

13 October 1995

The Hon P F P Whelan, MP
Minister for Police
Parliament House
SYDNEY 2000

Dear Minister,

We are pleased to submit to you the Commission's Annual Report and Financial Statements for the year ended 30 June 1995 for tabling in Parliament. The Report and Financial Statements have been prepared in accordance with the provisions of the New South Wales Crime Commission Act 1985, the Annual Reports (Departments) Act 1985 and the Public Finance and Audit Act 1985.

Yours sincerely,

.....
P A Bradley, Chairman

.....
C R Briese, Commissioner

**COMMENT ON THE 1994/95 ANNUAL REPORT BY THE
NEW SOUTH WALES CRIME COMMISSION
MANAGEMENT COMMITTEE**

This report is an account of the Commission's ninth full year of operation.

The Management Committee notes with pleasure the continuing reform of the Crime Commission in response to changing circumstances and continued success in operations and management of resources.

The productivity of the Commission has continued to grow in both Divisions and the cost of conducting its operations has again contracted.

A record number of investigations were conducted by the Criminal Investigation Division and a record was also achieved in confiscation of assets. This was done with the lowest level of staffing and the lowest level of expenditure since the Commission expanded its roles in 1990.

The Commission has continued to press for major reforms to the laws under which it operates and it is hoped that the Government will respond to those in the 1995/96 year.

.....
P F P Whelan, Chairman

.....
D Mackay, Member

.....
A R Lauer, Member

.....
P A Bradley, Member

.....
T A Sherman, Member

13 October 1995

TABLE OF CONTENTS

LETTER TO MINISTER	1
COMMENT ON ANNUAL REPORT	2
TABLE OF CONTENTS	3
LIST OF ABBREVIATIONS	8
COMMISSION MEMBERSHIP	9
OVERVIEW OF 1994/95	10
CHAPTER ONE: ESTABLISHMENT AND FUNCTIONS	12
ESTABLISHMENT	12
LEGISLATION GOVERNING THE COMMISSION	12
CHARTER	12
FUNCTIONS AND OBJECTIVES	12
MEETINGS OF THE COMMISSION	13
RESPONSIBLE MINISTER	13
MANAGEMENT COMMITTEE	14
CHAPTER TWO: INVESTIGATIONS	15
FUNCTIONS AND POWERS OF THE COMMISSION	15
MANAGEMENT OF INVESTIGATIONS	15
THE DRUG ENFORCEMENT AGENCY	16

MATTERS REFERRED TO THE COMMISSION	16
- Reference codenamed "Azure II"	17
- Reference codenamed "Bianco II"	17
- Reference codenamed "Gecko"	17
- Reference codenamed "Umina"	18
- Reference codenamed "Vacy"	19
- Reference codenamed "Waratah"	19
- Reference codenamed "Zetland"	20
- Reference codenamed "Lismore"	21
- Reference codenamed "Penshurst II"	21
- Reference codenamed "Riverwood" and "Riverwood II"	22
- Reference codenamed "Seaforth"	22
- Reference codenamed "Xanadu"	22
- Reference codenamed "Yanco"	23
- Reference codenamed "Albury"	23
- BITF Reference codenamed "Hilltop"	23
- BITF Reference codenamed "Junee"	24
- BITF Reference codenamed "Ironbark"	24
- BITF Reference codenamed "Queenscliff" and "Queenscliff II"	24
- BITF Reference codenamed "Moree"	25
INVESTIGATIVE TOOLS	25
- NSW Crime Commission Act	25
- Production Orders under the Drug Trafficking (Civil Proceedings) Act 1990	25
- Listening Devices Act 1984	25
- Telecommunications (Interception) Act 1979	25
- Search Warrants Act 1985	25
INTERAGENCY COOPERATION	26
- Liaison	26
- Role of the ABCI	27
- Dissemination	27
PROSECUTIONS	27
COURT PROCEEDINGS AND APPLICATIONS	28
NATURE AND EXTENT OF ORGANISED AND OTHER CRIME	29
- Drug Trafficking	29
- Corruption and Organised Crime	30
INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS UNIT	31
- Telephone Interception	31

-	Information Processing	32
---	------------------------	----

CHAPTER THREE: LEGAL CHANGE	33
CHAPTER FOUR: CONFISCATION	34
BACKGROUND	34
STAFF	35
RESTRAINING ORDERS	35
ASSET FORFEITURE ORDERS AND PROCEEDS ASSESSMENT ORDERS	36
PRODUCTION ORDERS	38
SEARCH WARRANTS	38
MONITORING ORDERS	38
LITIGATION CONDUCTED BY THE COMMISSION	39
LIAISON WITH DPP	40
THE COPOC ACT	40
LIAISON WITH AUSTRALIAN TAXATION OFFICE	41
LIAISON WITH FINANCIAL INSTITUTIONS	41
INTERNATIONAL AND INTERSTATE INQUIRIES	41
LIAISON WITH SUPREME COURT AND DISTRICT COURT REGISTRIES	42
LIAISON WITH THE DRUG ENFORCEMENT AGENCY AND OTHER POLICE	42
LIAISON WITH THE PUBLIC TRUSTEE	43
THE CONFISCATED DRUG PROCEEDS ACCOUNT	43
REVIEW OF THE DTCP ACT	44
TRAINING	44
RESOURCES	44
CHAPTER FIVE: ADMINISTRATION	45
INTRODUCTION	45

STRUCTURE	45
- Management Team	45
- Administrative Office	45
- Organisation	45
HUMAN RESOURCES	46
- Staff Establishment	46
- SES Positions	46
- Officers at or above Level 5	47
- Female Executive Officers	47
- Staffing Changes	47
- Personnel Policies and Practices	47
MANAGEMENT SYSTEMS / MANAGEMENT IMPROVEMENT	51
- Performance Assessment	51
COMMITTEES	51
CONSULTANTS	52
RESEARCH AND DEVELOPMENT	53
DISABILITY PLAN	53
SERVICES TO THE PUBLIC	53
- Services and Complaints	53
- Publications	53
- Annual Report	53
ETHNIC AFFAIRS CHARTER OF PRINCIPLES	54
FINANCE	54
- Financial Statements and Position	54
- Account Payment Performance	54
- Value of Long Service Leave and Recreation Leave	54
- Major Assets Purchased in 1994/95	55
- Real Estate	55
- Risk Management and Insurance	55
- Grants to Community Organisations	55
INTERNAL AUDIT	55
FREEDOM OF INFORMATION	56

CONTRACTING AND MARKET TESTING	56
--------------------------------	----

APPENDIX A: NEW SOUTH WALES CRIME COMMISSION PARTICULARS	57
APPENDIX B: PROGRAM OBJECTIVES AND DESCRIPTION	58
APPENDIX C: SENIOR STAFF DURING 1994/95	59
APPENDIX D: ORGANISATION CHART	60
APPENDIX E: FINANCIAL STATEMENTS	61
APPENDIX F: FINANCIAL COMPARISONS / 1995/96 BUDGET	76
APPENDIX G: FREEDOM OF INFORMATION - STATEMENT OF AFFAIRS	80
APPENDIX H: GUARANTEE OF SERVICE	84
APPENDIX I: PERFORMANCE STATEMENT	87
INDEX	89

LIST OF ABBREVIATIONS

ABCI	Australian Bureau of Criminal Intelligence
ACA	Association of Chartered Accountants
ACID	Australian Criminal Intelligence Database
ACS	Australian Customs Service
AFP	Australian Federal Police
ASC	Australian Securities Commission
ATO	Australian Taxation Office
AUSTEL	Australian Telecommunications Authority
AUSTRAC	Australian Transaction Reports and Analysis Centre
BA	Bachelor of Arts
BITF	Building Industry Task Force
CD	Confiscation Division
CEO	Chief Executive Officer
CJC	Criminal Justice Commission
COPOC Act	Confiscation of Proceeds of Crime Act 1989
Cth	Commonwealth
DEA	Drug Enforcement Agency
DPP	Director of Public Prosecutions
DTCP Act	Drug Trafficking (Civil Proceedings) Act 1990
DX	Document Exchange
EEO	Equal Employment Opportunity
FOI	Freedom of Information
ICAA	Institute of Chartered Accountants in Australia
ICAC	Independent Commission Against Corruption
ID	Investigation Division
ITTU	Information Technology and Telecommunications Unit
FEA	Fraud Enforcement Agency
LEAC	Law Enforcement Advisory Committee
LLB	Bachelor of Laws
MOU	Memorandum of Understanding
MP	Member of Parliament
NCA	National Crime Authority
NESB	Non-English Speaking Background
NSWCC	New South Wales Crime Commission
NSWPS	New South Wales Police Service
OMCG	Outlaw Motorcycle Gang
PEIRS	Public Employment Industrial Relations Service
POA	Professional Officers Association
POIROT	Person and Organisational Intelligence Relating to Operational Targets
PSA	Public Service Association
PWPD	People With Physical Disabilities
SES	Senior Executive Service
TI Act	Telecommunications (Interception) Act 1979
TIRAC	Telecommunications Interception Remote Access Control

COMMISSION MEMBERSHIP

Under section 5 of the New South Wales Crime Commission Act, the Commission must consist of two or more members, one of whom is appointed as a full-time member and Chairman of the Commission, and must have special legal qualifications. The other one or more member(s) can be appointed either as full-time or part-time members. Brief biographies of the Chairman and Commissioner who served in 1994/95 are set out below.

MR P A BRADLEY, LLB BA
Full-time Member and Chairman

Mr Bradley was born in Sydney in 1952. He worked as a lawyer with the Commonwealth Crown Solicitor for eight years before joining the Stewart Royal Commission in 1983. He then spent a short time in 1986 with the National Crime Authority before joining the Commonwealth Director of Public Prosecutions. He was appointed to the Commission as a full-time member on 17 July 1989. On 28 May 1993, Mr Bradley became Acting Chairman of the Commission and was appointed Chairman of the Commission on 18 August 1993.

MR C R BRIESE, BA DipCrim
Part-time Member

Mr Briese was born in Temora in 1930. During a career in Local Courts as a Clerk of the Court he qualified as a Barrister-at-Law and later in 1966 was appointed a Magistrate. Mr Briese received a Diploma of Criminology from Cambridge University on a Churchill Fellowship in 1977. In 1979 he became Chief Magistrate, a position he held until his retirement from the bench in 1990. In February 1990, Mr Briese took up his present position in a full-time capacity, until October 1994, when he became a part-time Member.

OVERVIEW OF 1994/95

This year is the fifth consecutive year in which the Commission's reform program has taken effect. In terms of operational output and cost to Government, it has been the best in the Commission's history.

The Commission has continued to increase its productivity in both of its two Divisions with unsurpassed results in each. At the end of the financial year the Commission had realised a surplus of \$2.6 million, or one third of its allocation.

Just four years ago the Commission cost more than \$10 million to operate. It now costs less than \$6 million. If confiscated assets were taken into account in arriving at a net cost figure, the net cost would be less than \$3 million. In the same time the Commission has gone from a position of having negligible assets to assets currently valued at between \$6.8 and \$7.2 million, all paid for from its regular funding.

This has been achieved through restructuring which has produced workforce efficiency, partnering with other agencies, cost cutting, particularly in equipment and corporate services, outsourcing and property acquisition.

Whereas the Commission previously paid more than \$1 million in rent, it is now a net earner of rental income. In 1991, the Commission had a fleet of 18 vehicles at full cost to Government. The cost of vehicles has now been reduced to zero. Staff numbers previously exceeded 100. They are now less than 70. These examples indicate the Commission is doing the job with far less resources.

The surplus realised from these fiscal measures has been reapplied within the portfolio to meaningful projects such as communications systems in emergency services, police stations, and other law enforcement purposes.

On the other side of the ledger, the Commission previously supported one full-time task force working on two References. It now supports five full-time task forces working on seven References and a number of *ad-hoc* task forces established during the course of the year.

As fewer people were doing more with less resources, it was hoped that the Commission could reward this productivity through the enterprise agreement process. Unfortunately, the Commission has been unable to get the staff associations to the bargaining table. The high performing staff within the Commission have continued to be promoted but it has not been possible in every case. There have also been award increases. In some areas, staff are employed on performance-based contracts and rewards have been paid through this mechanism. Generally those rewards were in the order of 10%. The former Minister increased the Chairman's remuneration by 1.4%.

The Commission is indebted to all of its staff who have met the challenges of the structural and financial reforms and who have continued to increase their individual effort.

The results of the Commission's work are rarely appreciated by the public and those who do not have direct knowledge of its operations. DEA arrests are frequently reported in the newspaper, but the Commission's involvement is not usually mentioned due to a Commission media policy which avoids publication of essentially covert operations. Most of the confiscation work is realised in court orders which do not warrant media coverage. The Commission's hearings are all conducted in private in accordance with the requirements of the Act under which it operates.

Some matters did achieve notoriety during the year due to mention in Parliament in the case of a race-fixing Inquiry, or in the public hearings of the Royal Commission into the NSW Police Service.

The Royal Commission evidence to date has mostly concerned persons whom the Commission first targeted at the end of 1993, being criminals falling under the *Azure* Reference who had recently achieved dominant positions in Kings Cross. The Commission and the DEA targeted these persons over a lengthy period. Due to the compromise of some of those operations the Commission involved the Professional Integrity Branch of the Police Service and, after its establishment in mid-1994, the Royal Commission. Most of the Commission witnesses and operation targets have been the subject of extensive public evidence in the Royal Commission, which has disclosed a high level of criminality and corruption in Kings Cross. The Crime Commission will continue to work with the Royal Commission in 1995/96.

The extent of reform which has been initiated internally over the past five years means that the Commission has already achieved many of the public sector reforms identified by the new Government. It is unlikely that the pace of reform will be maintained at that level, but the Commission is concerned to continually address the need for change as a response to circumstances and as a means of improving efficiency and effectiveness. The Commission's financial position and level of expertise and experience places it in a good position to pursue new areas of inquiry.

CHAPTER ONE

ESTABLISHMENT AND FUNCTIONS

ESTABLISHMENT

- 1.1 The Commission was established in January 1986 as an independent statutory authority under the then State Drug Crime Commission Act 1985. As at 30 June 1995, the Commission was constituted by a Chairman and a part-time member, each of whom has special legal qualifications and is appointed by the Governor.

LEGISLATION GOVERNING THE COMMISSION

- 1.2 The Commission is constituted under the New South Wales Crime Commission Act 1985 (as amended). There were no amendments to the Act during this financial year.
- 1.3 On 3 August 1990 the Government proclaimed the Drug Trafficking (Civil Proceedings) Act 1990, which provides for the confiscation of the assets of drug traffickers and the recovery of proceeds of drug offences through civil proceedings in the Supreme Court. The Commission is responsible for the administration of this legislation. Details of its activities are set out in Chapter Four of this report.

CHARTER

- 1.4 The Commission's charter is to combat illegal drug trafficking and organised and other crime in New South Wales.

FUNCTIONS AND OBJECTIVES

- 1.5 The principal objective of the Commission is to reduce the incidence of illegal drug trafficking. A second objective is to reduce the incidence of organised and other crime.
- 1.6 The principal functions of the Commission are to:
- . assemble admissible evidence and furnish it to the Director of Public Prosecutions (DPP) for use in the prosecution of persons allegedly engaged in relevant criminal activities;
 - . make applications for the restraint and confiscation of property under the Drug Trafficking (Civil Proceedings) Act 1990;

- . furnish admissible evidence of indictable offences (other than evidence of a relevant offence which is furnished to the DPP), to the Attorney-General, together with recommendations as to action to be taken;
- . review police inquiries referred by the Management Committee, into matters relating to any criminal activity and provide recommendations to the Management Committee for further action;
- . conduct investigations into any criminal activity;
- . with the approval of the Management Committee, disseminate intelligence and information to, and cooperate and consult with, such persons or bodies as the Commission thinks appropriate;
- . furnish reports relating to illegal drug trafficking and organised crime including, where appropriate, make recommendations for changes in the laws of the State;
- . disseminate investigatory, technological and analytical expertise to such persons or bodies as the Commission thinks fit; and
- . manage its resources effectively, efficiently and economically.

MEETINGS OF THE COMMISSION

- 1.7 The Commission meets formally to decide policy matters and transact significant business. The meetings are minuted. The Commission met on 38 occasions during the year. These meetings consisted of regularly scheduled meetings and *ad-hoc* meetings. The latter were held when the Commission was required to transact urgent business related to operational or administrative matters which justified consideration by the Commission in a formal meeting.

RESPONSIBLE MINISTER

- 1.8 The Minister for Police has responsibility for administration of the New South Wales Crime Commission Act and the Drug Trafficking (Civil Proceedings) Act and is Chairman of the Commission's Management Committee. The Hon G B West MP was the relevant Minister until April 1995, when he was replaced by the Hon P F P Whelan MP following the general election in New South Wales.

