



Australian Government
Attorney-General's Department

International Crime Cooperation Division

FACT SHEET

Fact Sheet 2—What is the difference between mutual assistance and police-to-police and agency-to-agency assistance?

There are several mechanisms available to law enforcement officers to obtain information and evidence from foreign countries. Mutual assistance, police-to-police assistance and agency-to-agency assistance are separate but complimentary forms of cooperation.

This fact sheet is information, not legal advice

This fact sheet provides general information only. It does not give legal advice and should not be relied on as legal advice.

What is mutual assistance?

Mutual assistance is the process countries use to provide and obtain formal government-to-government assistance in criminal investigations and prosecutions. Mutual assistance is also used to recover the proceeds of crime. Information about mutual assistance is contained in Fact Sheet 1—What is mutual assistance?

The Mutual Assistance in Criminal Matters Act 1987 (Commonwealth of Australia) governs the provision of mutual assistance in criminal matters in Australia. The Act is administered by the Australian Government Attorney-General's Department.

What is police-to-police assistance?

Police-to-police assistance is routine cooperation between police in one country and the police in another country. Examples of police-to-police assistance include general intelligence exchange and information obtained from voluntary interviews.

Interpol is the world's largest international police organisation. It facilitates police-to-police assistance and cooperation even where diplomatic relations do not exist between particular countries.

The Australian Federal Police (AFP) maintains an extensive international network of officers posted in Australian overseas missions. These officers provide a conduit for Australian and overseas law enforcement agencies to exchange information and progress investigations.

The AFP has also entered into memoranda of understanding with its counterparts in a large number of foreign countries. The memoranda of understanding facilitate cooperation between the policing agencies.

Police-to-police assistance does not include providing information that must be obtained by the exercise of coercive powers, such as material obtained by search warrant. Such assistance must be sought through a mutual assistance request.

How does mutual assistance complement police-to-police assistance?

Police-to-police assistance is often used in the investigation stage of a law enforcement operation or to obtain general intelligence or information that does not require the use of coercive powers. Police-to-police assistance can be an effective way to determine what material is held by a foreign country prior to making a mutual assistance request. As police are typically called upon to assist with executing mutual assistance requests, a good relationship between police in various countries benefits the mutual assistance process.

What is agency-to-agency assistance?

Most Australian Federal investigative agencies have liaison and information sharing arrangements with their counterparts in foreign countries. The information sought through agency-to-agency assistance often does not require coercive powers or a mutual assistance request.

The term 'agency-to-agency assistance' is a generic term that encompasses both police-to-police assistance and cooperation between non-police agencies like the Australian Taxation Office and the Australian Securities and Investment Commission and their counterparts in other countries.

Sometimes the terms 'police-to-police assistance' and 'agency-to-agency assistance' are used interchangeably. 'Police-to-police assistance' is sometimes used as a general term to include all types of informal assistance provided between police and other agencies. However, police-to-police assistance in the Australian context refers only to the assistance that the AFP and State and Territory police give to their counterparts in foreign countries.