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**Submission of the Synod of Victoria and Tasmania, Uniting Church in
Australia on the implementation of ASIC Enforcement Review
Taskforce recommendations
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The Synod of Victoria and Tasmania, Uniting Church in Australia, welcomes the opportunity to provide a submission on the proposed increased enforcement powers and tools for ASIC. The Synod supports ASIC being given the powers and resources to be able to properly investigate and prosecute serious corporate criminal activity, such as fraud and insider trading. These are not victimless crimes. These crimes cause real harm to people. The Synod hopes with increased powers ASIC will be better able to deter such crimes from happening in the first place.

Through its work investigating cases of wage theft and possible human trafficking, the Synod has experience of Australian businesses engaged in fraudulent activities and breaches of the *Corporations Act 2001* which also involved in wage theft and tax evasion. Detection of any one of these crimes is likely to increase the detection of the other criminal activities the business owners are involved in. Thus, increasing the investigation powers of ASIC is also likely to have additional benefits in addressing a broader suite of criminal activity, beyond simply those crimes that fall within ASIC's direct jurisdiction.

The Synod particularly supports:

- harmonising ASIC's search warrant powers across different Acts and bringing them into line with the search warrant powers in the *Crimes Act*;
- Allowing interception agencies to provide lawfully intercepted information to ASIC for serious offences that ASIC can investigate and prosecute; and
- Allow ASIC staff to provide received information to another person where the information relates to a serious offence that ASIC and investigate or prosecute.

As ASIC is not being granted the power to conduct telecommunications intercepts itself, it will need to rely on another interception agency to carry out the interception on its behalf. What is not clear from the explanatory materials on the *Financial Regulator Reform (No. 1) Bill 2019: Access to Telecommunications Interception Information* is how ASIC will be able to make such a request of another interception agency. The Synod is not clear how the interception agency receiving the request for ASIC will prioritise the ASIC request. It would be good to understand how in this model there will not be outcomes where ASIC investigations are frustrated by their requests for telecommunication intercepts not being prioritised by the interception agency receiving the request.

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