

Our ref: CRM 2015/370

1 June 2015

Mr Markus Pfister
By email: foi+request-1003-974aee16@righttoknow.org.au

Dear Mr Pfister,

Your Freedom of Information Request

I refer to your application dated 6 March 2015 under the *Freedom of Information Act 1982* (the Act) seeking the following:

"the document(s) recording the decision and the reasons for that decision to inform the Indonesian authorities of the plans, identities, etc. of the Bali 9."

Attached at Annexure A to this letter is my decision and statement of reasons for that decision. A "Schedule of Documents" identified as falling into the scope of your request is at Annexure B.

The AFP would like to draw the applicant's attention to the fact that paragraph released on Folio 21 does not, in the AFP's view, accurately record the decision regarding consultation with the Indonesian National Police (INP). We wish to draw your attention to Folio 15, which records the AFP's decision to allow the INP to 'take whatever action they deem appropriate if narcotics are found...'.

Information Publication Scheme (IPS)

As notified to you on 11 March 2015 and in accordance with section 11C of the Act, it has been decided to publish the documents in respect of your request. Publication of the documents and any relevant documents will be made on the AFP website at <http://www.afp.gov.au/about-the-afp/information-publication-scheme/routinely-requested-information.aspx> between 5 and 10 days after notification of this decision.

Yours sincerely,



Nathan Scudder
Coordinator
Freedom of Information
Australian Federal Police

STATEMENT OF REASONS RELATING TO AN FOI REQUEST BY MARKUS PFISTER

I, Nathan Scudder, Coordinator, Freedom of Information Team, am an officer authorised under section 23 of the *Freedom of Information Act 1982* (the Act) to make decisions in relation to the Australian Federal Police.

What follows is my decision and reasons for the decision in relation to your application.

BACKGROUND

On 6 March 2015, this office received your application in which you requested:

"the document(s) recording the decision and the reasons for that decision to inform the Indonesian authorities of the plans, identities, etc. of the Bali 9."

On 18 March 2015, you agreed to an extension of time pursuant to section 15AA of the Act.

On 22 May 2015, the Office of the Australian Information Commissioner approved an extension under section 15AC of the Act, until 2 June 2015.

SEARCHES

In relation to this request, a search of all records held by AFP case officers with responsibility for matters relating to the documents to which you sought access was undertaken.

DECISION

I have identified 11 documents relevant to your request. A schedule of each document and details of my decision in relation to each document is at Annexure B.

I have decided that all of the documents that relate to your request are released with deletions pursuant to subsection/s 22(1)(a)(ii), 37(2)(b), s33(a)(iii), sections 47C and 47F of the Act.

My reasons for this decision are set out below.

Further, given that the request has exceeded all statutory timeframes as outlined at Section 15 of the Act, the AFP is not able to impose any fees or charges as outlined at Regulation 5(2)&(3) of the *Freedom of Information (Charges) Regulations 1982*.

REASONS FOR DECISION

Folios to which subsection 22(1)(a)(ii) apply:

Subsection 22(1)(a)(ii) of the Act provides that where an agency or Minister decides that to grant a request for access to a document would disclose information that would reasonably be regarded as irrelevant to that request, the agency must provide an edited copy of that document if it is possible to edit the document in such a way as to not disclose information irrelevant to the request.

The documents or parts of documents identified in the Schedule as exempt under this section of the Act contain information which is considered irrelevant to the request. This is because these exempt folios cover information which refers to other issues which are not mentioned in your FOI application.

I find that release of the documents or parts of the documents would be an unreasonable disclosure under subsection 22(1)(a)(ii) of the Act.

Folios to which subsection 33(a)(iii) apply:

Subsection 33(a)(iii) of the Act provides that:

"A document is an exempt document if disclosure of the document under this Act:

- (a) would, or could reasonably be expected to, cause damage to:*
- ...*
- (iii) the international relations of the Commonwealth..."*

The documents or parts of documents identified in the Schedule as exempt under this section of the Act relates to information shared between the Commonwealth and an agency of a foreign government. The information was provided between the AFP and a foreign government for investigative purposes on the understanding that it would only be used for that purpose and not be disseminated further. I am satisfied that to grant access to the information would, or could reasonably be expected to cause damage to the international relations of the Commonwealth. If these documents were to be released, it would be likely to inhibit the exchange of information to the AFP.

I find that release of the documents or parts of the documents would be an unreasonable disclosure under subsection 33(a)(iii) of the Act.

Folios to which subsection 37(2)(b) apply:

Subsection 37(2)(b) of the Act provides that:

- "(2) A document is an exempt document if its disclosure under this Act would, or could reasonably be expected to:*
- ...*

- (b) *disclose lawful methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law the disclosure of which would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures;*"

The documents or parts of documents identified in the Schedule as exempt under this section of the Act contain information that would disclose methods and procedures used by the AFP in investigations of breaches of the law. Disclosure of this information would be reasonably likely to prejudice the effectiveness of those methods and procedures as these methods and procedures are not generally known to the public.

I find that release of the documents or parts of the documents would be an unreasonable disclosure under subsection 37(2)(b) of the Act.

Folios to which section 47C apply:

Section 47C of the Act provides that:

- "(1) A document is conditionally exempt if its disclosure under this Act would disclose matter (**deliberative matter**) in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of an agency or Minister or of the Government of the Commonwealth."*

The documents or parts of documents identified in the Schedule as exempt under this section of the Act contain information, the release of which, is exempt on the grounds that it is an internal working document of the AFP. Provision of these folios would disclose matter in the nature of consultation and deliberation that has taken place for the purposes of the deliberative processes involving the operational functions of the Australian Federal Police.

