



2021–22 Chair Annual Report

BOARD OF THE AUSTRALIAN CRIMINAL INTELLIGENCE COMMISSION



Contact details

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

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Letter of transmittal



Attorney-General

The Hon Mark Dreyfus KC MP Attorney-General Parliament House Canberra ACT 2600

Dear Attorney-General

On behalf of the Chair of the Board of the Australian Criminal Intelligence Commission (ACIC), I present the *Board of the Australian Criminal Intelligence Commission Chair Annual Report 2021–22.*

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.

Section 61(1) of the ACC Act, requires the Chair of the Board to furnish the report to the Inter-Governmental Committee on the Australian Crime Commission (IGC-ACC) for transmission. This was completed out of session in March 2023. No comments on the report were received from the IGC-ACC.

The report is to be laid before each House of Parliament within 15 sitting day of that house, after receiving the report.

Yours sincerely

THE HON MARK DREYFUS KC MP Chair of the Inter-Governmental Committee on the Australian Crime Commission 15/5/2023

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SECTION 1 INTRODUCTION

This section provides an introduction to the ACIC, explains the role of this report, and presents the Chair's review of ACIC achievements in 2021–22.

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About the ACIC

The ACIC is Australia's national criminal intelligence agency. The purpose of the agency is to protect Australia from criminal threats through coordinating a strategic response and collecting, assessing and disseminating intelligence and policing information.

In 2021–22, the ACIC achieved this by:

- collecting, analysing and disseminating criminal intelligence
- sharing information to support police partners through our national policing information systems and services
- supporting employment and entitlement decisions through delivery of background checking services.

The ACIC is a Commonwealth statutory agency, established under the *Australian Crime Commission Act 2002* (ACC Act) with roles and functions underpinned by supporting legislation in each state and territory.

The ACIC was part of the Home Affairs portfolio throughout 2021–22. Under the administrative arrangements order of 23 June 2022, the agency was moved to the Attorney-General's portfolio on 1 July 2022.

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 Australian Government Attorney-General 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 1.1 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 1.1: Guide to compliance with reporting requirements of the Australian Crime Commission Act 2002

Info	rmation 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 and national policing information
(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 and national policing information
(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:	Section 6 Legislative framework and legal actions
	 (ii) applications made to the Federal Court or the Federal Circuit and Family Court of Australia (Division 2) under the Administrative Decisions (Judicial Review) Act 1977 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	

Chair's review

The ACIC plays a unique role in linking the National Intelligence Community with law enforcement, informing a strategic response to serious and organised crime and supporting partners to deliver on their law enforcement functions.

In 2021–22, the ACIC continued to collect and disseminate criminal intelligence and policing information to partners, to achieve its vision of 'An Australia hostile to criminal exploitation'.

Criminal intelligence delivery

The ACIC continued to deliver insights on the highest-level transnational serious and organised crime threats impacting Australia, including by:

- discovering new information relating to its special ACIC investigations and special ACIC operations through coercive examinations
- sharing 15,322 information and intelligence products among 214 stakeholders, including national and international law enforcement partners
- releasing 4 reports to the public the *Illicit Drug Data Report 2019–20*, and 3 reports from the National Wastewater Drug Monitoring Program.

The ACIC plays a critical role in bringing partners together to build operational strategies and coordinate disruption activities. The agency contributed to 46 disruptions by partner law enforcement agencies during the year.

The ACIC's work with law enforcement partners led to the seizure of drugs and precursor chemicals with an estimated street value of \$1.4 billion, illicit tobacco with an estimated excise value of \$62.1 million, and more than \$24.3 million in cash and assets.

In addition, the ACIC made a financial referral to the Criminal Assets Confiscation Taskforce in relation to 2 criminal entities with a combined estimated value of offending of \$0.6 million.

National policing information systems and services

The ACIC provided and maintained 11 national policing information systems and related services to help its partners prevent, detect and reduce crime in the Australian community. This included delivering 41.8 million National Police Reference System searches and supporting 93,725 positive data match fingerprint identifications and 65 crime scene ballistics matches. The National Criminal Intelligence System was enhanced and expanded to include 3 state police incident datasets. This important national capability provides secure access to a national view of criminal intelligence and information, and supports the collation and sharing of criminal intelligence and information nationally.

The National Police Checking Service remains a key activity for the ACIC, delivering world-class background checking services to support employment or entitlement decisions. During 2021–22, the service processed 6.7 million nationally coordinated criminal history checks.

Looking ahead

Over the next 12 months, the ACIC will continue to support operational outcomes and criminal disruptions by working with partners, at the Commonwealth and state and territory levels and internationally. In my role as Chair, I look forward to providing strategic direction to the ACIC and leading the board as a unified force against nationally significant crime.

Reece Kershaw APM Chair Board of the Australian Criminal Intelligence Commission 12 December 2022





SECTION 2 ACIC BOARD

This section details the role and composition of the ACIC Board, and summarises the key activities of the board and its subcommittee in 2021-22.

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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 and determining the priorities for the ACIC
- authorising, by determination, special ACIC investigations and special ACIC operations to occur, and determining the classes of persons to participate in such operations or 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 providing nationally coordinated criminal history checks and disclosing national policing information
- reporting to the Inter-Governmental Committee on the ACIC's performance.

Members

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. The CEO of the ACIC is a non-voting member of the board.

In January 2022, the ACIC Board farewelled Michael Fuller APM on his retirement as Commissioner, New South Wales Police Force. Mr Fuller had been a member of the board since March 2017. In February 2022, Karen Webb APM joined the board on her appointment as Commissioner, New South Wales Police Force.

Observers

During 2021–22, the CEO of the Australian Transaction Reports and Analysis Centre (AUSTRAC) and the Secretary of the Commonwealth Attorney-General's Department attended board meetings as non-voting observers. In August 2021, Katherine Jones PSM replaced Iain Anderson as the observer representing the Attorney-General's Department.

Meetings

Under section 7D of the ACC Act, the board is required to meet at least twice within a calendar year. The board met twice in the 2021–22 reporting period, adhering to all quorum attendance requirements.

Subcommittee

The board's National Policing Systems Subcommittee, established in 2020–21, is responsible for considering matters in relation to national policing systems and the National Policing Information Systems and Services Special Account and making recommendations to the board for endorsement.

In 2021–22, the subcommittee established the National Police Checking Service (NPCS) Working Group – chaired by the ACIC CEO, with representation from state and territory police – to develop a future NPCS model for the subcommittee to bring forward to the board for consideration.

The subcommittee met twice in 2021–22, and discussed and received regular updates from the ACIC on:

- outcomes from NPCS Working Group meetings
- national policing information systems and current national policing information projects, including the ACIC's 2022–23 investment proposals and the National Policing Information Capability Roadmap 2021–25
- National Policing Information Systems and Services Special Account revenue.

Matters considered

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 2021–22, the board:

- recommended to the Minister for Home Affairs that \$170.2 million from the National Policing Information Systems and Services Special Account be used to fund National Automated Fingerprint Identification System (NAFIS) NextGen capability and support to 2034–35, and endorsed the allocation of up to \$10.1 million from special account reserves for the provision of the NAFIS NextGen capability and support to 2034–35
- sought the advice of the National Criminal Intelligence Capability Committee on the development of the national criminal intelligence priorities, which the board determines under section 7C(1)(a) of the ACC Act
- considered future arrangements for the National Criminal Intelligence System (NCIS), and endorsed funding principles to support early-adopter partners
- approved the disclosure of national policing information data in the National Police Reference System (NPRS) to 2 approved external agencies
- agreed to undertake a review of the wholesale pricing for national police checks prior to the end of the 2022–23 financial year
- endorsed the Board of the Australian Criminal Intelligence Commission Chair Annual Report 2020–21 and the ACIC's Strategic Direction 2022–26.

