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THE OFFICIAL PUBLICATION OF THE AUSTRALIAN FEDERAL POLICE ASSOCIATION AND ALAJA

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Air Security!?



*AFP CA Update
Intelligence – Human Sources,
the Strategic Fit*

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The Sobering Facts – The Australian Federal Police since 9/11

Since September 11, 2001 the activities of the AFP have been significantly realigned in order to support and enhance our counter terrorism capability. Moves towards the integration of the AFP and APS are a significant representation of this evolution. The past two years has been by far the most transformational in the AFP's history.

In terms of a redefined role the AFP has been inundated with new outcome responsibilities without any Ministerial Direction rescinding previously stated priorities for investigation of other crime types. It's worth noting that some commentators describe other crime types by the euphemism of "background noise". "Background noise" refers to the illicit narcotics, fraud against the Commonwealth and other criminal conduct that the public are said to be willing to accept to some degree as an ongoing fact of life. Terrorism is different though, and Governments around the world are at war with the fear terrorism causes. The fear of terror is very real but as an Australian within Australia you, or a family member or friend, may have as much to worry about from a drug overdose or an assault on your person or an assault on your hard earned superannuation equity.

There is a twofold danger in lowering the guard against "background noise" crime types.

The war on terror demands intelligence upon which attacks may be prevented or mitigated. Intelligence is produced from a vast array of sources including narcotics investigations. Some terrorists exist within a framework of criminality including identity fraud, money laundering, drug trafficking, people trafficking and illegal associations – investigation into these activities is bound to provide a valuable source of intelligence.

Stable society depends on stable financial institutions that are soundly and transparently regulated. Australia's attractiveness as a destination of investment is inexorably linked to the confidence that domestic and foreign investors have in the institutions and their accountabilities.

One could suppose that, had September 11 not occurred, the burning issue facing law enforcement would be fraud against the national wealth held in superannuation funds with global environmental abuse coming a not too distant second. Of course this is all short-term reaction and real progress won't be made until some wealth transfer commences from the first world to the third world. Do we

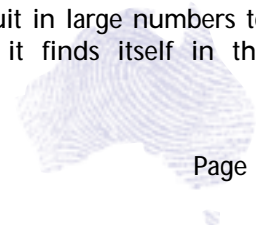
really need to throw in our bin each week enough food to feed a starving family? When will we in the west think enough is enough? But I diverge ...

The Australian Federal Police is now considered a primary instrument of Australian Foreign Policy in a like way to the Australian Defence Forces. This is a situation that is unlikely to change in the short to medium term. The Australian Government is adopting a strategic policy of linking regional foreign aid with anti-corruption and law and order programs in recipient countries. At the same time the Australian Government is actively consolidating its position as a source of quality law enforcement support to neighboring countries.

Some of the post 9/11 new tasks to fall upon the AFP are:

- Increase in Liaison Officer network of at least 16 Liaison officers;
- A dedicated counter-terrorism investigations capability;
- Increase in close personal protection responsibilities to high office holders and visiting dignitaries;
- A new and long term responsibility to supply 150 AFP employees to assist in reestablishment of the Solomon Islands Police;
- An ability to satisfy other Government expectations in regard to foreign policy requirements similar to the Solomons deployment;
- A law enforcement college initiative to serve regional nations and based in Fiji;
- A reactive short-term deployment capability of skilled investigators and forensic teams to regional crime scenes;
- Chairmanship of the Australian Crime Commission; and
- Leadership and integration of the Australian Protective Service into the AFP business and outcome structure.
- Planned deployment of 200-300 AFP Officers to New Guinea.

These new functions together with current responsibilities require very significant force multiplication. While the AFP accepts that there is a need to recruit in large numbers to meet organizational requirements it finds itself in the



precarious position of being over strength against budget even though the total AFP staff stands at a mere 3051 as at July 2002 (latest figure available) and the AFP is actually looking for ways to reduce staff numbers via natural attrition.

It's hard to believe that in the eighties and early nineties the AFP was significantly larger than it is today. Yes, technology has helped us in some ways but it has opened up opportunities for the criminal far more than it has for the investigator so don't look for logic in downsizing there. Yes, funding has been provided against specific outcome issues and crime types such as people smuggling and the National Illicit Drug Strategy but tied funding does not equate to a sustained staffing outcome rather it provides uncertain extra funding that is largely reflected in extra work burdens on current staff.

Staff destruction through over expectation is a real fear in the AFP. The scope of the role and the stakes seem to be expanding exponentially but staffing issues are locked in some fiscal rationalist black hole. We have shown that we can do it in a sustained way without adequate staffing numbers.

The Review

The Federal Government need to genuinely review future AFP mission scope against staffing numbers over at least a five year projection and environmental scan. The review needs to be probative and consultative. Some myths are there to be exposed. People do still want a long career in the AFP. People will not put up with never ending absences from their partner and family. Non AFP partners do have viable careers that are valuable to them and need to be considered. Forced transfer would be a disaster leading to resignations rather than redeployment.

Children cannot just be uplifted from their environment for the sake of AFP effectiveness. In the current staffing environment the AFP will have no choice but to commence forced deployment of staff nationally and internationally – a an unprecedented move that will have consequences such as force depletion as employees choose family above corporate goals.

Strategic planning is non-existent, how could it be? I will predict here and now that the AFP as it stands, funded from year to year, from event to event, will have to withdraw from some of it's key outcomes and, due to a depleted surge capability will not be able to adequately respond to emerging issues. This quality organization will ask too much of it's loyal, but under strength employees and the result will not be in the national interest.

The AFPA stands ready to constructively assist in a legitimate review of organisational strength for the coming five years and calls on the Federal Government to initiate such a review. This is not a novel request. In 1998, a time that seems far away from the current business environment, the Federal Government commissioned a strategic analysis of the AFP's resourcing needs for the period 1998-2003. We are now well and truly in 2003.

The 1998 Review, by then recently retired Secretary of the Department of Defence, Mr Tony Ayres analysed, amongst other things:

- The Government's key policy objectives and priorities which will impact on the AFP over the coming 5 years; and
- Identified and advised on funding requirements and options for implementing strategies and their implications for enabling the AFP to effectively and efficiently deliver its mandate.

Given the significant change in the Government expectations on the AFP and the new policy directions making demands on its resources, it is now time for articulated staffing targets over the coming five years based on a probative and consultative review. The Australian public need a consideration of the longer term resourcing needs of the AFP into the long term. In the short term it requires a significant injection of permanent resourcing in the coming budget to energize the needed recruitment. This new war on Terror cannot be fought with an ever diminishing resource and at the expense of equally important ongoing criminal investigations.





AFP workplace under threat!

In a seemingly desperate attempt to counteract its fledging membership numbers, the Community and Public Sector Union (CPSU) has lodged an application with the Australian Industrial Registrar to expand its coverage rule to include a number of non government workplaces and the Australian Federal Police (AFP).

Not content with its monopoly in the Commonwealth Public Sector, the CPSU has decided to indiscriminately attack the membership coverage of professional associations and unions, including the Australian Federal Police Association (AFPA).

It seems that the CPSU, being in a desperate state, has decided not to improve its own service performance in relation to its allegedly rapid dropping membership. Instead, it has chosen to attack the stable membership of other unions rather than put its own house in order!

Along with a number of Employer Organisations and Employee Organisations, the AFPA and the Police Federation of Australia (PFA) have objected to the CPSU rule changes.

It is interesting to note that the AFP has chosen not to object to the CPSU rule change!

One can only assume that some influential people in AFP management believe that the AFPA is becoming too strong in the AFP market place as our membership increases as our terms and conditions of employment continue to move to being leading edge!

Obviously some in AFP management believe that the CPSU entry into the AFP market place will lead to the successful destruction of the unified workforce, whilst placing a brake on the rapid AFPA growing membership.

There is a view that the entry of the CPSU into the AFP workplace will lead to a breakdown of the common terms and conditions that the AFPA has worked tirelessly to put in place over the last three Certified Agreements.

Where else in the Commonwealth do all employees obtain 7 weeks recreational leave with paid lunch breaks? The AFP Bean Counters would love to get rid of that cost!

It is simple logic, with two unions splitting the AFP market place, one being forced to largely representing Federal & Community Operations and the other largely representing Commercial roles, differing base conditions will emerge over a period of time. Federal & Community Operations naturally being compared with State and Territory Policing terms and conditions during Certified Agreement negotiations and Commercial terms and conditions being compared with the Commonwealth Public Sector!

The AFPA has spent considerable funds in defending the spirit of the 1990 full bench decision made under s118 of the Industrial Relations Act 1988 concerning members of the Australian Federal Police. The decision ordered that:

- 1 The Australian Federal Police Association has, by force of this order, the right to represent under the Industrial Relations Act 1988 the industrial interest of all members, staff members and special members of the Australian Federal Police, whose industrial interests under the Act the AFPA has not hitherto had or would not, but for this order, have the right to represent; and
- 2 The Australian Public Sector and Broadcasting Union (now CPSU) ... do not have the right to represent under the Act the industrial interests of members, staff members and special members of the Australian Federal Police who hitherto have been eligible for membership of those organisations or any of them.

The AFPA believes that the grounds of this decision remain unchanged today. One Act-One Union allows professional negotiations with AFP management that are not hindered by outside agendas.

As the only Commonwealth Law Enforcement union, the AFPA has unique knowledge, expertise and experience that a general public service union can not hope to replicate.



Presidents Report

As an industrial entity the AFPA is not particularly concerned about the CPSU entering the AFP market place. However, the AFPA strongly believes that our members, particularly Commercial employees (both sworn and non sworn) will be clearly disadvantaged with the infiltration of a Public Service union into the AFP marketplace. By its nature, the CPSU has to ensure that all Commonwealth Public Sector agencies have similar terms and conditions. They can not afford to have significant variations within Commonwealth agencies as members will be angered by differing base terms and conditions. This will play into the hands of some AFP management because the terms and conditions of all AFP employees, as a result of successful AFPA negotiations, are currently far better than the general Commonwealth Public service.

What can AFPA members do to help?

It is time for all AFP employees to unite behind their professional police association- the AFPA. If members are aware of non members in the AFP workplace, please invite them to join the AFPA now! Invite those colleagues to contact the AFPA National Office for further information so they can make an informed decision about becoming an AFPA member. Advise them of the CPSU attack on our professional workplace.

It is important that AFP employees unite now to show the AFP that we want to remain a unified workforce represented by the AFPA!

I will keep AFPA members informed of developments in relation to this serious attack on our professional status.



*Jon Hunt-Sharman
AFPA National President*

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Air Security – The AFP and APS Issues

Introduction

The Australian Protective Service (APS) has taken yet another step toward integration with the Australian Federal Police (AFP). The recent tabling of the Australian Protective Service Amendment Bill 2003 has sign a greater alignment of the APS operational environment with the AFP. The AFPA supports these amendments as part of the process towards the eventual One Act One Agency outcome due later this year with the final stage of agency integration.

The APS and the AFP are increasingly facing the frontline challenges in the war against terrorism without the advantage of the resource stability or capacity to assist the fight. It is surely time that these functions and their budgets had a long term stability (at least 5 years) built around a defined strategic imperative.

More and more, the AFP and APS are being deployed offshore around the region as a part of the regional effort on law enforcement. Not only is this overdue and welcome, it must expand. The forensic capability and capacity of the AFP should be considered an export commodity for the region as should the full range of law enforcement services (as in the Solomon Islands). This not only promises regional stability, but also offers the capacity to benchmark standards of integrity and accountability that only enhance ongoing democratic development.

Sadly the funding of the AFP and APS lacks stability over the long term with no real capacity to backfill emerging needs in the war on terror. It takes time to recruit and develop the quality of employees the AFP and APS are known for. Neither agency has in-built surge capacity to accommodate the high costs of the fight against terrorists. With only just recognising the requirement today, you could assume that that the AFP/APS operational capacity should be no less than doubled over the next three years.

This brings us to another question of key importance, the delivery of the best possible security and policing at Australian Airports. The reality is that on any given day you could ask who is really "Policing" Australian Airports? The recent tabling of the amendment to the APS Act recognises a real issue. Day to day the APS officer on the ground is confronting the demands to exercise "policing" powers. A responsibility they a neither payed for nor recognised for in legislation. This role is the silent secret of Airport Policing. Everyone wants it, but nobody wants to pay for it. In the end the APS have been squeezed in between the private operators and the various governments.

