

## The Parliament of Australia

11-12-16

Dear Senator / Minister

**RE: Border Force and Australian Federal Police Corruption  
Operation Collage / Bergonia**

This is an enquiry into ongoing corruption and as to why Government has failed in its duty and obligation to act against systemic and incessant corruption of Australian Federal Police (AFP) and Australian Border Force (ABF), formerly known as Australian Customs and Border Protection Service (ACBPS). This inaction is despite the Australian Commission of Law Enforcement Integrity (ACLEI) being given undisputable proof of corruption, misconduct and perversion of justice by officers involved in Operation Collage/Bergonia. The ACLEI investigation into this corruption has gone on for over four years and has translated to ZERO.

Not one AFP agent involved has been reprimanded in any way, they have in fact instead been promoted. One ACBPS/ABF officer was charged and summonsed to court out of the many caught with stolen evidence. None have done any gaol time or seen a court room and like the officers involved from the AFP have also been promoted. The 20 Customs agents that were present at Scarborough Marina on the 12<sup>th</sup> October 2010 are still hidden by Border Force. The Neil Mercer story in the Sydney Morning Herald on the 23<sup>rd</sup> March 2015 titled "Customs Hid Details of Officer Snorting Cocaine after Drug Bust" only touches on the corruption. Please see drop box on twitter: **simonxgolding** for original letters of request, evidence and links.

This is how corrupt officers entrusted to protect this country are culturally protected and even promoted when they steal drugs for their own profit and greed. They are simply put back into their jobs when they should clearly be held to a much higher accountability. Who is worse and more dangerous between someone who is accused/charged of importing drugs or someone who is a bonded officer of the law, sworn to protect and uphold the law and steals drugs for personal gain, then hides and constantly tailors evidence to suit them.

AFP were so blatant in stealing evidence, that they put stolen bags into the very same cars as the accused. This is why AFP agents Burgess and Read made no mention of returning to the marina in their copy/pasted statements which start at 12 midday when they commenced work at 4am on the 12<sup>th</sup> October 2010. The AFP and Customs agents were not only content with breaching search warrants and stealing drugs at the yacht. They also were keen to get their own personal gains, that they stole from the car a few kilometres away where they surveilled two persons carry two bags and placed them in a car. Only for one bag to be found after six searches on the first day. Then, two forensic teams go over the car for a further two days and still no 2<sup>nd</sup> bag was found. AFP state that no one ever saw the \$5 Million dollars worth of cocaine on the back seat of the car in those three days. It was stolen by AFP agents and then replaced with drugs from another seizure. It was planted 3 days after arrests.

Almost every AFP agent involved lied under oath about the bags in the car because they know it was stolen from the back seat by AFP. Here are some transcript of those who did not lie.

Alison Barrett 2011 Committal Hearings

And did you make any observation yourself of any male person or persons placing a bag or bags into the Toyota motor vehicle?-- Yes, I did.

Right. And what observation did you make in that regard?-- Can I refer to the running sheet?

No, no, just tell me what you remember first?-- Okay. I remember I was present in the car park.

Yes?-- I saw the two men come out of the shopping centre with large bags.

Yes?-- I saw them go to the vicinity of the vehicle.

Yes?-- And I saw the boot open on that vehicle.

Yes?-- And I saw bags being placed within the vehicle.

AFP officer Barrett later stated that she never noticed the bag on the rear seat of the car along with all other Sydney based AFP.

Smith- Lyons 590AA Hearings

"Your Honour will also note at page 133 at point S it was suggested there in Mr May's affidavit that two bags had been taken possession of which contained blocks. It's alleged that police acted under emergency powers, but there was no suggestion for example there that, in fact, there was no suggestion of loss, destruction or concealment of those items in the sense that people had been arrested, charged, detained and so forth. Now, coming back to the entries on the earlier on the 12th."

Mr Mays affidavit was never supplied in the brief of evidence by the CDPP.

AFP RUNNING LOG 12 OCTOBER 2010

13:30hrs - Two cars stopped, 3x POIs in custody.

13:32hrs - ORG requested to assist with entry and execution of the warrants for the VOI.

13:40hrs - Confirmation of two large bags containing narcotics at present believed to be Cocaine

13:42hrs - SYD MIR briefed of arrests.

