



National Anti-Corruption Commission

# Investigation Report

## Operation Pentecost

An ACLEI investigation into disclosures of a sensitive police methodology by a former Australian Federal Police appointee

[nacc.gov.au](http://nacc.gov.au)

## Acknowledgement of Country

In the spirit of reconciliation, the National Anti-Corruption Commission acknowledges the Traditional Custodians of Country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples today.

## Further information

Enquiries about this report should be directed to the National Anti-Corruption Commission.

Phone: 1300 489 844

Website: [nacc.gov.au](http://nacc.gov.au)

Post: GPO Box 605, Canberra ACT 2601

Address: 5 Constitution Avenue, Canberra ACT 2601

## Copyright



© Commonwealth of Australia 2026

The material in this report is licensed under a Creative Commons Attribution — 4.0 international license, with the exception of:

- the Commonwealth Coat of Arms
- the National Anti-Corruption Commission logo
- any third-party material
- any material protected by a trademark
- any images and/or photographs.

More information on this CC BY license is set out as follows:

- [Creative Commons website](https://creativecommons.org/)
- [Attribution 4.0 international \(CC by 4.0\)](https://creativecommons.org/licenses/by/4.0/).

## Attribution

The CC BY licence is a standard form licence agreement that allows you to copy and redistribute the material in any medium or format, as well as remix, transform and build upon the material. This is on the condition that you provide a link to the licence, you indicate if changes were made and you attribute the material as follows:

*National Anti-Corruption Commission*

*Investigation Report – Operation Pentecost*

Licensed from the Commonwealth of Australia under a Creative Commons Attribution 4.0 International licence.

ISBN: 978-1-7636221-7-3

## Using the Commonwealth Coat of Arms

Guidelines for using the Commonwealth Coat of Arms are available from [the Department of Prime Minister and Cabinet website](https://www.dpmc.gov.au/department-of-prime-minister-and-cabinet).

# Contents

Executive summary	4
Findings	4
LEIC Act investigation reports	5
NACC reporting	7
Use of pseudonyms	7
Summary of the investigation	9
Notification	9
Jurisdiction	10
The evidence	11
Background	11
ANØM handles	15
ANØM conversations	17
Execution of search warrants	23
Professional Standards Integrity Report	23
Private hearings	25
AFP Integrity Governance Framework	27
Mr Harbani's involvement in Operation Ironside	28
Procedural fairness consultations	29
Findings	31
Abuse of office	31
Consideration of the evidence	32
Recommendations	48
Appendix A: Extract of submissions made on behalf of Mr Harbani on 16 June 2025	49
Appendix B: Extract of submissions made on behalf of Mr Harbani on 19 December 2025	63

# Executive summary

This report sets out the findings of a joint investigation by the Australian Commission for Law Enforcement Integrity (ACLEI) and the Australian Federal Police (AFP). ACLEI was subsumed into the National Anti-Corruption Commission on 1 July 2023.

Operation Pentecost examined whether an AFP appointee, Mr Christopher Harbani, abused his office by disclosing sensitive law enforcement information about a sensitive police capability to a relative for that relative's benefit, between April and June 2021.

The capability in question was the AFP's ability to access communications sent and received on an encrypted messaging platform known as ANØM. At the time, this capability was highly sensitive and disclosing information about it risked compromising Operation Ironside, a major AFP operation that had been years in planning, in which operational activity affecting the relative was then imminent.

For reasons explained below, this report uses pseudonyms. See, [Use of pseudonyms](#).

## Findings

The investigation established, on the balance of probabilities, that the AFP appointee did provide sensitive law enforcement information to his relative.

The National Anti-Corruption Commission found the AFP appointee engaged in an abuse of office and therefore in corrupt conduct, and that the corrupt conduct was serious.

# LEIC Act investigation reports

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

The role of the Integrity Commissioner and ACLEI was to detect and prevent corrupt conduct and deal with corruption issues in designated agencies, including the:

- 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.

Other Australian Government agencies with law enforcement functions were prescribed by regulation as being within the jurisdiction of the Integrity Commissioner. These were the:<sup>1</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)

---

<sup>1</sup> LEIC Act, s 51(1); *Law Enforcement Integrity Commissioner Regulations 2017* (Cth), reg 7.

- Australian Taxation Office (ATO)
- The Office of the Special Investigator (OSI).

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.

The LEIC Act provided that after the Integrity Commissioner completes a corruption investigation, a report must be prepared setting out:<sup>2</sup>

- the findings on the corruption issue
- the evidence and other material on which those findings are based
- any action that the Integrity Commissioner has taken, or proposes to take, under Part 10 in relation to the investigation, and
- any recommendations and, if recommendations are made, the reasons for those recommendations.

The report on the investigation was required to be given to the Attorney-General, and a copy to the head of the law enforcement agency to which the corruption issue relates.<sup>3</sup>

Findings about whether a person has engaged in corrupt conduct are made 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.

---

<sup>2</sup> LEIC Act, s 54.

<sup>3</sup> LEIC Act, s 55.

Before making a finding, the Commissioner is required to be ‘reasonably satisfied’ that the corrupt conduct occurred and was corrupt conduct within the meaning of the LEIC Act.

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>4</sup> *Rejtek v McElroy*,<sup>5</sup> and *Re Day*.<sup>6</sup>

## NACC reporting

ACLEI’s investigation, known as Operation Pentecost, began in May 2021. On 1 July 2023, ACLEI was subsumed into the National Anti-Corruption Commission. Under the transitional arrangements, the National Anti-Corruption Commissioner is required to complete the investigation report as though the LEIC Act had not been repealed. This investigation report has been prepared in accordance with Schedule 2, Item 38 of the *National Anti-Corruption Commission (Consequential and Transitional Provisions) Act 2022* (Cth).

## Use of pseudonyms

Under section 5 of the LEIC Act, ‘sensitive information’ includes information that could prejudice the proper enforcement of the law or could endanger a person’s physical safety. Under section 209 of that Act, when deciding whether to disclose an investigation report to the public, the Commission must be satisfied that it is in the public interest to do so. Where an investigation report includes sensitive information, the Commission must seek to achieve an appropriate balance between the public interest that would be served by disclosing the information and the prejudicial consequences that might result from disclosing the information.

---

<sup>4</sup> *Briginshaw v Briginshaw* (1938) 60 CLR 336, 361-362 (Dixon J).

<sup>5</sup> *Rejtek v McElroy* (1965) 112 CLR 517, 521.

<sup>6</sup> *Re Day* (2017) 91 ALJR 262, 268 [14]–[18].

As will be discussed in more detail below, this report chronicles how a once-secret law enforcement methodology could have been compromised by an AFP appointee's corrupt disclosure of information. As will also be mentioned below, there was a lengthy period during which submissions were made by the appointee including about serious safety risks to him and his family if his name was included in this report. Ultimately, after careful consideration, the Commissioner accepted that having regard to these risks, the appointee should not be named in the report.

In making that decision, the Commissioner balanced the public interest in preventing corrupt conduct through transparent reporting of the findings, against the potential consequences of naming the AFP appointee at the centre of this investigation for his safety. The seriousness of the corrupt conduct warrants public exposure and law enforcement officials who engage in serious corrupt conduct should not be shielded from accountability. However, the objectives of deterrence and corruption prevention can be adequately achieved without naming the appointee in circumstances where, as a result of this investigation, the appointee, who was not a senior official, resigned from the AFP in 2025 and likely has no future career in policing, law enforcement or government. The Commission has also taken into account evidence of the psychological impact that publication of the appointee's identity would likely have in the context of the appointee's somewhat unique personal circumstances.

To ensure that no sensitive information as defined under the LEIC Act is included in this report, events are described using a level of generality. Operational details such as the content or timing of AFP briefings, the precise ways in which information was gathered and the identities of individuals who were the targets of the related AFP investigation are not included in this report. Pseudonyms are also used to describe other people, locations, venues and ANØM handles.

# Summary of the investigation

## Notification

On 20 May 2021, information was received by the AFP that Mark Dalloway (Mr Dalloway) had received highly sensitive information about the AFP's ability to intercept encrypted communications from an AFP appointee who was related to Mr Dalloway.

On 27 May 2021, the then Integrity Commissioner was notified of a possible significant corruption issue in accordance with section 19(1) of the LEIC Act, relating to a suspected unauthorised disclosure of information by an AFP appointee to a criminal entity.

The issue was whether an AFP appointee had provided information about sensitive police methodology, specifically the AFP's ability to intercept encrypted communications, to a relative who was involved in criminal activity.

At the time of the notification, the following were unknown:

- the details of the highly sensitive police information – only that it related to the AFP's ability to intercept encrypted communications,
- the identity of the AFP appointee, and
- when Mr Dalloway had allegedly received the sensitive information.

Subsequently, during an AFP operation designated Operation Ironside, evidence of the unauthorised disclosure of information was found on the encrypted messaging platform known as ANØM.

## Jurisdiction

On 28 May 2021, the then Integrity Commissioner decided to investigate the matter under sections 26(1)(a) and 26(2) of the LEIC Act. The investigation was designated ‘Operation Pentecost’.

The then Integrity Commissioner was satisfied the allegation was within ACLEI’s jurisdiction because:

- the unnamed person was a staff member of a law enforcement agency, namely the AFP<sup>7</sup>
- while no staff member was specified or identified, this did not prevent the information from raising a corruption issue<sup>8</sup>
- if proved, the staff member would have engaged in corrupt conduct, namely abuse of office.<sup>9</sup>

---

<sup>7</sup> LEIC Act, ss 6(1) and 10(1)(b).

<sup>8</sup> LEIC Act, s 7(2).

<sup>9</sup> LEIC Act, s 6(1).

# The evidence

## Background

### ANØM

Between October 2018 and June 2021, the AFP and the United States Federal Bureau of Investigations (FBI) created an encrypted communication platform, which was distributed, sold, and used in Australia and worldwide by organised crime groups.

This encrypted communication platform was named ANØM. ANØM was sold and distributed amongst criminal syndicates as a means of communicating anonymously due to its encrypted 'message to message' functionality.

ANØM was installed on a device, usually a Samsung or Pixel mobile phone, by the user. ANØM had a variety of features including:

- self-expiring messages
- ability to take, pixelate and send photos to other users
- push to talk feature with voice alteration
- secure file storage.

Criminal syndicates used ANØM in the belief it would help avoid detection by law enforcement agencies and prevent communications being intercepted. Criminals used devices with ANØM installed to traffic illicit drugs and weapons into Australia, and to order local executions.

## Operation Ironside

Operation Ironside was an AFP-led investigation into organised crime syndicates that were using ANØM.<sup>10</sup>

Operation Ironside was a largely covert operation. Knowledge of its existence was limited to certain AFP members until it moved into its overt stage. Prior to April 2021, all federal and state police officers involved in Operation Ironside were required to sign a non-disclosure agreement (NDA) upon joining the operation. The NDA required any intelligence or information to be shared only with specific personnel.

