

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 62

Senator Whish-Wilson asked the following question at the hearing on 24 February 2014:

Senator WHISH-WILSON: Proceeds of crime—just because I am not a lawyer like my colleagues—only relates to the recovery of funds; it does not relate to potential jail time or other—

Mr Phelan: No, it is a confiscation of profits, effectively.

Senator WHISH-WILSON: Was there any discussion with creditors on this case? (*John Gay*)

Mr Phelan: I would have to take that on notice. I am not sure. I seriously doubt it, though.

Senator WHISH-WILSON: But you would obviously have had discussions with ASIC, or is it handed to you in a file?

Mr Phelan: I assume so, but I would have to take on notice the exact circumstances around the referral.

Senator WHISH-WILSON: If you could, particularly so I can get an idea of when the case was referred to you and when you made the decision. That would be quite useful—how long that process took.

Mr Phelan: Yes.

The answer to the honourable senator's question is as follows:

No discussion took place between the AFP and creditors.

A number of enquiries were required by the AFP to properly evaluate and assess the matter, including discussions with ASIC.

The referral was received from ASIC on 28 August 2013.

After assessment of the matter, it was decided on Wednesday 11 December 2013 not to progress.