



Mrs Kay Hull
Chair
House of Representatives Standing Committee
on Family and Community Affairs
Inquiry into Substance Abuse in Australian Communities
Parliament House
CANBERRA ACT 2600

Dear Mrs Hull

AUSTRALIAN FEDERAL POLICE QUESTIONS ON NOTICE

I refer to the evidence provided by Mr Ben McDevitt on 16 August 2002 to the Inquiry into Substance Abuse in Australian Communities.

Please find attached the answers to the questions that were taken on notice.

B. J. McDevitt

B J McDevitt
General Manager
National

House of Representatives Standing Committee on Family and Community Affairs	
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Secretary:	Dev. Forbes

What is the AFP success rate at identifying and arresting key members of drug syndicates as per the vulnerability model? [Mrs Irwin, page 1222]

- For the financial years 1997/98 – 2001/2002, the AFP dealt with 1,174 offenders in relation to drug offences. Of these, 575 offenders were arrested, 122 offenders were summonsed, 30 were dealt with by a warrant or charged before Court, and 447 were dealt with as minor matters (cautioned, cleared, VATAC, or drug diversion).

What sort of legislation can the Government introduce to curb the activities of outlaw motorcycle gangs in the amphetamines trade? Would US style RICO legislation be effective? (Mr Dutton, page 1223)

- In its 1999 report *Confiscation that counts*, the Australian Law Reform Commission recommended significant reforms to the Commonwealth civil forfeiture. This was in recognition of the fact that better legislation was needed to deprive persons of the proceeds derived from unlawful conduct, and to provide for forfeiture of property used in connection with the commission of serious offences. The United States RICO legislation is one model used to achieve similar outcomes. In the Australian context, more effective proceeds of crime legislation is preferable.
- The Government has introduced the Proceeds of Crime Bill 2002 and the Proceeds of Crime (Consequential Amendments and Transitional Provisions) Bill 2002. Passage of these Bills is important for law enforcement and the Australian community. The AFP is aware that the proposed Commonwealth reforms are not as far reaching as legislation available in other Australian jurisdictions. For example, the West Australian *Criminal Property Confiscation Act 2000* works to identify and recover confiscable property by application of unexplained wealth declarations, criminal benefits declarations for crime derived property and unlawfully acquired property, as well as recovery of declared drug trafficker's property. A similar legislative provision in the Commonwealth regime would enable law enforcement to prevent the reinvestment of proceeds of crime into further criminal activities. This kind of legislation would assist considerably in ongoing efforts to curb the activities of outlaw motor cycle gangs.

What is the legal status of marijuana use in the various states? (Mrs Hull, page 1226)

- Cannabis use, possession, cultivation and supply is illegal in all jurisdictions regardless of the amount. However, South Australia, the Northern Territory, and the ACT can issue infringement notices for minor cannabis offences.
- The 2000/01 Australian Illicit Drug Report (produced by the Australian Bureau of Criminal Intelligence) notes that "cannabis is generally available throughout Australia and is the most widely used illicit drug in Australia with consumption not limited to any socio-economic group. ... With its present high demand, coupled with the growing trend of hydroponic production, cannabis will continue to require the greatest amount of law enforcement resources. Presently, cannabis offences represent 69 per cent of all drug-related offences in Australia and it is anticipated that this trend will continue and possibly increase into the near future. The growing involvement of organized crime in the trading of cannabis for other illicit drugs holds the greatest resource implications for law enforcement agencies."