13:44hrs - Fourth POI has been placed under arrest in the shopping centre car park.

13:45hrs - F/A WATT reported to FCP vehicle registration details of two vehicles stopped and two POIs in custody:

Vehicles:

\* BC 92 RP (NSW) - Corolla Accent;

\* AB Z5 3C (NSW) - Mercedes.

The information contained in this report is not to be disseminated to a third party or to be used in such a way as to

prejudice an ongoing investigation by the AFP. Should any information provided in this report fall within the ambit of a freedom of information request, a subpoena, summons to produce or similar process, the AFP should be consulted before releasing information.

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Australian Federal Police - Production Page:4of6

## Case Note; (150081856) FCP Running Log - 12 OCT 2010

The above extract of AFP running log was never provided to any of the accused in the Brief of Evidence. It clearly shows execution of an earlier Search Warrant in to yacht Mayhem of Eden. It is also mentioned on page 52 of the ACBPS 2010-11 annual report that AFP along with Customs executed the Search Warrant earlier than the 7pm that AFP state.

This information also shows that the AFP were very aware that 2 bags were found, they even recorded it on their running log so why did the AFP state that they only found one bag? Why was the bag "found" three days later by AFP Aaron Burgess and Luke Read? This is perversion of justice on behalf of the AFP and clearly shows perjury, stealing and planting evidence.

The evidence is now "destroyed" even though it is unlawful before trial and oddly enough a large amount of it by the case officer Aaron Burgess. I requested for all drug evidence to be retained by ACLEI for independent and DNA testing but this was illegally ignored.

Details as well as the photos of the two AFP with stuffed cocaine under their shirts can be found on dropbox on twitter account: **simonxgolding**. The corruption and the subsequent covering of this corruption in this case is nothing short of astounding. The Government and ACLEI is ignoring the facts which is nothing short of astounding.

ACLEI have been given clear evidence to charge and convict corrupt Australian Federal Police, Aaron Burgess, Luke Read, Paul Watt, Simon Wynd, Luke O'Shea, Simon Castles, Christine Geissler, Karen Mazlin, Angus McGilvray, Carmen Begbie, William Tooth, undisclosed Border Force and Australian Crimes Commission officers that actually carry gaol time. Corruption in Operation Collage / Bergonia remains hidden and ignored.

When will someone finally act and demand answers from ACLEI in regard to this corruption and the protection of corrupt officers?

Response by "Mr S" Executive Director Operations ACLEI dated 7 July 2016 to me stated that ACLEI is conducting an investigation into Operation Collage/ Bergonia. It is now seven years after the corruption occurred and five years on from when the investigation by ACLEI commenced. The corruption in Operation Collage/ Bergonia is simply being hidden by ACLEI.

Border Force lied in subpoena and Freedom of Information return stating that no ACBPS staff were present in the Scarborough Marina area on the 12<sup>th</sup> October 2010. They lied because they didn't know how to contain and hide the fact that so many of their staff had stolen evidence at the scene. Peter Dutton, the Demagogue Minister for Immigration and Border Protection still hides this corruption and has no ambition of righting the perversion of justice in this case or bringing himself to elucidate and eradicate corruption in the agency he is responsible for.

The extract of email from ACBPS/ Border Force below states that CUSTOMS were present

From: AMSOC  
 Sent: Tuesday 12 October 2010 7.11am  
 To: Group Commander  
 Subject: OP BERGONIA Update, 112250Z OCT10  
 EC ACV OCEAN PROTECTOR

Matt Saunders

"STORM BAY was shadowing and their tender provided water borne surveillance of the yacht with **AFP and CUSTOMS did shore-side surveillance**"

It is very clear that Customs were there. This is very clear since AFP testified at the very last moment at the 2<sup>nd</sup> trial where it was stated that up to 20 Customs were present at the marina on the 12<sup>th</sup> October 2010. AFP before 2015 are guilty of misleading the court by the omission of Customs. It was never disclosed before by AFP or CDPP which clearly highlights more corruption.

This has denied a right to a fair trial and has perverted the course of justice which rests squarely on Minister Peter Duttons shoulders. Below is extracts of testimony by Scarborough Marina manager Tracy Holden from the 2<sup>nd</sup> trial in 2015. Its shows that Border Force were the first to be at the marina.

