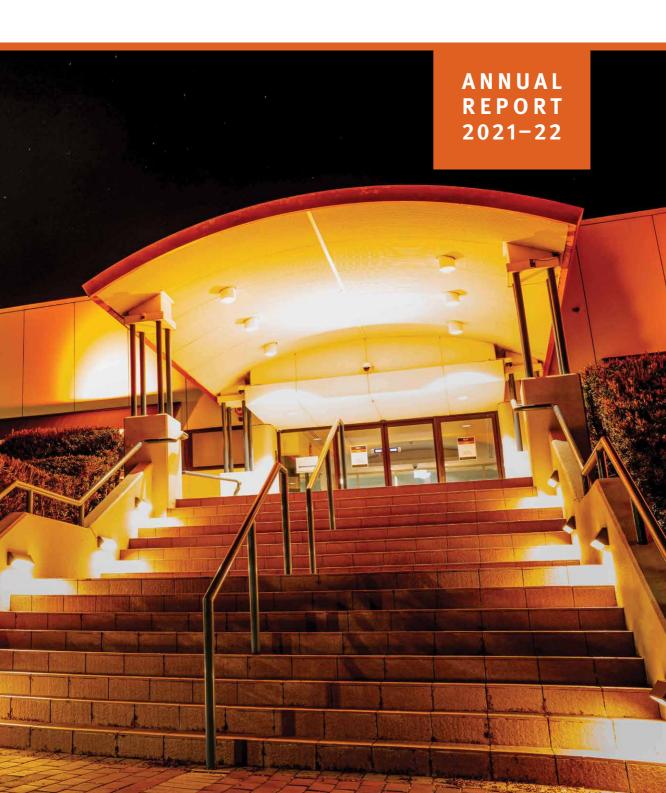


### ACT POLICING **SPECIAL PURPOSES**







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

7

September 2022

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 2021 to 30 June 2022.

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 Special Purposes 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 2021 to 30 June 2022 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



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### 1 Controlled Operations



Controlled Operations

Overview of ACT Policing Controlled Operations records 2021–22

Authorities issued by authorising officers of ACT Policing 2021–22

Authorities issued by authorising officers of ACT Policing, 2020–21, for which operations concluded in the 2021–22 reporting period

### Overview of ACT Policing Controlled Operations records 2021–22

Number of standard authorities granted	1
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	1
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 2021–22

#### Standard Controlled Operation Number: 2021–22/01

Application authorised or refused	On 6 May 2022, Assistant Commissioner Peter Crozier, 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	Acts of indecency with young people, contrary to section 61(2) of the <i>Crimes Act 1900</i> (ACT), punishable by imprisonment for 10 years.
	Grooming and depraving young people, contrary to section 66 of the <i>Crimes Act 1900</i> (ACT), punishable by imprisonment for 7 years.
	Supplying controlled drug to child, namely cannabis, contrary to section 625(4)(a) of the <i>Criminal Code 2002</i> (ACT), punishable by imprisonment for 5 years, 500 penalty units or both.
Amendment of controlled operation authority	Nil
Revocation or expiry date of controlled operation authority	The Controlled Operation was cancelled on 26 May 2022.
Period the authority was in force	21 days*
Nature of controlled conduct engaged in for the purposes of the authorised operations	Excluded from publication pursuant to section 28(5) of the <i>Crimes (Controlled Operations) Act 2008</i> (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 evidential material was obtained as a result of the operation.	
Arrests/Prosecutions	Nil	

<sup>\*</sup>Controlled Operation cancelled therefore the *Period of authority* was in force is calculated in days.

# Authorities issued by authorising officers of ACT Policing, 2020–21, for which operations concluded in the 2021–22 reporting period

#### Standard Controlled Operations Number: 2020–21/08

Application authorised or refused	On 21 April 2021, Acting Commander Corey Heldon, Acting Deputy Chief Police Officer Response 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 by imprisonment for 10 years, 1000 penalty units or both.
	Supplying declared substances, contrary to section 26(1) of the <i>Medicines, Poisons and Therapeutic Goods Act 2008</i> (ACT), punishable by imprisonment for 5 years, 500 penalty units or both.

