



Australian Government
**Australian Commission for
Law Enforcement Integrity**

INVESTIGATION REPORT

**Operation Dreadnought —
An investigation into an allegation an ABF staff
member provided information to assist a drug
importation syndicate**

A report to the Attorney-General prepared under s 54 of the
Law Enforcement Integrity Commissioner Act 2006 (Cth)



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About ACLEI Reports

The Law Enforcement Integrity Commissioner Act

1. The *Law Enforcement Integrity Commissioner Act 2006* (Cth) (LEIC Act) establishes the office of Integrity Commissioner, supported by a statutory agency, the Australian Commission for Law Enforcement Integrity (ACLEI).

The role of the Integrity Commissioner and ACLEI

2. The role of the Integrity Commissioner and ACLEI is to detect and prevent corrupt conduct and deal with corruption issues in designated agencies—presently the:
 - Australian Criminal Intelligence Commission (including the former Australian Crime Commission, the former National Crime Authority and the former CrimTrac Agency);
 - Australian Federal Police (AFP) (including ACT Policing);
 - Australian Transaction Reports and Analysis Centre (AUSTRAC); and
 - Department of Home Affairs (including the Australian Border Force).
3. Other Australian Government agencies with law enforcement functions may be prescribed by regulation as being within the jurisdiction of the Integrity Commissioner.¹ At present those agencies include:
 - prescribed aspects of the Department of Agriculture, Water and the Environment.
 - Australian Competition and Consumer Commission (ACCC)
 - Australian Prudential Regulation Authority (APRA)
 - Australian Securities and Investment Commission (ASIC); and
 - Australian Taxation Office (ATO).
4. A staff member of a law enforcement agency ‘engages in corrupt conduct’ if the staff member:
 - abuses his or her office
 - perverts the course of justice, or

¹ *Law Enforcement Integrity Commissioner Act 2006* (Cth) s 5(1) (definition of ‘law enforcement agency’) (LEIC Act); *Law Enforcement Integrity Commissioner Regulations* (Cth) s 7.

- having regard to his or her duties and powers, engages in corrupt conduct of any other kind.²
5. The Integrity Commissioner is to give priority to dealing with serious and systemic corruption.

Dealing with corruption issues

6. A corruption investigation can commence in different ways:
- the Minister may refer to the Integrity Commissioner an allegation or information that raises a corruption issue.
 - the head of a law enforcement agency within ACLEI's jurisdiction must notify the Integrity Commissioner of any allegation or information that raises a corruption issue which relates to that agency.
 - any person or government agency can refer to the Integrity Commissioner an allegation or information that raises a corruption issue. A referral may be anonymous, or on behalf of another person.
 - the Integrity Commissioner can commence an investigation on his or her own initiative.³
7. The Integrity Commissioner may decide to deal with the corruption issue in a number of ways:
- have ACLEI investigate the corruption issue either alone or jointly with another government agency or an integrity agency for a State or Territory.
 - refer the corruption issue to the law enforcement agency to conduct its own investigation.
 - decide that an investigation is not warranted.
8. The Integrity Commissioner can decide to manage or oversee any investigation that has been referred to a law enforcement agency. If the law enforcement agency were not the AFP, the Integrity Commissioner can also refer the issue to the AFP for investigation and may manage or oversee that investigation.⁴

² Ibid s 6(1).

³ Ibid ss 18–24 and 38.

⁴ Ibid ss 26–30.

Reports

9. After completing a corruption investigation, the Integrity Commissioner must prepare a report setting out:
 - a) the Integrity Commissioner's findings on the corruption issue; and
 - b) the evidence and other material on which those findings are based; and
 - c) any action that the Integrity Commissioner has taken, or proposes to take, under Part 10 in relation to the investigation; and
 - d) any recommendations that the Integrity Commissioner thinks fit to make and, if recommendations are made, the reasons for those recommendations.⁵
10. The Integrity Commissioner must give the report on the investigation to the Minister who administers the LEIC Act and a copy to the head of the law enforcement agency to which the corruption issue relates.⁶

Standard of proof

11. The Integrity Commissioner makes findings about whether a person has engaged in corrupt conduct, based on the balance of probabilities. Those findings may not be the same as those that would be made by a court deciding on criminal guilt beyond a reasonable doubt.
12. Before making a finding, the Integrity Commissioner is required to be 'reasonably satisfied', based on relevant facts, that the corrupt conduct occurred and that the corrupt conduct was within the meaning of the LEIC Act.
13. In considering whether or not the Integrity Commissioner is 'reasonably satisfied' of relevant facts, the Integrity Commissioner applies the reasoning set out in *Briginshaw v Briginshaw*,⁷ *Rejtek v McElroy*,⁸ and *Re Day*.⁹

⁵ Ibid ss 54(1)–(2).