The NDA did not impose any additional legal responsibilities; rather, it was a reminder of the pre-existing legal requirement not to disclose the information. Regardless of any operation-specific NDA, AFP appointees are bound by the secrecy obligations in section 60A of the *Australian Federal Police Act 1979* (AFP Act), which imposes an overarching obligation on AFP appointees to maintain confidentiality. Barring any applicable exceptions, section 60A makes it an offence for an AFP appointee to make a record or divulge or communicate prescribed information to another person. Prescribed information is defined to include any information obtained by an AFP appointee in the course of their duties.<sup>11</sup>

In April 2021, the AFP commenced the overt phase of Operation Ironside.<sup>12</sup>

On 7 June 2021, with the execution of hundreds of search warrants and arrests in Australia and around the world, Operation Ironside became public.

---

<sup>10</sup> See Australian Federal Police, [Operation Ironside - Disrupting organised crime networks that threaten Australian communities](#), accessed 27 August 2025.

<sup>11</sup> AFP Act, s 60A.

<sup>12</sup> The 'overt phase' of an investigation refers to the portion of the investigation that is conducted in public and not hidden from the persons subject to the investigation. ACLEI was unable to identify the number of briefings nor the date range for which the briefings took place. The AFP was unable to provide this information.

## **Operation Ironside-Skyline**

In April 2021, the AFP commenced a related investigation to Operation Ironside, designated Operation Ironside-Skyline. This was an investigation into Mr Dalloway and Jordan Talwick (Mr Talwick). It also involved the monitoring of use of the ANØM app by law enforcement.

## **Christopher Harbani**

Mr Harbani joined the AFP in 2013. He was attached to the following teams:

- 24 August 2013 to 23 February 2014, the Human Resource – Learning and Development National Foundation Police Development Program in Sydney
- 24 February 2014 to 26 March 2014, the International Deployment Group – Operation Eton – Public Order Management Group in Sydney
- 27 March 2014 to 28 February 2015, the Serious and Organised Crime team in Sydney
- 1 March 2015 to 2 February 2020, the Criminal Investigations Team in Sydney
- 3 February 2020 to 15 June 2021, the Transnational and Serious Organised Crime Team in Sydney
- 16 June 2021 to 25 December 2021, the High-Volume Drug Crime Team in Sydney.

## **Mark Dalloway**

Mr Dalloway:

- is a cousin of Mr Harbani (his mother is the sister of Mr Harbani's father), and had been in contact with Mr Harbani between 30 November 2020 and 1 June 2021
- in 2021, lived with his parents at an address in Whiteacre NSW (the Whiteacre address)
- owns a removalist company called 'Trucking Co' and parked his work truck at an address in Redacre NSW (Redacre business address).

## **Jordan Talwick**

Mr Talwick:

- between 26 November 2019 and January 2022, lived with his wife and children at an address in Purpleacre NSW (the Purpleacre address)
- in January 2022, moved to his parents' residence at an address in Redacre NSW (Redacre residential address)
- in February 2022, moved to a residence in Yellowacre NSW
- was a member of a golf club at Blueacre, NSW
- was the director of a company called 'Pile and Sort Pty Ltd', which was registered to the Redacre residential address.

## ANØM handles

The investigation focused on messages exchanged on the ANØM platform principally between users known by the handles SafeHaven and PhantomGhost between 19 and 30 May 2021, followed by further messages between the handles StaticTrace and VectorStrike from 30 May 2021 onwards.<sup>13</sup>

### ‘SafeHaven’

From the data associated with the ANØM handle SafeHaven, between 15 April 2021 and 3 June 2021 (the period during which the account was active), the following was established:

- 1,070 ANØM messages were sent from the SafeHaven device in the vicinity of the Whiteacre address (Mr Dalloway’s residence)
- 91 ANØM messages were sent from the SafeHaven device around the Redacre business address. (Between 28 May 2021 and 11 February 2022, Mr Dalloway parked a truck at the Redacre business address)
- 8 ANØM messages from the SafeHaven device were sent around an address in Whiteacre, NSW, which was the residence of a friend of Mr Dalloway.

At 6:24 am on 28 May 2021, SafeHaven sent an ANØM message from the Whiteacre address.

At 6:58 am on 28 May 2021, Mr Dalloway exited the Whiteacre address and walked along the driveway using a mobile phone. Mr Dalloway left the premises with a bicycle.

---

<sup>13</sup> In this context, ‘handles’ are unique identifiers that users create to represent themselves on the platform.

At 7:24 am on 28 May 2021, Mr Dalloway rode the bicycle in the vicinity of the rear vehicle entrance for the Redacre business address.

At 8:41 am on 28 May 2021, SafeHaven sent 3 ANØM messages from the Redacre business address.

Between 6 April 2021 and 5 June 2021, most messages sent by SafeHaven to PhantomGhost were sent from near Mr Dalloway's home (the Whiteacre address). Most communications from the SafeHaven device originated near the Whiteacre address.

### **'PhantomGhost'**

Between 6 April 2021 and 5 June 2021, the PhantomGhost device was in the vicinity of the Redacre residential address (the residence of Mr Talwick's parents).

At 7:57 am on 19 May 2021, PhantomGhost sent 2 ANØM messages from the Redacre residential address. At about 8:31 am on 19 May 2021, Mr Talwick exited the Redacre residential address and entered a vehicle that was registered to his de facto partner.

Between 6 April 2021 and 5 June 2021, the PhantomGhost device was in the general proximity of an address in Blueacre, NSW (a golf club of which Mr Talwick was a member).

Additionally, between 6 April 2021 and 5 June 2021:

- 1,443 ANØM messages were sent by PhantomGhost in the vicinity of the Purpleacre address (Mr Talwick's residence)
- 31 ANØM messages were sent by PhantomGhost in the vicinity of the Redacre residential address (Mr Talwick's parents' residence), and
- 10 ANØM messages were sent by PhantomGhost around Blueacre, NSW (Mr Talwick's golf club).

## ANØM conversations

### Warning that 'something big' is happening

On 19 May 2021, the following exchange of messages took place between SafeHaven and PhantomGhost:

SafeHaven Cause something big is happening soon. Just lay low  
OK.

PhantomGhost Cypher ? Crimes commission what it is

Ask him

Say u won't tell

Sobwe [sic] have heads up

SafeHaven I gave you heads up! That's what it is. I have it in  
writing

Please don't ask me about cipr [sic] again!!!!!! I've told  
you period!!!!

Don't ask me again please!!!

PhantomGhost How do u know they are gone

From cuz or ANØM guy

SafeHaven ANØM know a guy

ANØM guy

PhantomGhost Hmmm OK, Let's see, So your cousin told you  
something big happening in a month, And then he  
said this to you??? Or this just from this guy?

SafeHaven Cuz told us ages ago when they done it in England lucky for us we knew early. Then we got cipr [sic] back and we were careful then cuz told us they got the data and not too [sic] push another button on it. I've asked so many times about cipher his [sic] made it crystal clear clear period! The funny thing is the ANØM guy knows a lot as well from his trusted sources even more.

### **PhantomGhost asks SafeHaven to gather more information from 'cuz'**

On 20 May 2021, the following exchange of messages took place between SafeHaven and PhantomGhost:

PhantomGhost Your [sic] a wozzle and scared of your cousin

SafeHaven Just remember I told yu [sic] they were off how long ago.

PhantomGhost all u do is run off ya stupid cousin and his half story info with no details

Ask that cousin of yours what is gonna go down. Just say mate I been talking on cypher [sic] because I had to. What is gonna go down in 3 weeks. So I can protect only myself and my 2 friends that's it. Say that. Say u won't say anything but just help us

On 25 May 2021, the following exchange of messages took place between SafeHaven and PhantomGhost:

SafeHaven I told cuz we have a strikeforce on us. He said yeah probably cause the people we know. But he said who cares.

I'm having a big talk with him this weekend anyways

Listen bring me 1600 for lanky! and bring me 5k. I'm going to put an end to this shit. I'm giving it to my cuz ok.

Just bring me \$6600 please

I'm going to get a list of hard cunts printed. I'm over this shit. You lay low just give me that and I'll get answers don't worry who gives a fuck. If there is a strike force if we are done then we were done ages ago you get me. anyways I see you tonight.

PhantomGhost Ok I get you the money ok

OK I will give me till Thursday I will have it OK

SafeHaven The 5k I'm not going to give him the whole lot at once. I'm just going to chip away at him.

### **SafeHaven confirms plans to meet with 'cuz'**

On 27 May 2021, SafeHaven sent the following message to PhantomGhost:

I see cuz on Sunday big talks. I'm going to give him 500 and tell hm [sic] I have 4500 left in my top shelf where he keeps his [prescription medicine] at my place. I tell him this that I can't give you more then 500 buck at a time cause he can't be seen carrying thousands but he knows that and so do I you get me. I told him this already anyways.

On Saturday 29 May 2021, Mr Harbani created a group chat titled 'Dinner' using the Telegram app on his phone.<sup>14</sup> Mr Harbani invited Mr Dalloway and two others to the group, with plans organised for dinner at 8:00 pm at The Bay Kiosk.

At 8:00 pm that night, Mr Harbani met with Mr Dalloway and the other invitees at The Bay Kiosk as planned.

### **Cessation of ANØM messages following meeting with Mr Harbani**

On Sunday 30 May 2021 at 7:14 am, SafeHaven sent a message to PhantomGhost, asking 'You online?' That was the last message that SafeHaven sent using the ANØM platform.

Later that day, Mr Harbani met with Mr Dalloway again at a family barbeque at his mother's house in Brownacre.

On Sunday 30 May 2021 at 7:56 pm, the following exchange of messages between ANØM handles PhantomGhost and StaticTrace took place:

PhantomGhost Also please apparently something big happening this week with all this encrypted phones. So lets wait and see

StaticTrace U mean not only cipher?

On 31 May 2021 at 3:52 pm, PhantomGhost again sent a message to SafeHaven, this time asking, 'You online?' SafeHaven did not respond.

On 31 May 2021, Mr Harbani met with Mr Dalloway at a restaurant in Blackacre.

---

<sup>14</sup> Earlier that year, on 17 January 2021, Mr Harbani had sent a message to Mr Dalloway using WhatsApp which stated: 'Lol don't use this app.' Mr Dalloway responded with 'Ok.' Thereafter, their conversation moved to Telegram, where they continued to text message and call one another.

On 31 May 2021, the following exchange of messages took place between PhantomGhost and StaticTrace:

PhantomGhost Yeh not 100% sure Intel is mixed

There is an operation and something big happening in OZ I know that And supposedlyly [sic] it's happening this weekend

How sure are you that ANØM is sweet u said you know owners?

