



# Advanced Managing and Reporting on Fraud and Corruption Cases Online Course

Via Zoom – 1, 8, 15 & 22 August 2024



**FEDERAL COURT  
OF AUSTRALIA**



Papua New Guinea  
**Centre for Judicial Excellence**



Pacific Judicial  
Integrity Program

# Session 6: Case Management Practices

Strategies for managing fraud and  
corruption cases in our Courts

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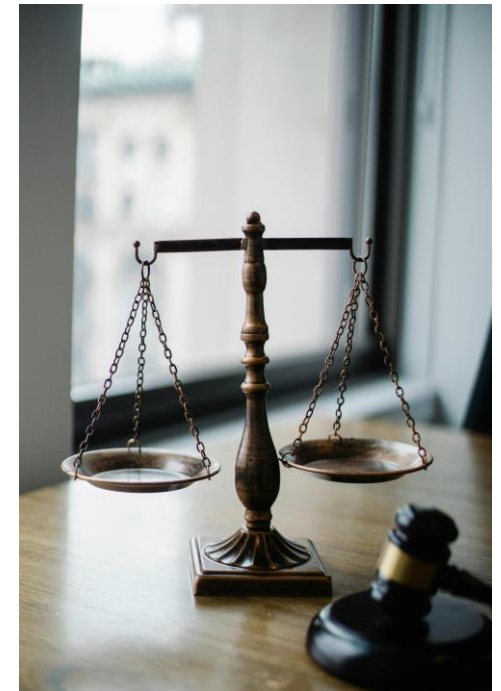
# Case Management Practices



- Your role in the Court – we all have a role in the management and reporting of cases
- Consider the **key issues** that arise in managing fraud and corruption cases
- Recommend **key strategies** to address the key issues
- PNG Case Example – an election fraud case
- Australian Case Example – Operation Apus
- Your turn – scenario - best case management practice

# Key issues faced

- Large matters involving multiple accused
- High profile accused (individuals and companies)
- Complex offence provisions
- Largely circumstantial cases
- International element
- Voluminous briefs of evidence – electronic evidence
- Multiple proceedings on foot
- Resource intensive trials – IT support, interpreters, experts
- Turnover of staff at the Court



# Key strategies to address those issues



- Properly scope the case
- Anticipate and organise resources
- Provide support and guidance to key stakeholders
- Develop an agreed process for management of documents and recording of exhibits
- Monitoring progress and adjusting resources
- Documenting and evaluating outcomes
- Identifying areas for training and development



# **The PNG Experience: Case Management Practice Example**

# PNG Bribery Case Example - Election Fraud and Official Corruption



- Case Scenario - Election Fraud and Official Corruption

State v. John Brown

## **Overview**

- John Brown, the Election Manager of Capital City, was convicted of official corruption under s. 87(1)(a)(i)(ii) of the Criminal Code. He received substantial payments to manipulate the electoral process for a candidate.

## **Facts:**

- The offender, while serving as Election Manager, received payments totaling K.....from a political candidate to ensure favourable polling station assignments and vote counting
- The payments were part of a scheme outline in a memorandum of agreement to secure the candidate's victory.

# PNG Case Example Cont.



## **Prosecution's Position:**

- The prosecution argued for a stringent penalty to uphold electoral integrity and discourage future attempts to undermine democratic processes.

## **Defence and Mitigating Factors:**

- The offender expressed remorse during allocutus, apologizing to the public, his employer (the PNG Electoral Commission), and his family for the shame brought upon them.

# PNG Case Example Cont.



- Defence highlighted the offender's long-standing service and lack of prior criminal record, emphasizing the financial and emotional strain caused by the case.

## **Aggravating Factors:**

- Abuse of a position of trust as Election Manager
- Significant planning and coordination involved in the corrupt scheme

## **Mitigating Factors:**

- Genuine remorse and admission of wrongdoing.
- Positive contributions to the community and previous exemplary service.

# PNG Case Example Cont.



## Court's Decision

- Despite acknowledging the offender's remorse and previous good conduct, the court stressed the need for a severe penalty to protect electoral integrity.
- The offender, John Brown was sentenced to six years in prison, with the trial judge emphasizing the gravity of the offence and the importance of maintaining public confidence in electoral processes.
- This case underscores the judiciary's commitment to upholding fair and transparent elections. The sentencing serves as a clear message that corruption in electoral processes will be met with severe consequences to preserve democratic values and public trust in governance.

