



AUSTRALIAN
**CRIMINAL
INTELLIGENCE
COMMISSION**

2019–20

CHAIR ANNUAL REPORT

BOARD OF THE AUSTRALIAN CRIMINAL INTELLIGENCE COMMISSION



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This report and more information about the ACIC are available at <www.acic.gov.au>.

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Letter of transmittal



AUSTRALIAN
CRIMINAL
INTELLIGENCE
COMMISSION

17 March 2021

The Hon Peter Dutton MP
Minister for Home Affairs
Parliament House
Canberra ACT 2600

Dear Minister

On behalf of the Board of the Australian Criminal Intelligence Commission (ACIC), I am pleased to present our annual report for the financial year ended 30 June 2020.

The report has been prepared in accordance with section 61 of the *Australian Crime Commission Act 2002* (ACC Act), which requires the Chair of the ACIC Board to prepare a report on the agency's operations during the year as soon as practicable after 30 June.

In accordance with section 61(1) of the ACC Act, I hereby provide our report to the Inter-Governmental Committee on the ACIC for transmission to the Commonwealth Minister and the appropriate Minister of the Crown of each participating state.

Section 61(6) of the ACC Act requires you to lay a copy of the report, along with any comments made on the report by the Inter-Governmental Committee, before each House of Parliament within 15 sitting days of that House after you receive the report.

During 2019–20, the board contributed to the ACIC's strategic direction, considered key areas of work and supported national initiatives against serious and organised crime.

The board acknowledges the ACIC's achievements, including investigative and intelligence outcomes that have contributed to making Australia safer through improved national ability to discover, understand and respond to crime impacting Australia, including the ability to connect through collaborative national information systems and services.

Yours sincerely

A handwritten signature in black ink, appearing to be "Reece Kershaw", written over a horizontal line.

Reece Kershaw APM
Chair

Board of the Australian Criminal Intelligence Commission

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Section 1

Introduction

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Introduction

This report documents the operations of the Australian Criminal Intelligence Commission (ACIC) in 2019–20 as required under the *Australian Crime Commission Act 2002* (ACC Act).

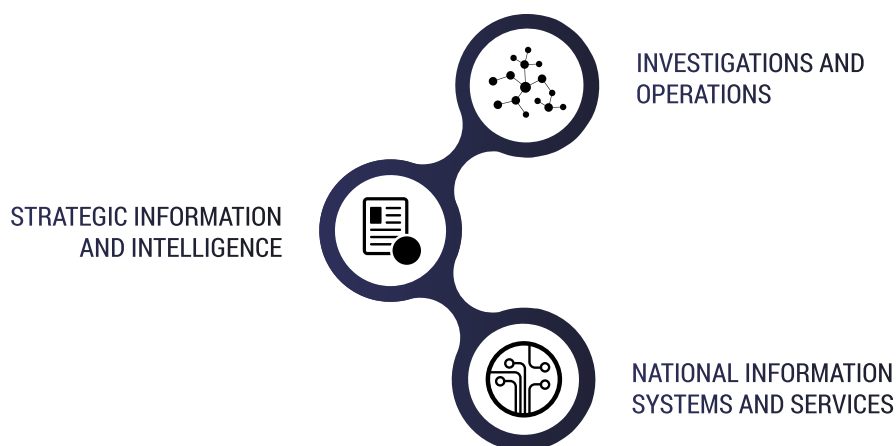
About the ACIC

The purpose of the ACIC is to make Australia safer through improved national ability to **discover**, **understand** and **respond** to current and emerging crime, including the ability to **connect** police and law enforcement to essential criminal intelligence, policing knowledge and information through collaborative national information systems and services.

The ACIC's responsibilities include:

- ▶ investigations and operations
- ▶ strategic information and intelligence
- ▶ national information systems and services.

The ACIC is a statutory agency within the Home Affairs portfolio, enabling strong integration and joint activities across the portfolio for a safer and more secure Australia.



About this report

This report by the Chair of the ACIC Board documents the operations of the ACIC as required under section 61 of the ACC Act. This report is presented to the Commonwealth Minister for Home Affairs and the appropriate minister of each state and territory via the Inter-Governmental Committee established under section 8 of the ACC Act.

The separate annual report by the ACIC Chief Executive Officer (CEO) fulfils the reporting requirements for government agencies under the *Public Governance, Performance and Accountability Act 2013*. It includes information about the ACIC's progress against the purpose and performance criteria set out in the portfolio budget statements and corporate plan, details of the agency's structure and staffing, and audited financial statements.

By producing separate reports, the Chair and the CEO are able to concisely address the requirements of the respective legislation. Both reports are publicly available at www.acic.gov.au/publications/annual-reports.

Table 1 sets out the annual report requirements of the ACC Act and shows where they are addressed in this report. The board does not have its own staff or budget, so there are no financial statements to present.

Table 1: Guide to compliance with reporting requirements of the *Australian Crime Commission Act 2002*

Information required under section 61(2)	Location in this report
(a) a description of any special ACC investigations undertaken during the year	Section 4 Investigations and operations
(b) a description, which may include statistics, of any patterns or trends, and the nature and scope, of any criminal activity that have come to the attention of the ACC during that year in performance of its functions	Section 3 Australia's criminal environment
(c) any recommendations for changes in the laws of the Commonwealth, of a participating State or of a Territory, or for administrative action, that, as a result of the performance of the ACC's functions, the Board considers should be made	Section 6 Legislative framework and legal actions
(d) the general nature and the extent of any information furnished by the CEO during that year to a law enforcement agency	Section 4 Investigations and operations Section 5 Criminal intelligence delivery
(da) the general nature and the extent of any information disclosed by the CEO during that year to a body corporate under section 59AB	Section 5 Criminal intelligence delivery
(e) the extent to which investigations by the ACC have resulted in the prosecution in that year of persons for offences	Section 4 Investigations and operations Section 6 Legislative framework and legal actions
(ea) the extent to which investigations by the ACC have resulted in confiscation proceedings	Section 4 Investigations and operations Section 6 Legislative framework and legal actions
(g) particulars of the number and results of: (ii) applications made to the Federal Court or the Federal Circuit Court under the <i>Administrative Decisions (Judicial Review) Act 1977</i> for orders of review in respect of matters arising under this Act; and (iii) other court proceedings involving the ACC; being applications and proceedings that were determined or otherwise disposed of, during that year	Section 6 Legislative framework and legal actions



Chair's review

During 2019–20, the ACIC remained focused on strengthening relationships within the National Intelligence Community and responding to the criminal risks facing Australia by providing the criminal intelligence and national information systems and services that are necessary for a safe Australia.

It was the first full year of my service as Chair of the ACIC Board. I would like to acknowledge the dedicated staff who contributed to the success of the ACIC, particularly during the significant challenges that the year 2020 brought with it. The ACIC responded to the COVID-19 pandemic with great agility, continuing to deliver its core functions and providing high-quality strategic assessments of the impacts of COVID-19 on the criminal environment.

Connecting national information and intelligence

The ACIC maintained 14 information and intelligence systems used by law enforcement around the country to help keep the community safe. This included delivering 38.9 million National Police Reference System (NPRS) searches, supporting 107,038 positive data match fingerprint identifications and 77 crime scene ballistics matches, and facilitating 5.63 million criminal history checks.

The development of the National Criminal Intelligence System (NCIS) continued to progress. This important national capability will provide secure access to a national view of criminal intelligence and information, and support the collation and sharing of criminal intelligence and information nationally.

The ACIC completed two test builds which demonstrated the immense potential of NCIS. Using existing NPRS data, NCIS has already made over seven million potential correlations across records of persons of interest nationally. This has enabled officers to have a unified view of an individual's reference information across all jurisdictions for the first time.

Discovering and understanding serious and organised crime

The ACIC advanced understanding of existing and emerging serious and organised crime, including by:

- ▶ discovering new information relating to its special operations and special investigations through 157 coercive examinations
- ▶ maintaining the National Target System, the National Criminal Target List and the Australian Priority Organisation Target (APOT) list of offshore criminal targets, and providing 10,691 automated alerts on significant criminal targets to partner agencies

- ▶ identifying 208 previously unknown criminal targets and 29 previously known targets with involvement in new areas of criminality
- ▶ sharing 14,507 information and intelligence products among 321 stakeholders, including national and international law enforcement partners
- ▶ releasing five reports to the public: *Illicit Drug Data Report 2017–18*, *Methylamphetamine supply reduction—Measures of effectiveness*, and three reports from the National Wastewater Drug Monitoring Program (NWDMP).

Responding to crime threats

The ACIC contributed to partner law enforcement agencies' disruption of 34 criminal entities during the year. The entities included 19 APOT networks, of which five were disrupted to the point that they are no longer considered APOT-level threats.

The ACIC's work with law enforcement partners led to the seizure of drugs and precursor chemicals with an estimated street value of more than \$3.13 billion, illicit tobacco with an estimated excise value of \$16.55 million, and more than \$19.23 million in cash.

In addition, the ACIC made nine financial referrals to partners, including the Criminal Assets Confiscation Taskforce (CACT), in relation to 68 criminal entities with a combined estimated value of offending of \$22.17 million.

ACIC intelligence led to 106 persons being charged on a collective total of 260 charges.

Looking ahead

I look forward to continuing my work as Chair in the coming year, as the ACIC continues to focus on making Australia hostile to criminal exploitation.

The agency's strategic priorities are to be the criminal intelligence partner of choice, to provide comprehensive policing information to its partners, to keep the community safe, and to deliver a sustainable agency into the future. I am confident in the ACIC's ability to deliver on these commitments and provide a service of value to law enforcement and intelligence partners.



Reece Kershaw APM
Chair
Board of the Australian Criminal Intelligence Commission





Section 2

ACIC Board

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ACIC Board

This section of the report describes the role and composition of the ACIC Board and provides a summary of key activities and changes in 2019–20.

Role

The ACIC Board is established under section 7B of the ACC Act and has a range of functions as set out in section 7C of the Act. The functions include:

- ▶ determining priorities for national criminal intelligence and national policing information systems and services
- ▶ providing strategic direction to the ACIC
- ▶ authorising, by written determination, special operations and special investigations
- ▶ establishing task forces
- ▶ disseminating strategic criminal intelligence assessments
- ▶ making recommendations about expenditure and fees for national policing information services
- ▶ determining policies and conditions for nationally coordinated criminal history checks
- ▶ reporting to the Inter-Governmental Committee on the ACIC's performance.

In December 2019, changes made to the ACC Act by the *Australian Crime Commission Amendment (Special Operations and Special Investigations) Act 2019* streamlined the way the board authorises special operations and special investigations. More information is provided under 'Legislative changes' in Section 6 of this report.

Membership

The board is chaired by the Commissioner, Australian Federal Police, and comprises the heads of a number of Commonwealth, state and territory law enforcement bodies and national security and regulatory agencies, as set out in section 7B(2) of the ACC Act.

In October 2019, Reece Kershaw APM replaced Andrew Colvin APM, OAM as Commissioner, Australian Federal Police, and Chair of the ACIC Board. The representatives of five other board member agencies also changed during the year:

- ▶ Katarina Carroll APM replaced Ian Stewart APM as Commissioner, Queensland Police Service, in July 2019
- ▶ Mike Burgess replaced Duncan Lewis AO, DSC, CSC as Director-General of Security, Australian Security Intelligence Organisation, in September 2019
- ▶ Jamie Chalker APM replaced Reece Kershaw APM as Commissioner, Northern Territory Police Force, in November 2019

- ▶ Neil Gaughan APM replaced Ray Johnson APM as Chief Police Officer, ACT Policing, in May 2020
- ▶ Shane Patton APM replaced Graham Ashton AM, APM as Chief Commissioner, Victoria Police, in June 2020.

