

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Tuesday, 21 August 2018 12:58 PM
To: s. 22(1)(a)(ii)
Subject: RE: FOR ACTION: Media: Australian granted refugee status by Canada [DLM=For-Official-Use-Only]

Hi s. 22(1)(a)(ii)

Ha Ha – no worries, always good to speak to you....Hope your well.

We are tracking this story – I understand we have stated publically “The ACIC does not comment on operational matters”.

I would need to seek Executive approval to release any of the operational details – I will advise the ACIC CEO that the Secretary is interested in this matter though.

Let me know the level of interest from the Secretary.

s. 22(1)(a)(ii)



**AUSTRALIAN
CRIMINAL
INTELLIGENCE
COMMISSION**

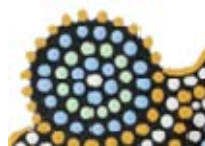
s. 22(1)(a)(ii)

Manager Strategic Policy
 Strategic Engagement and Policy Branch

s. 22(1)(a)(ii)

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The ACIC acknowledges the traditional custodians and we pay our respects to Elders past, present and future. We recognise and celebrate their culture, connection to land, water and community.



From: s. 22(1)(a)(ii)

Sent: Tuesday, 21 August 2018 10:25 AM

To: s. 22(1)(a)(ii)

Subject: FW: FOR ACTION: Media: Australian granted refugee status by Canada [DLM=For-Official-Use-Only]

For-Official-Use-Only

Hi s. 22(1)(a)(ii)

Wondering if the ACIC is tracking the media around the former Banditos guy granted refugee status in Canada?

Secretary is interested in what the Dept knew about this – short answer is nothing. Keen to understand whether the ACIC has had any ongoing contact?

Sorry if you're not quite the right person to ask, but I was keen to find an excuse to get in touch!

Cheers

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Director Americas

International Policy Division | Policy Group

Department of Home Affairs

s. 22(1)(a)(ii)

For-Official-Use-Only

s. 22(1)(a)(ii)

Sent: Monday, 20 August 2018 12:48 PM

To: Derek Bopping (DFAT) s. 22(1)(a)(ii)

Brendan DOWLING

s. 22(1)(a)(ii)

Subject: FOR ACTION: Media: Australian granted refugee status by Canada [DLM=For-Official-Use-Only]

For-Official-Use-Only

Hi Derek s. 22(1)

Secretary and DSP are seeking advice/reporting from Post on this ABC news article "*Bikies infiltrator 'outed by Australian authorities' given Canadian refugee status*" <http://www.abc.net.au/news/2018-08-20/bandidos-bikies-infiltrator-granted-canadian-refugee-status/10122646>

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Grateful if you could advise:

- whether this case has previously come to our attention (subtext: if not, why not?)
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We're working on the basis that the Canadian Government would be precluded from advising us about this case directly. Any further advice to confirm specifics also appreciated.

Thanks

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Director Americas

International Policy Division | Policy Group

Department of Home Affairs

s. 22(1)(a)(ii)

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ACIC Web Site: www.acic.gov.au

Released by the Department of Home Affairs
under the *Freedom of Information Act 1982*

From: s. 22(1)(a)(ii)
[REDACTED]
Subject: FW: FOR ACTION: Media: Australian granted refugee status by Canada [DLM=For-Official-Use-Only]
Date: Tuesday, 21 August 2018 10:25:13 AM

For-Official-Use-Only

Hi S.

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Secretary is interested in what the Dept knew about this – short answer is nothing. Keen to understand whether the ACIC has had any ongoing contact?

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S.

s. 22(1)(a)(ii)

Director Americas
International Policy Division | Policy Group
Department of Home Affairs

s. 22(1)(a)(ii)

For-Official-Use-Only

S.
22(1)

Sent: Monday, 20 August 2018 12:48 PM

To: Derek Bopping (DFAT) s. 22(1)(a)(ii)

Brendan DOWLING

s. 22(1)(a)(ii)

Subject: FOR ACTION: Media: Australian granted refugee status by Canada [DLM=For-Official-Use-Only]

For-Official-Use-Only

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Thanks

s. [REDACTED]

s. 22(1)(a)(ii) [REDACTED]

Director Americas

International Policy Division | Policy Group

Department of Home Affairs

s. 22(1)(a)(ii) [REDACTED]
[REDACTED]

For-Official-Use-Only

From: [Brendan DOWLING](#)
To: s. 22(1)(a)(ii) [Derek Bopping \(DFAT\)](#); s. 22(1)(a)(ii)
Cc: s. 22(1)(a)(ii)
Subject: RE: FOR ACTION: Media: Australian granted refugee status by Canada [DLM=For-Official-Use-Only]
Date: Tuesday, 21 August 2018 6:28:24 AM

For-Official-Use-Only

Thanks both.

I'd suggest dropping a short cable in the system today noting below (i.e. no awareness or advice, Canada's legal restrictions etc, also that it was decision of Board, which I presume is similar to AAT?). Sec seems to be expecting something in the system.

Thanks
b

Brendan Dowling
Assistant Secretary – Americas, Europe, Middle East & Africa
International Division
Department of Home Affairs
s. 22(1)(a)(ii)

For-Official-Use-Only

S. [REDACTED]
[REDACTED]
Sent: Tuesday, 21 August 2018 3:20 AM
To: Derek Bopping (DFAT) s. 22(1)(a)(ii)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Brendan DOWLING
s. 22(1)(a)(ii)
Subject: RE: FOR ACTION: Media: Australian granted refugee status by Canada [DLM=For-Official-Use-Only]

For-Official-Use-Only

Hi All

Apologies if you get two responses from me, my email is playing up.

The first we knew of this was seeing it in the media. We have placed a couple of calls this morning to see if we can get any additional information but you are right, the reason we wouldn't have been advised would have been as a result of Canada's Privacy framework.

I'll let you know if we get any additional information.

Regards

s. 22(1)

From: Bopping, Derek

Sent: Monday, 20 August 2018 10:24 PM

s. 22(1)

(a)

(ii)

(a)

(ii)

Subject: Re: FOR ACTION: Media: Australian granted refugee status by Canada [DLM=For-Official-Use-Only]

For Official Use Only

s. 22(1)

No idea of this. I would imagine same for s. 22(1). Suggest asking ACIC whether this was reported up through the board at the time.

Regards

Derek

For Official Use Only

From: s. 22(1)(a)(ii)

Date: Sunday, August 19, 2018 at 10:48:11 PM

To: "Bopping, Derek" s. 22(1)(a)(ii)

Subject: FOR ACTION: Media: Australian granted refugee status by Canada [DLM=For-Official-Use-Only]

For-Official-Use-Only

Hi Derek s. 22(1)

Secretary and DSP are seeking advice/reporting from Post on this ABC news article *"Bikies infiltrator 'outed by Australian authorities' given Canadian refugee status"*

<http://www.abc.net.au/news/2018-08-20/bandidos-bikie-infiltrator-granted-canadian-refugee-status/10122646>

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- any Canadian media reporting.

We're working on the basis that the Canadian Government would be precluded from advising us about this case directly. Any further advice to confirm specifics also appreciated.

Thanks

s.

s. 22(1)(a)(ii)

Director Americas

International Policy Division | Policy Group

Department of Home Affairs

s. 22(1)(a)(ii)

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From: s. 22(1)(a)(ii)
To: s. 22(1)(a)(ii) [Derek Bopping \(DFAT\): Brendan DOWLING](#)
Cc: s. 22(1)(a)(ii)
Subject: RE: FOR ACTION: Media: Australian granted refugee status by Canada [DLM=For-Official-Use-Only]
Date: Tuesday, 21 August 2018 1:53:56 PM

For-Official-Use-Only

Thanks s. 22(1)(a)(ii)

I've also been in touch with ACIC, who confirm the first they knew of Canadian IRB decision was late Fri 17/8 when contacted by ABC for comment on the article. Noted both HA MO and FMO also contacted for comment and all declined.

Also noted the ABC article has some inaccuracies but given sensitive nature of Mr Utah's relationship with the ACIC, will not be addressing these.

