

SUMMARY OF FINDINGS

- The Committee received evidence that effective witness protection is vital to the operation of law enforcement agencies, including the National Crime Authority (NCA) (para. 1.2).
- The National Witness Protection Program (NWPP), which provides witness protection services for the NCA, is well run and there are only a small number of areas of its administration in need of attention (Preface, p. xv).
- The length of participation in witness protection is generally related to the duration of related court proceedings, but those proceedings involving protected witnesses do not receive listing priority. In view of the substantial lifestyle restrictions imposed on participants in witness protection programs, the Committee believes that giving listing priority in such circumstances is an issue worthy of examination by the appropriate authorities (para. 1.32).
- The introduction of the legislative scheme in 1994 seems to have led to an appropriate level of certainty in the administration of the NWPP. In particular, the requirement for participants to enter into a memorandum of understanding with the Program's administrators appears to ensure that there are now no grounds for confusion on either side (para. 2.55). However, the administrators of all witness protection programs should immediately redraft any memorandum of understanding where there is any doubt about the taxation implications of payments being made (para. 4.29).
- The importance of the Commonwealth Ombudsman in the NWPP's accountability process cannot be overstated. The Committee found that, while participants on the NWPP may be properly advised of their right to raise complaints with the Ombudsman, those applicants who are rejected may not be as well advised of this right. The Committee is reassured that the Commonwealth Ombudsman has undertaken to address this issue (para. 2.57).
- The effectiveness of witness protection in Australia is particularly dependent on close cooperation between law enforcement agencies and authorities at all three tiers of government. The Committee urges the maximum cooperation by relevant authorities with the NWPP's administrators in assisting them to secure, for instance, necessary documentation to validate a program participant's new identity (para. 2.58).
- There is a clear need for the issue of the relationship between witness protection and family law to be settled and the Committee urges the Government to give priority attention to this issue (para. 3.37).