



AFP

AUSTRALIAN FEDERAL POLICE



ACT POLICING SPECIAL PURPOSES ANNUAL REPORT 2020-21



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Contact officer

Inquiries about this document should be directed to:

Coordinator Media and Government Relations

ACT Policing
GPO Box 401
Canberra ACT 2601

Telephone: (02) 6256 7777

Email: ACTP-Ministerial@afp.gov.au

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General inquiries

Written requests for general information can be sent to:

Coordinator Media and Government Relations

ACT Policing
GPO Box 401
Canberra ACT 2601

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Freedom of information

Telephone: (02) 5126 9366

Email: foi@afp.gov.au

Website: afp.gov.au/about-us/freedom-information



Chief Police Officer for the ACT
GPO Box 401 Canberra ACT 2601
Email: CPOACT@afp.gov.au
www.afp.gov.au ABN 17 864 931 143

21 September 2021

Attorney-General
ACT Legislative Assembly
London Circuit
CANBERRA ACT 2600

Minister for Police and Emergency Services
ACT Legislative Assembly
London Circuit
CANBERRA ACT 2600

Dear Attorney-General and Minister

I am pleased to submit ACT Policing's Special Purposes Annual Report for the financial year 1 July 2020 to 30 June 2021.

Included in the Special Purposes Annual Report are reports in accordance with:

- section 28 of the *Crimes (Controlled Operations) Act 2008*
- section 38 of the *Crimes (Surveillance Devices) Act 2010*
- section 258 of the *Confiscation of Criminal Assets Act 2003*
- section 38 of the *Crimes (Assumed Identities) Act 2009*
- section 21 of the *Crimes (Protection of Witness Identity) Act 2011*.

I hereby certify that the attached Annual Report is an honest and accurate account of matters required under the above mentioned Acts, and that all controlled operations and all operations regarding surveillance devices undertaken in the ACT for the period 1 July 2019 to 30 June 2020 have been included.

I understand a copy of this report will be laid before the ACT Legislative Assembly as required by the above mentioned Acts.