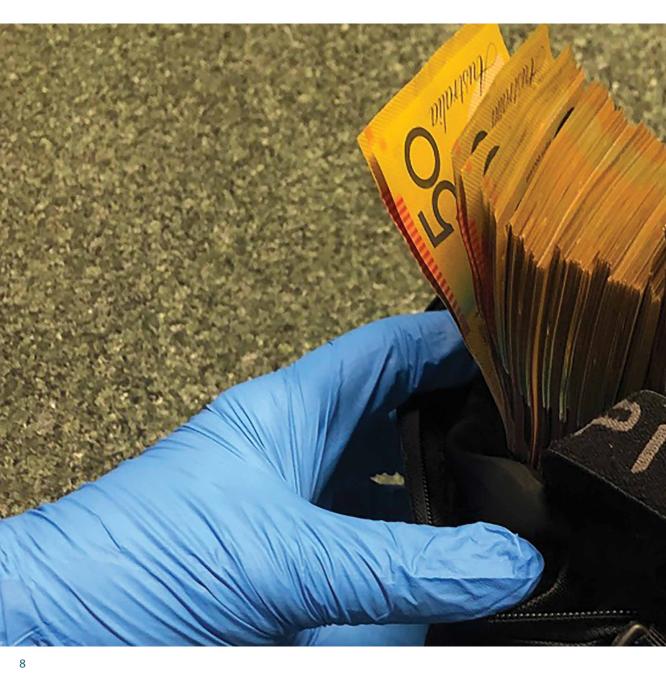
Amendment of controlled operation authority	Nil	
Revocation or expiry date of controlled operation authority	The Controlled Operation expired on 20 July 2021.	
Period the authority was in force	3 months	
Nature of controlled conduct engaged in for the purposes of the authorised operations	The authority authorised the purchase of controlled drugs within the ACT and other jurisdictions.	
Involvement of illicit goods	Type (weight or quantity)	Three packages of synthetic cannabinoids.
	Route through which illicit goods passed in the course of the operation	From target via postal service to police.
Involvement of other jurisdictions	Nil	
Damage or injuries occurred	Nil	
Outcome	Three packages of synthetic cannabinoids were purchased.	
Arrests/Prosecutions	Nil	

#### Standard Controlled Operations Number: 2020–21/10

Application authorised or refused	On 22 June 2021, Commander Michael Chew, Deputy Chief Police Officer Response 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	Trafficking in a controlled drug other than cannabis, contrary to section 603(7) of the <i>Criminal Code 2002</i> (ACT), punishable by imprisonment for 10 years, 1000 penalty units or both.
operation was directed	Money laundering, contrary to section 114B of the Crimes Act 1900 (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 was cancelled on 30 July 2021.
Period the authority was in force	39 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 other jurisdictions.	
Involvement of illicit Goods	Type (weight or quantity)	Trafficable quantity of cocaine.
	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)</i> Act 2008 (ACT).
Involvement of other jurisdictions	Nil	
Damage or injuries occurred	Nil	
Outcome	A trafficable quantity of cocaine was purchased.	
Arrests/Prosecutions	Nil	

<sup>\*</sup>Controlled Operation cancelled therefore the *Period of authority* was in force is calculated in days.



### 2 Surveillance Devices



Surveillance Devices

Overview of ACT Policing surveillance device records 2021–22

## Overview of ACT Policing surveillance device records 2021–22

Number of surveillance device applications for	
Data Surveillance Devices	9
Number of surveillance device warrants issued for Data Surveillance Devices	9
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	10
Number of surveillance device warrants issued for Listening Devices	10
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	10
Number of surveillance device warrants issued for Optical Surveillance Devices	10
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	8
Number of surveillance device warrants issued for Tracking Devices	8
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	0
Number of surveillance device Retrieval Warrants issued	0
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	0
Total number of surveillance device extensions granted	0
Total number of surveillance device extension applications refused	0
Total number of arrests on the basis of surveillance device information	4
Total number of prosecutions¹ commenced using surveillance device information	4

