

NEWS

criminal intelligence is treated as a national asset – something that is collected once and used often for the benefit of many – and support is given to an Australian Criminal Intelligence Model and Strategy that secures the free flow of criminal intelligence across the law enforcement, policing and national security domains.”

The national information-sharing service for Australia’s police, law enforcement and national security agencies, CrimTrac, said it is important for all agencies to collect and enter data in the same way and using the same coding so they can link with each other.

“If reference data provided by the agencies is consistently provisioned, linked to a common ‘code’ and provides a search tool operating on the basis of this standardised code directory, the time, cost and complexity placed on the investigative and intelligence functions may be reduced,” CrimTrac told the inquiry.

Senior lecturer in criminal intelligence at Charles Sturt University and former analyst with the ACC, Patrick Walsh said part of the problem is that the ACC and Australian Federal Police (AFP) have inherited legacy databases which were never designed to be utilised as intelligence databases.

“For example, the PROMIS system used by the AFP and the ACC is a case management system – good for investigators during an operation – but not good for sharing intelligence across an agency amongst intelligence officers or between agencies,” he said.

“Another poor ‘intelligence database’ which is coordinated by the ACC on behalf of all law enforcement agencies is the Australian Criminal Intelligence Database (ACID). Again this is not a user-friendly system and while the ACC regularly post its intelligence products on it ACID is not used extensively by all law enforcement agencies.

“This reduces national knowledge about certain criminal threats and degrades law enforcement’s ability to do effective strategic intelligence which can provide warning to government about the potential development of future organised crime threats. ACID needs replacing with a system that all law enforcement agencies will distribute national significant intelligence onto.”

The Police Federation of Australia believes the future of law enforcement is the free flow of criminal intelligence through modern intelligence-sharing technical capabilities.

“In an ideal world all law enforcement and other relevant agencies would be connected into a single criminal intelligence database,” the federation’s CEO, Mark Burgess said.

“The ACC has a legislative mandate to maintain such a database, but is hampered by a lack of modern technology, and an absence of mandatory requirements for agencies to contribute intelligence to that database.”

The federation has asked the parliamentary committee to recommend the development of technical capacity to facilitate the free flow of criminal intelligence between law enforcement agencies, and to put in place legislation that obliges agencies to share intelligence. It said the current system of ad hoc memorandums of understanding, individual agreements or requests for information create an incomplete intelligence picture.

“The free flow of intelligence would greatly assist police officers in the performance of their day to day duties,” Mr Burgess said.

“Police officers should be provided with direct real time access to intelligence holdings on operational grounds. Police officers and those they interact with are most at risk when an officer is forced to operate in a situation without proper intelligence regarding the circumstances of the situation. [Information sharing] needs to be ‘real time’ – e.g. within 48 hours.” •

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DIRECT ACTION: Stronger steps to fight pirates

CLOSING THE NET ON PIRATES

Australia will increase its efforts in the fight against piracy and armed robbery against ships under an international agreement reviewed by federal parliament’s Treaties Committee.

The Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP) targets pirates by requiring member countries to take action to protect ships from piracy, arrest pirates and seize their ships and rescue victims held by pirates.

Member countries must also endeavour to extradite pirates or persons who have committed armed robbery against ships, at the request of another member with jurisdiction over them.

Piracy and armed robbery against ships remains a significant issue in the Asian region and high profile piracy incidents in Africa have drawn widespread concern.

While the Department of Foreign Affairs and Trade (DFAT) said the risk of piracy within the Australian region is low, the threat towards Australian cargo transported via international shipping was as high as for any other international shipping country.

DFAT recommended to the committee that Australia join the agreement, saying it was in Australia’s interests to reduce piracy in the Asia region.

“For vessels transiting to and from Australian ports, piracy potentially impacts on ship routeing, cargo competitiveness, crew safety and maritime insurance premiums,” DFAT said.

“Each of these factors has the potential to contribute to increased

Law review for sea crimes

costs for Australia's maritime cargo interests. ReCAAP provides a vehicle to facilitate closer engagement with regional states to mitigate risks to those interests and Australia's vital trade routes.

"Engagement with this organisation will further enhance Australia's reputation as a responsible maritime security nation and underline our commitment to regional counter-piracy initiatives."

DFAT also noted that joining the group would not impose a significant cost burden on the government as Australia already fulfils many of the requirements.

"Many obligations are already met through existing activities, including Australian Defence Force surveillance programs and Customs and Border Protection sponsored capability and capacity building events," DFAT said.

"Australia's maritime compliance and reporting regime is strong and effective. The measures described above demonstrate that Australia's current framework is sufficient to meet the essential information-sharing objectives."

DFAT's analysis said industry had been consulted about the treaty and there was general support for it.

"Overall, industry's response has been positive, as there is common recognition of the benefits.

"The maritime industry, seafarers and the maritime law enforcement community all stand to benefit from enhanced communications and information exchange among participating governments. Maritime industry involvement can greatly assist in the improvement of incident response by Contracting Parties, help to provide more accurate statistics on piracy and armed robbery incidents, and enhance maritime domain awareness." •

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Australia can beef up protections for cruise ship passengers without contravening its obligations under international conventions, a parliamentary inquiry has been told.

The House of Representatives Social Policy and Legal Affairs Committee is investigating the adequacy of current laws and arrangements which cover crimes committed at sea.

The inquiry was established following recommendations made by the NSW coroner in the wake of the high-profile case of Dianne Brimble, who died on a cruise ship in 2002.

The investigation and prosecution of crimes committed at sea can prove difficult due to issues such as overlapping jurisdictions, the location of the ship, where the ship is flagged and the nationality of the accused and victim.

The coroner's report into Ms Brimble's death recommended that the government consider adopting similar laws to ones in place in the United States, which mandate certain requirements for cruise ships entering US waters.

The government has expressed concern that a similar move could be inconsistent with its obligations to an international convention which covers foreign flagged vessels in Australian waters.

However, maritime law expert Associate Professor Kate Lewins said this is not necessarily the case. Dr Lewins believes there is room to move under the requirements of the convention Australia is a signatory to.

"Of course we want to encourage cruise ships as it is a big industry and cruising is something our citizens enjoy, so one has to bear in mind the views of the cruise ships' people," she told the inquiry.

"But I do not believe that measured regulations would interfere with our obligation to allow innocent passage through territorial waters."

Dr Lewins said several recommendations of the coroner's report into Ms Brimble could be implemented to provide better safeguards to passengers.

"We can implement the requirements about how to deal with medical

emergencies, notification, perhaps advising passengers of what to do in certain circumstances and CCTV would obviously be an enormous boon for any authorities investigating something that is happening on board," she said.

According to Dr Lewins, while the international convention says coastal states should not be regulating on some matters such as a ship's structure, it does provide for countries to make regulations once ships are proceeding into inland waters.

"Effectively, once a ship visits the port, we have an entitlement to require it to adhere to our laws. That is the jurisdictional peg," she said.

Some companies, like P&O, have already implemented measures such as the introduction of CCTV and the screening of passengers for weapons and drugs.

Dr Lewins also told the inquiry that Australians are "woefully unprotected" when it comes to seeking compensation for any serious injuries sustained on a cruise ship.

She would like to see a passenger liability scheme introduced.

"Cruise ship lines carry passengers according to their own conditions of carriage, and that may require people to sue in overseas countries, it may require them to sue in a place that does not have English as an official language," she said. •

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SEA CHANGE: Law reform to protect cruise ship passengers