This situation has many elements to it and we attempt to address the key ones here. These issues formed the basis of our recent submission to the Senate Legal and Constitutional Committee on the Amendment Bill. We hope that with a merger between the two agencies the opportunity exists for the Federal Government to determine a long term funding strategy for the AFP with a clear definition of its role. At its core the AFP/APS need less short term tied funding, no corporate funding and a substantial baseline injection over the next five years to build capacity. The responsibility for Airports needs clarification as you will see ...

The Australian Protective Service

The Australian Protective Service was established in 1984 from the AFP and it saw those functions of the AFP removed. The APS is responsible for the protection of property in which the Commonwealth, a foreign country or an international organisation has an interest in, persons holding office under the Commonwealth, their families and internationally protected persons. The APS also operates some functions in the contestable private sector area.

With the sale of Australian airport facilities the APS has been contracted for the provision of security services to the airport operators. The APS, as the successful tenderer, is one of only three organisations deemed suitable to provide a Counter Terrorism First Response (CTFR) role at Airports. The other two being the AFP and the State Police Services.

This recognises the historical role and professional capacity of the APS to provide this significant policing function.

As a key contract function the APS retains provision of Counter Terrorism First Response at airports around Australia and has trained and deployed the Air Security Officers required by the Commonwealth in response to the September 11 events. Increasingly, the APS has deployed highly trained professional security personnel with much of its workforce being previously employees of the AFP, State Police services and the Defence force.

The APS and the AFP

An Australian Protective Service Amendment Bill 2002 was introduced into the Parliament with the intention of giving effect to the Australian Government proposal that the Australian Protective Service (APS) become an operating division of the Australian Federal Police (AFP).

At this stage, this is far from the case, with the APS structurally a separate statutory agency although increasingly functionally bound to the cultural views of the

AFP. All indications are that further legislation tagged for late 2003 will finalise the integration of the APS as a part of the AFP under a "one Act one Agency model".

The environment in which the 2002 Bill was advanced was shaped by the manifest need to overhaul the Australian counter-terrorist response post the September 11, 2001 terrorist attack in the United States. In the aftermath of the Bali tragedy it is even more important that the two agencies integrate as soon as possible and the professional law enforcement employees of each agency work under a cohesive and unified framework. The AFPA position of "One Act – One Agency model" should be implemented as soon as practicable.

The AFPA fully supports an appropriate integration of the two agencies. In January 2001 the AFPA submission to the Senates inquiry into the AFP recommended:

- 1 APS becomes a specialised branch of AFP?
- 2 Counter terrorism role becomes AFP?

We are becoming increasingly concerned that there has been no strategic implementation of a true integration model, creating an environment of uncertainty and decreasing morale within the Australian Protective Service and confusion within the AFP.

However, it is now time that the Commonwealth Government define where it sees it's obligations, how those obligations are to be resourced (currently off-budget in the case of the APS) and how these obligations are to be absorbed as an operating division of the AFP. With the increasing significance of the provision of high-level security at Australian Airports, the broader issues of AFP and APS integration should not be ignored.

It is no longer appropriate that the APS functions be performed without budget funding. Certainly any integration with the AFP in effect demands that this matter be addressed as a matter of urgency and the expansion of the existing APS role and the commensurate training requirement and the potential impacts on integrity and accountability issues will have cost impacts on both the APS and the AFP.

Public statements that second stage legislation with respect to the integration of the agencies is to come forth within six months are a concern when there still seems no policy framework for the legislation to be drafted within.

The APS and the AFP integration

The AFPA supports the proposed integration of the AFP and APS agencies and functions and notes that the 1984 split of the agencies has failed to improve services to the Commonwealth or co-ordination of the functions. While both agencies have developed separately and have developed expertise in their defined roles, the emerging environment clearly demands operational co-ordination of counter terrorism activities. The provision of investigative, intelligence and security services should not be seen as distinct entities.

The history of the AFP demonstrates that as needs varied the flexibility of the agency has accommodated a broad range of operational functions. This history supports the AFPA view that integration with the APS higher order functions is not analogous to the AFP or its continued development. Given the relatively recent separation of the AFP and APS functions the AFPA believes that the re-integration of the functions will not only be operationally effective, but is also historically substantiated.

Sir Robert Marks statement is as relevant in 2003 as it was in 1978:

"Those who framed the Constitution can hardly have foreseen the motor vehicle and the aeroplane. Arrangements for the governance of States which were adequate for trade, public order and the social requirements of the nineteenth century are not appropriate for dealing with serious wrongdoing which transcends State jurisdictions and affects the interest of the Commonwealth as a whole; terrorism, narcotics, and organised crime being perhaps the three most obvious examples. In this context, terrorism includes politically motivated shooting, bombing, kidnapping, hijacking or other acts of violence. All such acts, when not politically motivated, should be classified as ordinary crime to be dealt with in the usual way, but never the less requiring the advanced specialist training appropriate for countering all terrorism. There is today an undoubted need for one federal agency to coordinate the efforts of all police forces against interstate crime and terrorism. But in my view it must have a metropolitan territorial base if it is to achieve the status and recognition necessary to its role."

The Australian Protective Services Amendment Bill 2003

The Bill is intended to give effect to the Commonwealth commitment to provide the APS with sufficient powers and capabilities to support its functions of providing protective security services.

The provisions of the Bill propose new powers for APS officers undertaking security functions to request a person's name, evidence of identification, address and reason for being in a place or thing that the APS is protecting.

The AFPA welcomes and supports the introduction of these new powers as a long overdue response to a manifest need. In so far as it goes, this Bill provides a remedy to an operational deficiency in the provision of security at the airport facilities. The AFPA also notes that with the proposal to transfer these functions to the AFP in the coming months, a better integration and co-ordination of the policing and security framework should now be possible.

Where the AFPA has concerns over the provision of Airport security is in respect to the provision of the policing role (as distinct from the existing APS role). This Bill recognises the

retention of a demarcation between the provision of traditional policing powers and the provision of this newly defined security function. Unfortunately this then leaves open the still serious question over who is responsible for general duties policing at the airport facilities.

In recent times the AFPA has increasingly identified the failure of a number of State Governments to commit appropriate policing resources to Airport facilities, thereby leaving the responsibility for policing to default to APS Officers. In recent years there have been a number of events involving APS officers (such as an armed hold-up at Sydney airport a couple of years ago), where they have been the only service in-situ to respond.

This policing responsibility is outside of the scope of the training and remuneration that the APS officers are provided and is without the appropriate legislative protections. APS officers currently required to assist the public in this manner can only exercise common law powers leaving them exposed and vulnerable to subsequent actions. This Bill does not seek to or attempt to deal with this broader policy problem or the contractual nature of the security provision to the Airport operators. The AFPA has been calling for a broader review of Airport Security issues to encompass these fundamental concerns.

The Private Sector

Recent failures in the provision of security in the aviation sector involving the private security operators contracted by private Airport operators, serves to highlight the very reason the United States Government resumed control of these functions after the September 11 incidents. Profit margins must cease to dictate the risk management of Airport security. Recent public comments from the Sydney Airport Corporation (SACL) that they could not guarantee security at the Airport now begs the question who will?

It appears that the private sector interests wish to exert control over operational activities within the Airport precincts, yet are unprepared to meet appropriate cost recovery for such provision.

Should the Australian public accept that neither the Federal Government nor the private operators have clear ownership or responsibility for the delivery of operational outcomes in the protection of life and property within the aviation sector? There are now too many participants in this area and no clear line of Authority in some circumstances. There is even anecdotal evidence that co-operation between the private sector and Government agencies is deteriorating with commercial interests in a volatile sector attaining new prominence.

Recent rumours that SACL may seek to reduce employee numbers and extensively contract out functions at the airport only further portends a further incapacity to ensure that all employees at this facility are appropriately security vetted, cleared and monitored.

In general terms it increasingly seems that that the private sector culture dominates security provision in areas of significant national security interest. The risk management culture that has evolved with it fails to ensure all efforts necessary to provide security services are the best and not the cheapest!

With recent incidents at airports it is worth noting that even the Trade union representing the employees (the Liquor, Hospitality and Miscellaneous Workers Union) has publicly called for greater training and resourcing for the private security employees. The AFPA believes that this vindicates our concerns as the nature of the requirement demanded by the LHMU correlates to the capacity, training and role already capable of being provided for by the AFP and the APS.

The APS currently deploys Bomb Appraisal Officers and Explosive Detection Dogs at designated airports although the security scan entry points are currently operated by the private sector on contract.

The AFPA does not believe it appropriate to deploy APS Air Service Officers on an aircraft as a Commonwealth response, whilst abrogating the obligation at the entry point to an aircraft through the X-ray points to the private sector. This establishes a responsive rather than necessarily pro-active role for the Federal Government should there be an incident or potential incident.

If the second stage legislation regarding the APS integration with the AFP is to be underpinned by the current APS cost recovery model, it will be imperative that the operational governance arrangements of the airport security functions, including the integrity framework, role requirement, performance indicators, and the private sector involvement be properly reviewed.

The AFPA believes that this matter is now at a point of urgency and requires the Commonwealth to consider formalising its obligation and role to ensure the proper policing of Australian ports of entry. The cost recovery for AFP/APS activities at the airports could eventually be sourced from an "Ansett levy" type model and we believe that the Australian community would endorse the funding of a higher profile commonwealth presence at these significant terrorist target locations.

The AFP has apparently identified this issue as a priority to address, although the AFPA does not believe it either practical or in the long term even appropriate, to assume that the Commonwealth employees deployed at airport locations, will not have the majority burden for the provision of security fall on them. Through sheer presence alone, the APS/AFP officers will always be faced with responding to incidents that involve protecting life or property in a first response capacity. This then demands a detailed consideration of the resourcing and funding required.

Within this context the AFPA also believes that it would be timely to review the AFP/APS role in providing counter-terrorist first response at all ports of entry including the Australian waterfront.

The question will need to be resolved as to whether the AFP Commissioner will inevitably be accountable for functions operationally directed by the private sector. The AFPA urges the Senate Committee and the Government to immediately review the increasing need for the Federal government to resume full responsibility for the overt and covert policing of Australian domestic airport terminals and review the contractual relationships underpinning the delivery of airport security by government.

The Air Service Officer Program

In response to the September 11 incidents, the Commonwealth instituted an Air Service Officer Program under the APS. These employees are generally referred to in public commentaries as "Sky Marshall's".

To date the program has drawn from a pool of applicants that includes Defence personnel and employees of State Police Services and the APS. The ASO members have been well received by the airport community and the local police and are working closely with state specialist police teams in building working relationships and are putting MoU's in place for joint training and development exercises.

The current ASO's are highly motivated about the role. However, there are already worrying signs that cracks are emerging within this environment. The AFPA currently represents the majority of ASO members and we have conducted a number of detailed discussions with entrants to the program.

The major concern has been that lack of employment security offered to these members who are supposed to be accepted as highly trained professionals. The prevailing situation has ASO members deployed on short-term contracts of a couple of years duration and no proposal as to what happens at the end of the contract.

State Police services are increasingly reluctant to release employees to enter the program and some require officers to resign prior to entering the APS. Without an ongoing offer of employment, the APS/AFP will increasingly face reluctance from targeted employees within the identified law enforcement markets to enter the program. The ASO program has had four-year funding approval (now approximately half expired) and with no further determination as to the options for employees after this time, the issue of ongoing job security continues to cause concern.

This is now putting pressure on retention issues and the future capacity to backfill departures from the program. The AFPA is aware that a number of ASO members have either left the program or are currently considering returning to their prior employment as a result of the lack of employment security and a series of other ongoing industrial matters.

The AFPA recommends that the funding for the program and the employees should be immediately transferred to the Australian Federal Police to facilitate a better delivery of service. The tied funding period provided by the Federal

Government must now be urgently reviewed and considered as a permanent funding requirement and responsibility for the AFP. Recent and ongoing events on Aircraft in flight (regardless of any terrorist motives) demand consideration for a permanent enforcement role in this area.

Advanced First Response (AFR) and Training Concerns

Increasingly there has been concern amongst employees as to the implementation of the Advanced First Response training within the APS. As this provides a basis for a supposed upgrading of operational effectiveness and a greater level of remuneration, the AFPA has generally supported the concept. However, the selection of the stations deemed to be AFR, has been driven largely by the clients preparedness to pay the cost. The contribution of this training to appropriate counter-terrorism strategies is therefore fundamentally undermined. Major Australian Airports are AFR status although given the rotational nature of APS staff and the failure to ensure across the Board AFR training, it is not unusual for APS stations that have AFR status to have a number and even possibly a majority of non AFR trained employees.