MANAGEMENT COMMITTEE

- 1.9 During 1994/95 the Management Committee comprised the Minister for Police and Emergency Services, the Hon G B West MP (until April 1995) and then the Minister for Police, the Hon P F P Whelan MP (Chairman); the Commissioner of Police, Mr A R Lauer APM; the Chairman of the National Crime Authority, Mr T A Sherman; Mr D Mackay, Chairman of the Police Board of NSW; and the Chairman of the Commission.
- 1.10 The principal functions of the Management Committee are to:
- . refer (by written notice) relevant criminal activities to the Commission for investigation;
 - . refer (by written notice) to the Commission, for review, police inquiries into matters relating to any criminal activities;
 - . arrange for police task forces to assist the Commission to carry out investigations into matters relating to relevant criminal activities;
 - . give directions and furnish guidelines for the purpose of coordinating any such investigations;
 - . review and monitor generally the work of the Commission; and
 - . coordinate (by giving approvals) the operations of the Commission with other bodies.
- 1.11 The Management Committee met on 12 occasions during the year. The meetings were also attended by Commissioner Briese.
- 1.12 The meetings are minuted in accordance with the Commission's Act.
-

CHAPTER TWO

INVESTIGATIONS

FUNCTIONS AND POWERS OF THE COMMISSION

- 2.1 Under section 6 of the New South Wales Crime Commission Act 1985 ('the Act'), the Commission is required to investigate matters relating to relevant criminal activity referred to the Commission by the Management Committee, to assemble admissible evidence of relevant offences and to furnish that evidence to the Director of Public Prosecutions.
- 2.2 As defined in section 3 of the Act, 'relevant criminal activity' means 'any circumstances implying, or any allegations, that a relevant offence may have been, or may be being, or may be about to be, committed.'
- 2.3 'Relevant offence' is also defined in section 3 of the Act. It means:
- . a serious drug offence that involves substantial planning and organisation; or
 - . any other offence that involves substantial planning and organisation and that involves, or is of a kind that ordinarily involves, the use of sophisticated methods and techniques.
- 2.4 To perform its function of investigating serious organised crime, the Commission has been given powers that are greater than normal policing powers. These powers include:
- . the power to conduct hearings *in camera* at which witnesses may be compelled to give evidence on oath and produce documents;
 - . the power to compel the production of documents and things relevant to an investigation of the Commission; and
 - . the power to apply for special search warrants.
- 2.5 The services of NSW Police task forces, are made available to assist the Commission, pursuant to section 27A of the Commission's Act. Members of these task forces have the usual police powers.

MANAGEMENT OF INVESTIGATIONS

- 2.6 Investigation of matters referred to the Commission are conducted by teams generally consisting of members of the NSW Police Service and Commission staff.
-

- 2.7 During 1994-95, the majority of the Commission's investigative work related to drug trafficking, under six ongoing references (*Azure*, *Bianco*, *Gecko*, *Umina*, *Vacy* and *Waratah*), and one new reference (*Zetland*). This work was carried out by teams of DEA task force police officers and Commission staff under the supervision of the Commanders of the DEA Task Forces numbered One to Four. The *Azure* and *Bianco* References were investigated by Task Force One, the *Waratah* Reference by Task Force Two, the *Gecko* Reference by Task Force Three, and the *Umina*, *Vacy* and *Zetland* References by Task Force Four.
- 2.8 Investigations under other references *Yanco* and *Albury* were conducted by the new Fraud Enforcement Agency and an *ad-hoc* police task force, respectively, working with Commission officers. Investigations arising out of the Building Industry Royal Commission References were conducted by the Building Industry Task Force (BITF).
- 2.9 The teams of task force police officers and Commission staff have day to day carriage of investigations but report to the Commission through weekly operations meetings. Task force commanders meet with the teams as required.

THE DRUG ENFORCEMENT AGENCY

- 2.10 Almost all of the work within the ID and most of the work within the CD is the result of the Commission's successful partnership with police task forces, particularly those working in the DEA.
- 2.11 The task forces are assigned to assist the Commission, pursuant to an arrangement made by the Management Committee with the Police Commissioner under section 27A of the Act. The arrangement is embodied in Directions and Guidelines settled by the Management Committee. Central to this arrangement is the maintenance of the command structure within the Police Service. Section 27(A)(2) provides that the police task forces are 'under the direction and control of the Commissioner of Police', and subject to the Directions and Guidelines of the Management Committee. Selection, assignment and disciplinary matters in respect of police working of task forces is carried out within the Police Service and the Commission usually plays no part in those matters.

MATTERS REFERRED TO THE COMMISSION

- 2.12 During the year under review, the Commission was given three new References. Investigations were concluded under two References. Before the Commission is given a Reference, the Management Committee must be satisfied that ordinary police methods of investigation into the matter are unlikely to be effective.
-

- 2.13 In May 1992 the Government decided to refer serious criminal matters arising from the Royal Commission into Productivity in the Building Industry in New South Wales to the Commission. During 1994/95 investigations continued on five BITF references. The Task Force was disbanded on 1 July 1995. Existing investigations are being wound up and a number of prosecutions are current.
- 2.14 Particulars of the arrests which resulted from Commission references during the year are summarised at paragraph 2.79.
- 2.15 For reasons of security and the requirements of the Act that individuals not be named, details of activities under all References are not provided. The Management Committee is provided with detailed monthly reports on the progress being made in each Reference. The following information relates to references which were current in 1994/95.

Reference codenamed “Azure II”, referred on 10 September 1992

- 2.16 On 7 December 1987 the Management Committee referred the Azure Reference to the Commission to investigate drug trafficking by persons in the Australian / Lebanese community. On 10 September 1992, the Azure Reference was superseded by the Azure II Reference, to investigate drug trafficking and associated offences involving violence or money laundering by members of the Australian/Lebanese community in NSW.
- 2.17 This Reference continues to be productive and good results were achieved in the 1994/95 year.
- 2.18 Statistical Data for 1994/95

Arrests	41
Charges Laid	116
Cash Seized	\$58,829
Drugs Seized	11.9g Amphetamine 30 Cannabis plants 5,858g Cannabis head and leaf 35.7g Cocaine 1.5g Ecstasy 18 Ecstasy tables 248.8g Heroin 28.4g Prococaine 20mls Stanzol

Reference codenamed “Bianco II” , referred on 10 September 1992

2.19 The Bianco Reference, which investigated drug trafficking by persons in the Australian / Romanian communities, was superseded on 10 September 1992 by the granting of the Bianco II Reference. The new Reference investigates serious drug offences, larceny, money laundering, corruption and associated violence in the Australian/Romanian community and associated groups.

2.20 A relatively low level of investigative resources was applied to the Reference during the year due to the concentration by Task Force officers on targets in the Azure Reference.

2.21 Statistical Data for 1994/95

Arrests	11	
Charges Laid	27	
Drugs Seized	229g	Amphetamine
	770g	Heroin

Reference codenamed “Gecko” , referred on 5 May 1991

2.22 This Reference was granted to investigate criminal activity within Australian / South East Asian communities in Sydney and elsewhere in NSW.

2.23 This year saw an increase in the number of successful operations and the quantities of drugs seized. This success has, in part, been attributed to the better understanding of the workings of Asian crime networks, the identification of principals involved and the cultivation of reliable informants who have knowledge of and/or connections with these groups.

2.24 Statistical Data for 1994/95

Arrests	89	
Charges Laid	150	
Cash Seized	\$128,255	
Drugs Seized	133.3kg	Heroin
	40	LSD tablets

Reference codenamed “Umina”, referred on 18 October 1993

2.25 The subjects of this Reference are a group of people involved in the manufacture and supply of amphetamines and chemical company employees supplying chemicals to those people.

2.26 Certain targets arrested in the 1993/94 year are presently before the courts. Other intelligence gathered during the reporting year has led to further investigations being carried out which will be reported in the 1995/96 Annual Report.

2.27 Statistical Data for 1994/95

Arrests	4
Charges Laid	6
Cash Seized	\$2,300
Drugs Seized	56.5g Heroin

Reference codenamed “Vacy”, referred on 2 November 1993

2.28 The Vacy Reference relates to the growing problem of the manufacture and supply of amphetamines, and associated money laundering offences. The Reference continues to be very productive.

2.29 Statistical Data for 1994/95

Arrests	30
Charges Laid	122
Cash Seized	\$124,638
Drugs Seized	<div> <div> 25,945.9g 190.5 litres 7 foils 115.65g 51 Tickets 36 Tablets 131.1g 2,544.82g 17 plants 30g 8g 1,300g 7g 400g 27,000g </div> <div> Amphetamine (powder) Amphetamine (liquid) Heroin Cocaine LSD Ecstasy Ecstasy Cannabis leaf Cannabis plants Cannabis resin (plus several drums cannabis resin - weight not known at time of writing) Cannabis seeds Red Phosphorous Nexus Cutting agent Phenylacetic acid </div> </div>

Reference codenamed “Waratah”, referred on 2 November 1993

2.30 This Reference was established to investigate the supply of prohibited drugs, particularly cocaine, by specific persons and their associates. It also investigates money laundering associated with the trafficking of cocaine.

2.31 Statistical Data for 1994/95

Arrests	26	
Charges Laid	60	
Cash Seized	\$66,645 \$300	Australian currency US currency
Drugs Seized	476.4g 35.7g 7.4g 3 plants 2.1g (10 tabs)	Cocaine Cannabis Cannabis resin Cannabis plants MDMA/Ecstasy

Reference codenamed “Zetland”, referred on 27 September 1994

2.32 The Zetland Reference was granted to the Commission to investigate the illegal activities of outlaw motorcycle gangs (OMCG's). The Commission and DEA Task Force working on this Reference also work closely with other law enforcement agencies, especially the ABCI, the NCA and the AFP, and regional drug units.

2.33 The results of Commission investigations since the Reference was granted in September 1994 have been particularly successful, and it is anticipated that the success will continue in 1995/96.

Arrests	76	
Charges Laid	253	
Cash Seized	\$62,995	
Drugs Seized	8,577.53g 28,366.52g 796 plants 14 seeds 2g 86.5g 13 tablet 87.6g 15g 25kg drum	Amphetamine Cannabis leaf Cannabis plants Cannabis seeds Cannabis oil Ecstasy LSD tablets Heroin Cocaine Diphenhydramine (seized by Qld CJC)

Other Material Seized	4	Pistols
	4	Shotguns
	3	Rifles
	2	Shortened firearms
	6	Tazer & stun guns
	1	Jungle carbine
	5 sticks	Gel explosive
	1 set	Handcuffs
	1 set	Thumbcuffs
	Small qty	Hand grenade ammunition
	1	Crossbow
	\$2,000	Liquor
	4	Motorcycles

Reference codenamed “Lismore”, referred on 22 July 1992

2.34 This Reference was granted to investigate the theft of Commission funds, and associated money laundering, arising from an Azure operation in 1992. Three persons have now been convicted of five offences in relation to the theft and money laundering.

2.35 As a result of intelligence obtained during the investigation further operations were mounted to investigate further criminal activities of the original three targets and a number of associates. To date, a total of 8 persons have been arrested and 28 charges laid.

2.36 The Reference remains open in the event of further intelligence gathered in respect of the stolen funds and criminal activities of the targets and their associates.

2.37 Statistical Data for 1994/95

Arrests	2
Charges Laid	2

Reference codenamed “Penshurst II”, referred on 4 March 1993

2.38 The Penshurst Reference was established to review the police inquiry into the shooting of a police officer while on duty at Frenchs Forest Police Station in June 1992. Penshurst II was granted to the Commission on 4 March 1993, and related to an investigation of matters which came to notice during the Commission’s review of the police inquiry.

- 2.39 The Commission's interim report on both References was tabled in the NSW Parliament on 28 October 1993. The Commission submitted its final report to the Management Committee on 19 July 1994. This report was postponed due to the unavailability for some time of a significant witness. The findings and recommendations in the interim report did not change significantly as a result of the evidence received by the Commission at the hearing of the previously unavailable witness.

Reference codenamed "Riverwood" and "Riverwood II", referred on 12 July 1993 and 20 September 1993, respectively

- 2.40 This Reference concerns extortionate demands for money made of shipping owners on the waterfront. A lengthy police investigation, prior to the Commission's involvement, had been frustrated by the refusal of key people to speak to police. In Riverwood II, the Reference was expanded to include several instances of similar conduct which came to notice during the investigation. Hearings were held and documents required to be produced. At the time of writing, the Office of the Director of Public Prosecutions was considering all of the evidence collected to date.

Reference codenamed "Seaforth", referred on 22 July 1993

- 2.41 This Reference concerns an armed robbery. The Commission held hearings and required documents to be produced. During the investigation two people were charged with offences relating to the robbery but at the time of reporting the main objectives of the investigation had not yet been achieved. There was some further investigative work undertaken during the year.

Reference codenamed "Xanadu", referred on 10 November 1993

- 2.42 The Commission was requested by the Management Committee to conduct an investigation into, *inter alia*, allegations that nominated persons were then involved, and had been involved, in offences relating to drug trafficking and money laundering, and allegations that persons had been involved in offences involving extortion and demanding money with menaces.
- 2.43 As a result of its investigations, in May 1994 the Commission submitted briefs of evidence to the Commonwealth Director of Public Prosecutions and the New South Wales Director of Public Prosecutions, recommending the prosecution of two persons. As a result, one person has subsequently been charged with being knowingly concerned in the importation of a commercial quantity of cannabis, in contravention of the Customs Act 1901, with attempting to pervert the course of justice in contravention of the Crimes Act 1900, and with giving false evidence at a hearing of the Commission. These charges were listed for committal proceedings commencing on 18 September 1995. (At the time of writing, this person has been committed for trial.)
-

Reference codenamed “Yanco”, referred on 1 August 1994

- 2.44 This matter was referred to the Commission for investigation on 1 August 1994. The investigation was conducted with the Fraud Enforcement Agency.
- 2.45 The subject matter of the investigation was an alleged large-scale fraud on the Westpac Bank. It concerned fraudulent housing loan transactions involving the use of forged valuation certificates and the processing of the loan applications which included false borrowers' information, including some for a group of fictitious shelf company borrowers. Approximately 90 loans were processed and approximately \$24.5 million was paid out by the Bank in the loan transactions.
- 2.46 Two persons were charged as a result of the investigation. They were a Westpac loan manager, who processed loan applications containing false information, and in some cases supported by false documentation created by him, and an accountant, who included false information on loan application forms, created shelf companies for the purpose of applications and appointed non-existent directors to companies. Both of those persons have been sentenced in the District Court. The loan manager was indicted on 15 charges of obtaining a financial advantage by deception, and had 34 additional charges taken into account on sentence. The accountant was indicted on 8 charges of obtaining a benefit by deception and had an additional 9 charges taken into account on sentence. Both men were sentenced to a total of a minimum term of 5 years' imprisonment, with an additional 1 year's imprisonment specified.

Reference codenamed “Albury”, referred on 6 March 1995

- 2.47 The subject of the Albury investigation was allegations of illegal race fixing in New South Wales, which came to notice during an investigation conducted by the Australian Federal Police.
- 2.48 The Commission took evidence from 30 witnesses in private hearings and issued 15 notices requiring the production of documents. The Commission subsequently provided a report to the Minister for Police on 5 June 1995, and on 7 June 1995 the Premier made a statement to the New South Wales Parliament about the Commission's investigation. The Commission's report has not been made public, because of a decision of the Court of Appeal about possible prejudice to a person's pending criminal trial, and the provisions of the Telecommunications (Interception) Act 1979 (Cth) regarding secrecy.

BITF Reference codenamed “Hilltop”, referred on 6 May 1992

- 2.49 This Reference relates to a conspiracy to cheat and defraud sub-contractors and building material suppliers in connection with an extension and refurbishment project at the Lake Abattoirs, Lake Cargelligo.
- 2.50 One person has been convicted and sentenced. A District Court trial in respect of three other persons is currently proceeding.
-

BITF Reference codenamed “Junee”, referred on 8 July 1992

- 2.51 This Reference relates to collusive tendering practices in the building and civil engineering industries.
- 2.52 Three defendants have pleaded guilty to substantive offences and have been dealt with. The committal hearing for 3 remaining defendants in connection with a construction project at the *Oceanic Hotel* commenced on 14 August 1995. Informations against 2 defendant companies were withdrawn with the leave of court due to those companies being wound up as the result of insolvency.
- 2.53 Investigations into other construction projects are now nearing completion and it is likely that briefs of evidence will shortly be furnished to the Director of Public Prosecutions.

BITF Reference codenamed “Ironbark”, referred on 29 June 1992

- 2.54 This Reference involves allegations of theft of scaffolding, offences involving large scale fraud and conspiracy to defraud, intimidation, extortion, blackmail, threats of physical violence and offences against the Companies (NSW) Code in the building industry.
- 2.55 In relation to one aspect of the investigation, five charges under the Royal Commissions Act have been preferred against one individual who has been committed to stand trial. The trial is expected to be scheduled for early 1996. In relation to other aspects of this investigation, a number of charges have been preferred against 3 individuals and a committal hearing is scheduled for November 1995.