The CEO of the ACIC is a non-voting member of the board. The CEO of the Australian Transaction Reports and Analysis Centre (AUSTRAC) and the Secretary of the Commonwealth Attorney-General's Department attend board meetings as non-voting observers.

Meetings

Under section 7D of the ACC Act, the board is required to meet at least twice a year. The board met three times in 2019–20. Table 2 provides details of board members and their attendance.

Table 2: Attendance at board meetings 2019–20

	Position	Occupant	Attendance		
			28 Aug. 2019	13 Nov. 2019	24 June 2020
Chair	Commissioner, Australian Federal Police	Andrew Colvin APM, OAM	✓	—	—
		Reece Kershaw APM	—	✓	✓
Other members	Secretary, Department of Home Affairs	Michael Pezzullo AO	✓	✓	✓
	Commissioner, Australian Border Force (Comptroller-General of Customs)	Michael Outram APM	✗	✓	✓
	Chair, Australian Securities and Investments Commission	James Shipton	✗	✗	✓
	Director-General of Security, Australian Security Intelligence Organisation	Duncan Lewis AO, DSC, CSC	✓	—	—
		Mike Burgess	—	✓	✓
	Chief Police Officer, ACT Policing	Ray Johnson APM	✓	✓	—
		Neil Gaughan APM	—	—	✓
	Commissioner, New South Wales Police Force	Michael Fuller APM	✗	✓	✗
	Commissioner, Northern Territory Police Force	Reece Kershaw APM	✓ ¹	—	—
		Jamie Chalker APM	—	✓	✓
	Commissioner, Queensland Police Service	Katarina Carroll APM	✓	✗	✓
	Commissioner, South Australia Police	Grant Stevens APM	✓	✓	✓
	Commissioner, Tasmania Police	Darren Hine AO, APM	✓	✗	✓
	Chief Commissioner, Victoria Police	Graham Ashton AM, APM	✗	✓	✓
		Shane Patton APM	—	—	—
	Commissioner, Western Australia Police Force	Chris Dawson APM	✓ ²	✓	✗
	Chief Executive Officer, Australian Criminal Intelligence Commission	Michael Phelan APM	✓	✓	✓
	Commissioner of Taxation, Australian Taxation Office	Chris Jordan AO	✗	✗	✗
Observers	Secretary, Attorney-General's Department	Chris Moraitis PSM	✓	✗	✓
	Chief Executive Officer, Australian Transaction Reports and Analysis Centre	Nicole Rose PSM	✓	✓ ³	✓

1 Mr Kershaw was unavailable; the person acting as Commissioner, Northern Territory Police Force, attended in his place.

2 Mr Dawson was unavailable; the person acting as Commissioner, Western Australia Police Force, attended in his place.

3 Ms Rose was unavailable; the acting Chief Executive Officer, Australian Transaction Reports and Analysis Centre, attended in her place.

Note: A dash indicates a meeting that took place outside the occupant's term of appointment.

Decisions

The board considers a range of issues at each meeting, including strategic issues faced by the ACIC, the overall performance of key areas of ACIC work, and key areas of new work that the ACIC should pursue.

Among its key decisions in 2019–20, the board:

- ▶ reviewed the ACIC’s strategic priority areas, planned activity and responses to identified threats, and determined the priorities for ACIC special investigations and special operations
- ▶ considered arrangements for NCIS
- ▶ noted that the Australian Cyber Security Centre has taken responsibility for the Cyber Incident Reporting System, a cybercrime reporting system to replace the Australian Cybercrime Online Reporting Network
- ▶ noted that a review of the ACC Act would commence in 2020 (as required under section 61A of the Act), presenting an opportunity to ensure that the ACIC has the necessary powers to support its investigative and intelligence functions
- ▶ reviewed the National Policing Information Systems and Services Special Account revenue and the prioritisation of national policing information projects for 2020–21
- ▶ endorsed a model for establishing the strategic direction and priorities of the ACIC.



Section 3

Australia's criminal environment

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Australia's criminal environment

The ACIC fuses and analyses the intelligence that it gathers, along with intelligence feeds from partner agencies, to build up a strategic national picture of serious and organised criminal activities in Australia. This section of the report highlights key unclassified findings on the nature, scope, trends and patterns of criminal activity.

Key characteristics

The main features of serious and organised crime, as it affects Australia, are as follows:

- ▶ **Destructive, pervasive and complex**—Serious and organised crime touches the lives of Australians in unprecedented ways. Criminals seek to exploit vulnerabilities, emerging technologies and perceived gaps in law enforcement. The impacts on the lives of Australians are clear, including damage to families and communities, lost income, health and social impacts, and the erosion of public trust.
- ▶ **Globalised**—Around 70 per cent of Australia's serious and organised criminal threats are based offshore or have strong offshore links.
- ▶ **Big business**—Serious and organised crime has a significant financial impact. The Australian Institute of Criminology estimates that the cost of serious and organised crime to Australia in 2016–17 was up to \$47.4 billion, including \$31.5 billion in direct costs and \$15.9 billion in prevention and response costs.
- ▶ **Concealed**—Serious and organised criminals corrupt officials, employ professional experts to advise on complex methods and techniques, use violence and intimidation, and blend criminal activity with legitimate business to support and conceal their criminal enterprises.
- ▶ **Resilient**—Criminal groups are enduring and resilient, collaborating for mutual gain and quickly dispersing or shifting focus when disrupted.
- ▶ **Cyber-savvy**—Advances in technology have offered new opportunities for serious and organised crime, which uses increasingly sophisticated methods to counter law enforcement efforts. Cybercriminal groups can target thousands of Australians simultaneously from anywhere in the world. They enhance their capability through dark web forums and marketplaces in which they share tools, techniques and information.
- ▶ **National security threat**—Enhanced counter-terrorism efforts are being made throughout Australia, but the links between terrorism and broader organised crime and volume crime in Australia remain. This includes Australians engaging in organised crime to generate funds to support proscribed terrorist groups or to support individuals who depart Australia to engage in terrorist activities.
- ▶ **Diversified**—New forms of business are emerging in addition to traditional organised crime activities. This diversification into multiple criminal markets provides consistent revenue streams to finance higher risk ventures and enables criminal enterprises to respond to shifts in supply and demand.

Since the world has been challenged by the COVID-19 pandemic, those involved in serious and organised crime have been forced to adapt quickly in order to continue their operations. The ACIC has adapted in response, to continue to target those criminals and share timely and relevant intelligence and information with its partners.

Key enablers

Enablers are illicit activities (which may be crimes themselves) that underpin and contribute to the effectiveness of serious and organised crime. While not all of the key enablers described here are present in every illicit market, two or more enablers may be used concurrently within the same criminal enterprise.

Technology

Most serious and organised crime activities make use of technology and digital infrastructure. Examples include technology-enabled identity crime and fraud in the areas of banking, trade and superannuation.

The ability to target individuals remotely from any location in the world is attractive to serious and organised crime groups who use technology to target the financial sector or trade illicit goods via the dark web. The rapid uptake of new capabilities such as encrypted communication devices and applications is a challenge for law enforcement.

Through the use of online platforms and services, child sexual exploitation and abuse are becoming more prevalent, commodified and organised. Offenders increasingly use technological means to commit acts of exploitation and abuse such as grooming children and distributing child abuse material.

Professional facilitation

The role of professional facilitators of criminal activity, such as legal, real estate and accounting professionals and other business services providers, is a fundamental issue for law enforcement and regulatory agencies. In an increasingly complex global environment, criminals engage a range of professional facilitators to commit crimes, avoid detection and conceal assets.

Money laundering

Money laundering is a significant enabler of criminal activity and a potentially lucrative criminal enterprise in itself. Money laundering is an extremely diverse activity, with a significant international dimension, carried out at all levels of sophistication.

Identity crime

As well as being one of the most common types of crime committed in Australia, identity crime is an enabler of other significant criminal activities, including money laundering, financial crime, drug trafficking and fraud.

There is a growing trend towards commissioning identity crime online through the production and sale of identity documentation and fraudulent use of personal information.

The true extent of identity crime is difficult to quantify due to under-reporting, discrepancies in cross-jurisdictional reporting, and instances where identity theft is undetected.

Violence and intimidation

Violence and intimidation underpin serious and organised criminal activity in various ways. For example, they may be used to extort financial gain, to coerce people or businesses into facilitating or undertaking criminal activity, or to control drug networks and settle disputes.

Most violence involving organised crime occurs between criminal groups, rather than being directed at the general public. Due to under-reporting it is difficult to determine the exact nature and extent of harm caused through the use of violence and intimidation by serious and organised crime groups.

Public sector corruption

Exploitation of the public sector by serious and organised crime groups weakens the instruments of government and strengthens criminal networks, undermining the community's confidence in government and public officials.

Areas most at risk include bodies responsible for procurement, across all levels of government; frontline agencies such as police, customs and border protection; and any agencies responsible for dispensing government funding without established anti-corruption practices.

There is limited evidence of serious and organised criminal involvement in public sector corruption in Australia.

Key markets

Australia is exposed to serious and organised criminal activities conducted locally and across geographic boundaries. Key crime markets include traditional markets exploiting illicit commodities, such as drugs and firearms, and increasingly sophisticated enterprises in areas such as financial crime and intellectual property crime.

Illicit commodities

Serious and organised criminal activity is endemic in Australian markets for illicit commodities, particularly drugs, tobacco and firearms.

The illegal importation, manufacture and distribution of harmful drugs in Australia generates billions of dollars in profits for organised criminal groups. The Australian illicit drug market is highly lucrative, with growing demand for a wide variety of substances, as described in Table 3.

