

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

**Question No. 18**

**Senator Ludwig asked the following question at the hearing on 18 November 2013:**

**Senator LUDWIG:** I will start with some more general questions. I want to focus on the proceeds of crime legislation specifically and what matters you currently have before you that might be considered in train or still on your table but that have not been finalised.

...

**Senator LUDWIG:** It might be the residual matters that I have an interest in. If you can say, what matters are still residual?

**Mr Bromwich:** I would have to check.

...

**Senator LUDWIG:** How many matters were transferred to the AFP?

**Mr Bromwich:** I do not have that figure readily to hand.

**Senator LUDWIG:** The information that I am looking for was the number that have been transferred and how long they have been with you—so from the time you opened a file in respect of the matter until you transferred them to the AFP. If that is readily available, that would be good. Or you can take it on notice.

**Mr Bromwich:** We will take that on notice.

...

**Senator LUDWIG:** If you wanted to, you could note that they were waiting resolution of a criminal prosecution and the date that that was resolved. If that puts you to too much effort, I am happy to refine the question. I basically want to look at the workload that you have now passed to the AFP and at what stage they were at so that I can then subsequently follow up with the AFP to see where they are at with the various cases.

**Mr Bromwich:** We will take the question on notice and get the information and the answers as quickly as we are able.

**Senator LUDWIG:** Thank you very much.

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

The Criminal Assets Confiscation Task force was established on 1 January 2012 following the passage of the *Crimes Legislation Amendment Act (No.2) 2011* ("CLA") which enables the Commissioner of the Australian Federal Police ("AFP") to conduct litigation under the *Proceeds of Crime Act 2002* ("POCA").

In accordance with the Explanatory Memorandum to the CLA, the Commonwealth Director of Public Prosecutions ("CDPP") and AFP agreed upon a division of responsibilities and the CDPP agreed to transfer to the AFP various ongoing POCA matters so that the AFP could take responsibility and conduct litigation in respect of them.

Up until June 2012, a limited number of existing POCA matters was accepted by the AFP for transfer. The majority of transferrable matters were transferred in the period of July – August 2012. The process of transfer involved the CDPP transferring the whole of the CDPP's original POCA file to the AFP

The CDPP notes that Senator Ludwig asked the AFP a similar question relating to the same subject matter (see Question on notice number 28). As a consequence, the CDPP has liaised with the AFP

in relation to the honourable senator's questions and understands that the AFP prepared an answer referring to the number of files transferred, the date of transfer and the commencement date of the relevant POCA proceedings.

The CDPP further notes that part of the honourable senator's question emphasised above, namely,

***I basically want to look at the workload that you have now passed to the AFP and at what stage they were at so that I can then subsequently follow up with the AFP to see where they are at with the various cases.***

In the circumstances, the AFP's answer to the honourable senator's question covers the information requested from the CDPP and the CDPP did not prepare a separate answer.