In addition, the board:

- considered significant operational and strategic matters, and received updates on
 - current special ACIC investigations and special ACIC operations
 - national policing information systems and projects
 - ACIC legal matters
 - the Department of Home Affairs electronic surveillance reform project¹
- discussed requirements for the modernisation of the NPCS and received regular updates on the NPCS Working Group's progress to develop a future NPCS model for the board's consideration
- reviewed the National Policing Information Systems and Services Special Account revenue and noted the prioritisation of national policing information projects for 2022–23.

¹ Under the administrative arrangements order of 23 June 2022 the electronic surveillance reform project moved to the Attorney-General's Department.





SECTION 3 AUSTRALIA'S CRIMINAL ENVIRONMENT

This section draws on intelligence gathered by the ACIC and its partners to describe the nature, scope, trends and patterns of criminal activity in Australia.

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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 impacts the lives of Australians in complex and destructive ways. As criminals seek to exploit vulnerabilities and perceived gaps in law enforcement, Australians experience damage to families and communities, lost income, health and social impacts, and the erosion of public trust.
- Costly Serious and organised crime costs the Australian community billions of dollars each year. The Australian Institute of Criminology estimates that in 2020–21 serious and organised crime cost Australia up to \$60.1 billion, including up to \$43.7 billion in direct costs and up to \$16.4 billion in prevention and response costs.
- Globalised Geographic boundaries do not confine criminal networks. We estimate that around 70% of Australia's serious and organised criminal threats are based offshore or have strong offshore links.
- Diversified Criminal groups have diversified across multiple criminal markets, often combining traditional organised crime activities with new forms of business. Diversified activities ensure consistent revenue streams to finance higher-risk criminal ventures, and enable criminal enterprises to respond to shifts in supply and demand.
- Resilient Criminal groups are enduring and resilient, with sophisticated networks that rise to the challenges posed by shifting global conditions and disruptions. They quickly adapt methodologies in response to changes in their operating environment, and collaborate with each other for mutual gain.
- Concealed Serious and organised criminals conceal their activities by blending legitimate business with criminal enterprises. They employ professional experts across a range of industries to advise on complex methods and techniques to hide their ventures from law enforcement. Criminal groups corrupt officials, and use violence and intimidation to coerce individuals into supporting and concealing their criminal activities.
- Tech- and cyber-savvy Criminals quickly adopt emerging and advancing technologies, enabling increasingly sophisticated methods to counter law enforcement efforts. They leverage the expertise of their peers, sharing tools, techniques and information across dark web forums and marketplaces. Cybercriminal groups can target thousands of Australians simultaneously from anywhere in the world.
- National security threat Links between national security issues and serious and organised crime include offshore criminals attempting to influence government activities and decisions in Australia.

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Key enablers

Enablers are activities (which may be crimes themselves) or capabilities that underpin and contribute to the effectiveness of serious and organised crime. The key enablers described here are widely used in Australia, although not all enablers are present in every illicit market. Multiple 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 (including registered migration agents and education agents) – is a fundamental issue for law enforcement and regulatory agencies. In an increasingly complex global environment, criminals engage a range of professional facilitators to assist them 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 a 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, differences in jurisdictional reporting, and instances where identify 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, but when, as is increasingly the case, crime groups are indifferent to members of the public becoming 'collateral damage', the threat to the public is more direct. 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.

In world terms, Australia is relatively free from serious and organised criminal involvement in public sector corruption.

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 such as drugs, tobacco and firearms.

The illegal importation, manufacture, cultivation and distribution of harmful drugs in Australia generates billions of dollars in profits for organised criminal groups. The Australian illicit drug market is sustained by demand for a wide variety of substances, as described in Table 3.1. Some serious and organised crime groups capitalise on the demand by importing, cultivating, manufacturing or trafficking several drug types simultaneously.

Table 3.1: Key substances in the Australian illicit drug market 2021–22

Substance	Market characteristics
Cannabis	Serious and organised crime (SOC) groups are well established in the Australian cannabis market, although they do not dominate it. The market is robust and profitable, and supplied by a very large number of often unsophisticated groups and individuals. The supply side of the cannabis market is very flat, with many suppliers each producing relatively small amounts of the drug. Almost all cannabis consumed in Australia is cultivated domestically, and some cultivation is increasingly sophisticated and coordinated. Report 16 of the National Wastewater Drug Monitoring Program (NWDMP), which was released in June 2022, shows average consumption of cannabis in regional areas exceeds average consumption in capital cities. Cannabis consumption reached record high levels in capital cities and regional areas in August 2021. Average consumption has since decreased in both capital cities and regional areas.
Cocaine	All cocaine in Australia is imported from source countries in South America. A range of SOC groups import cocaine, through many different transhipment points. Report 16 of the NWDMP shows that cocaine consumption is increasing in both capital cities and regional areas, reversing a trend of decreasing consumption for most of 2020–21. Average consumption of cocaine in capital cities exceeds average consumption in regional areas.
Hallucinogens and anaesthetics	While the markets for hallucinogens and anaesthetics do not rival the major illicit drug markets, they do have a tangible SOC presence and show signs of expansion. The related markets of GHB, GBL and 1,4-BD involve multi-tonne illicit importations and substantial diversion from legitimate industrial uses. ^a All 3 substances feature in poly-drug use with substances such as methylamphetamine.
	The ketamine market is also a concern, due to ketamine's links to poly-drug use with other illicit stimulants and the very large market for ketamine in northern Asia. Ketamine is both illicitly imported and diverted domestically from the medical and veterinary sectors. Ketamine has been monitored by the NWDMP since December 2020. The results show that capital city consumption exceeds regional consumption. No significant trends in ketamine consumption have been identified to date.
Heroin	All heroin in Australia is imported, and almost all of it originates in South-East Asia. A range of SOC groups are involved in the importation and distribution of heroin. Since reaching record high levels of consumption in capital cities in August 2020, heroin consumption has decreased to more typical levels in both capital cities and regional areas. 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	Pharmaceuticals commonly misused in Australia include opioid-based pain relief medications, opioid substitution drugs, benzodiazepines, pregabalin and codeine. The NWDMP monitors the consumption of 2 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. NWDMP data show that consumption of both fentanyl and oxycodone has decreased to some of the lowest levels recorded by the program. Regional average consumption exceeds capital city average consumption.
MDMA ^b	SOC groups are involved in the importation, domestic manufacture (to a limited extent) and distribution of MDMA in Australia. Most MDMA that is imported into Australia is sourced in Europe. Report 16 of the NWDMP shows that average consumption of MDMA increased in both capital cities and regional areas between August and December 2021.

Substance	Market characteristics
Methylamphetamine	Numerous SOC groups are involved in the importation, domestic manufacture and distribution of methylamphetamine in Australia. There is evidence of increasing variety and sophistication in domestic manufacture of methylamphetamine. Methylamphetamine causes disproportionate harm in Australia because there is strong and resilient demand for the drug in both capital city and regional areas. Report 16 of the NWDMP shows that, of the illicit drugs for which dose data are available, methylamphetamine is the most consumed illicit drug in Australia by some margin. ^c The report also shows that, following the record low consumption reported in August 2020 in both capital city and regional areas, consumption has increased but has not returned to pre-COVID levels. Regional average consumption generally exceeds average capital city consumption, although this was not the case in December 2021.
New psychoactive substances	SOC groups have limited influence in the market for new psychoactive substances, which have similar chemical structures to, or mimic the effects of, other illicit drugs. These substances have been available in Australia since the mid-2000s. Hundreds of the substances are introduced to the market each year, and many feature for only short periods of time. Through the surface web and the dark web, the internet is used extensively for buying, selling and sharing information on these substances. The market is highly reactive, appearing to change in response to user preferences and 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). SOC groups are involved in the importation and manufacture of PIEDs, but do not dominate the market. 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. There is potential for growth in the market as the substances are used increasingly to enhance personal image (as well as performance).
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. SOC groups dominate the sophisticated end of this market and large importations of precursor chemicals have been detected in recent years. This market has potential to increase as the domestic manufacture of drugs forms part of the business model of sophisticated SOC groups. The market is increasingly seeing SOC groups move to the use of pre-precursors to avoid regulatory and legislative controls over the more traditional precursors.

