



Australian Government
**Australian Customs and
Border Protection Service**

Attachment A

R E P O R T

ASSUMED IDENTITIES AUTHORISATIONS AND USE

1 July 2010 - 30 June 2011

Purpose of this Report

The *Measures to Combat Serious and Organised Crime Act 2001* received Royal Assent on 1 October 2001 and inserted Part IAC into the *Crimes Act 1914* (the Act). Part IAC provides a statutory scheme for Commonwealth law enforcement agencies, including the Australian Customs and Border Protection Service (Customs and Border Protection), to acquire and use assumed identities in the investigation of Commonwealth offences.

Under Part IAC, the head of each participating agency and persons within those agencies prescribed to be authorised persons may authorise the acquisition of assumed identities. The latter must also be authorised in writing by the head of the agency.

This report has been developed in accordance with the requirements of Section 15LD of the Act with respect to authorisations for assumed identities acquired and used by Customs and Border Protection under Part IAC of the Act.

Under section 15LD(1), Customs and Border Protection is required to provide a report to the Minister for Home Affairs, as soon as practicable after the end of the financial year, detailing:

- the number of authorities granted during the year;
- a general description of the activities undertaken by authorised civilians and authorised law enforcement officers when using assumed identities under this Part during the year;
- the number of applications for authorities that were refused during the year;
- the number of authorities of which control was transferred by the chief officer under section 15KV during the year;
- the number of authorities of which control was transferred to the chief officer under section 15KV during the year;
- a statement whether or not any fraud or other unlawful activity was identified by an audit under section 15LG during the year; and
- any other information relating to authorities and assumed identities and the administration of this Part that the Minister considers appropriate.

Section 15LD(3) of the Act requires the Minister for Home Affairs to table a copy of this report before each House of Parliament within 15 sitting days of that House after the day on which the Minister receives this report.

Customs and Border Protection Use of Assumed Identities

During the 2010-2011 financial year, assumed identities authorised under the Act were used for surveillance and border targeting activities. There was one new authorisation granted and no applications for authorities that were refused. No authorities were transferred to or from the Chief Executive Officer. A review of the use of assumed identities was conducted and did not identify any instances of fraudulent or other unlawful activity by Customs and Border Protection staff.