Cheers

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Director Americas
 International Policy Division | Policy Group
 Department of Home Affairs

s. 22(1)(a)(ii)

For-Official-Use-Only

s. 22(1)(a)(ii)
Sent: Tuesday, 21 August 2018 8:16 AM
To: Derek Bopping (DFAT) s. 22(1)(a)(ii) Brendan DOWLING
 s. 22(1)(a)(ii)

[Redacted]
 [Redacted]
 [Redacted]
 [Redacted]
 [Redacted]
 [Redacted]

Subject: RE: FOR ACTION: Media: Australian granted refugee status by Canada [DLM=For-Official-Use-Only]

For-Official-Use-Only

Hi All

Cable has been sent s. 22(1)(a)(ii)

Regards

s.

From: Bopping, Derek

Sent: Monday, 20 August 2018 4:32 PM

To: s. 22(1)(a)(ii)

Subject: RE: FOR ACTION: Media: Australian granted refugee status by Canada [DLM=For-Official-Use-Only]

For-Official-Use-Only

No worries.

s. – I'm jumping on a plane to Aus now – grateful if you could post a short cable,

regards

Derek

From: Brendan DOWLING s. 22(1)(a)(ii) >

Sent: Monday, 20 August 2018 4:28 PM

To: s. 22(1)(a)(ii) Bopping, Derek s. 22(1)(a)(ii)

Subject: RE: FOR ACTION: Media: Australian granted refugee status by Canada [DLM=For-Official-Use-Only]

For-Official-Use-Only

Thanks both.

I'd suggest dropping a short cable in the system today noting below (i.e. no awareness or advice, Canada's legal restrictions etc, also that it was decision of Board, which I presume is similar to AAT?). Sec seems to be expecting something in the system.

Thanks

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Brendan Dowling
 Assistant Secretary – Americas, Europe, Middle East & Africa
 International Division
 Department of Home Affairs

s. 22(1)(a)(ii)

For-Official-Use-Only

From: s.

Sent: Tuesday, 21 August 2018 3:20 AM

To: Derek Bopping (DFAT) s. 22(1)(a)(ii)

Brendan DOWLING

s. 22(1)(a)(ii)

Subject: RE: FOR ACTION: Media: Australian granted refugee status by Canada [DLM=For-Official-Use-Only]

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s.

From: Bopping, Derek

Sent: Monday, 20 August 2018 10:24 PM

s.

22(

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]

Released by the Department of Home Affairs
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s. 22(1)(a)(ii)

Subject: Re: FOR ACTION: Media: Australian granted refugee status by Canada [DLM=For-Official-Use-Only]

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22(1)

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To: "Bopping, Derek" s. 22(1)(a)(ii)

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For-Official-Use-Only

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Thanks

S. [REDACTED]
cc:

s. 22(1)(a)(ii) [REDACTED]

Director Americas

International Policy Division | Policy Group

Department of Home Affairs

s. 22(1)(a)(ii) [REDACTED]
[REDACTED]

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From: [REDACTED]
 [REDACTED] [Derek Bopping \(DFAT\)](#); s. 22(1)(a)(ii) [REDACTED]
 [REDACTED] [Brendan DOWLING](#)
Subject: RE: FOR ACTION: Media: Australian granted refugee status by Canada [DLM=For-Official-Use-Only]
Date: Tuesday, 21 August 2018 3:21:23 AM

For-Official-Use-Only

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s. 22(1)

From: Bopping, Derek
Sent: Monday, 20 August 2018 10:24 PM
To: s. 22(1)(a)(ii) [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Subject: Re: FOR ACTION: Media: Australian granted refugee status by Canada [DLM=For-Official-Use-Only]

For Official Use Only

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From: s. 22(1)(a)(ii) [REDACTED]
 [REDACTED]
Date: Sunday, August 19, 2018 at 10:48:11 PM
To: "Bopping, Derek" s. 22(1)(a)(ii) [REDACTED]
 [REDACTED]

Cc: s. 22(1)(a)(ii)

Subject: FOR ACTION: Media: Australian granted refugee status by Canada [DLM=For-Official-Use-Only]

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Director Americas
 International Policy Division | Policy Group
 Department of Home Affairs

s. 22(1)(a)(ii)

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PROTECTED

Printed by s. 22(1)(a)(ii) - 05:57 PM Wednesday, 10 October 2018

s. 22(1)(a)

Title: Australian Media reporting on successful asylum claim by an Australian in Canada

MRN: s. 22(1)(a)(ii) 20/08/2018 06:11:01 PM EDT

To: Canberra

Cc: s. 22(1)(a)(ii)

From: Ottawa

From File:

EDRMS

Files:

References: The cable has the following attachment/s -
Bikies infiltrator outed by Australian authorities given Canadian refugee status.pdf

Response: Routine, Information Only

PROTECTED

Former Australian Bandidos insider Stevan Utah was allegedly an informant for the Australian Crime Commission until 2006, but has now been granted asylum in Canada according to the ABC's article of 19 August 2018 (attached) . Ottawa post had not been made aware of the case prior to the media coverage, which is consistent with Canada's approach to privacy and the gravity in which the Canadian government holds the Canadian Charter of Rights and Freedoms. Advice has been sought from Canadian counterparts in regard to the accuracy of reporting in the Australian media. Immigration Refugees and Citizenship Canada (IRCC) have advised that they are unable to comment on individual asylum claims or decisions but, statistics published by the Canadian Immigration and Refugee Board (the Board) on asylum claims based on country of alleged persecution show that in 2017 one claim was accepted under Australia.

2. Whilst IRCC manages refugee claims, the Board is the ultimate decision maker for refugee applications. No approach was made to the Australian High Commission by IRCC or the Board requesting input for their adjudication of the matter.

3. The story has not been picked up in Canadian media to date.

text ends

s. 22(1)(a)(ii)

PROTECTED

From: Media
To: [Media Operations](#)
Cc: [Media](#)
Subject: Media enquiry into Canadian refugee cleared Monday 20 August 2018 [SEC=UNCLASSIFIED]
Date: Monday, 20 August 2018 12:55:21 PM
Attachments: [image001.png](#)
[image004.png](#)

Hi team

This media enquiry has been actioned, the cleared response was provided to the journalist.

Kind regards,

S.



AUSTRALIAN
**CRIMINAL
 INTELLIGENCE
 COMMISSION**

Media

Australian Criminal Intelligence Commission

s. 22(1)(a)(ii)

E: media@acic.gov.au

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The ACIC acknowledges the traditional custodians and we pay our respects to Elders past, present and future. We recognise and celebrate their culture, connection to land, water and community.



From: Media
Sent: Monday, 20 August 2018 12:28 PM
To: 'Media Operations' <media@homeaffairs.gov.au>
Cc: Media <Media@crimecommission.gov.au>
Subject: Afternoon update: Monday 20 August 2018 [SEC=UNCLASSIFIED]

Hi team,

- ACIC—s. 47F(1)** (Deadline 4pm today): Requested response to ruling from Canadian Immigration and Refugee Board (IRB) of Australian authorities failing to provide adequate protection in regards to case of what they describe as a former Australian Crime Commission (ACC) 'registered agent'. **With line area.**

Cheers,

S.

22/1)

Media



AUSTRALIAN
**CRIMINAL
INTELLIGENCE
COMMISSION**

Australian Criminal Intelligence Commission

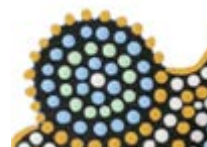
s. 22(1)(a)(ii)

E: media@acic.gov.au

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ACIC Web Site: www.acic.gov.au

From: Media
To: [Media Operations](#)
Cc: [Media](#)
Subject: RE: Canada refugee [SEC=UNCLASSIFIED]
Date: Monday, 20 August 2018 12:18:51 PM
Attachments: [image001.png](#)
[image004.png](#)

Thanks S. [REDACTED] will action now.

Cheers,

S. [REDACTED]



AUSTRALIAN
**CRIMINAL
 INTELLIGENCE
 COMMISSION**

Media

Australian Criminal Intelligence Commission

s. 22(1)(a)(ii) [REDACTED]

E: media@acic.gov.au

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From: Media Operations [mailto:media@homeaffairs.gov.au]
Sent: Monday, 20 August 2018 12:02 PM
To: Media <Media@crimecommission.gov.au>
Cc: s. 22(1)(a)(ii) [REDACTED]; Media Operations <media@homeaffairs.gov.au>
Subject: FW: Canada refugee [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi ACIC media

One for you.

