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Official Committee Hansard

JOINT COMMITTEE ON THE AUSTRALIAN CRIME
COMMISSION

Reference: Legislative arrangements to outlaw serious and organised crime groups

MONDAY, 2 MARCH 2009

DARWIN

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**JOINT STATUTORY
COMMITTEE ON AUSTRALIAN CRIME COMMISSION**

Monday, 2 March 2009

Members: Senator Hutchins (*Chair*), Mr Wood (*Deputy Chair*), Senators Boyce, Fielding, Parry and Polley and Mr Champion, Mr Gibbons, Mr Hayes and Ms Ley

Members in attendance: Senators Fielding, Hutchins and Parry and Mr Champion and Mr Hayes

Terms of reference for the inquiry:

To inquire into and report on:

The effectiveness of legislative efforts to disrupt and dismantle serious and organised crime groups and associations with these groups, with particular reference to:

- a. international legislative arrangements developed to outlaw serious and organised crime groups and association to those groups, and the effectiveness of these arrangements;
- b. the need in Australia to have legislation to outlaw specific groups known to undertake criminal activities, and membership of and association with those groups;
- c. Australian legislative arrangements developed to target consorting for criminal activity and to outlaw serious and organised crime groups, and membership of and association with those groups, and the effectiveness of these arrangements;
- d. the impact and consequences of legislative attempts to outlaw serious and organised crime groups, and membership of and association with these groups on:
 - i. society
 - ii. criminal groups and their networks
 - iii. law enforcement agencies; and
 - iv. the judicial/legal system
- e. an assessment of how legislation which outlaws criminal groups and membership of and association with these groups might affect the functions and performance of the ACC.

WITNESSES

**GWYNNE, Ms Colleen Marie, Commander Crime and Support Command, Northern Territory
Police 2**

**McADIE, Mr Mark Alexander, Assistant Commissioner Crime and Support Command,
Northern Territory Police 2**

**MORRIS, Ms Elizabeth, Deputy Chief Executive Officer Policy Coordination, Northern
Territory Department of Justice..... 14**

Committee met at 4.04 pm

CHAIR—Ladies and gentlemen, I declare open this public hearing of the Parliamentary Joint Committee on the Australian Crime Commission. This is the eighth hearing for the committee's inquiry into the legislative arrangements to outlaw serious and organised crime groups. The terms of reference are on the committee's website. The committee held hearings in each of the other state and territory capitals in the second half of last year and will be holding another hearing in Brisbane on Wednesday.

The committee's proceedings today will follow the program which has been circulated. I remind all witnesses that in giving evidence to the committee they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to a committee, and such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence to a committee. The committee prefers all evidence to be given in public, but under the Senate's resolutions witnesses have the right to request to be heard in private session. It is important that witnesses give the committee notice if they intend to ask to give evidence in camera. If a witness objects to answering a question, the witness should state the ground upon which the objection is taken and the committee will determine whether it will insist on an answer, having regard to the ground which is claimed. If the committee determines to insist on an answer, a witness may request that the answer be given in camera. Such a request may of course also be made at any other time.

Before I welcome our first witnesses I remind members of the committee that the Senate has resolved that government officials should not be asked to give opinions on matters of policy and should be given a reasonable opportunity to refer questions asked of an officer to a superior officer or to a minister if that is appropriate. This resolution does not include questions asking for explanations of policy or factual questions about when or how policies were adopted.

[4.06 pm]

GWYNNE, Ms Colleen Marie, Commander Crime and Support Command, Northern Territory Police

McADIE, Mr Mark Alexander, Assistant Commissioner Crime and Support Command, Northern Territory Police

CHAIR—I now welcome representatives from the Northern Territory Police, Assistant Commissioner Mark McAdie and Commander Colleen Gwynne. I invite you to make a short opening statement, at the conclusion of which I will invite members of the committee to ask questions.

Mr McAdie—Very briefly, the Northern Territory is not unaffected by organised crime. Whilst we may be one of the smallest jurisdictions in Australia, and certainly have one of the smallest population bases, there are reasons why organised crime finds the Northern Territory a lucrative market. That is partly because we have a relatively young population. The smaller nature of the jurisdiction also creates some inherent problems in law enforcement infiltrating organised crime in the Northern Territory, because it is easier for people to be recognised and for people to be discovered here in comparison with the larger jurisdictions, where people can essentially move about with a greater degree of anonymity. The Northern Territory is also a strategic location, especially in relation to South-East Asia. As is often said here, Darwin as a capital is closer to six Asian capitals than it is to any other Australian capital.

In talking about organised crime in the Northern Territory we tend to use two outlaw motorcycle gangs as exemplars of organised crime. The reason for doing so is that they are the most obvious face of organised crime in the Northern Territory. Having said that, there are a number of other established criminal networks within the Northern Territory, besides these two motorcycle gangs, but they exhibit all the characteristics of organised crime in the Northern Territory and do so to a greater extent, in many respects, than does other organised crime.

The two outlaw motorcycle gangs that I referred to that have a permanent presence in the Northern Territory are the Darwin chapter of the Hells Angels Motorcycle Club and the Finks Motorcycle Club in Alice Springs. We believe that members and associates of these gangs are involved in numerous and continuing criminal offences, including drug manufacture and distribution, fraud, blackmail, extortion, firearms offences and money laundering. That belief is based upon information gained during investigations into those offences and credible, reliable and contemporary intelligence compiled from the analysis of all collected information from all sources that are available to us. The current threats that we see from these groups include importation, manufacture and distribution of dangerous drugs; threatened violence and intimidation used to infiltrate legitimate industry and business; increased sophistication and resourcefulness; expansion into the greater criminal community; trafficking in and use of firearms and other weapons; increased illegal trade in native fauna, especially the fauna of the Northern Territory; and acquisition of crime derived property and other assets.

We assess that members and associates of outlaw motorcycle gangs are continuing and will continue to commit serious drug and personal violence offences in the Northern Territory. These people use threats and intimidation to ensure that witnesses, accomplices and victims maintain a strict code of silence in relation to their activities. That situation hampers the ability of the police to gather necessary evidence for successful conviction. This has the effect of actually preventing the problem from escalating and, in terms of police enforcement of the criminal law, may be seen as treating the cause of the problem—sorry, there is something missing in my notes.