BITF Reference codenamed “Queenscliff” and “Queenscliff II”, referred on 7 June 1993 and 6 August 1993

- 2.56 This Reference relates to the investigation of offences including fraud, obtaining money by deception, and soliciting and receiving corrupt commissions in relation to building projects carried out for a large overseas corporation.
- 2.57 There were 10 separate investigations in this matter. Only 3 are now proceeding due to the BITF being disbanded.
- 2.58 In relation to one aspect, charges have been preferred against 3 individuals and a committal hearing is scheduled for October 1995. In relation to the remaining two matters, investigations are proceeding.
-

BITF Reference codenamed “Moree”, referred on 12 August 1992

- 2.59 Under this Reference the BITF investigated allegations of forgery and payment of corrupt commissions in connection with the activities of a major development company.
- 2.60 Two individuals have been charged with a number of offences of receiving corrupt commissions and one person with giving corrupt commissions. A date for the committal hearing has yet to be fixed.

INVESTIGATIVE TOOLS

- 2.61 The Commission has a number of investigative tools, in particular coercive powers under the New South Wales Crime Commission Act and powers under the Drug Trafficking (Civil Proceedings) Act 1990, the Listening Devices Act 1984, and the Telecommunications (Interception) Act 1979. Details of usage of these powers is listed below:

- 2.62 **New South Wales Crime Commission Act 1985**

	Total
Section 16 - Summons to Appear	92
Section 17 - Notices to Produce	756
Section 11 - Search Warrants	10

- 2.63 **Production Orders under the Drug Trafficking (Civil Proceedings) Act 1990**

The Confiscation Division obtained 160 Production Orders from the Supreme Court during 1994/95.

- 2.64 **Listening Devices Act 1984**

	Total
Warrants	310

- 2.65 **Telecommunications (Interception) Act 1979**

	Total
Warrants	98

- 2.66 **Search Warrants Act 1985**

A large number of search warrants under this Act were also sought and executed by task force police working on Crime Commission Reference.

INTER-AGENCY COOPERATION

Liaison

- 2.67 The Commission is committed to cooperation with law enforcement agencies and other bodies at the State and Federal level in both an advisory and operational capacity. The NSW Police Commissioner and the Chairman of the National Crime Authority (NCA) are members of the Commission's Management Committee. This facilitates close liaison and cooperation between the three agencies.
- 2.68 In 1994/95, the Commission, through both its coercive powers and various formal and informal arrangements, received a great deal of cooperation from numerous Government and semi-Government bodies. In many instances this cooperation included the granting of computer access to relevant available information held by these agencies.
- 2.69 The Commission has entered into Memoranda of Understanding (MOU's) with a number of agencies. These MOU's relate, *inter alia*, to exchange of intelligence and joint operations. The relevant agencies now include the Australian Federal Police (AFP), the Australian Transaction Reports and Analysis Centre (AUSTRAC), the Queensland Criminal Justice Commission (CJC), Victoria Police (Vicpol), the Australian Bureau of Criminal Intelligence (ABCI), the Australian Customs Service (ACS), the Australian Securities Commission (ASC) and the National Crime Authority (NCA).
- 2.70 The Commission has in the past been critical of the slowness of some agencies to forge working relationships which most effectively use the resources of agencies, especially those with overlapping responsibilities. The problems associated with *turfdom* have also been documented by other agencies.
- 2.71 It is pleasing to note that in the federal sphere there have been substantial changes which have potential for a more efficient interjurisdictional response to the problem of organised crime. The NCA continues to operate as a coordinator of national operations involving equal partners drawn from the Commonwealth, the States and the Territories.
- 2.72 The AFP Commissioner has made it a specific corporate priority of the AFP to exploit the opportunities for cooperation with other agencies. This emphasis from the top has realised actual gains in operational activity and results, and has raised the consciousness of all persons operating in the field of organised crime. In his Global Perspective on Crime, Commissioner Palmer made four key statements:
- . Organised crime recognises no national or international barriers;
 - . Successful criminal investigations require a spirit of cooperation and collaboration.
-

- . The game is bigger than the players.
- . The challenge is to cooperate as much as possible - not as much as necessary.

2.73 The Commission applauds these sentiments and looks forward to an even closer relationship with the AFP and other federal agencies.

Role of the ABCI

2.74 Although the Commission is not a party to, or a member of, the ABCI, a close liaison has developed, and a MOU was signed between the two organisations in September 1992. Although the secrecy provisions of the Commission's Act restrict access to the Commission's database, provision was made in 1993/94 to allow the ABCI access to information on the database, subject to the exemption of nominated classes of sensitive information, including that which was obtained using the coercive powers of the Commission. The Commission and the ABCI reached agreement during 1994/95 to use the ABCI as the Commission's repository for its intelligence database. This will give greater access by the ABCI and its clients to Commission data, enhance the opportunities for advanced IT applications on that data and realise savings in cost. It will also advance the cause of cooperation between agencies.

Dissemination

2.75 The Commission frequently provides information to other law enforcement agencies and relevant bodies. During 1994/95 the Commission, with the approval of the Management Committee, disseminated intelligence material to other organisations on 276 occasions. This compares with 126 disseminations in 1993/94. Organisations receiving disseminated material included the AFP, NCA, CJC, ABCI, sections of the NSWPS, other State Police Forces, the NSW Royal Commission into the NSW Police Service and bodies such as the ATO, AUSTRAC, Department of Social Security, the Law Society and ACS.

PROSECUTIONS

2.76 Pursuant to section 31(2)(e) of its Act, the Commission is required to report the extent to which its investigations have resulted in the prosecution of persons for offences. By virtue of section 31(3), the report must not identify persons suspected of having committed offences or persons who have committed offences, unless those persons have been convicted.

2.77 During the year, police task forces assigned to Commission references arrested 309 persons and laid 900 charges. Of the persons arrested, 186 were charged with serious drug offences, as shown in the following table.

These figures can be compared with 147 arrests and 373 charges in 1993/94.

2.78 Charges laid in 1994/95 and previous years of the Commission's operations are at various stages in the prosecution process.

2.79 The table below summarises arrests made and charges laid in connection with Commission/DEA and FEA task force operations in 1994/95*.

REFERENCE	TOTAL ARRESTS	ARRESTS FOR SERIOUS DRUG OFFENCES	CHARGES
Azure II	41	22	116
Bianco II	11	7	27
Gecko	89	51	150
Lismore	2		2
TF4 (North)	56	44	198
Umina	4	1	8
Vacy	30	23	122
Waratah	26	9	60
Yanco	2		66
Zetland	48	29	151
TOTAL	309	186	900

* Numbers of prosecutions are not necessarily indicative of productivity as some lengthy investigations into senior criminal targets may consume large quantities of resources but result in only a small number of (important) arrests.

COURT PROCEEDINGS AND APPLICATIONS

R v A (Identity Withheld)

2.80 In last year's Report the Commission reported on a decision of His Honour Judge Kirkham of the District Court setting aside a subpoena served upon the Commission, in respect of which the Commission claimed public interest immunity. The Commission reported that an appeal to the Court of Criminal Appeal was pending against the decision of Kirkham DCJ.

2.81 The Court of Criminal Appeal heard the appeal on 1 November 1994 and delivered judgement on 5 December 1994, dismissing the appeal. The Court's decision is reported at (1994) 76 A Crim R 81. The Court's judgement deals with issues of public interest immunity, the balancing of the competing public interests in non-disclosure of the identity of informants and fair trials for persons accused of criminal offences, and the Commission's entitlement to claim public interest immunity.

2.82 An application for special leave to appeal to the High Court was lodged by A on 18 August 1995. The High Court refused special leave.

NATURE AND EXTENT OF ORGANISED AND OTHER CRIME

Drug Trafficking

- 2.83 The Commission has previously reported its observations on this subject based on its limited view of the environment through its specific drug trafficking references. As mentioned in previous reports the Commission has expanded its outlook by working in a wider range of drug-related areas and in confiscation work resulting from drug operations throughout the State.
- 2.84 These experiences have led the Commission to address a range of other issues including money laundering (which is now a component of most References), computer crime and generally modern responses to the criminal environment. In the past this response has emphasised the need to apply resources for maximum benefit and in particular to achieve cooperative arrangements which add to the efficiency of the overall response. As reported above there are real signs that gains are being made in this area, though there is a long way to go. The technical response in terms of new technology and new laws has been mixed. In the area of telephone interception and electronic surveillance generally, the Commission has been closely involved in the change process at both the State and Commonwealth levels. The pace of change and the funding arrangements at the Commonwealth level has been less than satisfactory. At the State level there has been a commitment to funding the technology but the necessary legal reforms have been the subject of successive submissions which have not yet reached Cabinet.
- 2.85 Notwithstanding these frustrations the debate about the response is now more informed and more sophisticated. The nature of the organised crime environment is becoming better known, if only as a consequence of the recognition that it had to be defined before it could be attacked. Some of the received wisdom on the subject is being displaced by the product of scientific methodology. Thus we see meaningful data from the Bureau of Crime Statistics as to the extent of crime and authors such as Julie Hando analysing the substance of specific subject matters and identifying causative factors such as social and economic status of participants in specific crimes. Even the previously simplistic debate of prohibition / legalisation of narcotics is now the subject of many thoughtful texts. It is perhaps a criticism of law enforcement agencies (including the Crime Commission) that they have not contributed as much as they could to the debate. Even that is changing. A particular example is the work of the ABCI which is drawing together law enforcement information on the nature of the problem (Australian Drug Intelligence Assessments 1991 - 1994).
-

Corruption and Organised Crime

- 2.86 It has been an axiom of organised crime theorists that the phenomena of organised crime cannot exist without corruption. It has usually been put forward as a proposition founded in logic rather than consistent evidence. Anecdotal material supports the proposition that in Australia all levels of the administration of criminal justice have succumbed to the corrupting influences of organised criminals. These have included Ministers of the Crown, judicial officers, correctional officers, prosecutors and police. The latter group have been brought into sharp focus by a succession of Royal Commissions, most recently the *Fitzgerald* and *Wood* Commissions. The Crime Commission has known the frustrations of corruption through the compromise of its operations or through being confronted with direct evidence. Recently those matters have been referred to the Wood Royal Commission. Many of those matters arose out of this Commission's decision at the beginning of 1994 to change the focus of its strategy under two of its References and to concentrate efforts in the Kings Cross area. This led to lengthy and at times frustrating operations. The outcome of those operations and the continuing success in the area demonstrates that there are limits to the reach of the corruptors. Whether it is as a consequence of the Commission and DEA work in Kings Cross or not, patrol police report an appreciable change in the level of drug trafficking in the area.
- 2.87 The Commission's occasional involvement with corruption investigations has arisen as an incident of its criminal investigations. It has led the uninitiated, and even some of the initiated, to cast this organisation in the role of corruption 'watchdog'. This has never been part of the Commission's charter, and the Commission has deliberately eschewed such a role. This has been done on the basis of the Commission's view that it cannot investigate mainstream organised criminal activity in partnership with the Police Service and at the same time investigate its partner, except as an incident of particular operations.
- 2.88 It is hoped that the Royal Commission will continue to identify the role played by the corrupt in organised crime and, as with the wider debate, provide advice on how to meet the problem and mitigate its effect.
- 2.89 While the Commission does not accept that there is a necessary relationship of dependence between corruption and organised crime, the money generated, particularly by drug trafficking, confers immense power and opportunity upon the recipients. During the course of the year we have seen how this can be used to influence those upon whom citizens depend for public administration. This influence touches institutions throughout the community. Many individuals within those institutions are ill-equipped to resist these influences.
-

- 2.90 In addition to the above areas, the Commission, in its *Albury* investigation, saw these influences of drug money at the racecourse, where there is great potential for corruption. It has continued to observe it as a part of the money laundering process. It affects a number of public and private institutions, including the legal profession. The stripping of assets through the confiscation process is an effective means to disempower those who would corrupt. Notwithstanding the perceived extent of the conduct, the prosecutions for money laundering and corruption remain minute compared with the number of successful confiscation cases. The Commission continues to press for extension of the confiscation legislation and to support changes to the Act under which AUSTRAC operates.
- 2.91 Regulating members of the legal profession as cash dealers under the latter Act would close a significant loophole in the scheme. It is pleasing to note in this regard that the Institute of Chartered Accountants in Australia (ICAA) has done significant work to educate its members on ethical requirements in relation to money laundering. During the year, the Commission participated in the task force established by the ICAA for this purpose.

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS UNIT

Telephone Interception

- 2.92 The Commission was granted 89 warrants during the 1994/95 financial year, an increase of 31 from the previous year. A total of 70 arrests were effected as a result of operations involving interception.
- 2.93 During the year in review, the Commission's new digitised interception system became operational. The new system provides a "user-friendly" interface for officers monitoring interceptions and a sophisticated mechanism for the retrieval and playback of intercepted material. A smaller version of the main system is available to be taken to court for replay purposes. The new system has enabled the Commission to conduct intercepts more efficiently.
- 2.94 The Commission's Chairman has continued to participate as a member of the Law Enforcement Advisory Committee (LEAC) of AUSTEL. LEAC plays a vital role in addressing the needs of law enforcement agencies in a changing telecommunications environment.
- 2.95 During the year the Chairman made submissions to the Commonwealth Senate Select Committee considering proposed amendments to the Telecommunications (Interception) Act. The submission identified a number of specific deficiencies in proposed amendments to the Act. The Committee did not recommend any change to the amendments. They were, at the time of writing, awaiting debate in the Senate.
-

Information Processing

- 2.96 The Commission's internal information processing requirements during the 1994/95 year were met by a combination of industry standard hardware and software.
- 2.97 It was reported in the 1993/94 Annual Report that a review of the Commission's major database "POIROT" was to be conducted. That review was completed in late 1994 when it was decided to merge the Commission's data into the ABCI's "ACID" database. This decision took into account the Commission's view of the importance of the ABCI in the law enforcement community and furthers the Commission's goal of fostering greater inter-agency cooperation. Appropriate access security safeguards have been put in place to maintain operational integrity.
- 2.98 The transfer of the Commission's data to "ACID" was completed in March 1995, at which time the relatively expensive in-house mini-computer was decommissioned. The use of "ACID" has allowed the Commission's intelligence analysts easier and more efficient access to a much larger amount of data than was previously available. It has also provided other law enforcement agencies with greater access to Commission holdings. At the same time this measure has significantly reduced the Commission's operating costs.
- 2.99 At the close of the year, the Commission decided to combine the Information Technology and Telephone Interception Units to form the Information Technology and Telecommunications Unit. This was a reflection of a changed approach occurring in other organisations to meet the growing IT content of telecommunications. In the Commission's case, all TI product is now gathered using IT applications. It is expected that the new unit will provide greater flexibility, support and coverage for technical services within the Commission whilst providing more satisfying work with greater career prospects for staff.
-

CHAPTER THREE

LEGAL CHANGE

- 3.1 For those persons who have read previous reports, this year's chapter on legal change will be depressingly familiar.
- 3.2 The Commission continues to press for legislative change in respect of all of the areas referred to in previous reports. There is now a prospect that the NSW Crime Commission Act will be amended this year. The Drug Trafficking (Civil Proceedings) Act, which has been successful by any measure, will need to be amended by August 1996, or it will cease to operate.
- 3.3 Amendments to the Commonwealth's telephone interception legislation which significantly impacts on the Commission's operations, have been introduced to the Parliament but have not progressed. If enacted they will contain serious deficiencies which the Commission recorded with the Senate Select Committee on 21 March 1995.
- 3.4 Amendments to the Drugs Misuse and Trafficking Act 1985 were proclaimed on 10 July 1995 to bring certain 'precursor' drugs within the ambit of the provisions applying to other narcotics. These precursors are used in the manufacture of amphetamines.

CHAPTER FOUR

CONFISCATION

BACKGROUND

- 4.1 The Confiscation Division (“CD”) was established within the Commission during May of 1990, to administer the Drug Trafficking (Civil Proceedings) Act 1990 (“the DTCP Act”) which was proclaimed on 3 August 1990. The principal objects of the DTCP Act are:
- . to provide for the confiscation, without requiring a conviction, of property of a person, if the Supreme Court finds it to be more probable than not that the person has engaged in drug-related activities;
 - . to enable the proceeds of drug-related activities to be recovered as a debt due to the Crown; and
 - . to enable law enforcement authorities to effectively identify and recover property.
- 4.2 A drug-related activity is defined in the legislation to be, in essence, a serious drug offence under the Drug Misuse and Trafficking Act 1985.
- 4.3 The DTCP Act provides for the Commission to make application to the Supreme Court for:
- . restraining orders preventing dealings with the property of persons reasonably suspected of having engaged in a drug-related activity or of persons whose interests in property are reasonably suspected of being drug-derived property within the meaning of section 9 of the DTCP Act;
 - . asset forfeiture orders for the forfeiture of property subject to a restraining order;
 - . proceeds assessment orders assessing the value of proceeds derived by a person from drug-related activities; and
 - . search warrants, production orders and monitoring orders to allow property, documents and information to be obtained, so that property and the sources of that property can be located and identified.
-

- 4.4 Asset forfeiture orders and proceeds assessment orders can only be obtained where the Commission can establish upon the civil onus of proof, that the person whose suspected drug-related activity was the basis of the restraining order did, in fact, engage in a drug-related activity involving an indictable quantity of a prohibited drug or plant within the six year period prior to the making of the Commission's application. "Indictable quantity" is that quantity of a prohibited drug or plant that is an indictable quantity under the Drug Misuse and Trafficking Act 1985.