Table 3.1: Key substances in the Australian illicit drug market 2021-22 (continued)

a GHB is the chemical gamma hydroxybutyrate, also known as 'liquid ecstasy'. GBL (gamma butyrolactone) and 1,4-BD (1,4-butanediol) are closely related chemicals that convert to GHB when ingested.

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

c Dose data are available for methylamphetamine, amphetamine, cocaine, MDMA, heroin, oxycodone, fentanyl, nicotine and alcohol. Reliable dose figures are not available for cannabis.

Serious and organised crime is also involved in the illicit tobacco market in Australia, 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. In 2012 and again in 2015, the ACIC conservatively estimated that there were 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 the Australia's economy, financial markets, regulatory frameworks and revenue collection.

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 risk of exposure to 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, including wildlife crime, illegal logging and fishing, and illegal disposal of rubbish. Transnational organised crime syndicates and opportunistic individuals exploit these markets, which are characterised by high profit margins and low detection rates.
- Money laundering Organised criminals use professional money laundering syndicates to conceal the illicit nature of funds sourced from criminal activities which distort financial markets.
- 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.



SECTION 4 Investigations and Operations

This section describes the board-approved special ACIC investigations and special ACIC operations that the ACIC undertook to pursue national criminal intelligence priorities in 2021–22.

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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.

Special ACIC investigations and special ACIC operations are authorised by written determination. Table 4.1 lists the special ACIC investigations and special ACIC operations established by board determinations in 2021–22.

Table 4.1: Board-approved special ACIC investigations and special ACIC operations 2021–22

Authorisation/determination	Туре	Date established
Criminal Exploitation of Australia's Migration System 2020	Special ACIC operation	28 July 2020
Cyber-Related Offending 2020	Special ACIC operation	28 July 2020
Emerging Organised Crime Threats 2020	Special ACIC operation	28 July 2020
Firearm Trafficking 2020	Special ACIC operation	28 July 2020
High Risk and Emerging Drugs 2020	Special ACIC operation	28 July 2020
Highest Risk Criminal Targets 2020	Special ACIC investigation	28 July 2020
National Security Impacts from Serious and Organised Crime 2020	Special ACIC operation	28 July 2020
Outlaw Motor Cycle Gangs 2020	Special ACIC operation	28 July 2020
Targeting Criminal Wealth 2020	Special ACIC investigation	28 July 2020
Foreign Interference Impacts from Serious and Organised Crime 2021	Special ACIC operation	16 June 2021

Special powers

Where the board has authorised a special ACIC investigation or special ACIC operation to occur, ACIC examiners, who are independently appointed statutory office holders, may exercise coercive powers under Division 1A and Division 2 of the ACC Act for the purpose of that special ACIC investigation or special ACIC operation.

The coercive powers allow an examiner to summon a person to give evidence at an examination and compel them to answer the questions asked of them. Examiners may also require a person to produce documents or things.

A range of ancillary processes may enable an ACIC examiner to secure compliance with a summons. These include court-issued warrants for the arrest of a person to ensure that the person attends an examination, and court orders for the production of an examinee's passport.

Division 1A also empowers an examiner to request or require information from Commonwealth agencies and, where arrangements are in place, certain state agencies.

Additionally, eligible persons – that is, ACIC examiners or members of the staff of the ACIC who are also constables – may apply for search warrants to search for things relevant to a special ACIC investigation or a special ACIC operation that is occurring, in circumstances where there is a risk that the item or document would be concealed, lost, mutilated or destroyed if a summons to produce it were issued.

Task forces

The evidence and intelligence gathering activities of special ACIC investigations and special ACIC operations are informed by, and contribute to, the work of board-established task forces which support collaboration between partners seeking to disrupt criminal enterprises through intelligence-led responses.

The board approves the partner agencies who may participate in board-established task forces. Agency heads of partner agencies nominate staff to participate in an ACIC task force, and those participants become members of the staff of the ACIC for the purposes of that task force. Participants work collaboratively within the framework of each task force to achieve its objectives.

Two board-established task forces operated in 2021–22, as shown in Table 4.2.

Table 4.2: Board-established task forces at 30 June 2022

Task force	Established	Extended to
National Task Force Morpheus	1 July 2014	30 June 2024
Transnational Criminal Intelligence Task Force (Vestigo Task Force)	30 November 2016	30 June 2024

Qualitative results

In 2021–22, the special ACIC investigations and special ACIC operations focused on the 7 priority areas of criminal threats affecting Australia, as identified in the *Corporate Plan 2021–22*:

- cybercrime
- financial crime
- gangs
- highest risk serious and organised crime
- illicit drugs
- illicit firearms
- other criminal threats to Australia.

Across all priority areas, a key focus is working with domestic and international 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.

This section describes the special ACIC investigations and special ACIC operations in 2021–22. The ACIC's *Annual Report 2021–22* contains additional details on the agency's achievements in priority areas, including comparisons with previous reporting periods.

Special ACIC investigations

Highest Risk Criminal Targets 2020

Highest-risk serious and organised crime entities continue to exert significant influence over Australia's illicit commodity markets. These groups are present in all Australian states and territories. Most are operating in 2 or more jurisdictions within Australia or transnationally and have established a presence within legitimate sectors to facilitate their criminal activities.

The Special Australian Criminal Intelligence Commission Investigation Determination (Highest Risk Criminal Targets) 2020 is designed to:

- maximise impact against, and disruption of, the targeted serious and organised crime entities that represent the greatest risk and threat nationally
- 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 the criminal markets.

The main approach of the investigation is to work closely with domestic and international partners to extend our agency's unique capabilities, reducing the impact of serious and organised crime on Australia.

Work under the determination spans several priority areas, including OMCGs, firearms, money laundering and illicit drug 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 from offshore.

These groups operate in partnership with domestic groups who provide specialist facilitators capable of smuggling illicit drugs through border controls, as well as access to money launderers who repatriate the transnational group's profit share.

The ongoing risk presented by the highest-risk criminal groups underscores the importance of a nationally coordinated intelligence and investigative response.

Targeting Criminal Wealth 2020

The Special Australian Criminal Intelligence Commission Investigation Determination (Targeting Criminal Wealth) 2020 is designed to disrupt and deter criminal groups by collecting evidence and intelligence about financially motivated criminal activity.

Almost all organised crime is motivated by profit. Providing intelligence to identify and stop criminal money flows is one of the most effective ways to disrupt the activities of serious and organised crime networks and reduce the harm they cause.

This broad investigation into financially motivated crime brings together work investigating money laundering, superannuation and investment fraud, and sophisticated tax evasion, and work on confiscating criminal wealth. It incorporates the work of multiagency national task forces, including the Commonwealth Criminal Assets Confiscation Taskforce and the Serious Financial Crime Taskforce.

Through the determination, the ACIC works with its partners to:

- deliver financial intelligence that identifies high-value targets and provides new opportunities for law enforcement and regulatory partners
- build national knowledge of money laundering, nationally significant tax fraud and other financially motivated crimes
- help make Australia unattractive for abusive financial arrangements and money laundering
- reduce the impact of serious financial crime on the Australian community
- produce intelligence that contributes to whole-of-government policies and law enforcement decision-making.