The reality is that there are a number of legislative controls on organised crime in the Northern Territory, some of which are either a bit or very different in the Northern Territory from laws in the other states. The first one of those differences is the Criminal Property Forfeiture Act, which integrates civil and criminal law principles in targeting assets that have been acquired as a result of criminal activity. The act has special provisions for the forfeiture of unexplained wealth and assets belonging to criminals—although it is not based on criminal conviction—particularly to declared drug traffickers who are repeat and major convicted offenders. To date there have been two declared drug traffickers and several successful unexplained wealth matters completed. Once a person is declared a drug trafficker in the Northern Territory—and there are two means by which that might be achieved: one is through the Criminal Property Forfeiture Act and the other one is through the Misuse of Drugs Act—some of the processes of the Criminal Property Forfeiture Act become automatic. For instance, any property under restraint immediately becomes forfeit to the Crown without any necessity for a further hearing.

Whilst traditional methods of illicit drug interventions are still employed, in our view legislation that targets the entire criminal enterprise is extremely effective. In this respect, assets forfeiture legislation allows police to seize the wealth created by criminal enterprises without the need for a conviction. In some circumstances, the act puts the onus on the respondent to explain how and by what means assets were acquired. In particular, that relates to unexplained wealth. In this way, police can remove one of the greatest motivations for becoming involved and continuing to be involved in organised crime. To date we have seized over \$13 million of criminal property, with approximately \$5 million forfeited to the Crown.

There are a number of provisions in the Misuse of Drugs Act which allow us to target and deal with organised crime. One of those is what in the Northern Territory is loosely called ‘drug house legislation’, which relates to some sections within the Misuse of Drugs Act that deal with drug premises. This initiative puts a greater onus on the owner of the premises or commercial premises to assist police to move or to eradicate drug activity from those locations and offers increased powers to search declared drug premises without warrant. The process relies on the issue of up to three notices to the owner and occupier when drugs are suspected of being sold or distributed from locations. Since 2002 there have been 286 first notices issued, 32 second notices issued and seven third notices issued. There have been three drug premises declared in the past, with no current declarations in place. The effect of a declaration is that the drug premises may be searched by police without warrant. There are special offences relating to premises where an order has been made that deal with not resisting or warning of police searches. There are restraining orders if a breach of the peace occurs on the premises. Tenants and residents may be evicted by the owner of the premises. All residents on premises are taken to have possessions of drugs found on such premises. The Commissioner of Police may apply for a suspension of a liquor licence if the premises is licensed.

In 2006 the Northern Territory introduced a range of changes to legislation with a view to limiting the activities of organised criminal networks. That legislation, which was the Justice Legislation Amendment (Group Criminal Activities) Act 2006, contained a number of provisions—non associations and restrictions orders—which were amendments to the Sentencing Act, to allow courts to make orders with regard to being in company with certain persons, communicating with certain persons and visiting certain places. These orders are conviction based and are made at the time of sentencing and must specify the person whom that person cannot associate with. And there are some non association or place restriction conditions for bail, which are similar arrangements within the bail act to limit association of persons during the course of bail. In both of those cases there has been no or limited application of it. Because it is conviction based it is quite difficult to have in place. As a consequence we have not seen it as being particularly effective. That is not to say that it cannot be effective but it has not had the effect we had hoped for, to date.

Utilising aspects of appropriate and currently available legislation, we have been able to achieve some notable successes in operations against both the outlaw motorcycle gangs in the Northern Territory. But as I said before, organised crime is not restricted to outlaw motorcycle gangs. There are other established criminal networks that operate in the Northern Territory. As I said, we simply use the outlaw motorcycle gangs in this case as examples because they embody all of the features found in established criminal networks and—unusually for established criminal networks, who generally prefer to be anonymous—they have a public profile and are visible in the community.

CHAIR—I have a few questions, first, and then I will hand over to my colleagues. In relation to the forfeiture-of-wealth legislation, does that differ from the proceeds of crime legislation? And who administers that property or those assets while there is a trial under way or detention?

Ms Gwynne—That which is forfeited under the Criminal Property Forfeiture Act is then managed by the Public Trustee, from the time of trustee. It then becomes their responsibility.

CHAIR—As I understand it that is not common. In the other states the police forces administer it. Sometimes it is left in the corner, rots and then—

Mr McAdie—I think one of the reasons the Public Trustee was chosen is because, whilst they have a number of lines of business, what they have in common is that they hold property in trust, either for estates or through the administration of various pieces of law across the territory. So they have some expertise in managing property and estates. We have found that it is particularly useful to have them in play—partly because they can do things that we do not have the skill to do, and which we really do not want to develop the skill to do. In one case part of the property that was being restrained was an operating business. The people at the Public Trustee had the capacity to allow that business to continue to operate. The last thing the government wants to do is to run an asset into the ground, because it affects what that the government gets out of it should the asset finally be forfeited.

CHAIR—In this forfeiture legislation, if, say, the people you are targeting have a \$5 million unit in Rose Bay in Sydney, are you able to go after that? Are you able to go after it if everything is held in Sydney or Melbourne—outside Darwin?

Ms Gwynne—Our legislation extends across borders so we have the ability to look at all assets across the country.

CHAIR—Maybe you could comment on this. You are aware that South Australia has legislated to outlaw motorcycle gangs. Do the Northern Territory Police have a view about whether that would be effective legislation? Or would it be ineffective, unnecessary or necessary?

Mr McAdie—Organisationally, we have a view: this legislation is certainly worth examining. A reason for doing so is that we have made the best use of the legislation that is already available to us. We see some virtue in legislation of the type that South Australia has, in the sense of being able to get at the organised component of organised crime. For us, whilst being able to arrest and convict an offender is the best outcome we can get, we also recognise that, when it comes to things like organised crime, sometimes disruption, if that is all that you can achieve, is good enough—it is better than not doing anything about it at all. One of the things that this sort of legislation does is disrupt organised crime and make it difficult to be organised; therefore, we think there is some virtue in pursuing it. We feel some pressure from the fact that we know that, in the past, some of the crime in the Northern Territory has been sourced from South Australia. Should the South Australian legislation be effective, one of the things it could possibly do is displace that organised crime into the Northern Territory. The last thing we want to do is adopt their organised crime.

Senator PARRY—To go back to the control and maintenance or management of the forfeited property under the Criminal Property Forfeiture Act, section 105 gives the commissioner some powers to manage and control the property, and section 106 gives it to the public trustee. I have just quickly read the sections it refers to. Why does the commissioner still look after some property?

