



National Anti-Corruption Commission

# Investigation Report

## Operation Young

An investigation into the disclosure of sensitive information by an Australian Border Force officer to a person under investigation.

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# Executive summary

This is a public report of an Australian Commission for Law Enforcement Integrity (ACLEI) corruption investigation, known as Operation Young, which was a joint operation with the New South Wales Police Force (NSWPF), Australian Criminal Intelligence Commission (ACIC), Australian Federal Police (AFP) and Department of Home Affairs (Home Affairs).

Operation Young investigated an allegation that 3 Australian Border Force (ABF) officers in the Special Operations Unit (SOU), may be involved in assisting an individual and potentially criminal entities to import prohibited items.

The investigation did not establish that Mr Andreopoulos, Mr Collins or Mr Kalam had engaged with criminal entities or that they were assisting them or any other individual to import prohibited items.

However, it was established that Mr Andreopoulos used his position as a staff member of the ABF to access protected information and that he improperly disclosed information from it to the benefit of an associate that was a person of interest.

## Findings

Mr Andreopoulos engaged in corrupt conduct, namely ‘abuse of office’,<sup>1</sup> by improperly disclosing sensitive information to which he had access only because of his official position, to an associate who was a person of interest.

No corruption findings were made in relation to Mr Collins or Mr Kalam.

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<sup>1</sup> *Law Enforcement Integrity Commissioner Act 2006 (Cth) (LEIC Act), s 6(1)(a).*

## Reporting

On 1 July 2023, ACLEI was subsumed into the National Anti-Corruption Commission (the Commission). Under the transitional arrangements, the National Anti-Corruption Commissioner is required to complete the investigation report as though the *Law Enforcement Integrity Commission Act 2006* (Cth) (LEIC Act) had not been repealed. Following procedural fairness consultation, the Commission provided the investigation report to the Attorney-General, the Secretary of Home Affairs, the Commissioner of the AFP, Commissioner of the Australian Border Force and Commissioner of NSWPF under section 55 of the LEIC Act.

The Commission has prepared a public version of the report and, as required by section 210 of the LEIC Act, provided an opportunity to affected persons to make submissions about publishing the report.

Apart from Mr Andreopoulos, Mr Collins, Mr Kalam and their respective businesses, this report uses pseudonyms to protect the identity of persons and entities whose conduct was not the subject of corruption findings. Witnesses and referrers play a critical role in enabling the Commission to detect and investigate corruption. In so far as it is possible the Commission maintains the confidentiality of those who provide it with information to ensure effective performance of its functions.

# LEIC Act investigation reports

1. The *Law Enforcement Integrity Commissioner Act 2006* (Cth) (LEIC Act) established the Office of Integrity Commissioner, supported by a statutory agency, the Australian Commission for Law Enforcement Integrity (ACLEI).
2. The role of the Integrity Commissioner and ACLEI was to detect, investigate and prevent corrupt conduct and deal with corruption issues in the following agencies:
  - Australian Criminal Intelligence Commission (ACIC) (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)
  - Department of Home Affairs (Home Affairs) (including the Australian Border Force).
3. Other Australian Government agencies with law enforcement functions were prescribed by regulation as being within the jurisdiction of the Integrity Commissioner. These were:<sup>2</sup>
  - Department of Agriculture, Fisheries and Forestry (DAFF)
  - Australian Competition and Consumer Commission (ACCC)
  - Australian Prudential Regulation Authority (APRA)
  - Australian Securities and Investment Commission (ASIC)
  - Australian Taxation Office (ATO)
  - Office of the Special Investigator (OSI).

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<sup>2</sup> See section 5 of the LEIC Act (definition of ‘law enforcement agency’) and regulation 7 of the *Law Enforcement Integrity Commissioner Regulations 2017* (Cth).

4. The LEIC Act provided that 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
  - having regard to his or her duties and powers, engages in corrupt conduct of any other kind.
5. After the Integrity Commissioner completed a corruption investigation, the LEIC Act provided that a report must be prepared setting out:<sup>3</sup>
  - findings on the corruption issue
  - the evidence and other material on which those findings are based
  - any action that has been taken, or proposed to be taken, under Part 10 in relation to the investigation, and
  - any recommendations and, if recommendations are made, the reasons for those recommendations.
6. The report on the investigation was required to be given to Attorney-General, and a copy to the head of the law enforcement agency to which the corruption issue relates.<sup>4</sup>
7. Findings made about whether a person has engaged in corrupt conduct are made 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.
8. Before making a finding, the 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.
9. In considering whether or not the Commissioner is ‘reasonably satisfied’ of relevant facts, the Commissioner applies the reasoning set out in *Briginshaw v Briginshaw*,<sup>5</sup> *Rejtek v McElroy*<sup>6</sup> and *Re Day*.<sup>7</sup>

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3 LEIC Act, s 54(1)–(2).

4 LEIC Act, s 55.

5 (1938) 60 CLR 336, 361–62 (Dixon J).

6 (1965) 112 CLR 517, 521.

7 (2017) 91 ALJR 262, 268 [14]–[18].

10. On 1 July 2023, the National Anti-Corruption Commission was established and ACLEI ceased to exist. Under Schedule 2, Item 2 of the *National Anti-Corruption Commission (Consequential and Transition Provisions) Act 2022* (Cth) (NACC C&T Act), investigations that had not been completed on 1 July 2023 would continue to be conducted under the LEIC Act, as if it had not been repealed, unless the Commissioner made a determination that the investigation should be conducted under the *National Anti-Corruption Commission Act 2022* (Cth) (NACC Act). No determination was made in relation to this investigation.
11. An investigation report for Operation Young was prepared in accordance with Schedule 2, Item 2 of the NACC C&T Act.
12. In accordance with section 51(4) of the LEIC Act, prior to finalisation of this report, Mr Collins, Mr Andreopoulos, and Mr Kalam were provided with a notice of potential adverse findings and recommendations on 6, 23 and 24 June 2025 respectively. Mr Collins and Mr Kalam did not make submissions in response. At his request, time for a response by Mr Andreopoulos was extended to 5 August 2025. Submissions were received from his lawyer on 5 August 2025. Further procedural fairness consultation with him about publication of the report was undertaken on 18 December 2025 with submissions received on 2 February 2026 following an extension being granted. Where relevant, his submissions are summarised and addressed in endnotes associated with the relevant passages in the below report.

# Summary of the investigation

## Notification

13. On 23 April 2020, as part of a joint investigation involving the New South Wales Police Force (NSWPF), ACIC and AFP, investigators became aware of information that an individual may be engaged in the importation of prohibited items with the assistance of 3 Australian Border Force (ABF) officers.
14. On 3 May 2020, the Secretary of the Department of Home Affairs (Home Affairs) notified the Integrity Commissioner of the matter on the basis that it raised a significant corruption issue.
15. The notification provided information that an ABF officer was suspected of having engaged with criminal entities in relation to the importation of prohibited substances. The notification stated that the ABF officer was named 'George' and was of Greek background or ethnicity and may be part of a group of up to 3 ABF officers who were working with criminal entities.<sup>i</sup>

## Jurisdiction

16. The Integrity Commissioner was satisfied that the notice raised a corruption issue, because the alleged conduct:
  - involved staff members of the ABF, which is a law enforcement agency as defined under section 10(2A) of the LEIC Act, and
  - came within the meaning of the term 'corrupt conduct', as defined by section 6 of the LEIC Act, in that it raised an issue whether ABF officers had abused their office or engaged in corruption of any other kind by assisting criminal entities in the importation of prohibited substances.
17. On 29 May 2020, the Integrity Commissioner decided to investigate the issue, jointly with Home Affairs, NSWPF, the ACIC and the AFP pursuant to sections 26(1)(a) and 26(2) of the LEIC Act. The corruption investigation was designated 'Operation Young'.

# The investigation

## The ABF Special Operations Unit

18. The ACLEI investigation focused on an element of the ABF known as the Special Operations Unit (SOU) and a few staff members who worked in intelligence and human source management roles within that unit. The functions of the SOU included the collection of information and evidence against the ABF's operational and strategic priorities. The SOU employed controllers, who worked together with other operational areas of the ABF to coordinate and collect information, including from human sources.<sup>8</sup>
19. From March 2017 until his resignation in October 2020, George Andreopoulos was an EL1 Special Operations Controller in the SOU. Mr Andreopoulos's role involved leading a team that gathered human source information, including about illicit tobacco. Mr Andreopoulos gave evidence that when he began in this role, the SOU was a relatively new unit, and he was involved in drafting the unit's policies and procedures.
20. Shortly after Mr Andreopoulos began working in the SOU, he was joined by Benjamin Collins. Mr Collins had initially worked in Collection Management and then was an EL1 Special Operations Controller in the SOU from January 2018 until his resignation in October 2020. Mr Collins was responsible for the human source unit in New South Wales, and was also involved in developing policies and procedures related to the SOU.
21. Mr Shamim Kalam, an APS6 Human Source Handler, joined the SOU in January 2019 and remained there until October 2020. Mr Kalam was responsible for handling human sources and initially reported to Mr Collins, before reporting to both Mr Collins and Mr Andreopoulos.

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<sup>8</sup> A 'human source' is a member of the community who provides information to law enforcement on an anonymous basis. The term encompasses persons who may themselves be involved in criminal activity.