Further, the document records advice, recommendations and opinion in material prepared by the AFP during which time members were required to communicate directly, freely and confidentially on issues which are considered to be sensitive.

Subsection 47C(2) provides that:

- "...
(2) Deliberative matters does not include either of the following:*
 - (a) operational information (see section 8A);*
 - (b) purely factual material.*

As the this information concerns the process of forming a judgment, I am satisfied that this information is not purely factual material and therefore is not excluded under subsection 47C(2) of the Act.

I have considered the public interest factors both in favour and against disclosure of the information in these folios to determine whether disclosure would be contrary to the public interest.

In relation to the factors favouring disclosure, I believe the following are relevant:

- (a) the general public interest in access to documents as expressed in sections 3 and 11 of the FOI Act; and
- (b) the public interest in people being able to scrutinise the operations of a government agency and in promoting governmental accountability and transparency.

In relation to the factors against disclosure, I believe that the following are relevant:

- (c) if such information was disclosed, it would restrict the ability of AFP employees in future to record their opinions directly, freely and confidentially during an investigation process;
- (d) the substance of the decision made in relation to this matter has already been publicly disclosed.

I have considered the public interest factors both in favour and against disclosure and in my view, in relation to these documents, the factors at (c) and (d) against disclosure outweigh the factors in favour of disclosure. I find that release of the documents or parts of the documents would be an unreasonable disclosure under section 47C of the Act.

Folios to which section 47F apply:

Section 47F of the Act provides that:

- “(1) A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).”*

The documents or parts of documents identified in the Schedule as exempt under this section of the Act contain personal information of third parties. Personal information is information or an opinion about an individual whose identity is known or easily ascertainable. I find that these documents contain personal information.

I have considered the public interest factors both in favour and against disclosure of the information in these folios.

In relation to the factors favouring disclosure, I believe the following are relevant:

- (a) the general public interest in access to documents as expressed in sections 3 and 11 of the FOI Act;
- (b) the extent to which the information is well known;
- (c) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the documents;
- (d) the availability of the information from publicly accessible sources;
- (e) the current relevance of the information; and
- (f) the circumstances in which the information was obtained and any expectation of confidentiality.

In relation to the factors against disclosure, I believe that the following are relevant:

- (g) prejudice the protection of an individual's right to privacy;
- (h) impede the flow of information to the police;
- (i) if such information was disclosed, it may prejudice the welfare and safety of individuals.

While there is a public interest in providing access to documents held by the AFP, I have given greater weight to factors (g) to (i) above and conclude that on balance, disclosure is not in the public interest. The AFP has not received consent regarding the release of some personal information regarding this request. Indeed, the AFP has received information which suggests that some individuals are concerned for their welfare and safety should their personal information be disclosed. Disclosure of that information in those circumstances would be contrary to an individuals' right to the protection of their personal privacy. I find that the release of these documents or parts of documents would be an unreasonable disclosure of personal information and are therefore exempt under section 47F of the Act.

EVIDENCE/MATERIAL ON WHICH MY FINDINGS WERE BASED

In reaching my decision, I have relied on the following documentary evidence:

- ❖ the scope of your application;
- ❖ the contents of the documents listed in the attached schedule;
- ❖ advice from AFP officers with responsibility for matters relating to the documents to which you sought access;
- ❖ consultation with relevant Commonwealth Agencies;
- ❖ consultation with third parties;
- ❖ *Freedom of Information Act 1982*;
- ❖ Guidelines issued by the Department of Prime Minister and Cabinet; and
- ❖ Guidelines issued by the Office of the Australian Information Commissioner.

**** YOU SHOULD READ THIS GENERAL ADVICE IN CONJUNCTION WITH THE LEGISLATIVE REQUIREMENTS OF THE FREEDOM OF INFORMATION ACT 1982.**

REVIEW AND COMPLAINT RIGHTS

If you are dissatisfied with a Freedom of Information decision made by the Australian Federal Police, you can apply for an internal or Information Commissioner (IC) Review. You do not have to apply for Internal Review before seeking an IC review.

You do not need to seek a review by either the AFP or the IC should you wish to complain about the AFP's actions in processing your request.

REVIEW RIGHTS under Part VI of the Act

Internal Review by the AFP

Section 53A of the Act gives you the right to apply for an internal review in writing to the Australian Federal Police (AFP) within 30 days of being notified of a decision. No particular form is required. It would assist the independent AFP decision-maker responsible for the internal review if you set out in the application, the grounds on which you consider that the decision should be reviewed.

Section 54B of the Act provides that the internal review submission must be made within 30 days. Applications for a review of the decision should be addressed to:

Freedom of Information
Operations Support
Australian Federal Police
GPO Box 401
Canberra ACT 2601

REVIEW RIGHTS under Part VII of the Act

Review by the Information Commissioner (IC)

Alternatively, Section 54L of the Act gives you the right to apply directly to the IC or following an internal review by the AFP. In making your application you will need to provide an address for notices to be sent (this can be an email address) and a copy of the AFP decision. It would also help if you set out the reasons for review in your application.

Section 54S of the Act provides for the timeframes for an IC review submission. For an *access refusal decision* covered by subsection 54L(2), the application must be made within 60 days. For an *access grant decision* covered by subsection 54M(2), the application must be made within 30 days.