Special ACIC operations

Criminal Exploitation of Australia's Migration System 2020

Visa and migration fraud activity poses a significant threat to Australia's visa and migration system and to Australia's national interests more broadly. A prominent feature of this type of fraud is the increasing involvement of serious and organised crime groups who seek to exploit the Australian visa and migration system to facilitate criminal activities onshore.

The Special Australian Criminal Intelligence Commission Operation Determination (Criminal Exploitation of Australia's Migration System) 2020 aims to identify, investigate and disrupt serious and organised crime involvement in visa and migration fraud.

The operation also delivers intelligence to support an enhanced understanding of vulnerabilities within the migration system and their impact on Australia, and to establish which legislative, regulatory or other vulnerabilities are being exploited or circumvented and reinforce them to prevent ongoing exploitation.

To achieve the aims of the determination, the ACIC works with its partners to:

- enhance the strategic intelligence picture, detailing the nature and extent of the threat of visa and migration fraud
- identify systematic vulnerabilities being exploited by serious and organised crime groups engaged in visa and migration fraud, to harden policy and operational settings and strengthen existing regulatory frameworks
- develop a detailed understanding of the extent, profitability and drivers of visa and migration fraud and identify the sectors where it occurs and the types of crime it enables
- identify highest-risk criminal networks engaging in visa and migration fraud, to inform intelligence collection and operational activity
- coordinate and cooperate with partner agencies to disrupt high-level criminal networks engaging in visa and migration fraud, by facilitating target development activities and investigations
- apply coercive powers to identify new targets.

Cyber-Related Offending 2020

Cyber-related crime covers a wide variety of offences – including identity crime, computer hacking, phishing, botnets, computer-facilitated crime, and cyber intrusion directed at private and national infrastructure – and presents a significant threat to Australians.

Through the Special Australian Criminal Intelligence Commission Operation Determination (Cyber-Related Offending) 2020, the ACIC collects and analyses information and intelligence to identify, investigate, disrupt or prevent cyber-related offending activity.

Cyber-related criminal activity is resistant to traditional law enforcement investigations and requires a collaborative approach between the ACIC and its partners. This approach includes:

- developing comprehensive intelligence about the nature and extent of serious and organised crime activity
- preventing, disrupting, disabling and dismantling serious and organised crime enterprises, through enforcement, regulation, policy and other actions
- enhancing collaboration with international and private sector bodies
- using coercive powers to facilitate the collection of information and intelligence not available through other information collection methods.

Emerging Organised Crime Threats 2020

The Special Australian Criminal Intelligence Commission Operation Determination (Emerging Organised Crime Threats) 2020 aims to identify, investigate and disrupt serious and organised criminal threats impacting Australia's society, institutions, markets, sectors and economy.

The operation also delivers intelligence to support an enhanced understanding of the enablers and methodologies used by organised criminal entities to undertake serious and organised criminal activity. This includes the wider networks and professional facilitators who provide vital expertise and support to organised crime groups.

To achieve the aims of the determination, the ACIC:

- collaborates with partner agencies to identify and analyse professional facilitators that are providing expertise in support of organised crime groups
- collaborates with partner agencies, through existing policy and engagement mechanisms, and with professional industry bodies to develop prevention and mitigation strategies to reduce the impact of organised crime on the Australian community
- uses coercive powers to proactively target the criminal enabling networks and methodologies of organised crime groups and identify emerging threats and issues, and develops intelligence to inform operational targeting opportunities and contribute to prevention, mitigation, policy and law enforcement decision-making.

Firearm Trafficking 2020

The Special Australian Criminal Intelligence Commission Operation Determination (Firearm Trafficking) 2020 aims to:

- identify entities involved in firearm trafficking activity, and the nature and scope of their involvement
- identify new, emerging and evolving threats to licit firearms markets, and enablers of illicit firearms markets
- maintain a contemporary understanding of the adaptation, uptake and exploitation of firearms markets by serious and organised crime entities
- develop an enhanced understanding of the firearms market and sector vulnerabilities to organised criminal infiltration and exploitation
- reduce the ability of serious and organised crime entities to acquire firearms, and thereby reduce the threat posed by such entities
- collaborate with partners to prevent or disrupt the activities of serious and organised crime groups across Australia
- develop intelligence which can inform detection, prevention and mitigation strategies and contribute to national policy, regulatory and law enforcement decision-making that will make Australia more resistant to serious and organised crime.

The use and possession of illicit firearms is a significant element of serious and organised crime activity in Australia. Traffickers supply illicit firearms to organised crime networks, either by illegally obtaining them from the licit market or by facilitating their illegal manufacture or importation.

The operation sees the ACIC working collaboratively with partners to:

- develop more comprehensive intelligence about the nature and extent of serious and organised crime activity
- prevent, disrupt, disable and dismantle serious and organised criminal enterprises through enforcement, regulation, policy and other actions
- enhance collaboration with international and private sector bodies
- use the coercive powers of the ACIC to facilitate the collection of information and intelligence not available through other information collection methods.

Foreign Interference Impacts from Serious and Organised Crime 2021

Through the Special Australian Criminal Intelligence Commission Operation Determination (Foreign Interference Impacts from Serious and Organised Crime) 2021, the ACIC is positioned to work with its partners to examine and identify potential or actual convergences between serious and organised crime and foreign interference matters.

The operation is focused on gathering intelligence around transnational serious and organised criminal activity, where that activity presents some risk of foreign interference, so decisions are informed by the extent, impact and threat of that activity.

High Risk and Emerging Drugs 2020

Through the Special Australian Criminal Intelligence Commission Operation Determination (High Risk and Emerging Drugs) 2020, the ACIC looks at a range of drug markets in Australia and focuses on gathering intelligence around particular criminal activity so that decisions are informed by the extent, impact and threat of that activity.

The operation recognises the importance of having good intelligence when responding to illicit drug markets and identifying new drug-related threats to the community. Given the increasingly complex and interrelated nature of illicit drug activities, the operation monitors all Australian illicit drug markets.

Through this work, the ACIC develops a comprehensive understanding of all illicit drug markets, both domestically and internationally. The agency leverages its unique mix of powers, knowledge and capabilities to better understand the markets and inform its partners of new and emerging trends.

The operation also proactively develops and informs appropriate operational, legal and policy responses.

National Security Impacts from Serious Organised Crime 2020

Through the Special Australian Criminal Intelligence Commission Operation Determination (National Security Impacts from Serious and Organised Crime) 2020, the ACIC works with its partners to examine and identify potential or actual convergences between serious and organised crime and other national security matters.

The operation is focused on gathering intelligence around particular criminal activity, such as people smuggling, terrorism and serious and organised crime penetration at the border, so that decisions are informed by the extent, impact and threat of that activity.

By examining the convergences, the operation provides a unique perspective on the evolving threats and risks posed by serious and organised crime groups within the national security environment.

Outlaw Motor Cycle Gangs 2020

The Special Australian Criminal Intelligence Commission Operation Determination (Outlaw Motor Cycle Gangs) 2020 focuses on serious and organised crime committed by OMCGs. It allows the ACIC to gather intelligence in relation to OMCGs and investigate specified criminal activity to disrupt, dismantle or neutralise their criminal activities nationally.

The operation supports target development and investigations by law enforcement agencies into OMCGs. It aims to reduce the threat posed by OMCGs by promoting cooperation between law enforcement, government and industry partners to build an awareness of threats and vulnerabilities, and contributes to appropriate legislative and policy responses.

