

SESSION 2: GROUP WORK

Money Laundering

Assume that the State leads evidence to establish the alleged facts and the following:

Mr Reuben

The money he received from the company in Australia was a show of appreciation because after the product began being used by the Department other private and public contractors started to order it. He did not ask for the money and he honestly believed that he was entitled to it. The company is a private company. He did not intend to defraud anyone by receiving it.

Mr Ono

Mr Ono gives evidence that he is a hardworking businessman. He met with Mr Reuben in an effort to persuade him to invest in the Super Fix product. He has been living in Australia for a long time and needed to crack the local market. The best way to do that was through the Department of Works and the best way to do that was to persuade its Secretary in person that the product was a good one. He did not agree to give Mr Reuben any benefit in return.

He did not launder the proceeds of the contracts. He did not receive it. His company did. The contracts were in the company's name and paid to its account. There is nothing unusual about the fact that monies were transferred in tranches of \$999,999. The international daily allowance for overseas remittance is \$1m and he was trying to send the maximum possible in the shortest period of time.

The product was supplied in accordance with the contracts. It is a good product. The prosecution have failed to show otherwise.

The \$200,000 sent by Hard Work in August to Mr Reuben was months after the deal. Once other companies and departments heard about how good Super Fix was business was booming. The company wanted to show its appreciation to Mr Reuben. He is a true leader.

Group Work: Has the prosecution established the guilt of each of Mr Reuben and Mr Ono in Count 4?

You have been broken into groups.

Using the Australian provisions referred to by Justice Wigney, or the applicable offence provision in one of your jurisdictions consider whether the offence of money laundering has been proven against each accused.

Remember:

In determining whether or not the prosecution has established the guilt of the accused beyond reasonable doubt, it is necessary to ask:

- What are the elements of the offence?
- What is the evidence in support of each of those elements?
- Does the evidence establish or prove each of the elements beyond reasonable doubt taking into account any possible defence?



Consider:

- What are the proceeds of crime or criminal property/what is the criminal conduct from which it is derived?
- Did the accused deal with the proceeds of crime/criminal property?
- Did the accused know or ought reasonable to have known it was criminal property?

Other scenarios for discussion if time permits

A person purchased a \$3m property in your capital city despite only earning \$50,000 a year as a public servant.

A person is apprehended with \$400,000 in cash in a sports bag in the boot of their car. They are unemployed.