Applications for a review of the decision should be addressed to:

Office of the Australian Information Commissioner
GPO Box 2999
Canberra ACT 2601

On 13 May 2014, as part of the 2014-15 Federal Budget, the Government announced that the OAIC would be abolished effective from 31 December 2014. The Freedom of Information Amendment (New Arrangements) Bill 2014, which proposes the closure of the Office of the Australian Information Commissioner (OAIC) on 31 December 2014, was not considered by the Senate before the end of the 2014. The OAIC will therefore remain operational until further notice. In the meantime, Information Commissioner reviews will continue to be handled by the OAIC.

For details on how this will affect the processing of IC review applications, visit www.oaic.gov.au/info-on-oaic-shut-down-and-foi-reviews-and-complaints.

The OAIC encourages parties to an IC review to resolve their dispute informally, and encourages agencies to consider possible compromises or alternative solutions to the dispute in this matter. The AFP would be pleased to assist you in this regard.

Further information about the process for IC review can be found in Part 10 of the Guidelines which are available at

<http://www.oaic.gov.au/publications/guidelines.html>.

RIGHT TO COMPLAIN under Part VIIB of the Act

Section 70 of the Act provides that a person may complain to the IC about action taken by the Australian Federal Police in relation to your application.

A complaint to the IC may be made in writing and identify the agency against which the complaint is made.

The IC may be contacted on 1300 363 992. There is no particular form required to make a complaint, but the complaint should set out the grounds on which you consider the action should be investigated.

REASONS FOR DECISION – PFISTER
RELEASE OF DOCUMENTS – CRM 2015/370

Document No	Folio No	Date	Author/Addressee	Description	Exemption/Public Interest Claimed	Reason
1	1	7/4/05	AFP	Email - Request for STP	Released with deletions: Folios: 1	<p>s47F Deletions are made on the grounds that disclosure would involve the unreasonable provision of personal details of people other than the FOI applicant. Access must be given unless it would be contrary to the public interest.</p> <p>s47C To grant access to the document would disclose information in the nature of, or relating to opinion, advice or recommendation obtained/prepared in the course of the deliberative processes of an agency. Access must be given unless it would be contrary to the public interest.</p>

B

2	2	8/4/05	AFP	Referral evaluation	Released with deletions: Folios: 2	s47F s33(a)(iii) Deletions are made on the grounds that disclosure would, or could reasonably be expected to cause damage to the international relations of the Commonwealth.
3	3	8/4/05	AFP	Email - Reply to request for STP	Released with deletions: Folios: 3	s47F s47C
4	4	8/4/05	AFP	Planning Details – Draft Standard Tactical Plan	Released with deletions: Folios: 4	s47F s37(2)(b) Deletions are made on the grounds that release would disclose lawful methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law the disclosure of which would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures.

B

5	5-13	8/4/05	AFP	AFP Planning document	Released with deletions: Folios: 6-7, 9-13	S37(2)(b) s47F s33(a)(iii) s22(1)(a)(ii) Exempted material would disclose information that would reasonably be regarded as irrelevant to the request. s47F
6	14	8/4/05	AFP	Promis task	Released with deletions: Folios: 14	s47F
7	15	8/4/05	AFP	Critical Decision case note	Released with deletions: Folios: 15	s47F
8	16-17	11/4/05	AFP	Official Liaison Communication	Released with deletions: Folios: 16-17	s47F s37(2)(b) s33(a)(iii) s22(1)(a)(ii)
9	18-19	17/4/05	AFP	Critical decision case note	Released with deletions: Folios: 18-19	s47F s37(2)(b)
10	20-23	25/4/05	AFP	Minute – Request for assistance from Sydney Office.	Released with deletions: Folios: 20-23	s47F s22(1)(a)(ii)

11	24-50	Undated	AFP	Investigations/Admin running sheet	Released with deletions: Folios: 24-50	s47F s22(1)(a)(ii)
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Authorised Decision Maker:

Nathan Scudder
Coordinator
Freedom of Information
Operations Support
Australian Federal Police



Date of Decision:

1 June 2015

Brew, Lisa

From: s47F
Sent: Thursday, 7 April 2005 4:17 PM
To: Bodel, Peter; s47F
Cc: s47F
Subject: FW: Promis 3372730

Peter and s47F

As discussed, can you please submit an STP for this job bearing in mind the outcomes of our discussion, the considerations and recommendations made by s47F in his OLC.

Thanks,

s47F

s47F

From: s47F
Sent: Thursday, 7 April 2005 2:39 PM
To: s47F
Cc: s47F
Subject: Promis 3372730

s47F

s47C from the case officer on what plan is intended for this investigation.

s47F has been informed not to ask for surveillance this date and is sending an OLC to Brisbane office requesting your decision on the consequences of conducting surveillance etc.

NMBIN and I are not unopposed to having INP in Bali briefed but with the understanding BO is aware of the possible actions that they may take. NMBIN wants BO to make a definitive decision on what they intend to do so he can brief DC and be prepared for any outcomes.