STAFF

- 4.5 Review of staffing of the CD is ongoing. At the time of writing, the CD was staffed by six lawyers, seven financial investigators, two analysts, four litigation support officers and one personal assistant (legal).
- 4.6 The Commission has continued to employ legal and accounting staff on a contract basis so as to have experienced staff capable of fulfilling the CD's specialised requirements.
- 4.7 The current Director of the CD was appointed in December 1993. There is also an Assistant Director, Litigation, appointed in April 1994 and an Assistant Director, Investigations, appointed in July 1994.

RESTRAINING ORDERS

- 4.8 During the 1994/95 year, 73 restraining orders were obtained by the Commission under the DTCP Act. Of those, some orders were obtained on the basis that the persons, who, in some instances included corporate entities, were reasonably suspected of having property that was drug-derived from the drug-related activities of another person, and the balance were obtained on the basis that the persons whose properties were restrained, were reasonably suspected of having engaged in a drug-related activity. In all cases in which the Commission obtained restraining orders, the Commission filed a summons seeking either an assets forfeiture order or a proceeds assessment order, or both, within the forty eight hour period provided in section 10(9) of the DTCP Act.
- 4.9 The number of restraining orders obtained under the DTCP Act since 3 August 1990 are 257 made up as follows:

1990-91	1991-92	1992-93	1993-94	1994-95
57	59	24	44	73

- 4.10 Potential targets of confiscation proceedings are now well aware of the impact of the DTCP Act and other proceeds of crime legislation, and are devoting greater effort and resources to the laundering of drug proceeds and the concealment of their assets. Commonly aliases or the names of other persons are used to conceal the identity of the beneficial owner of assets. All law enforcement agencies, including this Commission, are having to work harder to identify and restrain property and to allocate an increasing proportion of resources to pre-litigation investigation work.
- 4.11 The increase in the number of restraining orders obtained in 1994/95 over the previous years reflects, in part, an increased level of awareness on the part of police, increased experience and specialist skills gained over the last five years by the Commission (particularly by the staff in CD) in the confiscation area and the further allocation of resources in CD to investigation work.

ASSET FORFEITURE ORDERS AND PROCEEDS ASSESSMENT ORDERS

- 4.12 A proceeds assessment order is directed at recovering monies which can be shown to have been generated by drug-related activity, whereas an assets forfeiture order attaches to so much of a person's property as cannot be shown to have been lawfully acquired.
- 4.13 During 1994/95 33 applications for assets forfeiture orders were completed by the Commission either by way of hearing or negotiated settlement, resulting in orders that property having an approximate value of \$3,031,000 be forfeited to the Crown. The property forfeited included motor vehicles, a boat, an aircraft, jewellery, real property and funds held in bank accounts. Thirteen applications for an assets forfeiture order were discontinued by the Commission. No order as to costs was made against the Commission in these matters.
- 4.14 During 1994/95, 5 applications for proceeds assessment orders were completed by way of negotiated settlement, resulting in orders that \$344,900 be paid to the Treasurer.
- 4.15 The following tables enable a comparison between the results quoted above and those quoted in the last four annual reports.

Year	Assets Forfeiture Orders	Proceeds Assessment Orders	Total Confiscation Orders
1990/91	4	1	5
1991/92	18	1	19
1992/93	26	10	36
1993/94	16	2	18
1994/95	33	5	38
TOTAL	97	19	116

Year	Assets Forfeiture Orders	Proceeds Assessment Orders	Total Confiscation Orders
1990/91	\$118,515	\$382,250	\$500,765
1991/92	\$650,000	\$500	\$650,500
1992/93	\$2,673,528	\$1,930,000	\$4,603,528
1993/94	\$1,298,000	\$230,000	\$1,528,000
1994/95	\$3,031,000	\$344,900	\$3,375,900
TOTAL	\$7,771,043	\$2,887,650	\$10,658,693

4.16 The majority of confiscation orders made to date have been made as a result of negotiated settlement.

4.17 The DTCP Act has been in force for five years and it is accordingly useful to compare the results to date with the cost to government of CD.

4.18 The following table makes the comparison.

Year	Confiscation Orders	Cost of CD
1990/91	\$501,765	\$1,630,000
1991/92	\$650,500	\$2,320,000
1992/93	\$4,603,528	\$2,694,000
1993/94	\$1,528,000	\$2,081,000
1994/95	\$3,376,639	\$1,641,404
TOTAL	\$10,660,432	\$10,366,404

4.19 The cost of CD includes all capital costs and employee-related expenses, but does not include general overheads borne by the Commission prior to the introduction to the Division, such as IT, Finance and Administration, Human Resource Management, Registry and Executive.

4.20 The confiscation orders have not all been realised. A total of \$1,863,250, being \$383,250 in the 1990/91 year and \$1,480,000 in the 1992/93 year is unlikely to be recovered.

4.21 There was an 18.58% decrease in the cost of CD in 1994/95 over 1993/94 which followed a 22.75% decrease in the cost of CD in 1993/94 over the previous year. The decrease in cost reflects greater productivity and increased experience and specialist skills of CD staff. The budget for CD for 1995/96 is \$1,720,000 with the monetary value of confiscation orders projected to be not less than \$3,000,000. The costs of CD would be further reduced if amendments to the DTCP Act proposed by the Commission were enacted.

4.22 The CD has been revenue positive since July 1994 and expects to remain revenue positive.

PRODUCTION ORDERS

- 4.23 Section 33(1) of the DTCP Act provides that an authorised officer, if he has reasonable grounds for suspecting that a person has possession or control of property-tracking documents, may apply, *ex parte*, to the Supreme Court for an order against that person requiring that person to produce to the Commission, such documents as are in that person's possession or control, or, in the case of bankers' books, to produce all relevant documents for inspection by the Commission.
- 4.24 Production orders are the means by which the majority of documents relevant to proceedings commenced by the Commission are obtained, unless the person against whom proceedings have been commenced also falls within the terms of a Commission reference. In the latter case, notices under sections 10 and 17 of the New South Wales Crime Commission Act 1985 are issued requiring the production of documents and things to the Commission. During 1994/95 the Commission applied for and obtained 160 production orders. The Commission also issued 613 notices pursuant to section 10 and 17 of the Commission's Act in respect of investigations under references which were the subject of confiscation action.

SEARCH WARRANTS

- 4.25 A full-time member of the Commission or a member of the New South Wales Police Service (NSWPS) may apply, in certain circumstances, to an authorised justice for the issue of a warrant pursuant to section 38 of the DTCP Act, to search premises for drug-derived property; illegally acquired property; evidence of a drug-related activity; evidence of illegal activity of a person reasonably suspected of having been engaged in drug-related activities; and property which is subject to a restraining order. In 1994/95 two search warrants were applied for pursuant to these provisions.
- 4.26 Pursuant to sections 44 and 45 of the DTCP Act a full-time member of the Commission or a member of the NSWPS may apply to the Supreme Court for a warrant authorising the search of premises for property tracking documents.
- 4.27 During the 1994/95 year, the Commission applied for the issue of eight warrants under these provisions. The extensive use by the Commission of Production Orders and of Notices pursuant to sections 10 and 17 of the Commission's Act has reduced the necessity for the Commission to obtain search warrants under sections 38, 44 and 45 of the DTCP Act.

MONITORING ORDERS

- 4.28 Section 48 of the DTCP Act provides that an authorised officer may make an *ex parte* application to the Supreme Court for a monitoring order. Such orders direct financial institutions to give to the Commission financial
-

information obtained by the institution about transactions conducted by a particular person with the institution.

- 4.29 The Commission successfully applied for 6 monitoring orders during the 1994/95 year. The fact that few monitoring orders were sought by the Commission is due, in part, to the fact that the Commission made extensive use of section 51 of the DTCP Act which enables financial institutions to provide information to the Commission upon request.

LITIGATION CONDUCTED BY THE COMMISSION

- 4.30 Only two areas concerning the operation of the DTCP Act were subject to consideration in judgments by the New South Wales Supreme Court during 1994/95. A brief outline of the relevant judgments and the issues involved follows.

NSW Crime Commission v Chapman (NSW Supreme Court, Hulme J 080695, unreported)

- 4.31 On an application for a restraining order His Honour Mr Justice Hulme held that an application for a restraining order under section 10 of the DTCP Act constitutes the institution of proceedings in the Supreme Court, and pursuant to the Supreme Court Rules, the application must be made by either statement of claim or by summons. In His Honour's view commencement by summons is appropriate.

NSW Crime Commission v Ellard (NSW Supreme Court, Allen J 150695 unreported)

- 4.32 On an application for summary judgment by the Commission on an assets forfeiture application the defendant's urged that the Commission's application for summary judgment should be stood over to enable the defendants to place material before the Court under section 25 or section 26 of the DTCP Act in the hope that relief granted under those sections would have the practical effect of avoiding any forfeiture of either the family home or of a motor cycle which were the subject of the assets forfeiture application. His Honour Mr Justice Allen held that the defendants' application was misconceived. Section 25 can be invoked before a forfeiture order has been made, but he held that section 26 cannot.

- 4.33 Counsel for the defendants was unable to state, on his then instructions, specifically what relief would be sought but it may well have extended to relief under section 26. Relief under that section, however, cannot be granted unless the forfeiture order has been made. His Honour further held that in any event the procedures laid down by the DTCP Act gave ample means to the defendants to put matters before the Court which would preserve for them their home and their motor vehicle.

- 4.34 There was only one matter that concerned His Honour. If a forfeiture order is made it has the effect that the property is forfeited to the Crown and vests in the Public Trustee on behalf of the Crown (section 23). Dictates of humanity, in this case, pointed to it being appropriate that the defendants have the continued use of the property until it was ascertained by applications duly made under section 25 and section 26, or either of them, that the relevant property is finally lost to them pursuant to the Act. The Public Trustee is empowered to take possession of forfeited property (section 23(1)(b)). It is not under a statutory duty to do so. That enables the Court to mould the relief granted in a way which does justice.
- 4.35 An undertaking was offered to the Court by the Public Trustee that, if the forfeiture orders were made, it would not take possession of the property the subject of the forfeiture order for the period of six months or such shorter period as the Court considered appropriate.
- 4.36 His Honour considered that that undertaking satisfactorily met the circumstances of the case and he gave judgment as sought in the application for summary judgment.

LIAISON WITH DPP

- 4.37 The Offices of the State and Commonwealth Directors of Public Prosecutions each have a statutory role to play in the area of forfeiture of criminal assets through the Confiscation of Proceeds of Crime Act 1989 (NSW), the Customs Act 1901 (Cth) and the Proceeds of Crime Act 1987 (Cth).
- 4.38 The Confiscation Division has continued its close links with both agencies and regularly liaises with them in respect of operational and policy matters.

THE COPOC ACT

- 4.39 On 22 March 1993, a regulation pursuant to the COPOC Act was gazetted which empowered the Commission to take proceedings for restraint and forfeiture of tainted property in indictable drug matters under the Drug Misuse and Trafficking Act 1985. This regulation was made in order to overcome the overlap in functions between the NSW DPP and the Commission in respect of the forfeiture of the property of persons involved in drug crime.
- 4.40 Each matter referred to the Commission for assessment of confiscation action under the DTCP Act is also assessed for confiscation action under the COPOC Act.
- 4.41 During 1994/95 no restraining orders were obtained under the COPOC Act. On 4 July 1994 a matter which commenced under the COPOC Act in the 1993/94 year was concluded when consent orders were made in the Supreme Court whereby the person whose property was restrained agreed to forfeit to the Crown the sum of \$33,373.18 on terms.
-

LIAISON WITH THE AUSTRALIAN TAXATION OFFICE

- 4.42 Previous annual reports have recorded the dispute between the Australian Taxation Office (ATO) and the Commission over the competing interests of the Commonwealth tax revenue and the confiscation of profits of crime.
- 4.43 During the year, progress has been made in that the Commission and the ATO are to agree on the terms of a Memorandum of Understanding which will set guidelines for dealing in matters of conflict. Since February 1995 a taxation liaison officer has been appointed by the ATO to the Commission and that person has been designated a member of the staff of the Commission.

LIAISON WITH FINANCIAL INSTITUTIONS

- 4.44 As a result of the large numbers of production orders obtained under the DTCP Act and notices issued under section 17 of the Commission's Act, the Division has established close liaison with the State's major banks and building societies.
- 4.45 Section 51 of the DTCP Act provides:-
- “(1) If a financial institution has reasonable grounds for believing that information it has about a transaction with the institution:
- (a) might be relevant to an investigation of a drug-related activity or the making of a confiscation order; or
- (b) might otherwise be of assistance in the enforcement of this Act or the regulations,
- the institution may give the information to the Commission”.
- 4.46 The CD has obtained information on a number of occasions pursuant to section 51.
- 4.47 The assistance provided by both banking and other financial institutions has been essential to the CD's operations.

INTERNATIONAL AND INTERSTATE INQUIRIES

- 4.48 In an increasing number of matters investigated by the CD, there has been evidence to suggest the removal of funds offshore and the acquisition of property in foreign jurisdictions. In such cases the CD has made requests through the Commonwealth Attorney-General's Department for documents relevant to the Commission's investigations to be obtained from foreign jurisdictions. The Commission's experience of such inquiries is that often little is achieved and long delays are involved.
-

- 4.49 Initially, the Commission was hampered by the fact that the DTCP Act was not declared a “corresponding law” under the Proceeds of Crime Act 1987 (Cth) until 13 July 1993. Because the DTCP Act was not a “corresponding law”, orders under the Act did not fall within the terms of the Mutual Assistance in Criminal Matters Act 1987 (the Commonwealth statute whereby requests for enforcement of Australian proceeds of crime orders are made in foreign jurisdictions). The DTCP Act was ultimately declared a “corresponding law” by the Commonwealth, as a result of a request by the NSW Attorney-General instigated by the Commission.
- 4.50 The Commission’s continuing experience of the difficulties associated with detecting assets of offenders which are located in Australia suggests that law enforcement agencies generally will need to concentrate more of their efforts on the tracing of assets into foreign jurisdictions and improving their ability to do so.
- 4.51 The first global conference on Mutual Legal Assistance was held in Oxford, United Kingdom between 5 and 10 September 1994. The conference was attended by representatives from over 70 countries. The Director of CD attended the conference.
- 4.52 The United States/Pacific Rim Asset Forfeiture Seminar was held in Hong Kong between 20 and 22 March 1995. The conference was attended by representatives from 10 countries. The Director of CD attended the conference and delivered a paper.
- 4.53 During 1995/96 the CD will be undertaking some international enquiries which the Commission believes will lead to confiscation.

LIAISON WITH SUPREME COURT AND DISTRICT COURT REGISTRIES

- 4.54 The work generated by the CD continued to place further demands upon the resources of the Supreme Court and in particular upon the Criminal Registry and Common Law listing staff. The assistance provided by those staff has facilitated the operations of the Commission, as has the assistance given by the District Court Criminal Registry, which provides access to files and certificates of conviction.

LIAISON WITH THE DRUG ENFORCEMENT AGENCY AND OTHER POLICE

- 4.55 The contribution of the DEA Task Forces, the Regional Drug Units and a number of other police to the litigation commenced by the Commission has been substantial. The CD has access to the NSWPS on-line charging system which delivers information to a computer terminal in the Commission which provides early notice of arrests of persons in connection with relevant drug-related activities.
- 4.56 During 1994/95 a total of 832 matters were referred to the CD for assessment of confiscation action under the DTCP Act and/or COPOC Act.
-

- 4.57 The following table sets out the number of matters referred to the CD since 3 August 1990:-

1990/91	1991/92	1992/93	1993/94	1994/95
346	637	828	898	832

- 4.58 The small number of restraining orders obtained (relative to the large number of matters referred to the CD) is due partly to the fact that police arrest large numbers of persons who make a living out of dealing in illicit drugs or plants without acquiring substantial wealth, and partly to the fact that these persons also take steps to conceal their assets.

