

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

ATTORNEY-GENERAL'S PORTFOLIO

BUDGET ESTIMATES 2022 - 2023

Australian Federal Police

BE23-673 - Operation Regatta- General

Senator Deborah O'Neill asked the following question on 22 August 2023:

1. Please provide a detailed description of Operation Regatta.
2. On what date did Operation Regatta commence?
3. What was the nature of Deputy Commissioner Gaughan's involvement in Operation Regatta at the commencement of the Operation and throughout the life of the Operation?
4. How many AFP officers were involved in Operation Regatta?
5. Did the AFP work with other agencies as part of Operation Regatta and, if so, what other agencies?
6. Did the AFP interview any employees of the Department of Immigration and Border Protection / Department of Home Affairs as part of its investigation? If so, how many?
7. On what date did the AFP first become aware that Mr Bhojani, Radiance International Inc or other entities associated with Mr Bhojani had one or more contracts with the Australian Government? And how did the AFP find out?
8. On what date did the AFP first inform the Department of Home Affairs / Department of Immigration and Border Protection that it was investigating Mr Bhojani for bribing Nauruan officials?
9. Please provide a complete list of all Minister and Assistant Ministers to whom the AFP provided a verbal or written briefing or report that wholly or partly related to Operation Regatta from the date of its commencement to the date on which Mr Bhojani was convicted of foreign bribery.
 - a. In respect of each written briefing or report:
 - i. when was it provided
 - ii. what did the briefing or report say
 - iii. how was it provided (via email, a formal submission etc)
 - iv. was Mr Bhojani or Radiance International referred to by name
 - v. was the fact that the target(s) of Operation Regatta had, or were associated with people or entities that had, Australian Government contracts was referred to in the briefing or report
 - b. In respect of each verbal briefing, please provide the following information:
 - i. the name of each individual who attended the briefing
 - ii. the location of the briefing (e.g. ministerial office in Canberra)
 - iii. the date of the briefing
 - iv. the time of the briefing (e.g. 1pm)
 - v. whether Mr Bhojani or Radiance International were referred to by name in the briefing (if known)
 - vi. whether the fact that the target(s) of Operation Regatta had, or were associated with people or entities that had, Australian Government contracts was referred to in the briefing or report
 - vii. whether there exists any record of the meeting and, if a record exists, what the record says
10. Please provide a complete list of all Commonwealth departments or agencies to whom the AFP provided a verbal or written briefing or report that wholly or partly related to Operation Regatta from the date of its commencement to the date on which Mr Bhojani was convicted of foreign bribery.
 - a. In respect of each written briefing or report:
 - i. the date on which it was provided
 - ii. what did the briefing or report say
 - iii. who at the department or agency was it provided to
 - iv. how was it provided (via email, a formal submission etc)
 - v. was Mr Bhojani or Radiance International referred to by name
 - vi. was the fact that the target(s) of Operation Regatta had, or were associated with people or entities that had, Australian Government contracts was referred to in the briefing or report
 - b. In respect of each verbal briefing, please provide the following information:
 - i. the name of each individual who attended the briefing
 - ii. the location of the briefing
 - iii. the date of the briefing

- iv. the time of the briefing (e.g. 1pm)
 - v. whether Mr Bhojani or Radiance International were referred to by name in the briefing (if known)
 - vi. whether the fact that the target(s) of Operation Regatta had, or were associated with people or entities that had, Australian Government contracts was referred to in the briefing or report
 - vii. whether there exists any record of the meeting and, if a record exists, what the record says
11. Please outline precisely what steps the AFP took to obtain the information requested above (e.g. who the AFP spoke to, what searches it undertook and what information it obtained).

The response to the senator's question is as follows:

1. Operation Regatta began in 2015 to investigate allegations Mr Mozammil Gulamabbas BHOJANI, a Director of Sydney-based company Radiance International Pty Ltd, and its related group of companies, conspired to pay bribes to foreign public officials in Nauru.

During the course of the investigation, the payment of more than \$100,000 worth of bribes to a Foreign Public Official was uncovered. On Thursday 13 September 2018, AFP investigators executed search warrants in Brisbane, the Sydney CBD and Pymont during which Mr BHOJANI was arrested and charged with the following offence:

- Between January 2015 and August 2018, did conspire to provide benefits to other persons, where the benefit was not legitimately due to those persons, with the intention of influencing a foreign public official in the exercise of their duties as a foreign public official, in order to obtain business – contrary to sections 11.5 and 70.2(1) of the *Criminal Code Act 1995* (Cth).