## Relationships

22. In around 2016, Mr Andreopoulos reconnected with a childhood friend, Mr Simon Brown. They would occasionally meet for coffee, either together or in a larger group. This group included Mr Brown's long-time friend, Mr Daniel Jones, and their mutual friend Mr Philip Allen.
23. Mr Jones was the co-owner of an accounting firm named Westforth Financial Services, previously known as FTF Services. In a private hearing before the Integrity Commissioner, Mr Jones gave evidence that his role at Westforth Financial Services was that of a 'finder'. He said that he would identify potential clients in which he and his business partner would invest. Mr Andreopoulos introduced Mr Collins and Mr Kalam to Mr Jones. Mr Andreopoulos, Mr Collins and Mr Kalam had all used FTF Services as an accountant to manage their business and tax affairs.
24. Mr Allen was a car dealer and had business interests in Australia and overseas. He grew up in the same community as Mr Jones, who had been his accountant since 2017. At some point in the 2000s, Mr Allen and Mr Andreopoulos became friends. At some time before 2017, Mr Andreopoulos introduced Mr Allen to Mr Kalam and Mr Collins.
25. Mr Andreopoulos and Mr Andrew Wilson are family friends and have known each other for approximately 30 years. Mr Wilson socialised with Mr Andreopoulos's friendship group.

## Tobacco imports

26. Holder Tobacco Pty Ltd (Holder Tobacco) was registered as a company in November 2016. Its activities included sourcing tobacco products from Europe for distribution and sale in Australia. One of its directors, Andrew Anderson, was a friend of Mr Allen, who also took an interest in the business.
27. Mr Allen was involved in promoting Holder Tobacco in Australia, and travelled internationally with Mr Anderson in November 2016 and March 2017. At one stage, Mr Allen spoke to Mr Anderson about expanding Holder Tobacco into Indonesia and tried to import one container. However, issues at the border prevented the container from being released.

28. Both Mr Allen and Mr Jones gave evidence that they were aware that Mr Andreopoulos's role at the ABF included detecting illicit tobacco importations.

## Law enforcement documents

29. Against this background, the following documents assumed significance:
- a Home Affairs document titled 'ICRP: Project Rattletrap: Criminal infiltration of the supply chain in Australia' (Rattletrap Report), which relates to vulnerabilities in the Australian supply chain to the import of illicit goods
  - AFP Information Report 1139221 (First IR), which relates to Holder Tobacco, and
  - AFP Information Report 1140612 (Second IR), which also relates to Holder Tobacco.
30. Those documents, and their connection to Mr Andreopoulos, are discussed below.

### The Rattletrap Report

31. Project Rattletrap was an initiative to enhance collection and reporting by frontline officers, to enable the identification of trusted insiders in the supply chain. The Rattletrap Report was produced by Home Affairs' Supply Chain Intelligence team on 19 April 2018. The Rattletrap Report was classified as 'PROTECTED'.
32. The Rattletrap Report included detailed explanations and case studies of contemporary methods used by criminal groups to exploit supply chain vulnerabilities to illegally import goods, including illicit tobacco. It included discussion of a method known as 'swapsies', whereby goods are substituted or removed while under bond before being re-reported for export or transshipment. As a result, any duties paid are refunded while the dutiable goods are imported into Australia.

33. On 2 October 2020, a search warrant under section 109 of the LEIC Act, which authorised the seizure of documents and other records relating to Holder Tobacco and a number of other entities, was executed on Mr Andreopoulos. Among other devices, his personal Apple iPhone was seized. A copy of the Rattletrap Report, discussed above, was located on that device, which was subject to further analysis.<sup>9</sup> The search warrant did not specify, as a condition, documents or things relating to Mr Allen; the significance of this omission is discussed below, at paragraphs 69–71.
34. This analysis showed that on 13 May 2019, Mr Andreopoulos transferred the Rattletrap Report from the ABF system onto an external USB device. On the same day, the document was transferred onto an unidentified Apple device and uploaded on to iCloud storage. The document was then downloaded via the iCloud onto Mr Andreopoulos’s personal Apple iPhone.
35. At a private hearing held on 26 and 27 September 2022, Mr Andreopoulos explained that the ABF had official PIN code protected USBs that could be used for work purposes. He admitted to sending ABF documents such as policy documents to his personal email address, but denied intentionally uploading any ABF documents to his personal iCloud storage.
36. He agreed that sending a protected document ‘across the cloud’ was a breach of ABF policies but could not give a definitive explanation why the Rattletrap Report was uploaded to his iCloud account. He offered that it may have automatically synchronised because his ‘computer [is] linked to the cloud’ and was not done intentionally.
37. When asked why he would need to view the Rattletrap Report outside the ABF network, he was unable to provide an explanation with specific reference to the Rattletrap Report but offered that, if he did, it ‘would be something I would have done for research or to learn’.

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9 The search warrant was executed on 2 October 2020.

38. Although he did not admit to doing so, Mr Andreopoulos accepted that the Rattletrap Report was transferred to a work-issued USB, subsequently transferred to an unidentified Apple device and later uploaded to his iCloud on 13 May 2019. He agreed this occurred around the time that, on his evidence, he had a conversation with Mr Allen about his intention to set up a tobacco business in Asia. He denied sharing the report and/or any intelligence as it related to the practice of ‘swapsies’, an illegal practice to import illicit goods described at paragraph 32 above.

## **Discussion of the methodology described in the Rattletrap Report**

39. Mr Allen gave evidence that sometime in 2019 or early 2020, he decided to start a company that would manufacture cigarettes overseas and import them into Australia. He planned to name the company Frame Tobacco and identified Mr Jones as a potential investor. He said that he had hoped the company would work alongside Holder Tobacco, which used a different blend of tobacco. Mr Allen’s evidence was that to his knowledge, Mr Jones had only ever invested in legitimate businesses. Nevertheless, he gave evidence at a private hearing before the Integrity Commissioner that he included the following as part of his ‘pitch’ to Mr Jones:

Allen                    I said, 'Man, we can get a machine,' and stuff like that. And you know how you were talking before about – we get the machine, I go, because – okay, this is going to be a good idea, this business will be all good, we'll make money, don't worry, we can't go bankrupt, and I go, 'I'll get this machine.' And when you're getting – when product is coming in from overseas, when you've got products coming in from overseas, what you can do – you can throw rubbish in the boxes and send them back overseas. And you claim your tax – you can get your tax that way.

Counsel                Okay, so what are you talking about, are you talking about when the product comes in doing some kind of substitution of the product?

Allen I told him, 'Mate, you can get the product in,' then say you take – you take your stock out and you can put say, some stock back in, and you can give it back to them and they give you the money back, and they believed me. That's what I said to them, it's called swapping the stock.

Counsel Called swapping stock.

Allen Yeah.

Counsel Okay, so where did you learn about this, just off the top of your head?

Allen I made it up.

40. Mr Jones gave evidence that Mr Andreopoulos and Mr Allen had approached him to set up 'clean' profiles for entities that could import 'whatever, plastic chairs or something else, that after a few times could be swapped with something'. When asked what Mr Andreopoulos intended to swap out for the product being imported, it was Mr Jones's evidence that 'it would be either cigarettes, or worse'. However, it was also Mr Jones's evidence that Mr Andreopoulos had numerous 'pie-in-the-sky' ideas that never worked but nevertheless that all the ideas involved some form of 'corrupt relationship'.
41. Mr Andreopoulos's evidence was that he did not reveal the content of the Rattletrap Report to anyone, including Mr Allen, Mr Jones or Mr Brown.

## **The First IR**

42. On 4 August 2020 at 4:46 pm, the supervisor of the ABF Illicit Tobacco Taskforce sent an email to the Special Operations Collection Management inbox and copied in Mr Andreopoulos and Mr Collins. The email subject was 'IR Project KALYKEJ19 – Holder Tobacco' and the First IR was attached.
43. The First IR was marked 'PROTECTED'. Documents classified as 'PROTECTED' contain information with a high business impact and would be expected to cause damage to the national interest, organisations or individuals if compromised.

44. The First IR contained information about Holder Tobacco and what was said to be Mr Allen's involvement with Holder Tobacco in illicit tobacco importation.

45. On 5 August 2020:

- at 8:20 am, Mr Andreopoulos logged on to his work computer
- at 11:27 am, Mr Andreopoulos sent an email to his supervisor, Harry Walker, asking him to call to discuss a potential conflict of interest
- at 1:36 pm, Mr Andreopoulos submitted a Declarable Circumstances Form outlining his relationship with Mr Allen. In it, he stated:

Today, on 5 August 2020 I received an email ... requesting assistance to collect information in regards to a tobacco company called [Holder] Tobacco. In this report I identified the name of a person well known to me (Philip Allen).

I have known this person in excess of twenty years through family friends. This person is considered a family friend to me and it is common for us to be in contact and at social gatherings together. I have known his parents from the time they used to own a restaurant ...

The report states that [Allen] has a financial interest in this company and is linked to it through an associate. I have reported this to my direct supervisor both verbally and in writing and have requested to be removed from all communications regarding this company and person. I am also seeking advise [sic] as to how to deal with this as it is not uncommon for this person to contact me socially regularly and to see them at social and family gatherings as our families are close and I consider him a friend. I have never known [Allen] to have any criminal history or be linked to anyone of that nature.