# PNG Election Bribery: Legal Consequences and Accountability



- The offender, an Election Manager, received substantial sums to influence election results.
- Legal proceedings involved charges of official corruption and breach of public trust.
- Sentencing highlighted the gravity of the offense and its repercussions on public confidence.
- Implementing stringent legal frameworks
- Holding offenders accountable to uphold justice and deter future misconduct

# The Role of Court Officers



- Proper Management of Court Files
- Managing court files meticulously, including updating records in databases promptly.
- Handling exhibits accurately to prevent evidentiary issues, numbering them effectively and ensuring consistency across physical and electronic files.
- Facilitating document management for court proceedings, ensuring all documents are properly numbered, scanned, and stored both physically and electronically.
- Attention to detail and accurate capture of all information pertaining to court files.
- Timely updating of records in the court database for easy viewing and retrieval, assisting the FCOT Court Track Judge

# The Role of Court Officers Cont.



- Accurate Exhibit Management:
- Ensuring there are no evidentiary issues in court by managing court exhibits effectively.
- Numbering court exhibits and maintaining an effective exhibit list index.
- Ensuring consistency between the database and physical files.
- Ensuring all court data, documents, documentary evidence, orders, decisions are numbered in sequential, reflected on the file index, physical electronically stored in high quality.
- Numbering, scanning, and uploading new court documents online and placing them in physical files.
- Daily updating of physical and online records promptly after court sittings to reflect all events that took place on that day in court for individual case that went before the FCOT Track Judge
- Handling exhibits accurately and ensuring they are presented effectively during court proceedings.

# The Role of Court Officers Cont.



- Organizing and maintaining case files to ensure they are updated and easily accessible to the judge.
- Case listings management per FCOT Judge directions, including scheduling dates, informing involved parties of case listing dates, and sending notices via email, formal notice, or telephone.
- Physical and online records promptly updated in case of an appeal to facilitate easy retrieval.
- Prompt daily updates of physical and online records after court proceedings to reflect the day's events for each case before the FCOT Track Judge.
- Promptly updating physical and online records in case of appeals to facilitate easy retrieval.

## The Role of Court Officers Cont.

- Timely updating of court database records to aid easy viewing and retrieval, supporting the FCOT Court Track Judge.
- Sequential numbering, scanning, and uploading of new court documents online, and maintaining high-quality physical and online electronic files.
- Ensuring consistency between database records and physical files.
- These roles are critical for court officers to efficiently support the FCOT Court Track Judge Administrator and ensure effective administration of justice in court proceedings.

# The Role of Judicial Officers



- Facilitating fair trials
- Upholding judicial integrity
- Safeguarding due process rights of both defendants and victims

# PNG Case Example Conclusion

- In conclusion, bribery undermines institutional integrity and public trust. Today's presentation has explored its definitions, distinctions from corruption, real-life case studies, and the pivotal role of court officers in ensuring justice.
- Upholding ethical standards and transparency is essential in combating bribery effectively and fostering a society built on fairness and accountability.



# **The Australian Experience: Case Management Practice Example**

# Australian Case Example – Operation Apus

- This was the first National Disability Insurance Scheme (NDIS) fraud prosecuted in New South Wales
- It involved 6 offenders (2 principal offenders and 4 co-offenders).
- Over almost 2 years, the offenders made false payment requests to the NDIS and were paid approximately (AUD)\$1.5 million.
- The principal offenders used companies to submit 88 false, or overinflated invoices, to access the plans of 68 participants using the online NDIS website portal.
- Involved multiple investigation agencies working together – Australian Federal Police and NDIS Taskforce.



## Case Example – Operation Apus

- Once the offending was detected by the NDIS Taskforce, the offenders continued the fraud by registering new companies.
- Restraining orders and confiscation orders were involved. The items forfeited amounted to around \$300,000 in cars, goods and property purchased (including a property in Indonesia).
- The 2 principal offenders were sentenced to 4.5 years for conspiring to dishonestly obtain a gain from a Commonwealth entity. The maximum penalty for this offence is 10 years imprisonment.



# Case example – Operation Apus

## *Strategies to address issues*



- Arrange for media liaison officer – 1<sup>st</sup> NSW case of NDIS fraud
- Prepare an offence guide – conspiracy to dishonestly obtain a gain
- Review nature of evidence to anticipate resource needs
- Organise for overseas witnesses to give evidence via AVL – IT support
- Document management protocol – restraining orders and criminal proceedings on foot
- Prepare chronology and status update – High turnover of NDIS Taskforce investigators involved
- End of case feedback meeting to discuss lessons learnt
- Training of NDIS Taskforce investigators – addressing ways to strengthen evidence in large fraud prosecutions



# Advanced Managing and Reporting on Fraud and Corruption Cases Workshop

18-20 June 2024: Honiara, Solomon Islands



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## Session 7: Case Management Practices

### Scenario discussion

- There is a new money laundering trial to be conducted in your Court
- Read the scenario setting out the information about the money laundering trial
- Discuss with your colleagues - what key issues arise
- Discuss with your colleagues - what key strategies can be used to address key issues
- Report back to the group your findings