The use of the ACIC's coercive powers has been effective in collecting information and intelligence to examine structures and links fundamental to organised criminal activity. This has helped the agency and its partners to identify and take action against a range of OMCG criminal enterprises which have proved highly resistant to traditional law enforcement methods.

OMCGs continue to pose a significant threat to the Australian community. To reduce that threat, focused and innovative intelligence strategies are required, to complement traditional police methods of investigation. In particular, the appropriate use of the ACIC's coercive powers provides a mechanism to optimise disruption of the OMCGs posing the highest risk.

Quantitative results

Table 4.3 summarises the results of the special ACIC investigations and special ACIC operations in 2021–22 for a range of activities related to the agency's strategic objectives.

The ACIC's Annual Report 2021–22 contains statistics on the agency's performance against the measures detailed in its Corporate Plan 2021–22, including comparisons with previous reporting periods.

		2									
Authorised activities	ities	Historical	Special investigation	tigation			Spe	Special operation	_		
			HRCT	TCW	CEAMS	CRO	EOCT	H	HRED	NSISOC	OMCG
Coercive	Exams	0	0	168	0	0	0	0	68	0	0
powers	Notices	0	0	247	0	0	1	0	61	0	0
	Products ^b	17	ß	306	1	0	ъ	0	112	0	6
Intelligence	Analytical	0	1	38	2	2	20	1	20	0	1
products	Tactical	39	23	892	ε	11	199	282	733	8	19
Disseminations	Analytical	18	34	570	42	59	346	20	239	0	18
	Tactical	151	209	4,453	37	84	1,030	3,200	2,863	12	88
	Stakeholders ^c	29	45	122	35	51	76	21	70	9	30
Identified	Unknown ^d	0	0	22	0	0	223	0	30	0	0
criminality	Known ^e	0	0	1	0	0	0	0	4	0	0
Disruptions	Severe	0	0	1	0	0	0	0	1	0	0
	Significant	0	Ļ	21	0	0	9	0	15	0	0
Seizures (\$m)	Cash	0	0	18.40	0	0	0.46	0	5.36	0	0
	Drugs ^f	0	0	303.69	0	0	4.55	0	1,045.67	0	0
	Tobacco ^g	0	0	59.10	0	0	2.95	0	0	0	0
Arrests and	Charges	0	0	183	0	0	28	0	212	0	0
convictions	Persons ^h	0	0	35	0	0	7	0	57	0	0
	Convictions	0	£	ε	0	0	2	0	4	0	0

Table 4.3: Ouantitative results of special ACIC investigations and special ACIC operations 2021-22

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

Disseminations of previously developed products, that occurred after a project has closed.

Intelligence products derived from use of coercive powers. ьа

Stakeholders that received a dissemination.

J σ

Previously unknown criminal.

Known criminal operating in a previously unknown area of criminality.

Estimated street value. പ് തെ പ

Estimated tax excise value. Persons charged.





SECTION 5 CRIMINAL INTELLIGENCE AND NATIONAL POLICING INFORMATION

This section describes the intelligence products that the ACIC disseminated in 2021–22, and details the agency's delivery of national policing information systems and services.

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Intelligence products

In 2021–22, the ACIC produced 2,554 unique intelligence products, including 120 strategic assessments and insights, for dissemination to its partners.

Analysis of the agency's performance against targets for criminal intelligence delivery is provided in the ACIC's Annual Report 2021–22.

Strategic assessments

The ACIC's strategic assessments provide partners 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 2021–22, the ACIC produced strategic assessments on issues such as:

- the Australian encrypted criminal communications environment
- serious and organised criminal exploitation of the National Disability Insurance Scheme
- precursor chemicals supplying the Australian methylamphetamine market
- the serious and organised crime threat to sport in Australia.

Strategic and operational insights

The ACIC's strategic and operational insights 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 and operational insights provide decision-makers with a quick understanding of changing or emerging issues or threats. They inform and influence appropriate operational, regulatory and policy responses.

In 2021–22, the ACIC's strategic and operational insights covered issues such as:

- Russian organised crime in Australia
- criminal use of countermeasures to defeat law enforcement capabilities
- the Australian heroin market
- hybrid 3D-printed firearms.

Disseminations

The ACIC made 15,322 disseminations of intelligence products to 214 partners in 2021–22.

Three types of partners receive intelligence products from the ACIC: the agencies that make up the membership of the ACIC Board; other Australian partners; and certain law enforcement agencies outside Australia, such as the United Kingdom National Crime Agency and the United States Drug Enforcement Administration.

The ACIC's non-board Australian partners include stakeholders not involved in traditional law enforcement, such as bodies in the health and the sports integrity sectors, who benefit from intelligence around vulnerabilities and potential criminal threats.

Of the disseminations in 2021–22, 77% were to board agencies, 11% were to non-board Australian partners, and 12% were to international partners.

The ACIC disclosed information to 5 private sector bodies, on a total of 14 occasions, in accordance with section 59AB of the ACC Act. A range of information or intelligence products were disclosed to sporting entities.

National policing information systems and services

The ACIC's national policing information systems and services bring together essential law enforcement information from around the country and make it accessible to police officers and other accredited users, to keep them, and the Australian community, safe.

The 4 types of systems – frontline, biometric and forensic, protection, and criminal intelligence – are specifically designed to equip police with the information they need to investigate, solve and prevent crimes.

The ACIC also works with Commonwealth, state and territory agencies to deliver checking services that help organisations to make informed decisions about the suitability of applicants for certain entitlements or positions of trust.

The ACIC conducts regular audits to ensure that only authorised users who require access to its systems have that access.

Analysis of the agency's performance against targets for the provision of national policing information systems and services is provided in the ACIC's *Annual Report 2021–22*.

Frontline

Frontline systems and services enable police agencies to rapidly access and share essential policing information with each other in relation to persons of interest, 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 National Police Reference System 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 75,000 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 5.1 summarises key statistics for the system in 2021–22.

Measure	2021–22 result	Board-agreed benchmark	4-year average	Result ≥ benchmark/average
Availability	99.73%	99.00%	n.a.	✓
Users	77,533	n.a.	65,517	\checkmark
Searches	41,844,340	n.a.	34,975,330	\checkmark

Table 5.1: National Police Reference System statistics

n.a. = not applicable

National Firearms Identification Database

The National Firearms Identification Database 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 5.2 summarises key statistics for the database in 2021–22.

Table 5.2: National Firearms Identification Database statistics

Measure	2021–22 result	Board-agreed benchmark	4-year average	Result ≥ benchmark/average
Availability	99.77%	95.00%	n.a.	\checkmark
Users ^a	258	n.a.	102	\checkmark
Searches	80,052	n.a.	34,733	✓

n.a. = not applicable

a The database does not have an individual user login. User statistics are based on IP address.

Australian Ballistic Information Network

The Australian Ballistic Information Network assists 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 ballistic libraries that operate in several states and territories.

Table 5.3 summarises key statistics for the network in 2021–22.

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Measure	2021–22 result	Board-agreed benchmark	4-year average	Result ≥ benchmark/average
Availability	100.00%	99.50%	n.a.	\checkmark
Users	104	n.a.	111	×
Searches	4,132	n.a.	3,486	\checkmark
Positive data matches	65	n.a.	82	×

Table 5.3: Australian Ballistic Information Network statistics

n.a. = not applicable

Australian Firearms Information Network

The Australian Firearms Information Network helps police and other law enforcement agencies to manage the registration, licensing and movement of firearms.

All police partners, the Department of Home Affairs and the Australian Border Force are integrated with the network. This gives them near real-time access to the full historical data holdings in the system, and allows them to work with other partners to contribute to and share national records of the life cycles of all registered firearms in Australia.