Table 3: Key substances in the Australian illicit drug market

Substance	Market characteristics
Cannabis	Serious and organised crime groups are well established in the Australian cannabis market, which is robust and profitable. Almost all cannabis consumed in Australia is cultivated domestically. The latest report of the National Wastewater Drug Monitoring Program (NWDMP) ¹ shows that average consumption of cannabis in regional areas exceeds average consumption in capital cities. During the period of COVID-19 restrictions there was record high consumption of cannabis in capital cities and the cannabis market was less negatively impacted than other drug markets.
Cocaine	A range of transnational organised crime groups import cocaine into Australia. The latest NWDMP report shows that cocaine consumption in capital cities reached a record high in June 2020 and that capital city average consumption exceeds regional average consumption.
Heroin	Serious and organised crime groups are involved in the importation and distribution of heroin in Australia. The latest NWDMP report shows that heroin consumption in regional areas reached a record high in April 2020 and that capital city average consumption and regional average consumption increased from December 2019 to April 2020. Capital city average consumption exceeds regional average consumption. The wastewater data show no evidence of a tangible displacement of consumption from the heroin market to the pharmaceutical opioid market.
Illicit pharmaceutical opioids	The illicit pharmaceutical opioid market is potentially linked to the heroin market because of the similarities in the effects of these substances on the user. Pharmaceuticals commonly misused include opioid-based pain relief medications, opioid substitution therapies, benzodiazepines and codeine. The NWDMP monitors the consumption of two pharmaceutical opioids—fentanyl and oxycodone—with data reflecting both licit and illicit use. Consumption of fentanyl and oxycodone has been trending down since December 2018. The latest NWDMP report shows that consumption of fentanyl in regional areas and consumption of oxycodone in capital cities reached record lows in April 2020. Regional average consumption exceeds capital city average consumption.
MDMA ²	Serious and organised crime groups are involved in the importation, manufacture (to a limited extent) and distribution of MDMA in Australia. The latest NWDMP report shows that average consumption of MDMA decreased in both capital city and regional areas from December 2019 to April 2020. Regional average consumption exceeds capital city average consumption. MDMA consumption exceeded methylamphetamine consumption at one capital city site in June 2020, the first time that has occurred in Australia since the NWDMP commenced.
Methylamphetamine	Serious and organised crime groups are involved in the importation, manufacture and distribution of methylamphetamine in Australia. Methylamphetamine causes disproportionate harm in Australia. The latest NWDMP report shows that, of the illicit drugs for which dose data are available, methylamphetamine is the most consumed illicit drug in Australia. ³ The report also shows that in April 2020 the average consumption of methylamphetamine had reached record levels in regional areas but had decreased in the capital cities. Regional average consumption exceeds capital city average consumption.
New psychoactive substances	Substances that have similar chemical structures to, or mimic the effects of, other illicit drugs have been available in Australia since the mid-2000s. They have become more diverse and tend to have short periods of individual popularity. The dark web is used extensively as a medium for buying, selling and sharing information on these substances. The market is highly reactive, appearing to increase and decrease in response to changes in other drug markets, and does not rival the traditional drug markets in terms of use or size.
Performance and image enhancing drugs	Users from an increasingly diverse demographic are consuming a wide range of performance and image enhancing drugs (PIEDs). Serious and organised crime groups are involved in the importation and manufacture of PIEDs. The market for PIEDs is significantly linked to the markets for illicit stimulants and illicit pharmaceuticals. In this market, the role of professional facilitators such as doctors and pharmacists is a major concern.
Precursor chemicals	Precursor chemicals are essential for illicit drug production, and the diversion and trafficking of precursor chemicals is a profitable enterprise in itself. Precursor chemicals can be diverted from a range of sources, including the legitimate chemical industry, the scientific supply industry, the transportation and logistics industry, or medical facilities and pharmacies. Serious and organised crime groups dominate the sophisticated end of this market and large importations of precursor chemicals have been detected in recent years, as illustrated by the weight of precursors detected at the Australian border in 2018–19 being the second highest weight on record.

1 The latest NWDMP report, Report 11, was released in October 2020.

2 MDMA is the chemical 3,4-methylenedioxymethamphetamine, also known as ecstasy.

3 Dose data are available for methylamphetamine, amphetamine, cocaine, MDMA, heroin, mephedrone, methylone, oxycodone, fentanyl, nicotine and alcohol. Reliable dose figures are not available for cannabis or MDA (3,4-methylenedioxyamphetamine).

Some serious and organised crime groups capitalise on the demand for multiple drug types by importing, cultivating, manufacturing and/or trafficking several drug types simultaneously. Serious and organised crime is also entrenched in the illicit tobacco market, through the illegal importation of tobacco products and the local production of illicit tobacco.

While Australia has some of the strongest firearm controls in the world, illicit firearms remain a desirable commodity and a significant enabler of criminal activity. Members of organised crime groups, including outlaw motorcycle gangs (OMCGs), use firearms for criminal purposes, but the nature and extent of firearms trafficking by these groups remains an intelligence gap. The ACIC conservatively estimates that there are approximately 260,000 firearms in the domestic illicit market, including 250,000 long arms and 10,000 handguns.

Financial crime

Financial crimes are diverse in their nature and scale, and in the level of harm they cause. Financial crime markets include cybercrime, investment and financial market fraud, revenue and taxation fraud, superannuation fraud, card fraud, and health and welfare fraud.

The expansion of serious and organised crime into the financial sector poses a significant risk to the integrity of Australia's economy, financial markets, regulatory frameworks and revenue collection. The ACIC's *Serious Financial Crime in Australia 2017* report revealed that financial crime is on the rise and causing major harm that affects all Australians.

The report found that:

- ▶ Sophisticated individuals and groups are exploiting systemic vulnerabilities in areas such as taxation and revenue systems and government health and welfare programs.
- ▶ The role of technology in enabling financial crime has markedly increased, from opportunistic tax refund fraud to large-scale online theft of personal information which enables the theft of funds from investment and superannuation accounts.
- ▶ Professional facilitators—including legal and accounting professionals, liquidators, offshore service providers and real estate agents—remain critical enablers of financial crime, particularly through association with serious and organised crime groups.
- ▶ Other enablers of financial crime are identity crime, phoenix-type activity, and abusive use of trusts, high-value commodities, offshore service providers and alternative banking services.

Transnational crime markets

Among the crime markets that transcend national boundaries, the following present a particular threat to the Australian community and Australia's national security interests:

- ▶ **Online sexual exploitation and abuse of children**—Technological advances are enabling the commodification and industrialisation of this crime. Offenders increasingly use anonymising tools such as end-to-end encryption to conceal offending behaviour, network as groups, and share tools and methodologies to facilitate abuse. The uptake of digital and mobile technologies by children and young people significantly increases their exposure to the risk of online sexual exploitation and abuse.

- ▶ **Human trafficking and slavery**—This is a global concern, and the mass movement of refugees and migrants in recent years has escalated the threat. Under-reporting is endemic within this crime type, but increased awareness and outreach programs are likely to have contributed to increasing referrals to law enforcement for these offences.
- ▶ **Visa and migration fraud**—Serious and organised crime groups exploit the Australian visa and migration system, engaging the services of professional facilitators to enable entry into Australia.
- ▶ **Intellectual property crime**—Piracy and counterfeiting are serious international issues. The main forms of intellectual property crime in Australia are the importation of counterfeit goods such as clothing and the domestic manufacture of goods that infringe copyright.
- ▶ **Environmental crime**—This is diverse in nature and encompasses several crime markets. Transnational organised crime syndicates and opportunistic individuals exploit these markets, which are characterised by high profit margins and low detection rates.



Section 4

Investigations and operations

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Investigations and operations

This section summarises the aims, approaches and results of the special investigations, special operations and task force activities that the ACIC undertook to pursue criminal intelligence priorities and combat transnational criminal threats in 2019–20.

Board determinations

Subject to authorisation by the ACIC Board in line with section 7C of the ACC Act, the ACIC may conduct:

- ▶ **special ACIC investigations**—investigations designed to reduce the incidence and effect of specified serious and organised crime activity (including through disruption and prevention) by collecting evidence and intelligence about criminal activity
- ▶ **special ACIC operations**—operations (which may contain an investigative component) focused on gathering intelligence around particular criminal activity so that response decisions can be informed by an improved understanding of the extent, impact and threat of that activity.

In authorising a special investigation or special operation to occur, the board authorises the ACIC to use its coercive powers under Division 2 of the ACC Act. Those powers, similar to the powers of a royal commission, allow the ACIC to summon a person to give evidence under oath, require the production of documents, require information from Commonwealth agencies, and apply for a search warrant or an order to produce a passport. They may be exercised only by an ACIC Examiner in the course of a special investigation or special operation.

Special ACIC investigations and special ACIC operations are authorised by written determination. Table 4 lists the board determinations current at 30 June 2020.

Table 4: ACIC Board determinations at 30 June 2020

Determination	Type	Date established
Highest Risk Criminal Targets No. 2 (as amended)	Special investigation	4 September 2013
Firearm Trafficking	Special operation	21 June 2017
High Risk and Emerging Drugs No. 3	Special operation	21 June 2017
Highest Risk Criminal Targets No. 3	Special investigation	13 June 2018
Targeting Criminal Wealth No. 3	Special investigation	13 June 2018
Criminal Exploitation of Australia's Migration System No. 2	Special operation	13 June 2018
Cyber-Related Offending No. 2	Special operation	13 June 2018
Emerging Organised Crime Threats No. 3	Special operation	13 June 2018
Firearm Trafficking No. 2	Special operation	13 June 2018
High Risk and Emerging Drugs No. 4	Special operation	13 June 2018
National Security Impacts from Serious and Organised Crime No. 3	Special operation	13 June 2018
Outlaw Motor Cycle Gangs No. 2	Special operation	13 June 2018

These evidence and intelligence gathering activities are informed by, and contribute to, the work of multiagency task forces that support collaboration between partners seeking to disrupt criminal enterprises through intelligence-led responses. Partners may include representatives from law enforcement, the regulatory sector, peak bodies or the private sector. The board has established three multiagency task forces, as shown in Table 5.

Table 5: ACIC Board-established task forces at 30 June 2020

Task force	Date established
National Task Force Morpheus	1 July 2014
Transnational Criminal Intelligence Task Force (Vestigo Task Force)	30 November 2016
National Criminal Intelligence System (NCIS) User and Support Task Force	13 June 2018

Qualitative results

In 2019–20, the ACIC’s special investigations and special operations focused on the eight priority areas of criminal threats affecting Australia, as identified in the *Corporate Plan 2019–20*:

- ▶ cybercrime
- ▶ high-risk criminal targets
- ▶ national security and terrorism
- ▶ financial crime
- ▶ illicit drugs
- ▶ firearms
- ▶ criminal gangs
- ▶ emerging organised crime threats.

Across all priority areas, a key focus is working with international and domestic partners to disrupt the transnational activities of serious and organised crime targets either based offshore or with strong offshore links, to reduce their impact on Australia.

Cybercrime

Cybercrime covers a wide variety of offences that present a significant threat to Australians, including identity crime, computer hacking, phishing, botnet activity, computer-facilitated crime, and cyber intrusion directed at private and national infrastructure.

Cyber-Related Offending No. 2 special operation

The ACIC cybercrime intelligence team is co-located at the Australian Cyber Security Centre, a multiclassification, multipurpose facility that allows for collaboration and coordination of activities across the Australian Government’s efforts to improve cybersecurity in Australia.

In 2019–20, the ACIC team discovered and prioritised cybercrime threats to Australia, understood the criminal networks behind those threats, and supported government response strategies by working closely with law enforcement, intelligence and industry security partners in Australia and internationally.

This included:

- ▶ developing intelligence products on business email compromise scams, malware, anonymity features in cryptocurrencies, and the threat of ransomware to Australian organisations
- ▶ working with domestic and international partners to identify cybercriminals who purchased access to Australian networks on dark web marketplaces to facilitate fraud and cybercrime activities
- ▶ working with national, state and territory government agencies to support the national response to COVID-19, producing intelligence on cybercriminal behaviour during the pandemic
- ▶ identifying cybercriminals operating in or targeting Australia, and disseminating that intelligence to law enforcement agencies
- ▶ using the ACIC's coercive powers to facilitate the collection of information and intelligence not available through other information collection methods
- ▶ participating in the 2019 Cyber War Games with other government agencies and private organisations that have interests in cyber security.

High-risk criminal targets

Serious and organised crime entities at the highest level of risk are present in all Australian states and territories and exert significant influence over Australia's illicit commodity markets. The majority of these groups are operating in two or more jurisdictions and/or transnationally and have established a presence within legitimate sectors to facilitate their criminal activities.