Yours sincerely

Deputy Commissioner Neil Gaughan APM
Chief Police Officer for the ACT



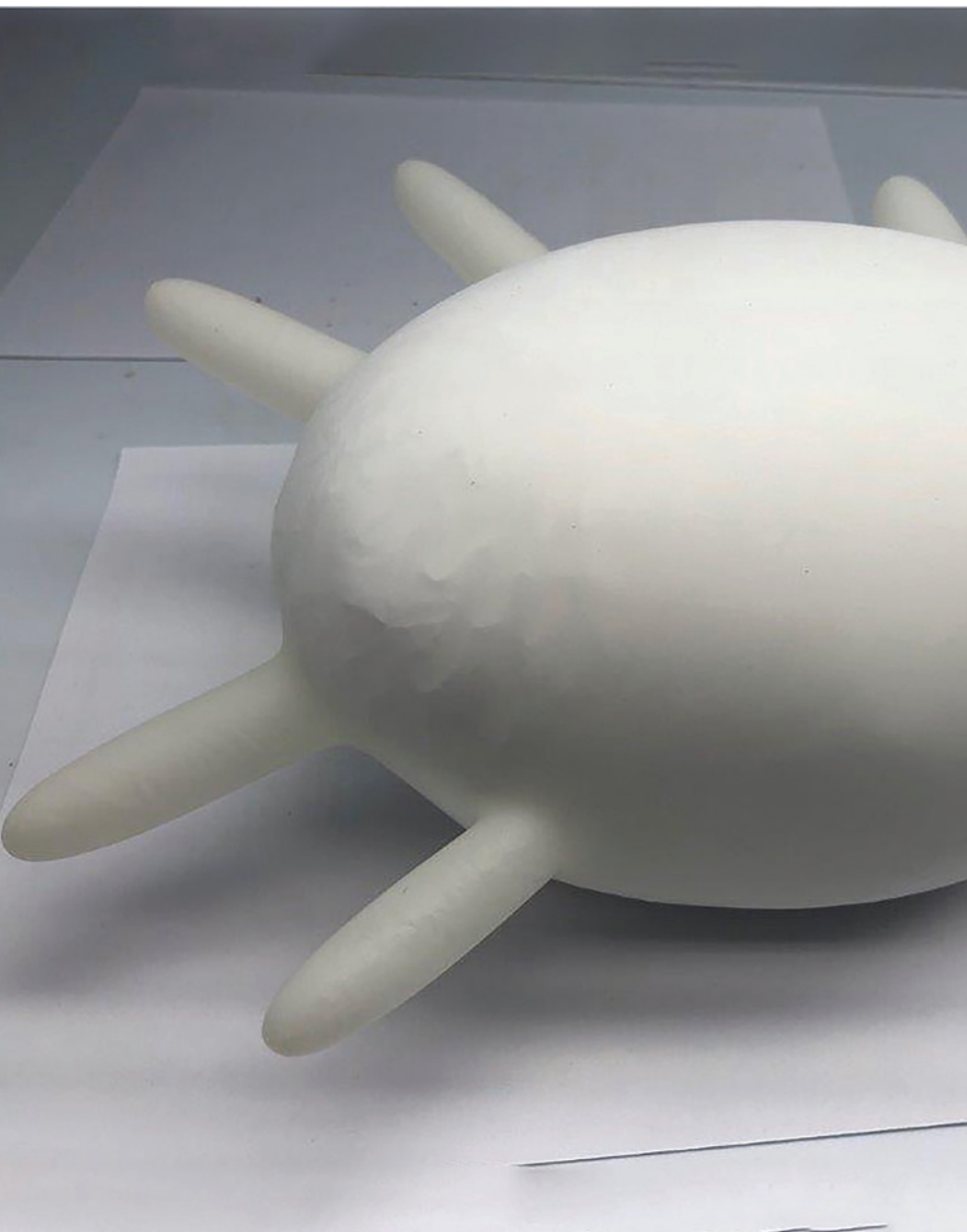
Contents

1 Controlled Operations	1
Overview of ACT Policing Controlled Operations records 2020–21	2
Authorities issued by authorising officers of ACT Policing 2020–21	3
Authorities issued by authorising officers of ACT Policing, 2019–20, for which operations concluded in the 2020–21 reporting period	11
2 Surveillance Devices	13
Overview of ACT Policing surveillance device records 2020–21	14
3 Confiscation of Criminal Assets	17
Overview of examination orders and examination notices, 2020–21	18
Examination orders and examination notices, 2020–21	19
Examination notices issued in 2020–21, which arose from examination orders granted in 2019–20	23
4 Assumed Identities	25
Overview of assumed identity authorisations, 2020–21	26
5 Protection of Witness Identity	29
Overview of assumed witness identity protection certificates, 2020–21	30

Controlled Operations	1
Surveillance Devices	2
Confiscation of Criminal Assets	3
Assumed Identities	4
Protection of Witness Identity	5



1 Controlled Operations



Controlled Operations

1

Overview of ACT Policing
Controlled Operations
records 2020–21

Authorities issued by
authorising officers of ACT
Policing 2020–21

Authorities issued by
authorising officers of ACT
Policing, 2019–20,
for which operations
concluded in the 2020–21
reporting period

Overview of ACT Policing Controlled Operations records 2020–21

Number of standard authorities granted	8
Number of applications for standard authorities refused	0
Number of amendments to standard authorities granted	0
Number of applications for amendments to standard authorities refused	0
Number of urgent authorities granted	0
Number of applications for urgent authorities refused	0
Number of urgent amendments to authorities granted	0
Number of applications for urgent amendments to authorities refused	0
Number of controlled operations conducted in the ACT	4
Number of controlled operations conducted in the ACT and one or more other jurisdictions	0
Number of controlled operations conducted in one or more participating jurisdictions	0