- 4.59 A number of seminars were conducted in 1994/95 to further educate police as to the role of the CD and the operation of the DTCP Act. The CD continued the system it introduced in 1992, of reporting to the NSWPS Standing Committee on Drugs. The reports submitted included details of matters referred to the CD for its consideration, matters in which proceedings had been commenced, matters in which the Commission has decided not to institute proceedings and the results of concluded matters. Assistance was also provided to police in a number of instances by way of the dissemination of financial reports or information concerning persons allegedly involved in drug-trafficking.

LIAISON WITH THE PUBLIC TRUSTEE

- 4.60 The Public Trustee has two significant roles under the DTCP Act. The first is the management of property placed in its control pursuant to orders obtained under sections 10 and 12, while the second is the realisation of property subject to forfeiture or proceeds assessment orders under the DTCP Act. Close liaison with the Solicitor for the Public Trustee has been established to ensure that, in those matters where property has been placed in the Trustee's control, the Solicitor is kept informed of developments in the proceedings and that property forfeited is promptly recovered.

THE CONFISCATED DRUG PROCEEDS ACCOUNT

- 4.61 Monies realised from the sale of properties forfeited under the DTCP Act and monies received by the Treasurer pursuant to proceeds assessment orders are credited to an account administered by the Treasurer called the Confiscated Drug Proceeds Account.
- 4.62 To date the monies paid into the Account have largely been paid to the Treasury to recoup the costs of administering the DTCP Act.
-

REVIEW OF THE DTCP ACT

- 4.63 As reported in previous annual reports, during 1992/93 the Commission conducted a review of the operation of the DTCP Act and provided to the Ministry for Police an Issues Paper reflecting that review. In the Issues Paper the Commission raised for consideration amendments concerning a number of aspects of the DTCP Act.
- 4.64 The Issues Paper remains under consideration.
- 4.65 The DTCP Act contains a 'sunset' provision which has the effect that the Act will cease to operate on 3 August 1996.

TRAINING

- 4.66 There is a continuing need for law enforcement to improve its ability to identify, locate and recover laundered proceeds of crime and assets in both local and foreign jurisdictions. The Commission has gained significant experience and skills in those areas over the last four years of operation of the DTCP Act. Those skills need to be acquired by the wider law enforcement community. Seminars conducted by the Commission and other agencies are having their impact but more needs to be done to inform officers working at the coalface.

RESOURCES

- 4.67 The confiscation process is complex and requires considerable legal and investigative resources. There is a need to simplify procedures and to reform a number of the provisions in the DTCP Act in order to make the forfeiture process more efficient.

CHAPTER FIVE

ADMINISTRATION

INTRODUCTION

- 5.1 There were few significant administrative changes in the Commission during 1994/95. Mr P Bradley is the Chairman, a full-time Member of the Commission and the Chief Executive Officer. Mr C Brieze became a part-time Member in October, having until that time been a full-time Member.
- 5.2 The Chairman of the Management Committee changed in early April 1995, with the new Minister for Police, Mr P Whelan, replacing the outgoing Minister for Police and Emergency Services, Mr G West.
- 5.3 All functions of the Commission are performed within two Divisions, the Investigation Division and the Confiscation Division. A current organisation chart is shown at Appendix D.

STRUCTURE

Management Team

- 5.4 The Commission Members and the Directors of each of the two Divisions constitute the Management Team.
- 5.5 The Management Team is responsible for the Commission's strategic plan and for the achievement of its aims and objectives.

Administrative Office

- 5.6 The address, telephone, facsimile and DX numbers, and the business hours of the Commission's head office are shown in Appendix A.

Organisation

- 5.7 The Investigation Division provides services which support the investigative work of Police task forces. The purpose of this work is to assemble admissible evidence of serious criminal offences and to furnish that evidence in briefs of evidence, to the Director of Public Prosecutions. These services comprise a Legal Unit, a Telecommunications Interception Unit (In late June 1995 this Unit amalgamated with the Information Technology Unit to become the Information Technology and Telecommunications Unit (ITTU), an Analytical Unit, an Operations Support Unit, a Finance Unit and an Administrative Support Unit (comprising Personnel, Executive Support and Keyboard Services functions).

- 5.8 The Confiscation Division is sub-divided into teams, each comprising lawyer(s), financial investigator(s) and support staff. The purpose of the Division is to identify the assets of those engaged in serious drug offences and/or in receipt of the proceeds of those offences, and to commence and conduct proceedings in the Supreme Court under the DTCP Act for the restraint and confiscation of those assets and proceeds.

HUMAN RESOURCES

Staff Establishment

- 5.9 In 1994/95 the establishment comprised positions under the Public Sector Management Act, and staff employed on a contract basis pursuant to the NSW Crime Commission Act.
- 5.10 At the end of the reporting year, the number of staff employed by the Commission was 74 (69.6 equivalent full-time). The categories of staff comprising the establishment are tabulated below. A comparison with the staffing levels of the previous four years is included.

	1994/95	1993/94	1992/93	1991/92	1990/91
Chief & Senior Executive Service	3	4	4	5	4
Public Service Staff	35	46	59	62	68
Police					25
Contracted Employees	36	23	26	24	9
TOTAL	74*	73	89	91	106

*69.6 Equivalent Full-Time

SES Positions

- 5.11 The composition of SES level positions held by Commission staff during 1994/95 and the previous three years is set out in the following table.

Level	CES / SES End 1994/95	CES / SES End 1993/94	CES / SES End 1992/93	CES / SES End 1991/92	CES / SES End 1990/91
5	1	1	1	1	1
4	0	1	1	2	2
2	2	2	2	1	0
1	0	0	0	1	2
TOTAL	3	4	4	5	5

- 5.12 The Commission Members are not strictly SES officers. The Chairman is remunerated at SES levels in accordance with the Statutory and Other Offices Remuneration Act 1985.
-

Officers at or above Level 5

- 5.13 The Chairman, who is the Chief Executive, holds a position equivalent to Level 5 of the Chief Executive Service. A statement by the Minister of his performance is at Appendix I.

Female Executive Officers

- 5.14 There was one female executive officer employed by the Commission during the reporting period, in the position of Director, Investigation Division.

Staffing Changes

- 5.15 Staffing numbers declined slightly during the year.

Personnel Policies and Practices

Performance Management

- 5.16 The Commission continues to develop a performance management system, and regularly reports progress to the Premier's Department. A number of contract staff are part of that system, the balance of the Commission's staff are not due, to there being no enterprise agreement.

Training

- 5.17 During the reporting year members of staff participated in and contributed to training courses and conferences conducted by other agencies, and in-house courses designed for the needs of Commission staff. A total of 109 days was spent in training.

Equal Employment Opportunity

- 5.18 The Commission's Equal Employment Opportunity (EEO) Annual Report was completed and submitted to the Director of Equal Opportunity in Public Employment. The Commission has also reviewed its EEO Management Plan.
- 5.19 The results of EEO initiatives have been pleasing. In the reporting period, 15 new members of staff were recruited. Of these, 12 were women (80%) and 5 were people of non-English speaking backgrounds (NESB) (33%).
- 5.20 Both NESB and Women as a proportion of all staff increased substantially in 1994/95 to 36.5% and 66.2% of all staff respectively.
- 5.21 The following tables contain EEO statistics for 1994/95, 1993/94, 1992/93 and 1991/92.
-

Table 1: Representation and Recruitment of Target Groups (Aboriginals, People with Physical Disability (PWPd), People of non-English Speaking Backgrounds (NESB), and Women)

1994/95	Total Staff	Aboriginals	PWPd	NESB	Women
Total Employees	74	0	0	27 (36.5%)	49 (66.2%)
Recruited 1994/95	15	0	0	5 (33.3%)	12 (80.0%)

1993/94	Total Staff	Aboriginals	PWPd	NESB	Women
Total Employees	73	0	*	16 (21.9%)	44 (60.3%)
Recruited 1993/94	15	0	*	2 (13.3%)	9 (60%)

* In the past the Commission has not asked staff to identify themselves as having a physical disability, because of the size of the organisation and resultant privacy implications. During the reporting year, all staff were asked to complete EEO questions and no staff identified themselves as having a physical disability.

1992/93	Total Staff	Aboriginals	PWPd	NESB	Women
Total Employees	82	0	*	15 (17.9%)	49 (59.3%)
Recruited 1992/93	12	0	*	4 (33.3%)	8 (66.7%)

1991/92	Total Staff	Aboriginals	PWPd	NESB	Women
Total Employees	97	0	*	24 (24.2%)	44 (44.4%)
Recruited 1991/92	38	0	*	12 (31.6%)	18 (47.4%)

Table 2: Representation of EEO Target Groups by Level 1994/95

Grade	Total Staff	Women	NESB
Above Grade 12	13	3 (23.1%)	2 (15.4%)
Grades 10 - 12	5	3 (60.0%)	1 (20.0%)
Grades 6 - 9	15	9 (60.0%)	7 (46.7%)
Grades 3 - 5	18	13 (72.2%)	8 (44.4%)
Grades 1 - 2	16	16 (100.0%)	6 (37.5%)
CO 1 - Grade 1	7	5 (71.4%)	3 (42.9%)
Below CO 1	0	0	0
TOTAL	74	49 (66.2%)	27 (36.5%)

Table 3: Representation of EEO Target Groups by Level 1993/94

Grade	Total Staff	Women	NESB
Above Grade 12	12	4 (33.3%)	2 (16.7%)
Grades 10 - 12	5	3 (60.0%)	2 (40.0%)
Grades 6 - 9	17	9 (52.9%)	5 (29.4%)
Grades 3 - 5	17	11 (64.7%)	3 (17.7%)
Grades 1 - 2	16	13 (81.3%)	3 (18.8%)
CO 1 - Grade 1	6	4 (66.7%)	1 (16.7%)
Below CO 1	0	0	0
TOTAL	73	44 (60.3%)	16 (21.9%)

Table 4: Representation of EEO Target Groups by Level 1992/93

Grade	Total Staff	Women	NESB
Above Grade 12	15	5 (33.3%)	6 (40.0%)
Grades 10 - 12	11	3 (27.3%)	1 (9.0%)
Grades 6 - 9	9	5 (55.5%)	2 (18.2%)
Grades 3 - 5	20	15 (75.0%)	3 (15.0%)
Grades 1 - 2	18	14 (87.0%)	2 (11.1%)
CO 1 - Grade 1	11	7 (63.6%)	1 (9.0%)
Below CO 1	0	0	0
TOTAL	84	49 (58.3%)	15 (17.9%)

Table 5: Representation of EEO Target Groups by Level 1991/92

Grade	Total Staff	Women	NESB
Above Grade 12	18	4 (22.2%)	7 (38.9%)
Grades 10 - 12	11	2 (18.2%)	0
Grades 6 - 9	13	6 (46.2%)	6 (46.2%)
Grades 3 - 5	25	10 (40.0%)	6 (24.0%)
Grades 1 - 2	20	14 (70.0%)	4 (20.0%)
CO 1 - Grade 1	12	8 (66.7%)	1 (8.3%)
Below CO 1	0	0	0
TOTAL	99	44 (44.4%)	24 (24.2%)

Table 6: Representation of Women by Level as a Total of Staff who are Women 1994/95

Grade	Women
Above Grade 12	3 (6.1%)
Grades 10 - 12	3 (6.1%)
Grades 6 - 9	9 (18.4%)
Grades 3 - 5	13 (26.5%)
Grades 1 - 2	16 (32.7%)
CO 1 - Grade 1	5 (10.2%)
Below CO 1	0
TOTAL	49

Table 7: Representation of NESB by Level as a Total of Staff who are NESB 1994/95

Grade	NESB
Above Grade 12	2 (7.4%)
Grades 10 - 12	1 (3.7%)
Grades 6 - 9	7 (25.9%)
Grades 3 - 5	8 (29.6%)
Grades 1 - 2	6 (22.2%)
CO 1 - Grade 1	3 (11.1%)
Below CO 1	0
TOTAL	27

SES

- 5.22 Of the two SES staff (who are not Commission members) employed at the Commission, one is a woman and the other is from a non-English speaking background.

Staff Handbook

- 5.23 The staff handbook has now been settled and all staff have access to it, either electronically or in hard copy.

Enterprise Agreement

- 5.24 Since last reporting, neither of the relevant unions, being the Public Service Association (PSA) and the Professional Officers' Association (POA) made themselves available for discussions with the Commission. There has been no progress with enterprise bargaining.
-

Overseas Visits

- 5.25 Two overseas visits were made during the reporting year by the Director, Confiscation Division. The first, to the UK and Hong Kong, was made in September 1994, to attend the Oxford Conference on Mutual Legal Assistance and to visit similar agencies in the UK and Hong Kong to gather information on methodologies and systems used operationally in confiscation work, fraud and money laundering. The total cost incurred in this visit was \$7,660.
- 5.26 The second visit, also to Hong Kong, was made in March 1995, to attend the United States / Pacific Rim Asset Forfeiture Conference. The total cost incurred in this visit was \$2,414.

MANAGEMENT SYSTEMS / MANAGEMENT IMPROVEMENT

Performance Assessment

- 5.27 During 1994/95 the Commission continued to monitor its operational activities and administrative support functions with a view to being as efficient and effective as possible.
- 5.28 The Commission holds weekly operations meetings to assess the performance of teams for each Reference. Written reports are provided for those meetings and minutes are kept. In addition, status reports for each Reference and/or major operation are provided to the Management Committee at its meetings (usually held every five to six weeks).
- 5.29 The Commission produces monthly financial performance reports. The Accountant also provides quarterly reports on expenditure on specific items.
- 5.30 During the year the Commission has updated its Guarantee of Service which details the services and standards of service offered to the Commission's clients. In addition, in October 1994 the Commission surveyed its clients on their level of satisfaction with the services provided by the Commission. The response indicated that there is a high level of satisfaction by Commission clients.

COMMITTEES

Computer Users Group

- 5.31 This committee was functional for the first half of the year. Its membership included the Chairman; Director, Confiscation Division, Senior Administrator and Administrator, IT Unit, and senior officers drawn from each user group.
-

5.32 The committee was established to provide user input to, and feedback on, the application of computer resources to the various operational and administrative areas. It also provided a customer based focus for measuring ITU performance. The committee met each month.

5.33 It was decided to disband this committee, and meet only when major issues arose. To date no such issue has arisen. An Email-based service system has been introduced for users to record system problems. This is monitored by a Director.

Information Technology and Telecommunications Unit Briefings

5.34 This committee was formed to discuss issues arising in the work of the ITTU and to monitor TI warrants. The membership includes the Chairman, Director, Confiscation Division; the Director, Investigation Division and the Manager, ITTU. Minutes are kept of each weekly meeting.

Operations Support Briefings

5.35 This committee was formed to discuss issues arising in the work of the Manager, Operations Support. The membership includes the Chairman, Director, Investigation Division and the Manager, Operations Support. Minutes are kept of each weekly meeting.

CONSULTANTS

5.36 The Commission engages external consultants when specialist knowledge or skills are not available in-house and/or particular services are required over a defined period of time. During this financial year, a total amount of \$40,686.25 was paid to 2 consultants engaged by the Commission. The categories in which the consultants were engaged and payments made in respect of these categories are set out in the following table. No consultant was paid more than \$30,000 for an individual project, though Trak Technology, who performed all the computer-related consultancies (2 in total) received \$37,920.

Consultancy Description	Amount Paid
Computer-related	\$37,920.00
Accounting support	2,766.25
TOTAL	\$40,686.25

5.37 In addition an amount of \$112,366.50 was paid to 7 counsel retained by the Commission for the purpose of legal proceedings. The majority of this amount was paid to Mr I Temby QC for the hearings in the *Albury* reference.

RESEARCH AND DEVELOPMENT

- 5.38 No research and development work (as defined by Australian Accounting Standard AA513) was carried out by the Commission during the year.

DISABILITY PLAN

- 5.29 The Commission has submitted its 1995/98 Disability Plan to the Directorate on Disability.
- 5.30 The Commission has met all its objectives contained in the Plan during the year.

SERVICES TO THE PUBLIC

Services and Complaints

- 5.31 By reason of its statutory aims, objectives, functions and operational activities, the Commission does not provide services direct to the public, although it does operate a "008" telephone system to allow members of the public to provide information. Matters investigated by the Commission are referred by its Management Committee rather than resulting from input from the public.
- 5.32 As a consequence the Commission does not usually receive complaints or consumer suggestions. It is not possible therefore, for the Commission to report on services improved or changed as a result of such complaints or suggestions as required by the Annual Reports legislation. For the same reasons, the Commission has not developed 'standard times' for providing services with the exception of payment of accounts.

Publications

- 5.33 The only Commission publications available to the public are:
- . Annual Reports 1985/86 to 1994/95 inclusive; and
 - . Freedom of Information Statements of Affairs and Summaries of Affairs (current copies are available from the Manager, Operations Support, at the address shown in Appendix G).