20150723/D2/BSD/SC/3/Atkinson J

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And did you observe anybody with "Customs" on their shoulders or in some other way indicating that they were Customs officers?---Yes.

And how was that indicated to you?---They introduced themselves to me as Customs officers.

And what did they say? Do you remember?---I don't recall, other than they introduced themselves as Customs officers.

Were they the two people you're speaking about, or were they two different people in turn?---They were the first two that I saw at the gate, but there were others that arrived afterwards that took statements and that sort of thing.

But were those two people the plainclothes people you initially referred to? Were they the two people who identified themselves as being from Customs?---Yes.

They were?---Yes.

And so I think you were saying they were the first people who arrived?---Yes.

XXN: MR FOSTER 2-73 WIT: HOLDEN T

1281

20150723/D2/BSD/SC/3/Atkinson J

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Now, you also spoke about – now, I think you were giving evidence about people

*removing things – that is, police, presumably – removing things from the boat?---Yes.*

*And that was clearly before 5 o'clock, because you left at 5?---Yes.*

*And so thinking back, when did you observe items being removed from the boat?---I can't tell you the exact time. It was that afternoon, several times. We have trolleys that are kept for our clients to take things back and forth to their boats, and they were bringing of stuff wrapped in plastic in those trolleys.*

*Right. All right. So between 12.30, 1 o'clock and when you left at 5 o'clock, you saw items being removed from the boat on several occasions; is that what you're saying?---Yes.*

Tracy Holden states that Customs were the first people to arrive and that AFP and Customs were removing “items” all day which is totally contradictory to evidence given by AFP who stated that NOTHING was removed until after the execution of the Search Warrant at 7pm. This was in fact a second “cover” warrant to hide corrupt acts by agents. The AFP then edited marina CCTV footage, please see twitter account: **simonxgolding** drop box attachments with first letter to Senators and Ministers for details. Tracy Holden went home that day at 5pm. AFP state NOTHING was removed from the yacht until after 7pm which is clear lies.

I remain vehement in the rising of social media and people movement to the left showing the world corruption in Australian agencies and to bring light to World Parliaments the culture of corruption in these Australian agencies. Right wing advocates such as Peter Dutton and George Brandis need to be cautious with their stupid sexist and open microphone “mediocre” comments. They are losing the hearts and minds of the people. The public do not want things such as social injustices hidden from them and they have somehow brainwashed into believing that they know better. I seriously shake my head when I see these are the people in public office and making decisions for this country. These are the people enabling corruption in Australian agencies and allowing omission of lawful evidence from the record when it is contrary to glossy public image.

George Thomas SC court transcript from 590AA Hearing 2012.

*Your Honour, the Crown has addressed you at length in relation to the conduct of federal agents onboard the Mayhem of Eden relative to the seizure and marking and continuity of the various exhibits that had been removed from that vessel. He's done a pretty good job of the available evidence. He's taken your Honour to a series of photographs which display or depict beautifully sealed Australian Federal Police plastic bags with numbers and stickers and labels. Let's not lose sight of the reality here. The reality is that those sealed AFP bags that were labelled in the manner depicted in the photographs that your Honour was taken to came into existence after the event.*

*They came into existence in another place for sealing and bagging and marking and even the label that was referred to during the course of discussion with your Honour was never a fixed label. It was a Post-it note. Removable by its very nature. The events were able to be recorded so that this*

Court could make a rational determination as to the goings on within the body of this boat and were not.

They were not, one can only conclude, they were not deliberately, not because the equipment wasn't available and if this Court was to accept that the equipment was not available that the conditions were so bad that the events that did, in fact, occur, occurred because there was no other option. It would be a complete nonsense if the Court were to accept that. There was no attempt made to record anything in situ in accordance with usual best practice. In accordance with the notion that operators, Federal Police agents and law enforcement authorities gathering evidence should do their best in order to record, to preserve the integrity of the evidence and the location of these items.