The AFPA believes that the extent and basis of the AFR program must be reviewed and the requirement for all APS officers and stations to meet this standard must be optioned without the requirement being determined largely by client expenditure considerations. An example of the confusion on this training is that key terrorist targets such as the Commonwealth Parliament and the Defence Department have not been deemed as requiring AFR competencies. A decision that does not seem to meet an operational standard within an appropriate risk management strategy.

Debate has also increased on the non-designation of Airports outside the major city airports as AFR status or worthy of contemplation for the provision of better security services by the Federal Government. It is now time to ask why there is no seamless garment across the aviation sector or the ports of entry with respect to an integrated security response?

APS Funding

This again highlights the pressing need for the Federal Government to reconsider the "off-budget" nature of the APS function within the Commonwealth's obligation to provide an appropriate security framework. The operational standard of APS employees and their capacity to best perform their role must no longer be allowed to be subject to the direction of funding considerations of the associated client interests. The AFPA supports a cost recovery model being applied to clients and beneficiaries of the APS functions within a budget under-pinned by Commonwealth appropriations.

The AFPA is increasingly concerned that the professionalism of APS employees and the fundamental integrity of the function is being undermined by priorities that exclude

operational best practice in favour of financial considerations. It is untenable that APS clients should determine operational responses by the Commonwealth on the provision of security and counter terrorist services.

The AFPA has the hope that the AFP Commissioner will initiate an early strategic framework for review of the APS and AFP functions to commence a clear program whereby the professionalism and obligations of each function complement rather than contradict each other.

Integrity and Accountability Impacts

In considering the impacts of the proposed legislation it should not be overlooked that with the expansion of powers it is likely that an increase in complaints by the public (as is usual in police service functions with high public exposure) will occur. With the APS integrating to the AFP the employees will become subject to the AFP Complaints Act and allegations by aggrieved parties against APS officers exercising these powers will become more labour and cost intensive.

It is important to note that if the APS were not being integrated into the AFP and therefore not subject to the accountability of the Complaints Act, the AFPA would be seeking amendment to the Bill to institute a comparable integrity regime. It is important that employees exercising law enforcement powers, and particularly those with powers complementary to policing functions, be held accountable to the highest level.

There is naturally an embedded cost to such accountability and currently the Federal Government has not addressed the increased cost impacts on the day-to-day operation of the APS function as it is integrated to the AFP. This will significantly impact on AFP resources as their professional standards regime is extended to cover the substantial size of the APS workforce and these new functions proposed by this Bill.

The public confidence in their law enforcement employees demands such standards and therefore appropriate long term resourcing to underpin it.

Concluding Comment

The Australian Federal Police Association believes that there is much that can be done to upgrade the national and the Commonwealth response to the increasing threats against national security. These efforts should not be predicated in an obsession with a military response, but be focused against what is a real challenge in law enforcement.

A terrorist by any definition is a criminal. Increasingly the sophistication, organisation and co-ordination of these criminal interests challenge the fundamental structures and resources of appropriate law enforcement responses. It is timely and overdue that in the new century the sophistication of Government responses to these threats be re-assessed and re-positioned. The AFPA congratulate the Federal Government for taking the initiative to implement the changes contained in this Bill.

The increasing currency of the homeland security concept should see a greater emphasis on the needs and responses required to upgrade Policing capacity on a national and international basis rather than the more costly and less justifiable obsession with military hardware and infrastructure. However in the field of law enforcement, criminal justice and civilian police peacekeeping, we are amongst the world leaders. Australia leads our region in this field both professionally and in terms of recognition. A situation most recently recognised by the deployment to East Timor and the Solomons Islands.

Unfortunately the national infrastructure facilitating the law enforcement framework is fractured, complex and unresponsive to changing priorities. The size of the AFP has always been seen as pegged somewhere around 3000 employees. Events like Bali show the impact of one major incident and the drain it can have on available resources. If there is to be a truly national policing and security capacity it must have the deployable resources to contend with several major incidents at any given moment in conjunction with its normal ongoing activities. It could be argued that we are somewhat from that point.

Law enforcement is increasingly labour intensive as technology increases investigative capacity. Intelligence gathering capability is ultimately limited by the human resources available to properly analyse and value-add the intelligence gathered.

The Australian public can have great faith in the APS and AFP of today and their professional strengths. For this to be maintained, the Commonwealth in conjunction with the State Governments should craft a long-term strategic development for the APS and AFP and the Commonwealth law enforcement framework, integrating the resources needed to sustain it.

This priority will not be short term in its requirement but will conceptually be permanent in its need as Australia is rapidly drawn into the high cost of being a part of the global village.

AFPA Recommendations

- 1 The Commonwealth Government must define where it sees its broad security obligations, how they are to be resourced (currently off-budget in the case of the APS) and how these obligations are to be absorbed as an operating division of the AFP;
- 2 The Senate Committee and the Government to immediately review the increasing need for the Federal government to resume full responsibility for the overt and covert policing of Australian international and domestic airport terminals and review the contractual relationships underpinning the delivery of Airport security by government. This review to determine demarcations, resourcing, contracting of security functions and training requirements;
- 3 The private sector should cease any provision of Airport security and the Federal Government should

- immediately assume full responsibility for policing and security at all points of entry to the Australian border (including the waterfront);
- 4 If the second stage legislation regarding the APS integration with the AFP is to be underpinned by the current APS cost recovery model, it is imperative that the operational governance arrangements of the airport security functions, including the integrity framework, role requirement, performance indicators, and the private sector involvement be properly reviewed;
 - 5 The AFPA recommends that the funding for the program and the employees should be immediately transferred to the Australian Federal Police to facilitate a better delivery of service. The tied funding period provided by the Federal Government must now be urgently reviewed and considered as a permanent funding requirement and responsibility for the AFP. Recent and ongoing events on Aircraft in flight (regardless of any terrorist motives) demand consideration for a permanent enforcement role in this area;
 - 6 The extent and basis of the AFR program be reviewed and the requirement for all APS officers and stations to meet this standard must be optioned without the requirement being determined largely by client expenditure considerations;
 - 7 Consideration should be given to a seamless garment across the aviation sector or the ports of entry with respect to an integrated security response;
 - 8 The Federal Government to reconsider the "off-budget" nature of the APS function within the Commonwealth's obligation to provide an appropriate security framework;
 - 9 The increasing currency of the homeland security concept should see a greater emphasis on the needs and responses required to upgrade Policing capacity on a national and international basis rather than the more costly and less justifiable obsession with military hardware and infrastructure;
 - 10 The Australian public can have great faith in the APS and AFP of today and their professional strengths. For this to be maintained, the Commonwealth in conjunction with the State Governments should craft a long-term strategic development for the APS and AFP and the Commonwealth law enforcement framework, integrating the resources needed to sustain it.

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Intelligence –

Human Sources, the Strategic Fit

I Analytical Exposition

Introduction

The purpose of this paper is fourfold: (i) to provide an intelligence practitioner's definition of intelligence; (ii) to introduce the four main elements of the *'intelligence process'*; (iii) to introduce the major types of intelligence from a collection perspective; and finally, (iv) to explore the strategic fit of 'human source' intelligence within the contemporary operational environment.

The author of this paper is a member of the Australian Federal Police (AFP), the national police service of the Commonwealth of Australia. The 'contemporary operational environment', for the purpose of this paper, is defined as the environment within which major and organised crime, inclusive of acts of terrorism, impact on the Commonwealth of Australia's interests.

The Commonwealth of Australia is a sovereign nation, made up of eight State and Territory jurisdictions, all of which possess individual criminal law and police agencies. Following the tragic events of September 11, the Commonwealth of Australia enacted specific anti-terrorism legislation that could also be applied from an extra-territorial perspective. This new legislation reinforced and further developed the role that AFP investigators (for the purpose of this paper, the term 'investigators' includes the role of AFP intelligence officers) are required to undertake internationally. The international role of AFP investigators is undertaken in an 'ongoing' and 'ad hoc' perspective. Investigators that are deployed internationally at Australia's foreign diplomatic missions undertake the 'ongoing role'. The 'ad hoc role' is undertaken in response to specific incidents that contravene national legislation. An example of the latter is the ongoing joint Indonesia/Australia investigation into the acts of terrorism, committed in Bali, Indonesia, by members of the Jemaaah Islamiyah Terrorist Group on October 12, 2002.

The major conclusion of this paper will focus on the absolute importance of human source intelligence, and the ongoing need to further develop systems to ensure that this particular typology is facilitated and permitted to regain its pre-eminence within the intelligence profession.

II Critical Context

Intelligence Defined

"Foreknowledge cannot be gotten from ghosts and spirits, cannot be had by analogy, cannot be found out by calculation. It must be obtained from people, people who know the conditions of the enemy."

(Sun Tzu cited in Cleary, 1988)

What is intelligence? Is intelligence information? Is information intelligence? Inductees to the intelligence arena must comprehend the difference between information and intelligence so that a sound professional foundation is formed.

Sulc (1996) describes intelligence as information that is organised. This description suggests that information must be developed from its raw form into something that is more useful – a value adding process. For the value adding to take place, something tangible must occur to the information, there must be a conversion. Lowenthal (2000) introduces the reader to the concept of secrecy being central to intelligence. If we accept that there is an element of secrecy within intelligence, does this mean that the information is already secret, or does it mean that information after having undergone the conversion process develops a cloak of secrecy? The concept of secrecy is suggested to be an applied one. What this means, is that information that has been developed, or converted, is of some greater value. To ensure that the converted information maintains that value there is a need to apply a level of secrecy or confidentiality so that the newly formed intelligence is best placed to deliver tangible outcomes. Is all intelligence secret? Clearly this is not the case. There is a great deal of information that is collected from open sources, like media forums, annual reports, official government or company documentation. From the above definition something must occur to this information for it to develop into intelligence. The value adding must occur – the information must be analysed and organised into a 'product' that will then provide a decision maker the opportunity of acting on this analysed and/or organised information. Therefore, a reasonable conclusion is that intelligence can be information, but information by itself cannot be intelligence. Lowenthal (p. 8) introduces intelligence as the result of a process involving information being requested, collected, analysed and provided to policy makers.



Intelligence Process

In simple terms, *intelligence* is defined as the end product of a structured process – commonly referred to as the *Intelligence Process*. This *Process* is defined by the Australian Federal Police within numerous 'in-service' training courses as consisting of four phases:

- 1 Direction – Estimates Process; Identify Task; and Develop Plan.
- 2 Collection – Develop a Collection Plan; Gather information; Evaluate; and Collate.
- 3 Analysis – Reduce; Study; Develop Argument; Test and Recommend.
- 4 Dissemination – Write up; Deliver; Feed Back; and Redefine Task (thereby recommencing the Process).

Intelligence and the Decision Maker

Intelligence is a product designed to support decision-making. An intelligence officer assists the decision-maker to operate within the contemporary environment by interpreting the environment and producing a product that permits a decision maker to make an informed decision.

From a financial perspective public agencies rely heavily on the 'public purse' to fund operational activities. Intelligence led operations driven by strategically positioned 'tried and tested' human sources are very likely to deliver broad outcomes. They are also an extremely efficient way in which public funds can be maximised. However, for intelligence led operations to be effective, and outcomes to be delivered, decision makers need to be assured, and independently confident, that the intelligence that drives operations is robust, accurate and likely to achieve set goals. From a human source perspective it is essential that systems underpinning the recruitment, development and retention of human sources are accountable, simple to implement and in no way inhibit intelligence officers from cultivating and utilising new sources.

The ability to collate, organise and analyse information ensures that decision makers are best positioned to take informed decisions. A decision maker without intelligence can be likened to a driver on a country lane on a dark night without headlights. Picture the same driver in the same set of circumstances with driving lights – suddenly the driver feels more confident on the country lane. The greater the capacity of the driving lights, the easier the driver will negotiate the terrain. If the driver were also provided with maps, weather information, demographic data and analysed accident data, thereby highlighting the areas most prone to collisions, the driver would be able to negotiate the travel with the least chance of difficulties. If the same driver were to travel the same route in a competitive rally s/he would most likely utilise the services of a navigator. Let us now transpose this scenario with the current operational environment. The driver, as an organisational decision maker, relies on the provision of organised information from the navigator, in this scenario the intelligence officer, to traverse the operational environment.

