

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN FEDERAL POLICE

Question No. 133

Senator Ludwig asked the following question at the hearing on 17 February 2006:

Controlled Operations:

- a) please describe those controlled operations that have taken place in the last 12 months; and
- b) the trans-national nature of them, the ones that are projected overseas or those where you have arrangements in place.

The answer to the honourable senator's question is as follows:

Since March 2005, authorising officers of the Australian Federal Police have authorised 20 controlled operations under section 15K of the *Crimes Act 1914*.

The attached table provides details of those controlled operations. Certain information has been excluded where its release may:

- a) endanger the safety of a person;
- b) prejudice an investigation; or
- c) prejudice a prosecution.

Controlled Operation Number	Offences Targeted by Controlled Operation	Description of Activity	Trans-national/ Overseas Element
2004-05/13	Import prohibited imports against sections 233B(1)(a)(iii) and 233B(1)(b) of the <i>Customs Act 1901</i> .	Negotiations and discussions with targets and controlled purchase of narcotic goods from targets by undercover operatives.	All law enforcement activity authorised by this controlled operation occurred within Australia.
2004-05/14	Conspiracy to import prohibited imports against sections 233B(1)(a)(iii) and 233B(1)(b) of the <i>Customs Act 1901</i> and section 11.5(1) of the <i>Criminal Code 1995</i> .	A series of contacts between the targets and undercover operatives.	All law enforcement activity authorised by this controlled operation occurred within Australia. Some of the criminal acts engaged in by the targets are believed to have occurred in Hong Kong.
2004-05/15	Import prohibited imports against sections 233B(1)(a)(iii) and 233B(1)(b) of the <i>Customs Act 1901</i> . Dealing in proceeds of crime against section 400.7 of the <i>Criminal Code Act 1995</i> .	Remittance of funds by money transfer to a contact in Argentina, using an assumed identity.	All law enforcement activity authorised by this controlled operation occurred within Australia. Some of the criminal acts engaged in by the targets were believed to have occurred in Argentina.
2004-05/16	This number was issued however the application was not presented to the authorising officer due to a change in operational priorities.		
2004-05/17	Import prohibited imports against sections 233B(1)(a)(iii) and 233B(1)(b) of the <i>Customs Act 1901</i> . Conspiracy to import prohibited imports against sections 233B(1)(a)(iii) and 233B(1)(b) of the <i>Customs Act 1901</i> and section 11.5(1) of the <i>Criminal Code Act</i>	Phone calls made in an attempt to introduce an undercover operative to the targets. This did not occur.	All law enforcement activity authorised by this controlled operation occurred within Australia.

Controlled Operation Number	Offences Targeted by Controlled Operation	Description of Activity	Trans-national/ Overseas Element
	1995.		
2004-05/18	<p>Bribery of a Commonwealth public official and giving of corrupting benefits against sections 141.1 and 142.1 of the <i>Criminal Code Act 1995</i>.</p> <p>Attempting to pervert justice against section 43(1) of the <i>Crimes Act 1914</i>.</p>	Meetings between the targets and a civilian participant.	All law enforcement activity authorised by this controlled operation occurred within Australia.
2004-05/19	Bribery of a Commonwealth public official against section 141.1 of the <i>Criminal Code Act 1995</i> .	A meeting and phone call between the target and a civilian participant.	All law enforcement activity authorised by this controlled operation occurred within Australia.
2004-05/20	<p>Import prohibited imports against sections 233B(1)(a)(iii) and 233B(1)(b) of the <i>Customs Act 1901</i>.</p> <p>Conspiracy to import prohibited imports against sections 233B(1)(a)(iii) and 233B(1)(b) of the <i>Customs Act 1901</i> and section 11.5(1) of the <i>Criminal Code Act 1995</i>.</p>	Negotiations and discussions between targets and undercover operatives.	Release of this information may prejudice an investigation.
2004-05/21	<p>Conspiracy to import prohibited imports against sections 233B(1)(a)(iii) and 233B(1)(b) of the <i>Customs Act 1901</i> and section 11.5(1) of the <i>Criminal Code Act 1995</i>.</p> <p>Conspiracy to import Tier 1 goods into</p>	A series of contacts between the targets and undercover operatives.	Release of this information may prejudice a prosecution and may endanger the safety of a person.

