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Australian Government
Department of Industry,
Science and Resources

Investigation Closure Report

Title/Name	s47E(d)
Case Number	001
Investigator	s22

Purpose

To inform the outcome of a criminal investigation undertaken by the department's Fraud Response Team.

Background

This report details the investigation into the allegation that that s37 has accessed departmental records and disclosed departmental information without authorisation, s37

s47E(d), the department's Fraud Control Team (FCT) received the allegation that s22 accessed and disclosed departmental information without authorisation. Due to the nature of the allegations the Fraud Control Officer (FCO) accepted this matter for investigation on s47E(d), s37 s22 had intentionally accessed s37 . s47E(d)

It should be noted that during this investigation in May 2023, there was a departmental restructure and the FCT became known as The Fraud and Corruption Control Section (FCCS), from here on the FCT will be referred to as the FCCS in this document. s37

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Investigation Activities and Findings

The department's fraud investigation standards were applied from the outset. s47E(d) who prepared the initial Investigation Plan reflective of the FCCS's investigation planning approach.

s47E(d)

The Investigation Plan was formed based on the following scenario:

s37

The following offences were investigated:

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- s122.4 of the Criminal Code Act 1995

- s135.2 of the Criminal Code Act 1995

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External engagement

s47E(d) , the Fraud Response team contacted s37

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s47E(d) investigation sought advice from the
Commonwealth Director of Public Prosecutions (CDPP) regarding the s47E(d)
s47E(d)

s47E(d)

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Investigation Outcome and Recommendations

The departmental criminal investigation found insufficient evidence for a prosecution referral. The evidence does not meet the required threshold to refer a Brief of Evidence to the CDPP. Furthermore, the CDPP's prosecution policy states 'A prosecution should not proceed if there is no reasonable prospect of a conviction being secured'.

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s47E(d)

The risks and vulnerabilities identified throughout this investigation, s47E(d) have been actioned.

Endorsement

Name	Signature	Date
Fraud Response Manager		
s22	s22	s47E(d)

Approval

Name	Signature	Date
Fraud and Corruption Control Officer		
s22	s22	s47E(d)

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Investigation Closure Report

Title/Name	Investigation of s22 s37
Case Number	005
Investigator	s47E(d))
Date	24 June 2024

Purpose

To inform you of the outcome of the investigation criminal investigation undertaken on s47E(d) s22

Outcome

The outcome of this investigation was the matter did not meet prosecution referral requirements.

The matter was not referred to the Commonwealth Director of Public Prosecutions due to insufficient evidence obtained during the course the investigation. s47E(d)

The Prosecution Policy of the Commonwealth states, *'a prosecution should not be instituted or continued unless there is admissible, substantial and reliable evidence that a criminal offence known to the law has been committed by the alleged offender.'*¹

When deciding to prosecute, *'a prosecution should not proceed if there is no reasonable prospect of a conviction being secured'*.¹ While the decision of whether to proceed with a prosecution is with the CDPP, it is likely there is no reasonable prospect of conviction for this matter given insufficient evidence obtained to date.

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¹ Prosecution Policy of the Commonwealth

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Background

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Investigation Activities

Receipt of Referral and Commencement of Investigation

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Consideration for Probation Termination Process and Code of Conduct Investigation

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Criminal Investigation Planning and Consultation

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An Evidence Matrix was completed with the assistance of the relevant CDPP offence guides⁵.

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Statutory Limitations

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Timeframes

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Witnesses

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Perishable Evidence:

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Internal Material

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Roles and Responsibilities

To ensure investigation decisions are transparent and documented (*Australian Government Investigations Standard 2022 - Principles*), it is critical to have clear roles and responsibilities with appropriate reporting lines.

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Law Enforcement Assistance:

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Legal Issues

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Risk – Approaching^{s22}
s37

All relevant entries have been made including:

i) Allegation;
s37

vi) Outcomes.
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Investigation Findings
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s37

Attachments

Attachment A – List of credit card transactions

Attachment B – s37

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Investigator

Name	Signature	Date
s22	s22	s47E(d)

Endorsement

Name	Signature	Date
Fraud and Corruption Control Officer		
s47E(d)	s22	s47E(d)

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Attachment A

List of Credit Card transactions

s37

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