Please prepare a STP and OLC with your intended actions.

regards

s47F

REFERRAL EVALUATION FORM

PROMIS Case No:3372730

Case Officer: [REDACTED] s47F

The OMC have completed the following details for this case:

Task	Date Completed	OMC member
Client details added	4/February/2005	[REDACTED] s47F
CCPM added	8/February/2005	
All entities added to case	5/February/2005	
Correspondence from client uploaded	4/February/2005	
Case note: Summary of Referral to OC	7/April/2005	
Case note: Date to go to OC	7/April/2005	

Is this referral politically sensitive? NO

Is this referral media sensitive – already known to media or a probable likelihood that media could be aware of referral? YES

Is this referral rated as being of high importance to the AFP? NO

Could this referral impact on AFP relationships with external stakeholders? NO

If YES is answered to any of the questions the Office Manager and Functional Manager should be briefed that this referral has been received by the AFP. The referral needs to be brought immediately to the attention of TL in the OMC and/or COMC to facilitate this briefing.

Does this referral require evaluation urgently to determine if AFP resources should be allocated to it immediately?

If YES is answered to this question the referral should be evaluated by an out of session OC. The COMC needs to be made aware of this referral to convene the OC forum.

OC Meeting	
Persons Present: <i>TCEE-OC forum</i>	
Date / Time held: <i>10am 8/4/05</i>	
Decision: <i>Referring 37 Referrals Office. Inquiries been made</i>	
<i>SO members to go in response capacity</i>	

Task	Date Completed	OMC Member
Critical Decision CNE – Outlining decision of OC	8/4/05	[REDACTED] s47F
Uploaded Handwritten Notes of OC	11/4/05	
Faxed Acceptance/Rejection letter to complainant and uploaded into PROMIS		
If Case Accepted		
QCMR box updated for Commonwealth Client		
Blue folders copied into case		
Case Status changed to 'Active investigation/Project' and correct status reason selected.		
Case Transferred to case officer		

(5/04/2004)

Bodel, Peter

From: [REDACTED] s47F
Sent: Friday, 8 April 2005 10:23 AM
To: [REDACTED] s47F
Cc: Bodel, Peter
Subject: FW: stp
Attachments: STANDARD TACTICAL PLAN .doc

[REDACTED] s47F

As requested, attached is the draft STP for the courier job. [REDACTED] s47C I've also forwarded this as a task to you in Promis.

'Cheers'

[REDACTED] s47F

From: Bodel, Peter
Sent: Friday, 8 April 2005 9:18 AM
To: [REDACTED] s47F
Subject: stp

Please have a look

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PLANNING DETAILS

ID: 3979972
Title: DRAFT STANDARD TACTICAL PLAN
Author: PETER BODEL
Date Written: 08/04/2005
Description:

Source Type: Source ID:
Export to A.B.C.I. NO Date Last Exported:

INVOLVEMENTS:

Involvement Type:	Involved Object:	Object ID:
08/04/2005		s37(2)(b)
08/04/2005		
08/04/2005		
08/04/2005		

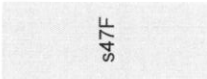
NOTICE ADDRESSEES:

User Name: Date Created:

LINKS:

Category:	Link Type:	Title To:
RELATES TO	OVERSEAS LIAISON COMMUNICATION	s37(2)(b)

HISTORY:

Operation:	User Name:	Operation Date:
Insert		08/04/2005 10:41:19
Update		08/04/2005 10:43:17
Update	BODEL, Peter	25/04/2005 18:48:34
Update	BODEL, Peter	05/10/2005 20:54:48

References:

Reference Type: Reference:

IMAGES:

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STANDARD TACTICAL PLAN

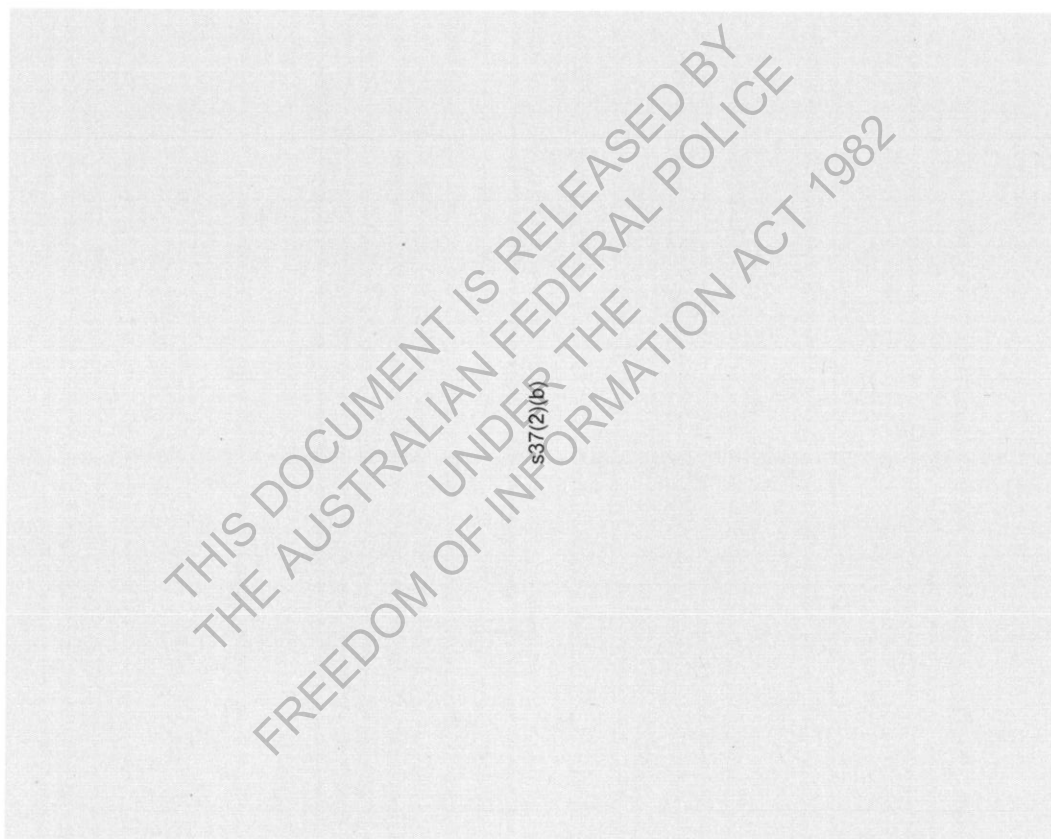
OPERATION MIDSHIP

PROMIS 3372730

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MISSION	3
EXECUTION	3
ADMINISTRATION	5
<div data-bbox="359 432 762 636" data-label="Text"><p>s22(1)(a)(ii)</p></div>	6
.....	6
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COMMUNICATIONS.....	9
SITUATION	



AFP enquiries revealed that Andrew CHAN

s47F

 organised travel for some of the December 2004 couriers. Travel movements show that CHAN has travelled previously to Bali in August 2004 (11 days) and October 2004 (7 days).

On Sunday 3 April 2005, CHAN departed Sydney for Denpasar, Bali.

s37(2)(b)

 indicates that he is booked to stay at the Hard Rock Café Kuta.

s37(2)(b)

 It is

s37(2)(b)

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believed that CHAN has travelled to Indonesia to facilitate the arrival of the couriers and to arrange collection of the narcotics from the source in Bali.

On Wednesday 6 April 2005 four suspected couriers departed Sydney for Denpasar on AO7829:

- Renae LAWRENCE bn [REDACTED] s47F
- Matthew NORMAN bn: [REDACTED] s47F
- Martin STEPHENS bn: [REDACTED] s47F
- Si Yi CHEN bn: [REDACTED] s47F (address tba).

[REDACTED] s37(2)(b)

On 8 April 2005, three more suspected couriers departed from Sydney:

Tan Duc NGUYEN Bn [REDACTED] s47F
Michael CZUGAJ Bn: [REDACTED] s47F and
Scott RUSH Bn [REDACTED] s47F

[REDACTED] s47F CZUGAJ and RUSH both obtained their passport on 4 April 2005. All are booked to return to Australia on 17 April 2005. [REDACTED] s47F

MISSION

To fully identify and arrest all persons involved in this criminal enterprise to import into Australia a prohibited import from Indonesia. To target any assets suspected of being derived from the proceeds of crime.

EXECUTION

There are at least two possible scenarios for the interdiction phase of this operation. It should be highlighted that the execution phase of this operation may be conducted in conjunction with surveillance of identified targets, arrest

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of offenders and search warrant executions in Indonesia by the Indonesian National Police (INP).

The principle objective of any narcotics investigation is to disrupt the criminal syndicate's ability to mount future importations. To achieve this objective the source of narcotics in Bali must be identified and arrested. The arrest and prosecution of the facilitators and recipient of the narcotics in Australia must also be a primary objective. Arresting the couriers alone will not stop future importations as the syndicate will recruit more couriers. It is worth noting that at least another four suspect couriers have been identified in Australia.

All scenarios involve the INP placing CHAN under surveillance to obtain evidence of his interaction with the couriers and possibly identify the source of the narcotics in Indonesia.

There is a risk that the INP may intercept the couriers/facilitator in Indonesia if they believe they are in possession of narcotics. This must be accepted as an acceptable consequence of disclosure. The INP will be requested to defer any overt action unless they have positively established the presence of the narcotics. This group has previously unsuccessfully attempted an import in December and thus any early interdiction may result in no arrests or seizure of narcotics.

Scenario 1 – Interdiction in Bali

INP arrests CHAN, couriers and source in Bali. AFP undertakes search warrants in Australia depending on what offenders arrested in Bali disclose.

Positives:

- Syndicate nearly dismantled.
- Little resource implications for AFP.

Negatives:

- Recipient in Australia not identified.
- Possible negative media implications regarding 5 Australians facing death penalty arising from AFP information.
- AFP unable to assist INP once charges are placed against offenders due to the death penalty.
- Offenders facing death penalty

Scenario 2

CHAN and all of the couriers return to Australia on Friday 15 April 2005. Arrest CHAN and couriers, INP to execute search warrants on source targets in Bali. AFP execute search warrants all targets premises in Australia

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Positives:

- Better chance to obtain evidence linking narcotics to recipient.
- Offenders not facing death penalty
- Positive media coverage.

Negative:

- Short term resource implications.
- Risk source not being in possession of narcotics.