⁶ Ibid s 55.

⁷ (1938) 60 CLR 336, 361–62 (Dixon J).

⁸ (1965) 112 CLR 517, 521.

⁹ (2017) 91 ALJR 262, 268 [14]–[18].

Preface to the public version of the Investigation Report for Operation Dreadnought

14. Operation Dreadnought is an investigation into allegations that an officer of the Australian Border Force disclosed official information to a drug syndicate to assist them in avoiding detection when importing a commercial quantity of a border controlled precursor into Australia.
15. The allegations were referred to my predecessor by the Australian Federal Police on 21 November 2014 and a decision was made on 28 November 2014 to investigate the allegations.
16. Operation Dreadnought's substantive investigative activities continued until a brief of evidence was compiled in 2019. In 2020, Mr George Filewood was charged and plead guilty to abuse of public office pursuant to s 142.2 of the *Criminal Code 1995* (Cth). The finalisation of these proceedings brought Operation Dreadnought to an end.
17. Following the conclusion of Operation Dreadnought, I commenced preparing my report on the investigation pursuant to s 54 of the *Law Enforcement Integrity Commissioner Act 2006* (Cth) (LEIC Act). I consulted with relevant parties in accordance with the procedural fairness requirements under s 51 of the LEIC Act, prior to the finalisation of my report.
18. On 14 July 2021, I provided my finalised report on Operation Dreadnought to the Attorney-General and to the Secretary of the Department of Home Affairs pursuant to s 55 of the LEIC Act.
19. I then considered whether it was in the public interest to publish the investigation report under s 209 of the LEIC Act. In recognition of my corruption finding in Operation Dreadnought, I was satisfied that my report contained opinions or findings that could be considered to be critical of Mr Filewood. As such, I provided Mr Filewood with the opportunity to be heard prior to making a decision on whether to publish this report in accordance with s 210 of the LEIC Act. This process concluded on 6 August 2021.
20. Accordingly, this is the version of the investigation report for Operation Dreadnought that I have decided is in the public interest to disclose.



Jaala Hinchcliffe
Integrity Commissioner
7 September 2021

Summary of the Investigation

Referral

21. On 21 November 2014, the AFP referred a corruption issue to the Integrity Commissioner pursuant to s 23(1) of the LEIC Act, relating to the now named Australian Border Force (ABF).¹⁰ The referral was made by the AFP professional standards unit under s 23(1) during the course of an AFP-led investigation into a criminal drug syndicate.
22. The referral alleged that an ABF officer had disclosed official information of the Department of Home Affairs to a drug syndicate to assist them to avoid detection when importing commercial quantities of border controlled precursors into Australia.

Jurisdiction

23. On 28 November 2014, the then Acting Integrity Commissioner, Mr Robert Cornall AO, decided to investigate the referral jointly with the now Department of Home Affairs (Home Affairs)¹¹ under ss 26(1)(a) and 26(2) of the LEIC Act. The corruption investigation was named Operation Dreadnought. The then Acting Integrity Commissioner was satisfied that:
 - a) the allegations fell within the meaning of the term ‘corruption issue’ as defined by s 7 of the LEIC Act; and
 - b) pursuant to ss 6(1) and 10(2A) of the LEIC Act, the corruption issue concerned a person in their capacity as a staff member of a law enforcement agency, namely ABF.
24. On 16 April 2015, the former Integrity Commissioner, Mr Michael Griffin AM, reconsidered the investigation and decided to expand the joint investigation to include AFP pursuant to ss 42(1) and 26(2) of the LEIC Act.