In particular, highest risk criminal groups based overseas see Australia as an attractive market for illicit drugs. This is due to the potential high return on investment, as well as the relative safety of coordinating illicit drug trafficking remotely. These groups operate in partnership with domestic groups who provide specialist facilitators capable of smuggling illicit drugs through border controls and access to money launderers who repatriate the transnational group's profit share.

While the COVID-19 pandemic has challenged criminal groups, they have adapted effectively and continue to impact Australia at pre-pandemic levels. The ongoing risk presented by the highest risk criminal groups underscores the importance of a nationally coordinated investigative and intelligence response.

Highest Risk Criminal Targets special investigation

Although the first iteration of the Highest Risk Criminal Targets special investigation was discontinued a number of years ago, some of its products remain relevant. During 2019–20, one historical tactical intelligence product was disseminated to a state law enforcement agency to aid in ongoing investigation activities.

Highest Risk Criminal Targets No. 2 special investigation

The Highest Risk Criminal Targets No. 2 (HRCT2) special investigation is designed to:

- ▶ maximise the impact of national disruptive efforts on serious and organised crime entities representing the greatest risk and threat to Australia
- ▶ build on the collective national expertise and knowledge of serious and organised crime in Australia to monitor changes in the serious and organised crime environment and movement within crime markets.

The main approach of this special investigation is to bring domestic and international partners together in collaboration, enhanced by the ACIC's unique capabilities, to reduce the impact of serious and organised crime on Australia.

This work is focused through the APOT strategy, which was established under HRCT2 and continues under the Highest Risk Criminal Targets No. 3 (HRCT3) special investigation. The APOT strategy is an ACIC-led initiative to identify, assess, designate and coordinate operational responses to the transnational serious and organised crime targets that pose the greatest threat to Australia's interests.

In 2019–20, one project remained active under HRCT2 in order to support legal processes.

Highest Risk Criminal Targets No. 3 special investigation

HRCT3 builds upon the success of its predecessors, to identify, coordinate and direct the collaborative response to high-risk and priority national and transnational criminal threats.

In 2019–20, the ACIC's Australian law enforcement and offshore partners disrupted five APOT networks to the point that they are no longer considered APOT-level threats. Elements of a further 14 APOT networks were significantly disrupted, decreasing the overall threat of the criminal organisation but leaving it still able to operate at the APOT level.

No individuals designated as the head of an APOT organisation were arrested in 2019–20, continuing a decreasing trend from three in 2018–19 and four in 2017–18. This reflects a change in strategy, shifting focus from disrupting APOT individuals to disrupting the APOT organisations. While focusing on individuals has had success in the past, disrupting multiple elements of the organisation has a much more significant and long-term disruptive effect.

The ACIC, together with the Australian Federal Police, investigated alleged proceeds of crime from illicit drug activities. Search warrants were executed, resulting in an arrest and the seizure of methylamphetamine and a large sum of cash. It was determined that the suspect was likely an upper-level distributor of methylamphetamine for an organised crime syndicate. The arrest is likely to have a noticeable impact on the distribution activities of the syndicate.

National security and terrorism

Methods of financing, money laundering, commodity movement, identity crime and communication developed and used by serious and organised crime groups can also be exploited by groups of national security interest.

The ACIC provides a unique perspective on the evolving threats and risks posed by serious and organised crime groups within the national security environment. Through its intelligence gathering and sharing capabilities at the national and international levels, the ACIC is better informing its partners and improving the understanding of criminal threats to Australia. The ACIC contributes to the whole-of-government response by participating in national strategies to strengthen national security and counter-terrorism.

National Security Impacts from Serious and Organised Crime No. 3 special operation

The National Security Impacts from Serious and Organised Crime No. 3 special operation contributes intelligence to whole-of-government national security efforts where a nexus with serious and organised crime has been identified. The ACIC's intelligence holdings and capabilities, including examinations, are brought to bear to create unique insights and support the national security efforts of partners.

In 2019–20, the ACIC:

- ▶ provided insights to national security and law enforcement partners on the nexus between serious and organised crime and national security at the entity, activity and/or environment levels
- ▶ created impacts and intelligence insights aimed at improving resilience against exploitation of markets, sectors, infrastructure and capabilities by criminal groups of national security interest.

Financial crime

Almost all organised crime is motivated by profit. The ACIC helps to remove the financial motivation to engage in criminal activity by:

- ▶ investigating financial crime and developing intelligence products that better inform the response to financially motivated criminal activity
- ▶ contributing to the CACT, to facilitate the physical recovery of proceeds of crime
- ▶ contributing to the Serious Financial Crime Taskforce (SFCT), to facilitate the coordinated identification of and response to financially motivated criminal activity
- ▶ participating in other task forces to enhance the integrity of the financial system in Australia, including the Phoenix Taskforce and the Black Economy Taskforce (led by the Australian Taxation Office) and the Fintel Alliance (led by AUSTRAC) .

Targeting Criminal Wealth No. 3 special investigation

The Targeting Criminal Wealth No. 3 special investigation works to combat, disrupt and deter criminals' pursuit of the illegal accumulation of wealth. The ACIC's ability to identify wealth that has been accumulated illegally and have it recovered, through referral to the CACT, is an effective means to remove financial incentive to engage in criminal activity.

In 2019–20, the ACIC developed and shared intelligence about the increasing use of daigou business (also known as ‘surrogate shopping’) to launder money and avoid financial regulations and restrictions. The ACIC discovered a technique for exploiting daigou business that was not previously known to an international partner.

Criminal Assets Confiscation Taskforce

The CACT is a Commonwealth initiative which is led by the Australian Federal Police and includes the ACIC and the Australian Taxation Office. The task force is dedicated to taking the profit out of crime by targeting criminals and their assets derived from unexplained wealth.

The ACIC contributes to the task force through intelligence analysis and legal support, intelligence gathering, and strategic advice on illicit money flows impacting Australia, and helps to generate and prioritise criminal targets for proceeds of crime action.

Estimated results from ACIC referrals on financial matters are detailed in Table 6.

Table 6: Financial referrals to the Criminal Assets Confiscation Taskforce (CACT) and other CACT partners

Detail	Four-year historical average	2019–20
Referrals	20	9 ¹
Entities involved	137	68
Estimated value of offending (\$ million)	83.17	22.17

1 The decline in the number of referrals reflects an increase in the complexity of ACIC referrals and a shift in operational strategy.

Serious Financial Crime Taskforce

The SFCT is a Commonwealth multiagency task force led by the Australian Taxation Office. It brings together the knowledge, resources and experiences of federal law enforcement and regulatory agencies, including the ACIC’s investigations targeting criminal wealth. The ACIC provides the taskforce with unique operational powers and additional investigative resources.

The SFCT’s remit is to identify and address serious and complex financial crimes of the highest priority, such as international tax evasion, fraudulent phoenix-type activity, criminality related to offshore service providers and trusts, and cybercrime against superannuation.

In 2019–20, ACIC-led investigations discovered new tax evasion methods and targeted cyber fraud affecting the Australian Taxation Office administered measures of the *Coronavirus Economic Response Package (Payments and Benefits) Act 2020*.

The SFCT conducts operations, collects and shares intelligence, and identifies reform measures, with the aim of removing wealth from criminal activity, prosecuting facilitators and promoters of serious financial crime, and deploying deterrent and preventative enforcement strategies.

Illicit drugs

The illicit drug trade poses significant socioeconomic and health risks to the Australian public. The social burden that illicit drugs place on the community, and the long-term health consequences of their use, led to the development of the Australian Government’s *National Drug Strategy*.

The ACIC contributes to meeting the goals of the strategy by:

- ▶ identifying and improving understanding of drug markets and organised crime groups and criminal entrepreneurs that operate in those markets, to allow effective targeting and disruption by law enforcement agencies
- ▶ providing subject matter expertise to better inform policies and legislation at the state and national levels
- ▶ developing intelligence products that identify market trends and new methodologies being employed by organised crime groups and recommend responses that harden the operating environment for those groups
- ▶ providing intelligence to inform operational activity targeting illicit drugs.

High Risk and Emerging Drugs special operations

The High Risk and Emerging Drugs No. 3 and High Risk and Emerging Drugs No. 4 special operations were current during 2019–20. The distinctions between the aims, purposes and activities of the two special operations were minor. Many projects and investigations continued under both special operations during the year.

The ACIC monitored illicit drug markets to develop a comprehensive understanding of the markets and domestic and international developments that impact Australia. This included identifying and filling intelligence gaps and working with partners on operational, policy and legislative responses.

ACIC intelligence informed the responses of national and international police and government agencies to the importation and distribution of drugs within Australia. This intelligence spanned illicit drugs including cocaine, methylamphetamine and MDMA; drug precursor chemicals; the illicit pharmaceuticals market; the performance and image enhancing drugs market; and the heroin market.

The ACIC produced intelligence products to improve understanding of:

- ▶ illicit drug consumption during the period of the COVID-19 pandemic and related national restrictions
- ▶ consumption of pharmaceutical opioids
- ▶ trends in the Australian market for methylamphetamine and related precursors
- ▶ the threat posed by counterfeit pharmaceuticals
- ▶ the domestic manufacture of drugs for sale on the dark web
- ▶ the domestic manufacture of methylamphetamine and the detection of large-scale domestic laboratories.

National Wastewater Drug Monitoring Program

The ACIC's NWDMP conducts wastewater analysis to provide leading-edge, coordinated national research and intelligence on illicit drugs and licit drugs that can be abused. The NWDMP released three reports in 2019–20.

The ACIC used data from its regular Illicit Drug Data Report and the reports of the NWDMP to assess whether significant seizures of illicit drugs can have an impact on the consumption of illicit drugs in the methylamphetamine and cocaine markets. In both cases it was revealed that large seizures can have a tangible short-term impact, reducing consumption in the jurisdiction where the seizure occurred, and sometimes in other jurisdictions, for several months.

Firearms

The trafficking and importation of illicit firearms are serious concerns for Australia. The ACIC addresses illicit firearms through:

- ▶ selectively investigating firearm trafficking offences and collecting intelligence on those matters
- ▶ providing information and intelligence to support the development of government policy
- ▶ hosting national firearms databases
- ▶ delivering the National Firearm Trace Program.

Firearm Trafficking special operations

Through the Firearm Trafficking No. 2 special operation and its predecessor (the Firearm Trafficking special operation), the ACIC worked with partners to bring together and develop intelligence to inform the national response to firearm trafficking during 2019–20.

The special operations focused on filling the gaps within law enforcement's understanding of the illegal firearm trade within Australia, and provided opportunities to identify possible policy and legislative reforms. The ACIC's firearm experts collaborated with overseas authorities and domestic law enforcement agencies and policy departments as part of the ACIC's contribution to Australia's obligations under the international Arms Trade Treaty.

The ACIC responded to more than 1,000 trace requests under the National Firearm Trace Program in 2019–20. The ACIC also continued to work with the states and territories to enhance the mutual benefits to be derived from evolving national firearm databases. Substantial progress has been made on upgrading and further developing the Australian Firearms Information Network (AFIN) and the National Firearms Identification Database (NFID).

