

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Supplementary Budget Estimates

20-21 November 2013

Question: SBT 32

Topic: ASIC / AFP Liaison Committee

Hansard Page: 8, 20 November 2013

Senator DASTYARI asked:

32. Senator DASTYARI: Explain to me about the liaison committee.

Mr Savundra: We liaise with the AFP on a number of fronts. There are also cross-agency projects in which we interact and share both intelligence and information in relation to ASIC's work. Project Wickenby is an example. There are other cross-agency projects or task forces where a number of Commonwealth agencies and law enforcement agencies come together to work collaboratively.

Senator DASTYARI: Okay.

Mr Medcraft: What we should do is give you an outline of where we are working on liaison with the AFP. I think it would be quite useful.

Senator DASTYARI: Yes. I ask you on notice to produce for us a bit of a report on what the liaison relationship is.

Answer:

Details of liaison between ASIC and the AFP are set out in the table below.

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ASIC liaison with the AFP			
Name of Meeting	Purpose of Meeting	Agencies / Persons Attending	Regularity of Meeting
Fraud & Anti-Corruption Centre (FAC Centre)	<p>The objective of the FAC Centre is to deliver a collaborative Commonwealth multi-agency approach to the Australian Government's law enforcement capability and response to fraud and corruption, and aims to deliver greater protection over Commonwealth revenues and minimise loss of funds.</p> <p>The FAC Centre will work closely with Commonwealth agencies to triage and prioritise the most effective and appropriate investigative response to referrals of serious and complex fraud and corruption matters to the AFP. The FAC Centre will also provide an independent probity and preventative advisory role for new government funding initiatives vulnerable to serious and complex fraud and corruption, and foreign bribery matters</p>	<p>The FAC Centre is located within the AFP and is a joint initiative involving the following agencies and departments:</p> <ul style="list-style-type: none"> • the Australian Securities and Investments Commission (ASIC), • Australian Taxation Office (ATO), • Australian Crime Commission (ACC), • Department of Human Services, • Australian Customs and Border Protection Service; and • Department of Immigration and Border Protection <p>The FAC Centre is resourced by the AFP and seconded members drawn from the above partner agencies.</p> <p>An ASIC Senior Executive attends the FAC Centre Joint Management Committee meetings. ASIC currently has a senior lawyer seconded to the Centre.</p>	<p>Joint Management Committee – Quarterly (currently every 2 months)</p> <p>Senior Officer Group – bi annually</p>

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<p>Australian Criminal Intelligence Forum (ACIF)</p>	<p>The ACIF was established by the Australian Crime Commission (ACC) Board and its terms of reference are:</p> <ol style="list-style-type: none">I. Promote and champion the criminal intelligence function nationally.II. Provide a forum for Heads of Intelligence nationally to collaborate on high level strategic intelligence issues and to strengthen their ability to provide coordinated national advice to the ACC Board and other stakeholders.III. Oversight the implementation of the Australian Criminal Intelligence Model (the Model) and the Australian Criminal Intelligence Management Strategy (the Strategy).IV. Identify mechanisms and strategies to promote common standards, processes and protocols for managing the national intelligence assets.V. Accept referred matters from other forums or agencies seeking intelligence advice and support.VI. Perform the governance role of high level sponsoring group for the Australian Criminal Intelligence Database /Australian Law Enforcement Intelligence Network Scoping Study. <p>The ACIF reports to the ACC Board twice a year</p>	<p>Senior intelligence officers from each of the State and Territory police forces, the AFP, ATO, CrimTrac, Australian Customs and Border Protection Service, Department of Immigration and Border Protection, Attorney General's Department (AGD) and the Australia New Zealand Policing Advisory Agency</p>	<p>Quarterly</p>
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<p>Heads of Commonwealth Operational Law Enforcement Agencies (HOCOLEA)</p>	<p>The HOCOLEA is the Commonwealth Government's primary consultative mechanism for law-enforcement policy issues.</p> <p>The mechanism by which HOCOLEA researches issues and effects change is through multi-agency task forces, which are usually chaired by the agency most central to the issue being examined.</p>	<p>The committee comprises the Heads of Commonwealth law-enforcement, taxation and regulatory agencies and departments:</p> <ul style="list-style-type: none">• AGD• Australian Competition and Consumer Commission• ACC• Australian Customs and Border Protection Service• AFP• Australian Prudential Regulatory Authority• ASIC• ATO• Australian Transactions Reports and Analysis Centre (AUSTRAC)• Department of Immigration and Border Protection• CrimTrac• Commonwealth Director of Public Prosecutions (CDPP)	<p>HOCOLEA meets at least once a year and held its last meeting in November 2013.</p>
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<p>Project Wickenby</p>	<p>Project Wickenby is cross-agency task force which focuses on the fight against tax evasion, avoidance and crime. It was established in 2006 to protect the integrity of Australia's financial and regulatory systems by preventing people from promoting or participating in the abusive use of secrecy havens.</p>	<p>ASIC, AFP, ATO, AUSTRAC, ACC, CDDP and AGD</p> <p>ASIC has a senior officer as a member of the Wickenby Case Forum which meets every month to discuss the progress of current cases, new matters for referral to Wickenby and any other case related issues. ASIC provides assistance in the Wickenby investigations where appropriate. This can be direct consultation with AFP case officers. ASIC can and does run appropriate investigations under Wickenby and will also consult with AFP case officers where necessary on mutually beneficial investigations.</p>	<p>Twice a month.</p>
<p>ASIC / AFP Senior Officer Liaison meeting</p>	<p>Meeting to discuss operation and implementation of the ASIC / AFP MOU</p>	<p>ASIC and AFP</p> <p>ASIC Commissioner, AFP Deputy Commissioner and Senior Executives from ASIC and AFP</p>	<p>Annually (commencing 2014)</p>
<p>Other Regional AFP Liaison meetings (e.g. Victorian Partners Investigation Forum etc.)</p>	<p>Various meetings to share intelligence and discuss matters/referrals (including search warrants, international assistance, proceeds of crime and PACE alerts)</p>	<p>ASIC and AFP</p> <p>Operational staff from the ASIC and AFP</p>	<p>Various and ad hoc</p>