The Radiance International group of companies were involved in at least five instances of bribery of the Nauruan officials. This illegal activity related to exports of phosphate from Nauru and imports of diesel fuel into Nauru.

BHOJANI was originally charged with conspiracy to bribe a public foreign official but pleaded guilty to two counts of the substantive offences of bribing a foreign public official.

BHOJANI was sentenced to a custodial sentence of two years and six months in August 2020, to be served as an Intensive Correction Order.

2. The AFP commenced initial investigative inquiries in August 2015, and formally commenced Operation Regatta in November 2015.
3. At the commencement of Operation Regatta in 2015, Deputy Commissioner Gaughan was the Assistant Commissioner with responsibility for counter-terrorism and was not involved in Operation Regatta. In April 2018, Deputy Commissioner Gaughan was appointed Deputy Commissioner Operations which included responsibility for foreign bribery investigations, including Operation Regatta. On 18 May 2020, Deputy Commissioner Gaughan was appointed the Chief Police Officer for the ACT and no longer had responsibility for foreign bribery investigations, including Operation Regatta.

4. Over the investigation period, there were approximately 20 AFP officers involved in Operation Regatta.
5. Yes, the AFP engaged with Australian Border Force (ABF), the Department of Foreign Affairs and Trade (DFAT) and the Australian Transaction Reports and Analysis Centre as part of the investigation.
6. No interviews were conducted with Department of Home Affairs employees however five ABF members provided statements to the AFP in March 2016 and May 2019 covering various aspects of the investigation.
7. The AFP was aware that Mr Bhojani was involved in contracts with the Australian government following initial investigative inquiries undertaken in 2015.
8. The AFP had operational engagement with the ABF from October 2015 in relation to the investigation.

9a. Written briefings/Reports to Ministers or Assistant Ministers

Nil.

9b. Verbal briefings to Ministers or Assistant Ministers

Minister or Assistant Minister	Attendance	Location	Date & time	Mr Bhojani or Radiance International referred to by name?	Australian Government contracts referred to?	Record of the meeting and what the record says?
Peter Dutton	Michael Outram (Commissioner, ABF), Craig Maclachlan (Chief of Staff to Peter Dutton), Linda Geddes (Deputy Secretary, Department of Home Affairs), Ramzi Jabbour (acting Commissioner, AFP) and Neil Gaughan (Deputy Commissioner, AFP)	Office of the Minister for Home Affairs, Australian Parliament House	12/7 /18 1615	No	No	Yes, Linda Geddes prepared an email file note following the AFP's verbal briefing on the foreign bribery and money laundering investigation relating to Ministers in Nauru

10a. Written briefings/reports to Commonwealth Department/Agencies

Commonwealth Department/ Agency	Date	Content	Who provided to	How provided	Mr Bhojani or Radiance International referred to by name?	Australian Government contracts referred to?
DFAT	14/9/18	DFAT received media talking points on the arrest	DFAT Media Team, Assistant Secretary New Zealand, Polynesia and Micronesia Branch	Email	Yes	No
DFAT	14/9/18	Progress report on overt search warrant activity	Assistant Secretary New Zealand, Polynesia and Micronesia Branch	Email	Yes	No
DFAT	13/9/18	Development of media talking points	DFAT Media Team, Assistant Secretary New Zealand, Polynesia and Micronesia Branch	Email	Yes	No
DFAT	12/9/18	Update on intended search warrant activity	Assistant Secretary New Zealand, Polynesia and Micronesia Branch	Email	No	No

10b. Verbal briefings to Commonwealth Department/Agencies

Commonwealth Department/ Agency	Attendance	Location	Date & Time	Mr Bhojani or Radiance International were referred to by name?	Australian Government contracts referred to?	Whether there is a record of the meeting and what the record says
DFAT	AFP – Mark McIntyre DFAT – Assistant Secretary New Zealand, Polynesia and Micronesia Branch	N/A	21/06/18 Time: Unknown	Unknown	Unknown	DFAT were briefed on intended warrant activity
ABF	Mandy Newton Neil Gaughan	N/A	16/7/18 0730-0830	Unknown	Unknown	No

11. The AFP undertook searches of internal servers, Police Realtime Online Management Information System (PROMIS), which is the AFP's central recording system for all crime, incidents and offences and email enterprise vaults for relevant archived emails. The AFP also consulted the Department of Home Affairs. These searches were undertaken a number of relevant staff including those who had knowledge or involvement in the investigation.