

## PAULINE DAVID

**Barrister**

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Admitted as Solicitor: 1989

Admitted as Barrister: 2007

### PROFESSIONAL

### ACADEMIC

**Bachelor of Laws**, University of Queensland, Australia, 1988

**Bachelor of Arts**, University of Queensland, Australia, 1985 (Majoring in Politics and Journalism)

**Master of Laws**, University of Sydney, Australia 2005 specialising in Transnational Crime, International Law and Evidence. Post Graduate Certificate in Chinese Law and Legal Systems, East China University of Politics and Law, Shanghai, PRC 2004.

### COUNTRIES OF WORK EXPERIENCE

Australia, Bangladesh, Cambodia, Indonesia, the Gambia, Ghana, Lao PDR, Liberia, Malaysia, Nepal, Papua New Guinea, Nigeria, Pakistan, the Philippines, Senegal, Sierra Leone, Thailand, Uganda and all countries in Association of South East Asian Nations (ASEAN), and Economic Community of West African States (ECOWAS).

### LANGUAGES

English – fluent and conversational; Indonesian – Elementary; Basic Intermediate; (Mandarin Chinese) – Intermediate; French – Basic.

### GENERAL

I am a Barrister with 30 years' experience specializing in criminal and international law, predominantly engaged as trial Counsel and as consultant international advisor in a range of international justice and law projects.

As Counsel, I represent clients in the full range of State and Commonwealth matters including at jury trials, sentences, commissions of inquiry, committals, proceeds of crime proceedings, bail applications, extradition proceedings and appeals. I am briefed by private practitioners and government agencies to appear as Counsel in all courts in a wide range of criminal cases of differing complexity and seriousness involving general and special crimes including: money laundering; crimes of violence; narcotic offences; property offences; money laundering, frauds and 'white collar crimes'; human trafficking; people smuggling; and other transnational crimes. I am a recognized specialist in money laundering, POC cases.

I am regularly engaged as an international advisor in law and justice development projects with a particular emphasis on transnational crime including anti-money laundering (AML), counter terrorist financing (CFT), anti-corruption and transnational organized crime (TOC) projects. I have had the opportunity and experience of working closely with both high level and operational level officials in key departments including Prosecution Services, Financial Intelligence Units (FIUs), Justice Departments, National Security & Counter Terrorism Agencies, Central Banks, Justice Departments, Anti-Corruption Agencies, Police Services, regulators and other enforcement agencies.

I have examined AML laws and procedures and risks in several jurisdictions including those with new laws and institutions and those jurisdictions at a more advanced stages of development in terms of their legal and institutional capacity, and compliance with international and regional conventions and standards. I have lectured in these areas at postgraduate level. I have designed and conducted a large number of successful law and justice workshops and high level seminars including, but not limited to: (i) capacity building and training across all key agencies; (ii) forums and consultative committees for law and regulatory reform initiatives; (iii) awareness raising; and (iv) law enforcement/stakeholder cooperation.

I have developed numerous technical guides and conducted many presentations in Australia and Asian region in AML, CFT, TOC, POC, anti-corruption, international cooperation, witness protection including: “*ASEAN Handbook on International Legal Cooperation in Trafficking in Persons Cases*’ UNODC/AusAid (2010)<sup>1</sup>; Case Studies of AML/CFT in Ghana, Liberia, Nigeria, Sierra Leone and the Gambia (2019); *AML & Asset Forfeiture in Pakistan: A Handbook for Investigators & Prosecutors*’ (2009); ‘*Recovering Criminal Assets Across Borders: A Guide for Investigators & Prosecutors* in Pakistan (2010); ‘International AML Framework and Pakistan’s AML and CFT Obligations’ (2010) ‘*Proceeds of Crime: Handbook for Indonesian Prosecutors* (2008); ‘*Inspection Manual for On-Site & Off-Site Monitoring: Anti-Money Laundering and Counter Financing of Terrorism (Cambodia- 2013)* and ‘*Anti-Money Laundering, Terrorist Financing & Proceeds of Crime Procedures in Cambodia (2013)*; *Guide to Cambodian AML/CFT International Legal Obligations (2013)*; ; ‘*Bangladesh Bank Anti-Money Laundering Training of Trainer Manual*’ (2005); *Law Enforcement Cooperation in AML/CFT: the Philippines (2007)*; *Analysis of the Strengths & Weaknesses of the Indonesian Anti-Corruption Commission (2005)*.

