwealth Organised Crime Strategic Framework; • To provide an initial response to investigations; and • Investigate and disrupt serious and organised crime. There are two portfolios under the Crime Program: • Serious and Organised Crime; and • Crime Operations. This was undertaken as part of the 2010-11 budget process and was funded from within existing resources.
Recommendation 8.2 The strategy needs to reflect that no single Commonwealth law enforcement agency alone can implement an effective strategy – an effective strategy will be one which combines the most apposite skills and legislation to target key organised crime groups and business lines and: (a) fully engage State police forces, and crime commissions; (b) provide the framework, including through the Heads of Commonwealth Operational Law Enforcement Agencies	To implement the respective elements of this recommendation, the AFP: (a) continued to engage state police and crime commissions as part of everyday business. The Crime Program has been collaborating with various national and international law enforcement partners to develop and implement strategies to disrupt, deter and dismantle criminal syndicates. These include: participating in ANZPAA working groups to develop protocols on cross border investigations and information sharing; hosting meetings such as the Heads of Fraud Squads Forum; establishing Identity Security Strike Teams in Melbourne, Brisbane and

(HOCOLEA) and the Australian Crime Commission, under which there can be an agile response to fast moving organised crime patterns through ad hoc joint Commonwealth, and Commonwealth-State intelligence and investigative task forces; (c) carefully review Commonwealth legislation and its application to ensure that it effectively targets the economic returns to crime (d) focus on the tracking of financial flows as a key input to intelligence about organised crime activities; (e) ensure that the Commonwealth effort is appropriately coordinated with action by State law enforcement agencies through building on going arrangements between HOCOLEA and the Australian Crime Commission; (f) underline the importance of the ACC providing both a strategic intelligence and analysis capability and concentrating its resources on the highest priority targets and business lines; (g) recognise the importance of international cooperation, capability development and information exchange in combating transnational crime, and the role that the AFP has played in that through its international liaison network, Multi National Operational Support Team and Jakarta Centre for Law Enforcement Cooperation; (h) encompass the need to enhance telecommunications interception capabilities and associated legislative provisions so that law enforcement can keep pace with changes in Information and Communications Technology and their use by organised crime; (i) canvass the need to enhance other intelligence-gathering	Perth made up of representatives from state police, the Australian Crime Commission, ACBPS, and the Department of Immigration and Citizenship; establishing a multi-agency Organised Crime Team in the AFP's Robina Office and seconding of two federal agents to the Western Australian Corruption and Crime Commission; (b) participated in the development of the Organised Crime Strategic Framework, the Commonwealth and National Organised Crime Response Plans, and the Organised Crime Threat Assessment; established a coercive powers team in Sydney to maximise the opportunities with the ACC; participated in the Tripartite Operations Group as a way to share information with ACC and ACBPS on emerging joint work; and worked with AGD, ACC, ACBPS and state police to assess the potential for Commonwealth-State task forces into organised crime; (c) actively engaged with AGD to keep Commonwealth legislation under review in light of operational experience and changes in the criminal environment. The AFP has worked with AGD in the development of money laundering legislation including unexplained wealth provisions that target the economic returns to crime; (d) ensured that operational teams work closely with AFP intelligence during investigations; provided additional staff to the ACC Financial Intelligence Assessment Team; established a memorandum of understanding to support the ACC High Risk Funds Strategy; participated in Project Wickenby; developed its own money laundering strategy; joined the Strategic Alliance Group Working Group on Proceeds of Crime; maintained its outposted officer in AUSTRAC and undertook strategic intelligence projects to track financial flows in specific investigations and crime types; (e) continues to actively engage with members of the ACC Board and HOCOLEA, which both have defined roles within the Organised Crime Strategic Framework. In developing the Organised Crime Intelligence Model this link has
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capabilities such as human sources and undercover operations; (j) recognise the requirement to upgrade means for sharing intelligence within the Commonwealth and between the Commonwealth and the States and Territories and developing national forensic databases and capabilities; and (k) incorporate a consideration of skill development issues – particularly in relation to the tracing of money flows through complex corporate structures and computer literacy for investigators.	continued to ensure that both groups can contribute to effective outcomes; (f) is working in conjunction with the ACC which provides a suite of strategic intelligence products that outline the most comprehensive and contemporary picture of crime in Australia. (g) executive endorsed a new International Engagement Strategy (IES) to guide forward planning, facilitate improved internal decision-making about international engagement and eliminate opportunities for duplication of effort. The IES is complemented by key regional strategies for the Pacific, North Asia, South-East Asian and South Asia in Gulf States. The International Network’s role includes: • Contributing to domestic and international efforts to disrupt and prevent criminal activities of major concern to the Government and Australian law enforcement; • Contributing to the collection and sharing of intelligence on criminal activities, focusing on transnational crime and serious organised crime; and • Coordinating and advising on training and technical measures to enhance the capacity of overseas law enforcement agencies to deal with criminal activity, particularly in the context of transnational and serious organised crime. The AFP International Network also has responsibility for interaction with the International Criminal Police Organization (INTERPOL), the ASEAN Chiefs of Police Conference (ASEANAPOL) and the European Law Enforcement Organisation (Europol) on behalf of Australia and manages the relationship and information exchange between relevant Australian agencies and these organisations. (h) works with AGD to keep legislative framework and funding for interception
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	capabilities under review and bring to the early attention of government matters requiring decision and in the case of legislative change, engage in appropriate public consultation as part of the development of Bills to amend the Act; (i) is developing and implementing the Enhanced Technical Surveillance new policy initiative and other capabilities such as undercover operations; (j) is working with partner agencies to develop these capabilities. Through ANZPAA the AFP is working on developing protocols on sharing information with partner agencies. The AFP engages other Commonwealth partners in Memoranda of Understanding and Joint Agency Agreements that facilitate information sharing. (k) is enhancing its workforce skilling through: the development of better planning methodologies and skills identification, the recruiting of additional members with specialised skills such as financial analysts for its Financial Investigation Teams and ongoing liaising with international partners to share expertise.
Recommendation 9.1 Performance under the Memorandum of Understanding to better prioritise ACT Policing forensic requirements should be reviewed before the next purchase agreement, and if progress has not been adequate, alternative means for ensuring that the ACT receives the priority it is prepared to fund should be considered and reflected in the next agreement.	Negotiation of a Service Level Agreement between ACT Policing and Forensic and Data Centres is ongoing.
Recommendation 9.2 The Attorney-General's Department and the AFP review funding arrangements for the Indian Ocean Territories and Norfolk Island to determine whether it would be possible and	The AFP reviewed the funding arrangement for Indian Ocean Territories and recommended to the Department of Regional Australia, Regional Development and Local Government and the Attorney-General's Department that the current funding arrangements continue.