Nothing was done. The idea, the reality was things were labelled in an appalling manner by nothing that was fixed to the item. There was no bagging or numbering or anything to preserve the integrity of the item. They were removed from onboard the vessel in some cases to persons unknown. In other cases to persons who have been identified through the evidence, at night, moved from onboard the boat onto, in one - on one piece of evidence a wheelbarrow, on another piece of evidence a trolley. On other evidence in the hands of people, some of whom are not identified in any way shape or form and walked up a marina facility at night some 50 or 70 metres to another location and who do we find at the other location, only the property officer, a person of great responsibility and obligation in circumstances such as this, indeed, in any circumstance where items are being seized and will, it's expected, form evidence in proceedings. The property officer was in another location and had no capacity herself to express any thing concerning the finding of these items.

It was at that location that these items were bagged and numbered and recorded in some way and sealed and even then it was wrong, at least in one respect. And her evidence was that she counted the things three times and did not pick up the error. The apparent error that my friend refers to, 30 as opposed to 31, was picked up by someone else at the Australian Federal Police headquarters hours and hours later. That person being responsible for the exhibits Registry. That's the individual that picked it up.

So let's be perfectly clear about it: this is mutton dressed up as lamb. Not once has my friend masterful as he is in putting his submissions, not once has he really made the concession that is appropriate to be made and that is the continuity in relation to these seized items from this vessel is shot to pieces.

It's all right to say oh, look, this was a really serious crime and there was just too much stock that had to be accounted for and for that reason we didn't - well, my operatives, my officers, the people that form the prosecution case, didn't really need to comply with any of the obligations that they are vested with and that's the reality of it. The continuity in this case is shot to pieces, in my respectful submission, and when we move to - and without even going to Mr Mira who was the supervisor of the facility, who gave sworn evidence in the committal proceedings, that could not be challenged by the Crown in any way, shape or form which was, well, I'd finished that day, at my time and I was so curious the next day as to what had happened that I went to the CCTV footage to see what these police had been doing and his evidence was, on oath, that when he viewed the footage he said, "Property room. There was no property room set up at this marina. I saw the CCTV footage.", he said, "And I could see the police officers walking straight out of the marina with the product in their hands going to a black van.", was his evidence.

So it's all right for my learned friend to propound all these things and issues about how serious this matter was and to gloss over the abject failure on the part of the authorities to perform their statutory obligations, let alone other obligations that are imposed upon them through the Commissioner's rules and instructions concerning matters such as the seizure of exhibits and action that needs to be taken in relation to their preservation and the whole problem is duplicated when we go to the events relating to the Toyota. Mr Crown masterfully glosses over it again, and says oh, look-----

HER HONOUR: Is this really-----

MR THOMAS: Well, it is in reply because my friend has made submissions in relation to it. He tells your Honour hoping that your Honour will accept it that, oh, look, some of the police at the stoppage and search of the Toyota motor vehicle, well, they wrongly thought that the search had finished. Think about it for a moment, your Honour. These Federal Police operatives, experienced police officers in this so-called serious crime, this major operation, they thought that the search of the vehicle had finished. They were only dealing with two bags. What they thought that both had been searched?

I mean, again, the problem, the abject failure of the authorities, of the law enforcement officers in relation to the search preservation of exhibits and their continuity falls to pieces. Again, mutton dressed up as lamb and the Crown

would have this Court believe, oh, look, it was just a simple little mistake, but it's not a problem, your Honour, don't worry. Don't - your Honour, don't worry about 25-odd kilos because we've got another 350 or 400 to deal with and it's all okay and that really is not the basis upon which this Court should be making determinations relative to the issues, the pre-trial issues in this case. The fact of the matter was that some officers at the search of the motor vehicle, the Toyota, stated that the search had finished. End of story. That it finished.

It wasn't about darkness. It wasn't about rain coming. They said the search had finished. Other officers including Watt who was in charge of the operation there on the road, he said it was coming nightfall, rain was coming or it just started or it was sprinkling so I determined that the car should be moved to the AFP headquarters for the search to continue.