The ACIC produced intelligence to improve understanding of:

- ▶ firearm types linked to organised crime groups and OMCs
- ▶ firearm trafficking vulnerabilities within Australia
- ▶ high-risk firearms in the Australian market
- ▶ the illicit firearms market in a specific jurisdiction
- ▶ systemic vulnerabilities that serious and organised crime groups are exploiting
- ▶ the illicit manufacture of handguns
- ▶ the role of firearm trace analysis in determining the means by which firearms are diverted to the illicit market
- ▶ the large-scale theft of firearms in some jurisdictions.

The ACIC also completed an assessment of a significant national vulnerability that is being exploited by criminally minded firearms dealers to divert multiple firearms to the illicit market. The assessment was widely shared across Australia, informing and being informed by successful operational activity in a number of jurisdictions and contributing to discussions concerning procedural and regulatory reform.

Criminal gangs

Criminal gangs are highly visible crime entities, with a presence in all Australian states and territories and overseas. They are resilient, opportunistic and involved in a wide range of serious crimes, including drug trafficking, money laundering, extortion, firearms offences and high-level violence.

The ACIC targets criminal gangs through the:

- ▶ gathering, analysis and dissemination of gang-related intelligence products
- ▶ operation of the ACIC-led Australian Gangs Intelligence Coordination Centre (AGICC)
- ▶ provision and coordination of intelligence and information for National Task Force Morpheus.

Outlaw Motor Cycle Gangs special operation

The Outlaw Motor Cycle Gangs special operation worked with partners across law enforcement and other government agencies to:

- ▶ improve the understanding of OMCGs through coercive examinations
- ▶ provide support for target development and investigation
- ▶ build awareness of threats and vulnerabilities and contribute to appropriate responses
- ▶ effectively disrupt criminal gang activity and reduce the threat posed by OMCGs.

Outlaw Motor Cycle Gangs No. 2 special operation

The Outlaw Motor Cycle Gangs No. 2 special operation continues the work of the ACIC and its partners to combat the activities of OMCGs. It does this through its ability to uncover criminal activity and gain insights into the structure and activities of these groups to better inform and direct the responses of law enforcement agencies.

In 2019–20, the ACIC used its coercive powers to source information relevant to OMCG members involved in drug trafficking, firearm trafficking, violence, corruption, fraud and money laundering.

Australian Gangs Intelligence Coordination Centre

Investigations under the ACIC's OMCG special operations are predominantly directed by the AGICC.

The AGICC is a central intelligence hub dedicated to responding to the escalating threats of OMCGs in Australia. It builds and coordinates an intelligence-led response to OMCGs and other known gangs by linking strategic understanding of the national picture with intelligence that supports operational and tactical responses.

Relevant intelligence that the ACIC develops, including through special operations, is shared through the AGICC and informs response strategies and future initiatives to tackle OMCGs.

Members of the AGICC presented at international events in 2019 and 2020, including in Thailand, New Zealand and the Netherlands. Contributing to collaborative international efforts to combat gangs is a key strategy in Australia's effort to reduce the threat posed by transnational OMCG networks.

National Task Force Morpheus

Established by the ACIC Board, National Task Force Morpheus is a joint initiative of all law enforcement agencies and Commonwealth partners to facilitate collaborative targeting of the highest OMCG risks to Australia.

National Task Force Morpheus is coordinated through the AGICC and supported by targeted and business-as-usual activities of state and territory police and Commonwealth agencies, using both traditional and non-traditional law enforcement methods.

In 2019–20, the task force's achievements included:

- ▶ 2,393 arrests, summonses and court attendance notices and 5,590 charges
- ▶ the seizure of 170 firearms and \$4.3 million in cash.

Emerging organised crime threats

Serious and organised crime threats affect Australia's society, institutions, markets and economy. To combat such emerging threats requires a coordinated and collaborative approach involving many police and government partners.

Emerging Organised Crime Threats special operations

The Emerging Organised Crime Threats No. 2 and Emerging Organised Crime Threats No. 3 special operations utilise the ACIC's coercive powers to gain special insights into how criminal networks operate, informing the coordinated response to emerging threats to Australia.

The special operations aim to identify and understand a broad spectrum of serious and organised crime threats and enablers that impact upon Australia. They work to guide the activities and response strategies of Commonwealth, state and territory government agencies through the timely provision of intelligence, information sharing, and effective, collaborative working relationships.

In 2019–20, Emerging Organised Crime Threats No. 3 produced intelligence to identify and improve understanding of criminal threats to Australia such as sports integrity risks, including links between sports betting and serious and organised crime; the organised sexual exploitation of children; organised fraud against government welfare packages; and emerging threats from the criminal encrypted communications market.

Criminal Exploitation of Australia's Migration System special operation

Serious and organised crime groups are becoming increasingly involved in exploiting legislative gaps and operational systems to facilitate criminal activities in relation to visa and migration fraud in Australia. Through the Criminal Exploitation of Australia's Migration System special operation, the ACIC developed innovative approaches to prevent, disrupt and mitigate such activities.

The primary project of this special operation enhanced the national understanding of the role of illegal providers of immigration assistance, professional facilitators, and complicit visa sponsors.

Criminal Exploitation of Australia's Migration System No. 2 special operation

The Criminal Exploitation of Australia's Migration System No. 2 (CEAMS2) special operation allows the ACIC to continue in its work on visa and migration fraud in Australia. CEAMS2 project work is conducted in partnership with the Australian Federal Police, the Department of Home Affairs, the Australian Border Force and state police agencies.

A body of work conducted under CEAMS2 examined a particular serious and organised crime group involved in criminal exploitation of Australia's visa system. The project uncovered intelligence on the diverse crime types that are linked to networks involved in criminal exploitation of migration, including drug trafficking, money laundering and people smuggling, and on the role of professional facilitators.

Transnational criminal threats

The ACIC works with domestic and international partner agencies to identify and leverage strategic opportunities to create a more hostile environment for transnational serious and organised crime impacting Australia.

The ACIC's operational focus on the highest threat transnational targets and sources of crime affecting Australia involves:

- ▶ updating and assessing the APOT list, which can include top tier international and transnational serious and organised crime targets impacting Australia
- ▶ facilitating effective information sharing and relationship building to target transnational crime with domestic and international partners, through the Vestigo Task Force
- ▶ expanding and using international intelligence feeds, through international deployments and close collaboration with partners.

Vestigo Task Force

The ACIC leads the Vestigo Task Force, which was established by the ACIC Board and provides a framework for Australian and international partners to enhance their collaboration and engagement and share information and intelligence.

Rather than consisting of a particular program of work, the Vestigo Task Force acts as an enabler for collaborative work across various investigations and operations. This means that the task force's results are incorporated within and reflected throughout the intelligence-led outcomes that the ACIC has achieved with partners.

Quantitative results

Tables 7 and 8 summarise the results of the ACIC's special investigations and special operations in 2019–20 against a range of measures related to the agency's objectives as detailed in its *Corporate Plan 2019–20*.

The ACIC's *Annual Report 2019–20* contains additional statistics on the agency's achievements in these areas, including comparisons with previous reporting periods.

Table 7: Quantitative results of ACIC special investigations 2019–20

Authorised activities		HRCT	HRCT2	HRCT3	TCW2	TCW3
Coercive powers	Exams	–	–	20	7	17
	Notices	–	–	8	2	44
	Products ¹	–	–	7	1	7
Intelligence products	Analytical	–	11	34	3	16
	Tactical	–	83	504	33	335
Disseminations	Analytical	–	261	366	16	271
	Tactical	1	366	1,747	106	1,116
	Stakeholders ²	1	105	63	34	87
Identified criminality	Unknown ³	–	1	38	1	58
	Known ⁴	–	–	2	1	17
Disruptions	Severe	–	–	1	–	–
	Significant	–	–	9	–	9
Seizures (\$m)	Cash	–	–	1.381	0.132	8.023
	Drugs ⁵	–	–	1,496.824	2.820	210.267
	Tobacco ⁶	–	–	–	–	–
Arrests and convictions	Charges	–	–	86	–	47
	Persons ⁷	–	–	28	–	23
	Convictions	–	5	1	13	2

HRCT = Highest Risk Criminal Targets, TCW = Targeting Criminal Wealth

1 Intelligence products derived from use of coercive powers.

2 Stakeholders that received a dissemination.

3 Previously unknown criminal.

4 Known criminal operating in a previously unknown area of criminality.

5 Estimated street value.

6 Estimated excise value.

7 Persons charged.

Table 8: Quantitative results of ACIC special operations 2019–20

Authorised activities	CEAMS	CEAMS2	CRO	CRO2	EOCT2	EOCT3	FT	FT2	HRED3	HRED4	NSISOC2	NSISOC3	OMCG	OMCG2
Coercive powers	4	3	–	2	9	14	12	5	10	21	12	4	1	16
Notices	–	–	–	9	12	68	–	–	10	21	–	–	–	7
Products ¹	4	2	–	1	10	22	4	5	5	6	13	2	6	43
Intelligence products	–	2	7	6	4	21	–	1	7	20	–	–	–	7
Tactical	5	32	5	39	55	205	296	25	90	215	25	36	26	242
Disseminations	–	29	112	246	27	511	6	27	120	406	2	–	–	77
Tactical	7	206	64	372	214	941	3,291	78	416	836	56	120	64	1,162
Stakeholders ²	4	41	61	84	40	147	20	27	71	75	15	31	11	124
Identified criminality	–	–	1	–	2	19	–	3	22	53	–	2	–	8
Known ⁴	–	–	–	–	–	4	–	–	1	4	–	–	–	–
Severe	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Significant	–	–	–	1	1	–	–	1	4	7	–	–	–	1
Seizures (\$m)	–	–	–	–	0.013	0.250	–	1.369	1.602	6.248	–	–	–	0.215
Drugs ⁵	–	–	–	–	–	7.500	–	0.185	616.019	798.725	–	–	–	0.003
Tobacco ⁶	–	–	–	–	8.817	7.740	–	–	–	–	–	–	–	–
Arrests and convictions	–	–	–	–	6	7	–	14	30	62	–	–	–	8
Persons ⁷	–	–	–	–	2	4	–	4	15	27	–	–	–	3
Convictions	–	–	–	–	–	–	–	–	6	1	–	–	–	–

CEAMS = Criminal Exploitation of Australia's Migration System, CRO = Cyber-Related Offending, EOCT = Emerging Organised Crime Threats, FT = Firearm Trafficking, HRED = High Risk and Emerging Drugs, NSISOC = National Security Impacts from Serious and Organised Crime, OMCG = Outlaw Motor Cycle Gangs

1 Intelligence products derived from use of coercive powers.

2 Stakeholders that received a dissemination.

3 Previously unknown criminal.

4 Known criminal operating in a previously unknown area of criminality.

5 Estimated street value.

6 Estimated excise value.

7 Persons charged.





Section 5

Criminal intelligence delivery

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Criminal intelligence delivery

This section describes the intelligence products, systems and services that the ACIC delivered in 2019–20 to enhance national understanding of the organised crime environment and inform immediate and longer term collaborative responses.

Information and intelligence products

During 2019–20, the ACIC shared information and intelligence products with 321 national and international law enforcement partners and other stakeholders. This included 2,739 analytical intelligence products, 11,768 tactical intelligence products, and 10,691 automated alerts on significant criminal targets.

Under circumstances as defined in section 59AB of the ACC Act, the ACIC disclosed information to nine private sector bodies, on a total of 27 occasions. On two occasions the information related to cybersecurity and on 25 occasions a range of information or intelligence products were disclosed to a sporting entity.