appropriate to bring the funding under the AFP core budget.	The progress of the Territories Law Reform Bill 2010 will potentially have an impact on the terms for provision of policing on Norfolk Island and this will be negotiated between the AFP, Norfolk Island Government and the Department of Regional Australia, Regional Development and Local Government.
Recommendation 10.1 In previous chapters the Audit has recommended the maintenance and deepening of the AFP's language and cultural sensitivity programs, as well as noting the increasing demand for financial analysis and information and communications technology skills in investigation teams. Sufficient funding should be made available to develop and sustain the staff skills required to deliver in these areas.	The AFP has identified, through its two-year workforce plan, the need to target the recruitment of key skill sets to address emerging crime types. Identified skill sets include: financial analysis, forensic auditing as well as information and communications technology including systems analysis and computer forensics. The AFP has also identified its need to recruit more staff with specific language skills. These gaps will be addressed through AFP recruitment strategy, marketing and promotion campaign. Recruitment action for these skills has commenced in a number of areas and across employment streams in order to build capacity. An AFP Diversity Plan (with related performance indicators) has been developed. The plan focuses on all diversity groups including women, indigenous groups and culturally and linguistically diverse groups. It will build on a range of initiatives that are already in place or being developed. For example, the AFP's Culture and Language Centre offers the following training programs: Advanced Islamic Cultures, Cross Cultural Awareness Training, and Introduction to Islamic Cultures. The AFP has established a Terrorism Financing Investigations Unit (TFIU) to focus solely on Terrorism Financing investigations, intelligence, education, expertise, and liaison. It is envisaged that the TFIU will be the terrorism financing representative of Australian law enforcement to the Government and other stakeholders. The TFIU will include seconded members from the Australian Taxation Office, Australian Security Intelligence Organisation (ASIO), Australian Transaction Reports and Analysis Centre (AUSTRAC), Customs and Border Protection, and State and Territory Police working collaboratively with AFP members.

