

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 231

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

In relation to the proceeds of crime action against John Gay:

1. When did ASIC refer John Gay's case to the AFP for a proceeds of crime investigation?
2. What date was the case dropped?
3. What date was the decision to drop the case made public?
4. Was there a media release or statement widely issued?
5. If not – why wasn't a statement released?
6. Was any statement posted on the website?
7. Was ASIC alerted to your decision before the media were?
8. Have ASIC corresponded with the AFP about the case following your decision? If so what was the nature of their response?
9. What were the reasons the case was dropped?
10. Was ASIC too late in passing John Gay's case on to you? How much time is ideal?
11. What other Government agencies did you contact in the process of your investigation?

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

1. The referral was received from ASIC on 28 August 2013.
2. The AFP and the taskforce case forum made the decision not to accept the matter for proceeds of crime action on 11 December 2013.
3. The AFP wrote to the referring agency on 20 December 2013.
4. No.
5. This is not normal practice.
6. No.
7. Yes.
8. Yes. ASIC requested a review of the matter based on further information that was not forthcoming in the original referral; however this did not alter the decision.
9. The judge did not quantify the financial benefit derived in the case; and the amount of time elapsed since arrest.
10. No. The earlier that consultation takes place the better.
11. Nil.