Ms Gwynne—Some property may be small in nature. We have a number of vehicles that were seized. Either the matter may resolve very quickly—

Senator PARRY—Would that be like cash, for example? If you had \$10,000 worth of cash found at a premises, would that be something the commissioner would look after—or then deposit into consolidated revenue or wherever it goes?

Ms Gwynne—Exactly. Cash is generally deposited into consolidated revenue. The public trustees, as Mr McAdie has pointed out, have the ability to manage large property. As you know, you have to retain the status of that property. When it comes to boats, vehicle and houses, there is significant work that goes into maintaining that property, and they are the people who have the experience and ability to do that. As you are aware, that could be quite a laborious task. To give an example, we had a house that was restrained, and it was actually rented out. The public trustee was managing those premises by obtaining the fortnightly rent. You can imagine the police trying to manage that property.

Senator PARRY—I also notice section 106, subsection (3), which says:

The Public Trustee may appoint a person who owns property that is subject to a restraining order to manage the property.

With an ongoing business, for example, the public trustee can use discretion. To your knowledge, has that been done?

Ms Gwynne—It was done for a vehicle that was used in a business. It was a tiling business. The business still used the vehicle to carry on the day-to-day activities of that business. So it has been used.

Senator PARRY—Are you aware of any comments from other jurisdictions about your legislation—that is, if you wish to make any comment. It is very detailed legislation, and I would be interested in comments from other jurisdictions if you are aware of them.

Mr McAdie—As you would be aware, we come into contact with our colleagues from interstate from time to time. Generally speaking, I think there is a certain amount of jealousy expressed with regard to the nature and the degree of the success we have been having. That comes—

Senator PARRY—On the subject of success, you have given us a quantum in dollar terms, but can you measure any form of success in the way of suppression of criminal activity? Can you give any definite examples?

Mr McAdie—A certain amount of criminal intelligence gives us reason to believe that criminals regard the loss of property, if you like, as a bigger punishment in some ways than being jailed. They can see jail time, I guess, as a cost of doing business, but losing all of the property that they have gathered together is seen in a very different light. Information that we get through criminal intelligence leads us to believe that they actually find it a greater punishment in some ways.

Senator PARRY—Thank you. Just finally from me, have you had any objection from civil libertarian groups or others to this legislation here in the Northern Territory?

Mr McAdie—I cannot say that they have been very vocal, no.

Senator PARRY—Okay. That is good.

Ms Gwynne—The word ‘draconian’ has been used from time to time, but I do not think that there is any group or person who has stood up and actively voiced a negative opinion about the legislation. From time to time, in a more informal sense, you do have certain members of the legal fraternity say it is draconian in nature.

Mr HAYES—How highly would you rate unexplainable wealth as an asset in the fight against serious and organised crime?

Ms Gwynne—Extremely high, as Mr McAdie has pointed out. To give an example, recently we finalised a matter that has been under investigation for four years in relation to criminal property forfeiture. This individual and his network had been involved in illegal activities for in excess of 20 years and had built up quite a significant portfolio. He has now lost everything. His very words were that he would prefer to do time than to lose what he has got. He still claims that a lot of that income is legitimate, but he has been a particular target of ours for many years. We

have basically broken him. For him to start up his activities again is going to take some significant work on his part. If we did not take his assets then it would be business as usual—maybe do some time, get through a suspended sentence and then get back to conducting illegal activities through similar networks. I think it is a fantastic tool in disrupting and fighting criminal groups.

Mr HAYES—This tool actually attacks the business model that underpins crime groups generally. What is the anecdotal evidence there? Is it that people move on to other things or that they just have to revert to going straight?

Ms Gwynne—I guess our legislation is still quite young. It has only been in place now for five or six years. Relatively speaking, that is still pretty immature legislation. Could you give me the question again?

Mr HAYES—From my perspective, the main difference between your legislation and forfeiture of proceeds of crime legislation elsewhere is that you do not need a precursor criminal offence to be proven.

Ms Gwynne—No.

Mr HAYES—Does this, as it is applied up here, have the prospect of moving people out of crime syndicates generally, because you remove the financial base of being in those syndicates?

Ms Gwynne—Certainly, and I think it makes life much more difficult. They just cannot return to where they were. The problem we have had over the years is once a criminal, always a criminal, because you can just return to what you were doing. You continue to make money out of illegal activity. But that is so much more difficult if you do not have that financial support behind you to commence those activities. With a lot of the networks, if you do not have that financial support then it is very hard to gain the support of other criminal networks as well.

Mr HAYES—Has this legislation been significant in addressing the issues of OMCGs up here?

Ms Gwynne—Yes, I would say it is. We had an unexplained wealth case involving an ex-member of the Hells Angels. His name was Gary Watt. He is since deceased. We seized nearly a million dollars of unexplained wealth. That was in houses and cash. It broke him, and there was no doubt that it caused him some real personal grief, because he no longer had the power he had. In fact, he came to exhibit some behaviours that had not been seen in this individual before. He was almost disowned by the rest of the club. He was someone who had built up quite a significant portfolio. He had never had a job in his life but had assets worth nearly \$1 million. For that individual, it had a significant impact not only on him as an individual but on the group.

Mr HAYES—This legislation exists, is being used and has been witnessed by Mr Watt and others. Has it had any impact in terms of people moving out of the territory?

Ms Gwynne—We have had a couple of cases where people have chosen to move. We had an unexplained wealth case in Alice Springs where we restrained \$2.2 million worth of assets and cash. That matter has now finalised. At the end of the day, nearly \$1 million was forfeited. In a

lot of these cases, people also have to pay their debts off. If they have \$2.2 million worth of assets, they may owe a bank or a financial institution half of that, so part of the assets pays the debt off before the government sees the end amount. People involved in that couple of cases, who are quite significant in trafficking illegal drugs within Central Australia, have since moved interstate. There have been other cases that I could talk about where people have chosen to move elsewhere.

Mr HAYES—Law enforcement officers would think it advisable to have nationally consistent legislation with respect to unexplained wealth.