<sup>&</sup>lt;sup>1</sup>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

Overview of examination orders and examination notices, 2021–22

Examination orders and examination notices, 2021–22

Examination notices issued in 2021–22, which arose from examination orders granted in 2020–21

### Overview of examination orders and examination notices, 2021–22

Number of applications for examination orders	1
Number of people given examination notices	0
Number of investigations to which the notices related	1
Number of examinations conducted	2 (from orders issued in 2020–21 financial year)
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 orders and examination notices, 2021–22

#### Standard Examination Order Number: ACTEO/01/21-22

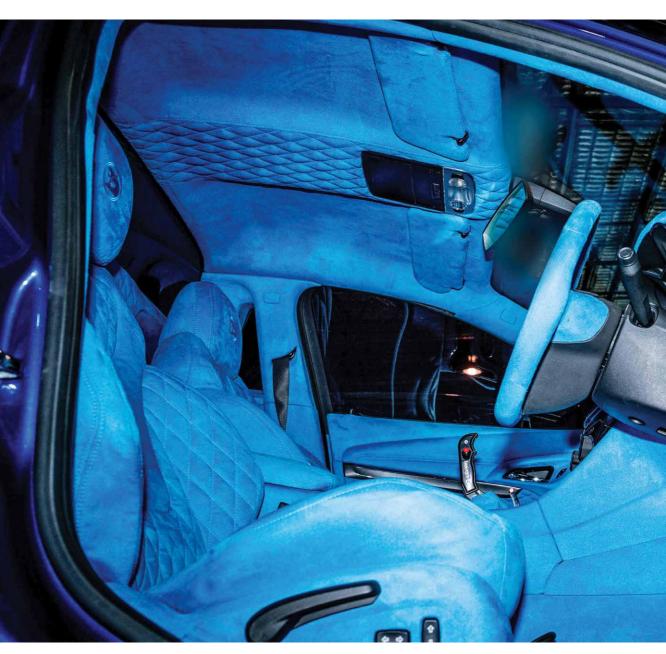
andard Examination Order Number. ACTEO/01/21-22
Date of examination order
3 August 2021
Application authorised or refused
Authorised
Authorising Officer
Associate Justice MCWILLIAM
Number of examination notices given
)
Number of examinations conducted
)
Number and kind of confiscation proceedings begun post examination
)
Estimated value of property restrained or confiscated post examination
Nil
Charges laid
No charges in relation to examination notice offences.
Arrests made
Nil
Outcome
Suspended

### Examination notices issued in 2021–22, which arose from examination orders granted in 2020–21

#### Standard Examination Order Number: ACTEO/05/20-21

Date of exa	mination order
18 June 202	1
Application	n authorised or refused
Authorised	
Authorising	g Officer
Acting Justic	ce CROWE
Number of	examination notices given
2	
Number of	examinations conducted
2	
Number an	d kind of confiscation proceedings begun post examination
0	
Estimated	value of property restrained or confiscated post examination
Nil	
Charges la	d
No charges	in relation to examination notice offences.
Arrests ma	de
Nil	
Outcome	
	Public Prosecutions decision to not proceed with this matter.

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### 4 Assumed Identities



Assumed Identities

Overview of assumed identity authorisations, 2021–22

### Overview of assumed identity authorisations, 2021–22

Number of authorities granted	O <sup>2</sup>
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 2021–22.

 $<sup>^{\</sup>rm 2}$  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

Overview of assumed witness identity protection certificates, 2021–22

### Overview of assumed witness identity protection certificates, 2021–22

Number of witness identity protection certificates	O <sup>3</sup>
Reasons the chief officer was satisfied under section 11(1) of the Crimes (Protection of Witness Identity) Act 2011	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 Crimes (Protection of Witness Identity) Act 2011	No
Was a person allowed to give information under section 19 of the Crimes (Protection of Witness Identity) Act 2011	No

<sup>&</sup>lt;sup>3</sup> This does not include any witness identity protection certifications that may have been granted under corresponding laws, including Commonwealth legislation.





#### POLICING FOR A SAFER AUSTRALIA

