

Recommendations

Recommendation 1

5.12 The committee recommends that the Australian Federal Police develops and provides mandatory education and training tools to its investigators in relation to the nature of investigations in support of civil action under the *Proceeds of Crime Act 2002*.

Recommendation 2

5.15 The committee recommends that, when making applications for search warrants under section 225 of the *Proceeds of Crime Act 2002*, the Australian Federal Police presents all relevant information to the issuing magistrate, including full details of any other information gathering activities undertaken by the Australian Federal Police in relation to the matter and whether such activities are ongoing.

Recommendation 3

5.17 The committee recommends that the Australian Federal Police implements protocols to ensure that applications made to a magistrate for the granting of search warrants or other associated orders must be accompanied by a copy of the legislative provisions to which the application relates.

Recommendation 4

5.22 The committee recommends that the Commonwealth government investigates options for distinguishing literary proceeds matters from other matters under the *Proceeds of Crime Act 2002* (POC Act) with particular consideration given to:

- retaining literary proceeds matters within the POC Act, and amending the Act to clearly distinguish between literary proceeds matters and other proceeds of crime matters; or
- removing literary proceeds matters from the POC Act altogether and creating standalone legislation to deal with literary proceeds matters.

Recommendation 5

5.28 The committee recommends that the Commonwealth government develops and introduces amendments to the *Proceeds of Crime Act 2002* in order to ensure that, wherever possible during investigations under the Act, information is sought via a production order before a search warrant is granted.

Recommendation 6

5.32 The committee recommends that the Commonwealth government investigates options for introducing enforceable undertakings powers as an option available to law enforcement agencies during literary proceeds investigations.

Recommendation 7

5.36 The committee recommends that the Commonwealth government develops and introduces legally enforceable protocols governing the procurement of information or records from media organisations during investigations by the Australian Federal Police.

5.37 In developing these protocols, the Commonwealth government should consult with relevant stakeholders and have regard to relevant examples from other jurisdictions, including the United States' Government's *Policy regarding obtaining information from, or records of, members of the news media; and regarding questioning, arresting, or charging members of the news media.*

Recommendation 8

5.39 The committee recommends that the Australian Federal Police and relevant media and publishing stakeholders develop guidelines to be observed during the execution of search warrants on the premises of media organisations in circumstances where a claim of journalists' privilege is made.

Recommendation 9

5.44 The committee recommends that the *Proceeds of Crime Act 2002* be amended to ensure that information subject to journalists' privilege cannot be obtained by the Australian Federal Police during proceeds of crime investigations unless the criteria contained in subsection 126H(2) of the *Evidence Act 1995* are met.