## INTERNATIONAL LAW & JUSTICE PROJECT WORK

**West Africa, Organised Crime West African Response: Money Laundering & Terrorist Financing (OCWAR-M) engaged by French Department of Peace, Security and Stability (Expertise France), EU Development Fund Project - Legal and Law Enforcement Expert, all West African States being Benin, Burkina Faso, Cabo Verde, Côte D'Ivoire, the Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo & Mauritania March-October 2019**

The overall objective of OCWAR-M project is to improve the implementation of money laundering (ML) and financing of terrorism (FT) laws in the Economic Community of West African States (ECOWAS). Focus on developing capacity in investigation, prosecution and adjudication of money laundering and terrorist financing and also the national, regional and international cooperation (mutual assistance and cross border asset recovery) in Groupe Intergouvernemental d’Action contre le Blanchiment d’Argent (GIABA) and ECOWAS member states to adopt and effectively implement (AML/CFT) measures of acceptable international standards and improve regional operational capacity on these issues. Three inception phase design missions to Ghana, Liberia, Nigeria, Senegal, Sierra Leone and The Gambia for high level consultations with stakeholders involved in the investigation, prosecution and adjudication of AML, CFT and POC.

**Trial Advocacy Training Program, Kampala, Uganda, July-August 2018, International Justice Mission, August 2018.** Training to equip senior Ugandan prosecutors with enhanced trial preparation and advocacy skills, with particular reference to gender based violence offences. .

**Review of Anti-Corruption Opportunities in Asia-Pacific, 2015-2016 (2 months), Transparency International (TI), Berlin Secretariat**

Conducted a Review and prepared Report with specific focus on the Anti-Corruption legislation and institutions of the following countries: Bangladesh, Cambodia, China, India, Mongolia, Pakistan, Sri Lanka and Vanuatu. Key focus was to review and report on the status, strengths and weaknesses of key anti-corruption legislation and institutions in Asia Pacific, including Access to Information, Whistle-blower Protection, Asset Declaration, Anti-Bribery and Anti-Money Laundering laws; Mutual Legal Assistance and Cross Border Asset Recovery. My review included identifying: the key government and non-government players in anti-corruption and anti-money laundering law reform; identification of the challenges to and opportunities for law reform; identifying which government agencies could be supported to bring about law reform; and which civil society groups had proven or potential capacity to create a climate for change. The outcome was a Report to guide and assist the relevant TI National Chapters and the Asia Pacific Department of TI, to develop and implement project plans starting in 2016.

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<sup>1</sup>[https://www.unodc.org/documents/human-trafficking/ASEAN\\_Handbook\\_on\\_International\\_Legal\\_Cooperation\\_in\\_TIP\\_Cases.pdf](https://www.unodc.org/documents/human-trafficking/ASEAN_Handbook_on_International_Legal_Cooperation_in_TIP_Cases.pdf).

**Anti-Money Laundering (Financial Intelligence Unit Specialist) Third Financial Sector Program, Cambodia, intermittent 4.5 months, February 2012-December 2013, Asian Development Bank**

Capacity building working with the Financial Intelligence Unit of Cambodia (CAFIU) in AML and combatting the financing of terrorism, including the development of regulations, national coordination between reporting entities, CAFIU and the investigating and prosecuting agencies including Ministry of Justice, Cambodian National Police and National Counter Terrorism Committee and Anti-Corruption Unit. Key emphasis on supporting bank supervision, surveillance measures and enforcement; mentoring; hands-on training in AML/CFT supervision for on-site and off-site inspection. Developed briefing papers and user friendly guides including: *'Inspection Manual for On-Site & Off-Site Monitoring: Anti-Money Laundering, Terrorist Financing & Counter Financing of Terrorism'* and *'Anti-Money Laundering & Proceeds of Crime Procedures in Cambodia'*. Support CAFIU and the NCC to understand and advocate AML/CFT obligations including *'Anti-Money Laundering & Counter Terrorist Financing: A Guide to Cambodia's Regional and International Legal Obligations'* to assist the CAFIU and NCC understand the source and nature of the obligation and to consequences of Cambodia being on the non-compliance. Throughout this TA developed a thorough working knowledge AML/CFT laws and prakas and a wide range of related Cambodian banking and criminal laws and prakas.