Thanks

S. [REDACTED]

s. 22(1)(a)(ii) [REDACTED]

Media Officer, Media Operations

Department of Home Affairs

s. 22(1)(a)(ii) [REDACTED]

Media line: 02 6264 2244

E: media@homeaffairs.gov.au

UNCLASSIFIED

From: S [REDACTED]
Sent: Monday, August 20, 2018 12:00 PM
To: Media Operations <media@homeaffairs.gov.au>
Subject: FW: Canada refugee [SEC=UNCLASSIFIED]

UNCLASSIFIED

Can we provide the response on this matter to this journalist please.

s. 22(1)(a)(ii) | Senior Media Adviser
 Office of the Hon Peter Dutton MP
 Minister for Home Affairs

UNCLASSIFIED

From: s. 47F(1)
Sent: Monday, 20 August 2018 9:56 AM
To: s. 22(1)(a)(ii) [REDACTED]
 [REDACTED]
 [REDACTED]
Subject: Canada refugee

Hi s. 22(1)(a)(ii) - does the minister have any response to this ruling from canada?

Further in the article is says:

In its ruling, the Canadian immigration board ruled that Mr Utah had presented “clear and convincing evidence” of the failure by Australian authorities to provide him with adequate protection from the Bandidos.

“I do find that the claimant would more likely than not face a serious risk to his life, almost immediately on his return to Australia,” IRB member Jodie Schmalzbauer wrote in a judgment obtained by the ABC.

- Does the minister agree that Australian authorities failed to provide Utah adequate protection?

My deadline is 4pm today.

Thank you

s. 47F(1)

Former Australian bikie is granted refugee status in Canada
 A FORMER Bandidos bikie has reportedly been granted refugee status in Canada after

threats to his life in Australia.

s. 47F(1)

AAPAUGUST 20, 20189:09AM

AN AUSTRALIAN man has reportedly been granted refugee status in Canada amid fears for his life after he infiltrated the Bandidos bikie gang.

Canada's Immigration and Refugee Board (IRB) granted Stevan Utah refugee status after hearing evidence about how he had acted as an undercover informant for the Australian Crime Commission (ACC) during an operation against bikie gangs in 2006, the ABC reported on Monday.

The decision by the IRB is considered highly unusual given Mr Utah comes from Australia, which while a democratic country has been found to be lacking when it came to protecting him.

Mr Utah, a former soldier, fled Australia after his cover was blown and Bandidos members tried to kill him on Queensland's Sunshine Coast.

He revealed his extraordinary story in the book *Dead Man Running*, which reveals how the Bandidos bikie gang worked, how he arranged the security of their clubhouses and 'cooked' ecstasy and ice during the 10 years he was a member.

Mr Utah also describes being a witness to vicious beatings, executions and stolen military weapons being sold, including rocket launchers.

In 2013 he gave an interview to the *The Courier Mail* explaining how bikie gangs drew members into their criminal activity.

Mr Utah said 90 per cent of those who joined a club did not do it to be actively involved in organised crime.

"As a 'prospect', you are required to do anything asked of a patched member, your chapter and club. It is a lot more than cooking a barbecue, cleaning the floors and washing bikes," he said at the time.

"You may be asked to assist in recovering a drug debt, delivering drugs or simply beat on someone that has done something to the club. You are groomed into being a criminal."

He said people joined clubs for various reasons including having friends or family members in the club, wanting to find a family environment or because they love Harley Davidson motorcycles.

"Violence is generally kept in-house. It's generally a few individuals with a personal vendetta that recruit their club brothers, create a full-scale conflict in the public eye and the media jumps on it," he said.

"But the simple fact a band of brothers can be recruited so quickly for a public conflict is dangerous to society. This was the case with Zervas, Ballroom Blitz and recent events on the Coast."

In its ruling, the Canadian immigration board ruled that Mr Utah had presented "clear and convincing evidence" of the failure by Australian authorities to provide him with adequate

protection from the Bandidos.

“I do find that the claimant would more likely than not face a serious risk to his life, almost immediately on his return to Australia,” IRB member Jodie Schmalzbauer wrote in a judgment obtained by the ABC.

Mr Utah said he was no longer an Australian.

“What was done to me years ago is not the cause of current serving members of policing agencies ... nor did the sitting [federal] government do this to me,” he told the ABC.


“But the institutions they currently serve most certainly did.”

Mr Utah had given the ACC information about serious crimes, including the murder of Victorian man Earl Mooring, during his time as an informant.

The ACC’s successor, the Australian Criminal Intelligence Commission (ACIC), told the ABC it did not “comment on operational matters”.


--

s. 47F(1)



[redacted]

s. 22(1)(a)(ii)




Follow us online

[redacted] [redacted]

[redacted]

s. 22(1)(a)(ii)



[redacted]

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ACIC Web Site: www.acic.gov.au

From: s. 22(1)(a)
To: [Media](#); s. 22(1)(a)(ii)
Subject: RE: FOR NOTING: ABC query [DLM=For-Official-Use-Only]
Date: Saturday, 18 August 2018 11:14:37 AM
Attachments: [image001.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

For-Official-Use-Only

Noted.

For-Official-Use-Only

From: Media <Media@crimecommission.gov.au>
Sent: Friday, 17 August 2018 5:02 PM
To: Media <Media@crimecommission.gov.au>; s. 22(1)(a)(ii)
Cc: s. 47E(d) Media Operations <media@homeaffairs.gov.au>; s. 22(1)(a)(ii) 47E(d)
Subject: FOR NOTING: ABC query [DLM=For-Official-Use-Only]

Hello,

Please find ACIC response to the below for noting:

As a matter of policy the Australian Criminal Intelligence Commission (ACIC) will not comment on operational matters. This includes confirming or denying involvement in the ACIC's and the former Australian Crime Commission's human intelligence source (informants) capability.

Regards,

s.

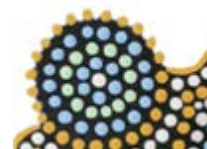


AUSTRALIAN
**CRIMINAL
 INTELLIGENCE
 COMMISSION**

s. 22(1)(a)(ii)
 Team Leader Strategic Communication
 Communication and Media
 s. 22(1)(a)(ii)
 E: media@acic.gov.au
 Follow us:  

I work part-time, 9 am–5 pm Tuesday to Friday.

The ACIC acknowledges the traditional custodians and we pay our respects to Elders past, present and future. We recognise and celebrate their culture, connection to land, water and community.



From: Media

Sent: Thursday, 16 August 2018 3:29 PM

To: s. 22(1)(a)(ii)

s. 47E(d) 'media@homeaffairs.gov.au'

<media@homeaffairs.gov.au>

>; Media <Media@crimecommission.gov.au>

Subject: FOR INFO: ABC query [DLM=For-Official-Use-Only]

Importance: High

Hello,

FYI—we've received the below enquiry from the ABC relating to the former Australian Crime Commission. We are looking into this now. I imagine we may be limited in what we can say due to operational/legislative reasons, but I'll let you know once I have some definitive advice.

Regards,

s.

2018





**AUSTRALIAN
CRIMINAL
INTELLIGENCE
COMMISSION**

s. 22(1)(a)(ii)

Team Leader Strategic Communication
Communication and Media

s. 22(1)(a)(ii)

E: media@acic.gov.au

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From:

Sent: Thursday, 16 August 2018 3:01 PM

To: Media <Media@crimecommission.gov.au>

Subject: ABC query

Good afternoon,

As discussed just now, I write to seek the ACIC's responses regarding the case of former

Australian Crime Commission registered agent Stevan John Utah.
 Could you please review this email and provide responses by 4pm on Sunday?
 Thanks for your assistance.

...

Stevan John Utah (born 1 July 1968) was granted refugee protection by Immigration and Refugee Board of Canada on 29 September last year. It found he was a person in need of protection under 97 (1) of Canada's Immigration and Refugee Protection Act. The claim hearing date before the IRB's Refugee Protection Division was September 11.

***Was the ACIC aware of this ruling before receiving this email?**

The decision of the IRB states that Mr Utah has "established with reliable evidence that his removal to Australia would subject him personally to a risk of life".

It found: "In 2006, a press release by authorities divulging that they had a source in the particular OMCG, which given the information the authorities provided to the media, outed the claimant as an informant".

That refers to the Sunshine Coast Daily article of April 22, 2006.

