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Attachment A

# REPORT: SECTION 15LD CRIMES ACT 1914

## AUTHORITIES FOR ASSUMED IDENTITIES

1 July 2023 – 30 June 2024

### Purpose of this Report

Part IAC of the *Crimes Act 1914* (the Act) provides a statutory scheme for law enforcement agencies, defined in section 15K of the Act to include the Department of Home Affairs (the Department), to grant authorities for law enforcement officers to acquire or use assumed identities where it is necessary for one or more purposes listed in subsection 15KB(2) of the Act.

Under Part IAC, the Chief Officer of each law enforcement agency (or their delegate) may grant an authority to acquire or use assumed identities.

This report complies with the requirements of section 15LD of the Act in relation to authorities for assumed identities acquired and used by authorised law enforcement officers in the Department under Part IAC of the Act.

Under subsection 15LD(1), the Department is required to provide a report to the Minister administering the *National Anti-Corruption Commission Act 2022* (the **NACC Minister**) as soon as practicable after the end of the financial year, detailing:

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

Subsection 15LD(3) of the Act requires the NACC Minister to cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after the day on which the NACC Minister receives the report.

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**Department of Home Affairs Report on use of Assumed Identities pursuant to section 15K of the Act.**

During the 2023-24 financial year:

- a) there were zero new authorities granted
- b) assumed identities were used by authorised law enforcement officers within the Department for surveillance activities undertaken for investigation and intelligence gathering in relation to criminal activities under the *Customs Act 1901* and *Migration Act 1958* (Cth)
- c) zero applications for authorities were refused
- d) zero authorities were transferred by the chief officer
- e) zero authorities were transferred to the chief officer
- f) a review of the use of assumed identities was conducted in October 2023 and did not identify any instances of fraudulent or unlawful activity by law enforcement officers in the Department
- g) two authorities were cancelled.