Levels of Intelligence

Strategic Intelligence is that which identifies trends in criminal activities that alert law enforcement agencies and governments to emerging problems. It is a product to assist policy and decision makers in resource allocation, budgeting and most importantly, development of appropriate legislation.

Tactical Intelligence is that which provides immediate direction resulting in operational outcomes. It is normally utilised instantaneously, and in response to an operational need. Appropriately collected, collated, analysed and disseminated it can deliver immediate outcomes. This type of intelligence is utilised in the majority of police investigations.

As a 'general rule of thumb', tactical intelligence is used by the investigator, and strategic intelligence utilised by the manager.

Major Types of Intelligence Collection

There are many and varied types of intelligence collection disciplines. Prior to focussing on human source collection as an integral intelligence collection typology, it is considered appropriate to provide an overview of the major intelligence methodologies. Lowenthal (pp 61-74) provides an excellent overview, and highlights the following methodologies as the most important:

- i Imagery (IMINT) – As the type suggests, this intelligence relies on images. Whether the intelligence is obtained from a covert police surveillance camera or the military reliance on satellites, the 'collector' is provided access to vision that would otherwise not be available.
- ii Measurement and Signals (MASINT) – A scientific collection methodology that relies on the ability to interpret spectral analysis.
- iii Signals Intelligence (SIGINT) – Initially referred to as the ability to intercept cables, but evolved into the interception of broader communication signals whether they are radio communications or coded messages.
- iv Communications (COMINT) – A type of SIGINT that specifically relates to communications between two parties. From a police perspective this methodology includes the use of lawful telephone intercepts.
- v Telemetry (TELINT) – Also a type of SIGINT that is received as a result of signals emitted from weapons during tests.
- vi Electronic (ELINT) – From a military or national security perspective this typology refers to SIGINT received from weapons and tracking systems. From a law enforcement perspective it is commonly referred to as the collection of information as a result of covert listening devices. It is also utilised in the civil arena for the purpose of tracking persons or items of interest.

- vii Open Source (OSINT) – The plethora of information sources that are openly available, including the media, publicly available information and non-classified documents prepared and distributed throughout academia.
- viii Human (HUMINT) – The ability to collect information from, or through human sources. Lowenthal, when aligning this typology with ‘spying’, suggests that it *“is sometimes referred to as the world’s second oldest profession”*. To support this statement he states that ‘spying’ is as old as the Bible, and provides the example of Joshua sending *“two spies into Canaan before leading the Jewish people across the Jordan River”* (p. 67). What Lowenthal does not mention is that the two ‘spies’ relied upon the services of a human source by the name of Rahab, a prostitute, ironically a member of the oldest profession in the world (Jos. 2.1)! As this paper will address, HUMINT is considered to be an essential, albeit under utilised, intelligence collection typology. The focus on technological advancement, and related collection methodologies has resulted in a lesser focus on what can be an extremely reliable, and cost effective intelligence collection methodology.

The Under Utilisation of Human Intelligence

Betts (2001) argues that intelligence collection must be more effective in collecting relevant information. When addressing collection for organised crime typologies, such as terrorism and narcotic trafficking he highlights that terrorism or organised crime groups are aware of technical collection abilities. State sponsors of terrorism are aware that some satellite technology relies on ‘windows of opportunity’ when the satellites are overhead, and are therefore capable of arranging activities to be undertaken at a time when non satellite coverage is most likely. Organised crime groups, based partly on court disclosures, become aware of technical capabilities of agencies responsible for disrupting their activities. Planned operations evolve and syndicate members are more reluctant to rely on telephones, radios, internet communications and prefer ‘word of mouth’, where possible, with trusted syndicate members. The importance of human sources in the contemporary environment is as important now as it has been throughout history. The vast improvement of technological collection methodologies should be seen as complementary to human source collection and vice versa.

Intelligence and Prosecutions

States are required to interdict, disrupt and dismantle criminal enterprises. The reliance of States on criminal prosecutions to achieve the dismantling of criminal syndicates is a major factor why human source intelligence should retain its prominence as a collection typology. Human intelligence, where the source provides evidence in a court of law, can potentially provide the opportunity to prove beyond any reasonable doubt the mens rea of a criminal offence.

The use of other collection typologies in a prosecution can also provide extensive evidentiary value, however, it is primarily the human element that can place evidence in its best context.

Examples of Complementary Collection

An excellent example of human sources and other typologies complementing each other during the collection stage of the *intelligence process* is described by Lambert (2002). He describes how allied intelligence officials were able to obtain invaluable information about the Japanese ‘red cipher machine’ during a staged entrée to the Japanese naval attaché’s residence at a time prior to the United States entering the Second World War. Within the same paper a further example is provided where a German soldier working in the German Cypher Bureau became a human source for allied intelligence and provided extensive intelligence about the German ‘Enigma’ cypher machine. The human sources in both of the above scenarios provided allied intelligence greater opportunities to intercept communications intelligence (COMINT) from the axis powers, and are believed to have resulted in significant advantages for the allied forces during the Second World War.

Intelligence Failures and the Need to Refocus

More recently, and in the context of addressing the intelligence failure of September 11, 2001, Betts (p. 149) highlights a reform that he considers necessary to ensure that better intelligence is available for the future:

“...roll back the additional layer of cumbersome procedures instituted in 1995 for gaining approval to employ agents with “unsavoury” records – procedures that have had a chilling effect on recruitment of the thugs appropriate for penetrating terrorist units.”

Steele (2001 p. 31) in his criticism of the United States intelligence capabilities addresses the “excessive emphasis on technical collection” to the detriment of human source intelligence. Steele (p. 178) reinforces his argument that too much emphasis has been placed on technical collection rather than human source collection:

“Time and time again, the U.S. defense and intelligence communities rush to spend billions on technology, while routinely ignoring the challenges and the opportunities inherent in human collection, open-source collection, foreign area expertise and human all-source analysis.”

Lowenthal (pp 67-68) supports the position that human source intelligence is a central collection methodology with certain crime types,

“For intelligence targets where the technical infrastructure may be irrelevant as a fruitful target – such as terrorism, narcotics, or international crime, where the ‘signature’ of activities is rather small – HUMINT may be the only available source.”

Intelligence failures have occurred throughout history, and will no doubt continue. The challenge is to minimise the extent of the intelligence failures.

Examples of intelligence failures, both historical and contemporary are abundant. During the eleventh century AD, King Harold at the Battle of Hastings in 1066 had the fatal point driven home with an arrow to the eye, when an intelligence failure resulted in William the Conqueror, a Norman Duke, defeating King Harold's army and assuming the Crown. To support the statement that intelligence failures "will no doubt continue", the intelligence failures highlighted by the events of September 11, 2001 need to be contrasted with the intelligence failures of December 7, 1941 where the United States suffered a military defeat at Pearl Harbour. Lord (1964) documents five specific items of tactical intelligence, which if acted on, could have averted or minimised the military disaster that was to occur. The five items of tactical intelligence were:

- i A coded and intercepted telephone call from Tokyo to a Japanese national in Honolulu when the Japanese fleet was still 500 miles from their target;
- ii The failure of US naval vessels to report to their headquarters a sighting of a periscope above the water level near the entrance to Pearl Harbour when the Japanese fleet were 275 miles from their target;
- iii The failure of naval headquarters to adequately interpret the sighting and sinking of a submarine near Pearl Harbour at a time when the Japanese fleet was 180 miles from their target. The naval headquarters had been concerned that the strike may have been a 'friendly fire' incident;
- iv The failure of a junior commissioned officer to interpret intelligence provided to him by non commissioned officers operating radar technology. Technical intelligence indicated that an extremely large number of aircraft were heading towards Pearl Harbour. The junior officer assumed that the technical intelligence related to returning U.S. aircraft. The aircraft were 137 miles away from their target;
- v Approximately one and a half hours prior to the Pearl Harbour attack Washington had considered the possibility of an early morning attack on Pearl Harbour. Bureaucratic decisions resulted in the message not being received at Pearl Harbour until minutes after the aerial assault had commenced.

A lot has been written about whether September 11, 2001 could have been prevented. What is clear is that intelligence failures did occur. Although it has been stated that no intelligence was available to suggest the specific events occurring on September 11, there were some historical and contemporary warning signals. The use of suicide/homicide bombers against US and Israeli assets is not a new trend. The use of 'bombers' in cars and trucks, or within public areas has been well documented over the past three decades. Historically, the use of aircraft for suicide missions against

United States and allied military assets, by the Japanese air force during World War II (commonly referred to as 'kamikaze' flights), was equally well recorded. Although on a much lower scale than September 11, it is clear that the Israeli Defence Force possessed intelligence that suggested aircraft would possibly be used for suicide missions against Israeli targets. Shmona (2001) states that the Israeli Defence Force had been fearing a suicide plane attack in May 2001, when Israeli fighter aircraft shot down a Lebanese civilian (light) aircraft that had taken off from Beirut airport and flown into Israeli airspace. It would be reasonable to assume that any intelligence held by the Israelis relating to the modus operandi of terrorists would have been shared with the US intelligence community. If it wasn't shared, it was certainly available via OSINT. It is well known that the US and Israeli intelligence communities share intelligence, and justifiably so, considering the similarities in the modus operandi of terrorists against respective nation's interests, and the respective nation's threat levels. Immediately after the Israeli fighter aircraft engaged the civilian target, in what could only be described as a fatal case of irony, the remains of the pilot and part of his aircraft crashed through the ceiling and into the office of the Deputy Principal of an Israeli Naval Defence training establishment – the Naval Defence Officer was taken away and treated for shock.

Betts highlights the flow of information and intelligence to the US intelligence community in August 2001 regarding a renowned extremist, and subsequent co-conspirator to the events of September 11. The information provided included advice from a commercial flying school that Zacarias Moussaoui was "*learning to fly jets, but did not care about learning to take off and land*" (p. 153). Search warrants were not executed and telephone intercepts were not initiated. Betts also provides an insight into the rationale for the international activity, post September 11, associated with canvassing flight schools and aircraft rental companies, the latter in relation to the possible use of crop dusters to distribute chemical or biological weapons. The activity associated with 'crop dusters' was based on the retrieval of information from Moussaoui's computer resulting from an investigative search post September 11.

Did the arrest of Moussaoui provide the opportunity of utilising his services as a human source? Was this opportunity lost? Could he have been manipulated to a degree that could have resulted in preventing the events of September 11? Would search warrants or telephone intercepts have assisted in gathering intelligence and evidence that could have been used as leverage against Moussaoui? These questions are of course hypothetical, and introduced with the wisdom of hindsight. Nevertheless, they are questions that must be asked if lessons are to be learned, and the intelligence and/or law enforcement community are to benefit from critical analysis.

The Integrity Relationship

"A good deal of police work involves contact with the seamy side of life, and detectives particularly have

frequent contact with criminals. That contact is often informal, and sometimes extends to socialising with criminals, or suspected criminals. This can lead to a blurring of the line between proper and improper conduct. The fact that many detectives are frequently in the company of criminals, and that the latter are seeking to advantage themselves, means that information is often provided to police by criminals. Information is used as currency. It is provided in exchange for something – money, or help with bail, or outstanding charges and sentences, are probably the most common rewards sought. Of course some of the rewards sought are more intangible than these.”

(ICAC, 1994)

The relationship between government officials and informants is an absolute necessity in the contemporary environment. The above quote from the report of the Australian Independent Commission Against Corruption (ICAC) titled *“Investigation into the Relationship Between Police and Criminals”* highlights the potential for the relationship to falter. The reason for this Report was the disclosure of improper associations and corrupt practices resulting from associations between police and informants. There is no doubt that there are risks when associating with known criminals. However, there are also great opportunities, and if managed correctly, the opportunities far outweigh the risks. Astute risk management and an organisational culture that embraces and propagates societal values will ensure that government agencies are provided valuable opportunities in viewing the criminal milieu from the inside – an opportunity of observing the forty thieves from inside Aladdin’s cave! The ICAC Report refocuses the fact that allegations of corruption, or other misconduct against government officials when interacting with known criminals is real. Nevertheless, it is manageable.