In part that story said: *"But the Australian Crime Commission (ACC) commenced an Outlaw Motor Cycle Gangs (OMCG) intelligence operation in July last year, looking into the dealings of the 35 identified OMCGs in Australia.*

"Two of those clubs have chapters on the Sunshine Coast the Bandidos and the Rebels."

That starting date, July 2005, coincided with the period in which Mr Utah says he began re-inserting himself into the Bandidos as an informant to the ACC and others. The IRB notes Mr Utah's account of being "confronted by the members of the OMCG with their suspicions of him being an informant".

***Does the agency dispute the tribunal's finding that it outed the claimant as an informant? On what basis?**

***Has the agency at any stage reviewed its media strategy or the actions of staff in the wake of this matter?**

The IRB notes his account that "protective measures in place by authorities were non-existent" following an attempted murder on him at a property now listed as 299 Delaney Creek Rd, Delaney's Creek, north of Brisbane, and a threat on his life while in hospital at Caboolture. The judgment states that: "Initially on being threatened by the criminal organisation, the Australian authorities offered him protective custody." But in 2006 he was removed from protective custody.

"I have no reason to discount the claimant's account, an account that has been consistent regarding this issue for a number of years and his statements have been published in a documentary, book and the media and confirmed by expert witnesses at the hearing."

The judgment notes these expert witnesses include two Canadian police who "both testified that they had confirmed the claimant's allegations to them with Australian authorities and both considered the claimant's allegations to be well-founded."

"(Mr Utah) alleges that he was told by the director that he was done from the program .. and that no other measure to protect him was available. Although the counter position is not before me, given the reasons or concerns by the director in providing protection to the claimant, I do

accept that the authorities were either unwilling or unable to provide protection to him at that time.”

***Why did the agency withdraw its offer of protective custody given the ongoing threat posed to Mr Utah as a result of him having assisted the agency?**

The judgment states Mr Utah’s lawyer in Australia has approached four agencies with “jurisdiction to provide the claimant protective custody, given the nature of his evidence in the murder that he witnessed”. The lawyer testified that “no agency has come forward with taking on the claimant’s testimony and therefore no protective custody measures have been offered”. The IRB finds Mr Utah would “more likely than not face a serious risk to his life, almost immediately on his return to Australia”. It finds there is a “significant bounty on his life”, naming a dollar figure on an active contract for his killing.

***How long has the agency been aware of evidence of a contract against Stevan Utah’s life?**

***Why has the agency not revived its offer of protective custody given the evidence in the murder he has? And why not, given that the IRB has found “clear and convincing evidence” of Mr Utah’s fears that if he returns to Australia to face fraud charges in Queensland “without protective custody or arrangements, he would be killed by the gang or its affiliates”?**

The IRB notes that Mr Utah since 2007 has been “involved in a number of presentations and conferences for police in regard to serious criminality, corruption, source handling and drug manufacturing and distribution”. He has given assistance to Canadian, US and European law enforcement.

***Why would the public not see Mr Utah’s engagement by overseas law enforcement as evidence of his mishandling by Australian authorities, including the agency, and a wasted opportunity for local law enforcement - given the subsequently increased interest in targeting OMCGs in Australia and ongoing difficulty in securing witnesses to make prosecutions of OMCG members stick?**

Mr Utah’s fraud charges were struck out by a Queensland magistrate when the crown signalled no evidence to offer at the end of a hearing that led to his extradition to Victoria to face murder charges that were subsequently withdrawn. At a subsequent Brisbane Magistrates Court hearing, a police officer confirmed that a decision had been made by a senior commissioned officer to discontinue the charges on 1 November 2004.

The fraud charges were revived in May 2005. Mr Utah’s account was that there were repeated assurances by the ACC that they would provide to his lawyers a “sealed document” stating his role as a registered agent to submit to the court as part of the fraud proceedings. This account is backed by an email to Mr Utah from ACC officer [REDACTED] on August 22, 2006.

“Will you please contact my solicitor s. 47F(1) [REDACTED], he tells me you haven’t and is feeling rather anxious about your intentions in relation to a sealed document. Respectfully, I am beginning to feel the same anxiety.”

The reply from [REDACTED] [@crimecommission.gov.au](mailto:[REDACTED]@crimecommission.gov.au): “Relax.”

An email dated 28.8.2006 from Judge [REDACTED] DCJ in the fraud matter, through the email address of her associate, refers to the Complex issue of “Mr Utah’s fears for his safety”.

“I know nothing about what (if any) protection is currently being offered or could be offered... Obviously the matter must be clarified,” the judge said.

***Why did the ACC through at least one of its agents indicate a sealed document would be provided and it subsequently wasn’t?**

***Was the ACC approached about any possible steps to provide Mr Utah with protective custody in relation to this court matter?**

The IRB states that Mr Utah has met the “higher evidentiary burden” that applies when attempting to show a highly-functioning democratic state like Australia is unable or unwilling to provide adequate protection to a citizen.

It considered evidence including the 2015 ACC report on organised crime threats, and reports of leaks and examples of OMCGs compromising police investigations and putting informers at risk. It states: “The evidence does show that the Australian authorities have had failures in protecting information and sources from OMCGs.”

“Although the state should not be obliged to guarantee perfect protection, there does appear to the panel to be a broader pattern due to corruption, ineptness and structural difficulties that when confronted with motivated and capable OMCGs, such as the agent of harm in this case, that effective protection is not forthcoming, to informants and sources such as the claimant.”

The IRB concluded: “Considering the evidence before the panel regarding the agent of harm, their motivation and capabilities in carrying out the threat against the claimant; the evidence that the state has not always been adequate in protecting informants or sources; further, that the state is currently not agreeing to place the claimant or assist the claimant in providing him protection, I find that the claimant has established with ‘clear and convincing evidence’ the state’s inability to provide operational adequate protection from the threat against him.”

***What steps has the agency taken to address the failure in its operations that resulted in one of its former registered agents being granted asylum overseas?**

***How does the agency respond to the IRB findings about its central role in the state’s inability to give adequate protection from the threat against Mr Utah?**

***What lessons for improvement has the agency drawn from its role in the case of Stevan Utah?**

***What steps has the agency taken to improve its coordination on operations with other Australian police agencies?**

***What steps will the agency take to improve public confidence in its ability to effectively and responsibly deal with its informants?**



Journalist



-

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ACIC Web Site: www.acic.gov.au

From: [Media Operations](#)
To: [Ciara SPENCER](#)
Cc: s. 22(1)(a)(ii) [Media Operations](#)
Subject: RE: Urgent MO request: EN Stevan Utah, informant granted asylum in Canada [DLM=For-Official-Use-Only]
Date: Friday, 17 August 2018 7:44:36 PM
Attachments: [image001.png](#)
[image002.png](#)

For-Official-Use-Only

Thanks Ciara, really appreciate the below advice.

For your awareness, we've just been informed that the ACIC CEO will brief the Minister on this issue on Monday so I am sure that will cover us in terms of background on the case.

s. 22(1)(a)(ii)

Media Operations

Department of Home Affairs

s. 22(1)(a)(ii)

E: media@homeaffairs.gov.au

From: Ciara SPENCER
Sent: Friday, 17 August 2018 7:41 PM
To: Media Operations <media@homeaffairs.gov.au>
Cc: s. 22(1)(a)(ii)

Subject: Re: Urgent MO request: EN Stevan Utah, informant granted asylum in Canada [DLM=For-Official-Use-Only]

For Official Use Only

Hi s. 22(1)(a)(ii)

As discussed with s. 22(1)(a)(ii) just now I don't have any background on this matter or the protection of informants more broadly. I will check with my team in the morning to confirm whether there is anything we can provide and understand that the request has already been provided directly to the ACIC.

Please give me a call if you need anything further.

Kind regards

Ciara

Sent by Email+

For Official Use Only

From: "Media Operations" <media@homeaffairs.gov.au>
Date: Friday, 17 August 2018 at 6:38:21 pm

To: "Ciara SPENCER" <s. 22(1)(a)(ii)>
Cc: "Media Operations" <media@homeaffairs.gov.au>, s. 22(1)(a)(ii)
Subject: Urgent MO request: EN Stevan Utah, informant granted asylum in Canada_ [DLM=For-Official-Use-Only]

For-Official-Use-Only

Hi Ciara,

I left a voicemail on your mobile regarding the below media enquiry we received via the MHAO. It regards the case of an Australian citizen Australian Crime Commission informant who was denied further protection and fled the country in 2006. He has subsequently been granted asylum in Canada.

