



**ACT
Policing**

Special Purposes Annual Report

2023–24

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Information about ACT Policing can also be found at police.act.gov.au

For general information about the Australian Federal Police (AFP), of which ACT Policing is the community policing arm, visit afp.gov.au.

Freedom of information

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ACT Policing

Monday, 23 September 2024

Attorney-General
ACT Legislative Assembly
London Circuit
CANBERRA ACT 2600

Minister for Police and Crime Prevention
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 2023 to 30 June 2024.

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 certify that the attached 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 2023 to 30 June 2024 have been included.

In line with section 6 of the *Annual Reports (Government Agencies) Act 2004 (ACT)*, and with specific provisions concerning tabling and presenting annual reports in an election year, I understand that the 2023-24 financial year report is to be tabled in the ACT Legislative Assembly on the second sitting day after the election is held.

Yours sincerely,

Deputy Commissioner Scott Lee APM
Chief Police Officer for the ACT

Chief Police Officer for the ACT
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01

Controlled Operations

Overview of ACT Policing Controlled Operations records 2023–24

Number of standard authorities granted	0
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	2*
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

*2 Controlled Operations were conducted by ACT Policing in the 2023–24 Financial Year and these operations were authorised under Commonwealth legislation rather than the *Crimes (Controlled Operations) Act 2008 (ACT)*.

These operations are subject to reporting in the AFP 2023–24 Annual Report.

Authorities issued by authorising officers of ACT Policing 2023–24

Major Controlled Operation Number: AFP23–24/041

Application authorised or refused	On 6 October 2023 Deputy Commissioner Neil GAUGHAN, Chief Police Officer of the ACT, an authorised officer within the meaning of the <i>Crimes Act 1974</i> (Cth), issued a certificate authorising a Major Controlled Operation to be undertaken.	
Nature of the criminal activities or corrupt conduct against which the authorised operation was directed	Dealing in the proceeds of crime, etc. – money or property worth \$100,000 or more contrary to section 400.1(1) of the <i>Criminal Code</i> (Cth), being a Commonwealth offence that involves money laundering, which is punishable on conviction by imprisonment for a period of 20 years or 1,200 penalty units, or both.	
Amendment of Controlled Operation authority	Nil	
Revocation or expiry date of Controlled Operation authority	The major Controlled Operation was cancelled on 12 December 2023.	
Period the authority was in force	68 days	
Nature of controlled conduct engaged in for the purposes of the authorised operations	Engaged in communications and provided funds to purchase anabolic steroids.	
Involvement of illicit goods	Type (weight or quantity)	17 x 10 millilitre vials and 400 tablets of anabolic steroids
	Route through which illicit goods passed in the course of the operation.	N/A
Involvement of other jurisdictions	Victoria Police assisted with the investigation.	
Damage or injuries occurred	Nil	
Outcome	Evidential material was obtained as a result of the major Controlled Operation.	
Arrests/prosecutions	Four persons arrested and prosecuted.	



Standard Controlled Operation Number: AFP23–24/060

Application authorised or refused	On 22 December 2023 Acting Commander Richard BREINER, performing the duties of Commander Operations in ACT Policing, an authorised officer within the meaning of the <i>Crimes Act 1914</i> (Cth), 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>The importation of a border-controlled drug, namely methamphetamine, under section 307.1 of the <i>Criminal Code</i> (Cth), being a Commonwealth offence that involves importation of prohibited imports, which is punishable on conviction by imprisonment for a period of life or 7,500 penalty units, or both.</p> <p>Attempted possession of a commercial quantity of an unlawfully imported border-controlled drug, namely methamphetamine, under section 307.5 by virtue of section 11.1 of the <i>Criminal Code</i> (Cth) being a Commonwealth offence that involves importation of prohibited imports, which is punishable on conviction by 7,500 penalty units, or both.</p>				
Amendment of Controlled Operation authority	Nil				
Revocation or expiry date of Controlled Operation authority	The Controlled Operation was cancelled on 24 January 2024.				
Period the authority was in force	34 days				
Nature of controlled conduct engaged in for the purposes of the authorised operations	Engaged in communications regarding the delivery of a consignment purported to contain border-controlled drugs. Facilitated the collection of a consignment purported to contain border-controlled drugs.				
Involvement of illicit goods	<table border="1"> <tr> <td>Type (weight or quantity)</td> <td>106 kilograms (gross) of methamphetamine</td> </tr> <tr> <td>Route through which illicit goods passed in the course of the operation</td> <td>N/A</td> </tr> </table>	Type (weight or quantity)	106 kilograms (gross) of methamphetamine	Route through which illicit goods passed in the course of the operation	N/A
Type (weight or quantity)	106 kilograms (gross) of methamphetamine				
Route through which illicit goods passed in the course of the operation	N/A				
Involvement of other jurisdictions	AFP Eastern Command, New South Wales Police Force and Australian Border Force assisted with the investigation.				
Damage or injuries occurred	Nil				
Outcome	The AFP gathered valuable information regarding drug importation methodologies used by a criminal group.				
Arrests/prosecutions	Nil				

02

Surveillance Devices

Overview of ACT Policing surveillance device records 2023–24

Number of surveillance device applications for data surveillance devices	7
Number of surveillance device warrants issued for data surveillance devices	20
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	7
Number of surveillance device warrants issued for listening devices	20
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	7
Number of surveillance device warrants issued for optical surveillance devices	20
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	7
Number of surveillance device warrants issued for tracking devices	16
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	1
Number of surveillance device retrieval warrants issued	1
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 ¹	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	0
Total number of prosecutions commenced using surveillance device information ²	0

¹ Investigations were ongoing and the device/s continued to be required.

² 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.

03

Confiscation of Criminal Assets

Overview of examination orders and examination notices 2023–24

Number of applications for examination orders	0
Number of people given examination notices	4
Number of investigations to which the notices related	1
Number of examinations conducted	4
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	0
Number of legal proceedings (excluding criminal charges) in relation to examination notices finalised	0
Number of confiscation proceedings begun during the year in relation to matters for which an examination has been given to a person	0
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	0
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 notices issued in 2023–24, which arose from examination orders granted in 2022–23

One.

Examination orders and examination notices

Standard Examination Order Number: ACTEO/02/22–23

Date of examination order	31 March 2023
Application authorised or refused	Authorised
Authorising officer	Justice MOSSOP
Number of examination notices given	4
Number of examinations conducted	4
Number and kind of confiscation proceedings begun post examination	0
Estimated value of property restrained or confiscated post examination	0
Charges laid	0
Arrests made	0
Outcome	Restraint and confiscation proceedings are still being considered by the ACT Director of Public Prosecutions.



04

Assumed Identities

Overview of assumed identity authorisations 2023–24

Number of authorities granted	0 ³
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 2023–24.



³ This does not include any authorisations that may have been granted under corresponding laws, including Commonwealth legislation.

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Protection of Witness Identity

Overview of assumed witness identity protection certificates 2023–24

Number of witness identity protection certificates	0 ⁴
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

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 2023–24.

⁴ This does not include any witness identity protection certifications that may have been granted under corresponding laws, including Commonwealth legislation.

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