StaticTrace Yea but I don't know much about the technology part

Owner is sweet

But how safe I don't know

PhantomGhost There are claims that jakcs [sic] invented these

Surely cannot be true

What ur thoughts on that

StaticTrace I've heard the same claims I don't think so mate

PhantomGhost yeh sweet Haven't they been around for ages

StaticTrace A while yea

Wow let's just sit on our hands to this weekend passes hey

PhantomGhost Yeh I think so Still get them ready for dummy and do the lead up work See how good this Intel is It's his family and they are close I'm sure he would be advising him correct But lwta [sic] see

On 1 June 2021, PhantomGhost ceased posting messages on the ANØM platform. On 3 June 2021, the following exchange of messages took place between StaticTrace and VectorStrike:

VectorStrike Is everything OK with this device they will be with the device in the end of this week hopefully

StaticTrace Between me and u

I have a contact work for Australian federal police

He said to throw cipher. This weekend going to be big raids

But u can't repeat this pls brother

But there is a question mark because he said all encrypted phones

VectorStrike I don't understand this line

StaticTrace This info I hav [sic] u can't fwd [sic] to anyone brother

VectorStrike I won't bro will just tell my own mate try not to use that's all

So is this device OK or not

StaticTrace Owners say it is

I wont know to Monday

The next Monday was 7 June 2021.

## Execution of search warrants

On 6 June 2021, AFP investigators for Operation Ironside-Skyline executed a search warrant at Mr Dalloway's residence at Whiteacre, NSW. During the search, the AFP seized a cash bundle totalling \$6,730 and a cannister containing a white powder, both located on the top shelf in the kitchen.

The canister and its contents were subjected to forensic analysis. Fingerprints were found on the cannister but did not match Mr Harbani's fingerprints. The cannister contained a non-prescription medication (it was *not* the same as the medication referred to in the exchange between SafeHaven and PhantomGhost on 27 May 2021, extracted at page 19).

The cash bundle was bound by elastic bands. They were also subjected to forensic analysis. Although the elastic bands yielded a DNA profile, Mr Harbani, Mr Dalloway, and Mr Talwick declined to give a DNA sample for the purposes of comparison.

The AFP searched for but did not locate any ANØM or encrypted devices at Mr Dalloway's residence.

On 6 June 2021, AFP investigators for Operation Ironside-Skyline executed a search warrant at the residence of Mr Talwick (the Purpleacre address). The AFP searched for but did not locate any ANØM or encrypted devices, nor any other items of relevance to this investigation.

## Professional Standards Integrity Report

On 7 June 2021, Mr Harbani submitted an Integrity Report to AFP Professional Standards advising that he had seen the name of his 'first cousin', Mr Dalloway, listed as a person of interest on a chart in the Operation Ironside Major Incident Room.

This was the same day that Operation Ironside became the subject of public reporting in multiple media outlets.

In the AFP Professional Standards Integrity Report, Mr Harbani disclosed the following:

- At about 8 am on 7 June 2021, he had been on shift when he noticed a chart posted on the wall with a name 'Mr Dalloway'.
- Mr Dalloway is his 'first cousin' who he was 'in regular contact' with.
- He 'had no knowledge of Mr Dalloway's involvement' and had 'never spoken to him regarding any AFP investigations'.
- He was 'not linked to any AFP operations involving him, or his associates that [he is] aware of, and should any conflicts of interest arise, [he] will remove [himself] from this situation and declare any conflict of interest or declarable associations as per [his] obligations'.
- The last time he 'saw Mr Dalloway was over a week ago' (31 May 2021).
- He had 'not made any contact with Mr Dalloway since finding out he was a person of interest'.
- He had notified his immediate supervisor of the conflict of interest as it arose.

On 18 June 2021, AFP Professional Standards emailed Mr Harbani asking for additional information regarding his AFP Professional Standards Integrity Report. In response, Mr Harbani advised:

- 'We are cousins and generally discuss family matters, [Mr Dalloway's] dating life and [Mr Dalloway's] mental health and wellbeing.'
- '[Mr Dalloway] knows I am an investigator' with the AFP.

- He has met '[redacted] (unsure of the last name)' and that he 'rarely see[s] him'.
- To his knowledge, Mr Dalloway did not have any other associates within the AFP.
- The last time he saw Mr Dalloway was 'over two weeks [ago] now' for dinner at Blackacre, where they discussed Mr Dalloway's 'dating, family and his mental health'.
- He has 'no concerns' regarding past conversations he has had with Mr Dalloway or any of Mr Dalloway's behaviour.

## Private hearings

On 17 March 2022, ACLEI held a private hearing with Mr Harbani, which continued on 6 April 2022.

Mr Harbani's evidence was that he attended the following 3 meetings with Mr Dalloway in May 2021:

- 29 May 2021 – The Bay Kiosk
- 30 May 2021 – family barbeque in Brownacre
- 31 May 2021 – restaurant in Blackacre

Mr Harbani stated he had never spoken to Mr Dalloway about his work or told him any law enforcement information.

Mr Harbani was shown annotated aerial maps which displayed the towers that were activated by the device used by the SafeHaven handle along with their proximity to relevant locations that Mr Dalloway frequented.

Mr Harbani accepted that Mr Dalloway could have been the user of SafeHaven. Mr Harbani said he had never seen Mr Dalloway with an encrypted device, nor was he aware that he had used one in the past. He said he was not aware of Mr Dalloway being involved in criminal activity or having criminal associates.

Mr Harbani was asked to provide his AFP Official Diary and Field Notebook to see what Operation Ironside briefings he may have attended.

Mr Harbani's AFP Official Diary and Field Notebook contained no notes about any Operation Ironside briefings. There were lengthy periods where Mr Harbani did not make any notes in his AFP Official Diary. When asked why this was the case, Mr Harbani stated that, 'It's up to the officer – officer's discretion' as to whether they made notes in their AFP Official Diary.

Mr Harbani was shown the ANØM messages between SafeHaven and PhantomGhost that refer to information received or to be sought from SafeHaven's 'Cuz' or 'Cousin', and the messages exchanged on 25 May 2021 (extracted at page 19 above) in which SafeHaven discusses bringing \$5,000 so that he can give it to his 'cuz'. Mr Harbani did not accept that he was 'Cuz'. He said that in his culture it was common for people to call each other 'Cuz' regardless of their familial links, and that it could refer to anyone.

Mr Harbani was also shown the ANØM messages between SafeHaven and PhantomGhost where SafeHaven referred to an individual as a 'Cousin'. Again, Mr Harbani did not accept that he was the person to whom SafeHaven was referring.

Mr Harbani gave evidence that he never received a bribe from Mr Dalloway or Mr Talwick and did not provide any law enforcement information to either of them.

Mr Harbani stated that he had used, on previous occasions, the prescription medication referred to in text messages between SafeHaven and PhantomGhost on 27 May 2021 (extracted at page 19), and that it was procured for him by Mr Dalloway, who kept it at Mr Dalloway's home:

'I'd say in his cupboard somewhere ... It'd be the cupboard probably, next to his - ah, near the kitchen, I'd say.'

## AFP Integrity Governance Framework

The AFP Commissioner's Order on Professional Standards (CO2) outlines the conduct expected of AFP appointees. Inappropriate departures from the CO2 may constitute a breach of AFP professional standards, and be dealt with under Part V of the AFP Act.

Section 8 of the AFP CO2 outlines the AFP's *Code of Conduct*. Section 8.7 of the AFP *Code of Conduct* specifies that an AFP employee must disclose, and take reasonable steps to avoid any conflict of interest (actual, perceived, or potential) connected to their AFP duties or employment.

The 'AFP National Guideline on Conflicts of Interest' requires AFP employees to routinely consider the relationship between their private interests and their responsibilities to act in the public interest by considering their current and former relationships, family, friends, rivals, and enemies. An AFP employee must consider if the relationship gives rise to an actual, perceived, or potential conflict of interest. After considering the relationships, AFP employees must report any declarable associations in accordance with the AFP National Guideline on Integrity Reporting. Maintaining and refusing to relinquish a significant declarable association is a breach of the AFP Code of Conduct.

The ‘AFP National Guideline on Integrity Reporting’ states AFP employees must submit an Integrity Report to AFP Professional Standards when a declarable association is identified. A declarable association is defined as a private affiliation with an individual (including a family member), a group, an event, or organisation that could adversely impact the reputation or integrity of AFP personnel or the AFP or affect AFP activities.

It is incumbent on AFP employees to be familiar with AFP governance, policies, and guidelines and to continuously self-assess, and report their personal and professional relationships and whether they create or may be perceived to create a conflict of interest or ‘undermine their integrity, as an AFP employee’.

The ‘AFP National Guideline on Personnel Security’ requires that where the conflict of interest relates to a declarable association, a ‘Change of Circumstances Form’ must also be submitted by the AFP employee.

## **Mr Harbani’s involvement in Operation Ironside**

Given the extensive scale of the overt phase of Operation Ironside and the wide dissemination of information at the briefings as the investigation moved towards its overt phase, a verbal warning not to disclose information about Operation Ironside was communicated to all appointees at the briefings.

Due to the nature of the briefings, no clear evidence was obtained of when, or if, Mr Harbani attended any briefings into Operation Ironside. Additionally, the investigation could not identify what specific information Mr Harbani knew about the AFP’s capability of intercepting encrypted communications on the ANØM platform. However, during the private hearing on 6 April 2022, Mr Harbani stated he was not briefed into Operation Ironside until late April or early May 2021, when he moved to the National Anti-Gangs Team. Mr Harbani stated he was unaware of Operation Ironside’s capability to monitor ANØM communications before this date, but accepted he was aware of it from that time.

- In June 2021, an audit of Mr Harbani's access to AFPNet shared drives identified that Mr Harbani had access to the main AFPNet shared drives containing all investigations relating to Operation Ironside occurring from the AFP's Sydney office. However, due to auditing capabilities of the shared drives, the investigation was unable to ascertain whether Mr Harbani accessed relevant records in the AFPNet shared drives.
- In October 2021, an audit of PROMIS<sup>15</sup> ascertained that between 1 January 2020 and 6 October 2021, no unauthorised persons had accessed records relating to Mr Dalloway or Mr Talwick on AFP systems on PROMIS.

## Procedural fairness consultations

On 15 April 2025, in compliance with section 51 of the LEIC Act, the Commission provided Mr Harbani with a notice of potential adverse findings, opinions, and recommendations, containing the facts and reasoning which might support them, and invited him to make submissions about those critical findings, opinions, and recommendations.

On 23 April 2025, Mr Harbani wrote to the Commission requesting that he be allowed until 13 June 2025 to properly instruct legal representatives and make submissions. The Commission agreed to that request.

On 16 June 2025, Mr Harbani, through his legal representative, provided submissions (see Appendix A). Those were supplemented on 22 July 2025 with further submissions.

---

<sup>15</sup> Refers to the AFP's case management system Police Realtime Online Management Information System.

These submissions were carefully considered by the Commission. This consideration required further inquiries by the Commission to be undertaken, which resulted in further procedural fairness consultation with Mr Harbani on 3 November 2025.

Additional submissions were received from Mr Harbani on 19 December 2025 (see Appendix B), which required the Commission to consult with an external agency.<sup>16</sup>

Mr Harbani's submissions are addressed where relevant in footnotes in Findings.

---

<sup>16</sup> The Commission also wrote to Mr Harbani on 11 March 2026, in response to his request to inspect evidentiary material, offering an opportunity for him to do so. Mr Harbani ultimately did not take up this offer, and following consideration of the further submissions, the Commission proceeded to finalise this report.