Ms Gwynne—Exactly. If there is a jurisdiction that does not have the type of legislation the Northern Territory has, you are creating a vulnerable area, a soft target. People will say, ‘We can go to New South Wales, South Australia or elsewhere where we won’t be subjected to such legislation.’ It is important that it is consistent. One of the other things that are unique to the Northern Territory legislation is the way we manage the process. We have an area in the Department of Justice that deals just with criminal property forfeiture. We have a sergeant who is an experienced prosecutor working within that area, so we have a conduit between the police and the Department of Justice, who are taking the matters before the local courts and the Supreme Court. We work very closely with the lawyers in preparing the cases and prosecuting them through the system.

Mr McAdie—There is another aspect to unexplained wealth which is not immediately obvious. Take Mr Watt’s case, for example, if he had carried on. We have seized all his property and he has to start again. One of the problems he faces is that, in addition to having to start his unlawful business up again, he has to find a way of hiding the money, which means he has to spend some time on either legitimate business or hiding the money that he cannot spend on committing crime. If nothing else, it makes criminals’ lives a lot more complicated.

Senator PARRY—How did Mr Watt die? It has been mentioned a few times now.

Ms Gwynne—Natural causes. Totally unrelated to anything we did to him.

CHAIR—When you said that a certain fellow would rather go to jail than lose his assets, was that on the public record? Could you take that on notice and come back to us? We may like to highlight a comment like that in our report.

Ms Gwynne—Yes.

CHAIR—We have come across some interesting characters who do not own anything—they are the promotions officers of clubs and so on—but their wives, children and so on do have assets. Does the legislation extended to them having to explain, say, why young Billy has a Rolls-Royce?

Mr McAdie—Yes. The act is very clear. It is their own assets and the assets of their close associates. So long as we can trace the money through their hands, it is possible to both restrain and forfeit that property. In several of the cases we are talking about, there have been attempts to move the property about and put it in other people’s hands, but we have been able to trace it, draw it back and have it forfeited.

CHAIR—If you are running, say, a drug distribution operation out of Gypsy Jokers Lane in Wetherill Park in Sydney and that is where all your assets are—no assets are here, but the distribution network is in the Northern Territory—are you able to go to Gypsy Jokers Lane in Sydney, because you have suspected that they brought all these ecstasy pills into the Northern Territory, and get them to explain why they have mansions, cars and yachts all over? Do you have to be a territory resident or have territory assets?

Mr McAdie—There has to be similar legislation in that jurisdiction. It is really quite jurisdictionally based. While the property does not necessarily have to be here, it is quite difficult to chase property into another state unless their legislation is similarly based. For this system to work fully across Australia, you would have to have either similar legislation with provisions to allow you to follow property from one jurisdiction to another in each of the states or federally based legislation which overarches the state based legislation and gives us an easy means of doing that. As it stands at the moment, there are some difficulties—which we have experienced a couple of times. It needs more work.

CHAIR—You said that it had sometimes been referred to as draconian. Are there the steps to bring people in and make them explain where they got their money? There are a number of steps that you establish before you get to that stage so that it cannot be done capriciously—you cannot make this guy that you do not like go through the hoops. What are the steps, and are they transparent?

Ms Gwynne—An affidavit is presented to the court. The affidavit may be in my name or the name of the investigating officer; you are putting your evidence to an affidavit, so to speak. That is basically your allegation. Then it is a matter, if it is a local court matter mentioned in the local court, of the respondents going and building a case to explain their wealth. Unexplained wealth is the difference between your present wealth and what you can explain.

CHAIR—But before you get to the stage of going to the court, there clearly are a number of steps that are taken. Are you able to use the evidence of the examines from the ACC in unexplained wealth investigations?

Ms Gwynne—We can use evidence acquired from a coercive hearing. It is admissible in a criminal property forfeiture matter. There may be times that we do not use that evidence and rely solely on what we know from our intelligence or evidence that we may have in relation to a criminal matter, and that is presented by affidavit. Is that what you are after?

CHAIR—You said people have called it draconian. I am sure that, if we had a look at it, we would see that there are a number of checks and balances in the road to getting someone to court to ask where they got the money from. I just want you to explain exactly what the procedure is to get to that stage—even if you have to take that on notice. I am trying to get from you that it is not something that can be abused.

Mr McAdie—I guess it comes down to us conducting a certain amount of investigation at the beginning to determine whether or not it is worthwhile placing a person before the court, because if they could easily explain the wealth there would be no point in us placing them before the court. We would just be wasting everybody's time, including our own.

CHAIR—But, when you make that sort of call, does that have to go to the commissioner or the DPP?

Mr McAdie—I guess it comes before us putting the affidavit together. The affidavit really explains to the court why we think the wealth is unexplained. For instance, in the case of somebody who has a large amount of wealth but has never been employed, it perhaps would not be difficult or complex in that circumstance to say, ‘Here’s a person who’s never held a job. As far as we know, this person has never inherited a large sum of money from anybody, and yet they’ve got a million and a half dollars worth of assets and they’ve been unemployed for the last 30 years.’ At that level there is a pretty simple case to say, ‘This person needs to do some pretty fast talking in order to explain how they’ve managed to do this without committing a crime.’

CHAIR—Who launches that? Is that the DPP? All the stuff that you prepare—such as saying, ‘He’s never worked for 30 years’—goes to the DPP?

Mr McAdie—Regarding unexplained wealth, we go to the DPP and provide what we believe is the evidence we have that will trigger the process, and the DPP goes to the court with that information: ‘We have here a person who apparently has a certain amount of wealth that cannot be explained by any means that we’ve easily been able to ascertain.’

Ms Gwynne—It is usually supported by a pretty extensive analysis by a forensic accountant, of which we have two. There may be an affidavit with a supporting spreadsheet, which basically shows the money trail, the cash flow or where the assets have come from. That generally supports any application.

CHAIR—Thank you.

Senator FIELDING—I understand there is an issue between the Western Australian laws and the Northern Territory laws with regard to a drug trafficker—one offence versus three. Do you know the difference? Why does it require three offences in the Northern Territory? From what I understand, the Western Australian laws only require that a drug trafficker has been convicted of one offence before they can be declared for the purposes of their assets being confiscated, and the Northern Territory laws require that a drug trafficker has been convicted of three offences before they can be declared a drug trafficker and have their assets confiscated. Are there any reasons for that?

Mr McAdie—Ultimately that is a question for the parliament of the Northern Territory rather than us.

Senator FIELDING—Is that something you have requested?

Mr McAdie—No. These things result from negotiations and I had no part of that so it is a bit hard for me to answer. During the process of formulating legislation we might express an opinion about how we might like to see legislation ending up. That is part of the process of the development of the draft and the process as it goes through parliament. To be honest, I do not really have a detailed answer about how it ended up like that.