Grateful if you could please review the below media enquiry and advise if we could provide anything on protecting informants etc.? This has been tasked to ACIC as well but I am not sure their background will be very forthcoming.

The journalist's deadline is 4pm Sunday so grateful for you initial advice tomorrow. Our on call officer would be happy to take your call over the weekend too.

Kind regards,

s. 22(1)(a)(ii)

Media Operations

Department of Home Affairs

s. 22(1)(a)(ii)

E: media@homeaffairs.gov.au

From: s.

Sent: Friday, 17 August 2018 1:41 PM

To: s. 22(1)(a)(ii)

Subject: Stevan John Utah [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi all

We have received the below enquiry which I believe is better placed for the criminal justice areas in AGD & DHA (other than the question about our bilateral relationships).

Grateful for your advice as to who is best to manage?

Deadline is 4.00pm Sunday.

Cheers, s.

UNCLASSIFIED

From: [REDACTED]
Date: Friday, 17 August 2018 at 9:29:09 am
To: "s. 22(1)(a)(ii)" [REDACTED]

Good morning,

I write to seek the Foreign Minister's responses regarding the case of Stevan John Utah, an Australian citizen.

Please respond by 4pm Sunday.

Thanks for your assistance.

Stevan John Utah (born 1 July 1968) previously had protective custody in Australia under the Australian Crime Commission as its registered agent.

He fled Australia in 2006.

Mr Utah was granted refugee protection by the Immigration and Refugee Board of Canada on 29 September last year. It found he was a person in need of protection under 97 (1) of Canada's Immigration and Refugee Protection Act. The claim hearing date before the IRB's Refugee Protection Division was September 11.

The decision of the IRB states that Mr Utah has "established with reliable evidence that his removal to Australia would subject him personally to a risk of life".

It found: "In 2006, a press release by authorities divulging that they had a source in the particular OMCG, which given the information the authorities provided to the media, outed the claimant as an informant".

The IRB states that Mr Utah has met the "higher evidentiary burden" that applies when attempting to show that a highly-functioning democratic state like Australia is unable or unwilling to provide adequate protection to a citizen.

The IRB notes his account that "protective measures in place by authorities were non-existent" following an attempted murder on him at a property now listed as 299 Delaney Creek Rd, Delaney's Creek, north of Brisbane, and a threat on his life while in hospital at Caboolture. The judgment states that: "Initially on being threatened by the criminal organisation, the Australian authorities offered him protective custody." But in 2006 he was removed from protective custody.

"I have no reason to discount the claimant's account, an account that has been consistent regarding this issue for a number of years and his statements have been published in a documentary, book and the media and confirmed by expert witnesses at the hearing."

The judgment notes these expert witnesses include two Canadian police who "both testified that they had confirmed the claimant's allegations to them with Australian authorities and both considered the claimant's allegations to be well-founded."

"(Mr Utah) alleges that he was told by the director that he was done from the program .. and that no other measure to protect him was available. Although the counter position is not before me, given the reasons or concerns by the director in providing protection to the claimant, I do

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under the Freedom of Information Act 1982

accept that the authorities were either unwilling or unable to provide protection to him at that time.”

There is an outstanding warrant for Mr Utah’s arrest on fraud charges in Queensland. These were struck out by a Magistrate in Queensland when the Crown declared it had no evidence to offer in 2004, prior to him becoming a registered agent for the ACC. They were subsequently revived while he was an ACC registered agent. Mr Utah’s account was that there were repeated assurances by the ACC that they would provide to his lawyers a “sealed document” stating his role as a registered agent to submit to the court as part of the fraud proceedings. This account is backed by an email to Mr Utah from ACC officer [REDACTED] on August 22, 2006.

“Will you please contact my solicitor s. 47F(1) [REDACTED], he tells me you haven’t and is feeling rather anxious about your intentions in relation to a sealed document. Respectfully, I am beginning to feel the same anxiety.”

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The IRB judgment states Mr Utah’s lawyer in Australia has approached four agencies with “jurisdiction to provide the claimant protective custody, given the nature of his evidence in the murder that he witnessed”. The lawyer testified that “no agency has come forward with taking on the claimant’s testimony and therefore no protective custody measures have been offered”. “Although the state should not be obliged to guarantee perfect protection, there does appear to the panel to be a broader pattern due to corruption, ineptness and structural difficulties that when confronted with motivated and capable OMCGs, such as the agent of harm in this case, that effective protection is not forthcoming, to informants and sources such as the claimant.” The IRB concluded: “Considering the evidence before the panel regarding the agent of harm, their motivation and capabilities in carrying out the threat against the claimant; the evidence that the state has not always been adequate in protecting informants or sources; further, that the state is currently not agreeing to place the claimant or assist the claimant in providing him protection, I find that the claimant has established with ‘clear and convincing evidence’ the state’s inability to provide operational adequate protection from the threat against him.”

The IRB finds Mr Utah would “more likely than not face a serious risk to his life, almost immediately on his return to Australia”. It finds there is a “significant bounty on his life”, naming a dollar figure on an active contract for his killing.

***Was the Foreign Minister aware of Mr Utah gaining asylum in Canada prior to this email?**

***Is the Foreign Minister concerned that an Australian citizen has been granted asylum in Canada on the grounds that the Australian state has failed to offer adequate protection?**

***Is the Foreign Minister concerned that a Canadian tribunal has found an apparent “broader pattern” of failures in Australia protecting sources and informants on bikie gangs “due to corruption, ineptness and structural difficulties”?**

***Is the Foreign Minister aware of any other case of an Australian citizen being granted refugee protection in another country?**

***Is the Foreign Minister concerned about this case undermining Australia’s reputation overseas, given the comparable evidentiary standards between Australian and Canadian institutions such as the IRB?**

***Does the Foreign Minister intend to raise this case in discussions with Canadian authorities?**

| [REDACTED]



Journalist

ABC NEWS knowthe**story**

For-Official-Use-Only

For-Official-Use-Only

From: [Media Operations](#)
To: s. 22(1) ; Media: [AFP National Media \[AFP\]](#)
Cc: [Media Operations](#)
Subject: RE: Stevan John Utah [SEC=UNCLASSIFIED]
Date: Friday, 17 August 2018 7:42:28 PM
Attachments: [image002.png](#)
[image003.png](#)

UNCLASSIFIED

That's great news – thanks s. 22(1)

s. 22(1)(a)(ii)

Media Operations

Department of Home Affairs

s. 22(1)(a)(ii)

E: media@homeaffairs.gov.au

From: s. 22(1)(a)(ii)

Sent: Friday, 17 August 2018 7:34 PM

To: Media <Media@crimecommission.gov.au>; Media Operations
 <media@homeaffairs.gov.au>; AFP National Media [AFP] <afpnationalmedia@afp.gov.au>

Subject: RE: Stevan John Utah [SEC=UNCLASSIFIED]

Hi s. 22(1)

Our operational area is preparing a background brief for our CEO. He will provide the Minister with this on Monday. s. 22(1)(a)(ii) in the office has been made aware of this earlier this afternoon.

Thanks

s. 22(1)

Sent with BlackBerry Work
www.blackberry.com

From: Media <Media@crimecommission.gov.au>

Date: Friday, 17 Aug 2018, 6:48 pm

To: s. 22(1)

Subject: FW: Stevan John Utah [SEC=UNCLASSIFIED]

From: Media Operations

Sent: Friday, 17 August 2018 6:48:49 PM (UTC+10:00) Canberra, Melbourne, Sydney

To: Media; AFP National Media [AFP]

Cc: Media Operations

Subject: FW: Stevan John Utah [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi ACIC and AFP,

Thanks for taking my Friday evening calls on this one. Hoping to coordinate and provide the MO as much as possible on this case. Understand we may not be able to say much on the record but the MO will want all available background.

ACIC – I see you have provided the attached to the MO in relation to the enquiry you received directly. However is there any background that can be provided?

AFP – understand this may be a state police issue but if you have anything to provide that would be great.

