

COMMONWEALTH OF AUSTRALIA

PROCEEDS OF CRIME ACT 2002: Section 225

AFFIDAVIT FOR A SEARCH WARRANT

I Jeffrey Aaron Kokles of Sydney in the State of New South Wales, being duly sworn make oath and say as follows:

- 1: I am an authorised officer of an enforcement agency within the meaning of the Proceeds of Crime Act 2002 in that I am:**
 - an AFP member who is authorised by the Commissioner of the Australian Federal Police;**
- 2: I am the applicant for a search warrant under section 225 of the Proceeds of Crime Act 2002 in relation to the following premises:**

First Premises:
Seven West Media Limited
38-42 Pirrama Road
Pymont NSW 2009

Second Premises:
Pacific Magazines
Media City
8 Central Avenue
Eveleigh NSW 2015

Third Premises:
Addisons Lawyers
Level 12, 60 Carrington Street
Sydney NSW 2000

Fourth Premises:
KALANTZIS Lawyers
55 Stanley Street
East Sydney NSW 2010

Fifth Premises:
Vasilios (Bill) KALANTZIS

Sixth Premises:



Seventh Premises:
Justine MUNSIE

- 3: I have not previously applied for a search warrant under section 225 of the Proceeds of Crime Act 2002 in relation to the abovementioned premises.
- 4: The information set out below has been obtained in the course of duties by me from my own inquiries and from inquiries made by other officers. The sources of the information are also set out below. I believe that the information is true and correct.

SOURCES:

- Australian Federal Police (AFP);
 - Department of Immigration and Citizenship (DIAC);
 - Australian Securities and Investment Commission (ASIC);
 - Australian Business Register (ABR);
 - Australian Electoral Commission (AEC);
 - Roads and Maritime Services (RMS);
 - Land Titles New South Wales (LTO);
 - Seven West Media Limited (Seven Network);
 - Addisons Lawyers;
 - Open source enquiries from www.smh.com.au;
 - Open source enquiries from www.news.com.au;
 - Open source enquiries from the Courier Mail newspaper; and
 - Open source enquiries from the Brisbane Times newspaper;
- 5: By reason of the matters set out below a magistrate may properly be satisfied that there are reasonable grounds for suspecting that there are at the premises specified above evidential material within the meaning of the Proceeds of Crime Act 2002, being evidence relating to:

- literary proceeds

which satisfies the following three conditions:

First condition: Things which are:

Originals or copies of any one or more of the following, including any of them which are stored on a computer, or on a computer storage device, or on any other type of storage medium or storage device:

- Contracts;
- Agreements;
- Payments;
- Bonuses;
- Financial records;
- Emails;
- Hand written notes including diary notes;
- Text messages;
- SMSs;



- Communications including electronic communications;
- Memos
- Correspondence;
- International money transfer instructions, confirmations and receipts;
- Invoices;
- Receipts;
- Ledgers and journals;
- Note books;
- Pay sheets;
- Property and conveyance documents;
- Trust documents;
- Safety deposit keys or keys in relation to storage facilities
- Documents relating to the operation of business;
- Currency;

Second condition: And which relate to any one or more of the following:

- Schapelle CORBY
- Mercedes CORBY
- CORBY Agreement
- Mercedes CORBY Exclusive Agreement
- Sunday Night

- Justine MUNSIE

- KALANTZIS Lawyers
- V. KALANTZIS Lawyers
- KALANTZIS
- Bill KALANTZIS
- Vasilios KALANTZIS



Third condition: And in relation to which there are reasonable grounds for suspecting that they relate to:

Evidence as to Schapelle Leigh CORBY (CORBY), born 10 July 1977 who on 27 May 2005 in Denpasar, Indonesia was convicted of an offence, being a foreign indictable offence within the meaning of the Proceeds of Crime Act 2002, deriving Literary Proceeds as defined under section 153, Proceeds of Crime Act 2002.

Together with any storage medium or storage device which contains a relevant document and any manual, instruction, password or other thing which is needed to gain access to or interpret or decode a relevant document.