Controlled Operation Number	Offences Targeted by Controlled Operation	Description of Activity	Trans-national/ Overseas Element
	Australia against sections 233BAA(4) of the <i>Customs Act 1901</i> and 11.5(1) of the <i>Criminal Code Act 1995</i> .		
2005-06/01	Bribery of a Commonwealth public official against section 141.1 of the <i>Criminal Code Act 1995</i> .	A meeting between the target and a civilian participant.	All law enforcement activity authorised by this controlled operation occurred within Australia.
2005-06/02	Intentionally import prohibited Tier 1 goods without approval against section 233BAA(4) of the <i>Customs Act 1901</i> .	Controlled delivery of illicit goods to a specified location, which was then accessed by the targets.	All law enforcement activity authorised by this controlled operation occurred within Australia. Some of the criminal acts engaged in by the targets are believed to have occurred in Vietnam.
2005-06/03	Import prohibited imports against sections 233B(1)(a)(iii) of the <i>Customs Act 1901</i> . Without reasonable excuse possessing prohibited imports which have been imported into Australia against section 233B(1)(a)(iv) of the <i>Customs Act 1901</i> .	Negotiations and discussions with targets and controlled purchase of narcotic goods from targets by undercover operatives.	All law enforcement activity authorised by this controlled operation occurred within Australia.
2005-06/04	Conspiracy to import prohibited imports against sections 233B(1)(a)(iii) and 233B(1)(b) of the <i>Customs Act 1901</i> and section 11.5(1) of the <i>Criminal Code Act 1995</i> .	Attempts were made to introduce undercover operatives to the targets. This did not occur.	All law enforcement activity authorised by this controlled operation occurred within Australia. Some of the criminal acts engaged in by the targets are believed to have occurred in Turkey.
2005-06/05	Import prohibited imports against sections 233B(1)(a)(iii) of the <i>Customs Act 1901</i> .	Meetings and discussions between an undercover operative and targets.	All law enforcement activity authorised by this controlled operation occurred within Australia.

Controlled Operation Number	Offences Targeted by Controlled Operation	Description of Activity	Trans-national/ Overseas Element
	Without reasonable excuse possessing prohibited imports which have been imported into Australia against section 233B(1)(a)(iv) of the <i>Customs Act 1901</i> .		
2005-06/06	Release of this information may prejudice an investigation.	Release of this information may prejudice an investigation.	Release of this information may prejudice an investigation.
2005-06/07	This number was issued however the application was not presented to the authorising officer due to a change in operational priorities.		
2005-06/08	Import prohibited imports against sections 233B(1)(a)(iii) of the <i>Customs Act 1901</i> .	Controlled delivery of an inert substance to the targets.	All law enforcement activity authorised by this controlled operation occurred within Australia. Some of the criminal acts engaged in by the targets are believed to have occurred in the United Kingdom.
2005-06/09	Conspiracy to import prohibited imports against sections 233B(1)(a)(iii) and 233B(1)(b) of the <i>Customs Act 1901</i> and section 11.5(1) of the <i>Criminal Code Act 1995</i> .	Attempts were made to introduce undercover operatives to the targets. This did not occur.	All law enforcement activity authorised by this controlled operation occurred within Australia. Some of the criminal acts engaged in by the targets are believed to have occurred in Turkey.
2005-06/10	Release of this information may prejudice an investigation.	Release of this information may prejudice an investigation.	Release of this information may prejudice an investigation.
2005-06/11	Release of this information may prejudice an investigation.	Release of this information may prejudice an investigation.	Release of this information may prejudice an investigation.

Controlled Operation Number	Offences Targeted by Controlled Operation	Description of Activity	Trans-national/ Overseas Element
2005-06/12	<p>Dealing in proceeds of crime against section 400.5 of the <i>Criminal Code Act 1995</i>.</p> <p>Failure to report transfer of AUD\$10,000 or equivalent out of Australia against section 15(1)(a) of the <i>Financial Transaction Reports Act 1988</i>.</p> <p>Importing a substance being a border controlled drug into Australia against subsection 307.1(1) of the <i>Criminal Code Act 1995</i>.</p>	A covert baggage search was conducted of the target's luggage by Australian Customs Service. No further activities were conducted.	<p>All law enforcement activity authorised by this controlled operation occurred within Australia.</p> <p>Some of the criminal acts engaged in by the targets are believed to have occurred in Malaysia.</p>
2005-06/13	Release of this information may prejudice an investigation.	Release of this information may prejudice an investigation.	Release of this information may prejudice an investigation.