**Anti-Money Laundering Legal Specialist, Enhancing Financial Sector Supervision in Lao Peoples Democratic Republic, 1 month inputs Sept 2010-December 2011, Asian Development Bank**

Review Anti-Money Laundering and Counter Terrorist Financing Decrees and regulations and benchmark against regional and international legislation, provide recommendations and conduct stakeholder consultative workshops.

**Legal and Law Enforcement Expert, Strengthening Anti Money Laundering Regime in Pakistan, September 2008-March 2010 intermittent inputs (5.5 months), Asian Development Bank**

The overall goal of this project is to improve governance and strengthen the financial system in Pakistan. The purpose of the subproject is to strengthen the anti-money laundering (AML) regime and support timely implementation of the new Anti-Money Laundering Ordinance (AML Law), including effective consolidation of AML/Combating Financing of Terrorism (CFT). Work closely with the Financial Monitoring Unit (FMU), Federal Investigative Agency, National Accountability Bureau, Anti-Narcotic Force and Special Investigative Group in money laundering and terrorist financing technical capacity building. Involves law reform recommendations, developing MOUS between Pakistan law enforcement agencies and the FMU, preparing briefing papers, developing and delivering training programs, developing guidelines for cross border recovery of criminal assets. Supporting FMU with the FATF mutual evaluation conducted by World Bank and APG. Key outputs were: high level 1 day Awareness Raising Seminars involving entitled *'AML: New Directions in Law Enforcement'*; 2 x 5 day intensive training workshops entitled: *'AML & Asset Forfeiture: Law Enforcement Training Workshop'*. Prepared Briefing Papers including on FATF 40&9, UN Conventions and Security Council obligations relevant to AML/CFT: *'International AML Framework and Pakistan's AML and CFT Obligations'*. detailed Handbooks entitled: (i) *'AML & Asset Forfeiture in Pakistan: A Handbook for Investigators & Prosecutors'* and (ii) *'Recovering Criminal Assets Across Borders: A guide for Investigators & Prosecutors'*. and Draft MOUs for cooperation between FMU and key organisations

**Transnational Organised Crime Advisor, Asian Regional Trafficking in Persons Project (ARTIP), Cambodia, Indonesia, Lao PDR, Myanmar & Thailand, 6 months intermittent inputs December 2006 – January 2009, AusAID**

Engaged as Regional Transnational Organised Crime Advisor to provide technical advice, develop resources and training for judges and prosecutors, undertake research on criminal justice issues relating to human trafficking.

My particular focus was anti-money laundering (AML) and the cross border criminal and legislative aspects of human trafficking, including mutual legal assistance and extradition, and cross border asset recovery. ARTIP collaborates closely with the Association of South East Asian Nations (ASEAN) Secretariat and work closely with counterparts in country. Involved in preparing global standards against UNTOC and trafficking Protocols.

Principal writer of comprehensive resource guide for prosecutors and judges entitled: *"ASEAN Handbook on International Legal Cooperation in Trafficking in Persons Cases"* published by UNODC and ASEAN.

**Lead Advisor, Prosecution and Transnational Crime - Indonesia-Australia Legal Development Facility (IALDF), Indonesia, more than 12 months intermittent in-country inputs during October 2006 – December 2008, AusAID**

Lead Advisor to advise IALDF and provide technical assistance and training support to Indonesian prosecuting agencies, the Attorney Generals Office Prosecutors (AGO) particularly in the field of trans-national crime (AML, CFT, people trafficking, illegal logging and trafficking, terrorism) and extradition, mutual assistance and cross border asset recovery. My role included being a primary source of knowledge on Indonesian transnational crime (TNC) issues and to engage with their Indonesian counterparts. Includes technical assistance and advice, training, development of resources, support to legal and institutional reform. Extensive travel and work across Indonesia – developed transnational crime training programs which now form part of the prosecutors curriculum and specialist training programs.