- at 3:26 pm, Mr Walker replied to Mr Andreopoulos advising that to avoid the conflict of interest, he would assign Mr Collins as the controller for the referral sent on 4 August 2020. He also advised Mr Andreopoulos to ‘remove yourself from the matter’ and ‘make an ESC declaration’.<sup>10</sup>
- at 4:17 pm, Mr Andreopoulos replied to Mr Walker, confirming he had completed a Declarable Circumstances Form
- at 4:18 pm, Mr Andreopoulos logged off for the day
- between approximately 7:15 pm and 7:53 pm, Mr Andreopoulos and Mr Brown’s phone locations were in the same area
- between 7:38 pm and 7:45 pm, Mr Andreopoulos’s wife attempted to call Mr Andreopoulos 14 times. He did not answer
- at 7:53 pm, Mr Andreopoulos’s wife called Mr Andreopoulos asking where he was. He told her he was on his way home
- at 7:54 pm and 7:55 pm, Mr Brown attempted to call Mr Andreopoulos’s close family friend, Mr Wilson, twice without answer
- at 7:57 pm, Mr Brown spoke to Mr Wilson and asked where he was going. Mr Wilson said he was on his way home. Mr Brown said he would see him soon
- at 8:03 pm, Mr Andreopoulos’s wife called Mr Andreopoulos asking where he was. He told her he had just parked and was delayed due to being on the phone to his work colleague
- at 8:04 pm, Mr Brown’s phone location indicated he had arrived at Mr Wilson’s house
- at 8:09 pm, Mr Wilson called Mr Allen and asked to see him ‘now’. Mr Allen said that he had a few friends over and would come when he finished
- at 8:31 pm, Mr Wilson called Mr Allen and said he needed to see him ‘urgently’ tonight
- at 9:37 pm, Mr Wilson called Mr Allen to ask if he was far off
- at 9:56 pm, Mr Allen called Mr Wilson to ask for his address
- at 10:03 pm, Mr Allen’s phone location was close to Mr Wilson’s house, and

- at 11:19 pm, Mr Allen’s phone location indicated he was leaving Mr Wilson’s house. Mr Brown remained at Mr Wilson’s house.
46. On 6 August 2020 at around 6 pm, Mr Brown and Mr Allen’s phone locations indicated they were at a coffee shop. Mr Jones joined them at around 6:30 pm. They all departed the coffee shop and returned to their respective homes at around 11:30 pm.
  47. Mr Collins was questioned about Mr Andreopoulos’s reaction to the First IR at a private hearing held in December 2021. Mr Collins recalled receiving the email from the supervisor of the ABF Illicit Tobacco Taskforce on 4 August 2020 and the First IR that was attached. He denied disclosing the First IR to anyone outside the ABF.
  48. Mr Collins said Mr Andreopoulos told him that Mr Allen had been named in the First IR and understood Mr Andreopoulos had spoken to Mr Walker and taken steps to ‘remove himself from the situation’. Mr Collins did not tell Mr Walker or anyone else that he knew or had met Mr Allen.
  49. Mr Collins said he did not know whether Mr Andreopoulos would have disclosed information contained in the First IR outside of the ABF. When asked whether he suspected that Mr Andreopoulos might have made such a disclosure he said the following:

Counsel            Do you have some suspicion that he may have?

Collins            No.

Counsel            You just paused for a moment there, is there something that gave you cause to pause?

Collins            Only because you know, he said he grew up with this person, their kids hang out every weekend, obviously they were close. ... [He] was just not himself. Like, at one point I asked him if he was taking drugs because he was not his normal self, he had visibly lost weight, people were commenting like, ‘How come you’ve lost so much weight?’ and you could tell it was stress, but he would say like, ‘I’ve just been training, or eating well,’ or whatever. So, when you reflect on that kind of stuff, I don’t know.

...

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10            In this context, ESC means Employee Suitability Clearance.

I thought he was overreacting ... he was visibly losing weight, that's the part I thought was strange, I'm thinking, 'Why are you so worried?' I was trying to calm him down, I was telling him you've told [Harry Walker] – and I said to him, 'Have you ever done anything wrong?' And he said, 'No, I swear I haven't.'

50. When asked about conversations that he had with Mr Andreopoulos after he had been made controller for the referral, Mr Collins said:

Collins [Mr Andreopoulos] just wasn't himself, and like I said, he was visibly losing weight, so I was trying to just be there and support him and try and sort of make him realise that everything's fine. ...

He was always paranoid then that he was going to get sacked, so he was asking me always, 'Has anything more come through, is there anything about me?' he kept saying like, 'Is there anything about me?' ...

He would say like, 'Remember that [Holder] report?' and I'd say yeah, and he would say, 'Has anything more come through on that like about me and Philip [Allen]?' like as if – linking him to [Philip Allen]. ...

I can't recall the exact conversation, but it was that kind of context.

Counsel And how regularly would he be asking you these questions?

Collins At first, he didn't, and then it sort of got more and more regular over time.

51. Mr Andreopoulos was asked about the events described above at private hearings held in September 2022. He was shown a copy of the email sent by the supervisor of the ABF Illicit Tobacco Taskforce on 4 August 2020 and the First IR that was attached. He denied printing, copying or disclosing the First IR to anyone outside of the ABF. He said he barely read the report, however remembered reading Mr Allen's name and being shocked. He denied any knowledge of Holder Tobacco until his lawyers recently showed him a printout of an ASIC company extract in the lead-up to the hearing. He said that he did not think Mr Allen was associated with Holder Tobacco when he received the First IR.

52. Mr Andreopoulos said that he declared the conflict of interest to Mr Walker verbally and later documented the declaration in an email stating that, '[i]n the report provided to us, there is a person listed (Philip Allen) who is allegedly linked / associated to this company through someone they know'. Although he could not remember writing or sending the email, he conceded that he must have had knowledge about Holder Tobacco at least from 5 August 2020. However, he maintained that he did not have any personal knowledge of Mr Allen's involvement or association with Holder Tobacco.
53. Mr Andreopoulos said he was aware that Mr Collins had become the controller for the referral. He did not inform Mr Walker that Mr Collins knew Mr Allen. When asked why, Mr Andreopoulos explained that 'I didn't think of it at the time'.
54. Mr Andreopoulos denied asking Mr Collins about the First IR after Mr Collins had been made controller. He denied asking whether Home Affairs received any further reports relating to Holder Tobacco or Mr Allen, or anything associating Mr Andreopoulos with them.
55. When asked what he would do after work if he did not go directly home, Mr Andreopoulos said that sometimes he would go for coffee with friends (including Mr Allen) or go the gym or even play video games with his 'cousin' Mr Wilson. However, he denied meeting up with Mr Allen on 5 August 2020.
56. Mr Allen, when asked about the events of 5 August 2020, and whether he met with Mr Wilson or received any information from him or Mr Andreopoulos about ABF intelligence, accepted that he could have met with Mr Wilson but could not recall what they discussed.

## **The Second IR**

57. On 8 September 2020 at 10:59 am, the supervisor of the ABF Illicit Tobacco Taskforce sent another email to the Special Operations Collection Management inbox and copied in Mr Collins. The email subject was 'Project KALYKEJ19 – Holder Tobacco Information Report' and the Second IR was attached.
58. The Second IR was also marked 'PROTECTED' and stated that Mr Allen had an apartment in Thailand and drives around in a Ferrari, is setting up companies in Malaysia and Indonesia and expects to make millions.<sup>ii</sup>

59. Mr Andreopoulos gave evidence that he had not seen or been informed of the content of the Second IR at all. However, Mr Collins gave the following evidence:

Collins            And yeah, stupidly I – I said to him, ‘another one has come in, but it doesn’t mention you so don’t – don’t stress about it’.

Counsel            So why did you do that?

Collins            I was just – two reasons, and none of these reasons are excuses, I shouldn’t have done it. But the first one was he still had [a NV2 security clearance], no one told me don’t work with him on any jobs anymore, I was never spoken to about it at all. The second part is I could -- like, as I said earlier, he was a friend of mine, and I cared about his welfare and I thought by doing that, and telling him he wasn’t named, don’t stress, it might get him over whatever he was going through.

...

Counsel            So, you must have known at the time that what you were doing was not proper.

Collins            Yeah, it didn’t feel right.

Counsel            You’re saying it didn’t feel right?

Collins            No, I shouldn’t have done it.

Counsel            Did you provide him with a copy of the intelligence report?

Collins            I don’t think so, no.