I have reached out to our Law Enforcement Policy team to see if they have any general lines on protecting informants but it may not be very useful. In terms of Australians being granted asylum overseas – this is not one for Home Affairs.

Thanks all, grateful for your advice.

s. 22(1)(a)(ii)

Media Operations

Department of Home Affairs

s. 22(1)(a)(ii)

E: media@homeaffairs.gov.au

UNCLASSIFIED

UNCLASSIFIED

From: s. 22(1)(a)(ii)

Sent: Friday, 17 August 2018 2:57 PM

To: AFP National Media [AFP] <afpnationalmedia@afp.gov.au>

Cc: s. 22(1)(a)(ii)

; AFP National Media [AFP]
<afpnationalmedia@afp.gov.au>; media@acic.gov.au; Media Operations
<media@homeaffairs.gov.au>

Subject: RE: Stevan John Utah [SEC=UNCLASSIFIED]

UNCLASSIFIED

Thanks s.

UNCLASSIFIED

From: s. 22(1)(a)(ii)

On Behalf Of AFPNationalMedia

Sent: Friday, 17 August 2018 2:53 PM

To: s. 22(1)(a)(ii)

AFP National Media [AFP]
afpnationalmedia@afp.gov.au; media@acic.gov.au; Media Operations
media@homeaffairs.gov.au

Subject: RE: Stevan John Utah [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi s. 22(1)

ACIC have advised they are preparing a response.

s.

s. 22(1)(a)(ii)

AFP NATIONAL MEDIA AND SOCIAL MEDIA
 CHIEF OF STAFF PORTFOLIO

s. 22(1)(a)(ii)

www.afp.gov.au



POLICING FOR
A SAFER AUSTRALIA

UNCLASSIFIED

From: s. 22(1)(a)(ii)

Sent: Friday, 17 August 2018 2:31 PM

To: AFPNationalMedia; media@acic.gov.au; Media Operations

Cc: s. 22(1)(a)(ii)

Subject: FW: Stevan John Utah [SEC=UNCLASSIFIED]

UNCLASSIFIED

Teams

Can you please look into this? Please note the deadline.

s.

UNCLASSIFIED

From: s. 22(1)(a)(ii) >

Sent: Friday, 17 August 2018 1:41 PM

To: s. 22(1)(a)(ii)

Subject: Stevan John Utah [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi all

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Date: Friday, 17 August 2018 at 9:29:09 am
To: "S. 22(1)(a)(ii)" [REDACTED]

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***Was the Foreign Minister aware of Mr Utah gaining asylum in Canada prior to this email?**

***Is the Foreign Minister concerned that an Australian citizen has been granted asylum in Canada on the grounds that the Australian state has failed to offer adequate protection?**

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Journalist



-

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ACIC Web Site: www.acic.gov.au

From: [Ciara SPENCER](#)
To: [Media Operations](#)
Cc: s. 22(1)(a)(ii)
Subject: Re: Urgent MO request: EN Stevan Utah, informant granted asylum in Canada_ [DLM=For-Official-Use-Only]
Date: Friday, 17 August 2018 7:40:37 PM
Attachments: [image001.png](#)
[image002.png](#)

For Official Use Only

Hi s. 22(1),

As discussed with s. 22(1) just now I don't have any background on this matter or the protection of informants more broadly. I will check with my team in the morning to confirm whether there is anything we can provide and understand that the request has already been provided directly to the ACIC.

Please give me a call if you need anything further.

Kind regards

Ciara

Sent by Email+

For Official Use Only

From: "Media Operations" <media@homeaffairs.gov.au>
Date: Friday, 17 August 2018 at 6:38:21 pm
To: s. 22(1)(a)(ii)
Cc: "Media Operations" <media@homeaffairs.gov.au>, s. 22(1)(a)(ii)

Subject: Urgent MO request: EN Stevan Utah, informant granted asylum in Canada_ [DLM=For-Official-Use-Only]

For-Official-Use-Only

Hi Ciara,

I left a voicemail on your mobile regarding the below media enquiry we received via the MHAO. It regards the case of an Australian citizen Australian Crime Commission informant who was denied further protection and fled the country in 2006. He has subsequently been granted asylum in Canada.

Grateful if you could please review the below media enquiry and advise if we could provide anything on protecting informants etc.? This has been tasked to ACIC as well but I am not sure their background will be very forthcoming.

The journalist's deadline is 4pm Sunday so grateful for your initial advice tomorrow. Our on call officer would be happy to take your call over the weekend too.

Kind regards,

s. 22(1)(a)(ii)

Media Operations

Department of Home Affairs

s. 22(1)(a)(ii)

E: media@homeaffairs.gov.au

From: s. 22(1)(a)(ii)

Sent: Friday, 17 August 2018 1:41 PM

To: s. 22(1)(a)(ii)

Subject: Stevan John Utah [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi all

We have received the below enquiry which I believe is better placed for the criminal justice areas in AGD & DHA (other than the question about our bilateral relationships).

Grateful for your advice as to who is best to manage?

Deadline is 4.00pm Sunday.

Cheers, s. 22(1)(a)(ii)

UNCLASSIFIED

From:

Date: Friday, 17 August 2018 at 9:29:09 am

To: s. 22(1)(a)(ii)

Good morning,

I write to seek the Foreign Minister's responses regarding the case of Stevan John Utah, an Australian citizen.

Please respond by 4pm Sunday.

Thanks for your assistance.

Stevan John Utah (born 1 July 1968) previously had protective custody in Australia under the Australian Crime Commission as its registered agent.

He fled Australia in 2006.

Mr Utah was granted refugee protection by the Immigration and Refugee Board of Canada on 29 September last year. It found he was a person in need of protection under 97 (1) of Canada's Immigration and Refugee Protection Act. The claim hearing date before the IRB's Refugee Protection Division was September 11.

The decision of the IRB states that Mr Utah has "established with reliable evidence that his removal to Australia would subject him personally to a risk of life".

It found: "In 2006, a press release by authorities divulging that they had a source in the particular OMCg, which given the information the authorities provided to the media, outed the claimant as an informant".

The IRB states that Mr Utah has met the "higher evidentiary burden" that applies when attempting to show that a highly-functioning democratic state like Australia is unable or unwilling to provide adequate protection to a citizen.

The IRB notes his account that "protective measures in place by authorities were non-existent" following an attempted murder on him at a property now listed as 299 Delaney Creek Rd, Delaney's Creek, north of Brisbane, and a threat on his life while in hospital at Caboolture. The judgment states that: "Initially on being threatened by the criminal organisation, the Australian authorities offered him protective custody." But in 2006 he was removed from protective custody.

"I have no reason to discount the claimant's account, an account that has been consistent regarding this issue for a number of years and his statements have been published in a documentary, book and the media and confirmed by expert witnesses at the hearing."

The judgment notes these expert witnesses include two Canadian police who "both testified that they had confirmed the claimant's allegations to them with Australian authorities and both considered the claimant's allegations to be well-founded."

"(Mr Utah) alleges that he was told by the director that he was done from the program .. and that no other measure to protect him was available. Although the counter position is not before me, given the reasons or concerns by the director in providing protection to the claimant, I do accept that the authorities were either unwilling or unable to provide protection to him at that time."

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"I know nothing about what (if any) protection is currently being offered or could be offered... Obviously the matter must be clarified," the judge said.

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***Was the Foreign Minister aware of Mr Utah gaining asylum in Canada prior to this email?**

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***Is the Foreign Minister concerned about this case undermining Australia's reputation overseas, given the comparable evidentiary standards between Australian and Canadian institutions such as the IRB?**

***Does the Foreign Minister intend to raise this case in discussions with Canadian authorities?**



Journalist

ABC NEWS knowthestory

For-Official-Use-Only

From: s. 22(1)
To: [Media](#); [Media Operations](#); [AFP National Media \[AFP\]](#)
Subject: RE: Stevan John Utah [SEC=UNCLASSIFIED]
Date: Friday, 17 August 2018 7:35:22 PM
Attachments: [image002.png](#)
[image003.png](#)

Hi s. 22(1)

Our operational area is preparing a background brief for our CEO. He will provide the Minister with this on Monday. s. 22(1)(a) in the office has been made aware of this earlier this afternoon.