**Postgraduate Lecturer: *Anti-Money Laundering and Proceeds of Crime: Laws and Countermeasures* 2005-2006**

University of New South Wales and University of Technology, Sydney and subsequent guest lecturing. Designed, developed and lectured this program and also a program for Anti-Corruption Law. :

**Legal and Regulatory AML Consultant, Philippines Strengthening the Anti-Money Laundering Regime (Phase II), Asian Development Bank Project, 3 months between July 2006 and March 2007**

In close consultation with the Anti-Money Laundering Council (AMLC), Prosecutors, Office of Solicitor General, industry regulators and law enforcement agencies and other key enforcement agencies and relevant stakeholders, reviewed those issues that hindered effective implementation of the AML regime including identifying key areas where changes to the legal and regulatory framework were beneficial as well as politically feasible; (i) developed road map on identified risk areas and gaps in regulations and laws (ii) Providing support to the AMLC and other relevant stakeholders in developing legislation/regulation in targeted areas; and (iii) Conducting technical seminars for key constituencies to support informed deliberation/implementation with respect to changes in legislation/regulation.

Conducted successful high level workshop for key AML stakeholders entitled: 'Strengthening the Anti-Money Laundering Regime in the Philippines', emphasis on legal/regulatory reform and interagency cooperation in AML.

**Legal Advisor, Development of an Anti-Money Laundering Regime (Prosecution), Indonesia, 8 months input, September 2005 - June 2006, Asian Development Bank Project**

Capacity strengthening of the AML/CFT regime in Indonesia including supporting implementation of laws and regulations, capacity to prosecute and adjudicate money laundering cases and compliance of banks and NBFI. Primary duties to assist in accordance with AML best practice Attorney General's Office (AGO) and Ministry of Justice and Human Rights (MOJHR) and Capital Markets, in close cooperation with PPATK (Financial Intelligence Unit) providing prosecutors and judges with: training manual and materials for prosecutors and judges; conducting seminars for the securities industry regulators and associations; mentored training for prosecutors and judges for the handling, prosecution, and adjudication of AML cases; training in asset forfeiture, seizure, custody, maintenance, and disposition of assets; mentored training for intermediate money-laundering prosecutions, including presentation of evidence, obtaining assistance from other countries, making international requests for evidence, and handling foreign-obtained evidence and testimony in court; Seminars/workshops on best practices for AML and CFT; and developing content for AML computer-based training in consultation with PPATK, ADB, APG and UNODC. Prepared training manual '*Anti-Money Laundering and Proceeds of Crime: Indonesian Prosecutor's Guide*' and other materials.

**Legal Advisor, Indonesian Prosecutor Study Tour to Australian agencies (Counter Terrorism), August/November 2005, AusAID Project** Legal Advisor responsible for high level visit for senior Indonesian prosecutors for comparative study experience and case analysis to strengthen mutual understanding and cooperation in terrorism cases between Australian and Indonesian prosecutors. Coordinated meetings at Ministerial level meetings in Australia. Purpose was to enhance coordination in terrorism cases between Australia and Indonesia – meetings with key agencies in Australia.

**Anti-Money Laundering Specialist, Managing Core Risks in Banking Project, Bangladesh, various inputs in Australia and Bangladesh, between August 2004 - April 2005, World Bank Project**

Developing capacity of central, nationalized and commercial banks to manage money laundering risks (one of five

recognized core risks), based upon new legislation and international procedures including: preparation of comprehensive *'Bangladesh Bank Anti-Money Laundering Training of Trainer Manual'* based on new AML regulations and guidelines; conducting series of workshops 4 x 4 day workshops at the Bangladesh Bank Training Academy, Dhaka.

**Legal Advisor, Capacity Strengthening the Commission for Eradication of Corruption in Indonesia 6 months in country between Sept 2004 to May 2005, Asian Development Bank Project**

International consultant in capacity building of Komisi Pemberantasan Korupsi (KPK) to fulfill mandate in its Operations Division comprising: Detection, Investigation, Prosecution and Witness Protection. Core task to develop Standard Operating Procedures for Operations Division. Also prepared briefing and position papers for Law Reform including detailed paper: *'KPK Operational Powers: Outline of Inconsistencies and Weaknesses and Recommendations for Reform'*. Developing MOU's with key agencies including: PPATK; Telecommunications Service Providers; Central Bank; Police; Ministry of Finance; Directorate General Tax; Corrections; and Supreme Audit Board; Preparation of specific money KPK anti-money laundering training/manual materials; Conducting and facilitating training in all operational areas.