Human Source Intelligence – A Closer Look

Human sources are commonly referred to as informants, contacts, agents or spies. Girdlestone (1999, pp 10-15) provides the following definitions:

Contact: *“...responsible citizens holding positions in public and private agencies...”;*

Informant: *“...any person that has personal information, obtained directly or indirectly, about a criminal or a crime”;*

Agent: *“Agents are simply informants who have acted in such a way to obtain the information that they became part of the case and therefore are compellable witnesses”.*

Ohara (1994) expands on the definition of an informant by introducing a ‘confidential’ dimension. He provides the following definition of a ‘confidential informant’:

“a person who provides an investigator with confidential information concerning a past, present or projected crime, and does not wish to be known as the source of the information.”

Soto (1998) tends to support Ohara, in that a reference to confidentiality is central to the definition of an informant. Law enforcement and intelligence agencies are responsible for criminal investigations and/or intelligence collection, and as such have developed or refined definitions of human sources. Generally, there is a common theme whereby agencies provide a separation between a source that wants or needs to remain confidential, and the source that has become aware of information ‘innocently’ and no suppression is required.

Current AFP Policy (2001) separates a ‘confidential source’ from an ‘informant’. The former is a person whom provides information to the AFP after receiving information from their own legitimate actions. This person has no history of serious criminal or suspect activity. The latter is a person whom is known, or suspected of having a serious criminal background, and can be regarded as a significant risk to the organisation. Internal Guidelines differ with regard to handling a ‘confidential source’ or an ‘informant’.

The correct recruitment, management and tasking of human sources can provide excellent outcomes for an agency. The reality of contemporary public policy is that public agencies are continually requested to become more efficient – to do more with less. The effective use of informants can result in excellent returns. The Director of the Federal Bureau of Investigation, Louis Freeh, within an official FBI press release described the effectiveness of a human source in solving the infamous ‘Unabomber’ investigation. This investigation spanned seventeen years and prior to the successful prosecution outcome, had utilised extensive FBI and other law enforcement resources. The FBI Director summarised the essential role of the human source in one sentence – *“The FBI is grateful in perpetuity”* (FBI, 1998). Lowenthal (p. 69) also highlights the value and importance of human sources, and specifically refers to their cost effectiveness when contrasting different intelligence collection typologies. Notwithstanding this support, he makes the point that there is no specific ‘cocktail mix’ of collection methodologies for specific circumstances:

“...there is no “right balance” between HUMINT and the other collection disciplines. Indeed, such an idea runs counter to the concept of an all-source intelligence process that seeks to apply as many collection disciplines as possible to a given intelligence need.”

Lowenthal makes a valid point, and one that should transcend the entire ‘intelligence process’ – diversity of informed opinion.

Advantages and Disadvantages

The purpose of this paper is not to offer the human source collection discipline as a panacea for all intelligence collection needs. Rather, it is to reinforce the value of human sources in the intelligence process. It is suggested that the onset of the ‘technological age’ has created an environment conducive to an over reliance on electronic

collection, rather than maintaining a focus on HUMINT and building on this by further developing and maintaining effective interpersonal skills. The ability to communicate at a multi-dimensional level is an essential element of recruiting, developing and maintaining effective human sources. Accordingly, effective interpersonal skills are essential for any human source 'handler'. The following Table documents some of the major advantages and disadvantages of human sources.

| Advantages | Disadvantages |
|---|--|
| 1 Cost effective | 1 Unreliable if motivation unknown or motivation met |
| 2 Transportable commodity | 2 Time intensive regarding evaluation |
| 3 Eyes, ears and insight into target's intentions | 3 Susceptible to counter-intelligence |
| 4 Flexible | 4 Allegations of corruption and/or impropriety |
| 5 Can be tasked | 5 Possible long term liabilities |

Figure 1. Major advantages and disadvantages of human sources

Elements of a Successful Human Source Strategy

For an organisation to be truly successful with human sources there needs to be a rigorous policy encapsulating 'best practice' interaction between the agency and the source. The protection of the source is an essential element of any policy. Any reference to the source should be in such a manner that there is no possibility of compromise. The introduction of an independent registry, with extremely limited access, should be central to any informant policy. The registration and evaluation of human sources should be undertaken in a manner whereby the source is only ever referred to in broader organisational dealings as a numerical reference. Reward committees, or any evaluation outside the direct relationship should be restricted to a 'number' and a set of circumstances, rather than the identity of the individual.

The broader 'informant policy' needs to be flexible enough so that it is adaptable to the many varied situations that may present themselves. A strict and absolute policy is inconsistent with the dynamic environment that organised crime operates within. Guidelines that are adaptable and directly aligned with organisational values are considered the most appropriate manner in which to direct organisational interaction with sources. The concept of 'Guidelines' should not be interpreted as a 'flimsy' policy. There will of course be areas that are non-negotiable and strictly enforced. An excellent example of this is the direction to employees and sources that illegal conduct by either party must be sanctioned and appropriate approval recorded prior to embarking on any illegal activity. The

manner in which rewards and expenses are paid to sources is also an area that needs to be clearly articulated from the outset. It could be argued, and has been argued, that it is not in the public interest for Governments to collaborate with organised criminals and/or terrorists. However, through well-managed risk management strategies, the recruitment of targeted organised criminals can result in opportunities for the Government to focus on criminal enterprises resulting in the disruption and dismantling of organised crime syndicates. A policy that stipulates that an agency cannot recruit, task and/or reward a convicted, or suspected criminal, will inevitably result in great losses for the organisation and society generally. Any divergence from the agency's 'Guidelines' will need to be recorded and considered against the organisation's values on a case-by-case basis. This flexibility will create an environment conducive to working within a dynamic framework, and also provide the agency with the ability to direct organisational behaviour.

Disclosure

In a general sense, Governments prefer not to disclose the involvement of human sources in intelligence/operations. The reason for this position is primarily due to the source not being able to be further tasked if his/her identity is disclosed. Public interest immunity (PII) is an option for investigators during criminal prosecution. From a broad perspective, PII is essentially the Government's claim to legal privilege, and can be requested during a prosecution to protect the identity of sources, government methodologies or national security. The onus to prove PII is on the prosecution and cannot be guaranteed. In cases where the court declines PII the prosecution has the option of disclosure or withdrawing the prosecution. If the prosecution decides disclosure as a viable option, the source may well be required to provide evidence. This leads to the major secondary reason as to why Government's prefer not to disclose the identity of sources – ongoing financial commitment.

When recruiting a human source consideration needs to be given to the moral and ethical responsibilities associated with the recruitment. An important element of the recruitment is the possibility that the Government may need to place the source into a witness protection program. This program is an expensive process that may require the ultimate relocation and the provision of new identities for the source and associated family members.

Recruiting and Managing Human Sources

To ensure that human sources are managed, and therefore the actions of the Government are accountable, there is a need for the recruiter to understand the type of source that they are dealing with, and what the motivating factors of the source are. The following Table lists 'types' of informers and major motivations. The types and motivators do not necessarily correlate.

| Type | Motivation |
|---|--|
| <p>1 Participant A source that develops from intelligence to evidence collection.</p> | <p>1 Revenge Utilising Government action to Achieve self satisfaction through retribution.</p> |
| <p>2 Criminal Associate Source known to have criminal associations. Most probably has some criminal involvement.</p> | <p>2 Elimination of Competitors Members of one criminal syndicate wanting to minimise their competition and heighten their niche in the market.</p> |
| <p>3 Listening Post No criminal involvement. Capable of collection based on employment or position in society</p> | <p>3 Money One of the more common motivators. Could be linked to other motivators. Evaluation of information is central to any reward payment. Any payment should be proportional to the evaluation of information obtained and its tangible outcomes.</p> |
| <p>4 Politically Sensitive Similar to 'Listening Post' but the information available to the source relates to politically sensitive matters including corruption; misconduct by political representatives; national security or defence interests.</p> | <p>4 Government Assistance Assistance offered is linked to a Government outcome. Examples include reduced prison sentence; bail concessions or migration.</p> |
| <p>5 Private Detective A source driven by ego that interprets their position as a pseudo government official.</p> | <p>5 Fear of arrest or prison Concern on the part of individuals of going/returning to prison.</p> |
| <p>6 Concerned Citizen Similar to 'Listening Post', has no links to the information provided, and acts for altruistic reasons.</p> | <p>6 Fear of social stigma Source concerned that the criminal activities of associates will tarnish their name or business.</p> |
| <p>7 Double Agent A source involved in counter-intelligence. Presents as having access within a criminal syndicate and provides information, but is primarily involved in collection against your agency.</p> | <p>7 Fear of retribution Source has concerns for welfare and offers information in return for protection against a criminal and/or syndicate.</p> |
| | <p>8 Gratitude Information provided as the source has been assisted by government officials previously.</p> |
| | <p>9 Reform A rare motivator where a criminal meets his conscience and desires to 'make up' for prior criminal activities.</p> |
| | <p>10 Intelligence collection The counter-intelligence activities of sources.</p> |
| | <p>11 Ego The 'James Bond' profile. The source believes that their role is to collect intelligence and pass to Government officials.</p> |
| | <p>12 Fraudulent intentions The source provides information for other than the stated intention. It may be that the source wants to be seen with a government official in an attempt to subsequently make malicious allegations, or simply an attempt to fraudulently obtain payment for a service not delivered.</p> |

Evaluation

The ability of an agency to assess the reliability of a human source on an ongoing basis is essential in managing the assets of the agency. The evaluation of the source should be a perpetual activity that guides the Agency as to whether the source is maintained or retired. This should not be interpreted as an additional task placed on the person responsible for direct interaction with the source – commonly referred to as the 'handler'. The handler, as a matter of course, should be evaluating the information obtained from the source on a regular basis. This evaluation should be undertaken at a number of levels. Primarily by the handler at the time the information is received. The source should never be left with the impression that the information provided is automatically accepted as factual. At a secondary level, the person responsible for independent oversight of the relationship between the handler and the source, commonly referred to as the 'controller' should also become involved in the evaluation of the information provided by the source. At this level the 'controller' is more focussed on the integrity of the relationship between the handler and the source; the level of resource allocation that is provided to the relationship; and how resource allocation fits into broader organisational requirements. A third and extremely important level of evaluation is that which is provided by the leadership of the investigation that the source is strategically linked to. The investigation leadership possesses the 'bigger picture' and is capable of providing feedback to the controller and handler as to the value of the information obtained and whether there is a need to refocus the source's direction. The final evaluation may well be outside the organisation's area of influence. If the information being collected is directed at a prosecution the final evaluation may well be in the hands of the jury or a member of the judiciary. The level of a reward (fulfilment of a motivator) may well be reliant on this final outcome.

Where information is collected that is not directly related to a specific task and/or investigation, there is a need to provide an informed opinion regarding the source and the information, and document this in such a manner that when it is retrieved (usually at a later time, when the person acting on the information is not aware of the collection methodology or the source) there is an overview of the reliability of the source and the information. The manner in which this is achieved is through an 'admiralty scale'. The 'admiralty scale' is a table or process that grades the reliability of a source, and links this to the validity of the information. This process is by no means an exact science, and in fact is subjective in nature. It is not too dissimilar to the process of receiving school reports and relevant grades. To use the 'school grades' as an analogy, the teacher (handler in this scenario) grades the behaviour of the student (source in this scenario) and then provides an educational achievement grade on specific assignments and/or subjects (information in this scenario). This manner of information reporting (inclusion of the admiralty scale)

Figure 2. Human source types and motivators – adapted from definitions contained within **Source Handling** (Australian Federal Police Training College, 2002)

also provides a third 'informal' grading system, in that the author of the information report is listed, thereby providing the 'retriever' of the information the opportunity (again a subjective process) to contrast the grades provided against the history of the information recorder (not unlike the teacher scenario whereby some teachers may be known amongst their peers for marking up or down).

Counter Intelligence and State Sponsorship

Reference to human sources and intelligence collection thus far has focussed on the modus operandi of Governments. As described in Table 2 the use of counter intelligence is undertaken by *Double Agents*, and is a practice utilised by organised criminal groups, and terrorism groups. Gunartna, a counter terrorism specialist, when referring to major operations undertaken by Al Qaeda, states that the terrorism group is well versed on human source intelligence practices. He provides the following insight,

"Cells assigned for special missions like 9/11 and the Los Angeles airport attack during the millennium celebrations are co-ordinated through an agent handling system where a cell leader reports only to his controller or agent-handler."