60. On 8 September 2020, after the email attaching the Second IR was sent:

- at 1:50 pm, Mr Andreopoulos received a text message on his work phone from SIGNAL (an encrypted messaging application) with a verification code, indicating Mr Andreopoulos had downloaded afresh or prompted re-activation of the SIGNAL app to receive the message
  - at 2:11 pm, Mr Andreopoulos met Mr Wilson at a coffee shop for a few minutes, and
  - at 5:42 pm, Mr Andreopoulos met Mr Allen and Mr Brown at the same coffee shop as earlier.
61. On 8 September 2020 at 7:46 pm, following the meetings described above, Mr Andreopoulos submitted a Declarable Circumstances Form, which stated that:
- On Tuesday 8 September 2020, I received a text message from [Philip Allen] inviting me to have a coffee ... At the time I was exercising ... I finished training and walked past the café on the way home where I saw [Allen]. I had a coffee with [Allen] at the front of the coffee shop before parting [ways] and going home.
- I do not believe [Allen] is involved in any activities that may be in conflict with the role and mission of the Department of Home Affairs however I will continue to report any contact as safeguard and advised by [the Personnel Security at Integrity & Professional Standards Branch]
62. In relation to downloading the SIGNAL application, Mr Andreopoulos could not remember what date he downloaded it. He said he mostly used SIGNAL to communicate with work friends and never used it to communicate with Mr Wilson, Mr Allen or Mr Brown.
63. Mr Andreopoulos could not recall whether he met with Mr Wilson, Mr Brown or Mr Allen for coffee on 8 September 2020, but accepted it was possible as it was not unusual for him to do so.
64. When asked about his meetings with Mr Wilson, Mr Allen and Mr Brown on 8 September 2020, Mr Andreopoulos could not remember the reason for meeting. He denied informing Mr Wilson, Mr Allen or Mr Brown that a further information report regarding Holder Tobacco had been received.
65. Mr Jones gave evidence that Mr Andreopoulos told him that he (Andreopoulos) agreed to 'look out' for information regarding Holder Tobacco and report it to Mr Allen. He said:

Counsel Who told you about this arrangement? Who told you that there was this - - -

Jones I worked it out after so many times ...

I worked it out, and I even – I spoken to them about it, yeah.

Counsel You had spoken to them about it? ...

So, ‘spoken to them’, you mean George [Andreopoulos] and [Philip] [Allen]?

Jones George and [Philip], yeah.

Counsel Let’s just deal with George. What conversations did you have with George about the arrangement?

Jones George once said that he – to me, ‘cause I asked him about it, and you know, the words he used was that he w – he would ‘look out’ like, you know, if there was any issues with [Holder].

Counsel Was he to be paid? Did you have an understanding that the arrangement would involve him receiving money in exchange for those services?

Jones I never seen it, but I’m pre – I believe so, yes.

Counsel Was there any discussion with him about how the receipt of that money might be hidden or disguised in any way?

Jones No.

Counsel No? You weren’t privy to any of those discussions?

Jones No ...

All I know is, whatever money it was, it wasn’t large amounts ‘cause George [Andreopoulos] would always complain, and George would always – whatever he ever got, he’d spend. And then I’d hear [Phil] say, ‘Oh, he’s already spent it,’ so ...

... I don't know how much money, but, like, I'm thinking of in the tens of thousands, but not hundreds of thousands. Like, you know, ten grand for this – 'cause I know [Philip] would just – at the beginning I always thought that the guy was just borrowing money off [Philip], like, just being a leech, but then I worked out that it was, you know, you could tell that they had some type of financial arrangement.

66. When questioned about the arrangement described above, Mr Jones said that he remembered Mr Andreopoulos talking about how he had reported to his employer his relationship with Mr Allen. Mr Jones said that he had begun to think that Mr Andreopoulos was 'making up problems' to try to get something out of Mr Allen:

Jones                    No, he made it out like he had fixed it, like he'd done the report, it's all good, he's said what he had [to] say. Like, I don't - I was never privy to what he wrote in – or if that report was real.

Counsel                What did he say about what he put in the report?

Jones                    Just that they're related through the same way I said before, that they've baptised each other's children and that [Philip] has no connection with [Holder], I think he also said something like that.

67. Mr Jones confirmed that he was aware that Mr Andreopoulos had submitted a Declarable Circumstances form in relation to Mr Allen and that Mr Allen had an intention to come up with an arrangement that no longer required Mr Andreopoulos.

68. Mr Jones's evidence was that by September 2020, the relationship between Mr Allen and Mr Andreopoulos had deteriorated. Throughout September 2020, Mr Jones said that he had multiple conversations with Mr Allen, who complained about Mr Andreopoulos costing him multiples of thousands (but not hundreds of thousands) of dollars:

Jones                    I don't know what George could give him, but it was, like, obviously, information was - - -

Counsel                Anything else that George was to do for the benefit of [Philip Allen] or [Holder], that was part of this arrangement?

Jones No, he was probably provided, like, you know, container numbers and whatever.

Counsel Container numbers?

Jones Yep.

Counsel What did you understand about container numbers and what information might be provided about container numbers?

Jones I don't know exactly, but my – I'm pretty sure I heard him saying that – the part of the information that was provided was they would give what containers or – numbers and whatever, and then George would look out for when it's coming.

...

I think if it had a problem or got held up, or whatever, it was George's role to tell [Philip] about it.

Counsel If there was interest on the part of the authorities in the particular consignment number?

Jones Yep.

69. Mr Andreopoulos gave inconsistent evidence about his relationship with Mr Allen during this period. Initially, he said that he was friends with Mr Allen and they visited one another on a weekly basis until the search warrant was executed on 2 October 2020 (referred to at paragraph 33 above). When shown the First IR, he said that he 'probably' took steps to 'avoid' Mr Allen after he learned of that document on 5 August 2020. When presented with the Declarable Circumstances Form of 8 September 2020 which documented his meeting with Mr Allen around that date, he said variously that he could not remember, that they might have met at a kid's birthday party, and that he would not have gone out of his way to meet Mr Allen.<sup>iii</sup>
70. Mr Andreopoulos also denied that there was any arrangement under which he would provide Mr Allen with information relevant to Holder Tobacco. He further denied telling Mr Allen, Mr Jones, Mr Brown or Mr Wilson about his declaration regarding Mr Allen.

71. Notwithstanding his earlier position that he had not read the First IR in detail – maintained throughout his evidence – Mr Andreopoulos’s evidence was that the reason he ceased contact with Mr Allen around 2 October 2020, when the warrant was executed, was because he drew the conclusion that the warrant must be linked to the First IR, despite Mr Allen not being mentioned on the warrant:

Counsel            So on what basis was it that you determined that, as a result of this warrant being executed, that you could not speak to Mr Allen?

Andreopoulos    I think it's because of the information report that was sent – I received an information report with Mr Allen’s name on it, weeks prior, and I formed the view that this was connected to him.

Counsel            What was it about this warrant that made you form the view that this was connected with the information report that you received?

Andreopoulos    There's no other reasonable thing to believe.

Counsel            Well, what's the information in this warrant? Could you please identify to us, the information in this warrant that led you to connect its execution upon you with your relationship with Mr Allen, given that his name is not mentioned anywhere in this warrant?

Andreopoulos    Well, it was the information report then, that I formed that opinion.

Counsel            Well, what connected the information report to this warrant?

Andreopoulos    Because that's the only person I'm associated to that something could be wrong with.

Counsel            Why is that something could be wrong with in relation to your association with Mr Allen?

Andreopoulos    Because his name was on an information report that suggests he was doing something wrong.

Counsel            Right. And you can't connect anything to do with that information report, to any of the information that we see on the face of this warrant?

Andreopoulos No.

Counsel What about Holder Tobacco Pty Limited?

Andreopoulos The word tobacco maybe, but I don't know who that company is.

Counsel You have no knowledge of who that company is?

Andreopoulos No ...

I remember seeing Mr Allen's name on the report, but I was shocked and I didn't pay attention or read much of the email. Like I breezed through it, I saw his name, and I didn't want to look at it.

Counsel Are you telling the truth?

Andreopoulos Yes.

72. Mr Allen also gave evidence denying that any arrangement existed between himself and Mr Andreopoulos for the provision of ABF information concerning Holder Tobacco.

## Analysis of customs data

73. Following a thorough analysis of customs data, investigators did not identify any specific time periods or consignments that could be directly linked to Mr Andreopoulos, Mr Allen or Mr Jones.

## Business ventures

### Outside employment

74. At some point, Mr Andreopoulos wanted to leave his employment at the ABF and began sharing business ideas with Mr Collins and Mr Kalam, whom he understood also wanted to leave government for the private sector.
75. As part of their employment with Home Affairs, Mr Andreopoulos, Mr Collins and Mr Kalam were required to have prior approval to undertake outside employment or perform voluntary activities. Outside employment includes:

- where an employee is associated with an active Australian Business Number (ABN), regardless of whether the employee is actively using the ABN or engaging in business activities associated with the ABN, and
  - where an employee is listed as a Director, Secretary or other member of a company which is registered with the Australian Securities and Investment Commission, regardless of whether the employee is active in the enterprise or derives an income from the role.
76. In approving applications for outside employment, managers would be required to be satisfied that the employment or activity could not be categorised as high risk and does not create a potential risk to security, integrity or work health and safety, nor present any actual or perceived conflicts of interest. High risk activities include employment in any capacity in the security industry, including security training or any role (however described) requiring the employee to hold any class of a security licence.

### **Spectral Security Group Pty Ltd**

77. In early 2020, Mr Andreopoulos spoke to Mr Kalam about the idea of setting up a security business. Mr Kalam then shared that he had been working on a business called Spectral Security Group Pty Ltd (Spectral), and agreed to Mr Andreopoulos participating in the development of Spectral. At a later date Mr Collins also became involved and would help out with various tasks from time to time. All 3 had Spectral email addresses.
78. Spectral was first registered on 18 July 2018 by Mr Kalam's brother and offered security services including security guards to businesses. Mr Kalam's parents are also registered as directors of Spectral and their address is used as the business address. At a hearing, Mr Kalam repeatedly described Spectral as 'a family business', but he eventually agreed that he is the only member of his family with experience in security-related fields and that Spectral has always been primarily his business.