Thanks

s. 22(1)

Sent with BlackBerry Work
(www.blackberry.com)

From: Media <Media@crimecommission.gov.au>
Date: Friday, 17 Aug 2018, 6:48 pm
To: s. 22(1)(a)(ii)
Subject: FW: Stevan John Utah [SEC=UNCLASSIFIED]

From: Media Operations
Sent: Friday, 17 August 2018 6:48:49 PM (UTC+10:00) Canberra, Melbourne, Sydney
To: Media; AFP National Media [AFP]
Cc: Media Operations
Subject: FW: Stevan John Utah [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi ACIC and AFP,

Thanks for taking my Friday evening calls on this one. Hoping to coordinate and provide the MO as much as possible on this case. Understand we may not be able to say much on the record but the MO will want all available background.

ACIC – I see you have provided the attached to the MO in relation to the enquiry you received directly. However is there any background that can be provided?

AFP – understand this may be a state police issue but if you have anything to provide that would be great.

I have reached out to our Law Enforcement Policy team to see if they have any general lines on protecting informants but it may not be very useful. In terms of Australians being granted asylum overseas – this is not one for Home Affairs.

Thanks all, grateful for your advice.

s. 22(1)(a)(ii)

Media Operations

Department of Home Affairs

s. 22(1)(a)(ii)

E: media@homeaffairs.gov.au

UNCLASSIFIED

From: s. 22(1)(a)(ii)

Sent: Friday, 17 August 2018 2:57 PM

To: AFP National Media [AFP] <afpnationalmedia@afp.gov.au>

Cc: s. 22(1)(a)(ii)

AFP National Media [AFP]
<afpnationalmedia@afp.gov.au>; media@acic.gov.au; Media Operations
<media@homeaffairs.gov.au>

Subject: RE: Stevan John Utah [SEC=UNCLASSIFIED]

UNCLASSIFIED

Thanks s.

UNCLASSIFIED

From: s. 22(1)(a)(ii)

On Behalf Of AFPNationalMedia

Sent: Friday, 17 August 2018 2:53 PM

To: s. 22(1)(a)(ii)

AFP National Media [AFP]
<afpnationalmedia@afp.gov.au>; media@acic.gov.au; Media Operations
<media@homeaffairs.gov.au>

Subject: RE: Stevan John Utah [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi s. 22(1)

ACIC have advised they are preparing a response.

s.

s. 22(1)(a)(ii)

AFP NATIONAL MEDIA AND SOCIAL MEDIA
CHIEF OF STAFF PORTFOLIO

s. 22(1)(a)(ii)

www.afp.gov.au



POLICING FOR
A SAFER AUSTRALIA

UNCLASSIFIED

From: s. 22(1)(a)(ii)
Sent: Friday, 17 August 2018 2:31 PM
To: AFPNationalMedia; media@acic.gov.au; Media Operations
Cc: s. 22(1)(a)(ii)
Subject: FW: Stevan John Utah [SEC=UNCLASSIFIED]

UNCLASSIFIED

Teams

Can you please look into this? Please note the deadline.

s.

UNCLASSIFIED

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Sent: Friday, 17 August 2018 1:41 PM
To: s. 22(1)(a)(ii)
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Grateful for your advice as to who is best to manage?

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Cheers, s.

UNCLASSIFIED

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Date: Friday, 17 August 2018 at 9:29:09 am
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[REDACTED]
Journalist



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ACIC Web Site: www.acic.gov.au

From: [Media Operations](#)
To: media@crimecommission.gov.au; [AFP National Media \[AFP\]](#)
Cc: [Media Operations](#)
Subject: FW: Stevan John Utah [SEC=UNCLASSIFIED]
Date: Friday, 17 August 2018 6:48:50 PM
Attachments: [image002.png](#)
[image003.png](#)

UNCLASSIFIED

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Department of Home Affairs

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Cc: s. 22(1)(a)(ii)
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 <afpnationalmedia@afp.gov.au>; media@acic.gov.au; Media Operations
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Subject: RE: Stevan John Utah [SEC=UNCLASSIFIED]

UNCLASSIFIED

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UNCLASSIFIED

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“(Mr Utah) alleges that he was told by the director that he was done from the program .. and that no other measure to protect him was available. Although the counter position is not before me, given the reasons or concerns by the director in providing protection to the claimant, I do accept that the authorities were either unwilling or unable to provide protection to him at that time.”

There is an outstanding warrant for Mr Utah’s arrest on fraud charges in Queensland. These were struck out by a Magistrate in Queensland when the Crown declared it had no evidence to offer in 2004, prior to him becoming a registered agent for the ACC. They were subsequently revived while he was an ACC registered agent. Mr Utah’s account was that there were repeated assurances by the ACC that they would provide to his lawyers a “sealed document” stating his role as a registered agent to submit to the court as part of the fraud proceedings. This account is backed by an email to Mr Utah from ACC officer [REDACTED] on August 22, 2006.

“Will you please contact my solicitor s. 47F(1) [REDACTED], he tells me you haven’t and is feeling rather anxious about your intentions in relation to a sealed document. Respectfully, I am beginning to feel the same anxiety.”

The reply from [REDACTED] [@crimecommission.gov.au](mailto:[REDACTED]@crimecommission.gov.au): “Relax.”

An email dated 28.8.2006 from Judge [REDACTED] DCJ in the fraud matter, through the email address of her associate, refers to the Complex issue of “Mr Utah’s fears for his safety”.

“I know nothing about what (if any) protection is currently being offered or could be offered... Obviously the matter must be clarified,” the judge said.

The IRB judgment states Mr Utah’s lawyer in Australia has approached four agencies with “jurisdiction to provide the claimant protective custody, given the nature of his evidence in the murder that he witnessed”. The lawyer testified that “no agency has come forward with taking on the claimant’s testimony and therefore no protective custody measures have been offered”. “Although the state should not be obliged to guarantee perfect protection, there does appear to the panel to be a broader pattern due to corruption, ineptness and structural difficulties that when confronted with motivated and capable OMCGs, such as the agent of harm in this case, that effective protection is not forthcoming, to informants and sources such as the claimant.” The IRB concluded: “Considering the evidence before the panel regarding the agent of harm, their motivation and capabilities in carrying out the threat against the claimant; the evidence that the state has not always been adequate in protecting informants or sources; further, that the state is currently not agreeing to place the claimant or assist the claimant in providing him protection, I find that the claimant has established with ‘clear and convincing evidence’ the state’s inability to provide operational adequate protection from the threat against him.”

The IRB finds Mr Utah would “more likely than not face a serious risk to his life, almost immediately on his return to Australia”. It finds there is a “significant bounty on his life”, naming a dollar figure on an active contract for his killing.

***Was the Foreign Minister aware of Mr Utah gaining asylum in Canada prior to this email?**

***Is the Foreign Minister concerned that an Australian citizen has been granted asylum in Canada on the grounds that the Australian state has failed to offer adequate protection?**

***Is the Foreign Minister concerned that a Canadian tribunal has found an apparent “broader pattern” of failures in Australia protecting sources and informants on bikie gangs “due to corruption, ineptness and structural difficulties”?**

***Is the Foreign Minister aware of any other case of an Australian citizen being granted refugee protection in another country?**

***Is the Foreign Minister concerned about this case undermining Australia’s reputation overseas, given the comparable evidentiary standards between Australian and Canadian institutions such as the IRB?**

***Does the Foreign Minister intend to raise this case in discussions with Canadian authorities?**



Journalist



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AFP Web site: <http://www.afp.gov.au>

From: Media
To: [Media](#); s. 22(1)(a)(ii)
Subject: FOR NOTING: ABC query [DLM=For-Official-Use-Only]
Date: Friday, 17 August 2018 5:02:54 PM
Attachments: [image003.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

Hello,

Please find ACIC response to the below for noting:

As a matter of policy the Australian Criminal Intelligence Commission (ACIC) will not comment on operational matters. This includes confirming or denying involvement in the ACIC's and the former Australian Crime Commission's human intelligence source (informants) capability.