Investigation

25. ACLEI investigators employed an array of law enforcement methods in the course of the investigation, including:
 - a) reviewing official Home Affairs records;
 - b) obtaining information under the *Telecommunications (Interception and Access) Act 1979* (Cth);

¹⁰ Then known as Australian Customs and Border Protection Service (ACBPS)

¹¹ Then known as the Department of Immigration and Border Protection

- c) obtaining witnesses accounts; and
 - d) conducting a record of interview with the person of interest.
26. The referral stemmed from an AFP investigation called Operation Alate. That Operation was tasked with investigating a transnational crime syndicate involved in the importation of commercial quantities of Phenyl-2-Propanone (P2P), a methyl-amphetamine precursor into Australia.
27. Telephone intercept material disclosed a conversation between Person X and ABF Officer, George Filewood (Mr Filewood), on 27 September 2014 at 10.05am. During this conversation, Person X requested operational information relating to the ABF from Mr Filewood, who undertook to obtain the information and get back to them.
28. As a result of this information, ACLEI's investigation focused on Mr Filewood.
29. Mr Filewood commenced his employment with the ABF as a seventeen year old in 2002. He spent his entire ABF career working on ABF patrol vessels. Initially, Mr Filewood was employed as a General Purpose Hand, which was later referred to as an Enforcement Officer. Generally, his duties included maintaining and operating the vessels during ABF investigations relating to drug trafficking, people smuggling, illegal fishing and breaches of environmental protection legislation. Mr Filewood was also required to recommend what action should be taken against people who were investigated. When Person X contacted Mr Filewood on 27 September 2014, he was employed with the ABF as an Enforcement Officer.
30. Mr Filewood and Person X had been friends for many years and Mr Filewood considered Person X to be his family.
31. Mr Filewood's work roster indicated he worked between 8:00am and 7:00pm on 27 September 2014. On that day, Mr Filewood's phone records indicated:
- a) At 10:05am, Mr Filewood received a phone call from Person X and they spoke for 63 seconds. During that phone conversation Person X asked Mr Filewood how many 'customs boats' were at an island and what they were doing there because 'all the patrol' was stopping his 'fucking stuff' from coming through. Mr Filewood asked Person X if the line was secure and queried whether anybody had their phone number. Person X advised no one had the number and then Mr Filewood advised that he would 'make a phone call' and get back to them.

- b) Despite telling Person X he would 'make a phone call' and get back to them, Mr Filewood's phone records do not show he called anyone before calling Person X back at 10:12am. They spoke for 27 seconds. During the phone call, Mr Filewood asked Person X where the ABF patrol vessels were patrolling. After receiving the location from Person X, Mr Filewood advised them he had been looking in the wrong area and would call them back.
 - c) At 10:16am, Mr Filewood attempted to call an ABF colleague. He was unsuccessful in getting through to his colleague and instead sent them a text message. The content of the text message is unknown.
 - d) At 10:17am, Mr Filewood called Person X and they spoke for approximately two and a half minutes. During this conversation, Mr Filewood told Person X that he had a contact on the ABF patrol vessel and that the person was not answering their phone. He provided information to Person X about the usual behaviour of his colleague and the expected duration of the patrol activities. Mr Filewood advised Person X of a means by which to avoid detection.
 - e) At 10:25am, Mr Filewood's ABF colleague returned his call and they spoke for approximately nine and a half minutes. Mr Filewood's colleague was not at work at the time and therefore could not provide him with any information regarding the ABF patrol vessel's location or activities.
 - f) At 10:39am, Mr Filewood called Person X again and they spoke for 62 seconds. During this phone call, Mr Filewood told Person X that he believed there was 'something going on' as the captain of the ABF patrol vessel was displaying unusual behaviour. He told Person X that when his team have 'jobs on' they are not able to speak about it. Mr Filewood's phone records show he did not call Person X after this conversation and no further calls were made to Person X that day.
 - g) At 10:57am, Mr Filewood received a phone call from another ABF colleague and they spoke for approximately 10 minutes.
 - h) At 3:48pm, Mr Filewood received two text messages from Person X. The contents of these texts messages are unknown.
32. On 29 October 2015, investigators met Mr Filewood to offer him the opportunity to participate in an interview. He accepted and the interview was conducted later that day.
33. During the interview, investigators asked Mr Filewood to explain the incident on 27 September 2014. In response, Mr Filewood said:
- Person X called him to ask him why the ABF patrol boats were stopping his 'shit from getting through';

- Person X asked him what the patrol boats were doing in the islands;
 - in a subsequent phone conversation that day he told Person X where the ABF vessels were located;
 - he contacted an ABF colleague to obtain information about the vessel's location and patrolling activities, however his colleague was not rostered on to work that day and could not provide him with any information;
 - he told Person X information about the activities of the ABF vessels;
 - he spoke with another ABF colleague and obtained information about the location of the ABF vessels, however he did not pass this information on to Person X;
 - he was not aware of Person X's specific activities, however he believed they could have been 'smuggling' heroin into Australia;
 - he knew what he was doing was 'wrong' and constituted a breach of the law and ABF operational security;
 - he knew that in providing the information he was compromising Australia's border protection efforts; and
 - he denied receiving any payment for providing the information to Person X.
34. The AFP investigation, Operation Alate, resulted in Person X being charged with importing a commercial quantity of P2P into Australia. They were convicted on 24 August 2016 and sentenced to imprisonment for 2 years, 6 months, partially suspended after serving 10 months.