79. After Mr Kalam agreed to Mr Andreopoulos contributing to Spectral, Mr Andreopoulos gave Mr Kalam \$3,500 as an investment in the business, and requested that any shares be allocated to Mr Andreopoulos's brother. Mr Andreopoulos admitted in his examination that he made this request 'because it was a conflict of interest ... with work because it was security-related'. He thought that he would not be under an obligation to disclose the shares to the ABF if they were in his brother's name. Mr Collins was not allocated any shares in Spectral.
80. Neither Mr Andreopoulos, Mr Kalam nor Mr Collins declared their involvement in Spectral to the ABF.

### **Tigo Corporation Pty Ltd**

81. In addition to Spectral, Mr Andreopoulos, Mr Kalam and Mr Collins were also involved in a company named Tigo Corporation Pty Ltd (Tigo). Mr Kalam and Mr Collins initially discussed the concept behind Tigo, which was to create an 'Uber-type' application for security guards. Mr Kalam and Mr Collins would regularly exchange emails and meet up outside of work to discuss the idea. About 6 months later, they discussed it with Mr Andreopoulos, who wanted to be involved and agreed to assist with securing finance.
82. In February 2020, Mr Andreopoulos, Mr Kalam and Mr Collins approached Mr Jones about investing in Tigo. Mr Jones, who became the only investor in Tigo, agreed to invest up to \$100,000; however, there was no formal arrangement or document in place confirming this.
83. Tigo was registered on 1 April 2020, with Mr Andreopoulos, Mr Kalam and Mr Collins recorded as its directors. Mr Kalam's residential address was recorded as the principal place of business, and FTF Services as the registered office. Ownership was split between Andreopoulos Family Pty Ltd (50%), ZKMS Group Pty Ltd (25%) and OSRF Pty Ltd (25%), entities owned by Mr Andreopoulos, Mr Kalam and Mr Collins respectively. All 3 entities were registered by FTF Services, and Mr Andreopoulos held 25% for Mr Jones.

84. Between April and September 2020, Mr Andreopoulos, Mr Kalam and Mr Collins retained a software company in Poland and regularly engaged with them by email and video conference in order to develop Tigo. In that same period, Mr Jones invested a total of about \$170,000 in the development of Tigo. After the scope of the project kept expanding, he agreed with his business partner to increase their limit. After they received information that a further \$100,000 was needed by the software company to deliver a product, Mr Jones and his business partner withdrew their support, and the Tigo project was not completed.
85. On 3 June 2020, Mr Andreopoulos submitted a Declarable Circumstances Form to Home Affairs advising that he had registered a company called Tigo in his name; the company was not making any money or profit as it was in the research and development phase; and it was only a concept for the time being. On 23 June 2020, he provided further information about Tigo to Home Affairs. In particular, he described Tigo as a 'software development start-up' which had secured an investor named FTF Services in exchange for 25% share of the company. He indicated that himself, Mr Kalam and Mr Collins had spent approximately \$600 between them, and that they attended meetings twice a week to ensure development was on track. On the same day, he also submitted an 'Application for approval to engage in outside employment and voluntary activities' to Mr Walker.
86. When asked about his declarations regarding Tigo, Mr Andreopoulos admitted that he did not disclose the business 'appropriately', as he did not say that Tigo was security related. He also admitted the omission was deliberate, because he knew it was a conflict of interest and believed that he would be leaving the ABF shortly after.
87. Mr Collins and Mr Kalam also did not declare their involvement in Tigo to the ABF.

# Consideration

## The corruption issue

88. Under the LEIC Act, a corruption issue is an issue as to whether a staff member of a law enforcement agency has engaged in corrupt conduct.<sup>11</sup> Corrupt conduct includes abuse of office, and corruption of any other kind.<sup>12</sup>
89. The terms ‘abuse of office’ and ‘corruption of any other kind’ are not defined in the LEIC Act.

## Abuse of office

90. ‘Abuse of office’ is a concept which originated in the context of criminal law. It generally involves using one’s office to dishonestly benefit oneself or another, or to dishonestly cause detriment to another.<sup>13</sup>
91. While the issue here concerns corruption and not criminality, these notions from the criminal law inform the concept of ‘abuse of office’ in the present context, which is whether a staff member of a law enforcement agency has engaged in conduct involving an ‘abuse of their office’. It will be an abuse of office for a public official to use their powers or office improperly to obtain a benefit for themselves or to inflict a detriment on someone else. The elements of abuse of office include that the public official engaged in improper acts or omissions in an official capacity knowing that the conduct is improper. An abuse of office can be committed through the exercise of influence arising from the person’s office, or the use of information obtained in their capacity as a public official.

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11 LEIC Act, section 7(1).

12 LEIC Act, section 6(1).

13 See e.g. *Criminal Code* (Cth), section 142.2(1).

## Corruption of any other kind

92. ‘Corruption of any other kind’ concerns improper conduct connected with official duties that involves dishonesty or personal benefit. This category is a catch-all for corrupt conduct that does not fit into the other categories, but there may also be some overlap. The ordinary meaning of corruption in public administration implies dishonest or partial exercise of an official function.<sup>14</sup> It can include conduct by a public official in their official capacity that involves:
- ‘a deliberate act of dishonesty, breach of the law, or abuse of public trust or power that undermines or is incompatible with the impartial exercise of an official’s powers, authorities, duties or functions’,<sup>15</sup> or
  - ‘a moral impropriety in, or in relation to, public administration’.<sup>16</sup>

## George Andreopoulos

### Disclosure of sensitive information

93. Although there is no direct evidence that Mr Andreopoulos disclosed sensitive information to Mr Allen, and although Mr Andreopoulos denied it, the evidence objectively establishes the following facts and circumstances consistent with an inference that he did so.
94. First, the Rattletrap Report was produced by Home Affairs’ Supply Chain Intelligence team on 19 April 2018. It contained information about the practice of ‘swapsies’. It was transferred to a work-issued USB, subsequently transferred to an unidentified Apple device, and later uploaded onto Mr Andreopoulos’s personal Apple iCloud account on 13 May 2019 (paragraphs 34–35).
95. Secondly, on Mr Andreopoulos’s own admission, this occurred around the time that he had a conversation with Mr Allen about his intention to set up a tobacco business in Asia (paragraph 38).

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14 *Cunneen v Independent Commission Against Corruption* [2014] NSWCA 421 at [62] (Basten JA); *Independent Commission Against Corruption v Cunneen* [2015] HCA 14; (2015) 256 CLR 1 at [38].

15 LexisNexis, Encyclopaedic Australian Legal Dictionary (online at 15 March 2021) Corruption.

16 *Independent Commission Against Corruption v Cunneen* (2015) 256 CLR 1, 32 (Gageler J).

96. Thirdly, very shortly after the First IR was first accessed by Mr Andreopoulos on 5 August 2020 between 8:20 am and 11:27 am, after submitting a Declarable Circumstances Form and having been directed to remove himself from the matter, the following sequence of events occurred, and was attended by a sense of urgency (paragraphs 45–46):
- a. he met with Mr Brown between 7:15 pm and 7:53 pm
  - b. at 7:54 pm and 7:55 pm, Mr Brown attempted to call Mr Andreopoulos’s close family friend, Mr Wilson, twice without answer, and then spoke to him at 7:57 pm, foreshadowing meeting at his home ‘soon’
  - c. by 8:04 pm, Mr Brown had arrived at Mr Wilson’s house
  - d. at 8:09 pm, Mr Wilson called Mr Allen and asked to see him ‘now’, and again at 8:31 pm, said he needed to see him ‘urgently’ tonight
  - e. between 10:03 pm and 11:19 pm, Mr Allen and Mr Wilson met, at the latter’s house, with Mr Brown, and
  - f. on the evening of 6 August 2020 from around 6 pm, Mr Brown and Mr Allen, and from around 6:30 pm, Mr Jones, met at a coffee shop until around 11:30 pm.
97. Fourthly, very shortly after the Second IR was received on 8 September 2020 at approximately 11 am, a very similar sequence of events occurred, which included that (paragraph 60):
- a. at 1:50 pm, he downloaded or reactivated the SIGNAL encrypted messaging application
  - b. about 20 minutes after doing so, and less than 4 hours after the Second IR was received, he met Mr Wilson at a coffee shop, for a few minutes only, and
  - c. then, approximately 3½ hours later, he met with Mr Allen and Mr Brown in the same coffee shop – in circumstances where, on his own evidence, he knew that Mr Allen was the subject of at least the first IR which linked Mr Allen to the importation of illicit tobacco, and he gave evidence that he took steps to distance himself from Mr Allen.

