



NATIONAL STATEMENT

AUSTRALIA

TENTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

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**DELIVERED BY
HIS EXCELLENCY MAX HUGHES
PERMANENT REPRESENTATIVE OF AUSTRALIA
TO THE UNITED NATIONS IN VIENNA**

Preamble

1. Mr Chairman, Australia recognises that crime and criminal justice issues cannot be addressed solely at the national level. We must be prepared to cooperate on all fronts, including bilaterally, regionally and globally. Although strong domestic initiatives remain critical to success in the fight against crime, it is clear that the challenges of the twenty-first century require all States to work together in combating the world crime problem. It is a shared responsibility, and we must all contribute.

2. Accordingly, Australia is honoured to be able to participate in this, the Tenth United Congress on the Prevention of Crime and the Treatment of Offenders. We consider that the proposed Vienna Declaration on Crime and Justice offers great potential to all States in reaching agreement on long term plans against transnational crime, and we hope that it will represent a key milestone for international cooperation in the future.

Introduction

3. Australia has a Federal system, comprising nine separate criminal jurisdictions. Therefore, close cooperation between Commonwealth and State bodies is necessary for Australia to both provide effective law enforcement and crime prevention for its citizens, and for it to fulfil its international obligations

4. There are a number of bodies that assist in the enforcement of Commonwealth laws. These include the Australian Federal Police (the AFP), the National Crime Authority (the NCA), the Australian Customs Service (the ACS), the Australian Transaction Reports and Analysis Centre (AUSTRAC), and the Office of the Commonwealth Director of Public Prosecutions (DPP). These Commonwealth law enforcement bodies are concerned with national issues such as drug importation, moneylaundering and people smuggling.

5. These Commonwealth bodies form only part of the picture with regard to Australian law enforcement. They work constantly in conjunction with a number of State bodies, including State and Territory Police Services and various State Crime Commissions. For instance, in addressing issues such as organised crime, the NCA deploys task forces, which contain officers from both the AFP and State and Territory Police Services. Generally, State and

Territory law enforcement bodies are responsible for issues such as community policing.

6. National consultation between Commonwealth and State bodies is facilitated through a number of standing bodies, including the Council of Australian Governments (COAG), the Standing Committee of Attorneys-General (SCAG), and the Ministerial Council on the Administration of Justice, which includes the Australian Police Ministers Council (APMC) and the Inter-Governmental Committee of the National Crime Authority.

Australia's role in the international law enforcement community

7. Australia, along with the rest of the world, confronts a number of complicated issues that have both international and domestic implications. These include money laundering, organised crime, fraud, people smuggling and child sex tourism. Increasingly they require a sophisticated response by the global community as a whole.

8. Australia has always played an active role in international law enforcement initiatives and cooperation. There are a number of examples of this.

International initiatives.. United Nations Convention Against Transnational Organised Crime

9. Modern criminals do not see national borders as barriers to their activities, but rather as opportunities to exploit differences between State legal systems and gaps in cooperation between national and international authorities.

10. The Australian Government is committed therefore to the finalisation of workable and effective instruments against transnational organised crime. It strongly supports work on the United Nations Convention Against Transnational Organised Crime, which offers great potential for enhanced cooperation among countries with respect to implementation of anti money laundering measures, confiscation of criminal assets, promotion of extradition and mutual legal assistance mechanisms, and the application of modern technology in the fight against modern crime.

People smuggling

11. The international community is currently being confronted by increased smuggling and trafficking of human beings. Australia welcomes the cooperation of its Asia Pacific neighbours in working to reduce the impact of this activity. Australia is involved in a number of practical bilateral initiatives such as the stationing of Australian immigration officers overseas to work with local police, immigration and airline officials. Australia is strongly supportive of the Protocols against Migrant Smuggling and People Trafficking which will form an important framework for this cooperation.

Firearms

12. Australia has been at the forefront of implementing measures to address problems associated with inadequate control of firearms in the community.

13. Comprehensive measures relating to firearms ownership, possession and use were uniformly introduced throughout Australia in 1996. In addition, a national buyback process resulted in the surrender and destruction of some 661,000 semi-automatic and automatic firearms. Combined, these actions have reduced the risk to the Australian community from firearms-related offences.

14. But the ready availability of firearms to organised criminal groups world-wide, and their value to such groups as a tradeable commodity means that such domestic measures are a necessary but not sufficient tool against the illicit manufacture of and trade in firearms. The Firearms Protocol to the Convention is a priority for Australia in that it will assist in combating the illicit manufacturing of and trafficking in firearms, firearm components and ammunition.

Australian law enforcement cooperation with other jurisdictions

15. The AFP maintains extensive links with its overseas counterparts. The AFP Liaison Officer Network has officers based in major cities in both Europe and Asia. The AFP liaison officers provide a vital link in Australia's growing effort to counter transnational organised crime.

Law Enforcement Cooperation Program (LECP)

16. The AFP also provides assistance to developing countries through the Law Enforcement Cooperation Programme, which particularly emphasises initiatives against illicit drugs.

17. The Australian Customs Service has liaison officers posted in a number of overseas locations, and is a member of the Asia/Pacific Regional Intelligence Liaison Office, which reports to the World Customs Organisation.

18. AUSTRAC plays an important role at both an international and domestic level. AUSTRAC works closely with a number of international counterparts through practical exchanges of information by way of Memorandums of Understanding (MOUs) and mutually beneficial training and education activities. Australia's anti money laundering programme is acknowledged as reflecting the world's best practice.