	AFP High Tech Crime Operations has developed a recruitment and retention strategy in recognition of the unique skills sets required to respond to rapidly changing circumstances and technology and to develop solutions for a growing number of technically advanced crimes. HTCO is also responsible for developing and delivering Technology Enabled Crime training programs to the broader AFP In 2010 the AFP has deployed a number of mobile phone forensic units throughout the region (AFP Offices) to streamline the processing of mobile phone data. Investigators who are or will be required to identify, secure, analyse and present digital evidence during their investigations have been trained to use these devices. By way of example ACT Policing took delivery of three of these units in May of this year and organisationally wide twenty of these units are currently available for use. Forensic & Data Centres in consultation with Learning & Development have been responsible for providing ongoing support and training to the Investigators in this constantly evolving field of technology.
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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 117 Part (c)

Senator Humphries asked the following question at the hearing on 18 October 2010:

- c) Following the Clarke Inquiry, can you please provide, on notice, how the AFP is responding to each recommendation rising out of this report.

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

- c) The Australian Federal Police (AFP) continues to work with the Government to implement the ten recommendations. The majority of the recommendations relevant to the AFP have been implemented.

Recommendation 1

The government to consider incorporating, within legislation, the special arrangements and powers that would apply to inquiries and other independent reviews and investigations involving matters of national security.

This recommendation is not the responsibility of the AFP.

Recommendation 2

A committee consisting of Deputy Director General of the Australian Security Intelligence Organisation (ASIO), the Deputy Commissioner of the AFP, the Deputy Director of Commonwealth Director of Public Prosecutions and senior representatives of the Department of the Prime Minister and Cabinet, Department of Immigration and Citizenship and the Attorney-General's Department be established to conduct a review and determine ways of dispelling misapprehensions about the respective roles, functions and responsibilities of government agencies and departments in a counter terrorism context and the purpose of the information they produce in that context. The Committee should review existing procedures, arrangements and guidelines with a view to providing clear guidance and achieving common understanding.

This recommendation is fully implemented. Rather than convene a new committee, the Homeland and Policy Coordination Group (HPCG), chaired by the Deputy National Security Adviser, in the Department of the Prime Minister and Cabinet (PM&C) agreed to be the forum in which to consider implementation of recommendation 2; noting that the group comprises the majority of members referred to in the recommendation. The one agency not a standing member, the Commonwealth Director of Public Prosecutions, was co-opted to the HPCG meeting for the purpose of considering the findings of Clarke Recommendation 2.

Recommendation 3

The provisions of Part 1C of the Crimes Act 1914 in relation to terrorism offences and the association of these provisions with section 3W of the Act be reviewed in the light of the discussion of Chapter 5 and relevant provisions of the United Kingdom's Terrorism Act 2000.

The provisions in Part 1C of the *Crimes Act 1914* that relate to terrorism offences were reviewed in light of the issues that were raised in the Clarke Inquiry Report. Exposure draft legislation to amend Part 1C was included in the Government's Discussion Paper on National Security Legislation which was released for public comment in August 2009. Following that consultation process, the provisions were included in the *National Security Legislation Amendment Act 2010* which was passed by Parliament and enacted on 25 November 2010. The AFP was involved in the review and development of the amendments to Part 1C.

Recommendation 4

Consideration be given to the appointment of an independent reviewer of Commonwealth Counter Terrorism laws.

This recommendation is not the responsibility of the AFP.

Recommendation 5

Consideration be given to amending s 102.7 of the Criminal Code Act 1995 to remove the uncertainties discussed in Chapter 5.