(2002, p. 97)

Medhurst, within his *Global Terrorism* course expands on the use of intelligence by terrorist groups. He highlights the nexus between these groups and States that sponsor terrorism,

"Terrorist groups sponsored by governments, however, are beneficiaries of superior-grade intelligence from the security intelligence gathering organs of those governments."

(2000, pp 5-4)

Disclosure Revisited

Human Source intelligence led operations are successful on a regular basis. This fact is not well known, primarily due to the need for Government's to protect the identity of human sources. The overwhelming need to protect identities does not mean that Government's will not publicly propagate the value of informants. There are occasions when there is no need to suppress the identity of a source, or where identities can be protected and the use of informants disclosed. A contemporary example of this was recently brought to world prominence in public statements regarding the assistance provided, and further required for the military Coalition in their efforts to effect regime change and disarm Iraq of weapons of mass destruction. Notwithstanding the military might, technological superiority and the focussing of Coalition intelligence capabilities, the need for human sources to come forward to assist in the search for weapons of mass destruction was advocated by the United States' most senior female military intelligence officer (retired), Lieutenant General Kennedy

(Kennedy, 2003). The US Secretary of Defence, Donald Rumsfeld, was equally definitive,

"The inspectors didn't find anything and I doubt we will. What we will do is find the people who will tell us."

(CNN, 2003)

The US Secretary of State supported both Kennedy and Rumsfeld, reinforcing the absolute importance of human source intelligence in the world's most recent military conflict, that arguably utilised the majority of the United States' and Coalition's intelligence capabilities. It would be reasonable to expect that the conflict in Iraq required the use of IMINT, MASINT, SIGINT, COMINT, TELINT, ELINT and OSINT. Secretary Powell, as the military conflict in Iraq subsided, did not refer to military might or the deployment of satellite technology in the search for weapons of mass destruction, he referred solely to the role of HUMINT –

"... there are hundreds and hundreds of people who have knowledge who will need to be interviewed."

(CNN)

As the international community ponders the fate of Saddam Hussein's regime, it is difficult not to consider whether elements of the regime will be hoping that fellow Iraqis decide against providing intelligence to the Coalition about weapons of mass production. Saddam Hussein and his regime may well hope that fellow Muslims in Iraq opt for a narrow interpretation of the section of the Holy Qur'an that makes reference to 'spying':

"O ye who believe! Shun much suspicion; for lo! Some suspicion is a crime. And spy not, neither backbite one another. Would one of you love to eat the flesh of his dead brother? Ye abhor that (so abhor the other)! And keep your duty (to Allah). Lo! Allah is Relenting, Merciful."

(Surah XLIX. 12)

III Integrative Conclusion

The Return of Human Source Intelligence

The purpose of this paper is to provide a definition of intelligence and the intelligence process; introduce the novice to the main types of intelligence collection disciplines; and finally to explore the strategic fit of human intelligence as one of those disciplines.

The paper is directed at people whom may be interested in entering an intelligence collection career, or to persons whom have an interest in the intelligence field.

Intelligence is defined as organised information, the product of a value adding procedure that initiates with raw information. The 'value adding' procedure, referred to as the 'intelligence process' consists of four stages commencing with 'direction', progressing through 'collection' and 'analysis', and concluding with 'dissemination'. This process should be perpetual.

There are eight major intelligence collection disciplines, as introduced within the *Critical Context* segment of this paper. They are: (i) Imagery Intelligence (IMINT); (ii) Measurement and Signatures Intelligence (MASINT); (iii) Signals Intelligence (SIGINT); (iv) Communications Intelligence (COMINT); (v) Telemetry Intelligence (TELINT); (vi) Electronic Intelligence (ELINT); (vii) Open Source Intelligence (OSINT); and (viii) Human Source Intelligence (HUMINT).

Within the contemporary operational environment there are two levels of intelligence, those being the 'Strategic' and 'Tactical' levels. Simply explained, strategic intelligence is designed to assist policy and decision makers in resource allocation, budgeting and development of appropriate legislation. Tactical intelligence is focussed on providing immediate direction resulting in operational outcomes.

Technological developments have resulted in sophisticated collection methodologies that have broadened the ability to provide a better intelligence product. Nevertheless, the oldest type of intelligence collection, HUMINT, continues to provide excellent opportunities to decision makers.

Notwithstanding the proven track record of HUMINT throughout time, the emergence of technological collection methodologies has resulted in HUMINT not receiving sufficient focus.

The development of flexible systems, policy and guidelines; an understanding of the types of human sources; what motivates human sources; and an appropriate reward policy are considered essential elements for a successful human source strategy.

Secretaries Rumsfeld and Powell and the most senior female military intelligence official in the United States' history, Lieutenant General Kennedy (retired), all provide salient reminders to professionals in the intelligence world that the human source collection discipline continues to participate as a major stakeholder in the intelligence process.

From a personal perspective, my understanding of the Human Source collection typology and its positioning within the *intelligence process* enhances my personal and professional effectiveness, as research and comparative analysis of collection typologies have resulted in a personal re-focus on interpersonal skills with regard to informant recruitment and management. The results of this process are now being experienced through tangible operational and intelligence outcomes.

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From former police officer to Federal pollie –

Peter Dutton MHR wants more cops in Canberra

By Mark Burgess CEO, PFA

The 2001 Federal election was always going to be a dour struggle between the Labor Party and the Coalition and there was no seat in which this was more evident than Dickson in suburban Brisbane.

High profile Labor recruit Cheryl Kernot was the incumbent, having won the seat at the previous election. The Liberal Party was about to undertake a pre-selection vote with one of the candidates being a 31-year-old former Queensland Police Officer Peter Dutton. It is history now that Dutton not only won pre-selection but also took the seat in what could be described as a fairly bitter contest between Kernot and him.

So who is Peter Craig Dutton MHR for Dickson?

Dutton, who grew up in North Brisbane, joined the Liberal Party as an 18-year-old. He wasn't very active in the Party but around 1998 he decided he would contest pre-selection for the seat of Dickson. He had gone to school in the area and his family was third generation in the electorate. He figured "there were already enough lawyers in politics it's about time a cop stood for a seat".

Graduated

In his life before politics, Dutton had graduated from the Brisbane Academy in October 1990. He put in for North Brisbane or the Gold Coast for his initial posting so they sent him to Townsville where he stayed for 14 months. Living in the barracks with a lot of other young police made for some great socialising and good times. In early 1992, he returned to Brisbane where he worked in mobile patrols. He then moved into a plain clothes position with the Crime Unit, spent some time at State Crime Operations, the Sex Offenders Squad and the Drug Squad. He also worked on some operations with the NCA as well as doing covert surveillance work.

He resigned from the police in 1999 and went to work in the family child care business until he was elected to Parliament.

He still prides himself on the fact that some of his closest mates are cops. "I go to as many send offs as I can and I have some good mates that will be mates forever", he says. When he outed himself as a member of the Liberal Party who had a real interest in politics, most officers he knew encouraged his involvement.

As for political ambitions, Dutton says he is primarily interested in getting re-elected, "that means working hard in the electorate and focusing on matters relevant and important to the local people". Dickson is a marginal seat that has moved backwards and forwards between Liberal and Labor since 1993 so his work will be cut out for him.

Dutton has been kept busy in his first term as a Federal Parliamentarian. He is currently on the Family and Community Affairs Committee which has just concluded an inquiry into substance abuse of both illicit and licit drugs. Its next inquiry – into family breakdowns – has already gained significant media attention.

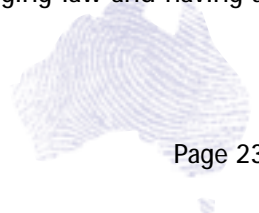
ACC Committee

He is also on the Australian Crime Commission Joint Standing Committee (which is the old NCA Committee). Dutton was in the thick of the battle between the States & Territories, the Opposition and the Government over legislation concerning the new ACC. He was very supportive of the PFA's position in appointing someone with a strong law enforcement background to head the new body. He describes his input into the ACC as being "one of the sweet points so far in his political career". He was able to use his policing background to have practical involvement into the legislation.

The PFA also lobbied vigorously for the ACC Board to be heavily weighted with Police Commissioners as opposed to heads of other Federal Government Departments as well as for the CEO of the body to be someone with a lengthy law enforcement background. In the end what could be described as a balanced outcome was achieved. Peter Dutton played a big role and his knowledge and support of police issues came to the fore during that debate.

He is also Secretary of the Attorney General's backbench, Justice and Customs Committee.

Dutton is supportive of other police, regardless of their politics, to look at standing for Parliament – State, Territory or Federal. He says: "There are probably plenty of police around that, like me, have a frustration built up over many years with the bureaucracy. I just had a realisation that if I was successful enough to enter politics, I would have the opportunity to have input into changing law and having a say in the process."



From former police officer to Federal polmie

Regardless of their political persuasion, Dutton's advice is that police who think like that should become involved in the community by joining community groups, building a profile locally and selecting a seat which they would want to run for.

Politics

Why is he keen on encouraging police to run for politics?

In his own party federally there are some 45 lawyers between the House of Representatives and the Senate. "That's about half of the federal politicians on my side alone and half the Australian population are not lawyers," he argues.

Dutton suggests that police have a lot to offer. "They have plenty of real life experience, they understand how people operate and they are always looking for a positive outcome".

He is not the only former police officer to be elected to the Federal Parliament. Current Western Australian Liberal Senator Ross Lightfoot was a mounted police officer in South Australia from 1959-1962. Former Labor Opposition Leader & Governor General, Bill Hayden was a Queensland Police Officer from 1953-1960. Peter Cleeland, the former federal member for McEwan in Victoria was a police officer in that state from 1961-1969 & Paul Filing the former member for the Western Australian seat of Moore was a police officer in WA from 1979-1987.

Not surprisingly Dutton has a view on the role of police unions.

"Every industry employs lobby groups and attempts to put their argument in whatever way they can to their elected representatives," he says.

"Police unions and associations are no different and their role, as I see it, is to put forward legitimate claims on behalf of their members. Police unions of today are much more than just being for better conditions for members, they are also having a positive input into better legislative frameworks for their members to work in."

Dutton also encourages police unions to work together nationally. "One of the things you learn quickly in federal politics is the different perceptions of States and even the different views between the east coast of Australia and the west," he says.

Police Unions

For all police unions to come together under one banner nationally through the PFA, is a real positive for police, he believes. "Who else is there to argue a national policing perspective other than the PFA?"

One of the key planks of the PFA's lobbying recently has been greater Federal funding for State, Territory and Federal police. Not surprisingly for a Federal politician, Dutton apportions blame back onto the States and Territories.

On more Federal funding for policing at the State, Territory and Federal level Dutton says: "I think Federal governments would have an interest in that direction, but the problem

we have is the cost shifting from the States onto the Commonwealth Government.

"The States and Territories are getting record funding from GST, they are employing more and more public servants, which means they have less money to go towards policing.

"The main concern would be that the State and Territory governments would be very quick to try to cost shift onto the Commonwealth those sorts of community services that have traditionally been provided by the States."

When talking to Dutton the politician, you feel you're still talking to a cop. How is he going to cope when he is faced with a situation where he may be expected to support legislation that he believes may not be in the best interests of policing?

Loyalty

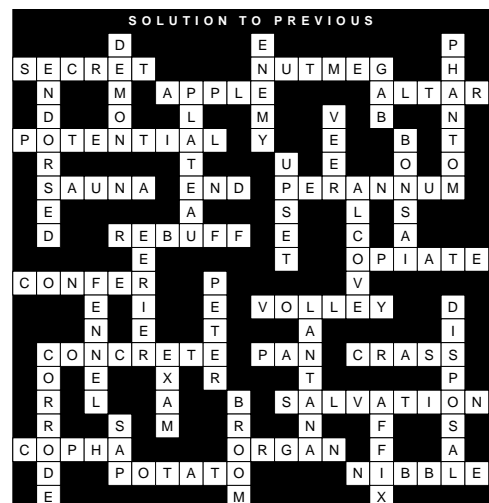
"I think that police, probably above any other profession, know the value of loyalty and sticking together through good or bad times," he says.

"I think my time so far on the Committee with the Australian Crime Commission has been a good demonstration of how you can get in there and make a difference.

"What you have to be able to do, and I can say this coming out of the ACC process, was that I didn't get as far as I wanted to on some issues and I compromised to get my way with others.

"That's all part of living in a democracy. So I think at the end of the day you have to be able to say to yourself, well you tried your best and you survived to fight another day".