Findings

35. I am required under section 54 of the LEIC Act to provide my findings on a corruption issue.
36. I am satisfied that the evidence obtained in the course of Operation Dreadnought that Mr Filewood engaged in corrupt conduct, namely, abuse of office.¹²
37. 'Abuse of office' is not defined in the LEIC Act. It is a concept primarily used in the context of criminal law. It generally involves using one's office, or the information obtained in their official capacity, to dishonestly benefit oneself or another, or to dishonestly cause detriment to another.¹³

¹² *Law Enforcement Integrity Commissioner Act 2006* (Cth), s 6(1)(a).

¹³ *Criminal Code* (Cth), s 142.2(1).

38. While my findings concern corruption, not criminality, I consider these general elements expounded in the criminal law useful in considering whether a staff member of a law enforcement agency has engaged in conduct involving an abuse of their office.
39. As an Australian Public Service (APS) employee, Mr Filewood was obliged to adhere to the standards of behaviour specified in the APS Code of Conduct.¹⁴ More specifically, the APS Code of Conduct required Mr Filewood to:
- a) behave honestly and with integrity in connection with his ABF employment;
 - b) take reasonable steps to avoid any conflict of interest in connection with his employment;
 - c) not improperly use inside information or the employee's duties, status, power or authority:
 - (i) to gain, or seek to gain, a benefit or an advantage for the employee or any other person; or
 - (ii) to cause, or seek to cause, detriment to the employee's Agency, the Commonwealth or any other person; and
 - d) behave in a way that upheld the APS Values and APS Employment Principles contained in ss 10 and 10A of the *Public Service Act 1999* (Cth).
40. In addition to his responsibilities under the APS Code of Conduct, at the time of disclosing information to Person X, Mr Filewood was subject to general secrecy provisions contained in various pieces of legislation, for example, s 16 of the *Customs Administration Act 1987* (Cth) and s 70 of the *Crimes Act 1914* (Cth).
41. The evidence demonstrates that Mr Filewood disclosed sensitive operational ABF information to an associate, Person X, to assist them to avoid detection when importing a border controlled substance into Australia. This disclosure of information benefited Person X.
42. Furthermore, the seriousness of Mr Filewood's conduct is compounded by the severe consequences resulting from providing Person X the information. That is, the importation of a commercial quantity of P2P into Australia.
43. On the basis of the evidence and material collected and analysed in the course of Operation Dreadnought, I find the following:

¹⁴ The APS Code of Conduct is set out in s 13 of the *Public Service Act 1999* (Cth).

- a) I am satisfied that Mr Filewood disclosed information obtained through the course of his employment with the ABF to Person X. I am satisfied that Mr Filewood provided the information to Person X to assist them to avoid detection by the ABF patrol vessels.
 - b) The disclosure of the information meant Mr Filewood's associate had access to operational information they would not have been privy to had it not been for their association with him.
 - c) Although Mr Filewood stated he was not privy to the cargo Person X was transporting, Mr Filewood suspected Person X was engaging in criminal activity as he believed Person X may have been attempting to smuggle heroin into the country.
 - d) Mr Filewood's conduct was in breach of his responsibilities under the APS Code of Conduct. Specifically, Mr Filewood had a duty to not improperly use ABF information to gain a benefit or an advantage for the employee or any other person. As a result of Mr Filewood's disclosure, Person X benefited by successfully importing a border controlled precursor into Australia, undetected by the ABF patrol vessels.
 - e) I am satisfied that Mr Filewood was aware that disclosing the information to Person X was contrary to the law and his training at ABF.
44. Generally, the conduct of public servants, both inside and outside the workplace, can have implications on the trust the community has in the administration of an agency. Mr Filewood's behaviour jeopardised the trust vested in the ABF by the community and risked undermining the legitimacy the ABF requires to carry out its border protection objectives on behalf of the Government.
45. Accordingly, I find that former ABF staff member, Mr George Filewood, engaged in corrupt conduct within the meaning of s 6(1)(a) of the LEIC Act.