The Annual Report

- 5.34 Five hundred copies of the 1994/95 annual report were printed at a cost of \$3,300, or \$6.60 per copy. This can be compared with a total cost of \$3,400 of \$5.67 per copy for 600 1993/94 annual reports. A copy of the report is available on disk and will be provided to Parliament in that form.
-

ETHNIC AFFAIRS CHARTER OF PRINCIPLES

- 5.35 The Commission submitted its Charter of Principles Implementation Report for the year to the Ethnic Affairs Commission, in which it was reported that the Commission has been able to meet all its commitments as outlined in the Commission's Statement of Intent.

FINANCE

Financial Statements and Position

- 5.36 Audited financial statements can be found in Appendix E of this report.

Account Payment Performance

- 5.37 The total value of accounts paid during 1994/95 was \$6,935,415.76. Of this amount 94.84% was paid on time (92.63 in 1993/94). There were no instances where the commission was forced to pay penalty interest for late payment during 1994/95.
- 5.38 As at 30 June 1994, \$43,000 was outstanding in accounts payable to creditors. All of this amount was current.

	Qtr Ended 30 Sep 94	Qtr Ended 31 Dec 94	Qtr Ended 31 Mar 95	Qtr Ended 30 Jun 95
Value of Accounts Paid	2,164,816	1,446,476	1,503,281	1,820,843
Value of Accounts Paid on Time	2,089,803	1,374,709	1,385,148	1,729,472
% of Accounts Paid on Time	96.48	95.03	92.14	94.98
Value of Accounts Payable	136,437	195,866	24,474	42,818

Value of Long Service Leave and Recreation Leave

- 5.39 The value of accrued recreation leave, including applicable leave loadings, and extended leave at 30 June 1995 was \$285,576.96 and \$381,435.00 respectively. Both of these amounts were calculated in accordance with AAS30 "Accounting for Employee Leave Entitlements" with the nominal method used for extended leave.
-

Major Assets Purchased in 1994/95

5.40 Assets acquired by the Commission during 1994/95 were:

.	General computer equipment	\$92,978.00
.	Carpeting of 3 floors of building	136,738.00
.	3 photocopiers	40,885.00
.	2 replacement motor vehicles	39,007.00

Real Estate

5.41 In the 1993/94 period the Commission acquired its main capital asset, being its premises at 453 Kent Street, Sydney for \$5.7 million. The Commission has received an informed estimate of current resale value in the range of \$6.8 million to \$9.5 million. The value range depends upon whether a sale is with vacant possession or a leaseback.

Risk Management and Insurance

5.42 The Commission insures against a range of risks, including worker's compensation, motor vehicles, property damage and public liability through the New South Wales Treasury Managed Funds. In 1994/95 the Commission made 8 claims (6 in 1993/94). Of these claims, 4 related to workers compensation (3 in 1993/94) and 4 related to motor vehicles (3 in 1993/94).

Grants to Community Organisations

5.43 In accordance with its statutory charter, the Commission did not provide any grants to community organisations in 1993/94.

INTERNAL AUDIT

5.44 In 1994/95 the Commission engaged the services of the Auditor-General's Office to perform an internal audit. The areas covered included purchases/disbursements, payroll (including SES) and write-off of matters under review by the Confiscation Division.

5.45 At the time of writing, final reports have not been produced, although informal discussions indicate that the results were satisfactory.

5.46 The Commission has also embraced the Statement of Best Practise for Internal Control and Internal Audit, and is in the process of implementation. A signed Statement of Responsibility will be included in the 1995/96 Annual Report.

- 5.47 An operational officer has joined the internal audit team and will conduct a number of audit projects during the coming year.

FREEDOM OF INFORMATION

- 5.48 The Commission received no requests under the Freedom of Information Act during the year. The Commission's Statement of Affairs appears at Appendix G.

CONTRACTING AND MARKET TESTING

- 5.49 The Commission identified possible areas in which it could conduct market testing, and tested the market during the year. The Commission formed the view that the functions market-tested could be more efficiently and cost-effectively performed by Commission staff.

**NEW SOUTH WALES CRIME COMMISSION
PARTICULARS**

ADDRESS: 453 - 463 Kent Street
Sydney NSW 2000

POSTAL: PO Box A216
Sydney South NSW 2000

DX: DX 13018 Market Street Sydney

TELEPHONE: (02) 269 3888
(008) 02 3143

FACSIMILE: (02) 269 3809

BUSINESS HOURS: Reception: 7:30am to 6:30pm, Monday to Friday
All Operations: 8:30am to 5:30pm, Monday to Friday

NEW SOUTH WALES CRIME COMMISSION PROGRAM OBJECTIVES AND DESCRIPTION

Program Objective:	To combat illegal drug trafficking and organised and other crime in New South Wales.
Program Description:	<p>The targeting of high-level drug traffickers and persons involved in organised crime.</p> <p>The obtaining of evidence for the prosecution of those persons and/or the confiscation of their assets.</p> <p>The furnishing of reports relating to illegal drug trafficking and organised crime.</p> <p>The dissemination of information and intelligence; and investigatory, technological and analytical expertise.</p>

**NEW SOUTH WALES CRIME COMMISSION
SENIOR STAFF DURING 1994/95**

Director, Investigation Division

Deborah Sweeney, BA LLB (July 1993)

Director, Confiscation Division

John Giorgiutti (June 1990)

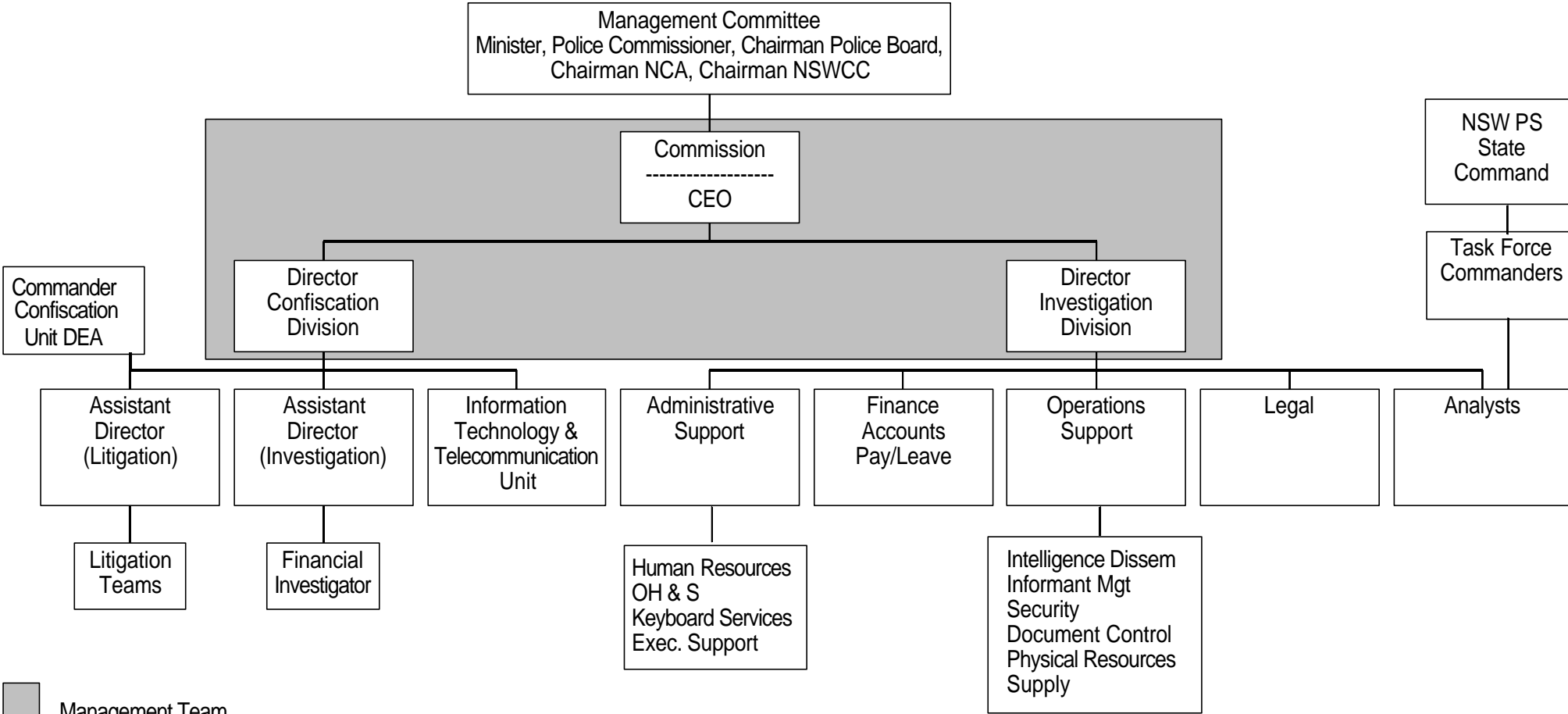
Assistant Director (Litigation), Confiscation Division

Robyn Gray, BA LLB (Hons) (June 1991)

Assistant Director (Investigations), Confiscation Division

Michael Lulan ACA (June 1986)

NEW SOUTH WALES CRIME COMMISSION



**NEW SOUTH WALES
CRIME COMMISSION**

**FINANCIAL STATEMENTS
FOR YEAR ENDED 30 JUNE 1995**

New South Wales Crime Commission

**Financial Statements for the
Year Ended 30 June 1995**

STATEMENT BY CHAIRMAN

Pursuant to section 45F of the Public Finance and Audit Act 1983, I state that:

- (a) the accompanying financial statements have been prepared in accordance with the provisions of the Public Finance and Audit Act 1983, the Financial Reporting Code under Accrual Accounting for Inner Budget Sector Entities, the concept, and applicable clauses of the Public Finance and Audit (Departments) Regulation 1986, the Treasurer's Directions, the Statement of Accounting Concepts and applicable Australian Accounting Standards;
- (b) the statements present a true and fair view of the financial positions and transactions of the Commission; and
- (c) there are no circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.

P A Bradley
Chairman

L Giles
Accountant

Dated: 27 September 1995

NEW SOUTH WALES CRIME COMMISSION
Operating Statement
For the Year Ended 30 June 1995

	Notes	Actual 1995 \$'000	Budget 1995 \$'000	Actual 1994 \$'000
Expenses				
Operating Expenses				
Employee Related	2 & 5	4,039	4,994	4,503
Other Operating Expenses	6	1,555	3,206	1,987
Maintenance	7	98	70	59
Depreciation	2 & 8	753	732	572
Other Services		0	17	0
Total Expenses		6,445	9,019	7,121
Revenues				
User Charges	3 & 9	0	310	237
Other	10	279	0	212
Interest	11	129	20	24
Total Revenues		408	330	473
Net gain/(loss) on sale of property, plant and equipment	13	(2)	0	(505)
NET COST OF SERVICES	4	6,039	8,689	7,153
Government Contributions				
Consolidated Fund recurrent appropriation		4,825	7,313	6,169
Consolidated Fund capital appropriation		307	401	6,269
Acceptance by the State of the Commission's liabilities	5	404	431	436
Surplus/(deficit) for the year		(503)	(544)	5,721
Accumulated surplus at the beginning of the year		8,322	8,322	2,601
Accumulated surplus/(deficit) at the end of the year		7,819	7,778	8,322

The accompanying notes form part of these statements.

NEW SOUTH WALES CRIME COMMISSION
Statement of Financial Position
As at 30 June 1995

	Notes	Actual 1995 \$'000	Budget 1995 \$'000	Actual 1994 \$'000
Current Assets				
Cash	19	1,325	1,056	1,269
Receivables	12	143	125	108
Other	12	15	15	32
Total Current Assets		1,483	1,196	1,409
Non-Current Assets				
Property, Plant and Equipment	13	6,810	7,007	7,338
Total Non-Current Assets		6,810	7,007	7,338
TOTAL ASSETS		8,293	8,203	8,747
Current Liabilities				
Creditors	14	188	150	201
Employee Entitlements	14	286	275	224
Total Current Liabilities		474	425	425
TOTAL LIABILITIES		474	425	425
NET ASSETS		7,819	7,778	8,322
EQUITY				
Accumulated Surplus		7,819	7,778	8,322
TOTAL EQUITY		7,819	7,778	8,322

The accompanying notes form part of these statements.

NEW SOUTH WALES CRIME COMMISSION**Cash Flow Statement****For the Year Ended 30 June 1995**

	Notes	Actual 1995 \$'000	Budget 1995 \$'000	Actual 1994 \$'000
Cash Flow from Operating Activities				
Payments				
Employee Related		(3,612)	(4,563)	(4,011)
Other Operating Expenses		(1,505)	(3,206)	(1,866)
Maintenance		(98)	(70)	(59)
Other Services		0	(17)	0
		<u>(5,215)</u>	<u>(7,856)</u>	<u>(5,936)</u>
Revenues				
User charges		0	310	228
Other		313	0	128
Interest		55	20	14
		<u>368</u>	<u>330</u>	<u>370</u>
Total Net Cash Outflow on Operating Activities	19	<u>(4,847)</u>	<u>(7,526)</u>	<u>(5,566)</u>
Cash Flow from Investing Activities				
Purchase of property, plant and equipment	13	(317)	(401)	(6,501)
Proceeds from the sale of property, plant and equipment		88	0	51
		<u>(229)</u>	<u>(401)</u>	<u>(6,450)</u>
Total Net Cash Outflow on Investing Activities		<u>(229)</u>	<u>(401)</u>	<u>(6,450)</u>
Net Cash Outflow on Operating and Investing Activities		<u>(5,076)</u>	<u>(7,927)</u>	<u>(12,016)</u>
Government Funding Activities				
Consolidated Fund recurrent appropriation		4,825	7,313	6,169
Consolidated Fund capital appropriation		307	401	6,269
		<u>5,132</u>	<u>7,714</u>	<u>12,438</u>
Total Net Cash provided by the Government		<u>5,132</u>	<u>7,714</u>	<u>12,438</u>
Net Increase in Cash		56	(213)	422
Opening Cash Balance		1,269	1,269	847
CLOSING CASH BALANCE		<u>1,325</u>	<u>1,056</u>	<u>1,269</u>

The accompanying notes form part of these statements.

NEW SOUTH WALES CRIME COMMISSION

Notes accompanying, and forming part of, the Financial Statements

For the year ended 30 June 1995

Note 1: The Commission's Reporting Entity

The New South Wales Crime Commission comprises all the activities and entities under the control of the Commission.

Note 2: Summary of Significant Accounting Policies

2.1 Basis of Accounting

The Commission's financial statements have been prepared in accordance with the Statement of Accounting Concepts, applicable Australian Accounting Standards and other mandatory professional reporting requirements (Urgent Issues Group Consensus Views), the requirements of the Public Finance and Audit Act 1983 and Regulations, the Treasurer's Directions and the Financial Reporting Directives published in the Financial Reporting Code for Inner Budget Sector Entities.

Except where otherwise stated, the Operating Statement and Statement of Financial Position are prepared on an accrual accounting basis. The Cash Flow Statement is prepared on a cash basis using the "direct" method.

The Financial Statements are prepared in accordance with the historical cost convention. All amounts are rounded to the nearest one thousand dollars and are expressed in Australian currency.

2.2 Employee Related Expenses

Employee related expenses include salaries and wages, long service leave for employees with five or more years' service, recreation leave, superannuation entitlements and other related costs. Amounts expected to be paid to employees for their pro-rata entitlements to recreation leave are accrued annually at current pay rates including any applicable leave loadings and oncosts.

As the Commission's liabilities for long service leave and superannuation are accepted by the State, the Commission accounts for the liability as having been extinguished resulting in non-monetary revenue described as "Acceptance by the State of Department Liabilities".

Long service leave which has been accepted by the State has been calculated using the nominal method as the use of the present value of estimated cash flows as per AAS 30 - "Accounting for Employee Entitlements" would not result in a material difference.

Similarly, as sick leave is non vesting and as the sick leave taken is less than the sick leave accruing in any reporting period, then no liability is recognised by the Commission.

2.3 Government Allocations

Monetary and non-monetary resources which are allocated to the Commission by the Government and which are controlled by the Commission are recognised as revenues of the financial period in which they are received. Non-monetary allocations are recognised at fair value.

2.4 Acquisition of Assets

The cost method of accounting is used for all acquisitions of assets regardless of whether assets are acquired separately or as part of an interest in another entity. Cost is determined as being the fair value of the assets given up at the date of acquisition plus costs incidental to the acquisition.

2.5 Depreciation

Depreciation is provided for on a straight line basis against all depreciable assets so as to write off the depreciable amount of each depreciable asset as it is consumed over its useful life. The rates of depreciation applied to relevant categories of assets is set out in the following table and are consistent with those used in 1993/94.

Depreciation Category	Rate %
Computer equipment and software	33.30
Office Equipment: Mechanical/Electronic	10.00
Office Equipment: Furniture/Fittings	7.50
Motor Vehicles	15.00
Building	3.33

2.6 Leases

Leasing transactions involve an operating lease for a motor vehicle. Lease payments are treated as expenses over the term of the lease.