Table 5.4 summarises key statistics for the network in 2021–22.

Measure	2021–22 result	Board-agreed benchmark	4-year average	Result ≥ benchmark/average
Availability	99.76%	96.00%	n.a.	✓
Users	485	n.a.	345ª	\checkmark
Searches	509,522	n.a.	223,133	\checkmark

Table 5.4: Australian Firearms Information Network statistics

n.a. = not applicable

a The approach to this statistic was updated, due to varying definitions of 'user' within the system. The historical data were rerun with a consistent query across each annual period and the historical average was calculated from those results.

National Vehicles of Interest System

The National Vehicles of Interest System enables police to record and search for 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 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 5.5 summarises key statistics for the system in 2021–22.

Table 5.5: National	Vehicles of Interest S	ystem statistics
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Measure	2021–22 result	Board-agreed benchmark	4-year average	Result ≥ benchmark/average
Availability	99.73%	99.00%	n.a.	\checkmark
Users	38,633	n.a.	37,499ª	\checkmark
Searches	7,192,033	n.a.	6,948,127	\checkmark

n.a. = not applicable

a This is a 2-year average, due to a change at system migration. User results previously varied between quarterly and full financial year statistics. The historical data were rerun with a consistent query across each annual period and the historical average was calculated from the full-year results.

Biometric and forensic

Biometric and forensic systems help police to solve crimes through services such as fingerprint identification and DNA matching, and assist police to identify missing persons, human remains and disaster victims.

National Automated Fingerprint Identification System

Australian police use NAFIS to identify individuals from their fingerprints or palm prints. The system helps police 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 NAFIS, to support Australia's migration program.

The ACIC is working with partner agencies to develop a new version of the system, NAFIS NextGen. The first phase of NAFIS NextGen is on schedule for delivery in May 2023.

Table 5.6 summarises key statistics for the system in 2021–22.

Measure	2021–22 result	Board-agreed benchmark	4-year average	Result≥ benchmark/average
Availability	99.73%	99.50%	n.a.	✓
Users	470	n.a.	n.a.ª	n.a.
Searches	1,318,904	n.a.	1,435,221	×
Positive data matches	93,725	n.a.	98,938	×

Table 5.6: National Automated Fingerprint Identification System statistics

n.a. = not applicable

a The 4-year average is not available because the National Automated Fingerprint Identification System has changed the way it counts 'active users'. Previously, all accounts were considered 'active' if they received an automated email; however, this does not indicate whether the accounts were actually being used. The current method cannot be applied historically.

National Criminal Investigation DNA Database

The National Criminal Investigation DNA Database holds samples of DNA profiles collected by Australian police from crime scenes, convicted offenders, suspects and volunteers. The database and its integrated forensic analysis tool help police to solve crimes and eliminate innocent people as suspects, by linking DNA profiles from crime scenes with DNA profiles from persons of interest and other crime scenes.

The database also holds DNA profiles from missing persons, family members of missing persons and unknown human remains, and has the capability to use DNA to link family relationships, to facilitate quick identification of disaster victims and help resolve missing persons cases. The software is configured to manage the complex policy and legislative differences between Australian jurisdictions.

Measure	2021–22 result	Board-agreed benchmark	4-year average	Result ≥ benchmark/average
Availability	99.77%	99.00%	n.a.	\checkmark
Users	121	n.a.	135	×
Positive data matches	122,967	n.a.	105,841	\checkmark

Table 5.7 summarises key statistics for the database in 2021–22.

Table 5.7: National Criminal Investigation DNA Database statistics

n.a. = not applicable

National Missing Persons and Victim System

The National Missing Persons and Victim System provides Australian state and territory police with the ability to share information on long-term missing persons and unidentified human remains. The system can match ante-mortem and post-mortem dental records and perform other advanced searches.

The system is also used by Australian and New Zealand police to identify the victims of disasters. Interpol uses the same software for disaster victim identification, and Australian teams are familiar with the Interpol system and processes. This approach makes it easier for countries to assist each other in the aftermath of a regional or global disaster.

The ACIC is working with the system vendor to replace the current system with a new version in late 2023, to address legacy technical issues.

Table 5.8 summarises key statistics for the system in 2021–22.

Table 5.8: National Missing Persons and Victim System statistics

Measure	2021–22 result	Board-agreed benchmark	4-year average	Result ≥ benchmark/average
Availability	99.77%	96.00%	n.a.	\checkmark
Users	936	n.a.	801	\checkmark

n.a. = not applicable

Protection

Protection systems assist police to find information on domestic violence orders (DVOs), manage child sex offenders, and identify child sexual 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.

Table 5.9 summarises key statistics for the system in 2021–22.

Table 5.9: National Child Offender System statistics

Measure	2021–22 result	Board-agreed benchmark	4-year average	Result ≥ benchmark/average
Availability	99.76%	99.50%	n.a.	✓
Users	1,492	n.a.	1,330ª	\checkmark

n.a. = not applicable

a The user data for this system previously captured quarter 4 users. The approach has been revised to capture the unique users across the full financial year. The historical data were rerun with a consistent query for each annual period and the historical average was calculated from the results.

Court Portal

The ACIC's Court Portal provides magistrates courts and family courts in all Australian states and territories with read-only access to key information related to protection orders and DVOs from the NPRS. The information is provided by the courts and provisioned into the NPRS by police agencies.

In 2021–22, the system was used by the courts to conduct 1,616 searches for information related to protection orders and DVOs.

The Court Portal provides a national information-sharing capability in support of the National Domestic Violence Order Scheme. By ensuring that local courts can effectively manage DVOs in collaboration with the police, the portal contributes to the increased safety of victims of domestic violence and the wider community.

Criminal intelligence

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 intelligence databases and services. ALEIN is also a secure messaging channel for sharing criminal information and intelligence between Commonwealth, state and territory partners. During 2021–22, ALEIN had 4,503 registered users.

A project to replace ageing physical hardware in the network commenced in 2019 and was completed in 2021–22.

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 contains intelligence collected and collated by the ACIC as well as intelligence uploaded by partners.

Table 5.10 summarises key statistics for ACID in 2021–22.

Measure	2021–22 result	4-year average	Result ≥ average
Availability ^a	99.86%	98.50%	✓
Users	2,128	2,564	×
Searches	453,876	351,043 ^b	\checkmark

Table 5.10: Australian Criminal Intelligence Database statistics

a This is the joint availability of the Australian Law Enforcement Intelligence Network/Australian Criminal Intelligence Database: Desk.
 b This is the average of results for 2016–17, 2018–19, 2019–20 and 2020–21. The 2017–18 result has been excluded due to a one-off spike that does not accurately reflect the average use of the system.

National Criminal Intelligence System

NCIS will be the core system for sharing all national policing information and intelligence in Australia, delivering the first truly national, unified picture of criminal activity to law enforcement and intelligence agencies. The system will provide secure access to a national view of criminal intelligence data and law enforcement information, and improve information sharing, collaboration and deconfliction across partner agencies.

By generating a national view of crime that can be presented to frontline operations, delivering targeted, timely, relevant and prioritised national policing information, NCIS will improve officer safety. Its features will include a consolidated national view of fact-based policing and incident information, capabilities to aid 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 has a key role in delivering the system's technical capability. The operational exposure release of NCIS commenced in 2020–21, and the development and implementation of the system is ongoing.

Four major system releases occurred in 2021–22, delivering data provisioning capabilities for the first 4 police agencies to integrate with the system, and significant consumption capabilities via a secure web user interface.

Through those releases, NCIS achieved a major objective: sharing near real-time policing data nationally, for the first time. Extensive incident datasets from Queensland Police Service, Victoria Police and Western Australia Police Force were added to the system, joining other key data such as the NPRS dataset. New South Wales Police Force data will become available via NCIS in 2022–23.