Authorities issued by authorising officers of ACT Policing 2020–21

Standard Controlled Operation Number: 2020–21/01

Application authorised or refused	On 15 July 2020, Acting Commander Efthimios Calatzis, Acting Deputy Chief Police Officer of the ACT, an authorised officer within the meaning of the <i>Crimes (Controlled Operations) Act 2008</i> (ACT), issued a certificate authorising a Controlled Operation to be undertaken.	
Nature of the criminal activities or corrupt conduct against which the authorised operation was directed	Trafficking in controlled drug other than cannabis, pursuant to section 603(7) of the <i>Criminal Code 2002</i> (ACT), an offence punishable by 10 years imprisonment, 1000 penalty units or both.	
Amendment of controlled operation authority	Nil	
Revocation or expiry date of controlled operation authority	The Controlled Operation was cancelled on 24 September 2020.	
Period the authority was in force	72 days*	
Nature of controlled conduct engaged in for the purposes of the authorised operations	The authority authorised the purchase of controlled drugs within the ACT and one or more other jurisdictions.	
Involvement of illicit goods	Type (weight or quantity)	Nil
	Route through which illicit goods passed in the course of the operation	N/A
Involvement of other jurisdictions	Nil	
Damage or injuries occurred	Nil	
Outcome	No conduct was undertaken under the Controlled Operation authority.	
Arrests/Prosecutions	Nil	

*Controlled Operation cancelled therefore the *Period the authority was in force* is calculated in days.

Standard Controlled Operation Number: 2020–21/02

Application authorised or refused	On 24 July 2020, Commander Michael Chew, Deputy Chief Police Officer of the ACT, an authorised officer within the meaning of the <i>Crimes (Controlled Operations) Act 2008</i> (ACT), issued a certificate authorising a Controlled Operation to be undertaken.	
Nature of the criminal activities or corrupt conduct against which the authorised operation was directed	Unlawful disposal of firearms contrary to section 226 of the <i>Firearms Act 1996</i> (ACT), an offence punishable by 10 years imprisonment.	
Amendment of controlled operation authority	Nil	
Revocation or expiry date of controlled operation authority	The Controlled Operation expired on 23 August 2020.	
Period the authority was in force	1 month	
Nature of controlled conduct engaged in for the purposes of the authorised operations	The authority authorised the acquisition of prohibited firearms within the ACT.	
Involvement of illicit goods	Type (weight or quantity)	Two prohibited firearms and multiple rounds of ammunition.
	Route through which illicit goods passed in the course of the operation	Excluded from publication pursuant to section 28(5) of the <i>Crimes (Controlled Operations) Act 2008</i> .
Involvement of other jurisdictions	Nil	
Damage or injuries occurred	Nil	
Outcome	Two prohibited firearms and multiple rounds of ammunition were acquired.	
Arrests/Prosecutions	Nil	

Standard Controlled Operation Number: 2020–21/03

Application authorised or refused	On 7 September 2020, Commander Michael Chew, Deputy Chief Police Officer of the ACT, an authorised officer within the meaning of the <i>Crimes (Controlled Operations) Act 2008</i> (ACT), issued a certificate authorising a Controlled Operation to be undertaken.	
Nature of the criminal activities or corrupt conduct against which the authorised operation was directed	Unlawful disposal of firearms contrary to section 226 of the <i>Firearms Act 1996</i> (ACT), an offence punishable by 10 years imprisonment.	
Amendment of controlled operation authority	Nil	
Revocation or expiry date of controlled operation authority	The Controlled Operation expired on 6 October 2020.	
Period the authority was in force	1 month	
Nature of controlled conduct engaged in for the purposes of the authorised operations	The authority authorised the acquisition of prohibited firearms within the ACT.	
Involvement of illicit goods	Type (weight or quantity)	Six prohibited firearms and multiple rounds of ammunition.
	Route through which illicit goods passed in the course of the operation	Excluded from publication pursuant to section 28(5) of the <i>Crimes (Controlled Operations) Act 2008</i> .
Involvement of other jurisdictions	Nil	
Damage or injuries occurred	Nil	
Outcome	Six prohibited firearms and multiple rounds of ammunition were acquired.	
Arrests/Prosecutions	Nil	