- 6: The nature of the property in respect of which action has been or could be taken under the Proceeds of Crime Act 2002 and the nature of that action is set out below:

On 27 May 2005, in Denpasar, Indonesia, CORBY was convicted of an offence, being a foreign indictable offence within the meaning of the Proceeds of Crime Act 2002, deriving Literary Proceeds as defined under section 153, Proceeds of Crime Act 2002.

Proceeds of Crime action could be taken to apply for a Literary Proceeds order under section 152 of the Proceeds of Crime Act 2002 in respect of all Literary Proceeds, as defined under section 153 Proceeds of Crime Act 2002, derived by CORBY in respect to any and all agreements entered into with Seven West Media Limited and related media representative entities by CORBY or on her behalf. Literary Proceeds is defined as;

Section 153 Proceeds of Crime Act 2002

- (1) Literary proceeds are any *benefit that a person derives from the commercial exploitation of:
- (a) the person's notoriety resulting, directly or indirectly, from the person committing an *indictable offence or a *foreign indictable offence; or
 - (b) the notoriety of another person, involved in the commission of that offence, resulting from the first-mentioned person committing that offence.



- 7(a) Records obtained by the AFP including copies of Denpasar High Court, Indonesian judgement document revealed that on 27 May 2005, CORBY was convicted of 'without any right and against the law has imported a narcotic Group 1', being 4.2kg of Marijuana into Indonesia, contrary to criminal law Chapter 82, Article (1) alphabet — Indonesian Law Number 22, year 1997 about narcotic, a foreign indictable offence as defined in section 337A Proceeds of Crime Act 2002.

I suspect that the conduct described in these documents and for which CORBY was convicted in Indonesia, would if carried out in Australia, amount to an indictable offence against the laws of Australia.

- 7(b) AFP enquiries reveal that since her arrest in 2004, CORBY has remained in the custody of authorities in Indonesia;
- 7(c) On Monday 10 February 2014, CORBY was granted parole from Kerobokan Prison, Bali, Indonesia;
- 7(d) Open source enquiries reveal that on 10 February 2014 the website www.smh.com.au reported that Channel Seven had secured an exclusive Schapelle CORBY interview reportedly worth as much as \$3 million;
- 7(e) Open source enquiries reveal that on 10 February 2014, the website www.news.com.au reported that Channel Seven had gained the rights for the first post-prison interview with CORBY and payment for that interview was reported to be in the amount of up to \$3 million;
- 7(f) Open source enquiries reveal that on 11 February 2014, the Courier Mail newspaper reported that Channel Seven had gained the exclusive interview deal with CORBY and payment for that interview was reported to be worth more than \$2million;
- 7(g) Open source enquiries reveal that on 11 February 2014, the Brisbane Times reported that Channel Seven had secured an exclusive deal with CORBY and payment for that interview was reported to be worth between \$1-3 million.
- 7(h) Open source enquiries reveal that on 11 February 2014, Channel Seven Sunrise Host David Koch stated "I reckon we should have nothing to do with her as a network. Totally disagree with paying a convicted drug smuggler \$2 million";

Actions taken by AFP:

- 7(i) On 11 February 2014, the AFP applied for and were granted a Proceeds of Crime Act 2002 section 202 Production Order (CMO14/023) (the order) to be served on Seven West Media Ltd, by New South Wales Magistrate GROGIN. The order stipulated that documents in respect to the order were to be provided to the AFP by 4.00pm on Friday 14 February 2014. Seven West Media Ltd is the corporate entity for Seven Network;
- 7(j) About 5.12pm on Tuesday 11 February, the AFP attended the offices of Seven West Media Ltd and served the order on Seven West Media Ltd located at 38-42 Pirrama Road Pyrmont, NSW;
- 7(k) About 3.50pm on 14 February 2014, at 110 Goulburn Street Sydney NSW, representative of Seven West Media Ltd, Justine MUNSIE (MUNSIE) of Additions Lawyers, handed the AFP several documents in response to the order.