# Findings

I am required under section 54 of the LEIC Act to state my findings on corruption issues. The corruption issue in Operation Pentecost was whether an AFP employee had, without authority and contrary to confidentiality obligations, provided information about sensitive police methodology, specifically the AFP's ability to intercept encrypted communications, to a relative who was a criminal entity.

## Abuse of office

'Abuse of office' is not defined in the LEIC Act. It is a concept primarily used in the context of criminal law. It generally involves using one's office to dishonestly benefit oneself or another, or to dishonestly cause detriment to another.<sup>17</sup>

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'.

The accessing and use of official information, to which a public official has access by reason of their office, for purposes other than the performance of their official duties, involves abusing their office. That is more so where the information is subject to obligations of confidentiality.

---

<sup>17</sup> *Criminal Code (Cth)*, s 142.2(1).

## Consideration of the evidence

In order to reach a finding that Mr Harbani disclosed sensitive law enforcement information to Mr Dalloway, 3 propositions must be established that:

1. the messages communicated by SafeHaven can be attributed to Mr Dalloway
2. Mr Harbani was the person described by SafeHaven as ‘cuz’ or a cousin, and
3. the messages exchanged between SafeHaven and others on the ANØM platform (including their content and the circumstances of their timing and cessation) demonstrate that Mr Harbani disclosed sensitive law enforcement information to Mr Dalloway.

Mr Harbani provided detailed written submissions dated 16 June 2025, short supplementary submissions dated 22 July 2025, and further supplementary submissions on 29 September 2025. I have taken those submissions into account. An extract of the submissions is found at Appendices A and B to this report.

I have also taken into account Mr Harbani’s record of service in the AFP and elsewhere, as well as the effect that a corruption finding would have on an AFP appointee such as him. I have applied the principle in *Briginshaw v Briginshaw*, that ‘reasonable satisfaction’ must be based on clear, cogent, and persuasive evidence, particularly where the consequences of the findings are grave.

## Can messages sent by SafeHaven be attributed to Mr Dalloway?

The evidence (summarised at pages 13-15) establishes that over a relatively short period of time, a large number of ANØM messages sent by the SafeHaven handle originated from places that Mr Dalloway either lived, worked, or had reason to visit. Over the same period of time, a large number of messages were sent using the PhantomGhost handle and originated from places that Mr Talwick either lived, worked, or had a reason to visit.

Corroborative evidence as to the whereabouts of Mr Dalloway and Mr Talwick is somewhat limited, in that:

- nobody has admitted to using the SafeHaven handle or has given evidence that they have witnessed somebody else using that handle, and no ANØM devices were found when search warrants were executed
- corroborative evidence that Mr Dalloway was actually at a location contemporaneously with the sending of messages by SafeHaven is limited to 28 May 2021, and<sup>18</sup>
- there are no call charge records or ‘pings’ from other devices known to be used by Mr Dalloway that could have potentially exposed a contradiction of movements between Mr Dalloway and SafeHaven during that period.<sup>19</sup>

---

<sup>18</sup> In his submissions, Mr Harbani raised the absence of corroborating evidence. See Appendix A.

<sup>19</sup> Ibid.

Nonetheless, I am very comfortably satisfied that Mr Dalloway was the user of the SafeHaven ANØM handle, and Mr Talwick was the user of the PhantomGhost ANØM handle. The handles were used within a relatively confined period of time; they were used frequently; and messages were consistently sent from a variety of locations that were associated with Mr Dalloway and Mr Talwick respectively. Notably, on 19 May 2021 and on 28 May 2021, Mr Talwick and Mr Dalloway respectively were *actually* observed in locations contemporaneously with the transmission, from those same locations, of messages by SafeHaven and PhantomGhost.

The alternative – that the devices or handles were shared by more than one user in order to avoid scrutiny and detection<sup>20</sup> – is improbable, especially given the consistency over the relevant period of the subject matter and content of the communications, and of the relationship between the locations from which the messages originated and Mr Dalloway and Mr Talwick.

Given that ANØM was an encrypted messaging platform marketed to criminal groups, it is unsurprising that nobody has admitted to being SafeHaven, and that no ANØM devices were located during the execution of search warrants. The text messages demonstrate that both SafeHaven and PhantomGhost were on notice that ‘something big’ was happening ‘soon’. The users of those handles would have had ample opportunity to take action to avoid discovery of the devices.

Given the conclusion that Mr Dalloway was the user of the SafeHaven ANØM handle, and Mr Talwick was the user of the PhantomGhost ANØM handle, I refer hereafter to SafeHaven as Mr Dalloway and PhantomGhost as Mr Talwick.

---

<sup>20</sup> Mr Harbani submitted that the evidence does not exclude the possibility that more than one person could have used the relevant devices. See Appendix A.

## Was Mr Harbani the person referred to by SafeHaven as ‘cuz’?

On 18 April 2021, SafeHaven (Mr Dalloway) sent to PhantomGhost (Mr Talwick):

Mate, the difference with business, there is a market to pay people. There is no market with bribing a fed, okay?

Like, it's hard, no money, 'cause he's looking out for me (us). Look how I look out for you, same thing.

The guy from ANOM that I spoke to for a hour knows more about the communication experts my cuz know at work. Literally, a hour, I sat in a park and spoke to him. He put me on show. My cuz, his communication nerds only know so much. They get given info to investigate. There are other agencies that are setup in the world to crack CiphR, which all of us don't know about.

This exchange shows that ‘cuz’ was a ‘fed’ and his work had ‘communications nerds’.

The exchange of messages between Mr Dalloway and Mr Talwick on 19 May 2021,<sup>21</sup> began with Mr Dalloway announcing that ‘something big is happening soon’ and cautioning Mr Talwick to ‘lay low’. Mr Talwick asked whether it is about Cipher, an encrypted messaging platform. It is evident from Mr Dalloway’s reply (‘Please don't ask me about [Cipher] again’) and Mr Talwick’s follow-up question (‘How do you know they are gone?’) that this was not the first time the pair had discussed Cipher and whether it was ‘gone’, which was a question about whether Cipher had been compromised. Mr Talwick pressed for the source of Mr Dalloway’s information. He queried whether the source was: ‘cuz’ or ‘ANØM guy’? Mr Dalloway confirmed that he found out via ‘the ANØM guy.’

---

<sup>21</sup> Extracted at page 16.

Mr Talwick then returned to the topic of ‘something big’ happening. He attempted to clarify how Mr Dalloway had found out. Mr Talwick again pressed for the source of the information, this time offering the choice between ‘your cousin’ or ‘just from this guy’ (in context, the ANØM guy). Mr Dalloway’s reply was not directly responsive to Mr Talwick’s question, but is notable because it asserted that he had Cipher and was careful, and that ‘cuz’ had told them ‘ages ago’ that ‘they got the data and not to push another button on it ...’ Mr Dalloway added that ANØM guy ‘also’ knows a lot from his trusted sources. Mr Dalloway’s reply was an assertion that some time ago, ‘cuz’ had advised him not to use Cipher because it has been compromised.

On 20 May 2021, in a further exchange of messages,<sup>22</sup> obviously unhappy with the detail provided in the ‘heads up’ the previous day, Mr Talwick accused Mr Dalloway of being scared of ‘your cousin.’ He complained about the sufficiency of the detail provided by ‘ya stupid cousin.’ Mr Talwick suggested that Mr Dalloway:

Just say mate I been talking on cypher because I had to. What is gonna go down in 3 weeks. So I can protect only myself and my 2 friends that’s it. Say that. Say u won't say anything but just help us.<sup>23</sup>

This message was a request for Mr Dalloway to confront ‘cuz’ with something provocative (that is, that they had been using Cipher contrary to his earlier advice) in order to elicit further information.

---

<sup>22</sup> Extracted at page 18.

<sup>23</sup> Extracted at page 18.

On 25 May 2021, Mr Dalloway relayed to Mr Talwick that he had discussed his concerns that law enforcement was monitoring him. He stated: ‘I told cuz we have a strikeforce on us.’ That message was a continuation of the discussion from days earlier. Consistent with what Mr Talwick had suggested a few days earlier, advice that they were being monitored by a ‘strike force’ was suitably provocative.

Judging by the response that ‘cuz’ was reported to have given (‘who cares’), the request for further information was a failure. That failure explains the messages that followed. Mr Dalloway resolved to ‘put an end to this shit’ and ‘get answers.’ He proposed to pay \$5,000 to ‘cuz’. Mr Talwick agreed to bring \$6,600 to Mr Dalloway by Thursday, comprising of \$5,000 for ‘cuz’ to be ‘chipped away at’ together with \$1,600 for somebody else.

On Thursday 27 May 2021, Mr Dalloway sent to Mr Talwick:

I see cuz on Sunday big talks. I’m going to give him 500 and tell hm [sic] I have 4500 left in my top shelf where he keeps his [prescription medication] at my place. I tell him this that I can’t give you more then 500 buck at a time cause he can’t be seen carrying thousands but he knows that and so do I you get me ...

That Sunday, 30 May 2021, Mr Dalloway met Mr Harbani at a family barbeque at his mother’s house in Brownacre.<sup>24</sup> When, on 6 June 2021, search warrants were executed on Mr Dalloway’s premises, the AFP seized a cash bundle totalling \$6,730, which was located on the top shelf in the kitchen.<sup>25</sup>

---

<sup>24</sup> Mr Harbani’s evidence about that meeting is summarised on page 25.

<sup>25</sup> Evidence of the search warrants is summarised on page 23.

For the purposes of determining whether, in the context of these text messages, ‘cuz’ is Mr Harbani, it is of little import that the messages appear to refer to Cipher rather than ANØM,<sup>26</sup> or that parties to the messages had access to a variety of sources,<sup>27</sup> and seemed to be independently aware of information concerning law enforcement activity<sup>28</sup> about which they expressed doubts.<sup>29</sup>

The messages in the period between 19 and 27 May 2021 are important because they suggest that the discussion about law enforcement activity was ongoing and informed by at least 2 sources. Mr Talwick queried whether ‘cuz’ was one of those sources. Indeed, Mr Talwick was the first person to bring up ‘cuz’. In the course of the discussions, Mr Talwick went on to describe ‘cuz’ as ‘your cousin’, ‘ya stupid cousin’, and ‘that cousin of yours’ without any apparent confusion as to who he was referring to. Both Mr Dalloway and Mr Talwick consistently described ‘cuz’ using male pronouns.

Overall, the evidence very comfortably establishes, on the balance of probabilities, that when Mr Dalloway wrote about ‘cuz’ in the messages extracted and discussed above, he was referring to Mr Harbani:

- The flow of messages between Mr Dalloway and Mr Talwick, including Mr Talwick’s interchangeable use of ‘cuz’ and cousin, suggests that ‘cuz’ was not a nickname. Rather, it was a literal reference to a cousin. Mr Harbani is Mr Dalloway’s first cousin.
- The consistent use of male pronouns by both Mr Dalloway and Mr Talwick suggests that the cousin was male. Mr Harbani is male.