Standard Controlled Operation Number: 2020–21/04

Application authorised or refused	On 7 October 2020, Acting Commander Corey Heldon, Acting Deputy Chief Police Officer of the ACT, an authorised officer within the meaning of the <i>Crimes (Controlled Operations) Act 2008</i> (ACT), issued a certificate authorising a Controlled Operation to be undertaken.	
Nature of the criminal activities or corrupt conduct against which the authorised operation was directed	Trafficking in controlled drug other than cannabis, pursuant to section 603(7) of the <i>Criminal Code 2002</i> (ACT), an offence punishable by 10 years imprisonment, 1000 penalty units or both.	
Amendment of controlled operation authority	Nil	
Revocation or expiry date of controlled operation authority	The Controlled Operation expired on 6 January 2021.	
Period the authority was in force	3 months	
Nature of controlled conduct engaged in for the purposes of the authorised operations	The authority authorised the purchase of controlled drugs within the ACT.	
Involvement of illicit goods	Type (weight or quantity)	Nil
	Route through which illicit goods passed in the course of the operation	N/A
Involvement of other jurisdictions	Nil	
Damage or injuries occurred	Nil	
Outcome	No conduct was undertaken under the Controlled Operation authority.	
Arrests/Prosecutions	Nil	

Standard Controlled Operation Number: 2020–21/05

Application authorised or refused	On 11 November 2020, Commander Michael Chew, Deputy Chief Police Officer of the ACT, an authorised officer within the meaning of the <i>Crimes (Controlled Operations) Act 2008</i> (ACT), issued a certificate authorising a Controlled Operation to be undertaken.	
Nature of the criminal activities or corrupt conduct against which the authorised operation was directed	Trafficking in a controlled drug other than cannabis, pursuant to section 603(7) of the <i>Criminal Code 2002</i> (ACT) punishable by imprisonment for 10 years, 1000 penalty units or both.	
Amendment of controlled operation authority	Nil	
Revocation or expiry date of controlled operation authority	The Controlled Operation expired on 10 February 2021.	
Period the authority was in force	3 months	
Nature of controlled conduct engaged in for the purposes of the authorised operations	The authority authorised the purchase of controlled drugs within the ACT.	
Involvement of illicit goods	Type (weight or quantity)	Nil
	Route through which illicit goods passed in the course of the operation	N/A
Involvement of other jurisdictions	Nil	
Damage or injuries occurred	Nil	
Outcome	No conduct was undertaken under the Controlled Operation authority.	
Arrests/Prosecutions	Nil	

Standard Controlled Operation Number: 2020–21/06

Application authorised or refused	On 25 November 2020, Commander Michael Chew, Deputy Chief Police Officer of the ACT, an authorised officer within the meaning of the <i>Crimes (Controlled Operations) Act 2008</i> (ACT), issued a certificate authorising a Controlled Operation to be undertaken.	
Nature of the criminal activities or corrupt conduct against which the authorised operation was directed	Unlawful disposal of firearms contrary to section 226 of the <i>Firearms Act 1996</i> (ACT), an offence punishable by 10 years imprisonment.	
Amendment of controlled operation authority	Nil	
Revocation or expiry date of controlled operation authority	The Controlled Operation expired on 24 February 2021.	
Period the authority was in force	3 months	
Nature of controlled conduct engaged in for the purposes of the authorised operations	The authority authorised the acquisition of prohibited firearms within the ACT.	
Involvement of illicit goods	Type (weight or quantity)	One firearm
	Route through which illicit goods passed in the course of the operation	Excluded from publication pursuant to section 28(5) of the <i>Crimes (Controlled Operations) Act 2008</i> .
Involvement of other jurisdictions	Nil	
Damage or injuries occurred	Nil	
Outcome	One firearm was acquired.	
Arrests/Prosecutions	Nil	

