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JOINT INVESTIGATION AGREEMENT

BETWEEN

AUSTRALIAN CRIME COMMISSION,

VICTORIA POLICE,

AUSTRALIAN FEDERAL POLICE

AND

AUSTRALIAN CUSTOMS SERVICE



[EXTRACT ONLY]



**ACC Operation LAVERNOCK
VICTORIA POLICE Operation AGAMUS and TAPAS
AUSTRALIAN CUSTOMS SERVICE OPERATION SARSEN**

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**Conspiracy to Import Commercial Quantity of a border Controlled Drug, 307.1
Criminal Code 1995
s. 11.5 Criminal Code 1995**

**Traffick Drug of Dependence. Section 71 Victorian Drugs Poisons and
Controlled Substances Act (No. 9719/1981)**

**Dealing in the Proceeds of Crime. S.400.4 Criminal Code 1995
18 June 2007**

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1. SITUATION**1.1 Purpose**

The purpose of this instrument is to give effect to a formal agreement between the Australian Crime Commission (ACC), Victoria Police, Australian Customs and the Australian Federal Police (AFP) to conduct a controlled delivery of narcotics in connection with the following ongoing investigations, codenamed Operation LAVERNOCK (ACC), Operation MOKO (AFP) Operation SARSEN (Customs) and Operation AGAMUS and TAPAS (Victoria Police) hereinafter referred to as 'the operation' and to provide the framework for the effective conduct of that joint investigation.

1.2 Background

Operation Lavernock has focussed on syndicates, with OMCG affiliations, producing large commercial quantities of Amphetamine Type Substances (ATS) products and trafficking of ATS product between the mainland and Tasmania.

Acting on intelligence collected during the course of the Operation, the ACC assisted in the execution of a series of search warrants with Victoria Police and Tasmania Police.

Search warrants were executed on three separate premises 15 March 2007 in conjunction with Victoria Police. Two properties were found to house functioning clandestine drug laboratories, and the third contained extensive documentation pertaining to the manufacture of amphetamines. One person was arrested.

Commencing 17 March 2007, Tasmania Police executed search warrants on an interstate cargo vessel and several properties. Quantities of cannabis, Indian hemp plants, morphine, and amphetamine were seized, along with eight firearms. The seizure is estimated to be valued at approximately \$60,000.

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Five people were arrested and charged with a range of offences including trafficking in a controlled substance (amphetamine), trafficking in a controlled plant (cannabis) and conspiracy to commit a crime.

On 3 and 4 April 2007 search warrants were executed on an additional five properties. Over 1500 litres of chemicals, 19 ounces of amphetamines, clandestine drug production equipment, extensive documentation relating to the production of amphetamines, electronic equipment and documentation concerning the production of false identification and four illegal firearms were seized.

An additional seven people were arrested and charged with varying counts of trafficking in a commercial quantity of methyl amphetamine. Information was received that these arrests and seizures significantly disrupted the Melbourne chapters of the Coffin Cheaters OMCG.

A significant firearms trafficking investigation involving the Coffin Cheaters OMCG has been disseminated to Victoria Police and is currently being investigated.

On May 14 2007, 1.88 kilogram of ATS was seized in Tasmania and several offenders were arrested, including a key OMCG person of interest named Danny MURPHY.

Concurrent Investigations and Recent Intelligence:

Operation Lavernock/ Victoria Police Drug Taskforce Operation Agamus

On May 18 2007, Victoria Police Drug Task Force proposed further collaboration with the ACC with an investigation in which Mohammed Sherif OUEIDA (DOB [REDACTED]) and John HIGGS (DOB [REDACTED]) were the two main targets.

OUEIDA had previously been associated with targets of Operation Lavernock. He is believed to be involved in the manufacture and trafficking of large commercial quantities of ATS.

In 2002, Victoria Police received information that OUEIDA was a member of a Hezbollah cell located in the Fawkner area. It was alleged this cell primarily organised drug trafficking to generate funds for Hezbollah in Lebanon.