Note 3: Change in Accounting Policy

The accounting policies adopted for the preparation of these financial statements are consistent with those used in the preparation of the 1993/94 financial statements except for on-costs applicable to long service leave and recreation leave, which have been brought to account in accordance with AAS30 - "Accounting for Employee Entitlements" which was effective from 1 July 1994. The impact of this change was to increase the annual leave liability by \$31,000.

However, there has been a change in accounting treatment given to recoupments received from the NSW Police Service for officers' salaries. In 1993/94 and previous years these recoups were shown as User Charges Revenue with the expenditure shown under Employee Related Expenses.

In 1994/95 this was changed to offset the revenue received by way of recoupments for officers' salaries directly against the expenditure. The result was a reduction in User Charges Revenue and Employee Related Expenses of \$109,786.

This change in accounting treatment was done so as to be consistent with general accounting principles and to present a truer indication of the Operating Expenditures and Revenues of the Commission.

Note 4: Budget Review

The actual net cost of services was less than the budget allocation by \$2,650,000. This favourable result was due to a reduction in operating expenses coupled with increases in revenues. The lower than anticipated expenditure was caused by reductions in staff numbers and general operational expenses (eg rent, relocation expenses and motor vehicles), whilst the increased revenue arose from leasing of signs for advertising, leasing of office space and interest received from the NSW Treasury on Commission cash balances held at the bank.

Note 5: Employee Related Expenses

	1994/95 \$'000	1993/94 \$'000
Salaries and Wages	2,938	3,246
Superannuation entitlements	304	332
Payroll and Fringe Benefits Tax	251	310
Recreation Leave	240	276
Long Service Leave	100	104
Workers Compensation Insurance	41	15
Other	165	220
TOTAL	4,039	4,503

The Commission charges the full cost of long service leave and the current service cost of superannuation to operations. However, as the Commission's liability for long service leave and superannuation entitlements is assumed by the State, the Commission accounts for the liability as having been extinguished. This results in a non-monetary revenue described as "Acceptance by the State of Departmental Liabilities" (Refer Note 2.2).

Note 6: Other Operating Expenses

	1994/95 \$'000	1993/94 \$'000
Office Maintenance	120	672
Office Relocation Expenses	0	176
Office Supplies	467	426
Computer Services	113	170
Travel Expenses	24	19
Motor Vehicle Expenses	6	62
Service Fees	219	132
Internal Audit Fees	7	12
External Audit Fees	11	10
Consultants	153	81
Other	435	227
TOTAL	1,555	1,987

Note 7: Maintenance

	1994/95 \$'000	1993/94 \$'000
Building	45	35
Office Equipment	53	24
TOTAL	98	59

Note 8: Depreciation

	1994/95 \$'000	1993/94 \$'000
Computer Equipment	553	396
General Plant and Equipment	61	59
Motor Vehicles	15	25
Building	124	92
TOTAL	753	572

Note 9 User Charge Revenue

	1994/95 \$'000	1993/94 \$'000
NSW Police Service - Recoup Special Investigators	0	237
TOTAL	0	237

Note 10: Other Revenue

	1994/95 \$'000	1993/94 \$'000
Advertising of signage space on building	115	111
Rental on office space - Auditor-General's	156	84
Miscellaneous	8	17
TOTAL	279	212

Note 11: Interest Revenue

	1994/95 \$'000	1993/94 \$'000
Interest on Commission Funds	129	24
TOTAL	129	24

Note 12: Receivables12.1 Accounts Receivable

	1994/95 \$'000	1993/94 \$'000
NSW Treasury (Interest on Commission Funds)	83	10
NSW Police Service - Recoup Special Investigators	10	9
Auditor-General's Office - Rental	12	84
Advertising of signage space on building	38	0
Other	0	5
TOTAL	143	108

12.2 Prepayments

	1994/95 \$'000	1993/94 \$'000
Prepayments	15	32
TOTAL	15	32

Note 13: Non-Current Assets - Property, Plant and Equipment

	Computer Equipment \$'000	General Equipment \$'000	Motor Vehicles \$'000	Building \$'000	Land \$'000	Total 1994/95 \$'000	Total 1993/94 \$'000
At Cost:							
Balance at 1 July 1994	2,160	589	177	3,731	1,800	8,457	2,916
Additions	93	186	39	0	0	318	6,501
Disposals	1	40	77	0	0	118	960
Balance at 30 June 1995	2,252	735	139	3,731	1,800	8,657	8,457
Accumulated Depreciation:							
Balance at 1 July 1994	829	172	26	92	0	1,119	951
Depreciation for Year	553	61	15	124	0	753	572
Write Back on Disposal	1	12	12	0	0	25	404
Balance at 30 June 1995	1,381	221	29	216	0	1,847	1,119
Written Down Value:							
As at 1 July 1994	1,331	417	151	3,639	1,800	7,338	1,965
As at 30 June 1995	871	514	110	3,515	1,800	6,810	7,338

Note 14: Creditors and Provisions14.1 Accounts Payable

	1994/95 \$'000	1993/94 \$'000
Trade Creditors	42	68
TOTAL	42	68

14.2 Accrued Expenditure

	1994/95 \$'000	1993/94 \$'000
Employee Related Expenses	0	48
Other Operating Expenses	146	85
TOTAL	146	133

14.3 Provisions for Recreation Leave

	1995 \$'000	1994 \$'000
Balance at 1 July 1994	224	211
Increase/(Decrease) in Provision	62	13
Balance at 30 June 1995	286	224

Note 15: Monies Held in Excess of Two Years

No unclaimed amounts have been held in the accounts of the NSW Crime Commission for a period in excess of two years. All amounts unclaimed are forwarded to the NSW Treasury as unclaimed monies: these unclaimed amounts are available for refund for a period of twenty years.

Note 16: Commitments16.1 Recurrent Commitments

Recurrent commitments as at 30 June 1995 for goods and services totalled \$1,000. (1993/94 \$24,694)

16.2 Capital Commitments

Capital commitments contracted for as at 30 June 1995 for the purchase of equipment totalled \$168,000. (1993/94 \$nil)

Capital Commitments Repayment Schedule	1995 \$'000	1994 \$'000
Less than 1 year	168	0
Between 1 and 2 years	0	0
Between 2 and 5 years	0	0
Greater than 5 years	0	0
Total	168	0

16.3 Operating Lease Commitments - Motor Vehicle

	1994/95 \$'000	1993/94 \$'000
Cancellable Operating Leases	1	1
Non-Cancellable Operating Leases	0	0
	1	1

Operating Lease Commitments Repayment Schedule	Cancellable Operating Leases		Non-Cancellable Operating Leases	
	1995 \$'000	1994 \$'000	1995 \$'000	1994 \$'000
Less than 1 year	1	1	0	0
Between 1 and 2 years	0	0	0	0
Between 2 and 5 years	0	0	0	0
Greater than 5 years	0	0	0	0
Total	1	1	0	0

Note 17: Contingent Liabilities

A claim totalling \$192,812 has been forwarded to the Commission by the Property Services Group in respect of a make-good payment on Crown Lease, Level 3, Stage 2, 175 Liverpool Street, Sydney (this was the site of the Commission's previous premises). This claim is disputed by the Commission.

Note 18: Bad Debts Written Off

An amount of \$2,000 was written off during 1994/95. (1993/94 \$nil)

Note 19: Note to Cash Flow Statement

- (a) For the purpose of its Cash Flow Statement, the Commission has included in "cash" both cash on hand and in the Commission's operating bank account. Cash at the end of the reporting period, as shown in the Cash Flow Statement, is reconciled to the related items in the Statement of Financial Position. A dissection of the amount shown in the Statement of Financial Position follows:

	1994/95 \$'000	1993/94 \$'000
Cash on Hand	40	66
Cash at the Bank	1,285	1,203

Appendix E: Financial Statements

(b) Reconciliation of "Net Cost of Services" and the "Net Cash Used on Operating Activities"

	1994/95 \$'000	1993/94 \$'000
Net Cost of Services	(6,039)	(7,153)
Depreciation	753	572
Increase in Recreation Leave	62	13
Acceptance by the State of the Commission's Liabilities	404	436
Decrease/(Increase) in Prepayments	17	(32)
Increase in Accounts Payable	3	68
Increase/(Decrease) in Accruals	(14)	133
(Increase) in Accounts Receivable	(35)	(108)
(Gain)/Loss on Disposal of Plant and Equipment	2	505
Net Cash Used on Operating Activities	(4,847)	(5,566)

Note 20: Material Assistance Provided by Other Parties

No material assistance was received by the NSW Crime Commission free of charge during 1994/95 from any other organisation.

Note 21: Program Information

The program number of the New South Wales Crime Commission is 52.1.1. The Commission comprises only one program.

Program Objective(s): To combat illegal drug trafficking and organised crime in New South Wales.

Program Description: The targeting of high level drug traffickers and persons involved in organised crime, the obtaining of evidence for prosecution of those persons and/or civil forfeiture of their assets, the furnishing of reports relating to illegal drug trafficking and organised crime and the dissemination of intelligence, and investigatory, technological and analytical expertise.

All the details of the one program are shown in the Operating Statement, Statement of Financial Position and the Cash Flow Statement.

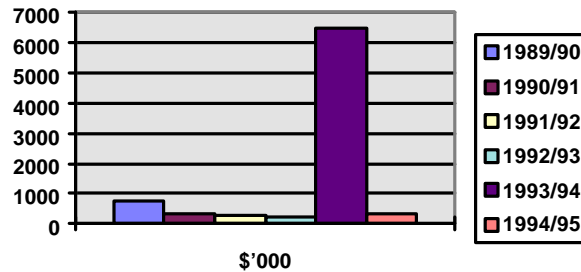
END OF AUDITED STATEMENTS

NEW SOUTH WALES CRIME COMMISSION FINANCIAL COMPARISONS WITH PREVIOUS YEARS

Capital Expenditure

YEAR	\$'000
1989/90	728
1990/91	355
1991/92	290
1992/93	227
1993/94	6,501
1994/95	315

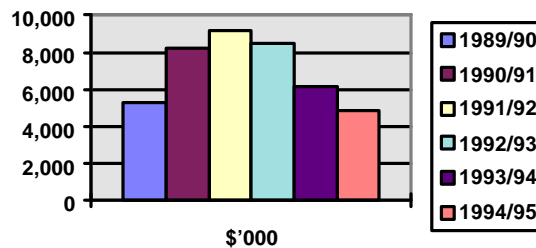
Capital Expenditure



Recurrent Cost to Government

YEAR	\$'000	
1989/90	5,287	Program exp. less capital works
1990/91	8,221	Program exp. less capital works
1991/92	9,163	Recurrent allocation exp.
1992/93	8,477	Recurrent allocation exp.
1993/94	6,169	Recurrent allocation exp.
1994/95	4,825	

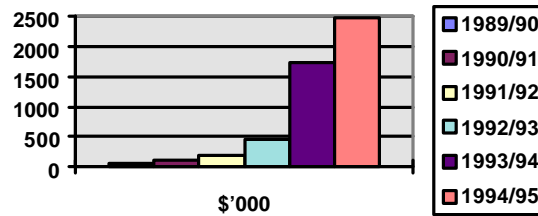
Recurrent Cost to Government



Surplus Achieved Against Recurrent Budget Allocation

YEAR	\$'000
1989/90	50
1990/91	99
1991/92	201
1992/93	452
1993/94	1,747
1994/95	2,488

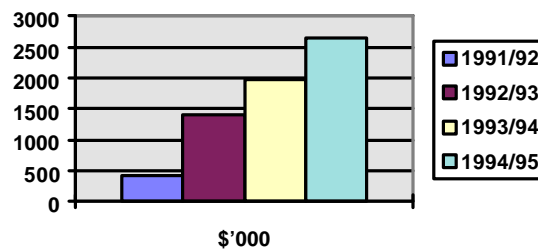
**Surplus Achieved Against
Recurrent Budget Allocation**



Surplus (On Accrual Basis)

YEAR	\$'000
1991/92	414
1992/93	1,405
1993/94	1,967
1994/95	2,650

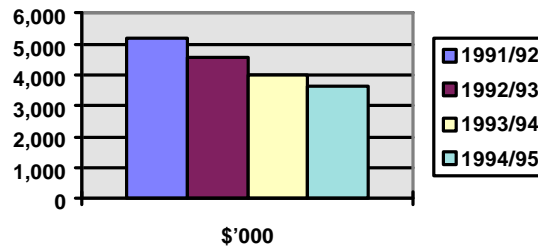
Surplus (On Accrual Basis)



Net Cash Used on Employee Related Payments

YEAR	\$'000	No of Staff Employed
1991/92	5,185	91
1992/93	4,568	90
1993/94	4,011	73
1994/95	3,612	74

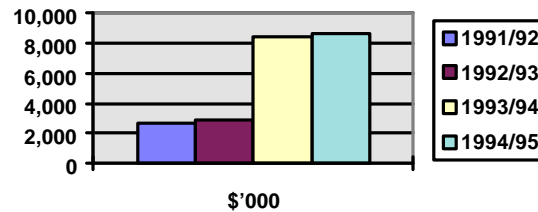
Employee Related Expenses



Gross Value of Commission Non-Current Assets

YEAR	\$'000
1991/92	2,689
1992/93	2,916
1993/94	8,457
1994/95	8,657

Gross Value of Commission Non-Current Assets



NEW SOUTH WALES CRIME COMMISSION OUTLINE OF 1995/96 BUDGET

The proposed operating budget for the NSW Crime Commission for the 1995/96 financial year is:

	\$'000	\$'000
<u>Expenses</u>		
Employee-related expenses	5,198	
Other operating expenses	2,052	
Maintenance	314	
Depreciation	888	
Other Services	17	8,469
<u>Revenue</u>		
User charges revenue	334	
Other departmental revenue	98	432
Loss on sale of Plant and Equipment	60	60
<u>Net Cost of Services</u>		\$8,097
<u>Less: Non-Funded Expenses</u>		
Depreciation	888	
Acceptance by State of Commission liabilities	413	
Loss on sale of Plant and Equipment	60	1,361
<u>Consolidated Fund Recurrent Appropriation</u>		<u>\$6,736</u>

The proposed capital budget for the Commission for the 1995/96 financial year is:

Acquisition of property, plant and equipment:	\$387,000
Less: Proceeds from sale of plant and equipment:	38,000
	<hr/>
Net Outflow	\$349,000
Less: Decrease in Commission cash balance	40,000
	<hr/>
Consolidated Fund Capital Appropriation	<u>\$309,000</u>

**STATEMENT OF AFFAIRS
PURSUANT TO S.14(2) OF THE
FREEDOM OF INFORMATION ACT 1989
AS AT 30 JUNE 1995**

1. STRUCTURE AND FUNCTIONS OF THE COMMISSION

1.1 Background/Legislation

The Commission was established in January 1986 as an independent statutory authority under the then State Drug Crime Commission Act 1985, (now known as the New South Wales Crime Commission Act 1985).

The Commission is also responsible for the administration of the Drug Trafficking (Civil Proceedings) Act 1990, which relates to the civil forfeiture of the assets and proceeds of drug traffickers.

1.2 Commission Membership

Under existing legislative provisions, the Commission consists of two or more members, one of whom should be appointed as a full-time member and Chairperson of the Commission and must have special legal qualifications. The other one or more member/s can be appointed as full-time or part-time members.

1.3 Charter

The Commission's charter is to combat illegal drug trafficking and organised and other crime in New South Wales with a view to:

- . having offenders dealt with according to law;
- . deterring and suppressing the distribution of illicit drugs in the community;
- . minimising the harmful effects of illicit drugs in the community.

1.4 Aims and Objectives

The objectives of the Commission are to reduce the incidence of illegal drug trafficking and organised crime. These objectives are determined for the Commission by section 3A of the New South Wales Crime Commission Act 1985. The Act requires the Commission to give priority to matters involving drug trafficking. In order to fulfil its objectives the Commission:

- . investigates relevant criminal activity referred to the Commission by its Management Committee with a view to the prosecution of offenders and the making of applications for orders under civil forfeiture and other proceeds of crime legislation;
 - . assembles admissible evidence and furnishes it to the Director of Public Prosecutions (DPP) for use in the prosecution of persons allegedly engaged in relevant criminal activities;
 - . makes applications for the restraint and confiscation of property under the Drug Trafficking (Civil Proceedings) Act 1990;
-

- . reviews police inquiries referred by the Management Committee and provides recommendations to the Management Committee for further action;

- . with the approval of the Management Committee, disseminates intelligence and information to, and cooperates and consults with, such persons or bodies as the Commission thinks appropriate;
- . furnishes reports relating to illegal drug trafficking and organised crime including, where appropriate, recommendations for changes in the laws of the State;
- . disseminates investigatory, technological and analytical expertise to such persons or bodies as the Commission thinks fit;
- . manages its resources effectively, efficiently and economically.