19. Australia is also proud to have played a lead role in the establishment and, now, ongoing development of the Asia/Pacific Group on Money Laundering ("APG"). Founded in 1997, the APG has quickly established itself as a vital part of the region's efforts to fight money laundering. Now comprising 17 members, the APG is providing practical assistance to its members through its typologies meetings and its other activities. The 2000 Annual Meeting of the APG will be hosted by Australia and is to be held in Sydney from 31 May to 2 June.

Domestic Initiatives with regard to. law enforcement.

The National Illicit Drug Strategy

20. Australia's 'National Illicit Drug Strategy' is better known in the Australian community as the Government's 'Tough on Drugs' policy; a multi-faceted strategy to help prevent drugs ruining the lives of Australians.

21. The Australian Government launched the strategy in November 1997. Federal and State Governments agreed in April 1999 to further expand the programme.

Seizure Figures

22. The National Illicit Drug Strategy attacks the illegal drug problem through a range of measures spanning law enforcement, health and education. The program targets drug importation and the drug market; assists those addicted to illicit drugs; and educates young Australians about the risks of

using illicit drugs. The Strategy combines both Federal and State initiatives that seek to reduce the demand for and supply of illicit drugs.

23. The results have been impressive. Seizures of heroin, cocaine and ecstasy have increased dramatically in recent years. Australian federal law enforcement agencies have seized 994.3 kgs of cocaine and 952.9 kgs of heroin between July 1998 and February 2000. This is a significant increase compared with the two years prior to that when federal agencies seized 174.2 kgs of cocaine and 535.7 kgs of heroin.

Electronic Commerce

24. The Australian Government is well aware of the strategic importance of law enforcement and revenue agencies in maximising the economic potential and benefits to society arising from the information economy. Australia, through its Research Group into the Law Enforcement Implications of E-Commerce, is currently examining such issues as the legal framework needed for electronic commerce, and questions relating security and authentication, data protection, online content regulation, consumer protection and intellectual property protection.

Fraud

25. Since 1987 the Australian Government has had in place fraud control programmes that cover all Commonwealth agencies and projects. The Commonwealth is discussing with the States and Territories the possibility of a national approach to fraud control using the underpinning principles of prevention, detection and investigation, and using the agreed competencies and standards contained in the Commonwealth's policy. However, globalisation means corruption in one country can have great impact in another, and Australia is a very strong supporter of international initiatives against corruption; for example through legislation to give effect to the OECD Convention on Bribery of Foreign Public Officials.

Crim Trac

26. The Australian Government places great emphasis on the use of technology as a tool of law enforcement.

27. A crucial element in combating crime is the availability of real-time information, and as a consequence the Commonwealth and the States and Territories have been working together to establish a new national crime information system called "CrimTrac" to replace out moded systems currently in use. Once established, CrimTrac will enhance the fight against crime by giving police access to the latest technology to share information. This will bring major benefits to the community through higher and faster crime clearance rates, a safer working environment for police, and the better use of police resources.

28. It is envisaged that CrimTrac will have a number of elements, including a centralised fingerprint and palm print system, a national DNA database, a national child sex offender database, a national firearms database and integrated information from State and Territory police operational systems.

29. Work is being undertaken to ensure that CrimTrac conforms to the Australian Federal Government's privacy regime.

The Model Criminal Code

30. Most criminal law in Australia is created by the Australian States and Territories. The Model Criminal Code project, initiated in 199 1, aims to provide Australia with more consistent and improved criminal law by developing an entirely new comprehensive criminal code suitable for adoption by all Australian Governments. The Code is divided into discrete sections that deal with various aspects of criminal law.

31. Discussion papers on each section of the Code, such as serious drug offences, slavery, theft, fraud and bribery, offences against the person and computer offences are circulated to the community, interest groups and members of the legal profession. After discussion and consultation a final Report is published that contains model legislation.

32. It is expected that the last in the series of Model Criminal Code Reports will be completed this year. Once the Code has been completed, the State and Territory jurisdictions will be directing their efforts towards implementation of the model legislation, with a view to harmonising criminal offences in Australia. This will not necessarily result in complete uniformity of the criminal code, but it will give laws a common basic structure.

33. The Model Criminal Code initiative represents a substantial achievement in cooperation between Commonwealth, State and Territory Governments within Australia.

Domestic Initiatives with regard to Crime Prevention

34. Since the last meeting of the UN Crime Congress, Australia has not only improved its law enforcement response to crime, but has also made significant progress in the prevention of crime.

35. There are several long-term initiatives, which are aimed at reducing the number of offenders, and the opportunities and motivations to prevent crime.

36. The main initiative is the establishment of the National Crime Prevention programme. This programme funds demonstration projects, research and disseminates useful information to targeted communities.

37. The initiatives they are working on include programmes relating to domestic violence, the reduction of the fear of crime, sexual violence and residential burglary. The projects are targeted specifically at target groups such as young people, and families and the elderly.

38. A major focus for the next three years will be early intervention. The Australian Government will fund initiatives that provide support to young people and their families, and lead to the prevention of juvenile crime. Interventions addressing risk and protective factors, at key transition points in children's developmental pathways, will be a priority.

Conclusion

39. To reiterate, in conclusion, Australia recognises that increasingly many of the issues being discussed at this Congress cannot be solved purely at a national level. Australia recognises that it is in all our interests to follow a long-term policy of cooperation with other countries in the combating of transnational crime.

40. Australia is a strong supporter of the UN's efforts against transnational crime of all kinds, and supports the principle that it is only through effective international cooperation that domestic law enforcement and crime prevention programmes can ultimately be successful.