---

<sup>26</sup> Mr Harbani submitted that the conversations were misconstrued because they refer to Cipher, not ANØM. See Appendix A.

<sup>27</sup> In his submissions, Mr Harbani observed that parties to the messages were in contact with a variety of sources. See Appendix A.

<sup>28</sup> Mr Harbani submitted that parties to the messages were independently aware of law enforcement activity from 20 May 2021. See Appendix A.

<sup>29</sup> In his submissions, Mr Harbani noted that parties to the messages themselves questioned the credibility of the information that they had received. See Appendix A.

- It is apparent from the messages that ‘cuz’ was a ‘fed’ whose place of work had ‘communications nerds’. Mr Harbani meets those characteristics. Moreover, no other member of his or Mr Dalloway’s family works in law enforcement.
- Mr Dalloway undertook to elicit more information from ‘cuz’ when they were due to meet on Sunday 30 May 2021. Mr Harbani met with Mr Dalloway on that day.
- The plan formulated by Mr Dalloway and Mr Talwick to elicit that information involved Mr Talwick bringing \$6,600 to Mr Dalloway’s premises, of which \$5,000 was to be stored on a shelf near where ‘cuz’ kept a specific type of prescription medication. Although the medication that ‘cuz’ purportedly stored at Mr Dalloway’s place was not found,<sup>30</sup> it was nevertheless the same type of medication that Mr Harbani had used, having been procured for him by Mr Dalloway, which he understood Mr Dalloway to keep at his place.<sup>31</sup> Although the bundle of cash located at Mr Dalloway’s house did not match, dollar-for-dollar, the amount discussed by Mr Dalloway and Mr Talwick,<sup>32</sup> its location and quantity were both broadly consistent with that plan (whether or not Mr Harbani was ever aware of the plan is discussed further below).
- In the light of the matters listed in the preceding paragraph, Mr Harbani’s refusal to accept that he was ‘cuz’ is implausible and detracts from the credibility of his evidence.

---

30 Mr Harbani submitted that it was significant that the medication was never found: Appendix A. In circumstances where Mr Dalloway and Mr Talwick were concerned about impending law enforcement activity, it is unsurprising that the prescription medication was not found when search warrants were executed. There was no legitimate reason for Mr Dalloway to be in possession of that medication and he had ample forewarning that some form of law enforcement activity was on the cards.

31 See page 26.

32 Mr Harbani’s submissions highlight that the cash located at Mr Dalloway’s premises exceeded the amount that Mr Talwick agreed to bring to Mr Dalloway. They also highlight the fact that Mr Dalloway owned a successful company and that the cash was not concealed: Appendix A. Mr Dalloway’s occupation as the owner of a removalist company provides one explanation for the cash found at his premises. It does not readily explain why the bundle was located on a top shelf in the kitchen.

## **Did Mr Harbani disclose sensitive law enforcement information to Mr Dalloway?**

This is the critical question.

From late April, or early May 2021 at the latest, Mr Harbani had access to sensitive law enforcement information about Operation Ironside through his employment as an AFP appointee. This was confirmed by Mr Harbani, whose evidence was that he was briefed about Operation Ironside in late April or early May 2021, at which point he became aware of Operation Ironside's capability to monitor ANØM communications.

Operation Ironside-Skyline was an investigation into Mr Dalloway and Mr Talwick. Mr Dalloway and Mr Harbani are first cousins and Mr Harbani saw him regularly, as Mr Harbani stated in his AFP Professional Standards integrity report. Mr Harbani also stated that to his knowledge, Mr Dalloway did not have any other associates within the AFP.

As at May 2021, Mr Dalloway was acquainted with at least 2 potential sources of information on law enforcement matters: 'ANØM guy' and Mr Harbani.

By 19 May 2021, Mr Dalloway had become aware through one of his sources that 'something big' was about to happen, 'in a month' or 'in three weeks'. He knew it related to law enforcement, but he did not know exactly what. He shared that information with Mr Talwick on the ANØM platform.

As it transpired, the source was correct. The AFP's Operation Ironside had access to encrypted messages sent using the ANØM platform. The AFP, together with other law enforcement agencies, had activated plans (of which Mr Harbani was aware) to carry out widespread operational activity based on that information.

On 20 May 2021, Mr Talwick asked Mr Dalloway to approach Mr Harbani for more information. A message, sent on 20 May 2021 at 11.03 am from PhantomGhost to SafeHaven, reads:

Ask that cousin of yours what is gonna go down. Just say, 'Mate, I've been talking on Ciph[r] [sic] because I had to. What is going to go down in three weeks? So I can protect only myself and my two friends.' That's it, say that. Say you won't say anything, but just help us.

On 25 May 2021, Mr Dalloway reported to Mr Talwick that he had approached Mr Harbani and pressed for more information. Mr Harbani was reported to have responded by saying that it was probably because of the people they know and 'who cares'.

Then, in a message sent on 25 May 2021, at 09:23 am from SafeHaven to PhantomGhost: 'I am having a big talk with him this weekend anyways.' The next weekend was the weekend of 29 and 30 May, when Mr Harbani met Mr Dalloway on 29 May at The Bay Kiosk (after first going to his home), again on 30 May (at the family barbeque), and again on 31 May (when they went to dinner in Blackacre).

On 27 May 2021, Mr Dalloway confirmed with Mr Talwick that he planned to approach Mr Harbani again on Sunday (30 May) for more information and to pay him a bribe of \$5,000 (supplied by Mr Talwick) in instalments. Mr Dalloway stated to Mr Talwick that he had told Mr Harbani something about this, though it is not clear what.

On Saturday 29 May 2021, Mr Harbani met with Mr Dalloway and others at The Bay Kiosk, after first attending Mr Dalloway's home.

On Sunday 30 May 2021, Mr Harbani met with Mr Dalloway at a family barbeque at his mother's house.

On the same day, the SafeHaven ANØM handle, which Mr Dalloway controlled, ceased sending messages. The handle was deactivated a few days later.

Later, at 7:56 pm, PhantomGhost informs StaticTrace:

PhantomGhost Also please apparently something big happening this week with *all this encrypted phones*. So lets wait and see

StaticTrace U mean *not only cipher?* (Emphasis added.)

On 31 May 2021, the following exchange of messages took place between PhantomGhost and StaticTrace:

PhantomGhost Yeh not 100% sure Intel is mixed

There is an operation and something big happening in OZ I know that And supposedly [sic] it's happening this weekend

*How sure are you that ANØM is sweet* u said you know owners?

StaticTrace Yea but I don't know much about the technology part

Owner is sweet

But how safe I don't know

PhantomGhost *There are claims that jakcs [sic] invented these*

Surely cannot be true

What ur thoughts on that

StaticTrace I've heard the same claims I don't think so mate

PhantomGhost yeh sweet Haven't they been around for ages

StaticTrace A while yea

Wow let's just sit on our hands to this weekend passes hey

PhantomGhost Yeh I think so Still get them ready for dummy and do the lead up work See how good this Intel is It's his family and they are close I'm sure he would be advising him correct But lwta [sic] see (Emphasis added.)

On 1 June 2021, PhantomGhost ceased posting messages on the ANØM platform.

On 3 June 2021, the following exchange of messages took place between StaticTrace and VectorStrike:

VectorStrike Is everything OK *with this device* they will be with the device in the end of this week hopefully

StaticTrace Between me and u

I have a contact work for Australian federal police

He said to throw cipher. This weekend going to be big raids

But u can't repeat this pls brother

But there is a question mark *because he said all encrypted phones*

VectorStrike I don't understand this line

StaticTrace This info I hav [sic] u can't fwd [sic] to anyone brother

VectorStrike I won't bro will just tell my own mate try not to use that's all

So is this device OK or not

StaticTrace Owners say it is

I wont know to Monday (Emphasis added.)

The next Monday was 7 June 2021.

Notably, prior to 30 May, Mr Dalloway and Mr Talwick were aware, at least broadly, that some form of law enforcement activity was imminent, and that Cipher was compromised, but do not appear to have suspected that ANØM was compromised. Yet on 30 May, Mr Dalloway goes silent on ANØM, with Mr Talwick following on 1 June, after conveying information to StaticTrace that ‘all encrypted phones’, ‘not only cipher’ might be compromised – which on 3 June ‘StaticTrace’ communicated to VectorStrike, attributing it to ‘a contact work for Australian federal police’.

The evidence summarised above founds a powerful inference that Mr Dalloway did what he said he intended to do, and on the weekend of 29-30 May made inquiries of Mr Harbani about what law enforcement activity was imminent and learned that not only Cipher but also ANØM was compromised. The result was that he immediately ceased using it and passed that information on to Mr Talwick, who subsequently also ceased using it, and as a result both of them disposed of their devices before search warrants were executed on 7 June.

The facts that Mr Talwick:

- continued to use ANØM the following day
- expressed scepticism about ‘mixed intel’ he had received
- only ceased using the platform on 1 June 2021

do not detract from the inference that Mr Harbani had communicated, to Mr Dalloway, the law enforcement information referred to above.

Mr Talwick was not in direct contact with Mr Harbani, but received information via Mr Dalloway. In circumstances where Mr Dalloway had just learned that ANØM was compromised, it is reasonable to expect that Mr Dalloway would employ some other method of relaying that information to Mr Talwick, and that other method would take some time.

The messages exchanged between one of Mr Talwick's contacts, StaticTrace, and another ANØM handle a few days later, on 3 June 2021, support the inference that Mr Harbani was the source of the information. The timing of the message is consistent with those handles being even further removed from Mr Dalloway. Significantly, the writer of the message attributed it to a source within the AFP.

Against that, there is no direct evidence implicating Mr Harbani, and he denies it. This is cause for caution. However, the credibility of his evidence is affected by:

- his implausible refusal to accept that he was the 'cuz' or 'cousin' referred to by Mr Dalloway and Mr Talwick in their communications
- his inability to explain why he assumed that the Mr Dalloway, whose name he saw on the list of persons of interest, was his cousin and not someone else with the same name, if (as he maintained) he was unaware of Mr Dalloway having any criminal interest or associates
- his inability to explain why he had had no further communication with anyone in the family about Mr Dalloway and why; after seeing him 3 times in 3 days, he had had no further contact with him.

While I am very conscious of the strictures of *Briginshaw*, it remains that findings are to be made on the balance of probabilities.

The probable explanation of the circumstances summarised above is that Mr Dalloway agreed - at Mr Talwick's prompting - to approach Mr Harbani to elicit more information about the impending activity when he had an opportunity to do so, and on 30 May 2021 he did just that. Mr Dalloway ascertained that ANØM was compromised, ceased using it, and disposed of the device (and passed on that information to Mr Talwick, who did likewise).

It was not by happenstance that on Sunday 30 May (the day Mr Dalloway had said he would do so) they did meet, and the SafeHaven ANØM handle (which was controlled by Mr Dalloway and which until that point had been used to transmit more than 1,000 messages in the preceding 3 months) ceased sending messages. The abruptness with which the SafeHaven handle ceased sending messages indicates that, at a minimum, the information supplied included that ANØM was among the platforms that had, from a criminal's perspective, become dangerous to use. Just what or how much Mr Harbani disclosed, or how it was communicated, cannot be ascertained; except that it was enough to convey at least that ANØM was compromised.

