



National Anti-Corruption Commission

# Controlled Operations

## Annual Report 2023–24

# Acknowledgment of Country

In the spirit of reconciliation the National Anti-Corruption Commission acknowledges the Traditional Custodians of Country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples today.

## Further information

Enquiries about this report should be directed to the National Anti-Corruption Commission.

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# Letter of transmittal



National Anti-Corruption Commission

Commissioner

5 August 2024

The Hon Mark Dreyfus KC MP  
Attorney-General  
PO Box 6022  
Parliament House  
CANBERRA ACT 2600

Dear Attorney-General

The *Crimes Act 1914* (Cth) requires the National Anti-Corruption Commissioner to prepare a report as soon as possible after 30 June in relation to controlled operations authorised by the National Anti-Corruption Commission during the previous 12 months.

I am pleased to present you with a copy of the National Anti-Corruption Commission's Controlled Operations Annual Report covering 1 July 2023 to 30 June 2024, which is also the Commission's 6-monthly report covering the period 1 January 2024 to 30 June 2024.

It is required that this report is tabled in each House of parliament within 15 sitting days after you have received it.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Breerton'.

**The Hon Paul Breerton AM RFD SC**  
National Anti-Corruption Commissioner

## About this report

The *Crimes Act 1914* (Cth) (the Act) provides powers to the National Anti-Corruption Commission (Commission) to support its investigation functions through the authorisation of a controlled operation.

Section 15GD of the Act defines a controlled operation as an operation that:

1. involves the participation of law enforcement officers
2. is carried out for the purpose of obtaining evidence that may lead to the prosecution of a person for a serious Commonwealth offence or a serious state offence that has a federal aspect
3. may involve a law enforcement officer or other person in conduct that would, apart from section 15HA, constitute a Commonwealth offence or an offence against a law of a state or territory.

A major controlled operation is a controlled operation that is likely to:

1. involve the infiltration of an organised criminal group by one or more undercover law enforcement officers for a period of more than 7 days
2. continue for more than 3 months
3. be directed against suspected criminal activity that includes a threat to human life.

The Commission conducts controlled operations in support of its investigations into corrupt conduct involving Commonwealth public officials.

By having access and use of these powers, the Commission is required to report every 6 months and annually to the Attorney-General and the Commonwealth Ombudsman on how these powers have been used. This reporting requirement falls under sections 15HM and 15HN of the Act.

This report addresses the annual reporting requirement pursuant to 15HN of the Act and covers the period of 1 July 2023 to 30 June 2024. It has been prepared by the National Anti-Corruption Commissioner, as Chief Officer of the Commission. Copies of the report have been provided to both the Attorney-General and the Commonwealth Ombudsman.

### Redactions from the report

Section 15HN(2) of the Act requires the Commissioner to advise the Minister to exclude information from the report that could:

- endanger a person's safety
- prejudice an investigation or prosecution
- compromise any law enforcement agency's operational activities or methodologies.

The Commissioner can also suggest information is removed from the report that would not be in the public interest. The Minister must exclude this information from the report if they are satisfied by the reasoning provided by the Chief Officer.

In accordance with this legislation, information of this nature has been redacted from this report as approved by the Attorney-General.

## Quantitative summary

Subsection 15HM(1) of the Act requires that as soon as practicable after 31 December and 30 June in each financial year, the Chief Officer of the authorising agency must submit a report to the Commonwealth Ombudsman setting out the details required by subsection 15HM(2). This information is also to be provided as part of the Annual Report for 2023–24 and is set out in Table 1.

**Table 1:** Quantitative summary of controlled operations for 2023–24

Requirement	Legislative reference	Quantity
Number of formal authorities granted by a NACC authorising officer	s 15HM(2)(a)	1
Number of formal authorities varied by a NACC authorising officer	s 15HM(2)(a)	1
Number of formal applications for formal authorities refused by a NACC authorising officer (for each refusal provide date of application and date of refusal)	s 15HM(2)(b)	0
Number of formal variation applications and urgent variation applications for the variation of formal authorities refused by a NACC authorising officer (for each refusal provide date of application and date of refusal)	s 15HM(2)(c)	0
Number of urgent authorities granted by a NACC authorising officer	s 15HM(2)(d)	0
Number of urgent authorities varied by a NACC authorising officer	s 15HM(2)(d)	0
Number of formal applications and urgent applications for urgent authorities refused by a NACC authorising officer (for each refusal provide date of application and date of refusal)	s 15HM(2)(e)	0
Number of formal variation applications and urgent variation applications for the variation of urgent authorities refused by a NACC authorising officer (for each refusal provide date of application and date of refusal)	s 15HM(2)(f)	0
Number of formal authorities varied by a nominated Tribunal member	s 15HM(2)(g)	0
Number of formal variation applications and urgent variation applications for the variation of formal authorities refused by a nominated Tribunal member (for each refusal provide date of application and date of refusal)	s 15HM(2)(h)	0
Number of authorities for controlled operations cancelled during the period	s 15HM(2)(t)	1
Number of authorities for controlled operations that expired during the period	s 15HM(2)(t)	0

# Reports for individual authorities

In addition to the statistical data provided in Table 1, the following section of this report includes detailed information specific to each authority that was in force at any time during the reporting period.

## Controlled operation number: 01 of 2024

### Date of application

19 March 2024

### Authorising officer

The Hon Paul Brereton AM RFD SC  
National Anti-Corruption Commissioner

### Mode of application

Formal

### Decision of authorising officer

At 9:10 pm on 19 March 2024, the Hon Paul Brereton AM RFD SC, as an authorised officer within the meaning of 15GF of the Act, granted a formal authority for a controlled operation to be undertaken.

### Period of effect

20 March 2024 on granting to 27 March 2024 on cancellation

### NACC variation of authority

At 10:23 pm on 26 March 2024, the Hon Paul Brereton AM RFD SC, National Anti-Corruption Commissioner, varied the authority to include additional law enforcement participants and outlined an additional offence.

### AAT variation of authority

Nil

### Cancellation

At 4:45 pm on 29 March 2024 the authority was cancelled by the Hon Paul Brereton AM RDF SC, National Anti-Corruption Commissioner.

The authority was cancelled due to the arrest of the target for bribery and corruption related offending.

### Nature of the criminal activities targeted

The nature of the criminal activity was the giving of corrupt commissions in receipt for a favourable business outcome.

### Target/s of the controlled operation

Information has been excluded under the provisions of subsections 15HN(2) and (4) of the Act.

### Nature of controlled conduct engaged in

Information has been excluded under the provisions of subsections 15HN(2) and (4) of the Act.

### Details of any loss of or serious damage to property

Nil

### Details of any personal injuries

Nil

### Illicit goods

Nil

### Narcotic goods

Nil

### Outcomes

The controlled operation played a pivotal role in the arrest of the target for bribery and corruption related offending.

### Additional information

Nil



**National Anti-Corruption Commission**

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