Documents provided to the AFP by MUNSIE reveal:

7(l) Seven Network and Pacific Magazines, formerly Pacific Publications, have had a professional relationship with Mercedes CORBY and others in relation to media publications and stories about CORBY's imprisonment in Indonesia and subsequent conviction of importing drugs into Indonesia (CORBY'S story). Records indicate New Idea, a publication of Pacific Magazines, have paid several amounts in the tens of thousands of dollars for CORBY'S story over an extended period since CORBY'S imprisonment;

7(m) A Seven Network document addressed to Mercedes CORBY dated 7 February 2014, titled 'Mercedes Corby Exclusive Agreement' (the agreement) signed by _____, Sunday Night, which shows:

_____ is instrumental in facilitating an exclusivity agreement for CORBY'S story with Mercedes CORBY.

7(n) A copy of the agreement signed by Mercedes CORBY was emailed to _____ from _____ on 7 February 2014, which shows;

_____ is instrumental in facilitating an exclusivity agreement for CORBY'S story with Mercedes CORBY.

7(o) A copy of the agreement was signed by Bill KALANTZIS (KALANTZIS), of Kalantzis Lawyers, solicitor and agent for Mercedes Corby, which shows;

o KALANTZIS is instrumental in facilitating an exclusivity agreement for CORBY'S story with Mercedes CORBY.

7(p) An email of the unsigned copy of the agreement was sent to _____

_____ from MUNSIE on 7 February 2014, which shows;

o _____ and MUNSIE, are instrumental persons in facilitating an exclusivity agreement for CORBY'S story.

7(q) An email of a copy of the agreement signed by KALANTZIS was sent to _____, dated 7 February 2014, which shows;

c _____ is instrumental in facilitating an exclusivity agreement for CORBY'S story.

7(r) A letter of from _____, to Mercedes CORBY for a 'world exclusive feature article', dated 24 January 2014, which shows;

o _____ instrumental in facilitating an agreement with Mercedes CORBY about CORBY'S story.

7(s) Between 14 February and 17 February 2014, the AFP have reviewed documents provided by Seven West Media Ltd in response to the order dated 11 February 2014.



Upon reviewing the documents the AFP are not satisfied that Seven Network have complied with the order for example:

- o A copy of a letter from New Idea to Mercedes CORBY dated 24 January 2014 has reference to an amount of \$25,000 ("the Fee"). It is not articulated in the limited documentation provided to the AFP as to how that payment is or was to be made;
- o In relation to the "Mercedes Corby Exclusive Agreement" there is no mention of funds to be paid despite a signed contract.

AFP enquiries reveal:

- 7(t) **First Premises:**
AFP enquiries reveal Seven West Media Limited is the parent company for the Seven Network. The Seven Network is located at 38-42 Pirrama Road, Pyrmont, NSW, 2009. Furthermore, on 11 February 2014, AFP members attended Seven West Media Ltd offices at this address.
- 7(u) **Second Premises:**
AFP enquiries reveal that Pacific Magazines is located at Media City, 8 Central Avenue, Eveleigh NSW 2015. Enquiries with ASIC reveal Pacific Magazines' registered place of business also recorded as, 8 Central Avenue, Eveleigh NSW 2015.
- 7(v) **Third Premises:**
AFP enquiries reveal that Addisons Lawyers is located at Level 12, 60 Carrington Street, Sydney, NSW 2000. On 17 February 2014, AFP members attended this address to deliver further correspondence to Addisons Lawyers.
- 7(w) **Fourth Premises:**
AFP enquiries reveal that KALANTZIS Lawyers is located at 55 Stanley Street, East Sydney NSW 2010. ABR also has this address recorded for KALANTZIS Lawyers.
- 7(x) **Fifth Premises:**
AEC records show that Vasilios KALANTZIS is recorded at
1 . RMS also has KALANTZIS recorded at this address.
- 7(y) **Sixth Premises:**
- 7(z) **Seventh Premises:**
AFP members were informed by MUNSIE on 17 February 2014 that she works from her home at
2. AEC and LTO records also have MUNSIE recorded at this address.
- 8: By reason of the matters specified below I also request that the search warrant authorises the executing officer or a person assisting to conduct an ordinary search or a frisk search of a person at or near the premises if the executing officer or person assisting suspects on reasonable grounds that the person has any tainted property or evidential material in his or her possession.