No plausible alternative hypothesis is apparent. This is no 'vague inference', but a very clear one which arises from:

- the sequence of events
- the content of the communications between Mr Dalloway and Mr Talwick (and subsequently others)
- Mr Dalloway's stated intent
- the remarkable cessation by Mr Dalloway of the use of ANØM on 30 May, and
- the fact that their devices were not found when the search warrants were executed.

I am, therefore, comfortably satisfied on the balance of probabilities, that Mr Harbani did disclose sensitive law enforcement information relating to ANØM to Mr Dalloway on or around 29 or 30 May 2021.

The evidence does not, however, establish that Mr Harbani received or was otherwise involved in a bribe in the period leading up to 30 May 2021.

It was Mr Dalloway who, on 25 May 2021, proposed the payment of a bribe in circumstances where Mr Harbani had, according to Mr Dalloway, rebuffed an earlier request for further information. On 27 May 2021, Mr Dalloway vaguely suggested that he had told Mr Harbani about the proposal, but there is nothing to corroborate this. It is at least equally possible that Mr Dalloway's purpose in making those representations to Mr Talwick was to humour or placate Mr Talwick, who was insistent that Mr Dalloway follow up with Mr Harbani. There is no evidence that Mr Dalloway and Mr Harbani actually met or communicated during that period. There is nothing about the timing or pattern of communications to suggest that such an arrangement was in place. Most notably, the quantum of cash found at Mr Dalloway's premises indicates that the amount was intact, supporting the inference that even if Mr Dalloway had intended to pay a bribe, he had not begun to do so.<sup>33</sup>

Nonetheless, by disclosing to Mr Dalloway sensitive law enforcement information relating to ANØM, to which Mr Harbani had access by reason of his office, for the improper purpose of assisting a relative, who was suspected of being engaged in criminal conduct, to evade impending law enforcement action, Mr Harbani has engaged in an abuse of office and therefore in corrupt conduct.

---

<sup>33</sup> As noted in Mr Harbani's submissions: see Appendix A.

# Recommendations

The corrupt conduct was a serious breach of the obligations of an AFP appointee. As has been noted, it risked compromising a major operation which had been years in planning. It manifests character and qualities incompatible with service in the AFP. Had Mr Harbani not already resigned, I would have recommended that his appointment be terminated.

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

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

13/05/2026

# Appendix A: Extract of submissions made on behalf of Mr Harbani on 16 June 2025\*

....

We respectfully submit that your preliminary findings against Mr Harbani are erroneous, as set out below. Mr Harbani has not engaged in corrupt conduct, and there is no sound evidentiary basis to draw such a conclusion.

Our response for Mr Harbani will be distilled into the following propositions: (1) the lack of substantial evidence against Mr Harbani; (2) Mr Harbani's professional standards; and (3) procedural unfairness.

## **The lack of substantial evidence against Mr Harbani**

1. We understand that conversations on ANOM devices about the interception of encrypted messages were triggered by a media release in March 2021, concerning the successful interception of [encrypted messaging platforms] by European law enforcement agencies.
2. The user 'SAFEHAVEN' was likely attributed on 28 May 2021 to Mr Dalloway. However, there is no evidence to suggest who the user of 'SAFEHAVEN' was on other days. There was no surveillance coverage, and no Call Charge Records (CCRs) from Mr Dalloway's known telecommunications service on other days to reveal location 'pings' which could have potentially exposed a contradiction of movements between Mr Dalloway and 'SAFEHAVEN'.
3. Criminal entities often change telecommunications devices to avoid law enforcement scrutiny and detection. This demonstrates a poor standard of investigation and suggests that relevant evidence, which may have included exculpatory evidence, was either overlooked or not properly examined.

---

\* Names in this extract have been replaced with the pseudonyms used elsewhere in the report.

4. Claims have been referenced indicating that the groups' sources of information originate from the following unknown individuals:

SAFEHAVEN "Cause something big is happening soon"

PHANTOMGHOST "From cuz or ANOM guy"

SAFEHAVEN "ANOM know a guy ... ANOM guy ... ANOM guy knows a lot as well from his trusted sources even more"

.....

PHANTOMGHOST "How sure are you that ANOM is sweet u said you know owners? ... There are claims that jakcs invented these"

STATICTRACE "Owner is sweet ... I've heard the same claims ... I have a contact work for Australian federal police"

5. During the hearing, it was noted that the group had connections to other law enforcement agencies [...] The information in their possession could have originated from any of the sources referenced in the above conversations, from other law enforcement agencies or another member in the AFP. Not once was Mr Harbani referenced as the originator of the information above and to state so would be inaccurate and misleading.
6. The reference to 'ANOM guy' and the user 'STATICTRACE', and their "trusted sources", suggests the possibility these unknown individuals had access to sensitive information. However, there appears to have been a lack of thorough investigation into identifying these individuals, leaving key details unverified. The conversations cited are largely out of context and do not provide clear evidence of any direct link to Mr Harbani.
7. It is noted that Operation Ironside involved several hundred individuals under investigation, generating a significant volume of communications and intelligence reports. Additionally, hundreds of AFP officers and members of other law enforcement [...] had been briefed. Consequently, by late April/early May 2021, the likelihood of information leaks was considerably high.

8. It should also be noted that the use of police informants during Operation Ironside would have significantly increased the likelihood of information leaks to other criminal entities, as informants are often known for maintaining ties within criminal networks and sharing information for personal gain or protection.

**In response to [the proposed findings]:**

9. On 19 May 2021, 'SAFEHAVEN' stated "Cause something big is happening soon" and 'PHANTOMGHOST' responded "Cypher ... From cuz or ANOM guy" 'SAFEHAVEN' then attributed the information to "ANOM know a guy ... ANOM guy ... ANOM guy knows a lot as well from his trusted sources even more".
10. The conversation appears to have been misconstrued and seems to relate to Cipher rather than ANOM. It appears that 'SAFEHAVEN' is attempting to enhance their status within the group by referencing information obtained from media outlets and unidentified sources, using informal language such as 'cuz' to lend credibility. Additionally, 'SAFEHAVEN' refers to 'ANOM guy' and stated that "ANOM know a guy' with trusted sources...", suggesting the possibility that unknown individuals had access to sensitive information.
11. The investigation conducted by the National Anti-Corruption Commission (NACC) into identifying the individuals involved and verifying the source of the information has been inadequate. Notably, the user 'PHANTOMGHOST' themselves questioned the credibility of the information and stated, "You're a wozzle ... all u do is run off ya stupid cousin and his half story info with no details".
12. Overall, the conversations are taken out of context and does not demonstrate any direct link to the secrecy surrounding ANOM or to any law enforcement investigations triggered by a tip-off. Mr Harbani has no knowledge of Cipher or its capabilities, and there is no evidence to suggest that he was aware the group was, or had been, under investigation. Any claim to the contrary would be both inaccurate and misleading.

13. On 20 May 2021, the user 'PHANTOMGHOST' continued by stating, "Ask that cousin of yours what is gonna go down ... what is gonna go down in 3 weeks". This statement clearly indicates that the group was already in possession of certain information and was seeking validation from 'SAFEHAVEN's' contact, referred to as 'cuz'. This supports the conclusion that Mr Harbani did not provide any information to the group and that they were independently aware of impending police activity.
14. Notably, you alleged that on 29 and/or 30 May 2021, Mr Harbani informed Mr Dalloway of the vulnerability of ANOM and the impending raids. However, the conversations referenced above took place on 19 and 20 May 2021, which directly contradicts your allegations *[that despite Mr Harbani's denials, the most probable explanation of these circumstances is that on 29 and/or 30 May 2021, Mr Harbani informed Mr Dalloway of the vulnerability of ANØM and the imminent raids, and that Mr Dalloway then passed that information to Mr Talwick]*.
15. 'SAFEHAVEN' stated "I told cuz we have a strikeforce on us ... bring me \$6600". There is no evidence indicating that Mr Harbani was aware of any 'Strikeforce' (which is a NSW Police term, not AFP). The conversation appears to be fictional, intended by 'SAFEHAVEN' to impress the group, based on media releases and information derived from their own sources.
16. While the statement implies that 'SAFEHAVEN' was informing 'cuz' about an investigation, it does not indicate that Mr Harbani disclosed any investigative details. Rather, it reflects SAFEHAVEN's own assertion, making it an unreliable and out-of-context remark that does not constitute any evidence of unlawful disclosure.
17. Further, the discussion regarding the \$6,600 is irrelevant, as there is no evidence that Mr Harbani received any payment. He has denied the claim, and no bank records were requested to verify or refute the allegation. This raises concerns that potentially exculpatory evidence may have been overlooked: evidence that could have disproven the claim.

18. Mr Harbani acted within the scope of his designated responsibilities and did not access any AFPNet drives beyond what was required for his role. His adherence to internal policies, respect for system boundaries, and commitment to safeguarding sensitive information demonstrated his professionalism and compliance with AFP regulations. Any suggestion that he exceeded his authorised access is inconsistent with the established facts regarding his conduct and role within the organisation.
19. The user 'SAFEHAVEN' stated, "I see cuz on Sunday, big talks. I'm going to give him 500". This appears to be an attempt by 'SAFEHAVEN' to validate their source of information within the group, implying that a cash payment was being offered, potentially for their own benefit by leveraging their connection to 'cuz' and the significance of the forthcoming "big talks". This statement reflects an effort by 'SAFEHAVEN' to gain credibility and assert their value within a group that was already sceptical of their information.
20. The majority of messaging applications, including but not limited to WhatsApp, Telegram, Signal, Viber, Snapchat, Facebook Messenger, and Instagram Messenger, use encryption. The messaging applications were switched to Telegram to assist Mr Harbani in understanding its use for his police duties, as this platform had gained popularity among the public. This is common practice for most police officers and Digital Forensic Officers who review seized devices and must provide evidence at court regarding the platforms. The device located at Mr Dalloway's premises was examined, and no evidence was found to support any misconduct or abuse of office by Mr Harbani.
21. On 30 May 2021, it was alleged that 'four hours after Mr Harbani met with Mr Dalloway' a message was exchanged between 'PHANTOMGHOST' and 'STATICTRACE' referencing "apparently something big happening this week". However, there are no surveillance records or CCRs indicating that Mr Dalloway met with or communicated with anyone else to receive or discuss this information, or to confirm the timing of such an interaction.