NOTE: NMB in consultation with NMBIN has made decision that Scenario One will be pursued.

s33(a)(i)

33(a)(i)

s47F

s47F

s37(2)(b)

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ADMINISTRATION

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s22(1)(a)(iii)

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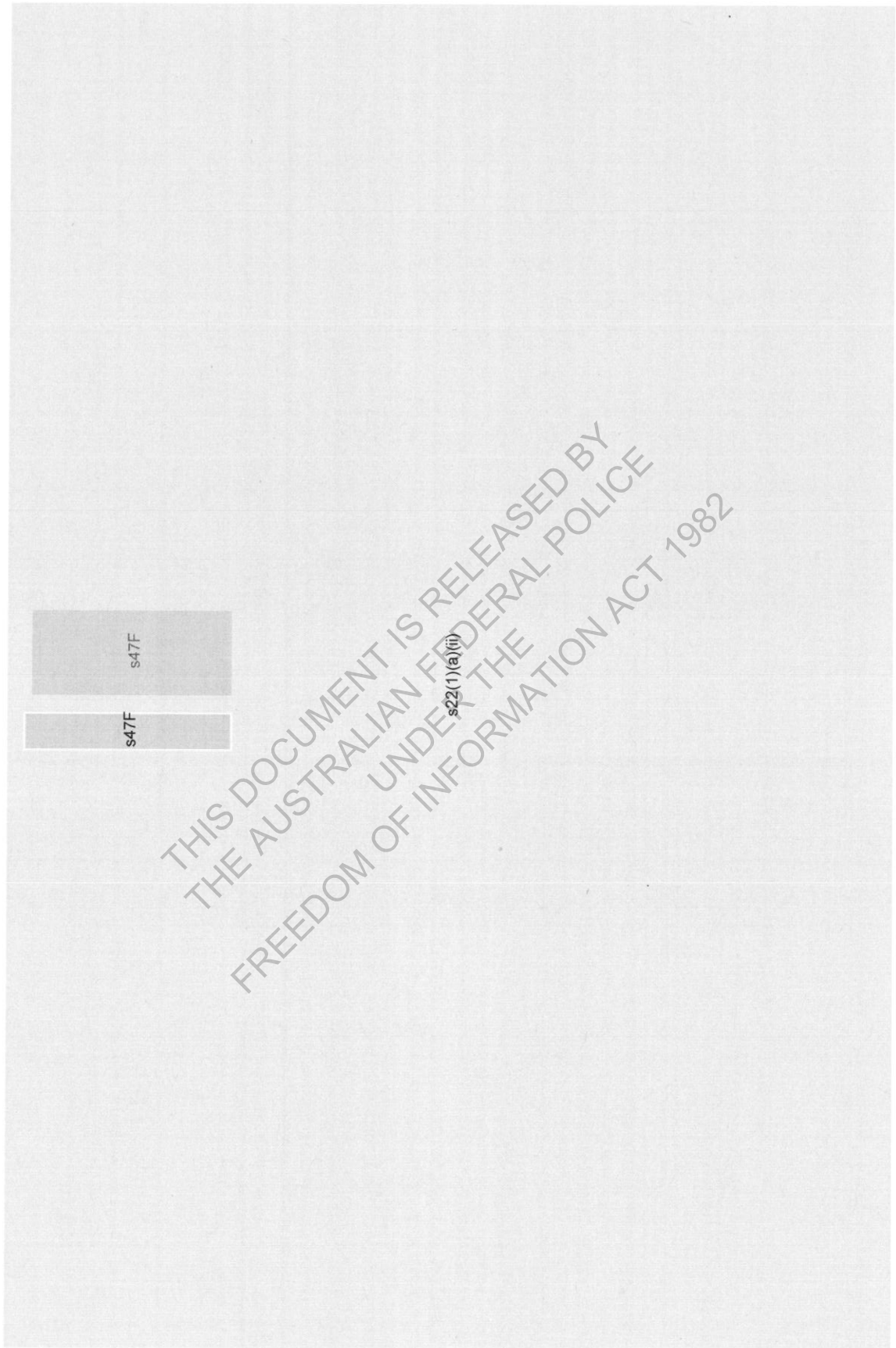
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s22(1)(a)(iii)

