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A SAFER AUSTRALIA

Verity Le Maitre
Australia

Session Overview

- Case Study – Business Seizure
- Questions

CRIMINAL ASSETS CONFISCATION TASKFORCE



Taking the profit out of crime



CASE STUDY

- 2019 – Australian Capital Territory (ACT)
- Population about 412,576
- Policing provided by AFP

ACT POLICING



Cooperative Investigation

Financial Investigations Team

Drugs and Organised Crime Team

National Anti Gangs Taskforce

Considerations on Proceeds Action

High Value
Assets

High
Notoriety of
Offenders

Highly
repulsive
offences

Comancheros Motorcycle Gang

Criminal
investigation

Drug supply / sale

Financial
investigation

Money Laundering

Profiles of Key Gang Members

- No Assets
- No lavish lifestyle
- Not employed
- Road Captain (Jirawat McCallum) – receiving regular payments



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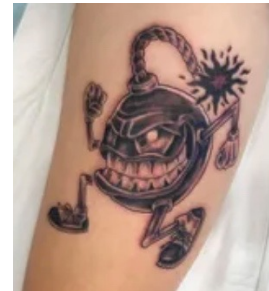
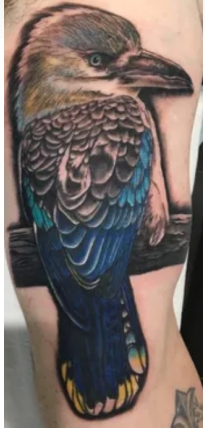
Company Profile



Lakeside Tattoo Parlour

Canberra, ACT

- Initially registered by OMCG members
- Transferred to girlfriend of member
- Operated as legitimate business - Paid taxes, paid staff,



Tattoo Parlour



Comancheros
Road Captain

“Legitimate”
weekly
income

Cash business

Actual
payments
exceeded
declared
payments



COCA Act Examinations (Coercive Hearings)

- Require an investigation (not restraint)
- Must attend
- Must provide documents directed
- Must answer questions
- Can't be utilised for criminal charges against that individual

COCA Act Examinations

- Business Manager
- Non-disclosure
- Maintained Telephone Intercepts
- Considered charges for breach of non-disclosure provisions

COCA Act Examinations

- Re-examined business manager
- 2017, \$30,000 cash investment by Jirawat (\$15,000 declared income 2017)
- Converted into Directors fees (\$700/week) and dividends (intermittent payments)
- Jirawat received payments in excessive of \$120,000

Restrained Business



- Coercive Hearings established sufficient suspicion the business was being used to launder money

Phoenix Attempt

- *New Business Registered within hours*
- *Attempted transfer of lease*
- *Exclusion action initiated*
- ***FAILED all assets Forfeited***



Outcome for Jirawat

- *Criminal Investigation: 2 ½ year suspended sentence in favour of drug and alcohol treatment order*
 - *2 x Drug Trafficking Charges (cocaine & cannabis total value \$118,000)*
 - *3 x weapons possession charges*
- **Proceeds of Crime Investigation:**
 - Forfeiture of business as tainted property in relation to money laundering offences.

Significance of Proceeds Action

- *First Business Seizure in the jurisdiction*
(Instrument used in commission of offence)
- *Low \$ value, High \$ value*
- *High Disruption value*
 - *Prevented ongoing laundering*
 - *Media attention (no distinction criminal/civil action)*

Businesses in Focus

- Followed with multiple business seizures relating to Drug Importation
 - Shell company
 - Legitimate company
 - Tax evasion identified within the group of related companies referred to ATO

More businesses restrained

The drugs, with an estimated street value of \$139 million, arrived in Australia from Germany in 2017 hidden in dozens of buckets of pool chlorine.



Tamim Jamaal Nozhat, 24, received a three year and seven month sentence for his role in importing 356 kilograms of MDMA, with a non-parole period of 22 months.



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Questions







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