**Legal Advisor, Institutional Support for Governance Reform - Anti-Corruption and Anti-Money Laundering Specialist for Government of Nepal, Nepal, 3 months 2001 & 2002, Asian Development Bank Project**

Engaged as a consultant providing technical legal assistance in Nepal as part of a major civil and administrative reform project. During the course of this Governance Reform project had extensive consultation with Commission for the Investigation of the Abuse of Authority (CIAA) Commissioners; prosecutors from Attorney Generals and CIAA, Defence lawyers; Public Advocacy lawyers; senior police, including Special Police; and officials from key agencies involved in the enforcement of corruption laws.

## PROFESSIONAL EXPERIENCE - CRIMINAL LAWYER

**Solicitor and Advocate, Legal Aid Commission, Head Office, Sydney April 2000 – August 2005**

As a solicitor I represented clients in a wide range of criminal cases of differing complexity and seriousness involving general and special crimes including: money laundering; crimes of violence; narcotic offences; property offences; money laundering, frauds and 'white collar crimes'; human trafficking and people smuggling. As solicitor I held various positions, responsible for representing clients and managing court practices in the Sydney inner city areas. There was a heavy emphasis on advocacy in this role where each day we managed voluminous and busy workloads.

**Solicitor (Executive Level 2) - National Crime Authority (Sydney Office) – South East Asian Organized Crime and Money Laundering Investigation Teams, January 1997 to February 2000**

The National Crime Authority (NCA), now called Australian Crime Commission, was the primary Australian law enforcement body responsible for investigating serious, organized and sophisticated criminal activity, usually of a cross border and transnational character. Regularly appeared as Counsel Assisting at NCA special hearings. Provided legal advice on the use of Authority powers to ensure that any coercive powers, investigative techniques and resources were utilized in accordance with applicable laws, policies and procedural guidelines. Attached to 'Operation Blade' investigating South East Asian organized crime, primarily heroin trafficking and money laundering, complemented by a secondary focus on extortion and violence, immigration malpractice and people trafficking. Also attached to 'Operation Swordfish', the NCA reference to investigate money laundering - the NCA, as lead agency, was allocated funding in the federal budget over a three year period for a concerted attack on the profit motive of organized crime, allowing for a coordinated, multi-agency approach to money laundering, illegal currency transactions, tax evasion, other revenue fraud and associated or underlying criminal activity. Personally responsible for establishing and leading team of specialists in a pilot project aimed at identifying money laundering and taxation evasion schemes, and tracing and confiscating the illegal proceeds of organized criminal activity.

**Senior/Principal Legal Officer - Official Misconduct Division, Criminal Justice Commission (CJC), Australia, September 1994 to January 1997**

The CJC (now called the Crime & Misconduct Commission) is an anti-corruption agency which was established by statute on the recommendation of the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (more popularly known as the Fitzgerald Inquiry). As well as its investigative function, the CJC was also charged with: gathering and analyzing intelligence on public sector corruption; reviewing and monitoring policing procedures; researching, reviewing and educating the community on public sector corruption; and protecting witnesses. Regularly appeared as Counsel Assisting during investigations of allegations of official misconduct. Also responsible for investigating major organized crime, often in cooperation with other law enforcement agencies. Led a major crime team and a complaints team where the more prolonged and complex investigations and prosecutions were carried out.

**Solicitor and Associate, Messrs Price & Roobottom, Southport, Queensland, 1988 -1994,**

As solicitor specialising in criminal law, represented clients at all stages from initial police interviews and search/arrest scenes, through to finalization in the Local, District and Supreme Courts and the Court of Appeal. Appeared as advocate almost daily and carried the conduct of matters at all stages of the criminal justice process from initial police interviews with suspects at police stations and search/arrest scenes, through to finalisation in the Local, District and Supreme Courts and the Court of Appeal. At this firm I defended people from a wide range of socio economic and cultural backgrounds including those persons from the most powerful sectors of the community and those persons from the most vulnerable sectors of the community.

**Law Clerk and Articled Law Clerk, 1985- 1988.**

**Law Tutor (part time) – ‘Criminal Law’, ‘Evidence’ and ‘Australian Government Institutions’ – University of Queensland, and Queensland University of Technology 1988-92**