98. In addition, there is corroborated testimonial evidence that at about the time the Rattletrap report was uploaded to his iCloud account, Mr Allen and Mr Andreopoulos were discussing the technique of ‘swapsies’, referred to in the Rattletrap report. According to Mr Allen, at about that time, he pitched his tobacco business to Mr Jones on the basis that they could engage in ‘swapsies’. This was corroborated by Mr Jones, who gave evidence that Mr Andreopoulos and Mr Allen approached him about setting up ‘clean’ profiles for entities that could import ‘whatever, plastic chairs or something else, that after a few times could be swapped with something’ – consistent with information contained in the Rattletrap Report.
99. It is not necessary that every rational hypothesis consistent with an innocent explanation be excluded, as the criminal standard of proof is not applicable; it suffices to be comfortably satisfied that the sinister explanation be the most probable explanation of the circumstances, in the sense that it more probably explains them than all the innocent explanations combined.<sup>iv</sup>
100. Notably, Mr Andreopoulos could not provide any plausible explanation about why or how the Rattletrap Report was uploaded to his iCloud account, or why he needed to view the document outside the ABF network. The suggestion that he might have done so for ‘learning’ purposes is implausible, particularly given the lack of clarity and particularity about this explanation, and his admission that the upload occurred around the same time Mr Allen discussed with him starting a tobacco business.<sup>v</sup>

101. Any suggestion that the contacts with Mr Allen on 5 August and 8 September were coincidental, as part of the ordinary course of their friendship, is also implausible. First, the contact on 5 August involved a considerable sense of urgency, for which no explanation was provided. Secondly, the similar extraordinary series of events after the dissemination of the First IR and the Second IR is striking, especially in the context that Mr Andreopoulos had made a declaration and been told to remove himself from the matter. Thirdly, in particular, it is notable that on the day Mr Andreopoulos accessed the First IR, it was following contact by him with Mr Brown; that it was Mr Wilson who made the call to Mr Allen telling Mr Allen that he needed to speak with him urgently; and on the day the Second IR was released, it was only following contact with Mr Wilson that there was a meeting with Mr Allen – notwithstanding that Mr Andreopoulos and Mr Allen have been friends since the 2000s, Mr Wilson was introduced to Mr Allen much more recently (about 2017) and by Mr Andreopoulos. Indeed, on 5 August 2020, Mr Allen had to ask for Mr Wilson’s home address. Mr Wilson may have served as a go-between, to avoid direct telecommunications contact between Mr Andreopoulos and Mr Allen, in the context of the First and Second IRs. Fourthly, the coffee shop meeting with Mr Allen and Mr Brown on 8 September 2020 is not reconcilable with his own evidence, that he knew that Mr Allen was the subject of at least the First IR which linked Mr Allen to the importation of illicit tobacco and had taken steps to distance himself from Mr Allen.
102. Any suggestion that the download or reactivation of the SIGNAL app on 8 September 2020 very shortly after the Second IR was received was coincidental is implausible in the context of the surrounding circumstances and the absence of unencrypted communications in advance of the subsequent meetings that day (in contrast to what occurred on 5 August).<sup>vi</sup>
103. The credibility of Mr Andreopoulos’s denials is also undermined by the following:
  - a. Although Mr Andreopoulos gave evidence that he did not see the Second IR, this was contradicted by Mr Collins’s evidence that he told Mr Andreopoulos about it on the day it was received (paragraph 59). Mr Collins’s evidence in this respect was against his own interests.

- b. Mr Andreopoulos also denied telling anyone outside the ABF about his declaration in respect of Mr Allen, asking Mr Collins about the First IR or whether any further information had been received, or being informed about the Second IR (paragraphs 51, 59 and 70). He also gave evidence that he was unaware of Mr Allen’s connection to Holder Tobacco until he was summoned to a hearing in 2022. These statements are contradicted by the evidence of Mr Collins that Mr Andreopoulos regularly followed-up after the First IR (paragraph 50) and the evidence of Mr Jones that Mr Andreopoulos had discussed lodging a Declarable Circumstances Form (paragraphs 66–67). Mr Collins’s evidence was in some respects against his own interests, and he had no apparent reason to be untruthful about Mr Andreopoulos regularly following up with him. Mr Jones’s evidence is highly credible in this respect, as Mr Andreopoulos had in fact made such a declaration, which Mr Jones would appear to have no way of knowing unless told, directly or indirectly, by Mr Andreopoulos.
  - c. Mr Andreopoulos’s evidence that he was unaware of the existence of Holder Tobacco and its connection to his close friend Mr Allen until he was summoned to a hearing in 2022 is refuted by his own declaration in respect of the First IR on 5 August 2020, in which he refers to Holder Tobacco and Mr Allen (see paragraph 45), as well as by Mr Collins’s evidence that after the First IR was released, Mr Andreopoulos asked him about the ‘Holder’ report (paragraph 50).
104. Moreover, there is testimonial evidence which tends to support the sinister hypothesis: Mr Jones gave evidence that Mr Andreopoulos told him that he (Andreopoulos) agreed to ‘look out’ for information regarding Holder Tobacco and report it to Mr Allen. Some aspects of Mr Jones’s evidence – in particular, that he ‘suspected’ that this likely involved providing information and ‘probably’ container numbers, and that he believed that Mr Andreopoulos received money from Mr Allen in exchange – did not rise above suspicion or speculation and was based on conversations the details of which are unclear, and observations about conversations to which he was not a party, and provides an insufficient basis for a finding of corrupt conduct. However, this aspect is based on a direct conversation with Mr Andreopoulos: ‘George once said that he – to me, ’cause I asked him about it, and you know, the words he used was that he w – he would “look out” like, you know, if there was any issues with [Holder].’<sup>vii</sup>

105. In the light of that analysis, the most probable explanation of the facts and circumstances set out above is that Mr Andreopoulos:
- a. uploaded the Rattletrap Report onto his personal device and shared information from it, in particular the practice of ‘swapsies’, with Mr Allen
  - b. indirectly shared information contained in the First IR with Mr Allen on 5 August 2020, and
  - c. directly shared information contained in the Second IR with Mr Allen on 8 September 2020.
106. Despite extensive searches, investigators were unable to identify anything that could be described as a payment from Mr Allen to Mr Andreopoulos, and analysis of customs data was unable to identify consignments linked to Mr Andreopoulos, Mr Allen or Mr Jones. As discussed above, the evidence of Mr Jones that he ‘suspected’ Mr Andreopoulos provided container numbers, and believed that he received money from Mr Allen in exchange, provides an insufficient basis for a finding of corrupt conduct of that kind.<sup>viii</sup>
107. However, the disclosure of sensitive information to Mr Allen as described above involved a use of information to which Mr Andreopoulos had access only because of his office as an ABF employee, and thus a use of his office.
108. The purpose of those acts was to confer a benefit on his associate Mr Allen, being information that might enable him to profit from the import of illicit tobacco and avoid or mitigate exposure to investigation.
109. Mr Andreopoulos, as a senior Border Force officer, who had been involved in the development of the SOU’s practices and protocols, must have known that to share such information with a person of interest to an investigation was in breach of his obligations as an ABF employee and improper. Indeed, he agreed that sending a protected document ‘across the cloud’ was a breach of ABF policies.
110. It follows that Mr Andreopoulos engaged in an abuse of office, by improperly disclosing sensitive information to which he had access only because of his official position, to an associate, and thereby engaged in corrupt conduct.

## Outside employment

111. Mr Andreopoulos knew that he was under an obligation, under the ABF's outside employment guidelines, to seek approval if he intended to engage in outside employment. He knew that this process included consideration of any potential conflict of interest that might arise, and that any security industry-related employment would present an issue in this respect.
112. Mr Andreopoulos admitted that he deliberately took steps to avoid disclosing his involvement with Spectral and Tigo. Moreover, he directed that his shares in Spectral be issued in his brother's name, so as to mask his connection with each company. In respect of Tigo, he admitted to deliberately omitting that it was an application targeted at the security industry.
113. Mr Andreopoulos knew the above actions were inconsistent with his obligations as an ABF employee, and that by taking those actions he deliberately deceived the ABF.
114. However, while this behaviour involved dishonesty, and is indicative of a disregard for his obligations and a willingness to provide false information or omit pertinent information to his benefit, it did not involve the performance of an official function, or the use of his public office. It is better characterised as a breach of his employment obligations and the APS Code of Conduct than as corrupt conduct within the meaning of the LEIC Act.<sup>ix</sup>

## Benjamin Collins

115. The evidence establishes that:
  - Mr Collins did not tell Mr Walker or anyone else in the ABF that he knew or had met Mr Allen. However, I am not satisfied that this was a wilful omission, and it did not involve any benefit for himself or anyone else.
  - Mr Collins told Mr Andreopoulos about the Second IR, despite being aware that Mr Andreopoulos had declared a relevant conflict of interest and that steps had been taken to remove Mr Andreopoulos from the investigation into Holder Tobacco. Again, however, it does not appear that this was done to gain any improper benefit for himself or anyone else.

- Mr Collins failed properly to declare his interest and involvement in Spectral and Tigo to the ABF, as required by the ABF's outside employment guidelines, in circumstances where he was obliged to do so, and where – as Spectral and Tigo related to the security industry – any involvement in them would likely be considered a high-risk activity. However, this did not involve the performance of an official function or the use of his office, and is better characterised as a breach of his employment obligations and the APS Code of Conduct than as corrupt conduct within the meaning of the LEIC Act.

116. It is therefore not established that Mr Collins engaged in corrupt conduct.

## Shamim Kalam

117. As with Mr Collins, the evidence establishes that Mr Kalam failed properly to declare his involvement in the development of Spectral and Tigo to the ABF, as required by the ABF's outside employment guidelines, in circumstances where, as Spectral and Tigo related to the security industry, any involvement in them would likely be considered a high-risk activity.

