

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Supplementary Budget Estimates

20-21 November 2013

Question: SBT 30

Topic: ASIC cases referred to the AFP

Hansard Page: 7-8, 20 November 2013

Senator DASTYARI asked:

30. Senator DASTYARI: Let us take a step back. If you receive a verifiable report—somebody comes to you and says, 'I have an issue with this company,' and I appreciate that there is sometimes a grey line between what is an ASIC matter and what is a criminal matter—what is the obligation of ASIC to pass that on to the police? What structure is in place to do that?

Mr Day: One of the groups that I look after is called Misconduct and Breach Reporting. All matters that come from the public come through my group, and they are given an initial assessment. On the basis of that assessment we will, if you like, interrogate the information that we have been given and also cross-refer that to other information we have got from other sources, our own databases or even information that may be available through other law enforcement agencies' stores of information as well. On the basis of that, certainly if the matter looks to be of the type of serious criminal conduct that maybe you are referring to, we will look at that. My group will then liaise with our enforcement group and say, 'What's the best treatment for this?'

Senator DASTYARI: Let us just talk some numbers. How many have you referred to the AFP in the past year?

Mr Day: I would have to take that on notice.

Senator DASTYARI: Okay. But you would have a kind of idea, wouldn't you? Is a common thing?

Mr Day: It is not that common. The types of matters of that nature that generally are raised with ASIC often are not things that we can deal with.

Senator DASTYARI: I appreciate that you will give me a final number on notice, but are we talking five a year, 10 a year, 100 a year?

Mr Day: I would not want to mislead you, Senator. I do not know.

Senator DASTYARI: There are 10 people here. Can someone find out?

Mr Day: I am saying that I can take it on notice and I can come back to you with an answer.

Senator DASTYARI: This is the question on notice, just to be clear. How many in the past five years have been referred to the AFP? How many in the past 12 months have been referred to the AFP? How many since the signing of the MOU with the AFP have been referred to the AFP?

Mr Day: Yes.

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Answer:

30. Since 1 July 2008:

- ASIC has referred 27 matters to the AFP (3 of these were referred after 1 July 2013 including 1 referred after the MOU was signed on 9 October 2013); and
- ASIC has received 40 referrals from the AFP (6 of these were received after 1 July 2013 including 2 received since the MOU was signed on 9 October 2013).

In addition, ASIC has made numerous referrals to the AFP in relation to proceeds of crime, search warrants, international assistance and Passenger Analysis Clearance & Evaluation (PACE) alerts.