Senator FIELDING—I just thought that once you are a drug trafficker you are a drug trafficker. Anyway, I will not go any further. It just seems strange to me.

Mr McAdie—With three offences, we are absolutely certain they are a drug trafficker!

Senator FIELDING—I would like to understand a bit more about the arguments against unexplained wealth legislation. You have both been around for a while. Other states do not have unexplained wealth legislation. You have had it for six years—which I think is a long time, not a short time—and I understand what you are saying about it taking a while for these things to work through. What are some of the other arguments? Have you heard any arguments as to why you would not have unexplained wealth legislation in a particular state or territory?

Ms Gwynne—I have never heard an argument against it, only arguments to say, ‘Gee, we wish we had your legislation.’ Our interstate colleagues think that—and I guess we were talking about this before—it is an excellent tool in the disruption of and the fighting of these established criminal networks. We have proven that it is a fantastic tool in that area. The only thing I hear is: ‘We’d love to develop similar legislation.’ I think South Australia are doing that or have done that. We have had people visit and look at how we conduct our prosecutions and how it works—that is, in cooperation with the Department of Justice, how the area works in terms of prosecution. I think that is quite unique across the country. It is the way in which we work hand in hand.

Senator FIELDING—This is just a thought—I am just not sure about this, and it may be something that you have come up against—with regard to wealth being accumulated in a business or an organisation for a long period of time to try and get it away from an individual, is there any need for unexplained wealth legislation for organisations?

Mr McAdie—I think I understand your question. I guess the difficulty with organisations is that it would be harder to follow. It would be a much more complex process. Essentially you would have to know how all the wealth came into the organisation. If we were talking about something like an outlaw motorcycle gang and how it came to acquire its assets, it would be really quite difficult to do. Each piece of the asset would have to be traced back to something that was either unexplained or not legitimate. For instance, if an individual member gives the organisation \$1,000, you would then need to determine that that \$1,000 was somehow either unexplained wealth or derived from crime. That can be pretty difficult to do if it is coming in small quantities. It is probably not worth pursuing from that sort of direction.

Ms Gwynne—I could probably find an example. We have a patched member of the Hells Angels who has a legitimate transport business. It is very difficult for us to try and separate what is legitimate as opposed to what we think is unexplained wealth. Is he money laundering? It is very difficult and very challenging but not impossible.

Senator FIELDING—My last question is on a pet topic of mine. There are the words ‘outlaw motorcycle gang’. If it is outlawed, why do we see so many of them around? Does the terminology mean that we are justifying them being around when they are outlawed?

Mr McAdie—The short answer to that is that legally they are not outlawed. They are perfectly legitimate. The Hells Angels Motorcycle Club in the Northern Territory is a club

incorporated under the Associations Act of the Northern Territory. It has legal status. It is not outlawed at all; it is just the name. There are various stories about how the name came to be, but it is more a name that they have chosen for themselves, though it is one we agree with.

Mr CHAMPION—Some of my questions have been answered. There is an issue about organisations and their assets—for instance, if an OMCG had acquired club rooms or other facilities or assets through criminal behaviour. In the US there are the RICO laws. If an organisation seems to be corrupt, in effect the FBI—I think that is who does this in the United States—has an ability to take it over or have oversight of it. Do you think there is any need for that? You said it would be difficult to prove, but if, for instance, a company derives 50 per cent of its income through criminal activity—not all of it but some of it—do you think there should be a legislative response?

Mr McAdie—In part there is, through crime forfeiture. If we could prove that it was 50 per cent from that purpose, we could restrain and have forfeited that 50 per cent of the business, I suppose. Our understanding—and we are hardly what you would call experts in the RICO laws in the United States—is that, in order to be enforced, they involve very long, very complex and very sustained investigations. There is a cost-benefit ratio in everything. Our understanding is that the success ratio is not very high and the cost of each investigation is extremely high. I guess we are looking for simpler-to-administer and easier means to achieve the same ends.

CHAIR—I understand that the Northern Territory has had anti-gang legislation since 2006. Can you tell us how these laws operate, how effective they have been and why?

Mr McAdie—In 2006 there was a piece of legislation put through in the Northern Territory which modified a range of acts, including the Bail Act, the Sentencing Act and the Summary Offences Act, to tackle gangs. There was a component that was most clearly directed at organised crime. I guess there are various aspects of ‘gangs’. Some of the gangs that that legislation was meant to tackle were at the street gang level. We can get to the semantics of what the word ‘gang’ means, but some of it was meant to deal with gangs that were operating in Aboriginal communities and some of it was intended to deal with organised crime. The organised crime component was convictions based and to date there has been very little success with it. The choice of using it is in the hands of the judiciary and the judiciary has not chosen to use it very much.

CHAIR—So it would not be seen as effective against motorcycle gangs then?

Mr McAdie—No. In part, we think we need some legislation like the Criminal Property Forfeiture Act that is civilly based and based on civil standards of proof. Rather than having to prove beyond reasonable doubt, we need legislation that allows us to deal with organised crime at some standard below that balance of probabilities or perhaps somewhere in between.

Senator PARRY—Section 70(g) deals with the publication of anything—for example, if you have had a lifetime of criminal activity and you publish your memoirs. It becomes one of the constituents of a person’s wealth—that is how I read it. A—is that correct? And B—if it is, have you used it against anyone yet?

Mr McAdie—I am not absolutely certain it is correct, but it certainly sounds like it is. But, no, we have not used it. Our criminals are not inclined to write their memoirs!

Senator PARRY—It is a good provision though.

Ms Gwynne—Not a surprising answer, that one!

CHAIR—Thank you, Assistant Commissioner and Commander for coming along this afternoon and being very frank with us. We really appreciate it.

[4.55 pm]

MORRIS, Ms Elizabeth, Deputy Chief Executive Officer Policy Coordination, Northern Territory Department of Justice

CHAIR—I now welcome the representative from the Northern Territory Department of Justice, Ms Elizabeth Morris. I invite you to make a short opening statement, at the conclusion of which I will invite members of the committee to ask questions.