118. Again, however, this did not involve the performance of an official function or the use of his office, and is better characterised as a breach of his employment obligations and the APS Code of Conduct than as corrupt conduct within the meaning of the LEIC Act.

119. It is therefore not established that Mr Kalam engaged in corrupt conduct.

## Action taken under Part 10 of the LEIC Act

120. On 12 August 2020, the Integrity Commissioner referred evidence of potential breaches of duty or misconduct by Mr Andreopoulos, Mr Collins and Mr Kalam to the Secretary of Home Affairs, pursuant to section 146(1) of the LEIC Act.
121. In October 2020, Mr Andreopoulos and Mr Collins resigned from their employment at the ABF, and Mr Kalam was stood down without pay. In November 2022, Mr Kalam's employment with ABF was terminated.
122. Pursuant to section 142(1) of the LEIC Act, if in investigating a corruption issue the Integrity Commissioner obtains evidence of an offence against a law of the Commonwealth that would be admissible in a prosecution for the offence, the Integrity Commissioner must assemble the evidence and give it to the AFP or another person with authority to prosecute the offence.
123. I am satisfied that section 142(1) is enlivened insofar as admissible evidence has been obtained of offences against ss 122.4 and 142.2 of the Criminal Code and I intend to assemble the evidence and provide it to the Commonwealth Director of Public Prosecutions.<sup>x</sup>

A handwritten signature in blue ink, appearing to read 'Paul Brereton', followed by a period.

**The Hon Paul Brereton AM RFD SC**  
National Anti-Corruption Commissioner

11/05/2026

# Endnotes:

## Mr Andreopoulos's submissions

<sup>i</sup> **The reliability and motivation of the source (15).** Mr Andreopoulos submits that he suspects that an ABF co-worker was the source of the referral that instigated Operation Young, and that the referral was provided in bad faith. He submits that the identity, motivation and reliability of the source is material to Operation Young. **However**, no finding of corrupt conduct is made in respect of the original allegation (refer 106). The identity, reliability and motivation of the source is irrelevant to the basis of the corrupt conduct finding.

<sup>ii</sup> **Absence of cogent evidentiary basis for adverse conclusions (58).** Mr Andreopoulos submits that references to statements such as 'Mr Allen drives a Ferrari' infers that Mr Allen and Mr Jones were wealthy businessmen probably associated with 'get rich quick schemes'. That inference was not grounded in evidence put to Mr Andreopoulos and therefore deprived him of a meaningful opportunity to respond to the implied allegation of that statement. **However**, the adverse findings do not rely on any inference or conclusion about Mr Andreopoulos arising from the statement 'Mr Allen had an apartment in Thailand and drives around in a Ferrari, is setting up companies in Malaysia and Indonesia and expects to make millions' (refer 58). No adverse inference is drawn in relation to Mr Andreopoulos's credibility on the basis of any suggestion of involvement in 'get rich quick' schemes.

**iii Mr Andreopoulos's evidence about his relationship with Mr Allen (69–71).**

Mr Andreopoulos disputes that he spoke evasively about his relationship with Mr Allen, and emphasises that he declared and never hid the relationship. He says that he felt defensive and uncomfortable when the friendship was explored by the examiner. **However**, the finding is not that Mr Andreopoulos hid or spoke evasively about his relationship with Mr Allen, but that he gave inconsistent evidence about it, and in particular, about when he initiated steps to limit his contact with Mr Allen (see 69). Mr Andreopoulos submits that there is no inconsistency in his testimony, but that he used qualified language such as 'probably' to reflect the limits of his recollection rather than those answers demonstrating contradiction in his evidence. He submits that he was troubled by the fact that there was no real way to avoid Mr Allen, who was integrated into the family circle; and that he had no role in 'the Holder Tobacco issue' and no idea about the company. **However**, Mr Andreopoulos gave evidence that he took steps to distance himself from Mr Allen upon execution of the search warrant on 2 October 2020, but later said he 'probably' took steps to distance himself upon receipt of the First Information Report on 5 August 2020 (see 69). Other than the findings in relation to the improper disclosure of sensitive information, there is no finding that he had any role in Holder Tobacco; and it is accepted that there is insufficient evidence to show that he accessed or provided container numbers for the purposes of Holder Tobacco (see 106). But his evidence about knowledge of the 'Holder Tobacco issue' was inconsistent (see 69–71). He claimed not to know the name 'Holder Tobacco' prior to 2 October 2020 (when a search warrant was executed), but had named Holder Tobacco in his declarable circumstances form on 5 August 2020 upon receipt of the First Information Report (see 45).

**iv Use of hearsay evidence and proof from circumstantial evidence (99).** Mr Andreopoulos made submissions about the use of hearsay evidence, and the proof of facts from circumstantial evidence in a criminal case, referring to *Shepherd v The Queen* [1990] HCA and *Chamberlain v the Queen (No 2)* [1984] HCA 7; 153 CLR 521. **However**, neither the rules of evidence nor the criminal standard of proof apply to the Commission. Findings made about whether a person has engaged in corrupt conduct are made on the balance of probabilities, bearing in mind the principle in *Briginshaw v Briginshaw*. Those findings may not be the same as those that would be made by a court deciding on criminal guilt beyond a reasonable doubt (see 9). It is not necessary that every rational hypothesis consistent with an innocent explanation be excluded, as the criminal standard of proof is not applicable (see 99).

<sup>v</sup> **The Rattletrap Report (31–38).** Mr Andreopoulos submits that he was not a passive or incidental recipient of the Rattletrap Report, but was formally tasked to collect and develop intelligence for the purpose of Project Rattletrap, directly contributed to the substance of and examples used in the final report, and that his access to and possession of the report was authorised, legitimate and fully consistent with his duties. He further submits that there were no controls over personal electronic devices being allowed into the ABF workspace, and that staff were issued with USBs by the ABF so they could work on protected documents from home computers, and the Rattletrap Report was a word document available on the ABF system. Mr Andreopoulos further submits that he has never denied that a copy of the Rattletrap Report appeared on a personal device; that he did not intentionally upload the document to iCloud or share or transmit it to any third party; that the transfer may have occurred due to automated device synchronisation; and that there is no evidence of any actual harm, operational compromise or breach of national security. **However**, it is not suggested that Mr Andreopoulos should not have had access to the Rattletrap Report or used an ABF-issued USB, or that having a personal device on ABF premises was impermissible. While it is acknowledged (see 35–36) that Mr Andreopoulos denies that he intentionally uploaded any ABF documents to his personal iCloud storage and suggests that it may have automatically synchronised because his ‘... computer [is] linked to the cloud ...’, Mr Andreopoulos has not provided any plausible explanation as to why the Rattletrap report was uploaded to his iCloud, or why he needed to view the document outside the ABF network (see 100). Further, Mr Andreopoulos gave evidence that, although he did not recollect why he would need to access the Rattletrap report outside the ABF network, the likely purpose would have been ‘for research or to learn’ (see 37). His submission that he would have no need to access the Rattletrap report because its content is well known in the world of border control contradicts this evidence and provides no further support for his position.

Mr Andreopoulos submits that there is no indication that the Rattletrap Report was ever disseminated, copied, used or relied upon in any inappropriate context, and there is no evidence of further transmission or dealing; that there is no evidence of any admission or conduct that could be seen as a consciousness of guilt; and no suggestion that he has tampered with any evidence or deleted records. **However**, while there is no *direct* evidence that Mr Andreopoulos disclosed sensitive information, the evidence objectively establishes that:

- The Rattletrap Report, which contained information about the practice of ‘swapsies’, was transferred to a work-issued USB, subsequently transferred to an unidentified Apple device, and later uploaded to Mr Andreopoulos’s personal iCloud account (see 94)

- This occurred around the time Mr Andreopoulos had a conversation with Mr Allen about his intention to set up a tobacco business in Asia (see 95).
- Shortly after the first Intelligence Report was accessed by Mr Andreopoulos on 5 August 2020, he initiated a sequence of events which was attended by urgency, which included meeting Mr Brown who then communicated with Mr Wilson and Mr Allen (see 96).
- Very shortly after the Second Intelligence Report was received on 8 September 2020, Mr Andreopoulos initiated a very similar sequence of events which included meeting Mr Wilson, Mr Brown and Mr Allen (see 97).

That evidence forms the basis for the findings at 105 – in short, that he used his position as a public official to access the Rattletrap Report and improperly disclosed information from it (among other information) for the benefit of Mr Allen.

Mr Andreopoulos further submits that the hearsay evidence given by Mr Jones that Mr Andreopoulos was involved in discussions about techniques to evade the payment of duties, did not establish an express intent beyond how persons might successfully swap stock, and that in the world of border controls ‘swapsies’, namely, swapping the dutiable content with non-dutiable, is an age-old process employed by smugglers, so that there is nothing of value to those with a guilty intent about a ‘swapping’ method revealed in the Rattletrap Report. **However**, Mr Jones’s evidence was that Mr Andreopoulos and Mr Allen had approached him to set up ‘clean’ profiles for entities that could import ‘whatever, plastic chairs or something else, that after a few times could be swapped with something’. Insofar as that relates to an approach by Mr Andreopoulos, it is not hearsay. Mr Jones’s evidence was corroborated by Mr Allen’s evidence that he had had a conversation with Mr Andreopoulos about swapsies (see 98). The testimonial evidence supports the most probable explanation in all the circumstances. Further, the Rattletrap Report was focused on identifying ‘*contemporary methods* used by criminal groups to exploit supply chain vulnerabilities’ that included ‘swapsies’ (see 32 [Emphasis added.]). The information in the Rattletrap Report about ABF’s knowledge of methods used by criminal entities would have significant value for those looking to find and exploit vulnerabilities.