Critical features such as powerful search capabilities, correlated views of cross-border data, subscription and notification (deconfliction) functions, bookmarking, link charts and bulk searching were also delivered during 2021–22.

The transition to full production capability will continue in 2022–23, including the rollout of the user interface to agencies and direct integration with multiple local systems throughout 2022–23, replacing NPRS. Statistics for the system will be available for the 2022–23 financial year.

Checking

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 ACIC partners with Australian police agencies to provide the NPCS, which helps to protect the safety of the community by minimising the risk of appointing someone unsuitable to a position of trust. The service is delivered to police agencies and to bodies that are accredited by the ACIC to submit requests for nationally coordinated criminal history checks (police checks).

Accredited bodies include certain 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.

Table 5.11 summarises key statistics for the NPCS in 2021–22.

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Table 5.11: National Police Checking Service statistics

Measure	2021–22 result	Board-agreed benchmark	4-year average	Result ≥ benchmark/average
Availability	99.94%	99.00%	n.a.	\checkmark
Timeliness – standard checks completed within 10 business days	94.45%	95.00%	n.a.	×
Timeliness – urgent checks completed within 5 business days	89.00%	95.00%	n.a.	×
Checks processed	6,729,192	n.a.	5,688,874	\checkmark

n.a. = not applicable

Working with Children Checks National Reference System

The Working with Children Checks National Reference System provides a centralised database for the sharing of negative notice decisions for Working with Children Card (WWCC) applicants between state and territory screening agencies.

Integration with the system enables screening agencies to view information on persons who have been denied a WWCC in other jurisdictions. Agencies can use the information, along with criminal history and risk assessment information, to vet WWCC applicants or to monitor current WWCC holders against future negative notice decisions.

During 2021–22, Victoria completed its integration with the system and legislative preparation work was completed for New South Wales and Queensland to integrate during 2022–23. The Northern Territory is yet to integrate with the system; its progress has been limited due to resource availability and legislative requirements.



SECTION 6 LEGISLATIVE FRAMEWORK AND LEGAL ACTIONS

This section summarises legislative changes and reviews and legal actions involving the ACIC in 2021–22, including criminal proceedings and judicial reviews of administrative decisions.

Le	Legislative changes		
_	Transport Security Amendment (Serious Crime) Act 2021	46	
-	Surveillance Legislation Amendment (Identify and Disrupt) Act 2021	46	
-	Telecommunications Legislation Amendment (International Production Orders) Act 2021_	_46	
Leg	islative reviews	_47	
Cha	rrges and convictions	_48	
Proceeds of crime actions			
Cor	ntempt proceedings	_49	
Jud	licial reviews	_49	

Legislative changes

Three significant changes were made to the legislative framework for the ACIC's responsibilities and activities in 2021–22.

Transport Security Amendment (Serious Crime) Act 2021

On 22 June 2022, amendments made to the ACC Act by the *Transport Security Amendment* (*Serious Crime*) *Act 2021*, inserting Division 2A, came into effect. Under Division 2A, the ACIC has been given a new function of conducting criminal intelligence assessments as a part of the background checking process for applicants for an Aviation Security Identification Card (ASIC) or a Maritime Security Identification Card (MSIC).

Criminal intelligence assessments can be initiated by the ACIC when required or permitted by the Aviation Transport Security Act 2004, the Maritime Transport and Offshore Facilities Security Act 2003 or regulations under those Acts.

Under the new function, the ACIC will assess, by reference to intelligence and information available to the ACIC, whether a person may commit, or may assist another person to commit, a serious and organised crime. Where the ACIC makes an adverse assessment in relation to an applicant for an ASIC/MSIC, that person will not be eligible for an ASIC/MSIC. Adverse assessments will be reviewable in the Security Division of the Administrative Appeals Tribunal.

Surveillance Legislation Amendment (Identify and Disrupt) Act 2021

The Surveillance Legislation Amendment (Identify and Disrupt) Act 2021 commenced on 3 September 2021, providing the ACIC and the Australian Federal Police (AFP) with significant new powers to investigate and disrupt serious and organised crime, particularly where criminal networks are hiding behind anonymising technology or operating on the dark web to facilitate their criminal activities.

The Act introduced 3 new warrant types for both the ACIC and the AFP:

- network activity warrants, which permit access to data on computers and devices used by criminal networks operating online, to gather intelligence about serious offending
- data disruption warrants, which permit the modification and/or deletion of data held in a computer, in order to frustrate the commission of a relevant serious offence occurring online
- account takeover warrants, which enable the ACIC and AFP to take control of a person's online accounts for the purpose of enabling the gathering of evidence to further a criminal investigation.

Telecommunications Legislation Amendment (International Production Orders) Act 2021

The *Telecommunications Legislation Amendment (International Production Orders) Act 2021* received royal assent on 23 July 2021. This legislation established the new international production order (IPO) framework under the *Telecommunications (Interception and Access) Act 1979* (TIA Act).

The IPO framework enables Commonwealth, state and territory agencies to seek data and communications, via the Australian Designated Authority, from communications service providers in foreign countries with which Australia has a designated agreement.

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An IPO may be issued for purposes in connection with the investigation of an offence of a serious nature. Specifically, subject to the existence of a relevant international agreement, the TIA Act allows the ACIC to issue orders directly upon overseas communications providers (via the Australian Designated Authority):

- to instruct a communications provider to intercept communications, for 'serious category 2 offences' (offences which are defined as 'serious offences' under section 5D of the TIA Act, which relevantly includes an offence in relation to which the ACIC is conducting a special ACIC investigation)
- to instruct a communications provider to provide stored communications information and to provide telecommunications data, for 'serious category 1 offences' (offences with a maximum penalty of 3 years imprisonment or more).

The IPO powers available to the ACIC will be subject to oversight by the Commonwealth Ombudsman.

The *Telecommunications Legislation Amendment (International Production Orders) Act 2021* contains 2 minor technical amendments to the ACC Act. The 2 amendments (made to section 19A(5)(d) and Schedule 1) have the effect that an agency's obligations when served with a request or notice under section 19A or section 20 of the ACC Act are subject to the TIA Act prohibition on use, recording, communication or publication of protected information or the admission of protected information in evidence provided for in the IPO framework. This is in line with existing restrictions under the TIA Act relating to interception information.

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.

The Parliamentary Joint Committee on Law Enforcement (PJCLE) conducted an inquiry into the operation of the Australian Crime Commission Amendment (Special Operations and Special Investigations) Act 2019 and presented its final report in August 2021.

The ACIC and the Australian Institute of Criminology provided a joint submission to the PJCLE's inquiry into the impact of illicit drugs being traded online. The submission was published on the committee's website on 20 January 2022.

On 11 February 2022, the ACIC appeared before a public hearing of the Joint Committee on the Australian Commission for Law Enforcement Integrity's inquiry into the expansion of the Australian Commission for Law Enforcement Integrity's jurisdiction and the corruption vulnerabilities of law enforcement agencies' contracted services. The ACIC works closely with the committee in relation to proactively identifying and notifying corruption allegations and providing intelligence, information and investigation support in joint operations.

Charges and convictions

In 2021–22, as a result of ACIC intelligence, law enforcement partners charged 99 people with criminal offences, laying a total of 423 charges. The results were in line with the 4-year historical averages for numbers of persons charged and charges laid.

As a result of law enforcement partners' prosecutions arising from ACIC intelligence, 12 convictions were secured in 2021–22, including convictions for offences related to Illicit drugs and money laundering. These results include persons charged in previous years.