Publications

Much of the intelligence gathered by the ACIC is classified and shared only with partner agencies. However, the ACIC increasingly engages with private industry to share its understanding of the threat picture and releases unclassified information to the public to help prevent crime or harden the environment against serious and organised crime threats.

The ACIC released five publicly available reports in 2019–20:

- ▶ The ACIC's *Illicit Drug Data Report 2017–18* was released in August 2019. It is the 16th edition of the report and includes arrest, detection, seizure, purity, profiling and price data.
- ▶ The *Methylamphetamine supply reduction—Measures of effectiveness* report was published in September 2019. The report describes how, for the first time, the ACIC overlaid consumption data derived from the NWDMP with other illicit drug indicator data to understand the relationship between supply and consumption within the Australian methylamphetamine market.
- ▶ The NWDMP, a key initiative in establishing an objective evidence base on illicit drug use and the levels of use of a number of legitimate substances, released three reports: Report 8 in October 2019, Report 9 in March 2020, and Report 10 in June 2020.

Strategic assessments

The ACIC's strategic assessments provide board member agencies and other relevant agencies with assessments of crime types and markets or criminal issues of national importance. These products support and influence a range of intelligence, operational and response decisions, and inform government consideration of future strategies, including policy development.

In 2019–20, the ACIC produced strategic assessments on a range of issues, including:

- ▶ financial crime in the property development sector
- ▶ serious and organised fraud against Commonwealth government-funded programs
- ▶ an assessment of the firearms market in Australia
- ▶ vulnerabilities relating to veterinarians and veterinary clinics.

Strategic and operational insights

The ACIC's strategic and operational insights products provide new insights into serious and organised crime threats, groups, vulnerabilities, methodologies and markets. These products reflect key strategic observations and learnings from ACIC and partner intelligence and investigations, often gathered using coercive powers or covert capabilities.

Intended for stakeholders with an in-depth understanding of the organised crime environment, strategic insights products provide decision-makers with a quick understanding of changes or emerging issues or threats. They inform and influence appropriate operational, regulatory and policy responses.

In 2019–20, the ACIC's strategic and operational insights included issues such as:

- ▶ the impact of COVID-19 on a range of crime types
- ▶ the impact of law enforcement drug activity on drug consumption
- ▶ new strains of ransomware
- ▶ ways in which casino junket operators facilitate money laundering.

National information and intelligence sharing services

The ACIC provides national criminal information and intelligence services to police officers and other accredited users on a daily basis, to keep them, and the Australian community, safe. The ACIC does this by bringing together essential law enforcement information from around the country and making it accessible to all Australian police and wider law enforcement agencies.

These services are specifically designed to equip police with the information they need to investigate, solve and prevent crimes. This vital information improves decision-making and contributes to a safer Australia. The ACIC conducts regular audits to ensure that only authorised users who require access to its systems have that access.

The board has responsibilities, as set out in section 7C of the ACC Act, to determine priorities in relation to national policing information systems and services and make recommendations to the Minister about charges for national policing information services and expenditure from the National Policing Information Systems and Services Special Account. Expenditure from the special account is invested back into national policing information systems to ensure that they remain contemporary.

Frontline services

Frontline services enable police agencies to share essential policing information with each other in relation to people, vehicles, firearms and ballistics. This can assist them to undertake a broad range of community policing activities and criminal investigations.

National Police Reference System

The NPRS equips police with the knowledge they need to make on-the-spot decisions when dealing with persons of interest. It is available to more than 74,000 police officers, investigators and analysts across Australia, enabling them to share essential national policing information.

The system provides key national reference data such as names, identity information, criminal history (charges and convictions), photographs, and information on warnings, warrants, wanted persons, and firearms. This information is accessible from handheld devices, in-car terminals and desktop computers (via system-to-system interfaces or graphical user interfaces).

Table 9 summarises key statistics for the NPRS in 2019–20.

Table 9: National Police Reference System statistics

Measure	Board-agreed benchmark	Historical ^a	Change (≥5%)	2019–20
Availability	99.50%	99.53%	↔	99.64%
Users	n.a.	76,886	↓	54,636 ^b
Searches	n.a.	36,871,546	↑	38,922,218
Records at 30 June	n.a.	12,070,156	↑	12,626,943

a Historical results are based on averages of up to four years of data, except for 'Records at 30 June', which is the result for the previous year only.

b The significant difference in the number of users is due to inaccurate reporting by handheld devices used by Victoria Police, which recorded only one user per device in 2019–20. The ACIC is working with Victoria Police to rectify the problem.

Source: ACIC Annual Report 2019–20

National Firearms Identification Database

The NFID sets uniform national standards for the identification of firearms registered within Australia.

The database is a reference tool that enables police to identify and characterise a firearm using descriptors such as make, model, calibre and magazine capacity. It assists police to ensure that firearms are recorded consistently during registration, importation or transfer of ownership and movement across state and territory borders.

Table 10 summarises key statistics for the NFID in 2019–20.

Table 10: National Firearms Identification Database statistics

Measure	Board-agreed benchmark	Historical ^a	Change (≥5%)	2019–20
Availability	96.00%	99.69%	↔	99.84%
Users ^b	n.a.	32	↑	82
Searches	n.a.	18,436	↑	46,999 ^c
Records at 30 June	n.a.	12,972	↑	13,594

a Historical results are based on averages of up to four years of data, except for 'Records at 30 June', which is the result for the previous year only.

b The National Firearms Identification Database does not have an individual user login. User statistics are based on IP address.

c The difference in the number of searches is partly due to the ACIC's providing NFID access to the New Zealand Police to assist with New Zealand's firearm buyback scheme.

Source: ACIC Annual Report 2019–20

Australian Ballistic Information Network

The Australian Ballistic Information Network helps police across Australia to identify ballistics data to link crimes, firearms and suspects. It helps police to electronically match crime scene ballistic evidence to the firearm used, or to link crimes where the same firearm or its components have been used at multiple scenes. This system builds on existing ballistic libraries that operate in several states.

Table 11 summarises key statistics for the Australian Ballistic Information Network in 2019–20.

Table 11: Australian Ballistic Information Network statistics

Measure	Board-agreed benchmark	Historical ^a	Change (≥5%)	2019–20
Availability	95.00%	99.97%	↔	100.00%
Users	n.a.	113	↔	108
Searches	n.a.	2,626	↑	4,329
Positive data matches	n.a.	78	↔	77
Records at 30 June	n.a.	83,819	↔	86,131

a Historical results are based on averages of up to four years of data, except for 'Records at 30 June', which is the result for the previous year only.

Source: ACIC Annual Report 2019–20

Australian Firearms Information Network

AFIN has replaced the National Firearms Licensing and Registration System, allowing for improved user interactions and software capabilities.

Integration with AFIN will provide each police partner with access to the full historical data holdings in the system and create a national record showing the lifecycle of every firearm in Australia. The AFIN Backwards-Compatibility Solution allows legacy National Firearms Licensing and Registration System data to be provisioned to AFIN until partners have integrated directly into the system.

The ACIC is progressively integrating all police partners with AFIN: two policing partners integrated their data in 2019–20.

Table 12 summarises key statistics for AFIN in 2019–20.

Table 12: Australian Firearms Information Network statistics

Measure	Historical ^a	Change (≥5%)	2019–20
Availability	99.42%	↔	99.93%
Users	608	↑	1,080
Searches	40,558	↑	443,921
Records at 30 June	10,904,259	↑	12,363,786

a Historical results are based on averages of up to four years of data, except for 'Records at 30 June', which is the result for the previous year only.

Source: ACIC Annual Report 2019–20

National Vehicles of Interest System

The National Vehicles of Interest System enables police to record and check details about local or interstate vehicles that may be stolen or suspicious. System users can also enquire about vehicle component information, national vehicle registration and description information, and national driver licence holder information provided by the National Exchange of Vehicle and Driver Information System hosted by Austroads (the peak organisation of Australasian road transport and traffic agencies).

Table 13 summarises key statistics for the National Vehicles of Interest System in 2019–20.

Table 13: National Vehicles of Interest System statistics

Measure	Board-agreed benchmark	Historical ^a	Change (≥5%)	2019–20
Availability	99.00%	99.89%	↔	99.51%
Users	n.a.	9,833	↑	36,870 ^b
Searches	n.a.	7,672,305	↓	7,605,016 ^c
Records at 30 June	n.a.	3,834,521	↔	3,976,966 ^c

a Historical results are based on averages of up to four years of data, except for 'Records at 30 June', which is the result for the previous year only.

b The large difference in number of users is due to a change in reporting practices. Prior to 2019–20, users from New South Wales and Victoria were not counted by the ACIC because they accessed the National Vehicles of Interest System's mainframe server through their own systems. In September 2019, the system was migrated to a midrange server that all users access directly.

c The numbers of searches and records for 2019–20 have been updated since the *Annual Report 2019–20* was published, to correct a calculation error.

Source: ACIC Annual Report 2019–20

Biometric and forensic services

Biometric and forensic services help police to solve crimes through biometric systems, including fingerprint and DNA systems, and assist police to identify missing persons, human remains and disaster victims.

National Automated Fingerprint Identification System

Australian police use the National Automated Fingerprint Identification System (NAFIS) to identify individuals from their fingerprints or palm prints. The system helps to solve crimes by matching crime scene evidence to persons of interest. It enables near real-time uploads of prints from crime scenes, helping police to identify suspects in minutes. The Department of Home Affairs also uses the system, to support Australia's migration program.

In December 2019, the ACIC commenced a project to remove risk posed to NAFIS by obsolete infrastructure and increase the performance, reliability and availability of the system.

The ACIC is also working with partner agencies to develop NAFIS NextGen, the planned new version of the system. The new version will ensure that fingerprint identification capability used by all police partner agencies continues to be supported while delivering increased efficiencies for partner agency staff.

Table 14 summarises key statistics for NAFIS in 2019–20.

Table 14: National Automated Fingerprint Identification System statistics

Measure	Board-agreed benchmark	Historical ^a	Change (≥5%)	2019–20
Availability	99.40%	99.68%	↔	99.88%
Users	n.a.	704	↔	696
Searches	n.a.	1,487,537	↑	1,507,182
Positive data matches	n.a.	92,162	↑	107,038
Records at 30 June	n.a.	10,034,465	↑	10,791,263

a Historical results are based on averages of up to four years of data, except for 'Records at 30 June', which is the result for the previous year only.

Source: ACIC Annual Report 2019–20

National Criminal Investigation DNA Database

The National Criminal Investigation DNA Database helps police to solve crimes and exclude innocent people from their investigations by linking DNA profiles from crime scenes with persons of interest. It also allows police to match profiles of two or more unsolved crime scenes, linking previously unrelated investigations.

The database includes more than 1.32 million DNA profiles from samples collected by Australian police from crime scenes, convicted offenders, suspects, and items belonging to missing persons and unknown deceased persons.

Table 15 summarises key statistics for the National Criminal Investigation DNA Database in 2019–20.

Table 15: National Criminal Investigation DNA Database statistics

Measure	Board-agreed benchmark	Historical ^a	Change (≥5%)	2019–20
Availability	99.00%	99.60%	↔	99.67%
Users	n.a.	168	↓	103
Positive data matches	n.a.	85,268	↑	111,393
Records at 30 June	n.a.	1,324,575	↑	1,444,941

a Historical results are based on averages of up to four years of data, except for 'Records at 30 June', which is the result for the previous year only.