22. The absence of supporting evidence highlights potential gaps in the investigation and suggests that exculpatory evidence may have been overlooked. This is particularly relevant given that, as established above, 'PHANTOMGHOST' was already in possession of similar information as early as 20 May 2021 (see paragraphs 9–14).
23. The user 'PHANTOMGHOST' stated that "all encrypted phones" were involved, however, this statement is incorrect and amounts to hearsay. As outlined above, this information could have originated from multiple sources, including references such as 'ANOM know a guy', 'ANOM guy', or 'ANOM guy knows a lot as well from his trusted sources even more', as well as other AFP members mentioned by 'STATICTRACE', police informants, the NSA, ACIC, or any other law enforcement agencies involved in Operation Ironside.
24. Furthermore, there is no surveillance or CCRs indicating that Mr Dalloway had any private discussions with or communicated information to 'PHANTOMGHOST'. This highlights deficiencies in the investigation and raises the possibility that exculpatory evidence may have been overlooked.
25. There is no evidence indicating how many messages 'SAFEHAVEN' sent or what their activity on the ANOM device involved. You suggest that 'SAFEHAVEN' became aware of the platform's capabilities following a meeting with Mr Harbani. However, it has already been established that between 19 and 20 May 2021, the group was already aware of the interception of encrypted platforms and the impending overt police activity. This renders your implication about Mr Harbani to be false, as there is no evidence to support such a claim. Additionally, no data has been presented showing messaging patterns or activity history for 'SAFEHAVEN' that might contain potentially exculpatory evidence.

26. The conversation between 'PHANTOMGHOST' and 'STATICTRACE' constitutes hearsay, with no evidence indicating that 'SAFEHAVEN' disclosed any sensitive information to these users, nor that Mr Harbani provided any information to Mr Dalloway regarding ANOM technology or impending overt police activity. As previously established, the group was already in possession of sensitive information, which could have originated from a range of sources outlined above. Furthermore, there is no surveillance or CCRs indicating that 'SAFEHAVEN' had any relevant interactions with these users concerning the information in question.
27. On 31 May 2021, 'PHANTOMGHOST' stated, "Something big happening in OZ ... How sure are you that ANOM is sweet? You said you know the owners ... There are claims that Jacks invented these ... Haven't they been around for ages". 'STATICTRACE' replied, "Owner is sweet ... I've heard the same claims, I don't think so". These conversations indicate that no sensitive information regarding ANOM technology was provided to them by Mr Harbani, as they continued using the devices and had already expressed awareness of potential police action as early as 19 and 20 May 2021. This exchange may, in fact, relate to Cipher rather than ANOM.
28. Your findings inserted '[ANOM]' into the message transcript, leading an assumption that ANOM was the platform being discussed, without considering the probability that they were discussing other encrypted platforms that have existed for decades, including Cipher. Additionally, 'STATICTRACE's' stated "I've heard the same claims, I don't think so" suggesting that such information may have come from other unidentified individuals.
29. The user 'STATICTRACE' stated, "I have a contact who works for the Australian Federal Police ... he said throw Cipher. This weekend going to be big raids" This statement suggests that 'STATICTRACE' claimed to have a direct connection to an AFP member. However, there is no evidence indicating that this contact was Mr Harbani. The conversation appears to focus on Cipher, not ANOM.

30. Furthermore, the users continued communicating via the ANOM platform, with user 'VectorStrike' asking "So this device OK or not" to which 'STATICTRACE' responded, "Owners say it is". These exchanges indicate that the users were not aware that ANOM was being intercepted, as they continued to trust and use the platform and rely on their own sources of information. Had they been aware of any compromise, it is highly unlikely they would have continued using it.
31. This directly contradicts your interpretation of the evidence and demonstrates that the conversation more likely related to Cipher, not ANOM. You have misrepresented these communications, falsely attributing them to ANOM and incorrectly asserting that Mr Harbani disclosed sensitive information regarding ANOM's interception or any impending police operations, claims for which no supporting evidence exists.
32. On 6 June 2021, the AFP executed a search warrant at Mr Dalloway's residence at Whiteacre. During the search warrant the AFP located a cash bundle totalling \$6,730.00 and a *[cannister containing a non-prescription medication]*.
33. During the search, cash, *[the non-prescription medication]*, and personal devices were still present at the premises. If Mr Dalloway had prior knowledge of the investigation, it is reasonable to suggest that these items would have been disposed of beforehand. This further undermines the allegation that Mr Dalloway was made aware of the investigation in advance by Mr Harbani. It is important to note that *[the prescription medication was not]* found on the premises or near the mentioned cash as suggested by 'SAFEHAVEN'.
34. The \$6,730.00 in cash located at the premises was not concealed, despite Mr Dalloway having multiple opportunities to do so. Notably, the amount also exceeded the alleged figure of \$6,600. If the cash were intended for Mr Harbani, it is absurd that Mr Dalloway would neither conceal it nor take any steps to transfer it to him between 29 and 31 May 2021. This undermines any suggestion that the cash was linked to a bribe, and still, there is no evidence identifying the source of the cash. This supports the conclusion that no such intention to give the cash to Mr Harbani existed.

35. It is further important to note that Mr Dalloway operates a successful [*business*], a relevant fact that was omitted from your findings. This omission reflects a misunderstanding of the context of these messages, as you imply a connection between the cash and ANOM messages without conducting a thorough investigation. A proper examination of Mr Dalloway's financial records would likely have uncovered exculpatory evidence, further undermining the basis of the allegation.
36. [*Redacted*].
37. [*Redacted*].
38. Notably, the devices located at Mr Dalloway's premises were examined, and no evidence was found to support any allegation of misconduct or abuse of office by Mr Harbani.

#### **Mr Harbani's professional standards**

39. Mr Harbani acted within the scope of his designated responsibilities and did not access any [*AFP electronic resources*] beyond what was required for his role (please refer to paragraph 18).
40. Your own investigations demonstrated that Mr Harbani did not access any databases pertaining to Mr Dalloway and Mr Talwick and had not accessed the electronic Operation Ironside files. That is behaviour consistent with someone who has performed his duties professionally and ethically.
41. Mr Harbani submitted a Security Incident Report (SIR) immediately after learning that Mr Dalloway was under investigation on 7 June 2021. Mr Harbani has refrained from contacting Mr Dalloway, and to date, there has been no communication between them.
42. Furthermore, there is no evidence indicating that Mr Harbani disclosed any information to Mr Dalloway regarding ANOM technology or police operations. Mr Harbani only received a briefing regarding [*a different investigation*], not Operation IRONSIDE SKYLINE, the investigation relating to Mr Dalloway. There is no evidence showing that Mr Harbani was aware that Mr Dalloway was under investigation before submitting the SIR.

43. The ANOM messages clearly indicate that most of the conversations related to the interception of Cipher and other encrypted platforms, not ANOM. Much of the evidence presented appears to be speculative, misconstrued, and misinterpreted by inaccurately suggesting that all discussions were connected to ANOM.
44. After the private hearing in 2022, [ACLEI] provided the AFP Professional Standards department with findings regarding possible breaches in AFP practices by Mr Harbani. These findings were subsequently investigated by the AFP Professional Standards, and Mr Harbani was questioned in relation to these findings. As a result, no substantiated adverse outcomes were recorded. This demonstrates that Mr Harbani acted in accordance with established protocols and maintained professional conduct throughout the investigation process.
45. Mr Harbani's distinguished service record spans over twenty years across the Australian Army (as a Rifleman and Military Police), the NSW Rural Fire Service, Immigration Detention, and the AFP. Throughout this period, he has maintained an unblemished record, with no history of misconduct or abuse of office.
46. His service includes numerous commendations, such as the Australian Defence Force Medal, a citation for Operation Ironside, and the National Medal for Service awarded by the AFP in 2024. This long-standing and diverse commitment to public service reflects his unwavering dedication to duty, professionalism, and integrity. It further challenges any suggestion that he would knowingly engage in unlawful conduct and supports the view that the allegations against him lack both credibility and evidentiary foundation.
47. Between 2021 and 2025, Mr Harbani served as a Detective, undertook higher duties as a Team Leader, and consistently received outstanding performance evaluations from his supervisors. During this time, he collaborated with international partners on high-profile investigations, was instrumental in the removal of children from harm, and acted as a reliable and trusted witness in both domestic and international police operations.

48. Mr Harbani is in a financially stable position. The suggestion that he was involved in a bribe is entirely false and unfounded. It is far more likely that any such implication relates to actions taken solely by 'SAFEHAVEN'.
49. A key point to acknowledge is that Mr Harbani provided full and candid disclosure regarding all aspects of his interactions with Mr Dalloway during his oral evidence at the private hearing. He required no prompting or leading to make these admissions; instead, he voluntarily revealed information that was previously unknown and would likely have remained undiscovered without his transparency. Such a level of candour is inconsistent with the conduct of an individual engaged in corrupt behaviour and strongly supports his credibility and integrity.

### **Procedural unfairness**

50. There is no evidence indicating that Mr Harbani was aware of any investigation on Mr Dalloway prior to the SIR being submitted on 7 June 2021, and with respect to references made throughout this response, there is no evidence which links Mr Harbani directly to being the source of information for Mr Dalloway. We again assert that the group was already made aware of sensitive information concerning encrypted platforms and impending police operations by 19 and 20 May 2021.
51. At no point within the ANOM messages or other intercepted communications is there any reference to Mr Harbani providing operational, classified, or sensitive information. Additionally, there are no surveillance records, CCRs, or other forms of corroborating evidence to suggest Mr Harbani communicated such information to any party involved.
52. This lack of evidentiary support undermines the credibility of the allegations and highlights a critical gap in the investigation. If such a serious breach had occurred, one would reasonably expect it to be reflected in communications, surveillance, or other avenues of the investigation. The absence of such evidence suggests that the claims are speculative and not grounded in substantiated fact.

53. Between 29 and 31 May 2021, in relation to the meetings between Mr Harbani and Mr Dalloway, there is no evidence from any other individuals who were present during the relevant times of their interactions. This line of inquiry appears to have been overlooked, and no apparent effort was made to obtain evidence from these witnesses, who could have provided independent accounts. The failure to pursue this avenue reflects a deficient investigative approach and raises concerns about the thoroughness and impartiality of your processes. The omission of such potentially exculpatory witness evidence suggests a selective presentation of facts designed to support a predetermined narrative, rather than an objective assessment of all available evidence.
54. For understandable reasons, we have not been provided with any other information about the investigation of Mr Dalloway, but we note this places Mr Harbani at a substantial disadvantage in responding to these allegations. For all we know, Mr Dalloway was communicating with several other persons and sources, many of which are more likely candidates to have been conduits of information, yet you have strangely concluded that Mr Harbani must be the source of the leak.
55. You provided a 'Potential Findings' report to the AFP of the findings in relation to Mr Harbani prior to any submissions or consultation with Mr Harbani's legal representation, resulting in his unfair and targeted suspension from his duties. This unfair treatment demonstrates a lack of procedural fairness and raises serious concerns about the fairness, transparency, and thoroughness of your investigative process. Such actions undermine the principles of natural justice and the right to a fair hearing, potentially prejudicing Mr Harbani's ability to respond adequately to the allegations made against him.
56. These concerns are further amplified by the fact that a 'Potential Finding' of corrupt conduct against Mr Harbani would likely lead to the termination of his employment with the AFP and cause irreparable damage to his professional reputation. In such high-stakes circumstances, the denial of a fair process is not only unjust, but it also represents a significant failure in upholding the foundational principles of accountability and due process.

