

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 57

Senator Milne asked the following question at the hearing on 24 February 2014:

Senator MILNE: I want to go back to the issue of the OECD international anti-bribery convention and, in particular, the *Phase 3* report and Australia's response to it—but, firstly, to the criticism that was made in it that, of 28 foreign bribery referrals received by the Australian Federal Police, only one case has led to a foreign bribery prosecution. That was up to 2012, so I would like to ask you first of all, in relation to those: can you give me a breakdown of the sectors that those companies represent and can you explain why only one of those was pursued?

Mr Negus: I will pass over to the deputy commissioner, who I think has at least some of those details.

Mr Phelan: In relation to those particular companies and the sectors, we will have to take that on notice to break that down. But, as to one matter coming before the court in relation to foreign bribery matters, it should be noted that these are extremely complex matters. They are matters that require a lot of investigation domestically and also a lot of investigations with offshore entities, including the utilisation of mutual assistance matters, which makes it quite difficult sometimes to follow the trail and move from one phase of an investigation to another. So, by definition, these investigations take a long time. Currently, we have 13 active investigations that the AFP is doing.

...

Senator MILNE: The OECD referred to a case in Chinese Macau where a Chinese official is currently serving a 289-year sentence for accepting bribes of up to \$100 million. The properties were part owned by James Packer's company, Crown, and the AFP did not launch a domestic investigation. Is that one of the investigations that you have reopened? If not, why, given that this person has been put in jail for taking bribes for \$100 million, was the Australian end of the operation not investigated?

Mr Phelan: That information is not before me. I will have to take that on notice.

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

The 28 foreign bribery matters referred to in the OECD's *Phase 3 Report on Implementing the OECD Anti-Bribery Convention in Australia* represent the following sectors:

Industry Divisions¹	Count
Agriculture, Forestry and Fishing	4
Mining	13
Manufacturing	4
Electricity, Gas, Water and Waste Services	1
Construction	1
Retail Trade	1
Accommodation and Food Services	1
Transport, Postal and Warehousing	1

¹ Industry Divisions are based on the *Australian and New Zealand Standard Industry Classification (ANZSIC) 2006* from the Australian Bureau of Statistics.

Industry Divisions¹	Count
Information Media and Telecommunications	1
Arts and Recreation Services	1
Total	28

Crown/Macau Matter

The case referred to by Senator Milne relating to Chinese Macau is not a matter that has been reopened by the AFP.

With the information available to the AFP at the time, we supported and provided assistance to a domestic bribery investigation by the Macau Commission Against Corruption, including conducting enquiries in relation to possible proceeds of crime. There was no provision of information at the time to support an Australian foreign bribery investigation.

In 2011, Australia addressed OECD questions on this matter and it was removed from the OECD case matrix of publically known investigations.