Source: ACIC Annual Report 2019–20

National Missing Persons and Victim System

An estimated 38,000 people are reported missing each year in Australia. The National Missing Persons and Victim System helps police to identify missing persons by accessing data on long-term missing persons, unidentified human remains and disaster victim identification.

Table 16 summarises key statistics for the National Missing Persons and Victim System in 2019–20.

Table 16: National Missing Persons and Victim System statistics

Measure	Board-agreed benchmark	Historical ^a	Change (≥5%)	2019–20
Availability	96.00%	99.84%	↔	99.97%
Users	n.a.	579	↑	876
Records at 30 June	n.a.	3,383	↑	3,546

^a Historical results are based on averages of up to four years of data, except for 'Records at 30 June', which is the result for the previous year only.

Source: ACIC Annual Report 2019–20

Protection services

Protection systems assist police to find information on domestic violence orders, manage child sex offenders and identify child exploitation and abuse images.

National Child Offender System

The National Child Offender System helps police to protect the community by enabling them to uphold child protection legislation in their state or territory.

The system allows Australian police to record and share child offender information and directly enables police in each state and territory to manage key information to meet the requirements of the relevant child protection legislation. It includes the Australian National Child Offender Register and the Managed Person System.

During 2019–20, the National Child Offender System was available 99.67 per cent of the time (against a board-agreed benchmark of 99.50 per cent) and had 940 registered users.

Child Exploitation Tracking System

The Child Exploitation Tracking System provides a capacity to identify children at risk of sexual abuse and enable timely intervention strategies for victims. The Child Exploitation Tracking System is a joint venture between the ACIC and the Australian Federal Police.

A business case to replace the Child Exploitation Tracking System with a more contemporary application was prepared and presented to the ACIC Board in 2019–20. The new application will reside with the Australian Centre to Counter Child Exploitation, subject to the approval of funding to progress the development of the new application.

During 2019–20, the Child Exploitation Tracking System was available 100 per cent of the time (against a board-agreed benchmark of 96 per cent). The number of users of the system is intentionally limited due to the nature of the work the system supports, to minimise the emotional impact on staff caused by explicit materials.

Court Portal

The ACIC's Court Portal enables domestic violence orders in the NPRS to be viewed by authorised personnel in courts across Australia. In 2019–20, the system was searched 2,114 times.

Checking services

Checking services enhance the safety of the community by providing timely and accurate information that helps organisations to make informed decisions about the suitability of applicants for a range of employment, registration, licensing and other entitlements.

National Police Checking Service

The National Police Checking Service (NPCS) is designed to assist employers and authorising bodies to make informed decisions about the suitability of staff and applicants. It is also used by police and ACIC-accredited bodies, including government agencies, private sector businesses and brokers, not-for-profit organisations, and screening units responsible for the assessment of people who apply to work with children or vulnerable people.

The ACIC is implementing ways to enhance the NPCS and improve delivery to meet current and future needs. This includes implementing critical updates and enhancements to the NPCS Support System and assessing the feasibility of the ACIC's undertaking matching and vetting functions for the delivery of checks.

The number of bodies for whom checks were performed was reduced in 2019–20, as a result of stricter contractual obligations and increased compliance activities.

Table 17 summarises key statistics for the NPCS in 2019–20.

Table 17: National Police Checking Service statistics

Measure	Board-agreed benchmark	Historical ^a	Change (≥5%)	2019–20
Availability	99.00%	98.54%	↔	99.65%
Criminal history checks completed	n.a.	5,002,569	↑	5,634,321
Accredited bodies for whom nationally coordinated criminal history checks were processed	n.a.	195	↔	191

^a Historical results are based on averages of up to four years of data.

Source: ACIC Annual Report 2019–20

The ACIC and police partners track the timeliness of NPCS checks as a measure of performance. In 2019–20:

- ▶ The 'standard check' target of completion within 10 days was met in 94.9 per cent of instances.
- ▶ The 'urgent check' target of completion within five days was met in 90.8 per cent of instances.

Working with Children Checks National Reference System

The development of the Working with Children Checks National Reference System was completed in 2018–19. The service supports decisions to approve applicants to work with children, including the national provision of negative notices to relevant stakeholders.

Two of the relevant state agencies, in Tasmania and Western Australia, have completed their integration and are live on the system. Both agencies have benefitted from the system in several instances in which applicants applying for a certification were shown to have been refused certification in another jurisdiction. Due to COVID-19 limitations and legislative change requirements, the remaining states and territories are yet to join the system.

Criminal intelligence systems and databases

Criminal intelligence systems facilitate dissemination and sharing of criminal intelligence, including databases of intelligence holdings that can be accessed and analysed by approved users.

Australian Law Enforcement Intelligence Network

The Australian Law Enforcement Intelligence Network (ALEIN) is the secure extranet that provides a gateway for partners to access the ACIC's various intelligence databases and services. ALEIN is also a secure messaging channel for sharing criminal information and intelligence between Commonwealth, state and territory partners.

A project to replace aging physical hardware in the network commenced in 2019. The first component of replacing the ALEIN mail servers was completed, reducing the risks of failure of the system into the future. The other components have been postponed until further funding becomes available.

During 2019–20, ALEIN was available 99.23 per cent of the time to its 4,135 registered users.

Australian Criminal Intelligence Database

The Australian Criminal Intelligence Database (ACID) is Australia's national criminal intelligence and information system, as mandated in section 7A(a) of the ACC Act. ACID is more than 30 years old and will eventually be replaced by NCIS.

ACID provides 25 Commonwealth, state and territory law enforcement agencies and other regulatory authorities with the ability to securely share, collate and analyse criminal information and intelligence nationally. It includes intelligence collected and collated by the ACIC as well as intelligence uploaded by partners.

The system includes the Violent and Sexual Crime Database, which captures information about violent and sexual crime and provides analytical tools to allow specially trained analysts to complete behavioural comparative case analysis to identify serial offenders at the earliest opportunity.

Table 18 summarises key statistics for ACID in 2019–20.

Table 18: Australian Criminal Intelligence Database statistics

Measure	Historical ^a	Change (≥5%)	2019–20
Availability	99.99%	↔	99.23%
Users	2,394	↓	2,279
Searches	368,608	↓	241,517
Records at 30 June	5,337,790	↑	5,587,155

a Historical results are based on averages of up to four years of data, except for 'Records at 30 June', which is the result for the previous year only.

Source: ACIC Annual Report 2019–20

National Criminal Intelligence System

The aim of NCIS is to strengthen criminal information and intelligence sharing across law enforcement agencies, jurisdictions and the criminal intelligence community. The new system will provide secure access to a national view of criminal intelligence and information, and support the collation and sharing of criminal intelligence and information.

NCIS will improve officer safety by providing a national view of crime that can be presented to frontline operations, providing targeted, timely, relevant, prioritised national policing information. It will include a consolidated national view of fact-based policing and incident information, tools for improved analytics and deconfliction between investigations, and alerts and indicators for entities and activities of interest.

The ACIC is the lead agency accountable and responsible for delivering NCIS, while the Department of Home Affairs will take a key role in delivering the system's capability.

During 2019–20, significant work occurred to progress the NCIS development program. NCIS is now hosted in the ACIC environment and receiving continuous updates of NPRS data. Using only NPRS data, NCIS has already made over seven million potential correlations across records of persons of interest nationally, enabling officers to have a unified view of an individual's reference information across all jurisdictions for the first time.

National Target System

The National Target System contains information on nationally significant organised crime groups (criminal targets). It houses the National Criminal Target List and the National Gangs List.

The National Criminal Target List details the risks posed by Australia's nationally significant serious and organised crime targets, including offshore networks actively impacting Australia. Analysis of the list informs strategic decisions directing resources towards the targets posing the highest level of threat and risk. It also informs major policy initiatives.

The National Gangs List is the first nationally accessible database containing gang and membership details of Australian-based 'one percenter' OMCGs—gangs who see themselves as operating outside the law. The National Gangs List is linked to the National Criminal Target List and shares functionality, including automated alerting.

Australian law enforcement and other government agencies, including international law enforcement partners, contribute to the system. Australian and New Zealand law enforcement partners, and prescribed regulatory agencies, can access the system online.

In 2019–20, the number of records held in the system was reduced as a result of updates resulting from a revision of the National Gangs List business rules (as endorsed by National Task Force Morpheus) and quality assurance reviews of OMCG membership data conducted by jurisdictions.

Table 19 summarises key statistics for the National Target System in 2019–20.

Table 19: National Target System statistics

Measure	Historical ^a	Change (≥5%)	2019–20
Availability	99.96%	↔	99.98%
Users	860	↑	1,012
Records at 30 June	15,951	↓	14,589

^a Historical results are based on averages of up to four years of data, except for 'Records at 30 June', which is the result for the previous year only.

Source: ACIC Annual Report 2019–20

Automated Alerting Service

The Automated Alerting Service provides near real-time advice on the activities of criminal targets and promotes opportunities for further intelligence development and investigative activity.

Gangs Intelligence Hub

The Gangs Intelligence Hub is the central and secure repository of OMCG and criminal gang information and intelligence. It supports the capability to share information about gang activity in Australia and overseas among partner agencies.





Section 6

Legislative framework and legal actions

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Legislative framework and legal actions

This section of the report provides a summary of legislative changes and legal actions involving the ACIC in 2019–20. It includes the outcomes of prosecutions, proceeds of crime actions and contempt cases arising from ACIC investigations, and judicial decisions on reviews of ACIC administrative decisions.

Legislative changes

The ACIC is established under section 7 of the ACC Act. During 2019–20, the ACC Act was amended and the *Australian Crime Commission Establishment (Transitional Provisions) Regulations 2003* were repealed and replaced. These changes helped to ensure that the legislation provides an effective framework to support the ACIC in fulfilling its statutory functions.

ACC Act

In 2019, the ACIC worked with the Department of Home Affairs to develop amendments to the ACC Act to streamline the process by which the ACIC Board authorises the ACIC to undertake special operations or special investigations in relation to serious and organised crime. The amendments were made by the *Australian Crime Commission Amendment (Special Operations and Special Investigations) Act 2019*, which received Royal Assent on 10 December 2019.

The amendments introduced a new public interest test for special ACIC operations and special ACIC investigations. The new test requires that the Board must consider, on the basis of members' collective experience, that it is in the public interest that the special ACIC operation or special ACIC investigation occur.

The amendments also confirmed the validity of existing special operation and special investigation determinations, ensuring that the ACIC could continue to effectively fulfil its statutory functions and actively contribute to a safer and more secure Australia. They did not expand or otherwise alter the powers available to the ACIC in the course of undertaking a special operation or special investigation.

Regulations

The *Australian Crime Commission Establishment Regulations 2020* commenced on 27 February 2020, repealing the *Australian Crime Commission Establishment (Transitional Provisions) Regulations 2003*.

Section 4 of the 2003 regulations empowered the CEO of the ACIC to vary or revoke a non-publication direction made under the *National Crime Authority Act 1984*. Section 6 of the 2020 regulations remakes that section, ensuring that the CEO can continue to vary or revoke non-publication directions in force, as necessary, and with due consideration of the implications for persons affected by the direction.