Regards,

S. [REDACTED]
 [REDACTED]



AUSTRALIAN
**CRIMINAL
 INTELLIGENCE
 COMMISSION**

s. 22(1)(a)(ii)

Team Leader Strategic Communication
 Communication and Media

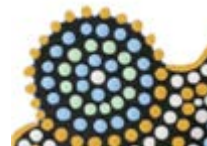
s. 22(1)(a)(ii)

E: media@acic.gov.au

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From: Media
Sent: Thursday, 16 August 2018 3:29 PM
To: s. 22(1)(a)(ii)
 [REDACTED]
 [REDACTED]
 [REDACTED]
 S. [REDACTED] 'media@homeaffairs.gov.au'
 17 <media@homeaffairs.gov.au>; s. 47E(d)
 [REDACTED]; Media <Media@crimcom.gov.au>
Subject: FOR INFO: ABC query [DLM=For-Official-Use-Only]
Importance: High

Hello,

FYI—we've received the below enquiry from the ABC relating to the former Australian Crime Commission. We are looking into this now. I imagine we may be limited in what we can say due

to operational/legislative reasons, but I'll let you know once I have some definitive advice.

Regards,

S.





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s. 22(1)(a)(ii)

Team Leader Strategic Communication
Communication and Media

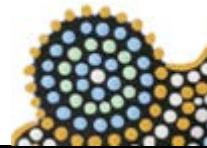
s. 22(1)(a)(ii)

E: media@acic.gov.au

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From:

Sent: Thursday, 16 August 2018 3:01 PM

To: Media <Media@crimecommission.gov.au>

Subject: ABC query

Good afternoon,

As discussed just now, I write to seek the ACIC's responses regarding the case of former Australian Crime Commission registered agent Stevan John Utah.

Could you please review this email and provide responses by 4pm on Sunday?

Thanks for your assistance.

...

Stevan John Utah (born 1 July 1968) was granted refugee protection by Immigration and Refugee Board of Canada on 29 September last year. It found he was a person in need of protection under 97 (1) of Canada's Immigration and Refugee Protection Act. The claim hearing date before the IRB's Refugee Protection Division was September 11.

***Was the ACIC aware of this ruling before receiving this email?**

The decision of the IRB states that Mr Utah has "established with reliable evidence that his removal to Australia would subject him personally to a risk of life".

It found: "In 2006, a press release by authorities divulging that they had a source in the particular OMCg, which given the information the authorities provided to the media, outed the claimant as an informant".

That refers to the Sunshine Coast Daily article of April 22, 2006.

In part that story said: "*But the Australian Crime Commission (ACC) commenced an*

Outlaw Motor Cycle Gangs (OMCG) intelligence operation in July last year, looking into the dealings of the 35 identified OMCGs in Australia.

“Two of those clubs have chapters on the Sunshine Coast the Bandidos and the Rebels.”

That starting date, July 2005, coincided with the period in which Mr Utah says he began re-inserting himself into the Bandidos as an informant to the ACC and others. The IRB notes Mr Utah’s account of being “confronted by the members of the OMCG with their suspicions of him being an informant”.

***Does the agency dispute the tribunal’s finding that it outed the claimant as an informant? On what basis?**

***Has the agency at any stage reviewed its media strategy or the actions of staff in the wake of this matter?**

The IRB notes his account that “protective measures in place by authorities were non-existent” following an attempted murder on him at a property now listed as 299 Delaney Creek Rd, Delaney’s Creek, north of Brisbane, and a threat on his life while in hospital at Caboolture. The judgment states that: “Initially on being threatened by the criminal organisation, the Australian authorities offered him protective custody.” But in 2006 he was removed from protective custody.

“I have no reason to discount the claimant’s account, an account that has been consistent regarding this issue for a number of years and his statements have been published in a documentary, book and the media and confirmed by expert witnesses at the hearing.”

The judgment notes these expert witnesses include two Canadian police who “both testified that they had confirmed the claimant’s allegations to them with Australian authorities and both considered the claimant’s allegations to be well-founded.”

“(Mr Utah) alleges that he was told by the director that he was done from the program .. and that no other measure to protect him was available. Although the counter position is not before me, given the reasons or concerns by the director in providing protection to the claimant, I do accept that the authorities were either unwilling or unable to provide protection to him at that time.”

***Why did the agency withdraw its offer of protective custody given the ongoing threat posed to Mr Utah as a result of him having assisted the agency?**

The judgment states Mr Utah’s lawyer in Australia has approached four agencies with “jurisdiction to provide the claimant protective custody, given the nature of his evidence in the murder that he witnessed”. The lawyer testified that “no agency has come forward with taking on the claimant’s testimony and therefore no protective custody measures have been offered”. The IRB finds Mr Utah would “more likely than not face a serious risk to his life, almost immediately on his return to Australia”. It finds there is a “significant bounty on his life”, naming a dollar figure on an active contract for his killing.

***How long has the agency been aware of evidence of a contract against Stevan Utah’s life?**

***Why has the agency not revived its offer of protective custody given the evidence in the murder he has? And why not, given that the IRB has found “clear and convincing evidence” of Mr Utah’s fears that if he returns to Australia to face fraud charges in Queensland “without protective custody or arrangements, he would be killed by the gang or its affiliates”?**

The IRB notes that Mr Utah since 2007 has been “involved in a number of presentations and conferences for police in regard to serious criminality, corruption, source handling and drug manufacturing and distribution”. He has given assistance to Canadian, US and European law enforcement.

***Why would the public not see Mr Utah's engagement by overseas law enforcement as evidence of his mishandling by Australian authorities, including the agency, and a wasted opportunity for local law enforcement - given the subsequently increased interest in targeting OMCGs in Australia and ongoing difficulty in securing witnesses to make prosecutions of OMCG members stick?**

Mr Utah's fraud charges were struck out by a Queensland magistrate when the crown signalled no evidence to offer at the end of a hearing that led to his extradition to Victoria to face murder charges that were subsequently withdrawn. At a subsequent Brisbane Magistrates Court hearing, a police officer confirmed that a decision had been made by a senior commissioned officer to discontinue the charges on 1 November 2004.

The fraud charges were revived in May 2005. Mr Utah's account was that there were repeated assurances by the ACC that they would provide to his lawyers a "sealed document" stating his role as a registered agent to submit to the court as part of the fraud proceedings. This account is backed by an email to Mr Utah from ACC officer [REDACTED] on August 22, 2006.

"Will you please contact my solicitor s. 47F(1) [REDACTED], he tells me you haven't and is feeling rather anxious about your intentions in relation to a sealed document. Respectfully, I am beginning to feel the same anxiety."

The reply from [REDACTED] @crimecommission.gov.au: "Relax."

An email dated 28.8.2006 from Judge [REDACTED] DCJ in the fraud matter, through the email address of her associate, refers to the Complex issue of "Mr Utah's fears for his safety".

"I know nothing about what (if any) protection is currently being offered or could be offered... Obviously the matter must be clarified," the judge said.

***Why did the ACC through at least one of its agents indicate a sealed document would be provided and it subsequently wasn't?**

***Was the ACC approached about any possible steps to provide Mr Utah with protective custody in relation to this court matter?**

The IRB states that Mr Utah has met the "higher evidentiary burden" that applies when attempting to show a highly-functioning democratic state like Australia is unable or unwilling to provide adequate protection to a citizen.

It considered evidence including the 2015 ACC report on organised crime threats, and reports of leaks and examples of OMCGs compromising police investigations and putting informers at risk. It states: "The evidence does show that the Australian authorities have had failures in protecting information and sources from OMCGs."

"Although the state should not be obliged to guarantee perfect protection, there does appear to the panel to be a broader pattern due to corruption, ineptness and structural difficulties that when confronted with motivated and capable OMCGs, such as the agent of harm in this case, that effective protection is not forthcoming, to informants and sources such as the claimant."

The IRB concluded: "Considering the evidence before the panel regarding the agent of harm, their motivation and capabilities in carrying out the threat against the claimant; the evidence that the state has not always been adequate in protecting informants or sources; further, that the state is currently not agreeing to place the claimant or assist the claimant in providing him protection, I find that the claimant has established with 'clear and convincing evidence' the state's inability to provide operational adequate protection from the threat against him."

***What steps has the agency taken to address the failure in its operations that resulted in one of its former registered agents being granted asylum overseas?**

***How does the agency respond to the IRB findings about its central role in the state's inability**

to give adequate protection from the threat against Mr Utah?

*What lessons for improvement has the agency drawn from its role in the case of Stevan Utah?

*What steps has the agency taken to improve its coordination on operations with other Australian police agencies?

*What steps will the agency take to improve public confidence in its ability to effectively and responsibly deal with its informants?



Journalist



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