

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN INSTITUTE OF CRIMINOLOGY

Question No. 359

Senator Ludwig asked the following question on 2 December 2004:

What were the recommendations of the internal audit of the website?

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

The recommendations of the internal audit of the website were:

- 1 - AIC to consider incorporating a link to the Minister's website;
- 2 - AIC Privacy Statement should be updated;
- 3 - AIC to consider adding a specific statement in line with IPP 2;
- 4 - AIC to develop processes to ensure new staff members are aware of publication of their details on website and their acknowledgment being required;
- 5 - AIC to consider undertaking a brief assessment exercise through written survey or other information gathering approach;
- 6 - AIC should review and extend application of AGLS metadata to all information required under the OISOs, Privacy Policies, Copyright and Legal Disclaimers;
- 7 - AIC to investigate a replacement search engine;
- 8 - AIC to undertake a risk assessment;
- 9 - AIC to ensure compliance with providing documentations in various formats;
- 10 - AIC to consider providing plain text links that describe existing images on the site that provide links to associated websites, and consider modifying the colour scheme;
- 11 - AIC to establish processes to ensure all publications for public consumption are assigned a persistent identifier using either ISBN/ISSN or EAN 13;
- 12 - AIC to finalise its IT Security Policy and consider updating web security;
- 13 - AIC to further develop webserver security requirements and incorporate into IT Security Policy;
- 14 - AIC should request the third party provider, under contract, to configure and manage the AIC webserver in line with webserver security requirements and government standards, seek assurance confirming implementation, develop processes and assign responsibility for ongoing monitoring of contractors compliance;
- 15 - AIC to consider strengthening password controls over access to certain specific data;
- 16 - AIC to consider assigning responsibility for setting and reviewing the strategic direction and services provided by the website, and formalising processes for regular monitoring of user and customer satisfaction;

17 - AIC should review the demand for online purchasing, assess the benefits to customers, consider any potential increased revenue or reduced costs through providing for online sales;

18 - AIC to consider increasing the maturity of management processes governing the performance of website management to a level of 3 - Defined Process, in line with ANAO expectations.

All recommendations have been implemented, with the exception of e-purchasing and a web user survey, which will be done as resources permit.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN INSTITUTE OF CRIMINOLOGY

Question No. 360

Senator Ludwig asked the following question on 2 December 2004:

Does the AIC charge a fee for the management of the websites of the Campbell Collaboration's Crime and Justice Coordinating Group and the Australasian Police Multicultural Advisory Bureau? If so, what is this fee?

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

No.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN TRANSACTION REPORTS AND ANALYSIS CENTRE (AUSTRAC)

Question No. 361

Senator Ludwig asked the following question on 2 December 2004:

I refer to you allegations that Melbourne Crown Casino management reported to AUSTRAC over a dozen times financial activities by Mr Leng, as reported in The Australian 12/7/04, in an article entitled "Westpac sued for fraud loot".

- a) Does this article correctly state the facts?
- b) If not, in what respects is it incorrect?
- c) Has AUSTRAC received at any time any reports concerning Mr Leng or his financial or commercial activities?
- d) If so, when?
- e) If so, what were the nature of those reports?
- f) What was AUSTRAC's response to any such report?
- g) Did such action abide by any relevant policies or procedures regarding the evaluation of reports?
- h) If not, what action has been taken by AUSTRAC to ensure that such breaches of policy or procedure do not reoccur?

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

As a result of the secrecy and access provisions within the *Financial Transaction Reports Act 1988* (FTR Act) and the operational nature of the matter, AUSTRAC is unable to provide a comprehensive response to the questions raised on this matter.

As the agency responsible for the implementation and operation of the FTR Act, AUSTRAC is both a financial intelligence unit and a regulatory agency. To ensure the effective protection of the information collected under the reporting requirements of the FTR Act, AUSTRAC's operations are guided by the secrecy and access provisions of Part IV of the FTR Act, specifically sections 25 - 27.

These sections specifically limit the entities to whom AUSTRAC is able to provide information regarding transaction reports it collects from casinos and other prescribed 'cash dealers'. The types of financial transactions collected by AUSTRAC include suspect transactions, large domestic and cross border cash transactions and international funds transfer instructions. These entities are generally referred to as partner agencies and include law enforcement, national security, revenue collection and social justice agencies. These agencies are listed in sections 27 and 27A of the FTR Act.