One gets the impression watching Peter Dutton go about his business in Federal Parliament that he will live to fight many other days. He is articulate, strong, honest, and well regarded, all of the characteristics we have come to expect of a good cop. While we have Peter Dutton's in parliaments across Australia, policing will be well served. The problem, as Dutton himself points out, is that there are not enough cops prepared to stand. Perhaps this is a challenge for all of us.



Certified Agreement 2003-2006 Surveillance interim arrangement

The following arrangement meets the Certified Agreement Commitment to institute a specific regime for the surveillance employees consistent with their work requirements.

Part 1

Introduction

- 1 The AFP Certified Agreement 2003-2006, Surveillance Interim Arrangement provides for a remunerative and conditions of service environment for operational employees deployed to Surveillance for a period of 6 months commencing on 11 September 2003. During this period the working arrangements trialled and the outcome will be considered by AFP Management, the Australian Federal Police Association (AFPA) and the Board of Reference in setting longer term arrangements and conditions of service for Surveillance teams.
- 2 This attachment provides a continuing support to the Surveillance model in keeping with the new remunerative and conditions of service environment for AFP employees under the AFP Certified Agreement 2003-2006.
- 3 The purpose of this attachment is to accommodate the Surveillance work patterns and to deliver fair and equitable outcomes for operational employees deployed to Surveillance and the AFP. The provisions of the AFP Certified Agreement 2003-2006 will apply to operational employees deployed to the Surveillance unless varied by this Attachment.

Major elements of the surveillance attachment

- 4 The major elements of this Attachment are the conditions to support Surveillance work patterns and, in turn, to support its diverse requirements in operational and support areas both within and outside the AFP.

Application of the agreement

- 5 This Attachment applies to employees deployed to Surveillance nationally who are designated as Federal Operations under the provisions of the AFP Certified Agreement 2003-2006.

Part 2

Hours and organisation of work

Work structure and obligations

1 Work Structure

- a Employees covered by this Attachment, up to and including Band 8, can be required to work flexibly up to 184 hours in a 28 day period in work patterns determined by the relevant Team Leader in consultation with team members.
- b Recognising the fact that the AFP has to respond to urgent and unforeseen criminal activity, and that Surveillance is responsible for responding appropriately to certain types of unforeseen criminal activity, the designated hours of work required of employees covered by this Attachment may be worked flexibly at any time and within any pattern providing the excess hours provisions provided in this Attachment are observed.
- c So that the work of employees covered by this Attachment may be effectively organised, monitored and utilised flexibly in relation to the provisions of Clauses 13 and 14 of Part 3, of the AFP Certified Agreement 2003-2006, employees will utilise the time recording system implemented in accordance with this Agreement.

2 Composite Payment

- a Employees designated to the Surveillance work structure will receive a base composite allowance of 33% plus an additional composite allowance of 27% of their base salary (A total composite payment of 60% of the employee's base rate of salary).

3 Hours of Duty – Structure

- a Employees deployed to the Surveillance, who are designated as part of the Federal Operations work structure will be stood-down once they have worked the hours specified within the following prescribed period:
 - i 16 hours within a 24 hour period;
 - ii 64 hours within a 7 day period; and
 - iii 184 hours within a 28 day period.
- b Where it is necessary for an employee to attend duty for fourteen (14) consecutive days, they will be stood-down for a minimum period of four consecutive days before being required to resume duty.

- c Adequate rest days will be provided during a 28 day period between blocks of duty and will include unbroken weekends where possible. Weekend work will be in periods of not less than six (6) hours for those employees not on call.
- d Unless otherwise agreed, employees may be required to work, on average, over a 28 day acquittal period, 2 full weekends out of every four.
- e Employees covered by this Attachment will not be required to work split shifts.
- f Any hours worked by employees subject to this Attachment outside of 8 hours in any 24 hour period, or 5 days in any seven day period will only be for approved operational reasons as set out in Part 3 Clause 13 of the 2003-2006 AFP Certified Agreement.

4 Excess Hours

- a It is the clear intention of the parties to this Agreement that employees in this work structure will not work beyond the specified maximum hours for a prescribed period unless there is prior approval from a General Manager.
- b To ensure Team Leaders are able to stand-down an employee when they have reached the specified maximum hours for a prescribed period, an employee is required to give written notice to the Team Leader and copy that notice to the Operational Coordinator:
 - i two (2) hours before sixteen (16) hours have elapsed in any given 24 hour period;
 - ii eight (8) hours before 64 hours have elapsed in any given 7 day period;
 - iii twenty-four (24) hours before 184 hours have elapsed in any given 28 day period.
- c The team leader shall, in writing, acknowledge receipt of such notices to the team member concerned as soon as practicable. Verbal acknowledgment shall be appropriate only when subsequently confirmed later in writing. All notices relating to this clause shall be brief, to the point and are acceptable in the form of e-mail correspondence.
- d If an employee is not stood-down after the specified maximum hours for a prescribed period has elapsed, then the employee will receive a penalty payment of five (5) times the base composite for each hour they work in excess of the specified maximum hours. This penalty will not apply if the employee fails to notify their Team Leader or Coordinator within the timeframe period in 4(b) above.

- e Where an employee is not stood-down at the end of the specific maximum hours the Director Workplace Relations will be notified. The Director Workplace Relations will advise the AFPA and the Board of Reference of all cases of excess hours above the mandatory hours of duty outlined above.
- f The parties agree that this Clause will not be used except in emergency circumstances and will lapse after six (6) months unless there has been other than isolated use of the Clause.

5 On-Call and On-Call Premium

- a Where an employee is directed by a Team Leader to be on-call the employee will receive an on-call premium of \$20 for each period of up to 24 hours or part thereof.
- b An employee covered by this Attachment will not be placed on-call for more than fourteen (14) days in a 28 day period unless otherwise agreed by the employee.
- c Where an employee is recalled to duty whilst on call, time worked during such a recall will count as double time hours towards their total hours worked over a 28 day cycle.
- d To be eligible to claim a recall to duty whilst directed or rostered to be on call, an employee must demonstrate that:
 - i they were required to perform work on behalf of the AFP;
 - ii such work is recorded in a PROMIS entry; and
 - iii the minimum amount of time required of them in relation to the recall to duty was 30 minutes.

6 Performance monitoring and measurement

- a This Attachment will take effect for an initial six month period. The suitability of the provisions of the Attachment will be assessed three months following its implementation and again six months after implementation.
- b The suitability of the Attachment will be assessed relative to the following performance measures.
- c The performance measures for employees deployed to Surveillance to be considered will include:
 - i The actual hours of work performed, including details of Public Holidays and weekends worked;
 - ii The pattern of hours worked;
 - iii The number and types of absences recorded;



- iv The flexibility exhibited by employees in relation to the hours worked and the pattern of hours worked;
 - v The amount of travel time required;
 - vi The changes occurring relative to scheduled work patterns, including notice given for change of hours/time to be worked;
 - vii The impact of taskings in accordance with CCPM ratings; and
 - viii The amount of notice given to return to duty when not on call.
- d It is acknowledged that some of the performance measures will rely on the maintenance of data not available from AFP IT systems and this information will be maintained manually by Surveillance Teams.
 - e Where a review of the available data indicates that the provisions of this Attachment are not delivering fair and equitable outcomes to either the employees or the organization, variations to this Attachment may be considered and presented to the Board of Reference for endorsement.



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- Wide open spaces of the undulating gibber plains with ephemeral creek beds lined by gidgees and river red gums in the east.
- The vegetated red sand dunes of me Strzelecki Desert in the west.
- The famous dingo fence and the flat-topped mesas of the Jump-Up country in the north.
- The granite boulders of Tibooburra in the south.
- Lake Pinaroo – an internationally recognised wetland.
- Aboriginal history; early exploration by Charles Sturt, gold rush In the 1880's and pastoral history.
- This park has so much to experience!
- Self-drive tours and walking tracks.
- Accommodation is available at the historic complex of the Mount Wood Homestead and at four campgrounds set in the different landscapes of the park.
- No wood fires are allowed due to ecological reasons! Stainless steel gas BBQs are available.

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Bomb Data Centre Arrangements

The AFPA and AFP have finalised negotiations with staff in the Australian Bomb Data Centre and the following agreement represents the specific outcome for employees working in this function. The Agreement was endorsed by the employees in majority.

The following interpretations must also be read in conjunction with this document.

- 1 The "approved operational reasons" as referred to in the body of the AFP Certified Agreement still apply to the ABDC agreement in so far as elements of the proposed agreement do not vary its application. This would need to be addressed with respect to specific provisions (e.g, recall to duty);
- 2 Clause 3.(b) with respect to the two day stand down after a 10 period of duty should be read to mean two "working days" as weekends are subject to the the provisions designated as for "approved operational reasons" and are not standard days of work; and
- 3 The Agreement is to be worked in accordance with the Reasonable Hours clause of the AFP Certified Agreement (Part 4, Clause 4) which defines the AFP agreement as based on a 40 hour week model as per the previous AFP certified agreement. To this end the mandatory requirement for all employees is a 40 hour week and extra duty beyond that is subject to provisions of approved operational reasons and associated composite arrangements.

HOURS AND ORGANISATION OF WORK WORK STRUCTURE AND OBLIGATIONS

1 Work Structure

- a Employees covered by this Attachment, up to and including Band 8, can be required to work flexibly up to 184 hours in a 28 day period in work patterns determined by the relevant Team Leader in consultation with team members.
- b Recognising the fact that the AFP has to respond to urgent and unforeseen criminal activity, and that the ABDC is responsible for responding appropriately to certain types of unforeseen criminal activity, the designated hours of work required of employees covered by this Attachment may be worked at any time and within any pattern providing the excess hours provisions provided in this Attachment are observed.

- c So that the work of employees covered by this Attachment may be effectively organised, monitored and utilised flexibly in relation to the provisions of Clauses 13 and 14 of Part 3, of the AFP Certified Agreement 2003-2006, employees will utilise the time recording system implemented in accordance with this Agreement.

2 Composite Payment

- a Employees designated to the operational ABDC work structure will receive a base composite allowance of 33% plus an additional composite allowance of 12% of their base salary. (A total composite payment of 45% of the employee's base rate of salary.)

3 Hours of Duty – Structure

- a Employees deployed to the ABDC, who are designated as part of the Federal Operations work structure will be stood-down once they have worked the hours specified within the following prescribed period:
 - i 16 hours within a 24 hour period;
 - ii 60 hours within a 7 day period; and
 - iii 184 hours within a 28 day period.
- b Where it is necessary for an employee to attend duty for ten (10) consecutive days, they will be stood-down for a minimum period of two (2) days before being required to resume duty.
- c Adequate rest days will be provided during a 28 day period between blocks of duty and will include unbroken weekends where possible. Weekend work can only be undertaken for approved operational reasons and will be in periods of not less than six (6) hours for those employees not on call.

4 Excess Hours

- a It is the clear intention of the parties to this Agreement that employees in this work structure will not work beyond the specified maximum hours for a prescribed period unless there is prior approval from a General Manager.
- b To ensure Team Leaders are able to stand-down an employee when they have reached the specified maximum hours for a prescribed period, an employee is required to give written notice to the Team Leader and copy that notice to the Operational Coordinator:

- i two (2) hours before sixteen (16) hours have elapsed in any given 24 hour period;
 - ii eight (8) hours before 60 hours have elapsed in any given 7 day period;
 - iii twenty-four (24) hours before 184 hours have elapsed in any given 28 day period.
- c The team leader shall, in writing, acknowledge receipt of such notices to the team member concerned as soon as practicable. Verbal acknowledgment shall be appropriate only when subsequently confirmed later in writing. All notices relating to this clause shall be brief, to the point and are acceptable in the form of e-mail correspondence.
- d If an employee is not stood-down after the specified maximum hours for a prescribed period has elapsed, then the employee will receive a penalty payment of five (5) times the base composite for each hour they work in excess of the specified maximum hours. This penalty will not apply if the employee fails to notify their Team Leader or Coordinator within the timeframe period in 4(b) above.
- e Where an employee is not stood-down at the end of the specific maximum hours the Director Workplace

Relations will be notified. The Director Workplace Relations will advise the AFPA and the Board of Reference of all cases of excess hours above the mandatory hours of duty outlined above.

- f The parties agree that this Clause will not be used except in emergency circumstances and will lapse after six (6) months unless there has been other than isolated use of the Clause.