So you have this inconsistency within the prosecution's own witnesses about the search process and then the appalling - on the Crown's best position - error, on our portion, some aspect of police corruption which the Crown just glosses over and says, oh, this is just a conspiracy theory. It's not a conspiracy theory. It's about an accused person having a right to expect that law enforcement authorities comply with the law and comply with the obligations that are imposed upon them by their commissioner, about collecting and preserving and accounting for the continuity of exhibits that form the critical elements of the prosecution case. That's what it's about. And we do not accept for a moment that this was just a simple mistake on the roadside with the failure to take into account 25 kilograms of drug, apparently found three days later in questionable circumstances. It's about more of the same. It's almost like tendency and coincidence evidence on the part of police behaviour operative against the Crown. So I simply ask that this Court not lose sight of its common sense when evaluating the significance of these issues and not permit the Crown to simply gloss over them as if they were not important. It is just as important in the context of this case as it might be as to the continuity of a gram of cannabis and if this Court was confronted with these issues in another case that didn't involve a drug, but had serious problems associated with its continuity, the Court may well be more inclined to simply reject the evidence and my submission is, as was made by my learned friend earlier, Mr Smith, that the more serious the crime the greater the obligation for compliance.

3-78 19092012 D.3 T(2)10/ZMS BRIS7 (A Lyons J)

When will Parliament finally act and demand answers about this corruption? When will a Minister or Senator finally act and raise questions of this corruption and cover ups in Parliament? When will



questions be put to Minister Dutton and why he has not acted accordingly and provided the names of the 20 or so corrupt agents at the Scarborough Marina on the 12<sup>th</sup> October 2010? When will Parliament ask ACLEI why they have not implemented charges on corrupt officers and made information public?

The threat of drugs in Australia is corrupt Australian Federal Police and Border Force officers. The biggest threat in Australia is the ignoring of this widespread corruption by the Australian Government because of "public interest". Until the Australian public is made aware of the massive corrupt culture that these agencies perpetuate then nothing will change and Government will not work for the best interests of the public, but only pretend to.

I implore you to make serious enquiry to the Minister of Immigration, the Prime Minister and to ACLEI of what they are really doing about the hidden corruption in Operation Collage/ Bergonia because until someone makes a serious enquiry then Parliament is simply aiding and abetting corruption and its cover ups.

Regards



Simon Golding

## **Are the Australian Federal Police and Border Force part of one of the biggest corruption cover up scandals ever?**

The Australian Federal Police and the Australian Customs have been under investigation since 2012, but the recent release of documents has shown that nothing from the investigation has ever been made public. While the corruption has been well hidden since 2010, what comes as a shock is that it has been hidden in plain sight. Finding evidence to support these claims is very easy, all it takes is a mere inquiry.

Photos of 2 Australian Federal Police members from 2010 are one of the most solid proofs of that. In these photographs, they are shown to be leaving from the gate of the yacht Mayhem of Eden with what appears to be a lot of stuff under their shirts in the early afternoon. The exact date and time stamp is present in the corner of these photographs.

Further, while the AFP claims nothing was removed from the yacht until the arrival of the search warrant, photos clearly show members of the AFP walking without any bags, then walking out with filled bags from the yacht and going straight out of the precinct. An overview of many other such incidents with their reports has been sent to the appropriate authorities.

There has been indications of cover-ups in the 2010-11 ACBPS annual report as well. It stated information related to a search warrant, which was in fact a 'cover' warrant for hiding acts of corruption by Border Force and Australian Federal Police. It also supports the lack of presence of any video evidence, showing that the AFP has perjured themselves in this matter.

There have been reports of similar incidents in several newspaper articles, the most prominent being in the March 23<sup>rd</sup> 2015 edition of the Sydney Morning Herald, titled 'Customs Hid Details of Officer Snorting Cocaine After Drug Bust'. There have been demands to provide information regarding drug busts carried out on the 12<sup>th</sup> October 2010 and compare the names of officers present to the present day status.

While there have been replies and statements from many officials and ministers, none have been sufficient. In fact the majority of those have been in a defensive tone which further gives strength to the fact that there is a rampant cover up under place. In a recent letter to the Minister for Immigration and Border Protection, evidence of all unlawful acts, cover ups and scams have been sent along with the evidence that is present.

The fact that no action has been taken against the AFP and Border Force is fueling their further unlawful acts. There is sufficient evidence to expose all cover ups and expose every single officer, official and minister who is involved in these scams. With proofs and evidence of the same so easily available, it is up to the authorities to take these issues up more seriously. But will they do so, or will this series of cover ups continue as time passes, remains to be seen.