HIGGS has recently attended the trial of Guisseppe MANELLA and co-accused for an importation of approximately 92 kilograms of ecstasy. Intelligence has indicated that he has referred to the effect the result of this trial would have on his business. John HIGGS' son Sam HIGGS works at Logistic Solutions. OUEIDA and HIGGS have been in frequent contact with Sydney based criminal Sam MASRI (DOB [REDACTED]).

→ Anomalies
in recording
AR MAS

RECENT INFORMATION RECEIVED:

Intelligence sources have indicated a shipping container with an importation of MDMA or ecstasy is on MSC SUEZ which was due at Sydney on June 22 and Melbourne on June 26. This was later amended to include the MSC MONICA as a

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→ Towards this

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more likely target vessel. Surveillance has seen KARAM with HIGGS. Since Joe MANELLA has been imprisoned recently, intelligence sources have indicated that HIGGS has taken control of Logistics Solutions. There has also been [REDACTED] related issues in relation to OUEIDA that have been disseminated to Wolf and [REDACTED]. This remains an active issue.

Proposal:

This Joint Agency Agreement will include Victoria Police, AFP, Australian Service Customs and the ACC. The controlled delivery will be conducted from Australian Federal Police Headquarters, 383 La Trobe Street, Melbourne.

This JAA is an initial arrangement concerned only with the execution of the controlled delivery of narcotics. Further discussions regarding an ongoing joint taskforce will be convened at a date to be determined after the resolution of the controlled delivery.

The objective of the controlled delivery is to obtain sufficient evidence to successfully prosecute all persons that are criminally involved in this importation.

The AFP is the lead agency in relation to the controlled delivery. The AFP is responsible for all operational decisions involving the controlled delivery. Depending on times of day/night the other parties to this agreement any critical decisions and the decision to move to final resolution, will be made in consultation with the JMG. The final decision to execute resolution of the controlled delivery remains the sole responsibility of the AFP. The AFP will remain the lead agency for all post resolution investigations into that importation of narcotics which directly impact on the Commonwealth prosecution of that matter. The AFP will also be responsible for undertaking all international enquiries that may be required during the course of this investigation. The AFP will coordinate those functions with the other agencies in this agreement undertaking the associated investigations already referred to in this agreement.

The agencies party to this agreement will, as appropriate, utilise electronic and physical surveillance, to identify the organisers of this importation. State and Commonwealth offences are to be investigated in a coordinated approach between the agencies. The investigation aims to develop the strongest prosecutorial position with respect to the participants in this criminal activity, as well as to enhance the knowledge of the methodologies utilised by the offenders in respect to organised crime and to investigate links to other organised crime. The investigation aims to cause significant disruption to organised crime in Australia.

It is further proposed that the ACC provide assistance by utilizing ACC coercive powers to examine the targets and increase operational and strategic intelligence when appropriate.

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1.3 Substantive Offences*State (includes but not restricted to)*

- Traffick Drug Of Dependence
s. 71 *Drugs Poisons and Controlled Substances Act No. 9719/1981 (Vic)*

Commonwealth (includes but not restricted to)

- Conspiracy to Import Commercial Quantity of a border Controlled Drug. 307.1 Criminal Code 1995. s 11.5 Criminal Code 1995
- Manufacturing Commercial Quantities of Controlled Drugs. S. 305.3 Criminal Code 1995
- Dealing in the Proceeds of Crime
s.400.4 *Criminal Code 1995*

each of which involve substantial planning and organisation; and are of a kind that ordinarily involve the use of sophisticated methods and techniques; and are of a kind that are ordinarily committed in conjunction with other offences of a like kind; and are 'serious offences' within the meaning of the Proceeds of Crime Act 2002 (Cth).

1.4 Jurisdiction

- Commonwealth legislation.
- Relevant State legislation.
- Monies and other assets identified as a result of the controlled operation will be subject to Commonwealth proceeds of crime action.

1.5 Targets

- John Samuel William HIGGS
- Mohummed OUEIDA
- Rabih KARAM
- Samir CHAARANI
- Samuel HIGGS
- Nathaniel THEODORE
- Michael BUHOV
- Philip BROWN

AGAMS

and any persons or groups identified as being criminally involved in this importation of narcotics.

1.6 Anticipated Duration

The investigation will be initially reviewed by the Joint Management Group at a weekly operations meeting.

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