Standard Controlled Operation Number: 2020–21/07

Application authorised or refused	On 14 April 2021, Commander Michael Chew, Deputy Chief Police Officer of the ACT, an authorised officer within the meaning of the <i>Crimes (Controlled Operations) Act 2008</i> (ACT), issued a certificate authorising a Controlled Operation to be undertaken.	
Nature of the criminal activities or corrupt conduct against which the authorised operation was directed	Trafficking in a controlled drug other than cannabis, contrary to section 603(7) of the <i>Criminal Code 2002</i> (ACT), punishable upon conviction by imprisonment by 10 years, 1000 penalty units or both.	
Amendment of controlled operation authority	Nil	
Revocation or expiry date of controlled operation authority	The Controlled Operation was cancelled on 22 June 2021.	
Period the authority was in force	70 days*	
Nature of controlled conduct engaged in for the purposes of the authorised operations	The authority authorised the purchase of controlled drugs within the ACT.	
Involvement of illicit goods	Type (weight or quantity)	Nil
	Route through which illicit goods passed in the course of the operation	N/A
Involvement of other jurisdictions	Nil	
Damage or injuries occurred	Nil	
Outcome	No conduct was undertaken under the Controlled Operation authority.	
Arrests/Prosecutions	Nil	

*Controlled Operation cancelled therefore the *Period the authority was in force* is calculated in days.

Standard Controlled Operation Number: 2020–21/09

Application authorised or refused	On 28 April 2021, Acting Commander Corey Heldon, Acting Deputy Chief Police Officer of the ACT, an authorised officer within the meaning of the <i>Crimes (Controlled Operations) Act 2008</i> (ACT), issued a certificate authorising a Controlled Operation to be undertaken.	
Nature of the criminal activities or corrupt conduct against which the authorised operation was directed	Unlawful disposal of firearms contrary to section 226 of the <i>Firearms Act 1996</i> (ACT), an offence punishable by 10 years imprisonment.	
Amendment of controlled operation authority	Nil	
Revocation or expiry date of controlled operation authority	The Controlled Operation was cancelled on 17 May 2021.	
Period the authority was in force	20 days*	
Nature of controlled conduct engaged in for the purposes of the authorised operations	The authority authorised the acquisition of prohibited firearms within the ACT.	
Involvement of illicit goods	Type (weight or quantity)	Two firearms, multiple rounds of ammunition and multiple firearm magazines.
	Route through which illicit goods passed in the course of the operation	Excluded from publication pursuant to section 28(5) of the <i>Crimes (Controlled Operations) Act 2008</i> .
Involvement of other jurisdictions	Nil	
Damage or injuries occurred	Nil	
Outcome	Two firearms, multiple rounds of ammunition and multiple firearm magazines were acquired.	
Arrests/Prosecutions	Nil	

*Controlled Operation cancelled therefore the *Period the authority was in force* is calculated in days.

Standard Controlled Operation number 2020–21/08 and 2020–21/10 are ongoing and will be reported on in the 2021–22 Special Purposes Annual report.

Authorities issued by authorising officers of ACT Policing, 2019–20, for which operations concluded in the 2020–21 reporting period

