

NSWCC responses to Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission

Question taken on notice

Question		
<p>The Hon. CAMERON MURPHY: Thank you, Commissioner, for coming along and giving evidence today. I also want to ask about the Criminal Assets Recovery Act [CARA]. You set out on page 17 of the annual report the number of applications in each category that you've made to the Supreme Court. Were there any applications that were refused by the Supreme Court, and are there any that were withdrawn?</p> <p>NICOLE LAWLESS: Not to my knowledge, with respect to that particular reporting period. There have been times when we've discontinued over the course of the CARA legislation. If it's not appropriate, obviously, if the evidence falls away, if there's a criminal conviction that is not made out, then we reassess and we might withdraw on that basis. I'm not aware of any order not being made by the Supreme Court, particularly in the initial instance, given that the threshold is relatively low, and then we conduct our investigation subsequently.</p> <p>The Hon. CAMERON MURPHY: The ones that were discontinued, they're not set out in the annual report are they, those figures? Or were there none in this period?</p> <p>NICOLE LAWLESS: It's possible that there were none in that period. I would have to take that question on notice.</p> <p>The Hon. CAMERON MURPHY: If you could do that and just let me know. If you could provide a breakdown in a similar fashion to the one in the annual report, setting out the categories, and if there were any that were discontinued or withdrawn.</p> <p>NICOLE LAWLESS: Yes. We can do that.</p>		
Answer		
<p>There were five (5) matters that were either discontinued or dismissed during the reporting period. The difference in terminology is a consequence of a recent change in practice. The Commission's previous practice was to dismiss matters by way of final consent orders, whereas the Commission's current practice is to file a notice of discontinuance. The timings of when these occurred throughout the reporting period are as follows:</p>		
Defendant	Order	Date
1.	Confiscation orders dismissed	13/09/2023
2.	Confiscation orders dismissed	27/09/2023
3.	Discontinued	27/09/2023
4.	Discontinued	14/05/2024
5.	Discontinued	17/06/2024