57. Unfair targeting of Mr Harbani raises serious doubts about bias. Despite no new evidence and disproven claims over four years, the investigation continues, suggesting possible racial profiling or unconscious bias due to his Middle Eastern background. This prolonged scrutiny, without clear wrongdoing, not only undermines natural justice and inclusion, but risks significant mental health repercussions for Mr Harbani.
58. [Redacted – submission about publication].

## **Conclusion**

59. We remind the Commission of the required standard of proof, as articulated by the High Court in *Briginshaw v Briginshaw* (1938) 60 CLR 336. In cases involving serious allegations, such as findings of corrupt conduct, the standard of proof is not the civil standard in its bare form but requires a higher degree of satisfaction.
60. As stated by Dixon J, “reasonable satisfaction” must be based on clear, cogent, and persuasive evidence, particularly where the consequences of the findings are grave. Allegations that carry reputational, professional, or legal consequences must be substantiated with compelling and credible evidence. In this case, the evidence presented does not meet that threshold, and as such, any adverse findings would be inconsistent with the *Briginshaw* principle and the principles of procedural fairness.
61. Respectfully, the evidence in this matter falls well short of the required standard of proof. It is comprised largely of unsubstantiated allegations, reliant on hearsay communications between individuals engaged in alleged criminal conduct, and on speculative inferences drawn from circumstantial or coincidental events. Critically, there appears to have been a lack of genuine effort to pursue reasonable lines of inquiry that may have uncovered exculpatory evidence.
62. In the absence of clear, cogent, and compelling proof, the conclusions drawn cannot meet the heightened standard of satisfaction required for findings of such seriousness. To proceed based on this evidentiary foundation would risk a failure of justice and undermine public confidence in the integrity of the investigative process.

63. The fact that allegations have continued for over four years without any new evidence and even after some claims have been disproven, suggests Mr Harbani is being treated differently. Despite no clear evidence of wrongdoing, the matter remains open, and the way your preliminary findings have been presented continues to unfairly raise suspicion. This goes against the principles of natural justice and undermines the values of cultural diversity and inclusion that both the AFP and NACC are expected to uphold.
64. In conclusion, the case against Mr Harbani is not supported by clear, cogent, or persuasive evidence, but rather by conjecture and assumption. The proposition that Mr Harbani must be the source of a leak, simply because other sources remain unidentified, is speculative and fails to meet the necessary standard of proof.
65. It is deeply concerning that in the absence of clear answers, you have appeared to have settled on a convenient narrative: “We cannot determine who else tipped off Mr Dalloway, so we will attribute it to Mr Harbani because he’s his cousin”. This is manifestly unjust.
66. Having regard to the totality of the evidence and the legal and ethical standards applicable to corruption investigations, it is respectfully submitted that the potential findings made against Mr Harbani be withdrawn in their entirety.

# Appendix B: Extract of submissions made on behalf of Mr Harbani on 19 December 2025\*

...

This supplementary submission addresses both the substance of the draft Operation Pentecost report and the question of publication.

At its core, our client’s position is straightforward: there is no clear, cogent, or corroborated evidence of sufficient probative force to support the adverse findings proposed. Given the gravity and consequences of a finding of corruption, it behoves you to not draw conclusions based purely on mere speculation.

The draft report relies heavily on speculative inference, uncorroborated hearsay, and untested assumptions, rather than objective material capable of achieving reasonable satisfaction on the civil standard. These evidentiary deficiencies are compounded by procedural unfairness, unreasonable delay, and premature disclosure of draft evaluative content to the Australian Federal Police (AFP), all of which have caused demonstrable prejudice to our client.

## **Evidentiary deficits and mischaracterisations**

1. No probative link between messages and our client
  - a. The draft report alleges that a disclosure to “Mr Dalloway” occurred on or about 29–30 May 2021, largely based on timing and private ANØM exchanges between unidentified users (‘SafeHaven’, ‘PhantomGhost’, ‘StaticTrace’). However, there is no direct testimony, no interview material, and no reliable attribution linking those handles to identified persons or to our client.

---

\* Names in this extract have been replaced with the pseudonyms used elsewhere in the report.

- b. Further, statements such as “*a contact work for Australian federal police*” attributed to ‘StaticTrace’ are multiple steps removed from our client, uncorroborated, and inadmissible hearsay for the purpose of any adverse finding. Their provenance cannot be tested, and they cannot reasonably be used to implicate our client.
2. Absence of objective proof of any disclosure
  - a. There is no metadata, no call record, no surveillance product, and no witness statement evidencing any conversation between our client and ‘SafeHaven’ (or any other person) regarding ANØM or Cipher.
  - b. The draft itself concedes uncertainty about “what or how much was disclosed, or how it was communicated.” That concession underscores that the conclusion rests on speculation rather than proof.
3. Timing and cessation do not establish causation
  - a. The suggested inference from the cessation of ANØM activity is not supported by probative material. By late May 2021, criminal networks were already speculating that encrypted platforms were compromised due to international operations and media coverage. In that environment, correlation is not causation, and the report’s reliance on timing falls short of the Briginshaw caution required for serious adverse findings.
  - b. The draft report’s own chronology undermines the causal inference advanced. The final ANØM message attributed to ‘SafeHaven’ was sent in the early hours of 30 May 2021, before the family barbeque and before any alleged opportunity for discussion with our client. That timing is inconsistent with the suggestion that any social interaction on 30 May 2021 caused or contributed to the cessation of ANØM usage.
4. Linguistic assumptions and cultural context
  - a. The inference that a reference to a “*cousin*” in encrypted chats must refer to our client is untested and unsupported by any independent material.

- b. Informal kinship terms (e.g., “cuz”, “bro”, “habib”, “mate”) are commonly used non-literally in our client’s community. Absent corroboration, such references cannot identify any particular individual, let alone ground an adverse credibility finding.
5. Tendency/probative value not made out
- a. Findings of serious wrongdoing cannot be founded on suspicion or coincidence.
  - b. Section 97(1)(b) *Evidence Act* requires evidence of significant probative value; the High Court has repeatedly emphasised that generalised tendencies or weak inferences do not suffice: *IMM v The Queen* (2016) 257 CLR 300; *The Queen v Bauer* (2018) 266 CLR 56; *Hughes v The Queen* (2017) 263 CLR 338; *TL v The King* [2022] HCA 35; *DPP v Roder* [2024] HCA 15.
  - c. It is clear that based on the facts, there is no corroborated, objective material that materially advances the case. The draft’s reliance on “powerful inference” cannot overcome the absence of evidence.

### **Application of the Briginshaw standard**

The civil standard of proof does not fluctuate, but the quality and strength of evidence required to attain reasonable satisfaction must reflect the gravity of the allegation: see also *Rejtek v McElroy* (1965) 112 CLR 517; *Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd* (1992) 110 ALR 449; *Re Day* (2017) 91 ALJR 262; *Minister for Immigration v SZMDS* (2010) 240 CLR 611. Serious findings demand clear, cogent, and persuasive evidence: not hearsay, untested fragments, or inference unsupported by logic or provenance.

We submit that the evidentiary record you rely upon is incomplete and uncorroborated, and the reasoning relies on selective inference rather than objective anchoring. Properly applying the *Briginshaw* standard, the threshold of reasonable satisfaction is not reached.

## Procedural unfairness and prejudice

1. Excessive delay and lack of disclosure
  - a. The investigation was characterised by prolonged inactivity and lack of timely disclosure, denying our client a meaningful opportunity to respond. Independent oversight by the Inspector of the National Anti-Corruption Commission (NACC) (report 9 September 2025 and 20 October 2025) recorded “*substantial delay*” that was “*excessive in all the circumstances,*” noting that it involved prolonged periods of inaction and that the process also significantly impacted our client (refer to Annexures A and B).
  - b. The common law requires timely, even-handed decision-making and disclosure of material necessary to answer allegations: *Kioa v West* (1985) 159 CLR 550; *Annetts v McCann* (1990) 170 CLR 596; *Ex parte Lam* (2003) 214 CLR 1; *Ainsworth v Criminal Justice Commission* (1992) 175 CLR 564. Those obligations were not met.
2. Premature disclosure of evaluative material to the AFP
  - a. Freedom of Information material confirms that draft evaluative material was provided to the AFP during the Australian Commission for Law Enforcement Integrity (ACLEI) phase and again after transfer to the NACC, despite no new evidence having emerged after the ACLEI private hearings in 2022 (refer to Annexure C).
  - b. A substantially complete draft report was provided to the AFP in March 2025 before any natural-justice process involving our client had commenced, and suspension proceedings followed shortly thereafter.
3. Even if characterised as ongoing consultation, this sequencing gives rise to an objective appearance of pre-judgment and structural unfairness, where an interested agency had access to draft evaluative material while the affected person was excluded from all consultation.

4. Transitional obligations and diligence

- a. Under the National Anti-Corruption Commission (Consequential and Transitional Provisions) Act 2022 (Cth), investigations transferred from ACLEI continued as if the LEIC Act had not been repealed, preserving obligations of fairness, confidentiality, and lawful use of compelled evidence.
- b. Administrative constraints could not justify years of inactivity. Section 25 of the Public Governance, Performance and Accountability Act 2013 imposes a duty of care and diligence on Commonwealth officials. Extended inaction that caused demonstrable prejudice departs from that duty.

5. Compelled material and selective reliance

- a. Material arising from our client's private, compelled ACLEI hearings (March–April 2022) was provided to the AFP on assurances it would not be used adversely. Its subsequent reliance in internal AFP proceedings, and the NACC's adoption of ACLEI's draft without fresh testing, perpetuated the same procedural deficiencies.

## Objection to publication

Our client objects to any publication of the Operation Pentecost report (or derivative summary) that identifies him. We assert that publication would be unlawful or unreasonable for the following reasons:

1. Unresolved evidentiary and procedural defects
  - a. Publishing adverse findings grounded in incomplete and uncorroborated material, after excessive delay and imperfect disclosure, denies natural justice and risks serious reputational harm: *Ainsworth; Kioa; Ex parte Lam*.
2. Foreseeable psychological harm
  - a. [Redacted]
3. Potential Security Risks
  - a. [Redacted]
4. Misuse of private-hearing evidence
  - a. Using or referencing compelled, private ACLEI evidence in a way that effectively identifies our client in public reporting would undermine statutory confidentiality preserved by the transitional regime and would be inconsistent with procedural fairness.

For these reasons, it is our view that no identifying publication is appropriate.

## Conclusion

In light of the above, our client respectfully seeks that you:

1. Withdraw the proposed adverse findings, or in the alternative, re-make them only if supported by clear, cogent, corroborated evidence capable of achieving reasonable satisfaction of the applicable standard of proof.
2. Undertake a fresh, independent assessment of the evidence inherited from ACLEI, including attribution of ANØM handles, provenance of statements, and any metadata or objective records.
3. Afford full procedural fairness, including disclosure of all material necessary to respond to allegations.
4. Refrain from any identifying publication of the report or derivative materials.
5. Confirm in writing that compelled private-hearing material will not be used or referenced in any way that could identify our client in public reporting.