Ms Morris—I intended as part of my opening statement to talk generally about the two sets of legislation that we have currently in the Northern Territory. Sitting through some of the previous witnesses' evidence, some of your discussion and questioning was around that. I hope that what I have to say about the anti-gangs legislation as well as the Criminal Property Forfeiture legislation is not going over ground that you have already heard several times today. I certainly do not wish to teach you about the legislation. I am sure that you are aware of those provisions.

I will start with the anti-gangs legislation. The Justice Legislation Amendment (Group Criminal Activities) Act 2006 commenced on 4 September 2006. Its purpose was to target all manner of group criminal activity, from low-scale groups of suburban youth through to highly organised and well-funded criminal groups. Amendments were made to the Bail Act and the Sentencing Act to introduce non-association and place restriction orders. Courts already had provision to do that in relation to bail and part of sentencing, but new provisions allowed conditions to be made independently of other orders and made their breach an actual offence, whereas breach of bail in the Northern Territory is not an actual offence.

The legislation also created new offence provisions including loitering, violent disorder and consorting between known offenders. The first two of those offences were the ones aimed at the lower- to mid-level of criminal activity, which Assistant Commissioner McAdie was just speaking to you about—things like rioting, which occurs from time to time at the Wadeye community. Consorting with known offenders, however, which was section 55A of the Summary Offences Act, is really the only offence that could be said to be targeted at organised as opposed to unorganised crime. It is aimed at serious criminals and provides that a person commits an offence if they breach a non-consorting notice issued by the commissioner of police. The maximum penalty is two years imprisonment. The non-consorting notice can only be issued to a person who has been found guilty of an offence carrying a maximum term of imprisonment of 10 years or more, and can only direct that the person not consort with specified persons who have also been found guilty of such an offence. In other words, the aim is to prevent known criminals, as opposed to suspect criminals, from consorting. In the course of conducting a review of the legislation police have advised us that they have experienced limitations with the operation of that section, due to that requirement about being found guilty of an offence carrying a maximum term of imprisonment of at least 10 years. However, it was the intention of that particular piece of legislation to be aimed at high-level criminal groups, not the lower-level community disorder.

The riot provisions under the Criminal Code were also amended, but to date no-one that we are aware of has been charged under section 66 with the indictable offences relating to rioting.

These offences require the prosecution to prove that 12 persons are involved in the riot as opposed to just being there. In many circumstances in those kind of activities, that is actually quite difficult to prove. There have been three fairly high-profile prosecutions involving group criminal behaviour since the commencement of the amendments. One of those was the Wadeye Christmas riots of 2007. The essence of that offending involved two groups of people armed with spears, rocks and steel bars taunting each other and occasionally throwing weapons. The unrest lasted about three or four days. No-one was injured. Numerous people were charged and subsequently convicted under section 47AA of the Summary Offences Act relating to violent disorder.

The second instance was an incident that occurred on 27 March last year at Hibiscus Tavern at Leanyer, involving youths and tavern patrons. Thirteen youths and two adults were charged. Two youths pleaded guilty to causing grievous harm; most of the others were charged under section 47AA. However, seven youths were acquitted as there was insufficient evidence of their involvement in the violence.

There is currently a case before the court involving an incident at the Airport Hotel Morawa by members of the Hells Angels on two patrons of the hotel. A number of charges have been laid in relation to that incident, but that is still ongoing.

The other legislation is the one to which the assistant commissioner was referring in his evidence before the committee, the Criminal Property Forfeiture Act, which came into operation in 2003. The aim of that act is to proactively deprive those involved in organised crime and the drug trade of the proceeds of crime acquired through illegal activity, to prevent enrichment from that illegal activity and to limit the proceeds being used to found further criminal enterprise.

In February 2006 the Solicitor for the Northern Territory, which is part of the Department of Justice, took carriage of all proceedings under that act, on the instructions of the Director of Public Prosecutions, the statutory applicant. The DPP has specific tools at his disposal under the act which he can use to actively deprive criminal targets of the proceeds of crime regardless as to when or where the criminal activity occurred, providing that the criminal activity relied upon meets the criteria of a forfeiture offence, and regardless of a charge or finding of guilt of the relevant forfeiture offence. The act specifically allows for proceedings to be taken against those who have received a criminal benefit from the proceeds of crime or who have unexplained wealth. The evidence used to initiate these proceedings is often as a result of an examination of a particular criminal target conducted by the Australian Crime Commission. I understand that the impact on the Crime Commission is one of your terms of reference.

The Australian Crime Commission, pursuant to its statutory mandate, and in accordance with its coercive powers, examines a criminal target under an amphetamine type substances determination. In cases where the examinee admits during an examination to acquiring assets, hiding assets or making money from involvement in illegal activity, the examination transcript is provided to police. Police seek a variation of the ACC's non-dissemination order to the SFNT, the Solicitor for the Northern Territory, who then instructs the DPP to initiate Criminal Property Forfeiture proceedings for unexplained wealth and/or criminal benefit. Of particular interest are those persons who have appeared before the ACC and given evidence and made admissions as to their own and perhaps others' profits from the drug trade, as those persons can be subject to a criminal benefit declaration being made to the monetary value of their admissions. To date,

proceedings taken under the act have been reactive to current criminal activity and have related to those active in the illicit drug trade, in particular the distribution and possession of amphetamines and cannabis. Current criminal activity includes those who have been active in the drug or organised crime in the Northern Territory for many years but who have little or insignificant relevant criminal convictions otherwise enabling the recovery of the proceeds of the crime. CPFA proceedings for unexplained wealth have been initiated; however, to date they have settled consent agreement to forfeiture or have not been contested, resulting in forfeiture.

The DPP has current substantial unexplained wealth matters before the Supreme Court, in part as a direct result of ACC examinations. However, the Territory is yet to have an unexplained wealth proceeding determined by the Supreme Court, let alone one using information from an ACC examination. It is suggested that one of the reasons for this is that the use of ACC examination material in which the respondent has already made admissions against his own interest is such that a respondent in such a situation has difficulty in establishing that his assets were lawfully acquired. I am advised that the ACC determinations will soon be widened to encompass cannabis related activities of those involved in the drug trade and organised crime. As a great deal of drug related activity in the Territory is the result of cannabis importation, growth and distribution, it is strongly thought that a widening of the ACC's powers in this regard will have a significant effect in assisting in the recovery of the proceeds of crime and in deterring further enrichment of those involved in criminal enterprise.