- (a) It is common practice for people to store mobile phones along with notes in their pockets and carry bags. It is suspected that a person at the address may be in possession of the documents set out in this application in the pockets of their outer clothing. For this reason the authority to carry out an ordinary search is requested.

9: Legal professional privilege.

Legal premises

It is my intention that, if practicable, before the premises are searched the executing officer will give the occupier of the premises, or a person who apparently represents the occupier, a copy of the document entitled "General Guidelines Between the Australian Federal Police and the Law Council of Australia as the Execution of Search Warrants on Lawyer's Premises, Law Societies and Like Institutions in Circumstances Where a Claim of Legal Professional Privilege is Made" (a copy of which is attached) and that, as far as possible, the search will be conducted in accordance with the procedures set out in that document in the event that legal professional privilege is claimed in respect of any document covered by the warrant.

Other premises

It is my intention that, if practicable, before the premises are searched the executing officer will give the occupier of the premises, or a person who apparently represents the occupier, a copy of the document entitled "Claims for Legal Professional Privilege: Premises other than those of a Lawyer, Law Society or Like Institution" (a copy of which is attached) and that, as far as possible, the search will be conducted in accordance with the procedures set out in that document in the event that legal professional privilege is claimed in respect of any document covered by the warrant.

10: Public interest immunity.

It is my intention that, if practicable, before the premises are searched the executing officer will give the occupier of the premises, or a person who apparently represents the occupier, a copy of the document entitled "Claims for Public Interest Immunity" (a copy of which is attached) and that, as far as possible, the search will be conducted in accordance with the procedures set out in that document in the event that there is a claim for public interest immunity in respect of any document covered by the warrant.

- 11:** An affidavit used to support an application for a search warrant may include material which is operationally sensitive and it may also include details of police methodology or information which could be used to identify a confidential source of information. Accordingly, I ask that the affidavit be returned to me for safekeeping or kept in a safe place when the application has been dealt with. If the affidavit is returned to me, I undertake to keep it in a secure place and to make it available to the issuing officer, on request, if he or she has a need to see it.

- 12:** If the affidavit is not returned to me when the application has been dealt with, I ask that it be kept in a secure place and that appropriate arrangements are made to protect it from theft or unauthorised access. I also ask that it not be released



to any person, or made available to any person, without prior consultation with me. I also ask to be notified before the affidavit is released if it is required to be produced under a court order or other compulsory process.

And I apply for a search warrant authorising myself with such assistance and by such force as is necessary and reasonable to:

- enter the premises mentioned above between the hours of 8.00am or 6.00pm
- to search for and record fingerprints found at the premises and to take samples of things found at the premises for forensic purposes;
- search for the kind of tainted property or evidential material specified in the warrant and seize things of that kind;
- seize other things found at the premises in the course of the search that the executing officer or a person assisting believes on reasonable grounds to be:
 - tainted property to which the warrant relates;
 - evidential material in relation to the property to which the warrant relates; or
 - evidential material (within the meaning of the Crimes Act 1914) relating to an indictable offence;

If he or she believes on reasonable grounds that seizure of the things is necessary to prevent their concealment, loss or destruction or their use in committing an offence; and

- if the warrant so allows, to conduct an ordinary search or a frisk search of a person at or near the premises if the executing officer or a person assisting suspects on reasonable grounds that the person has any tainted property or evidential material in his or her possession.
- If the warrant so allows to apply provisions of an order under section 246 of Proceeds of Crime Act 2002.

Sworn at Sydney in the)
State/Territory of NSW
this 17 day of February
before me:

Applicant

(Signature)

Graeme Curran

(Title)

Magistrate