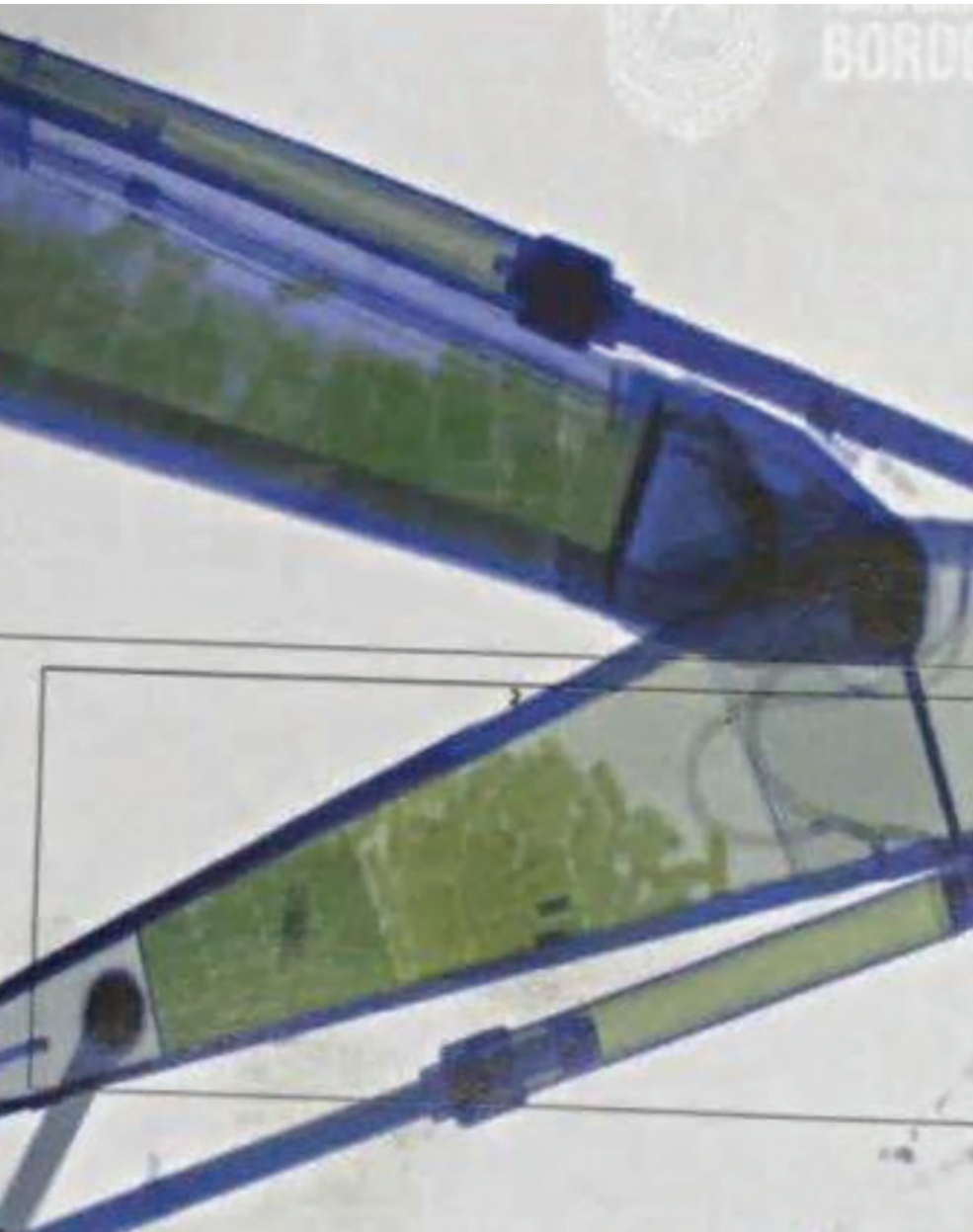
Standard Controlled Operations Number: 2019–20/07

Application authorised or refused	On 26 June 2020, Commander Michael Chew, Deputy Chief Police Officer of the ACT, an authorised officer within the meaning of the <i>Crimes (Controlled Operations) Act 2008</i> (ACT), issued a certificate authorising a Controlled Operation to be undertaken.	
Nature of the criminal activities or corrupt conduct against which the authorised operation was directed	<p>Trafficking in controlled drug other than cannabis, pursuant to section 603(7) of the <i>Criminal Code 2002</i> (ACT), an offence punishable by 10 years imprisonment, 1000 penalty units or both;</p> <p>Money laundering, pursuant to section 114B of the <i>Crimes Act 1900</i> (ACT), an offence punishable by 10 years imprisonment, 1000 penalty units or both; and</p> <p>Trafficking firearms under section 220(1) of the <i>Firearms Act 1996</i> (ACT) an offence punishable by 20 years imprisonment.</p>	
Amendment of controlled operation authority	Nil	
Revocation or expiry date of controlled operation authority	The Controlled Operation was cancelled on 27 August 2020.	
Period the authority was in force	63 days*	
Nature of controlled conduct engaged in for the purposes of the authorised operations	The authority authorised the purchase of controlled drugs and the acquisition of prohibited firearms within the ACT and one or more jurisdictions.	
Involvement of illicit goods	Type (weight or quantity)	Nil
	Route through which illicit goods passed in the course of the operation	N/A
Involvement of other jurisdictions	Nil	
Damage or injuries occurred	Nil	
Outcome	No direct conduct with the target was achieved.	
Arrests/Prosecutions	Nil	