5 On-Call and On-Call Premium

- a Where an employee is directed by a Team Leader to be on-call the employee will receive an on-call premium of \$20 for each period of up to 24 hours or part thereof.
- b An employee covered by this Attachment will not be placed on-call for more than fourteen (14) days in a 28 day period unless otherwise agreed by the employee.
- c Where an employee is recalled to duty for operational reasons or required to work on a scheduled day off, a minimum of five (5) hours will count as time worked in that specific period even if the actual hours worked are less. Where an employee is recalled to duty whilst on-call double time hours will count towards their monthly hours worked.



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Guide to recording, storing and reporting information during surveillance interim arrangement trial – September 2003

1 Introduction

The AFP Certified Agreement 2003-2006, Surveillance Interim Arrangement provides for a remunerative and conditions of service environment for operational employees deployed to Surveillance for a period of 6 months commencing on 25 September 2003.

The purpose of the Interim Arrangement is to accommodate the Surveillance work patterns and to deliver fair and equitable outcomes for operational employees deployed to Surveillance.

During the period of the Interim Arrangement trial it will be necessary to record, store and report information which can be presented to the Board of Reference for consideration in setting longer term arrangements and conditions of service for Surveillance teams.

2 Aim

To provide an effective system for recording, storing and reporting information which will support a determination of longer term conditions and working practices for surveillance teams. The system will ensure consistency, transparency, and timeliness in the reporting of work practices.

3 Recording hours of duty

It is important that the time recording system in PROMIS be used by all surveillance teams as the information input to this system will be used in assessments. The system will collect all information required by the Interim Arrangement with the exception of travel time and notice given to return to duty when not on call. This information will be collected separately (see Attachment A and Attachment B).

At this stage the functionality of the PROMIS time recording system is restricted to a defined 28 day period. If employees and Team Leaders elect they may complete a manual time recording spreadsheet to manage work practices if using a staggered 28 day period. This spreadsheet only requires the total hours worked each day in the relevant categories to be entered by an employee. Flags are built into the spreadsheet when employees approach hours of work that may constitute a breach of the trial arrangements. (see Attachment C).

LBSGs should make all of the attached documents available to all Surveillance Teams in their respective areas.

Attachment A – Excel Spreadsheet for details of notice given where hours of work are changed.

Attachment B – Excel Spreadsheet for details of notice given when recalled to work when not directed to be on-call.

Attachment C – Excel Spreadsheet into which employees may enter hours of work for reporting period outside defined 28 day period.

4 Storing information

All documentation relating to the recording of information on work practices will be uploaded into generic PROMIS Case No. 1019746. Folders have been set up for Northern, Southern, Eastern, Western, National, ACT.

The upload of documentation will be carried out at the end of each 28 day period.

5 Reporting of information

Information will be collected from PROMIS time recording and the generic PROMIS file at the end of three months to ensure it is appropriate and that it supports a meaningful determination of what the longer term conditions and working arrangements should be for surveillance teams. All business areas are to have documentation in place by end December 2003 and the end of March 2004. This refers to all PROMIS uploads and time recording.

Workplace Relations will have access to information uploaded into the PROMIS file and from PROMIS time recording.

Management teams from each of the business portfolios will be able to access the above information as required. Web based reporting is available to view individual work practices.

The Interim Arrangement trial will be oversighted by the Board of Reference to ensure there is no disagreement on the information collected. Once the information has been collected the subsequent analysis will be provided to the TCMT to enable a management view to be agreed on the longer term conditions for submission to the Board of Reference.

6 Special issues

For the duration of the Surveillance Interim Arrangement, members participating in the trial should report any special issues with the arrangements of the trial that may arise. It is important for issues impacting on the way Surveillance Teams perform their work are brought to light. These issues should be noted in writing and forwarded to the relevant LBSG every 28 days.

*Director People Strategies/Workplace Relations
25 September 2003*



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The Master of Social Science (Criminal Justice Administration) at RMIT University is the course of choice for members wishing to further develop their careers. With advanced study in criminology, criminal justice administration and policy, it provides the theoretical framework to complement the practical experience of management, specialist and operational officers in criminal justice agencies.

Focuses of the program:

- Policy development and the analysis of contemporary criminal justice policy
- 'live' contemporary criminal justice issues
- paradigms and principles that inform policy and practice
- analysis and the application of interdisciplinary resources
- collaborative learning and network support

Now is the time to think about studying in 2004.

The School of Social Science and Planning at RMIT University will have a Postgraduate Information Evening in October. Go to www.rmit.edu.au/tce/ssp for details.

For further information on this program,
contact Dr Desmond McDonnell on **(03) 9925 3291,**
e-mail desmond.mcdonnell@rmit.edu.au
or go to www.rmit.edu.au/tce/ssp/crimjusticeadmin

Australian Police Summit

A little over a 100 years ago when the police service was officially formed, the public's reaction wasn't exactly heartwarming, with the police being seen to a certain extent as "A menace to the community". So here we are in the 000's and what has changed since that time? When the first police associations were being formed the relevant state governments were aghast at the idea as were several commissioner's, seeing these associations as a threat to their hold over power in the region, whilst not recognising the need for the police to look after their employees. Rates of pay were low, working hours long, and morale not at it's best at all, so has anything changed since then?

The answer to both questions asked is probably yes and no. Certain segments of the public still see the police as a menace, you only need to look at their reactions recently when ASIO and the Federal Police conducted raids on those with alleged links to terrorist groups. However, the public as a whole think the Police do a good job and recognise the important role the police play in society.

The question of conditions of pay and working hours? Again the answer is yes and no. Tasmania has the lowest rate of pay for officers, whilst WA Police have the highest rate. One would be forgiven for thinking that surely NSW Police would be the highest paid, considering that Sydney is the countries most expensive city to live in, and the state of NSW the highest taxed. Surely some kind of synergy needs to be in play here. Working hours are better now, but our associations still have to battle with the politicians to get fair agreements in place. Hopefully all this will change in the near future as government and the public realise that being a police officer is no longer just about arresting the bad guys.

Being a police officer nowadays means you are at the frontline of homeland defense, a social worker and an IT specialist amongst other things, and the Australian Police Summit (APS), held in June in Sydney talked about these issues.

Commander Dennis Henry spoke about the role of the Counter Terrorism Coordination Unit Victoria, and how the unit ensures a coordinated response from Police to a terrorist act or threat. The Commander also discussed how the unit liaises with other state and commonwealth agencies, in turn outlining the need for states to start working together to combat all type of crimes. After all, criminals have no respect for state borders.

The Executive Director of the Australasian Police Multicultural Advisory Board Gerrard Daniells looked at policing multicultural communities and the role the officer

plays within his or her community, whilst Gregg Barras of Victoria Water Police spoke about handheld technology.

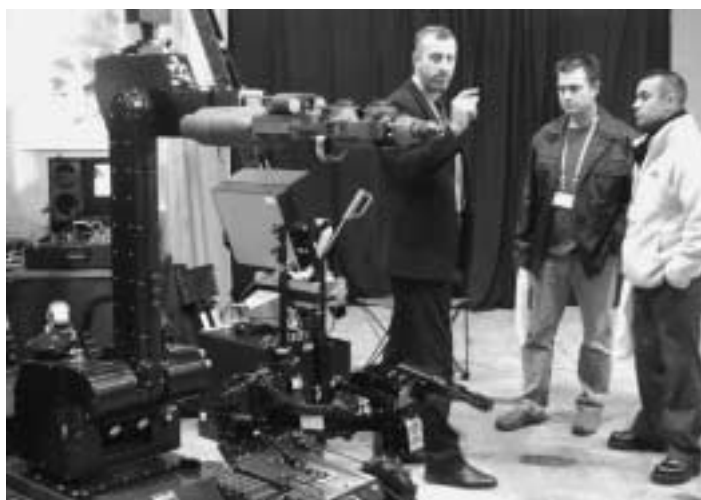
In addition to the papers mentioned so far, other topics looked at forensics, money laundering, bombers motives, and combating the drug trade. Crimtrac used APS03 as a tool for promoting their work and to encourage the police to use them as much as possible.

APS03 wasn't just a conference, it also had an exhibition attached, and the 600 or so delegates saw just about every product they use in their work; Body Armour, biometric equipment, hazard lights, bomb detection equipment, and a favorite of the audience had to be Betsey the bomb disposal robot, recently acquired by NSW Police.

APS03 was the first time a national policing summit had taken place, and the feedback from the audience was favorable with the delegates saying that the summit was a success and well put together. However the organisers of APS say that 04 is going to take a slightly different approach.

APS04 will look more at operational topics, and case studies, with one of the proposed presentations looking at the merging of roles between law enforcement and defense. A good example here is the role of the Federal Police in the Solomon Islands. A few years ago policing in what amounts to a war zone, would be conducted by the military themselves, yet civilian police have taken full responsibility for policing activities.

In 2004 the Australian Police Summit will be proudly held in conjunction with the Australian Federal Police Association and details of the upcoming agenda are now being finalised.



Australian Police Summit Pictorial



Shaving for a Cancer Cure

When it comes to a good cause, AFP employees have a proud history of chipping in with donations and self sacrifice.

The Children's Cancer Institute Australia was the cause; Eastern Office staff and others chipped in with donations; and the sacrifice was five selfless souls who shaved their heads to raise more than \$4,200.

Eastern Operations Federal Agents Ed 'Fast' Stipnieks, Ashley Wygoda, Jason Craig, Craig Muter, and a very brave Kristine Lawrence, who are all members of Response Team 3 by the way, revealed their various cranial lumps and bumps to a large collection of supportive work colleagues when their heads were shaved by some young ladies from the CCAI on 1 May.



All smiles from Ed 'Fast' Stipnieks, Ashley Wygoda, and Jason Craig as the ladies do their work



The attentive CCAI ladies leave a little on Kristine Lawrence but Craig Muter is really getting the treatment.

An initiative driven by Ashley Wygoda, who also managed to garner significant financial support from sources outside of the AFP, the shave provided funds to a very worthwhile cause.

The CCAI was founded in May 1976 by a dedicated group of parents and doctors who wanted to do more to support research into the causes, prevention and cure of a disease that claims more children than any other in Australia. Over 500 new cases of childhood cancer are diagnosed here each year and unfortunately three out of every 10 children with cancer do not survive.



Good sports for a great cause with the ladies from The Children's Cancer Institute Australia.

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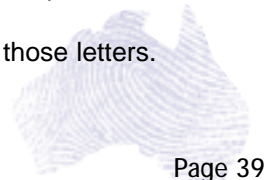
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Crossword Instructions

To complete the puzzle you must enter a letter for each of the numbers. Each number corresponds to one letter only, for instance the letter B can be entered in all squares containing the number 10. As more letters fill the puzzle it becomes easier to see words develop allowing more letters to be uncovered.

To get you moving one word has already been entered so you can start filling in similar boxes with those letters.

Note: Not all letters of the alphabet have necessarily been used.



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CRASH MARKERS TO MAKE A DIFFERENCE!

“Telling a mother or father, a husband or wife that a loved one has been killed in a motor vehicle accident is one of the hardest things a police officer has to do. So many deaths on our roads are senseless and could have been prevented,” says Sergeant Chris Elliss the OIC of Huonville Police. So what can be done about it?

The enthusiasm of Sgt. Elliss brought the Department of Infrastructure, Energy and Resources, Police, Local Government and the community together to implement the **Roadside Crash Marker Program**.

Sgt Elliss and community personnel were determined to see symbolic posts placed at the scene of serious injury and fatality crashes. “The aim is to bring awareness to motorists to slow down and to drive for the unexpected” he said. “Millicent in South Australia has had great success with a similar program. It is hoped we will see an even stronger result”.

Mayor Armstrong of the Huon Valley Council adds, “The Community must become more involved in the issue of road safety. Just when the number of fatalities is dropping suddenly, we see a dramatic increase in the needless loss of life on our roads. It is hoped that this program will increase driver awareness and reduce the number of accidents”.

More Information about the RSCM program can be obtained from:
Road Safety Operations, (03) 6233 6643



Tasmania

DEPARTMENT of
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Traffic accidents are the biggest killer of school-age children.

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As adults, we need to teach children to **STOP** at the kerb before crossing the road. **LOOK** in all directions. **LISTEN** for the sound of cars to **THINK** about whether or not it is safe to cross.

A message from ...

Nicole Hayward

Road Safety Officer

**Great Lakes, Greater Taree City
& Gloucester Shire Councils**

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