

IN THE SUPREME COURT OF NEW ZEALAND

**SC 53/2007
[2008] NZSC 5**

ALEX KWONG WONG

v

THE QUEEN

Court: Blanchard, Tipping and McGrath JJ

Counsel: R E Harrison QC for Applicant
A Markham for Crown

Judgment: 15 February 2008

**JUDGMENT OF THE COURT – APPLICATION FOR REHEARING OR
ADDITION OF NEW GROUND OF APPEAL**

The application is dismissed.

REASONS

[1] On 24 September 2007 this Court granted Mr Wong's application for leave to appeal against the dismissal by the Court of Appeal of his appeal to that Court against his conviction on charges of importing, dealing in and possession of methamphetamine and on charges of money laundering.

[2] The only ground of appeal for which leave was granted concerned whether Mr Wong's trial should have been allowed to proceed with 10 jurors. The Court's

reasons record that a proposed ground relating to the money laundering convictions was considered “plainly unsustainable”.

[3] Mr Wong has now applied for a rehearing of his leave application or, alternatively, for an order amending the grounds of appeal. In essence, this application is based on the argument that Mr Wong could not properly have been convicted of money laundering under s 243 of the Crimes Act 1961 on the basis of certain gambling activities at a casino. Written submissions have been received from both parties.

[4] It will be only in rare circumstances that the Court will accede to an application to reconsider granting leave for the advancing of a ground which the Court has previously concluded does not meet the criteria in s 13 of the Supreme Court Act 2004.

[5] We are far from persuaded that this is one of those circumstances. Indeed, despite the industry of Mr Harrison QC, we remain of the view that the proposed argument concerning money laundering has no merit.

[6] Counsel’s principal submission is that money laundering involves dealing with the proceeds of offending for the purpose of concealing it in some manner. The proposed argument is that the gambling away of money in public does not involve concealment of the money in question. We accept that there must be a purpose of concealment. Section 243(4) makes that plain enough. But the definition of “conceal” in s 243(1) includes the conversion of property from one form to another. Gambling involves the exchange of money for gambling chips and, if the gambler wins, reconversion of the chips back to money again.

[7] Accordingly, if gambling is undertaken in order to carry out such a conversion of property with the purpose of concealing the money which is gambled and thereby concealing its source, that will constitute money laundering in terms of s 243. It would be very surprising if that were not so. As the Crown said in its submissions, gambling is a well-recognised money laundering technique.

[8] As the Crown also says, it is the intention of the gambler, not the effectiveness of the gambling as a technique for laundering in the particular case, which is required to be proved. The trial Judge's directions adequately dealt with this point.

Solicitors:
Crown Law Office, Wellington