*Controlled Operation cancelled therefore the *Period the authority was in force* is calculated in days.



2 Surveillance Devices



Surveillance Devices

2

Overview of ACT Policing surveillance device records 2020–21

Overview of ACT Policing surveillance device records 2020–21

Number of surveillance device applications for Data Surveillance Devices	16
Number of surveillance device warrants issued for Data Surveillance Devices	16
Number of surveillance device emergency authorisation applications for Data Surveillance Devices	0
Number of surveillance device emergency authorisations issued for Data Surveillance Devices	0
Number of surveillance device applications for Listening Devices	22
Number of surveillance device warrants issued for Listening Devices	22
Number of surveillance device emergency authorisation applications for Listening Devices	0
Number of surveillance device emergency authorisations issued for Listening Devices	0
Number of surveillance device applications for Optical Surveillance Devices	19
Number of surveillance device warrants issued for Optical Surveillance Devices	19
Number of surveillance device emergency authorisation applications for Optical Surveillance Devices	0
Number of surveillance device emergency authorisations issued for Optical Surveillance Devices	0
Number of surveillance device applications for Tracking Devices	13
Number of surveillance device warrants issued for Tracking Devices	13
Number of surveillance device emergency authorisation applications for Tracking Devices	0
Number of surveillance device emergency authorisations issued for Tracking Devices	0

Number of surveillance device applications for Retrieval Warrants	3
Number of surveillance device Retrieval Warrants issued	3
Total number of surveillance device remote applications	0
Total number of surveillance device applications refused	0
Total number of emergency authorisation applications refused	0
Total number of surveillance device extension applications	3
Total number of surveillance device extensions granted	3*
Total number of surveillance device extension applications refused	0
Total number of arrests on the basis of surveillance device information	4
Total number ¹ of prosecutions commenced using surveillance device information	4

*Investigations were ongoing and the continuation of device/s was required.

¹ This figure does not include guilty verdicts delivered during this reporting period for prosecutions commenced in previous reporting periods. Additionally, prosecutions commenced during this reporting period may still be before court.



3 Confiscation of Criminal Assets



Confiscation of Criminal Assets

3

Overview of examination orders and examination notices, 2020–21

Examination orders and examination notices, 2020–21

Examination notices issued in 2020–21, which arose from examination orders granted in 2019–20

Overview of examination orders and examination notices, 2020–21

Number of applications for examination orders	5
Number of people given examination notices	26
Number of investigations to which the notices related	5
Number of examinations conducted	24
Number of complaints made to the Australian Federal Police or Commonwealth Ombudsman in relation to examination notices	0
Number of complaints in relation to examination notices resolved	0
Number of legal proceedings (excluding criminal charges) begun in relation to examination notices	2
Number of legal proceedings (excluding criminal charges) in relation to examination notices finalised	2
Number of confiscation proceedings begun during the year in relation to matters for which an examination has been given to a person	4
Estimated value of property restrained post examination during the year in relation to matters for which an examination notice had been given to a person	\$462,450
Number of charges laid relating to examination notice offences during the year	0
Number of arrests made during the year in relation to matters for which an examination notice has been given to a person	0

Examination orders and examination notices, 2020–21

Standard Examination Order Number: ACTEO/01/20–21

Date of examination order
21 August 2020
Application authorised or refused
Authorised
Authorising Officer
Chief Magistrate WALKER
Number of examination notices given
6
Number of examinations conducted
6
Number and kind of confiscation proceedings begun post examination
Confiscation of <i>Criminal Assets Act 2003</i> , section 32A (Unexplained wealth)
Estimated value of property restrained or confiscated post examination
\$300,000
Charges laid
No charges in relation to examination notice offences.
Arrests made
Nil
Outcome
Forfeited assets as a result of Confiscation of Criminal Assets proceedings, post examination.