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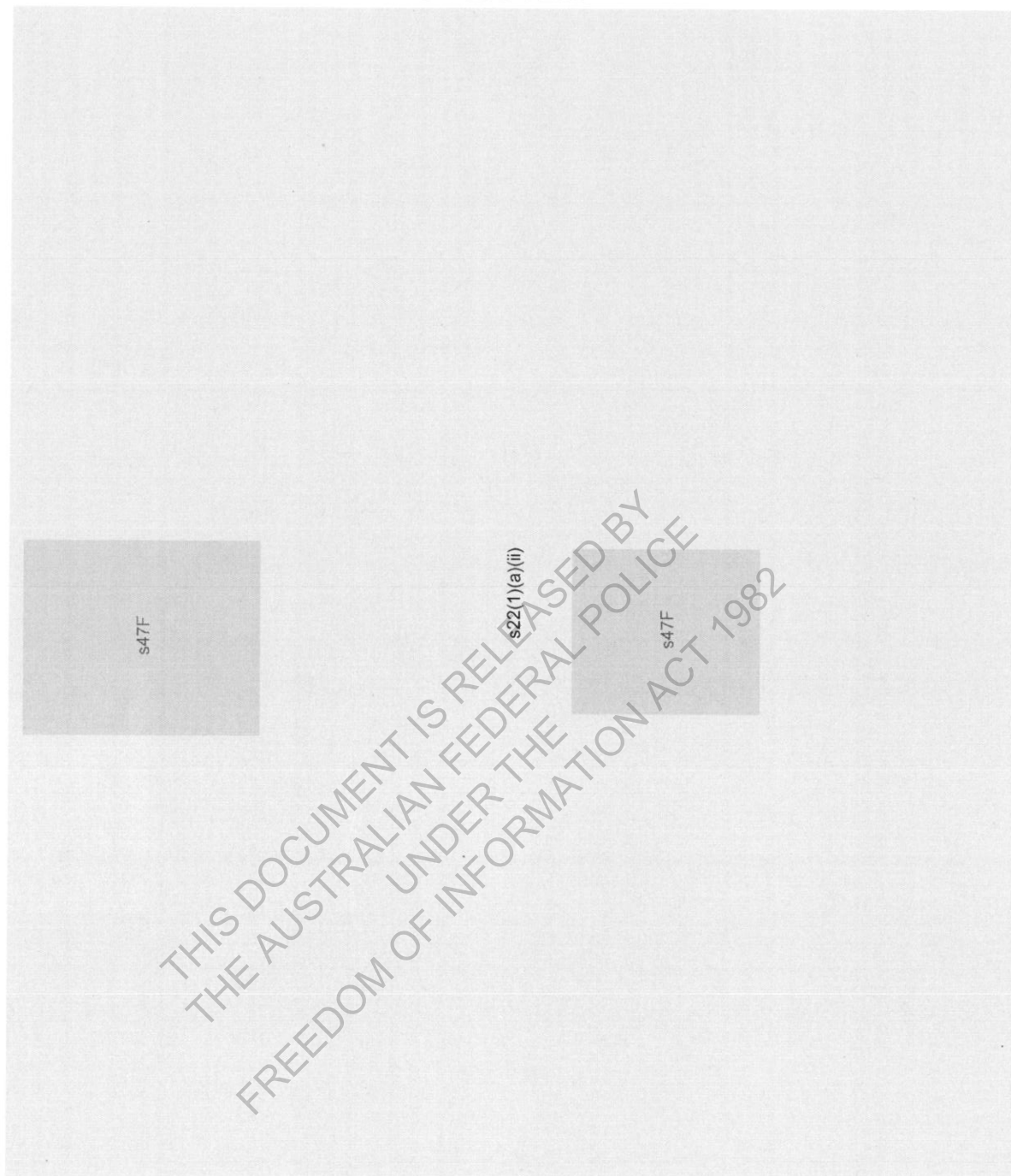
s47F

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s22(1)(a)(ii)

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s22(1)(a)(ii)

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Task Details

Task ID: 3421101 All Quick View

Date Created: 08/04/2005 14:33:56

Date Sent: 08/04/2005 14:33:56

Date Completed: 08/04/2005 15:52:45

Expected
Completion Date:

Case ID: 3372730

Priority: Normal

Task Type: GENERAL

Task Status: COMPLETED

Subject: Results of TCCC OC

Details: Peter,

MB has advised that the TCCC has decided not to transfer this case to SO as there is currently no capacity at that office to investigate the matter. Therefore, BO will retain carriage of the matter. MB also advised that in consultation with NMBIN, the most appropriate course of action is to go ahead with the Scenario 1 option in the STP.

Could you please prepare an OLC for the SLO in Bali requesting that he brief the INP and request assistance as per the STP.

TCCC will forward the results of the TCCC OC in due course.

S47F

Originator

Date Sent:
08/04/2005
14:33:56

Name:



S47F

No Attachments from the Originator

Recipients

Action Recipient

Date Sent:	Name:	Expected Completion Date:	Interim Results:	Status:
08/04/2005 14:33:56	BODEL, Peter (AFP5285)	N/A	Not Required	COMPLETED

Results

Date	Type	Submitted by	Result Text
08/04/2005 14:43:12	FINAL	BODEL, Peter	Noted. S47F has been verbally briefed on this update

No Attachments from this Recipient

Information Recipient

Date Sent:	Name:	Status:
08/04/2005 14:33:56	S47F	COMPLETED

Results

Date	Type	Submitted by	Result Text
08/04/2005 15:52:45	FINAL	S47F	noted

Australian Federal Police - Production
Case Note: (143023309) CD - 08/04/05 - TCCC-OC Decision

Case Note

ID: 143023309
Date Created: 08 Apr 2005 16:55
Title: CD - 08/04/05 - TCCC-OC Decision
Note Type: CRITICAL DECISION
Applies To: [REDACTED] s47F

Details:
Persons Involved:

TCCC-OC forum as per Minutes of TCCC-OC (Meeting 08 April 2005)

Issue:

Evaluate request from Brisbane Office for case to be transferred to Sydney Office.

Decision:

Investigation is to remain with Brisbane Office. Liaison has been conducted between Brisbane Office and INP through the Liaison Network so that INP are briefed in relation to the syndicate. INP have been requested to assist with the identification of the source of the drugs and the organisers and INP will take whatever action they deem appropriate if narcotics are found on the people as they attempt to leave Bali. On this basis it is expected that Sydney Resources at this stage would only be required if the people were not identified before they returned to Australia. If they did arrive in Australia AFP action would have to be serviced by Response members within Sydney.

[REDACTED] s47F
(amendment to this entry was done by [REDACTED] s47F on 14/10/05 to reflect the actual discussions and decision.)

[REDACTED] s47F
MTCCC.

Involvements:

Case ID	Log #	Title	Created By	Date Created
3372730	373	OPERATION MIDSHIP	[REDACTED] s47F	08 Apr 2005 16:55

Attachments:

No Attachments.