Proposals to amend section 102.7 of the *Criminal Code Act 1995* were included in the Government's 2009 Discussion Paper on National Security Legislation. The proposed amendments are designed to clarify the operation of the section and address the issues raised in the Clarke Inquiry Report. The AFP was involved in the development of the proposed amendments. The approval of the majority of the States and Territories is required to make the proposed amendments, in accordance with the Inter-Governmental Agreement on Counter-Terrorism Laws.

Recommendation 6

The Minister for Immigration and Citizenship be added to the distribution list for security intelligence reports produced by ASIO, in addition to senior departmental officers.

This recommendation is not the responsibility of the AFP.

Recommendation 7

The Inquiry recommends that the National Counter Terrorism Committee (NCTC) develop for the National Counter Terrorism Handbook and the National Counter Terrorism Plan, procedures specifying operational protocols for an investigational structure and a Major Incident Room structure to be implemented for counter terrorism investigations.

This recommendation has been implemented. The National Counter Terrorism Handbook was revised on 21 June 2010. In addition, the AFP has developed a Practical Guide for the Conduct and Management of Counter Terrorism Operations and will continue to play a role in the development and finalisation of operational protocols under the coordination of the NCTC.

Recommendation 8

A review of the Joint Counter Terrorism Team arrangements be conducted with a view to establishing nationally consistent arrangements under the NCTC governance framework.

The NCTC is a whole-of-government committee; however the AFP, in conjunction with partner agencies, has formulated nationally consistent governance frameworks for the strategic management of counter terrorism operations through Joint Counter Terrorism Team Memoranda of Understanding with each jurisdiction which will be promulgated under NCTC arrangements when finalised.

Recommendation 9

A national case management system for major police investigations be developed as a matter of urgency.

This recommendation is not AFP specific. However, the AFP is part of an NCTC Investigations Management System Working Group, which is developing a national investigations management system to enhance multi-jurisdictional counter terrorism investigations.

In addition, in March 2009, the CrimTrac Board of Management approved CrimTrac to undertake a study into the feasibility of improving Australia's national case management capability. The study will explore the viability of progressing common approaches to sharing incident and event information nationally.

The development of a national investigation management system is one component of a national case management system. Accordingly, CrimTrac and the NCTC Working Group have worked together to develop detailed user requirements for a national investigations management system. An AFP tender process will be utilised to identify a suitable service provider to develop the system.

Recommendation 10

The NCTC facilitate exercises that specifically respond to the problems involved investigating and prosecuting terrorist offenders in Australia.

This recommendation is fully implemented. The NCTC is a whole-of-government committee; however the AFP has participated in NCTC exercises targeting these issues.

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 117 Part (c)

Senator Humphries asked the following question at the hearing on 18 October 2010:

- c) Following the Counter Terrorism White Paper please provide, on notice, how the AFP is responding to each recommendation from this report.

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

- c) The Counter Terrorism White Paper, released on 23 February 2010, detailed the Australian Government's counter terrorism strategy. The strategy has four key elements: Analysis, Protection, Response and Resilience. The Australian Federal Police (AFP) operates within each of the four key elements.

While the Counter Terrorism White Paper does not include specific recommendations in favour of themes and objectives, it does reference the Street Review and Clarke Inquiry. The AFP has implemented all ten recommendations of the Street Review, with the exception of 4(b) which remains ongoing. The AFP continues to implement the ten recommendations of the Clarke Inquiry which is also referenced in the Counter Terrorism White Paper.

Analysis

This element focuses on the need for an intelligence-led response to terrorism driven by a properly connected and informed national security community.

The AFP's counter terrorism efforts are intelligence-led and focused on prevention. The AFP relies on strong cooperative relations with national security agencies both domestically and internationally. Collaboration with partner agencies, including access to broader resources continues to strengthen those relationships in the national security environment.

Specifically, the AFP is a member of the National Intelligence Coordination Committee and participates in the operation of both the new Counter Terrorism Control Centre and the existing National Threat Assessment Centre. Through these channels, the AFP works effectively with the member agencies of the Australian Intelligence Community and other operational agencies to implement the intent of the CT White Paper in terms of effective intelligence cooperation and collaboration.

Protection

This element refers to taking all necessary and practical action to protect Australia and Australians from terrorism at home and abroad.