The full effect of the use of the ACC examinations in criminal property forfeiture proceedings is as yet unknown, simply because the act is largely untested in the Territory, despite the amount of time that it has been in force. Current proceedings on foot are relatively complicated and yet to be heard. Of those proceedings that have been initiated, they have been extremely successful in depriving criminal targets of the proceeds of crime. Those are the matters I wish to put before you as an opening statement.

CHAIR—With the unexplained wealth legislation, you mentioned the significant involvement of the evidence obtained by examiners from the ACC. Is that almost exclusively the basis of the initiation of action?

Ms Morris—I am advised that, no, there are other initiators to those actions, including the Northern Territory Police's own investigations.

CHAIR—But they are substantially involved in the evidence used to go after the unexplained wealth, are they?

Ms Morris—They have been used in those applications.

CHAIR—The Northern Territory has its anti-gang legislation. So does New South Wales. Are you able to comment on what might be the differences?

Ms Morris—No, I am sorry. I am not able to say, because our legislation was a package involving several different pieces of legislation in different acts, and I am unaware of the New South Wales legislation.

CHAIR—Fair enough.

Senator PARRY—I understand that several amendments have been made to the Criminal Property Forfeiture Act since it was implemented. Can you outline the nature of those amendments, if that is correct? The purpose of the question is to see where you have strengthened, adjusted or finetuned the legislation.

Ms Morris—If I could just have a moment. I am instructed that we are aware that the act needs some amendment, and we are reviewing that, but the amendments that have been made so far have been quite minor legislative amendments in nature.

Senator PARRY—Do you regard this as fairly robust legislation in its current form, despite any minor tinkering?

Ms Morris—Yes.

Senator PARRY—And have you received commentary from other jurisdictions—other justice departments or other governments—about the legislation as it stands?

Ms Morris—I have not received that commentary, but I am aware that that commentary has been made to our police from police associations in other places.

Senator PARRY—To clarify, that commentary has been favourable comments about the legislation and probably the wish to have it in other jurisdictions?

Ms Morris—Yes.

Senator PARRY—Do you think the provisions are detailed enough to ensure—and Senator Hutchins raised this with witnesses earlier—that you can actually follow the trail through family connections if wealth is farmed out to other individuals? Providing you have the audit trail, do you feel as though the legislation covers off on that fairly effectively?

Ms Morris—It was one of the purposes in relation to that in order to be able to go behind company structures. As I said, everybody has folded so far. While there are currently a couple of matters before the Supreme Court where that perhaps may not be the case, we have been able to trace through personally-held as well as company and family structures to the extent that we have wished to in those particular cases.

Senator PARRY—With the management of the assets once they are seized where the public trustee has the maintenance and care of assets, do you feel as though that is a fairly unique provision? That particular provision has been introduced to us relatively late in this inquiry. Do you feel as though that is unique in Australia? I am not aware of any other provision like that for any seizure of assets?

Ms Morris—Seizure of assets is dealt with in different ways by different jurisdictions depending on the people who seize them. I know some of our staff were not very keen to work in that position to have to sell off various Harley Davidson motorcycles knowing who the previous owners were. Again, we have had to expend a bit of money hiring storage because we have seized assets as well as financial matters. It appears so far to be successful both in relation to the

public trustee managing that process and of course in its ultimate aim to deprive people engaged in criminal activity of those assets.

Senator PARRY—Finally, in relation to assets that do come under the control of the public trustee and they are eventually disposed of, in the restraining period prior to that disposition the public trustee can invite, allow or permit the existing owners—for example, if you are running a pizza shop to keep the pizza shop going. Do you find that to be a successful provision in the legislation?

Ms Morris—I am not aware of any evidence in relation to any business to allow that to operate but I am aware that there have been occurrences where with physical things like a vehicle or a bike—they allow the owners to come and care for that bike during the period of seizure to ensure that it is turned over and things like that so that it does not have any loss in value. I am instructed that your comment is in fact correct that we have allowed a company to operate.

Senator PARRY—I suppose as a supplementary to that: that would be up until the point of disposition, and I suppose the owner would have a vested interest in case there was a successful challenge and they ended up with that property returned. So that is the prime motivation and not that the owner is quite keen to make sure the asset stays in pristine condition for the new owner.

Ms Morris—Yes.

Senator PARRY—Thanks, chair.

Senator FIELDING—You may have already answered this and that is fine if you have. What was the policy reason behind the introduction of the unexplained wealth?

Ms Morris—The aim of the whole act, which includes the unexplained wealth, is to proactively deprive those involved in organised crime in the drug trade of the proceeds of crime acquired through illegal activity and to prevent enrichment from that illegal activity and to limit the proceeds being used to fund further criminal enterprise.

Senator FIELDING—Is the organised crime in the Northern Territory different from that in Victoria?

Ms Morris—I have not practised in the Victorian jurisdiction. I have watched *Underbelly* and that is probably the extent of my knowledge of organised crime. That perhaps would be better answered by members of the Northern Territory police force rather than the Department of Justice.

Senator FIELDING—The reason I was asking the question about the policy reasons is why has one state has it—Melburnians do not look too different from Northern Territorians, I believe, as far as some of the crime activity and vice versa. So it seems odd to me that you have Western Australia and Northern Territory with unexplained wealth-type laws and no-one else has picked it up and they have been around for a long time. I was trying to see whether you can give me some insights into what were the real policy reasons. Obviously you think it is a vital tool and it is proactive.

Ms Morris—Yes, which were, to my knowledge, the real policy reasons behind that. It was also that evidence can be sufficiently obtained to realise a criminal enterprise, yet the evidence be insufficient to obtain a criminal conviction of all of those people who were involved or who benefit from that criminal enterprise.

Senator FIELDING—Could you give me any insight as to what you have found in the Northern Territory with regard to forfeiture of dollars versus a prison term? Would criminals prefer to go to prison or would prisoners prefer to give the dollars up? Which one is seen to be more important to them—is it the dollars or the prison?

Ms Morris—You might need to ask them. I guess it depends on how long the prison term is and how big the dollars are—I do not think I am able to answer that question—and on the level of criminal enterprise: the small-time drug dealer versus the person who is behind a major moving of money but who is not tarnished by a criminal conviction. I imagine it would be an individual issue for the criminal involved.

Senator FIELDING—The reason why I asked the question was I think it was discussed previously before. I do not want to put words into anyone's mouth but there was some discussion that they are worried about losing their money actually more than going to prison because it just delays them for a year or some comment like that.