1.5 Responsible Minister

The Minister for Police has responsibility for administration of the New South Wales Crime Commission Act and the Drug Trafficking (Civil Proceedings) Act and is Chairman of the Commission's Management Committee.

1.6 Management Committee Membership

The Commission's Management Committee comprises the Minister for Police (Chairman), the Commissioner of Police, the Chairman of the National Crime Authority, or another nominated Member of the National Crime Authority, the Chairman of the Police Board of NSW and the Chairman of the Commission.

1.7 Functions of the Management Committee

The principal functions of the Management Committee are to:

- . refer (by written notice) relevant criminal activities to the Commission for investigation;
- . refer (by written notice) to the Commission, for review, police inquiries into matters relating to any criminal activities;
- . arrange for police task forces to assist the Commission to carry out investigations into matters relating to relevant criminal activities;
- . give directions and furnish guidelines for the purpose of coordinating any such investigation;
- . review and monitor generally the work of the Commission; and
- . coordinate (by giving of approvals) the interaction of the Commission with other bodies.

1.8 Structure and Organisation

- 1.8.1** The Commission consists of two Divisions, the Investigation Division and the Confiscation Division, which report to the Commission.

1.8.2 The Investigation Division comprises staff who provide support and services to police teams who investigate References given to the Commission by the Management Committee. The purpose of the investigations is to assemble admissible evidence of serious criminal offences and to furnish that evidence to the Director of Public Prosecutions. All police task forces assisting the Commission remain subject to the control and direction of the Commissioner of Police.

1.8.3 The Confiscation Division comprises teams of lawyers and financial investigators whose tasks are to identify the assets of those who commit serious drug offences, and the proceeds of those offences, and to take proceedings for the restraint and confiscation of those assets and proceeds. The teams are assisted by police officers attached to the DEA Task Forces and Regional Drug Units of the NSWPS. All police officers remain subject to the Commissioner's control.

2. EFFECTS OF AGENCY'S FUNCTIONS ON MEMBERS OF THE PUBLIC

The Commission is responsible for investigating drug trafficking and organised and other crime in NSW and for the administration of the Drug Trafficking (Civil Proceedings) Act. It does not provide normal 'services' to the public. However, its activities have implications for members of the public under investigation or involved in investigations (eg witnesses), and for members of the public who are the subject of investigation or confiscation litigation. In addition, the Commission's performance of its functions is beneficial to the community, by combating major criminal activity, particularly drug trafficking.

3. ARRANGEMENTS FOR PUBLIC PARTICIPATION IN POLICY FORMULATION

The Commission invites members of the public to bring to its attention any incidences or suspicion of drug trafficking or organised crime. The following toll free telephone number is available for this purpose: (008) 023143. Members of the public can write to the Commission at the address shown below in paragraph 5.3.

4. DESCRIPTION OF KINDS OF DOCUMENTS HELD

4.1 The Commission is primarily an investigatory and litigating body. As a result, the majority of the documents held by the Commission relate to past or ongoing investigations, or to past or current litigation. It is most unlikely that any of this material would be made available for inspection unless all prosecution action and all civil litigation relating to the material has been finalised.

4.2 The Commission also holds administrative files, most of which would be available for inspection at normal FOI rates. As some of these files also relate to operational activity, they may not be accessible.

4.3 No documents are available for purchase from the Commission. Copies of most of the Commission's Annual Reports are available free of charge (some earlier Reports are only available for inspection).

5. ACCESS ARRANGEMENT, PROCEDURES AND POINTS OF CONTACT

- 5.1** As outlined above, it is unlikely that documents about the 'personal affairs' of persons of interest to the Commission would be available for inspection.
- 5.2** Requests under the FOI Act for access to documents in the possession of the Commission should be directed in writing to:

**The Chairman
New South Wales Crime Commission
PO Box A216
SYDNEY SOUTH 2000**

- 5.3** Inquiries concerning fees and procedures for inspecting or obtaining Commission documents, including Statements of Affairs or Summaries of Affairs, should be made at the Commission's office at the address shown below between the hours of 9.00am and 5.00pm:

**453-463 Kent Street
SYDNEY NSW 2000**

**Contact: Manager, Operations Support
(02) 269-3888**

NEW SOUTH WALES CRIME COMMISSION GUARANTEE OF SERVICE

The Commission's Role

The Commission's principal roles are to investigate illegal drug trafficking and organised crime, as referred by the Management Committee, and provide admissible evidence to the Director of Public Prosecutions (DPP); and take action for the restraint and confiscation of property of persons engaged in drug related activities.

The Commission's Clients

The Commission's main clients are the New South Wales Police Service Drug Enforcement Agency (DEA) Task Forces and other Police Task Forces and investigative agencies, to whom the Commission provides investigation related services.

The other main client is the DPP, as the Commission's main product is "prosecutable briefs" in relation to criminal conduct.

Others who may be considered as clients are the Management Committee, the Minister, and agencies with related functions, to whom the Commission provides information and sometimes resources, for cooperative or joint operations.

The Commission also deals with the courts, the legal profession and other public sector agencies in the course of performing its work.

The Commission works on behalf of the public and in the public interest, but does not have direct client contact with, or directly deliver services to, the public.

How the Commission works with its Clients

The Commission provides to investigative Task Forces a range of services, investigative tools and specialised personnel, including analysts, financial investigators and lawyers, electronic surveillance, financial support for operations, administrative support services, including transcription and registry services, and statutory powers to conduct hearings and obtain documents.

The Commission also takes action, consequent upon persons being charged with serious drug offences, to conduct investigations and commence litigation designed to restrain and confiscate the assets of those persons.

The Commission provides information to investigative agencies, on the basis of the most appropriate agency for each piece of information.

The Commission participates in committees dealing with investigative, legal and technological issues relevant to its work, and makes recommendations for changes to laws arising out of its experience.

The Commission responds to requests by the Minister's Office for information and advice.

The Commission also responds to requests from the DPP relating to prosecutions arising out of Commission investigations.

The Commission's Commitment to Quality Service

The Commission's staff are committed to providing a quality service in a timely manner. They will work professionally, conscientiously and in the public interest.

Standards of Service Delivery

- . Requests for information, advice or services will be responded to promptly. Information and advice provided will be accurate, well researched and up to date.
- . Staff will be accessible during ordinary office hours. The Commission will provide after hours facilities for operational needs, and relevant staff who are needed to assist with operational requirements out of ordinary working hours will respond to call-ins or appropriate prior notice.
- . Procedures manuals will be kept up to date and followed by staff to ensure consistent and professional performance of duties.
- . Only authorised persons will exercise the Commission's statutory powers, and they will do so in a fair, impartial and consistent manner.
- . Staff will handle sensitive material and perform investigative related services with proper consideration of their impact on individuals.
- . Witnesses at hearings will have their rights and obligations explained.
- . The Commission will pursue its litigation in the courts diligently, with a view to disposition of matters in a timely and fair manner.
- . The Commission will seek to develop and maintain cooperative relationships with agencies with related business.
- . The Commission will develop and maintain an open and effective working relationship with the DPP, by means of regular meetings and individual officer contact, and will respond to all reasonable requests by DPP officers in a timely manner.

Service standards will be monitored regularly by way of client feedback.

Complaints Procedures

Comments, criticisms or complaints about the provision of services can be made to the Director of the relevant Division or the Chairman.

Contact Directory

Street address: 453 Kent Street (Corner Druitt Street) Sydney
Postal address: PO Box A216, Sydney South, 2000
Telephone: 269 3888
Facsimile: 269 3809, 269 3864, 269 9733
Business Hours: 8.30am to 5.00pm Monday to Friday
(Commission staff can be available outside these hours
when required).

Confiscation Matters

Legal Advice - John Giorgiutti, Director, Confiscation Division

Financial Analysis - Mike Lulan, Assistant Director (Investigations), Confiscation Division

Investigation Matters

Legal Advice, Statutory Powers (particularly Hearings) - Deborah Sweeney,
Director, Investigation Division

Analysts' Services

Coordinating Analysts - Leonie O'Brien, Task Force 1
Anne Brettingham-Moore, Task Force 2
Lionel Radom, Task Force 3
Andrew Tessler, Task Force 4
Wanda Wieczorek, Task Force North

Warrants - Greg O'Keeffe, Frances Russell-Matthews

Telecommunications Interception - Pat Dunne, Manager, ITT Unit

Registry - Daria Harnett, Registry Manager

Financial - Len Giles, Finance Manager

Transcription Services - Alison Brook, Manager, Administrative Support

Physical Resources - Maureen Kennedy, Manager, Operations Support

Security - Maureen Kennedy, Manager, Operations Support

Intelligence Liaison - Maureen Kennedy, Manager, Operations Support

PERFORMANCE STATEMENT FOR THE CHAIRMAN OF THE NEW SOUTH WALES CRIME COMMISSION FOR THE YEAR ENDED 30 JUNE 1994

The following statement was signed by the Minister for Police, Mr Paul Whelan, MP.

The performance of Mr Bradley as Chairman of the Commission against the following key accountabilities is as indicated:

Reform

Law Reform

Recommendations for legal change have been appropriate and timely. Inaction on the progress of legal reform has been due to matters beyond the control of the Chairman or the Commission.

Administrative Reform

Reforms to the structure and conduct of the Crime Commission have been significant and justifiable on the basis of efficiency and quality of output.

EEO

The Commission has an outstanding record of employment policies and practices, particularly with regard to the employment and promotion of women and persons of non-English speaking backgrounds.

Financial Management

The Commission has achieved recurrent savings which represent a very large proportion of budget allocation. The Commission has continued to improve its capital position. These gains have been achieved against a background of increasing productivity.

Operational Effectiveness

The Commission has made a substantial impact on target criminal groups through the combined processes of criminal investigation and confiscation. The number of successful prosecutions is but one indication of this. The Commission has also conducted inquiries and provided information and reports to Government on a number of important matters. The quality and timeliness of these outcomes have been more than satisfactory.

Relationships

The Commission has established appropriate working relationships with State and Commonwealth agencies in its field of operation. Those agencies identified as “clients” of the Commission have expressed a high level of satisfaction with the effectiveness of relationships.

Anti-Corruption

The Commission has in place appropriate anti-corruption strategies. It has actively assisted the Police Royal Commission and the Police Service in anti-corruption action.

Performance

The Chairman has met specified performance criteria which included:

- Establishment of a client based performance measuring system and conduct of client surveys.
- Increased the quality and quantity of operations in terms of arrests, seizures and confiscation.
- Increased involvement in major fraud operations.
- Outsourced data storage to the ABCI.
- Produced a comprehensive operations manuals.

An enterprise agreement has not been achieved. This is not regarded as being due to any want of satisfactory performance on the part of the Chairman.

The Chairman’s performance is assessed as satisfactory.

In recognition of his performance my predecessor increased the Chairman’s remuneration by 1.4% to take effect on 1 October 1994.

Paul Whelan, MP
Minister for Police

INDEX

A

Abbreviations	3, 8
ABCI	4, 8, 20, 26, 27, 29, 32, 88
Account Payment	6, 54
ACS	8, 26, 27
Address	45, 53, 57, 83, 86
AFP	8, 20, 26, 27
Aims	45, 53, 80
Albury Reference	4, 16, 23, 31, 52
Annual Report	1, 2, 3, 6, 18, 32, 53, 55, 82
Arrests	11, 17, 18, 19, 20, 21, 27, 28, 31, 42, 88
Asset Forfeiture Orders	5, 34, 35, 36
Assets	6, 10, 12, 31, 35, 36, 37, 39, 40, 42, 43, 44, 46, 55, 58, 65, 68, 75, 80, 82, 84
AUSTEL	8, 31
AUSTRAC	8, 26, 27, 31
Australian Taxation Office	5, 8, 27, 41
Azure Reference	4, 11, 16, 17, 18, 21, 28

B

Bianco Reference	4, 16, 18, 28
BITF	4, 8, 16, 17, 23, 24, 25
Budget	7, 37, 62, 64, 65, 66, 67, 69, 79, 87

C

CD	8, 16, 25, 30, 34, 35, 36, 37, 40, 41, 42, 45, 46, 51, 52, 55, 59, 81, 82, 86
Charter	3, 12, 30, 55, 80
Civil Forfeiture	75, 80
Committees	6, 51, 84
Confiscation	2, 5, 11, 12, 25, 29, 31, 34, 36, 37, 38, 40, 41, 42, 44, 45, 46, 51, 52, 55, 58, 59, 81, 84, 86, 87, 88
Consultants	6, 52, 70
Corresponding Law	42
Court Proceedings	4, 28
Criminal Justice Commission	8, 26

D

DEA	8, 11, 16, 20, 28, 30, 42, 82, 84
Director of Public Prosecutions	8, 9, 12, 13, 15, 22, 24, 40, 45, 80, 82, 84, 85
Dissemination	4, 27, 43, 58, 75
Drug Proceeds	5, 36, 43
Drug Trafficking	4, 12, 13, 16, 17, 18, 22, 29, 30, 33, 34, 58, 75, 80, 81, 82, 84
DTCP	5, 8, 34, 35, 36,, 37, 38, 39, 40, 41, 42, 43, 44, 46

E

Enterprise Agreement	10, 47, 50, 88
Equal Employment Opportunity	8, 47, 48, 49, 87
Establishment	3, 6, 11, 12, 46

F

Finance	6, 37, 45, 54
Financial Statements	1, 6, 7, 54, 61, 62, 67, 69
Fraud	23, 24, 51, 88
Fraud Enforcement Agency	8, 16, 23
Freedom of Information	6, 7, 8, 53, 56, 80, 82, 83

G

Gecko Reference	4, 16, 18, 28
Grants	6, 55

H

Hearings	11, 15, 22, 23, 52, 84, 85, 86
Hilltop Reference	4, 23

I

Information Processing	4, 32
Intelligence	13, 18, 21, 26, 27, 29, 58, 75, 81, 86
Internal Audit	6, 55, 70
Investigations	2, 3, 13, 14, 15, 16, 17, 18, 20, 22, 24, 26, 27, 30, 38, 41, 81, 82, 84, 85
Ironbark Reference	4, 24

J

Junee Reference	4, 24
-----------------	-------

L

Legal Change	5, 33, 87
Liaison	4, 5, 26, 27, 40, 41, 42, 43, 86
Lismore Reference	4, 21, 28
Listening Devices	4, 25
Litigation	5, 36, 39,, 42, 82, 84, 85

M

Major Assets	6, 55
Management Committee	2, 3, 13-17, 22, 26, 27, 45, 51, 53, 80-82, 84
Management Improvement	6, 51
Memoranda of Understanding	8, 26, 41
Minister	1, 3, 10, 13, 14, 23, 45, 47, 81, 84, 87, 88
Money Laundering	1-19, 21, 22, 29, 31, 51
Monitoring Orders	5, 34, 38, 39
Moree Reference	4, 25

N

National Crime Authority	8, 9, 14, 26, 81
New South Wales Crime Commission Act	1, 9, 12, 13, 15, 25, 38, 80, 81
Notices to Produce	25

O

Objectives	3, 12, 45, 53, 80
Organisation	6, 45, 81
Organisation Chart	7, 45
Organised Crime	4, 13, 15, 26, 29, 30, 58, 75, 80-82, 84
Overseas Visits	51

P

Payment of Accounts	53
Penshurst Reference	4, 21
Personnel	6, 45, 47, 84
Proceeds Assessment Orders	34-37, 43
Production Orders	4, 5, 25, 34, 38, 41
Program Objectives	7, 58
Prosecutions	4, 17, 27, 31, 85, 87
Public Trustee	5, 40, 43
Publications	6, 53

Q

Queenscliff Reference	4, 24
-----------------------	-------

R

Real Estate	6, 55
Recruitment	48
Research and Development	53
Restraining Orders	5, 34, 35, 36, 40, 43
Risk Management	6, 55

S

Seaforth Reference	4, 22
Search Warrants	4, 15, 25, 34, 38
Senior Staff	7, 59
Services	6, 10, 45, 51-53, 82, 84-86
Staff	5-7, 10, 15, 16, 32, 35-37, 41, 42, 46-50, 56, 69, 82, 85, 86
Surveillance	29, 84

T

Telecommunications Interception	45, 86
Training	5, 44, 47

U

Umina Reference	4, 16, 18, 28
-----------------	---------------

V

Vacy Reference	4, 16, 19, 28
Victoria Police	26

W

Waratah Reference	4, 16, 19, 28
-------------------	---------------

X

Xanadu Reference	4, 22
------------------	-------

Y

Yanco Reference	4, 16, 23, 28
-----------------	---------------

Z

Zetland Reference	4, 16, 20, 28
-------------------	---------------

**NEW SOUTH WALES
CRIME COMMISSION**

ANNUAL REPORT

1994-95