In the domestic sphere, the AFP has founded Joint Counter Terrorism Teams (JCTTs) with state and territory police and intelligence counterparts, in each capital city. The JCTTs conduct investigations focusing on prevention and are governed by nationally consistent frameworks for the strategic management of counter terrorism operations.

The AFP also works closely with the Office of Transport Security and other aviation security agencies. The AFP is responsible for a range of law enforcement activities at eleven designated airports through the COAG-endorsed Airport Unified Policing Model. Following the 25 December 2009 attempted aircraft bombing over Detroit, United States, the AFP is increasing the numbers of its Firearms and Explosives Detection Dogs by 50% as part of a whole-of-government package of new policy measures.

As terrorism is a transnational crime the AFP also works closely with regional partners including Indonesia and the Philippines, to strengthen their counter terrorism capabilities, develop cohesive multilateral law enforcement strategies and maintain collaborative operational relationships.

As part of its International Network, the AFP maintains offshore counter terrorism Liaison Officers in the United States, the United Kingdom, Pakistan, and Indonesia to improve liaison with foreign law enforcement partners.

The AFP has also implemented an Offshore Exercise Regime with our South East Asian international law enforcement partners which tests, exercises and improves regional preparedness to respond to major terrorist incidents.

Response

This element relates to providing an immediate and targeted response to specific terrorist threats and terrorists attacks should they occur.

Domestically, the AFP relies on strong cooperative relations with the Australian Security Intelligence Organisation and state and territory partners through the JCTTs in responding to terrorist threats.

Internationally, the AFP works closely with regional partners to strengthen their counter terrorism capabilities, and maintains offshore regional counter terrorism teams in Indonesia and the Philippines which continue to provide investigative, forensic and analytical support to regional partners for national security-related investigations. The AFP is committed to regional capacity building initiatives and has recently established the Training and Development Centre in Thailand. Additionally the Jakarta Centre for Law Enforcement Cooperation (JCLEC) is an initiative of the Australian and Indonesian governments, established in 2004. The JCLEC seeks to consolidate and sustain the cooperative links between the AFP and the INP and to offer operational support and capacity building assistance to Indonesian and regional law enforcement agencies and non-government agencies in dealing with aspects of transnational crime including terrorism.

Resilience

This element relates to building a strong and resilient Australian community to resist the development of any form of violent extremism and terrorism on the home front.

The AFP has adopted a National Community Engagement Strategy which includes Community Liaison Teams based in Sydney and Melbourne. The Community Liaison Teams are designed to enhance engagement with specific communities in order to reduce the

likelihood of ongoing extremist activity. This strategy will assist in increasing the resilience of communities to extremist narratives.

The AFP Community Liaison Teams have developed strategies to engage more broadly through established partner networks to ensure a greater reach into vulnerable communities, in particular young people. This collaborative approach to community engagement is proving to be effective.

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 117 Part (c)

Senator Humphries asked the following question at the hearing on 18 October 2010:

- c) Following the Layers of Aviation Review, can you please provide, on notice, how the AFP is responding to each recommendation rising out of this report.

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

- c) *The Layers of Aviation Security Review* ('the Review') is classified Confidential and has not been publicly released.

The Review was used to inform the development of *The National Aviation Policy Statement White Paper* that was publicly released on 16 December 2009.

In 2009, Mr Roger Beale AO conducted the Federal Audit of Police Capabilities (*New Realities: National Policing in the 21st Century* ('the Beale Report')) which, amongst other things, examined the Aviation Policing Function.

The recommendations from both the Aviation White Paper and the Beale Report culminated in the recommendation for the Australian Federal Police (AFP) to transition from the existing Unified Policing Model (UPM) to an 'All-In' Model of Aviation policing and security.

Current Airport Uniform Policing (AUP) capabilities are performed by State and Territory police while Counter-Terrorist First Response capabilities are performed by AFP Protective Service Officers. Under the recommended 'All-In' model, the UPM workforce will transition into a homogenised, fully-sworn AFP police officer workforce, with the exception of Joint Aviation Intelligence Groups (JAIGs) and Joint Aviation Investigation Teams (JAITs) which will maintain their current structure.

