

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

**Question No. 126**

**Senator Ludwig asked the following question at the hearing on 25 May 2006:**

In relation to referrals from the ATO to the DPP over the last five financial years with a quantum over \$1 million, as detailed in the answer to a question on notice from Senator Sherry to Treasury at the February 2006 Additional Estimates hearings:

- a) Of those referred by the ATO, were they all dealt with or were some returned to the ATO without action?
- b) Of those prosecuted, what was the outcome?
- c) Did any judgements include any civil or criminal forfeiture and if so what were the recovered amounts?
- d) Can identities and penalties be provided?

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

- a) The DPP actioned all of the 25 briefs referred to the DPP by the ATO. Of the 25 actioned, 24 have been or are being prosecuted. One brief was assessed to contain insufficient evidence to warrant prosecution under the *Prosecution Policy of the Commonwealth*.
- b) Fourteen have been convicted. Nine prosecutions are ongoing and in one case a warrant for arrest of the defendant has been issued by a court.
- c) Conviction based action under the Proceeds of Crime Act 2002 was taken in the following matters:

<b>Matter</b>	<b>Value of action</b>	<b>Amount recovered to 19.6.2006*</b>
Baker, Heather Patricia	\$1,790,314	\$604,646.00
Thompson, George Andrew	\$3,238,064	\$3,094,531
Ramanah, Jean Teddy Sylvain	\$1,599,747	\$310,000
Malici, Akif	\$223,000	\$223,200

\* Amounts advised by ITSA

A number of the other referrals are either:

- being assessed for action under the *Proceeds of Crime Act 2002*
- currently before the court following restraint action, or
- finalised because no property was available for forfeiture action.

d) details of the identities and penalties are:

<b>Defendant</b>	<b>Penalty</b>
WALTERS, William John	6 years gaol, 1 year 8 months non-parole period
CAPPADONA, Dorothy	1 year gaol, released forthwith, 1 year good behaviour bond
CAPPADONA, Tom	18 months gaol
COOKLIN, Howard George	2 years 8 months gaol, 6 months non-parole period, security \$2,000, 2 years good behaviour bond
ZORBAS, George	1 year home detention, 9 months non-parole period
WALSH, Kerry Michael	3 years 6 months gaol, 2 years non-parole period
ELSAMAD, Omar	11 months gaol
BAKER, Heather Patricia	6 years gaol, 18 months non-parole period
THOMPSON, George Andrew	Total term 6 years 6 months gaol, 3 years 3 months non-parole period
ABOUCHAM, Mouhamad	200 hours community service, reparation order \$54,194.31
RAMANAH, Jean-Teddy Sylvain	9 years gaol, 4 years 6 months non-parole period
MALICI, Akif	15 months gaol, 5 months non-parole, security \$1,000, 10 months good behaviour bond, pecuniary penalty order \$40,000
PERDULOVSKI, Chris John	4 years 6 months gaol, 2 years 9 months non-parole period, reparation order \$1,646,918.04
CHEN, Jung-Chi	1 year gaol, released forthwith, 30 months good behaviour bond, security \$1,000