No convictions were secured for offences against the ACC Act. However, the conduct which may constitute an offence can also be dealt with by way of contempt proceedings under the ACC Act. In some cases, it will be appropriate to institute contempt proceedings rather than proceed by way of prosecution.

The sentencing outcomes of convictions related to ACIC intelligence are shown in Figure 6.1.

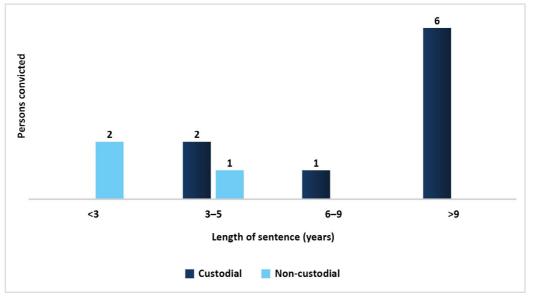


Figure 6.1: Sentencing outcomes of convictions arising from ACIC intelligence 2021–22

Note: These results relate to persons who appeared before a court for sentencing during 2021–22 and include persons charged in previous years.

Proceeds of crime actions

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 prevent reinvestment in further criminal activity. In addition, under equivalent state or territory legislation, state and territory partners may control, confiscate and recover proceeds of crime, based on ACIC intelligence.

In conjunction with its partners, the ACIC works to undermine the profitability of criminal enterprises. Table 6.1 summarises the outcomes of law enforcement partners' proceeds of crime activities that resulted from ACIC intelligence.

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Table 6.1: Proceeds of crime outcomes arising from ACIC referrals 2021–22

Туре	Amount (\$m)
Restrained ^a	13.62
Confiscated ^b	4.34

a Assets are frozen or restrained due to a suspicion of criminal activity.

b 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.

Contempt proceedings

In certain circumstances, ACIC examiners have the power to apply for a witness to be dealt with for contempt of the ACIC, under section 34B of the ACC Act. Such applications are heard in the Federal Court of Australia or the relevant state or territory Supreme Court.

Three contempt proceedings were resolved in the Federal Court in 2021–22:

- Anderson v EVA20 [2021] FCA 457 In 2020–21, contempt proceedings were commenced in the Federal Court against EVA20 (a court-ordered pseudonym) for failure to answer questions that an ACIC examiner required EVA20 to answer. EVA20 pleaded guilty and, on 6 May 2021, was sentenced to an indefinite period of imprisonment. On 11 May 2022, EVA20 brought an application in the Federal Court seeking a fixed term of imprisonment.
- Australian Crime Commission v DTO21 [2022] FCA 288 On 17 June 2021, DTO21 (a court-ordered pseudonym) appeared before an ACIC examiner in answer to a summons. DTO21 refused to answer 7 questions. On 22 October 2021, contempt proceedings were commenced in the Federal Court under section 34B(1) of the ACC Act. DTO21 was given an opportunity to purge the contempt but declined. On 8 December 2021, DTO21 pleaded guilty to each of the 7 contempt charges. On 28 March 2022, DTO21 was sentenced to an indefinite period of imprisonment.
- Lusty v AXH21 On 26 January 2021, AXH21 (a court-ordered pseudonym) was summoned to appear before an ACIC examiner. On 17 February 2021, AXH21 appeared before the examiner and failed to answer 4 questions the examiner required AXH21 to answer. Contempt proceedings were commenced in the Federal Court under section 34A(a)(ii) of the ACC Act. On 21 May 2021, AXH21 pleaded guilty to the contempt charges. Subsequently, on 1 July 2021, the summons was withdrawn and the proceedings were dismissed.

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 contested subpoenas or applications for a stay of criminal proceedings.

In 2021–22, 6 matters that had or would have had a significant effect on the operation of the ACIC were reviewed but did not ultimately proceed to a judicial decision. The outcomes of these matters are reported below.

APM21 v Lusty & Ors [2021] FCCA 570

APM21 (a court-ordered pseudonym) was served with a summons to appear before an ACIC examiner in the furtherance of a special ACIC investigation. On 12 February 2021, APM21 filed an application for judicial review in the Federal Circuit Court seeking to challenge the summons for AMP21's examination and/or the decision of the ACIC examiner to issue that summons, and the determination made by the ACIC Board in respect of the special ACIC investigation.

APM21's application for interlocutory relief as part of the judicial review was unsuccessful.

On 30 March 2021, the proceedings were transferred by consent to the Federal Court. On 14 July 2021, the proceedings were discontinued by consent.

DJ1 & VJ1 v Anderson & Ors

DJ1 and VJ1 (court-ordered pseudonyms) were each served with a summons to appear before an ACIC examiner in the furtherance of a special ACIC investigation. On 16 April 2021, DJ1 and VJ1 filed an application for judicial review in the Federal Circuit Court seeking to challenge the summons for their examinations and/or the decision of the ACIC examiner to issue that summons, and the determination made by the ACIC Board in respect of the special ACIC investigation.

On 14 July 2021, the proceedings were discontinued by consent.

BGE21 v Lusty; BFL21 v Anderson

On 10 May 2021 and 11 May 2021, respective applications for judicial review were filed by BGE21 and BFL21 (court-ordered pseudonyms) in the Federal Court seeking to challenge the validity of the summonses issued to both BGE21 and BFL21 to attend an examination, the associated special ACIC operation, and the constitutional validity of the associated provisions under the ACC Act.

On 15 September 2021, the proceedings were discontinued in the Federal Court by consent.

BQH21 v Anderson; BQT21 v Anderson

On 26 May 2021 and 9 June 2021, respective applications for judicial review were filed in the Federal Court seeking to challenge the summonses for BQH21 and BQT21 (court-ordered pseudonyms) issued to both BQH21 and BQT21 to attend an examination, the decisions of the ACIC examiner to issue the summonses, and the determination made by the ACIC Board in respect of the special ACIC operation.

On 15 September 2021, the proceedings were discontinued in the Federal Court by consent.

CVS21 v Anderson; CVQ21 v Anderson

On 19 August 2021, respective applications for judicial review were filed in the Federal Court seeking to challenge the summonses for CVS21 and CVQ21 (court-ordered pseudonyms) issued to both CVS21 and CVQ21 to attend an examination, the decisions of the ACIC examiner to issue the summonses, and the determination made by the ACIC Board in respect of the special ACIC operation and special ACIC investigation.

On 14 October 2021, the proceedings were discontinued in the Federal Court by consent.

ASQ22 v ASR22 & Anor

On 16 March 2022, respective applications for judicial review were filed by ASQ22 (a court-ordered pseudonym) in the Federal Court seeking to challenge the validity of the summons issued to ASQ22 to attend an examination, and the constitutional validity of the associated provisions under the ACC Act. There was a further constitutional challenge to the determination made by the ACIC Board in respect of the special ACIC operation.

On 13 May 2022, the proceedings were discontinued in the Federal Court by consent.

List of abbreviations

ACC Act	Australian Crime Commission Act 2002
ACIC	Australian Criminal Intelligence Commission
ACID	Australian Criminal Intelligence Database
AFP	Australian Federal Police
ALEIN	Australian Law Enforcement Intelligence Network
ASIC	Aviation Security Identification Card
AUSTRAC	Australian Transaction Reports and Analysis Centre
CEO	Chief Executive Officer
DVOs	domestic violence orders
IPO	international production order
MSIC	Maritime Security Identification Card
NAFIS	National Automated Fingerprint Identification System
NCIS	National Criminal Intelligence System
NPCS	National Police Checking Service
NPRS	National Police Reference System
OMCGs	outlaw motorcycle gangs
PJCLE	Parliamentary Joint Committee on Law Enforcement
TIA Act	Telecommunications (Interception and Access) Act 1979
WWCC	Working with Children Card

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