

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. AE16/034

Senator Wang asked the following question at the hearing on 9 February 2016:

Ms L Close: The Fraud and Anti-Corruption Centre has been established for the past three years, since 2013.

Senator WANG: Within the three years, how many investigations has the centre undertaken and how many are still ongoing?

Ms L Close: That would be extensive. I would have to take that on notice—

Senator WANG: Yes, please.

Ms L Close: because there have been quite a number of investigations.

Senator WANG: I also note that the referrals page on your website it states that a federal government department or agency is able to refer matters in which there has been a 'serious breach of federal legislation'. Since the centre commenced operation, how many referrals have been received by the centre?

Ms L Close: Again, that would be something that I will take on notice.

Mr Colvin: Just on that, it is worth noting as well that the Fraud and Anti-Corruption Centre has other departments embedded with it, so there would be matters that they would have brought as part of their secondment to the centre, as well as matters that the department has formally referred. It would be extensive, so we will take that on notice.

Senator WANG: Do you put your investigations into different categories or types of offences?

Mr Colvin: Yes, we do.

Senator WANG: Would you put that on notice and give me a breakdown of the types of offences.

Mr Colvin: We may aggregate some together, because within fraud there are many sorts of fraud: fraud against the Commonwealth. We will look at how we can best inform the committee, but we can do that, yes.

Senator WANG: This is probably not a statistical question: generally, has there been any increase in reporting of allegations of corruption and misconduct compared to the period before the centre was set up?

Mr Colvin: We will take it on notice and give you an exact answer. My inclination is to say yes. We know that we have far more foreign bribery allegations now than we would have had four years ago—that is a simple measure. But we will see if we can get you very specific figures on that.

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

Question 1 - How many investigations has the Centre undertaken, and how many are still ongoing?

- In February 2013, the AFP Fraud and Anti-Corruption business area (FAC business area) was established and comprised of AFP members only.
- Between 1 February 2013 and 1 July 2014, the FAC business area received 19 referrals. Of these:
 - 14 were rejected

- 5 were accepted for investigation
 - 3 are subject of ongoing investigation
 - 1 is before court.
 - 1 was referred back to the originating agency after search warrant assistance.

In July 2014 the AFP hosted multi-agency Fraud and Anti-Corruption Centre (FAC Centre) was officially launched, which now involves eleven Commonwealth agency partners.

- Between 1 July 2014 and 1 March 2016, the FAC Centre received 93 referrals. Of these:
 - 44 were rejected
 - 26 are subject of ongoing evaluation
 - 23 were accepted for investigation
 - 16 are subject of ongoing investigation
 - 4 are before Court
 - 3 are finalised for the following reasons
 - 2 with no offence disclosed
 - 1 was referred back to the originating agency for their action.
- A referral evaluation is the process of determining whether the AFP will investigate a matter and assigning it a priority. This involves assessing available information and evidence to determine if there are sufficient grounds to warrant a criminal investigation. The complexity of a matter and jurisdictional issues can impact on the length of the evaluation period.
- The reasons for a matter being rejected for investigation include but are not limited to:
 - There is insufficient information or evidence to warrant a criminal investigation.
 - The referral concerns matters that are not within the jurisdiction of the AFP and for this reason is returned to the referring agency or individual.
 - It is determined the referring agency has the capability and capacity to investigate the matter independently of the AFP. In these instances the FAC Centre, if requested by the referring agency, may provide investigation planning advice and operational support assistance.
 - The referral is forwarded to another more appropriate agency.
 - The matter is considered a low priority when evaluated against the AFP Case Categorisation and Priority Model.

Question 2 – How many referrals have been received by the FAC Centre.

- Between 1 July 2014 and 1 March 2016, the FAC Centre received 93 referrals.

Question 3 – Do you put your investigations into different categories or types of offences?

- The FAC business area and FAC Centre has responsibility for serious and complex fraud and corruption matters, including corruption by Australian Government employees, foreign bribery and complex identity crime.
- Since the official launch of the FAC Centre on 1 July 2014, of the 23 matters accepted for investigation:
 - 12 matters related to serious and complex fraud
 - 7 matters related to corruption by Australian Government employees
 - 2 matters related to foreign bribery
 - 2 matters related to complex identity crime
- It should also be noted that other areas of the AFP have responsibility for different categories of fraud and corruption.
 - For example, AFP Professional Standards is responsible for investigating allegations relating to conduct of AFP members.

Question 4 – Has there been any increase in reporting of allegations of corruption and misconduct compared to the period before the Centre was set up?

- Between 1 February 2013 and 1 July 2014, the FAC business area received 4 corruption referrals.
- Between 1 July 2014 and 1 March 2016, post the establishment of the multi-agency FAC Centre, there have been 30 corruption referrals.
- Corruption referrals managed by the FAC business area and FAC Centre relate only to allegations of corruption by Australian Government employees and allegations of foreign bribery involving Australian citizens or corporate entities.