The AFP Aviation function has established Project Macer to facilitate the transition to the 'All-In' Model at the Australian major airports over the next three to five years, through:

- o transitioning the CTFR workforce from Protective Service Officers to sworn AFP police members;
- o transitioning from a hybrid Commonwealth / state and territory model of AUP to a dedicated sworn AFP police member workforce; and
- o recruitment and training new AFP police members as required.

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 117 Part (c)

Senator Humphries asked the following question at the hearing on 18 October 2010:

c) Following the Street Review, please provide, on notice, how the AFP is responding to each recommendation from this report.

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

c) The Street Review delivered ten recommendations. All recommendations have been fully implemented with the exception of 4(b).

Recommendation 1

The Committee recommends that the Australian Federal Police (AFP) Commissioner, the Australian Security Intelligence Organisation (ASIO) Director-General of Security and the Commonwealth Director of Public Prosecutions constitute a committee to ensure issues relevant to national security, strategic priorities and enhanced interoperability are reviewed and resolved on a regular basis. The committee may also include representatives of relevant Commonwealth, State and Territory agencies and other appropriate persons either permanently or on a needs basis.

This recommendation has been fully implemented.

Recommendation 2

The Committee recommends that a Joint Operations Protocol between the AFP and ASIO be adopted formally establishing a mechanism vesting responsibility in the AFP Deputy Commissioner National Security and the relevant ASIO Deputy Director-General that:

- a. provides for a regular and accountable exchange of all information held by each agency that:
 - i. is relevant to a national security operation of the other agency; or*
 - ii. is national security related and is of a nature that the other agency has or may have statutory obligations in respect to that information.**
- b. establishes an accountable handover process where it is agreed that lead responsibility for a matter is to be passed between agencies; and*
- c. enables a process for ongoing, regular and frequent consultation at a senior level to review matters being jointly managed, or matters where the AFP and/or ASIO may have an operational or functional interest.*

This protocol should be supported by regular exchanges in State and Territory capitals between the State and Territory Police and local AFP and ASIO management on threat levels and terrorism investigations. Endorsement of this Protocol by the Attorney-General should be jointly sought by the AFP and ASIO.

This recommendation has been fully implemented.

Recommendation 3

The Committee recommends that the role of the Commonwealth Director of Public Prosecutions, consistent with its functions and powers in providing advice and prosecuting counter terrorism offences, where appropriate commencing from the operational planning stage of an actual or likely terrorism offence investigation, be formalised along the lines of the Counter Terrorism Prosecution Guidelines and Checklist currently being considered by ASIO, the AFP and the Commonwealth Director of Public Prosecutions.

This recommendation has been fully implemented.

Recommendation 4

The Committee recommends full-time attachment, physical co-location and participation of ASIO officers to the Joint Counter Terrorism Teams (JCTT) in Sydney and Melbourne, with consideration to be given to other appropriate locations, on a mutually agreed basis. The attached ASIO officers should have direct information technology connectivity to ASIO systems.

Recommendation 4(b) requires that ASIO officers seconded to the JCTTs have direct information connectivity to ASIO systems. This recommendation is being implemented and will be complete upon installation of secure connectivity in the JCTTs in each state and territory.

Recommendation 5

The Committee recommends that the AFP ensures full adoption of, and adherence to, national security standards and practices for counter terrorism investigations, with particular focus on the areas of intelligence handling, storage and office infrastructure. Necessarily this will include the need to strictly adhere to caveats on the use of intelligence.

This recommendation has been fully implemented.

Recommendation 6

The Committee recommends that the AFP develop an integrated information technology system that meets national security standards for national counter terrorism information, and that the AFP and ASIO cooperate in developing a protocol which provides for the automated sharing of information through such a system. The Committee envisages that this information could only be accessed and utilised by personnel involved in counter terrorism investigations and that its use be governed by the relevant laws and police disciplinary codes.

This recommendation has been fully implemented.

Recommendation 7

The Committee recommends that the AFP install desktop secure telephones in the appropriately secure common work areas of the AFP's counter terrorism teams to facilitate greater ease of communications with intelligence partners.

This recommendation has been fully implemented.