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Classification:

PROTECTED

Priority: **High**

Date Sent: 11 April, 2005

Subject / Persons / Organisations:

Operation Midship - Andrew CHAN bn: [REDACTED] s47F – Importation of narcotics from Bali

Suspect couriers:

Renae LAWRENCE bn: [REDACTED]

Matthew NORMAN bn: [REDACTED] s47F

Martin STEPHENS bn: [REDACTED]

Si Yi CHEN bn: [REDACTED] s47F

Tan Duc Thanh NGUYEN bn: [REDACTED] s47F

Michael William CZUGAJ bn: [REDACTED]

Scott Anthony RUSH bn: [REDACTED] s47F

Australian File and Folio:

Liaison Office File and Folio:

Operational Area / Case Officer: Peter Bodel

To: Asia Desk

Attention: BO operations

Cc:

From:

[REDACTED] s47F

PROMIS Case Id: 3372730

Reply to File and Folio:

Information:

[REDACTED] s37(2)(b)

[REDACTED] s33(a)(iii)

11.00 hrs this date I briefed

s47F, s33(a)(iii)

s33(a)(iii)

s33(a)(iii)

s22(1)(a)(ii)

Task:

Asia desk: Please bring this to the attention Case Officer, BO Border and C-Asia.

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Case Note: (143067265) Border - BO - Update on Op Midship - One suspected courier due to depart Bali

Case Note

ID: 143067265
Date Created: 17 Apr 2005 00:43
Title: Border - BO - Update on Op Midship - One suspected courier due to depart Bali
Note Type: CRITICAL DECISION
Applies To: BODEL, PETER
Details:
Background:

s37(2)(b)

Issues/Event:

All targets, except one, have now changed their flights with one returning to Sydney on 17th, five on the 18th and two on the 24th April.

Since only one target was departing, and after consultation between Team leader, C BO & CT - BO and SLO Bali, it was decided that the best course of action was to request INP allow the target to depart Bali and be searched in Sydney. This decision was made on the following grounds:

1. being searched in Indonesia would raise concerns within the rest of the syndicate and possibly force the syndicate into changing its method of importation;
2. the target maybe returning due to a decision to pull out of the scheme;
3. the target is directly linked to 5 of the remaining 7 targets and is possibly a facilitator and returning to make preparations for the return of the couriers; and
4. ACS Sydney were requested to make the search of this target part of a search of a group of passengers near the target to reduce target suspicion.

Intended action/outcome:

SLO Bali to provide updates from the INP;
INP to continue surveillance to identify possible source of narcotics;
INP to search/question all remaining syndicate members prior to boarding flight tomorrow;
Search Warrants to be executed on possible facilitators premises on Monday; and
Talking points/ Ministerial to be drafted.

F/A Peter Bodel
T/L Op Team One
Brisbane Office
17 April 2005

Involvements:

Case ID	Log #	Title	Created By	Date Created
3372730	702	OPERATION MIDSHIP	s47F	17 Apr 2005 00:43

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**Case Note: (143067265) Border - BO - Update on Op Midship - One
suspected courier due to depart Bali**

s47F

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Ref: 3372730

Operation Midship

Issue:

Provide update on the current and future direction of Operation Midship

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s22(1)(a)(ii)

A decision was made by the NMBIN that the INP would be fully briefed on this matter and that all couriers were to be intercepted in Bali prior to boarding their flight. INP commenced surveillance of the syndicate on 11th April.

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s22(1)(a)(ii)

Pages 22 through 23 redacted for the following reasons:

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INVESTIGATION/ADMIN RUNNING SHEET

s22(1)(a)(ii)

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06/04/05
(1717HRS)

OLC AND PHONE CALL TO SLO BALI REQUESTING
SURVEILLANCE ON SUSPECTED COURIERS.

BODEL

s47F

PERSONS MENTIONED IN OLC:



NOTE : OLC SENT TO SLO BALI BUT LETTER CONTAINING
ABOVE INFORMATION NOT FORWARDED TO INP UNTIL
CLEARED BY MB ON 8/4/05

s22(1)(a)(iii)

07/04/05

F/A BODEL REQUESTED TO PREPARE DRAFT STP OUTLINING
OPERATIONAL OPTIONS (OPTIONS PAPER)

s47F

BODEL

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s22(1)(a)(ii)

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s22(1)(a)(ii)

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08/04/05 (1049HRS)	DRAFT STP COMPLETED BY F/A BODEL AND SENT TO F/A s47F FOR ON FORWARDING TO MB - s47F (DOC - 3979972) GIVING TWO SCENARIOS : 1 - INTERDICTION IN BALI; AND 2. - INTERDICTION IN AUSTRALIA Both options request surveillance in Indonesia to identify source of drugs	BODEL s47F
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08/04/05	MB ADVISES THAT SCENARIO ONE IS THE SELECTED OPTION	s47F
s22(1)(a)(ii)		
08/04/05 (1800 APPROX)	MIN ADVISED F/A BODEL THAT SLO IS GIVEN PERMISSION TO BRIEF INP. T/L BODEL RINGS SLO BALI TO CONFIRM THIS APPROVAL.	s47F BODEL
08/04/05 (1804 HRS)	SLO FAXES BRIEFING PAPER TO INP. THE FOLLOWING NAMES WERE INCLUDED IN THE BRIEFING PAPER SENT TO INP:	s47F INP
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s22(1)(a)(ii)

11/04/05

MB s47F RESPONDS TO FORMAL TASKING WITH
INDICATION THAT OPTION 1 IS APPROVED.

s47F

BODEL ADVISED and contacted SLO

BODEL

13/04/05

INP COMMENCE SURVEILLANCE

s47F

s22(1)(a)(ii)

Pages 32 through 50 redacted for the following reasons:

s22(1)(a)(ii)

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