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MC12/1016

Ms Fiona Bowring-Greer  
Committee Secretary  
Parliamentary Joint Committee on the Australian Commission for Law  
Enforcement Integrity  
PO Box 6100  
Parliament House  
Canberra ACT 2600

### **Inquiry into the integrity of overseas Commonwealth law enforcement operations**

I am writing to follow up issues arising from the private briefing the Australian Federal Police (AFP) gave the Committee on 20 September 2012 in relation to the decision made by former Commissioner Keelty to discontinue the AFP investigation into matters arising out of the Cole Inquiry into the Australian Wheat Board (AWB).

During the briefing, the Committee asked that the AFP provide:

- Advice on the statute of limitations in relation to possible action by the Australian Securities Investment Commission (ASIC) against AWB officers
- the name of the Manager of the UN Office of the Iraqi Program who declined to assist the AFP with its investigation
- a copy of their submission on the foreign bribery legislation discussion paper released by the Australian Government in 2011 including the AFP's assessment of the UK and US legislation.

#### *Statute of limitations on Corporations Act 2001 Offences*

The Corporations Act limits the time for the commencement of civil penalty proceedings to six years. This time limit applied to the proceedings that ASIC brought against six former AWB directors and officers in December 2007. ASIC press release 07-332 (enclosed) provides additional detail.

#### *Manager of the UN Office of the Iraqi Program*

The manager of this office was Benon Sevan.

*Protection of whistleblowers and assessment of relevant UK and US legislation*

Attachments A and B refer. Please note that parts of Attachment B have been redacted as some of the content could harm either current matters before the courts/under investigation, or deter possible self-disclosures.

If the AFP is able to assist your inquiry further, please contact Mr Peter Whowell, Manager Government Relations, ph:

Yours sincerely

Ramzi Jabbour  
Assistant Commissioner  
Crime Operations

20 November 2012