

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN CRIME COMMISSION

Question No. 83

Senator Ludwig asked the asked the following question at the hearing on 31 October 2006:

Broken down by years, for the years 2005 and 2006:

- (a) How many persons associated with organised crime have refused to co-operate with examinations?
- (b) How many persons in total have refused to co-operate with examinations?
- (c) How many of those prosecutions have been finalised?
- (d) Outcomes of prosecutions.

The answer to the honourable senator's question is as follows:

Year	(a) Persons associated with organised crime that have refused to cooperate with examinations	(b) Total persons whom refused to cooperate with examinations	(c) How many of these prosecutions have been finalised?	(d) Outcomes of prosecutions
2005	31	31	7	Details below
2006	7	7	0	None

Outcomes of prosecutions of people charged with refusal to cooperate

Seven prosecutions involving offences committed since 1 January 2005 for failing to co-operate at an Examination under the *ACC Act 2002* and *ACC (State Provisions) Act 2003 (Vic)* have been finalised. In some cases persons were charged with multiple offences.

The following sentences were imposed:

- Three persons were convicted for giving false and misleading evidence. In one case an 18 month term of imprisonment (wholly suspended) was imposed. In the second case a monetary fine of \$1600 was imposed. In the third case a monetary fine of \$3000 was imposed for this offence and two counts of unlawfully disclosing the existence of Summons;
- Two persons were convicted with unlawfully disclosing the existence of Summonses to appear and give evidence at an Examination. In both cases fines were imposed. One person was fined \$400, the other case is mentioned above.

Three prosecutions were discontinued. Two of those prosecutions were discontinued by the Commonwealth Director of Public Prosecutions. In the other matter charges were withdrawn because of operational reasons.

No person was acquitted of offences for failing to co-operate at an Examination during the period.