Standard Examination Order Number: ACTEO/02/20–21

Date of examination order

24 September 2020

Application authorised or refused

Authorised

Authorising Officer

Associate Justice MCWILLIAM

Number of examination notices given

6

Number of examinations conducted

6

Number and kind of confiscation proceedings begun post examinationConfiscation of *Criminal Assets Act 2003*, section 26(3)**Estimated value of property restrained or confiscated post examination**

\$162,400

Charges laid

No charges in relation to examination notice offences.

Arrests made

Nil

Outcome

Forfeited assets as a result of Confiscation of Criminal Assets proceedings, post examination.

Standard Examination Order Number: ACTEO/03/20–21

Date of examination order
26 March 2021
Application authorised or refused
Authorised
Authorising Officer
Justice LOUKAS-KARLSSON
Number of examination notices given
7
Number of examinations conducted
6
Number and kind of confiscation proceedings begun post examination
Nil
Estimated value of property restrained or confiscated post examination
Nil
Charges laid
No charges in relation to examination notice offences.
Arrests made
Nil
Outcome
Property restrained prior to examinations. Settlement negotiations underway.

Standard Examination Order Number: ACTEO/04/20–21

Date of examination order

11 May 2021

Application authorised or refused

Authorised

Authorising Officer

Acting Justice ROBINSON

Number of examination notices given

4

Number of examinations conducted

4

Number and kind of confiscation proceedings begun post examination

Nil

Estimated value of property restrained or confiscated post examination

Nil

Charges laid

No charges in relation to examination notice offences.

Arrests made

Nil

Outcome

Further confiscation proceedings are under consideration.

Standard Examination Order Number: ACTE0/05/20–21

Date of examination order
18 June 2021
Application authorised or refused
Authorised
Authorising Officer
Acting Justice CROWE
Number of examination notices given
3
Number of examinations conducted
2
Number and kind of confiscation proceedings begun post examination
Nil
Estimated value of property restrained or confiscated post examination
Nil
Charges laid
No charges in relation to examination notice offences.
Arrests made
Nil
Outcome
Further confiscation proceedings are under consideration.

Examination notices issued in 2020–21, which arose from examination orders granted in 2019–20

Nil



4 Assumed Identities



Assumed Identities

4

Overview of assumed identity authorisations, 2020–21

Overview of assumed identity authorisations, 2020–21

Number of authorities granted	0 ²
Description of activities undertaken by authorised people	N/A
Number of applications for authorities refused	0

No fraud or other unlawful activity was identified by an audit under section 40 of the *Crimes (Assumed Identities) Act 2009* during the financial year 2020–21.

² This does not include any authorisations that may have been granted under corresponding laws, including Commonwealth legislation.

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5 Protection of Witness Identity



Protection of Witness Identity

5

Overview of assumed witness identity protection certificates, 2020–21

Overview of assumed witness identity protection certificates, 2020–21

Number of witness identity protection certificates	0 ³
Reasons the chief officer was satisfied under section 11(1) of the <i>Crimes (Protection of Witness Identity) Act 2011</i>	N/A
Was leave given or an order made in a proceeding under section 18 of the <i>Crimes (Protection of Witness Identity) Act 2011</i>	No
Was a witness identity protection certificate cancelled under section 15 of the <i>Crimes (Protection of Witness Identity) Act 2011</i>	No
Was a person allowed to give information under section 19 of the <i>Crimes (Protection of Witness Identity) Act 2011</i>	No

³ This does not include any witness identity protection certifications that may have been granted under corresponding laws, including Commonwealth legislation.

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A SAFER AUSTRALIA