

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN FEDERAL POLICE

Question No. 288

Senator Ludwig asked the following question at the hearing on 31 October 2005:

- a) What are the range of offences that have been authorised under Controlled Operations program in 2004-05?
- b) What are the range of allowable offences that may be authorised under the controlled operations program?

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

- a) The range of offences authorised for 2004–05 included:
- Section 233B(1)(a)(iii) *Customs Act 1901* - Import prohibited Imports;
 - Section 233B(1)(a)(iv) *Customs Act 1901* – Possess prohibited Import;
 - Section 233B(1)(b) *Customs Act 1901* - Import prohibited Import
 - Section 233BAA(4) *Customs Act 1901* – Evidence of Analysis
 - Section 233BAB(5) *Customs Act 1901* – Importation of tier 2 goods, namely counterfeit credit, debit and charge cards;
 - Section 11(2)(a) *Crimes (Currency) Act 1981* - Sell, receive of offer to sell or procure paper or other material intended for use in the making of counterfeit money;
 - Section 11(2)(a) *Crimes (Currency) Act 1981* – Possession of paper or other material for use in the making of counterfeit money;
 - Section 132.1 *Commonwealth Criminal Code Act 1995* – Receiving stolen Commonwealth property;
 - Section 11.1(1) *Criminal Code Act 1995* – Attempt Import Prohibited Import;
 - Section 11.2(1) *Criminal Code Act 1995* – Complicity and common purpose;
 - Section 11.5 *Criminal Code Act 1995* – Conspiracy to commit an offence;
 - Section 101.1 *Criminal Code Act 1995* - Terrorist acts;
 - Section 141.1 *Criminal Code Act 1995* – Bribery of a Commonwealth public official;
 - Section 142.1 *Criminal Code Act 1995* - Corrupting benefits given to a Commonwealth public official;
 - Section 400.3(1) *Criminal Code Act 1995* – Dealing in proceeds of crime etc. money or property worth \$1,000,000 or more;
 - Section 400.4(1) *Criminal Code Act 1995* – Dealing with money, believed to be proceeds of crime, up to US \$1,00,000;
 - Section 43 *Crimes Act 1914* – Attempting to Pervert Justice;
 - Section 50 BC(1)(a) *Crimes Act 1914* – Sexual conduct involving a child under 16.

b) The legislation that relates to the allowable offences that may be authorised under the controlled operations program is as follows:

15HB What is a *serious Commonwealth offence*?

For the purposes of this Part, *serious Commonwealth offence* means an offence against a law of the Commonwealth:

- (a) that involves theft, fraud, tax evasion, currency violations, illegal drug dealings, illegal gambling, obtaining financial benefit by vice engaged in by others, extortion, money laundering, perverting the course of justice, bribery or corruption of, or by, an officer of the Commonwealth, an officer of a State or an officer of a Territory, bankruptcy and company violations, harbouring of criminals, forgery including forging of passports, armament dealings, illegal importation or exportation of fauna into or out of Australia, espionage, sabotage or threats to national security, misuse of a computer or electronic communications, people smuggling, slavery, piracy, the organisation, financing or perpetration of sexual servitude or child sex tourism, dealings in child pornography or material depicting child abuse, importation of prohibited imports or exportation of prohibited exports, or that involves matters of the same general nature as one or more of the foregoing or that is of any other prescribed kind; and
- (b) that is punishable on conviction by imprisonment for a period of 3 years or more.