Ms Morris—My instructor has just reminded me of a case that was in court the other day on a voir dire where someone gave evidence that he was more worried about his assets rather than any impact on himself other than that of his criminal enterprise. So there are anecdotal stories, but I would imagine it would still be on a case-by-case basis.

CHAIR—Is that comment on the public record?

Ms Morris—About the voir dire?

CHAIR—Yes.

Ms Morris—I will just check. It is on the public record, I am instructed.

CHAIR—If that person behind you could let us know at some point so we could have a look at the statement.

Ms Morris—We could perhaps provide a transcript of the voir dire.

CHAIR—That would be great.

Mr HAYES—In relation to the unexplained wealth, is the legislation in the Northern Territory capable of pursuing assets that may be held in other states or in other criminal jurisdictions?

Ms Morris—Yes.

Mr HAYES—So it is a matter of where someone is charged or is being pursued in the Northern Territory, whether they hold property elsewhere or funds elsewhere is all capable of being covered by this?

Ms Morris—Yes, the practical nature of that in some circumstances might make the extent of that a bit difficult, such as if someone is very clever at hiding offshore funds and the extent to which police are able to track that down.

Mr HAYES—So your legislation as opposed to say New South Wales legislation which is ‘proceed from crime’ based as opposed to civilly based, that is not a protection for guarding those assets there until you can prefer charges or at least be subject to charges of a criminal nature?

Ms Morris—Sorry, so you would put your money in New South Wales rather than?

Mr HAYES—Yes.

Ms Morris—No, that is not a protection.

Mr HAYES—So that could all be dealt with if someone is being pursued up here either through the ACC or through the Northern Territory Police?

Ms Morris—Yes.

Mr HAYES—Having regard to our terms of reference in respect of procedures that may be looked at in fighting serious and organised crime, would there be greater protections for more harmonised legislation in this area of unexplainable wealth?

Ms Morris—Harmonised legislation across Australia—as somebody who is often a representative at the Standing Committee of Attorneys-General, that is one of the principles that they aim for across many pieces of legislation.

Mr HAYES—That is generally done by federal legislation which tend to talk about harmony.

Ms Morris—Obviously harmonised legislation does make it easier for various law enforcement agencies to transfer information and to pursue various criminal activity. But sometimes it is not necessary for legislation to be harmonised if one particular jurisdiction has jurisdiction to investigate and pursue a particular case.

Mr HAYES—I suppose if, for instance, the ACC eventually gained powers to act in that capacity—

Ms Morris—Yes, that would be an additional tool.

Mr HAYES—Thank you. No further questions.

Mr CHAMPION—What protections are there for the individual against perhaps being unfairly targeted by this legislation? Let us say someone is extraordinarily lucky at the races or at keno, as unlikely as that is—what happens if someone—

Ms Morris—We have a very well-regulated racing and gambling industry in the Northern Territory so we would be able to track those assets down to the last asset. The Department of Justice also regulates those industries, so I am aware of our regulation in that respect. The unexplained wealth provision is obviously the one to which your question is directed as opposed to the criminal where it is clear that it is part of a criminal enterprise. While the onus shifts to the person to show that that wealth is explainable in a legitimate way, the protection lies in that any reasonable excuse in today's economic system is and should be able to be easily explained.

Mr CHAMPION—You talk about the reversal of the onus of proof, how much evidence do they have to provide to a court to justify their wealth as it were? What sort of evidence has been produced in cases?

Ms Morris—It is still untested at the moment because, as I submitted earlier, all of our cases so far have been resolved without a final decision by the court. We do have some before the Supreme Court at the moment, and perhaps some of those will proceed to a judgment by the court as to whether or not any explanation is accepted. But I will just get some instructions about whether there is a particular instance. The Supreme Court of Appeal has said that the onus on the crown will be high in relation to getting a decision once the court does make a final decision, and evidence has been produced from our division of racing, gaming and licensing in relation to various financial transactions.

Mr CHAMPION—Just for my own knowledge, how onerous is the actual process? Say I am a businessman but people suspect me of something and then the state opts to drag me through the courts, at what point—because of legal costs—is it easier for me to settle and give up a pizza bar, for instance, just to get the state off my back?

Ms Morris—Like any legal process that is in the Supreme Court it is very costly both for the crown, the state, and for the person who is being taken through that process. I am aware of one case which was settled where the legal costs on both sides meant that the final settlement was not substantial.

Mr CHAMPION—Are there any provisions to prevent police or officials, for instance, from abusing that aspect of the legislation? It is in effect using the prospect of legal action to punish an individual even when there is no real evidence as it were.

Ms Morris—The DPP has various powers and responsibilities. As the person charged as the statutory applicant, he or she must be satisfied that there is sufficient evidence in order to properly secure an order under this. The checks and balances on the DPP in relation to all his decisions would apply equally to the decisions he makes under this.

Senator PARRY—Could you advise us when this Supreme Court ruling has been handed down just in case we do not hear it?

Ms Morris—The one about the onus of proof?

Senator PARRY—Is that possible?

Ms Morris—I am instructed it was last week, the 23rd or 24th. But if we get you a transcript of that voir dire, we will be able to let you know.

Senator PARRY—So what was the result—upheld in favour of the crown?

Ms Morris—The actual instance that was being examined was in relation to criminal proceedings and a record of interview, and the record of interview was excluded. But I can provide further information about that case.

Senator PARRY—How many more judgments have you got pending within the Supreme Court?

Ms Morris—In relation to the Criminal Property Forfeiture Act?

Senator PARRY—Yes.

Ms Morris—I am not aware of the number—roughly seven.

Senator PARRY—You are expecting rolling decisions in the next few months on some of those?

Ms Morris—Yes, if they are not settled beforehand, and our experience so far indicates—

Senator PARRY—They will settle prior to going to trial.

Ms Morris—that many of those may be settled.

Senator PARRY—If any decisions are made, I am sure the committee would be very interested in receiving the results of those decisions, especially when it supports the crown—well, even if it does not, we would still be keen to hear of those.

Ms Morris—We can provide those, should it reach that.

Senator PARRY—Thanks very much.

CHAIR—We will go back on record. I would like to thank the witnesses who have given evidence to the committee today. The next public hearing for the committee will be on Wednesday in Brisbane. I now declare this meeting of the Parliamentary Joint Committee on the Australian Crime Commission closed.

Committee adjourned at 5.30 pm