

Answer to question in writing:

HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON ECONOMICS

REVIEW OF THE ASIC ANNUAL REPORT (SECOND REPORT) 2019

ASIC42QW:

Does ASIC stand by the proposition, which it pursued in the case ASIC v Mitchell (No 2) [2020] FCA 1098 (Court Transcript, 2 December 2019, p. 1239), that Mr Healy made statements in his examination by ASIC which were inconsistent with the evidence he gave in court? If so:

(a) What is ASIC's view of Beach J's decision (Court Transcript, 2 December 2020, p. 1314) to not allow ASIC to use the excerpts of the transcript of Mr Healy's examination by ASIC?

(b) Does ASIC intend to pursue Mr Healy for making a false or misleading statement to ASIC or for giving a false statement to the court? If not, why not?

Answer:

ASIC stands by the submissions made through its counsel that Mr Healy made inconsistent statements.

(a) ASIC has a different view to Justice Beach. As submitted at trial, ASIC considers that the relevant excerpts were admissible.

(b) ASIC is considering these matters and has not reached a concluded view.