Two transitional provisions in the 2003 regulations were not remade in the 2020 regulations as they are no longer required.

Legislative reviews

The ACIC makes submissions for legislative reform, participates in public inquiries and provides intelligence to partners to assist in the development and implementation of compliance regimes which close off opportunities for criminal exploitation.

In July 2019, the ACIC lodged a submission to the Parliamentary Joint Committee on Intelligence and Security's review of the mandatory data retention regime. The submission outlined the effectiveness of the existing data retention regime in balancing the ACIC's vital need for timely and consistent access to telecommunications data with the need for firm accountability mechanisms to ensure that access remains proportionate and transparent.

In November 2019, the ACIC lodged a submission to the Independent National Security Legislation Monitor's review of the *Telecommunications and Other Legislation Amendment (Assistance and Access) Act 2018*. Through its submission, the ACIC addressed the agency's implementation and use of powers under the Act; the persistent threat environment in which intelligence and law enforcement agencies operate; and the critical need to ensure that the ACIC's search and surveillance powers in the cyber domain are equivalent to its existing powers in the physical domain.

In February 2020, the ACIC CEO appeared at a public hearing of the Senate Legal and Constitutional Affairs Legislation Committee's inquiry into the Transport Security Amendment (Serious Crime) Bill 2019. At the hearing, the CEO identified significant threats to Australia's border environments from serious and organised crime, including at airports, seaports and offshore facilities. The CEO also discussed the potential use of ACIC criminal intelligence in background checking for the aviation and maritime security identification card schemes, noting the residual risk posed by card holders who may not have serious criminal convictions but have been identified as having links to serious and organised crime groups.

The ACIC also provided a number of submissions to the Comprehensive Review of the Legal Framework Governing the National Intelligence Community, and worked with the Attorney-General's Department and the broader Home Affairs portfolio to collaboratively develop the Australian Government response. The recommendations of the review and the government response were publicly released in December 2020.

Court proceedings

In 2019–20, the ACIC was involved in court proceedings of two kinds:

- ▶ prosecutions and proceeds of crime actions, initiated by other government agencies, in which evidence and intelligence gathered by the ACIC led directly or indirectly to the proceedings
- ▶ matters in relation to contempt of the ACIC, initiated by the ACIC under section 34A of the ACC Act.

Criminal offences

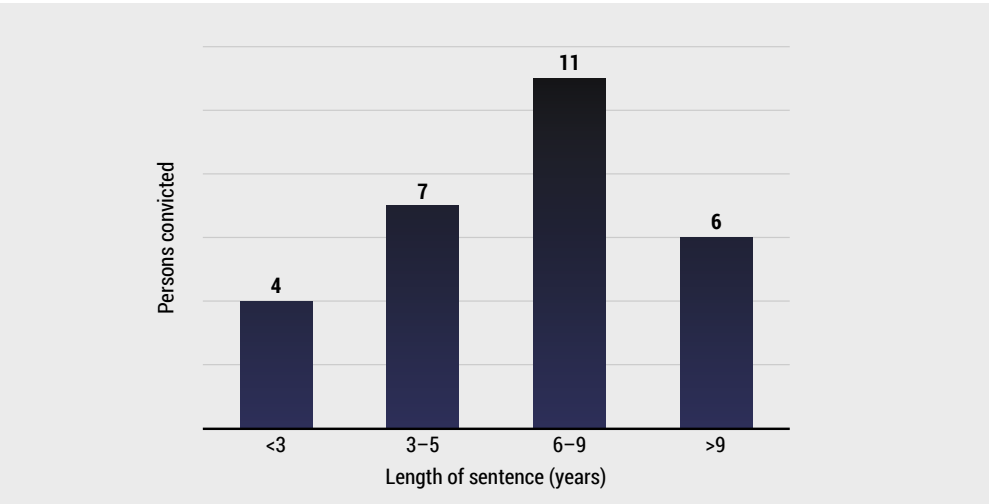
In 2019–20, as a result of ACIC intelligence, law enforcement partners charged 106 people with criminal offences, laying a total of 260 charges. Twenty-eight convictions were secured, with one acquittal (these totals may include people charged in previous years).

Recorded results for numbers of persons charged and charges laid were lower than average. This is in line with the ACIC’s increasing focus on high-threat and international targets impacting Australia.

ACIC-related court results included convictions for offences related to illicit drugs, precursor chemicals, money laundering, stolen or unlawfully obtained property, and criminal organisation.

The sentencing outcomes of convictions related to ACIC intelligence are shown in Figure 1.

Figure 1: Sentencing outcomes of convictions arising from ACIC intelligence 2019–20



Note: These results relate only to persons who appeared before a court in 2019–20. They may not represent the full number of people charged during the year.

Proceeds of crime

In conjunction with its partners, the ACIC works to undermine the profitability of criminal enterprises. The *Proceeds of Crime Act 2002* provides for the proceeds of crime to be controlled, confiscated and potentially forfeited to the Commonwealth to discourage criminal activity and to prevent reinvestment in further criminal activity.

Table 20 summarises the outcomes of proceeds of crime activities that resulted from ACIC referrals.

Table 20: Proceeds of crime outcomes arising from ACIC referrals 2019–20

Type	Amount
Restrained ¹	–
Confiscated ²	\$3,479,313

- 1 Assets are frozen or restrained due to a suspicion of criminal activity.
- 2 Criminal involvement is confirmed and the court orders a defendant to pay money to the government or forfeit assets. This can be in the form of a forfeiture order, a pecuniary penalty order or a conviction-based forfeiture.

Note: Assets that are restrained or confiscated by the ACIC are generally transferred to the Australian Federal Police or the police force in the relevant jurisdiction. Police forces are responsible for recovering assets to the Commonwealth and reporting on recovered assets.

Contempt of the ACIC

ACIC examiners have the power to apply for a witness to be dealt with for contempt of the ACIC in certain circumstances. Those applications are heard in either the Federal Court or the relevant state or territory Supreme Court.

Two contempt proceedings were finalised in 2019–20. One of those proceedings was related to a proceeding described in last year's annual report.

Anderson v BYF19 [2019] FCA 1959

On 14 December 2018, BYF19 (a court-ordered pseudonym) appeared before an ACIC examiner and refused to answer questions. Contempt proceedings were commenced under section 34A of the ACC Act. On 19 June 2019, BYF19 pleaded guilty to six counts of contempt of the ACIC.

On 22 November 2019, the Federal Court sentenced BYF19 to eight months imprisonment, to be released after serving four months, the remainder of the sentence to be suspended on the basis that the respondent be of good behaviour for a period of two years.

Anderson v DKH18 [2018] FCA 1571

On 6 June 2018, DKH18 (a court-ordered pseudonym) was summonsed to appear before the ACIC examiner. DKH18 appeared before the examiner and refused to answer questions. Contempt proceedings were commenced under section 34A of the ACC Act. On 5 October 2018, DKH18 pleaded guilty to six counts of contempt of the ACIC.

On 19 October 2018, DKH18 was sentenced in the Federal Court to an indefinite period of imprisonment. On 25 July 2019, DKH18 appeared before an examiner and purged his contempt.

Following the purging of his contempt, DKH18 made an application for review of the continuance of the indefinite sentence. On 16 August 2019, the Federal Court handed down its decision regarding DKH18's application to review the continuance of the indefinite sentence imposed and ordered that DKH18 be released from custody. At the time of his release, DKH18 had served approximately 10 months in custody.

Judicial reviews

The ACIC is subject to legal challenge as a normal part of its operations. This may occur in the context of applications in the Federal Court for judicial review under the *Administrative Decisions (Judicial Review) Act 1977* or section 39B of the *Judiciary Act 1903*, or as part of the criminal justice process, such as in a contested subpoena or an application for a stay of criminal proceedings.

In 2019–20, the ACIC was involved in three significant matters, for which the ACIC prepared regular reports to the Office of Legal Services Coordination. Two of those matters were continuations of matters described in last year's annual report.

CXXXVIII v Commonwealth of Australia & Ors

CXXXVIII (a court-ordered pseudonym) was served with a summons to appear before an examiner in furtherance of a special investigation. He was also served with a forthwith notice to produce, at the time and place of service, certain items in his custody and control. The examiner conceded that the summons and notice were ineffectually served, for different reasons. The examiner exercised his powers and issued a fresh summons and a new notice, which were subsequently served on CXXXVIII.

On 27 June 2018, CXXXVIII filed an application for judicial review seeking to challenge the decision to issue the two summonses and two notices served on him. The ACIC conceded that the first notice and the first summons were ineffectually served/deficient, but contended that the second summons and second notice were lawfully and validly issued and served.

The matter was heard in an expedited hearing, and Justice Brown ruled in favour of the respondents on 31 August 2018. On 20 September 2018, CXXXVIII filed an application in the Full Federal Court seeking to appeal the whole of the decision of Justice Brown. His application was unsuccessful.

CXXXVIII applied to the High Court, and was granted special leave in respect of the whole of the Full Federal Court's judgement.

Following amendments to the ACC Act by the *Australian Crime Commission Amendment (Special Operations and Special Investigations) Act 2019*, which came into effect on 10 December 2019, the applicants amended the grounds of appeal to challenge the validity of parts of those legislative amendments.

This matter has now been finalised.

CXXXVIII v The Honourable Justice Richard Conway White & Ors

An ACIC examiner applied for the issue of a section 31 warrant under the ACC Act. The warrant was issued by Justice White on 8 August 2018. The Australian Federal Police subsequently executed the warrant and stopped CXXXVIII (a court-ordered pseudonym) from leaving the country.

On 31 December 2018, CXXXVIII filed an application seeking judicial review of the arrest warrant under section 39B of the *Judiciary Act 1903*. The matter was heard on 25 November 2019.

On 1 May 2020, the Full Court delivered its decision, dismissing the application for judicial review of the decision made by Justice White to issue a warrant for the applicant's arrest.

X v Sage

X (a court-ordered pseudonym) was summonsed to attend an examination under the ACC Act. On 28 May 2020, X filed an application for judicial review seeking orders to prevent the examination from proceeding on a number of administrative law grounds. In particular, X challenged the constitutional validity of the provisions in the ACC Act that permit examinations of persons 'post-charge'.

This matter has now been finalised.

List of abbreviations

ACC Act	<i>Australian Crime Commission Act 2002</i>
ACIC	Australian Criminal Intelligence Commission
ACID	Australian Criminal Intelligence Database
AFIN	Australian Firearms Information Network
AGICC	Australian Gangs Intelligence Coordination Centre
ALEIN	Australian Law Enforcement Intelligence Network
APOT	Australian Priority Organisation Target
AUSTRAC	Australian Transaction Reports and Analysis Centre
CACT	Criminal Assets Confiscation Taskforce
CEAMS2	Criminal Exploitation of Australia's Migration System No. 2 special operation
CEO	Chief Executive Officer
HRCT2	Highest Risk Criminal Targets No. 2 special investigation
HRCT3	Highest Risk Criminal Targets No. 3 special investigation
NAFIS	National Automated Fingerprint Identification System
NCIS	National Criminal Intelligence System
NFID	National Firearms Identification Database
NPCS	National Police Checking Service
NPRS	National Police Reference System
NWDMP	National Wastewater Drug Monitoring Program
OMCGs	outlaw motorcycle gangs
SFCT	Serious Financial Crime Taskforce

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