Action under Part 10 of the LEIC Act

46. Home Affairs conducted a code of conduct investigation into the behaviour of Mr Filewood. Mr Filewood resigned from the ABF from 28 January 2015 prior to the conclusion of the investigation.
47. On 29 March 2019, the then Integrity Commissioner provided a brief of evidence to the AFP pursuant to s 142 of the LEIC Act.

48. On 22 November 2019, the AFP referred the brief of evidence to the Commonwealth Director of Public Prosecutions. As a result, Mr Filewood was summoned to appear before the court on 21 April 2020.
49. On 18 August 2020, Mr Filewood plead guilty to one charge of abuse of public office pursuant to s 142.2 of the *Criminal Code 1995* (Cth). The following day he was sentenced to six months imprisonment which was suspended upon him entering into a good behaviour order for 9 months.

Corruption Prevention Observation

50. This investigation demonstrates that:
 - a) Information relating to the enforcement of Australia's border integrity measures is a highly valuable commodity to criminals which contributes significantly to the serious corruption risks associated with official duties performed at the border.
 - b) Corruption risks are heightened when personal relationships and values conflict with an official's duties.
 - c) The perpetrators of corruption are not always motivated by financial gain.
51. These insights give rise to a number of common corruption prevention considerations, including the role of social capital, which needs to be assessed both in terms of internal, and external relationships:
 - a) External: There are strong values and social norms associated with the obligation to help family and friends. Individuals with associations to groups whose beliefs and norms do not align with the professional standards of the organisation may be more susceptible to compromise, especially where a perception of loyalty to the group outweighs personal loyalties to the agency. An officer may find it difficult to refuse requests for information or assistance from external parties due to close family and friendship ties, and may in fact receive a sense of moral satisfaction from helping those in their inner circle.
 - b) Internal: The risks surrounding social capital are particularly relevant in remote or more insular working environments in which close working relationships and local social norms emerge. These 'new' norms can give rise to loyalties and corrupt practices that can be maintained at the expense of the expectations of the agency, and these risks can be amplified by the length of time in the role. Law enforcement officers may choose to adhere to group norms rather than risk peer punishment or exclusion for non-conformity.

52. Social capital motivators may be difficult to detect and more easily exploited by serious organised crime groups and other external parties. Agencies should:
- a) Have clear internal policies and procedures regarding the effective management of declarable associations and conflicts of interest.
 - b) Actively promote integrity expectations – if the values of anticorruption are shared by employees within an organisation, it is more likely to result in overall compliance.
 - c) Regular staff rotation may be successful in limiting an officer’s opportunity to develop exclusive internal networks and subcultures forming amongst remotely located staff members.
 - d) Identify, assess and treat the unique risks within operational environments to manage corruption vulnerability.
53. Another corruption prevention consideration arising from this investigation concerns information security and controls. Agencies should regularly assess the information they hold and review information security controls to ensure they remain fit for purpose. This includes:
- a) Maintaining appropriate oversight and audit controls over information and communications systems.
 - b) Ensuring officer training and awareness programs regarding information management obligations and responsibilities are relevant and targeted.
 - c) Considering the appropriateness of the use of personal electronic devices in the workplace, particularly where employees regularly access sensitive information as part of their duties.
54. More information on the above can be found in the publically available ACLEI corruption prevention factsheets and videos, located on our [website](#).
55. In response to a draft of this report, the Department of Home Affairs has indicated they have undertaken significant work since 2015 to establish a framework that provides a safe and secure environment for its people, information and assets. This includes:
- a) The development of Protective Security, Cyber Resilience and Integrity strategies, the latter of which includes an annual communications plan, training and awareness activities.

- b) The promotion of ACLEI videos and factsheets on grooming and unauthorised access.
- c) The identification of grooming and unauthorised access risks, which are addressed in the Home Affairs Integrity and Professional Standards Framework. This includes specific policies on Acceptable Use of ICT Systems, Declarable Associations, and Conflicts of interest, amongst others.
- d) The introduction of an Active Detection Program, aimed at preventing and disrupting potential high-risk misconduct through the misuse of certain systems.

Recommendations

56. I do not make any recommendations as a result of this corruption investigation.



Jaala Hinchcliffe
Integrity Commissioner

14 July 2021