Finally, Mr Andreopoulos submits that there is an overreliance on the evidence in relation to the Rattletrap Report and a tendency to draw adverse inferences in the absence of direct evidence of corrupt conduct. Further, that any reference to the Rattletrap Report being allegedly leaked or improperly provided to Mr Allen is a red herring, inviting circumstantial inference against his integrity in the absence of established corrupt conduct. **However**, so far as Mr Andreopoulos's evidence in relation to the Rattletrap Report is relied upon to make a finding of corrupt conduct, those findings are relied upon in connection with the corroborated evidence of Mr Allen and Mr Jones. That is, around the time that the Rattletrap Report was uploaded to Mr Andreopoulos's iCloud account, on Mr Andreopoulos's evidence, Mr Allen had discussed with him setting up his own tobacco business (refer 38 and 98). According to Mr Allen, around that time he pitched his tobacco business to Mr Jones, including the practice of 'swapsies'. Mr Jones also gave evidence that Mr Allen and Mr Andreopoulos had approached him to set up 'clean' profiles to import legitimate goods that could later be swapped out for something else (refer 40) – that being the basic premise of 'swapsies' and the subject matter of the Rattletrap Report.

<sup>vi</sup> **The SIGNAL app (97.a, 102).** Mr Andreopoulos submitted that an inference that downloading Signal involved, or was for the purpose of, some impropriety was purely speculative. He submitted that a suggestion made in the course of his examination that he had downloaded SIGNAL to his personal device had been withdrawn, that the application was installed on an ABF-issued device and there was no electronic evidence recovered from the device to support any allegations against him, that use of 'Signal' was common practice among ABF officers for secure internal communications, and that it is widely used in the global law enforcement community. **However**, the report correctly acknowledges that the text message was received on his ABF-issued work phone: see 60, which states that Mr Andreopoulos received a *'text message on his work phone from SIGNAL (an encrypted messaging application) with a verification code ...'* [Emphasis added.] It is not suggested that there was impropriety in merely downloading or reactivating the SIGNAL app. It is the downloading or reactivation of SIGNAL *at the time at which it occurred* and in the absence of prior use of encrypted communications that provides a temporal connection between the receipt of the Second Information Report and the meetings with Mr Wilson and later Mr Jones and Mr Allen. It is this series of events that forms the circumstantial evidence which founds the findings at 102 and 105.

<sup>vii</sup> **Mr Jones's evidence (104, 106).** Mr Andreopoulos suggests a likely motive behind Mr Jones's evidence which has been overlooked is that Mr Jones was a failed investor in a project that Mr Kalam and Mr Collins promoted; Mr Jones was very keen to become involved in Tigo, and his contribution of about \$100,000 from his accounting practice was most of the start-up money, while Mr Andreopoulos could not afford to contribute more than a few thousand and Mr Collins was the software researcher; when the Tigo software start-up failed to materialise, Mr Jones became sour and the friendship ceased; and both the failed start-up and his suspicion of Mr Jones's illicit drug use led Mr Andreopoulos to cease contact with Mr Jones. He further submits that Mr Jones's evidence is hearsay, speculative, and over-anxious to assist and implicate Mr Andreopoulos. **However**, the report takes into account that Mr Jones agreed to invest up to \$100,000 into Tigo (see 23, 82). Insofar as Mr Jones's evidence is relied on to support the corruption finding, it is direct evidence of conversations with Mr Andreopoulos, not hearsay (see 98, 104) and in the former case corroborated (see 98, 103.b). Uncorroborated and speculative evidence of Mr Jones has not been relied upon (see 104, 106).

<sup>viii</sup> **No evidence of financial benefit or link to persons connected to illicit tobacco (106).** Mr Andreopoulos submits that there is no evidence of unexplained wealth or lifestyle expenditure beyond Mr Andreopoulos's apparent earning capacity. He further submits that despite the extensive searches of customs data, consignments and transactions, there is no evidence that links Mr Andreopoulos to persons associated illegal importation. **However**, this is addressed at 106, and no finding that he received any payment for the arrangements between him and Mr Allen is made. The finding of abuse of office does not depend on a financial benefit accruing to Mr Andreopoulos. The finding is that Mr Andreopoulos improperly disclosed sensitive information for the benefit of Mr Allen.

<sup>ix</sup> **Spectral and Tigo (111–114).** Mr Andreopoulos accepts that he was involved in setting up Spectral and Tigo with a view to a future career outside the ABF, and that the establishment of the companies prior to leaving the ABF and without informing the ABF was a breach of the APS Code and would otherwise have been a disciplinary offence. **However**, that is precisely what the Commission has found (at 114), namely that it was not corrupt conduct but a breach of his employment obligations and the APS Code of Conduct.

He further submits that:

- a. There is no evidence that the companies were trading before he resigned, and that he left the ABF before the companies became active. **However**, this submission does not answer the substance of the issue. It was incumbent upon him to declare conflicts of interest (such as his involvement in a security-related industry). Spectral was first registered on 18 July 2018 by Mr Kalam's brother and Mr Andreopoulos became involved in the business from early 2020 (see 77–79). Tigo was registered on 1 April 2020 with Mr Andreopoulos recorded as a director (see 81–83). Mr Andreopoulos left the ABF in October 2020 (see 121). He took steps to conceal his involvement with Spectral and omitted information in relation to Tigo (see 112). He was aware that he was required to make a declaration – particularly because Spectral and Tigo were in a security-related industry – and he took steps to avoid making a full and proper disclosure in respect of his involvement.
- b. Mr Andreopoulos's brother had the capacity to register a private security business and the corporate entities related to that prospect; they did not conflict directly with ABF functions; and Mr Kalam's brother had a master security licence and Mr Andreopoulos's brother went into the proposed partnership to establish a security business. There were no complex corporate structures, trusts, or attempts to disguise control. **However**, while Spectral was first registered by Mr Kalam's brother and offered security services, Mr Andreopoulos admitted that he deliberately took steps to avoid disclosing his involvement with Spectral and Tigo, including requesting that his shares in Spectral be allocated to his brother to avoid disclosing his involvement (see 77–80, 112). In relation to Tigo, he declared his interest in the company but deliberately omitted that it was a security-related company (see 85–86). Any security industry-related employment would likely be considered a high-risk activity and present a conflict-of-interest issue (see 111, 113).
- c. The ABF office at Sydney Airport was an unhappy place and Mr Andreopoulos was fed up with the toxic atmosphere, and the exit strategy, improper in public service terms, should not be conflated with Mr Jones's speculative allegations. **However**, even if the workplace was toxic and Mr Andreopoulos wished to have an 'exit strategy', that does not absolve him of his employment obligations. It also does not provide any further explanation why he took steps to conceal his involvement in Spectral and Tigo. This issue is dealt with quite apart from and independently of Mr Jones's evidence (see 113).
- d. The activities he undertook to develop Spectral and Tigo are better understood as future career planning and should not be characterised as 'outside employment'. **However**, the Department of Home Affairs's policy at the relevant time entitled *Outside employment and voluntary activities* defined outside employment to include:

- i. where an employee is associated with an active Australian Business Number (ABN), regardless of whether the employee is actively using the ABN and/ or engaging in business activities associated with the ABN;
- ii. where an employee is listed as a Director, Secretary or other member of a company which is registered with the Australian Securities and Investment Commission, regardless of whether the employee is active in the enterprise and / or derives an income from the role.

Mr Andreopoulos was a director of Tigo and was associated with an active Australian Business Number (ABN) in relation to Spectral (see 77–87).

- e. Based on the facts identified, the conduct attributed to Mr Andreopoulos was, at its highest, a matter of employment discipline. It does not constitute corrupt conduct or an abuse of office within the meaning of s 6 of the LEIC Act. **However**, the finding of corrupt conduct does not rely on Mr Andreopoulos’s involvement with Spectral or Tigo. With respect to his failure to properly declare his interests in relation to Spectral and Tigo, the Commission agrees that the conduct is better characterised as a breach of his employment obligations and the APS Code of Conduct (refer 114).

<sup>x</sup> Mr Andreopoulos submits that there is insufficient evidence for the Commonwealth Director of Public Prosecutions (CDPP) to draw an indictment for any offence; that the evidence would not support a prosecution in consideration of the CDPP’s guidelines; that the failure of the Tigo Project would weigh heavily on a jury invited to suspect Mr Jones’s motives for implicating Mr Andreopoulos, particularly the claims that he had access to shipping container movement data; and that there would be an early submission that no prima facie case has been established. **However**, s 142(1) dictates that if in an investigation I obtain evidence of an offence against a law of the Commonwealth, I *must* assemble the evidence and give the evidence to the person or authority authorised to prosecute the offence. I consider there is admissible evidence in relation to the following offences under the *Criminal Code* (Cth):

- Section 122.4 – Unauthorised disclosure of information by current and former Commonwealth officers, and
- Section 142.2(1) – Abuse of public office.

I must therefore refer it to the CDPP. The assessment of the evidence and the decision whether to prosecute is a matter for the CDPP.