

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN CRIME COMMISSION

Question No. 50

Senator Ludwig asked the following question at the hearing on 13 February 2007:

Of the funds provided to the ACC at the beginning of Operation Wickenby:

- a) How much has been expended?
 - i) Is this on target (if not, give details)?
- b) Have any additional funds been provided to Operation Wickenby?
 - i) If so, give details.
- c) Have all outstanding constitutional challenges to the powers of the ACC in respect of Operation Wickenby concluded?
- d) To date, how many persons have had charges brought against them as a result of Operation Wickenby?
- e) How many of those persons who have had charges brought against them have been brought to trial?
- f) Of those persons brought to trial (i) how many were convicted; (ii) how many were acquitted; and (iii) For how many are trials still ongoing?
- g) Have there been any proceeds of crime actions – either criminal or civil – arising as a result of Operation Wickenby?
 - i) How many civil proceeds of crime actions have been launched? For each action undertaken, provide:
 - 1) The amount restrained;
 - 2) The amount forfeited.
 - ii) How many criminal proceeds of crime actions have been launched? For each, provide action undertaken, provide:
 - 1) The amount restrained.
 - 2) The amount forfeited.

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

a) ACC expenditure on Operation Wickenby in 2005-06 was \$3.66 million. The Tied Funding for Operation Wickenby for 2005-06 was \$2.41 million. The ACC expenditure on Operation Wickenby for July 2006-January 2007 was \$5.36 million. The Tied Funding for Operation Wickenby for 2006-07 is \$3.9 million.

i.) Yes, the ACC expected to need resources in excess of the Tied Funding.

b) Yes.

i) In addition to the \$3.9 million allocated to the ACC, as part of the multi-agency Project Wickenby for 2006-07, an additional \$2.55 million has been budgeted for Operation Wickenby from other ACC resources.

c) All constitutional challenges to the powers of the ACC in respect of Operation Wickenby have been resolved in favour of the ACC.

d) To date, four people have been charged as a result of Operation Wickenby. Three company directors were arrested and charged in Southport, Queensland, on 20 July 2006 with two counts

each of conspiracy to defraud the Commonwealth (ATO) of some \$6.6 million. One person of interest has been charged with a breach of the ACC Act by refusing to take part in an ACC Examination.

A fifth person faced court on 1 February 2007 in relation to serious tax offences, but has not yet been charged. (Subsection 6(2A) of the *Director of Public Prosecutions Act 1983 (C'th)* enables a person to consent to bypass a committal hearing and to go to the County Court without having first been formally charged.)

e) None. Preliminary proceedings are continuing in each matter.

f) (i) Not applicable.

(ii) Not applicable.

(iii) Preliminary proceedings are continuing for three matters

g) Yes.

i) One civil proceeds of crime action has been initiated.

1) At this time in excess of \$11 million in assets has been restrained in one investigation being conducted by the ACC.

2) Not applicable. Proceedings are ongoing.

ii) None.

1) Not applicable.

2) Not applicable.