It should be noted that the FTR Act also imposes strict conditions on cash dealers, prohibiting them from disclosing or acknowledging that suspect transaction reports have been made. These prohibitions are designed to protect and encourage the overall reporting regime, the entities who report and the identities of the employees of those entities.

AUSTRAC has a range of activities designed to ensure cash dealers are aware of, and comply with, their obligations under the FTR Act. These range from general guidance and education through publications and on-site visits, to inspection of cash dealer procedures.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 362

Senator Greig asked the following question on 2 December 2004:

Matters relating to the Windsor allegations: I refer to the Australian Federal Police investigation in relation to an allegation of electoral bribery regarding the Member for New England, Mr Tony Windsor MP. Please provide the standard operating procedures or guidelines which governed the Commonwealth Director of Public Prosecutions (CDPP) role in that investigation.

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

The matter was assessed in accordance with the Prosecution Policy of the Commonwealth.

The Prosecution Policy of the Commonwealth is a public document and is available from the Commonwealth Director of Public Prosecutions' website at <http://www.cdpp.gov.au>.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 363

Senator Greig asked the following question on 2 December 2004:

Matters relating to the Windsor allegations: It is understood that the AFP's investigation was finalised and the result announced on 22 November, almost immediately after Mr Windsor MP aired his allegations in the Parliament on 17 November. Given that it was in the public interest for the matter to be resolved as soon as possible, why was it not finalised prior to the 17 November? Did the CDPP take any advice on the timeframe for its consideration of the AFP's evidence?

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

This matter was assessed in accordance with the Prosecution Policy of the Commonwealth and advice obtained from senior counsel. The DPP did not take any advice in relation to timeframes.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 364

Senator Greig asked the following question on 2 December 2004:

Matters relating to the Windsor allegations: When did the CDPP first advise the AFP that the evidence would not substantiate a charge? Why did the assessment of the evidence take this time?

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

19 November 2004. See answer to Question No. 363.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 365

Senator Greig asked the following question on 2 December 2004:

Matters relating to the Windsor allegations: Was the advice to the AFP initially provided in writing or verbally? If the advice was first provided verbally, when was written advice provided?

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

The advice was provided in writing.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 366

Senator Greig asked the following question 2 December 2004:

Matters relating to the Windsor allegations: Did the CDPP endeavour to provide advice to the AFP before the sitting of the new parliament (i.e. 16 November), given the nature of the allegations and possible damage to the reputations of sitting members?

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

See the answer to Question No. 363.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 367

Senator Ludwig asked the following question on 2 December 2004:

In 2003-04, how many prosecutions in total did the DPP launch for GST cases?

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

Eighty.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 368

Senator Ludwig asked the following question on 2 December 2004:

How many prosecutions in total did the DPP launch for slavery, sexual servitude and deceptive recruiting since 1999? How many have resulted in a conviction?

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

Fifteen. One has been discontinued. Details of one matter are subject to a suppression order.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 369

Senator Ludwig asked the following question on 2 December 2004:

Why did the number of prosecution sentence appeals upheld in indictable matters fall 10% short of its targeted outcome?

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

Prosecution appeals against sentence play an important role in establishing and maintaining adequate standards of punishment. Although the DPP did not meet its targeted outcome of 60 % in relation to appeals in indictable matters, in some of the matters where appeals were dismissed courts made comments which are relevant to future cases: see DPP 2003-4 Annual Report at pages 25-26.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 370

Senator Ludwig asked the following question on 2 December 2004:

Were any measures put in place after a similar outcome last year to attempt to address this shortfall? If yes, what were they? If not, why not?

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

The DPP makes decisions concerning prosecution appeals in accordance with the Prosecution Policy of the Commonwealth. In making decisions the fact that the DPP did not meet its targeted outcome last year was taken into consideration.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 371

Senator Ludwig asked the following question on 2 December 2004:

How much money did the DPP recovered from narcotics profits in 2003-04?

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

In drug cases \$2,358, 490 was recovered. A further \$2,031,322 was recovered in money-laundering and other cases that could represent the proceeds of drug crime.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 372

Senator Ludwig asked the following question on 2 December 2004:

How many cases were referred to the DPP from Customs?

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

In 2003-2004 Customs was the referring agency in relation to 68 defendants.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 373

Senator Ludwig asked the following question on 2 December 2004:

How many narcotics cases were referred to the DPP from Customs?

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

One. Customs are however involved in many matters referred to the DPP by other agencies.