Recommendation 8

The Committee recommends that the AFP and ASIO develop a training and relationship enhancement program consisting of:

- a. induction training in each agency's key skills, core functions and responsibilities at the police recruit or graduate/new starter intelligence officer level (emphasis to be on investigations methodology, intelligence handling, rules of evidence and effective operational outcomes);*
- b. joint training for all police and intelligence officers involved in national security operations, incorporating bilateral counter terrorism training exercises involving investigational, preventative scenarios rather than exclusively reactive scenarios; and*
- c. executive level secondments so that the skills and knowledge of both organisations are mutually accessible and available.*

This recommendation has been fully implemented.

Recommendation 9

The Committee recommends that the AFP request that the National Counter Terrorism Committee facilitate exercises that specifically address the problems involved in investigating and prosecuting terrorist offenders in Australia. These exercises may need to be separate from, but coordinated with, national counter terrorism training exercises.

This recommendation has been fully implemented.

Recommendation 10

The Committee recommends that the AFP, in conjunction with jurisdictional partners, develop and implement policy that will ensure greater recruitment and retention opportunities for personnel attached to the Joint Counter Terrorism Teams, whilst also ensuring that core police skills are sustained.

This recommendation has been fully implemented.

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 117 (d) - (h)

Senator Humphries asked the following question at the hearing on 18 October 2010:

Annual Report – Security clearances

- d) (pp. 158) I see that 68% of staff currently hold a National Security Clearance. Can you please provide on notice a summary of how many people fit into each category of clearance.
- e) I understand that your new facility is a ‘secret’ level facility, is that correct?
- f) How does staff working in a secret environment who only have, say, a ‘site access only’ clearance perform their duties?
- g) Have staff duties been changed for persons who have failed to achieve the appropriate level of clearance?
- h) What would happen to a staff member who failed to achieve the appropriate level of clearance?

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

- d) Following is a summary of how many people fit into each security clearance classification as at 31 October 2010:

Protected	22
Highly Protected	2101
Highly Protected/Confidential	569
Secret	1350
Top Secret	3249

These figures include seconded officers, locally engaged staff, representatives of other partner agencies, part-time appointees and contractors.

- e) Yes.
- f) Staff without the required security clearance are escorted by appropriately cleared staff to and from their work area at all times. Access to AFP information technology systems is limited to the security clearance held by the individual.
- g) Yes.
- h) Attaining and retaining an appropriate level security clearance is a prerequisite of AFP employment. Staff can only be deployed to roles for which they are able to attain the required security clearance. In a situation where an appointee was unable to attain or retain a level of security clearance required for a specific role, they would in the first instance be considered for redeployment to another role. Should an appointee be unable to retain a security clearance for any role in the AFP, their employment suitability would be assessed.

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 117 Parts (i) - (k)

Senator Humphries asked the following question at the hearing on 18 October 2010:

Annual Report – Media

- i) (pp.163) Under the description of the AFP's national media and their dealings with stakeholders, it lists one of the stakeholders as the Prime Minister's Office. What is the nature of the relationship between the AFP and the PMO?
- j) Has the AFP, at any time since November 2007, sought clearance to make media statements or to hold media events from the Prime Minister's Office?
 - i. If so, what was the nature of the request?
 - ii. Who was the request directed to?
 - iii. What was the outcome of the request?
 - iv. Can all correspondence/emails between the AFP's Media Unit and the Prime Minister's Office please be provided?
- k) Who is the principal contact for the AFP's Media Unit in the Prime Minister's Office?

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

- i) The activities of the AFP National Media team can impact on a wide variety of stakeholders. Advice to inform stakeholders of AFP media statements and other activities is forwarded to the AFP Law Enforcement Liaison Officer (LELO) based in the Office of the Minister for Home Affairs.

Advice to other Government stakeholders is facilitated by the AFP LELO in consultation with the Office of the Minister for Home Affairs.

The AFP National Media team works on a number of Whole-of-Government communication projects that have Federal Government stakeholders.

- j) No.
- k) The AFP Media Unit does not have a principal contact within the Prime Minister's Office. Any AFP National Media contact with the Prime Minister's Office would occur through the AFP LELO based in the Office of the Minister for Home Affairs, a Minister's adviser and then onto the Prime Minister's Office.