



Provision of CDPP correspondence to email drop-boxes –
AFP Investigations Standards and Practices Portfolio
Australian Taxation Office
Department of Human Services (Centrelink and Child Support)
Department of Foreign Affairs and Trade (Australian Passport Office)
Department of Human Services (Medicare)
Department of Health (Medicare)

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Purpose

1. Several partner agencies have established email drop-boxes to receive copies of correspondence from CDPP case officers to investigators. These drop-boxes are designed to assist the agencies in monitoring and improving national consistency for matters referred to the CDPP. This National Legal Direction (NLD) specifies when CDPP case officers should copy correspondence to these drop-boxes.
2. Care should be taken, however, not to send potentially sensitive communications to these drop-boxes. For example, a number of agencies have discrete 'internal investigations' sections which conduct investigations into alleged criminality by staff members. These investigators are usually not part of the mainstream investigations section for their agency and deal directly with the CDPP. Accordingly, the provision of any communications relating to such cases to the agency's drop-box has the potential to

breach the confidentiality with which the agency wants such matters handled by the CDPP. Careful consideration is therefore required to be given to the material which is provided via the drop-boxes.

Release of Counsel's advice

3. On occasion the CDPP releases Counsel's advice to investigation agencies in accordance with the NLD on the [Release of Counsel's advice to investigation agencies](#). Where counsel's advice is released and forwarded to agencies via email, nothing in this NLD is intended to ameliorate the CDPP's claim of Legal Professional Privilege over Counsel's advice.

AFP Investigations Standards and Practices email drop-box

4. In April 2014 the AFP established the Investigations Standards and Practices (ISP) portfolio to provide a professional practice body within the AFP to promote consistency, standards and quality in support of AFP investigations.
5. The aim of the ISP is to ensure a nationally consistent practice approach to AFP investigations irrespective of the investigator's geographic location or crime type.
6. This NLD establishes a common system for all Practice Groups across the CDPP to copy the ISP into email correspondence from the CDPP to AFP investigators involving AFP investigations. This will be done by way of an ISP email drop-box, which will allow the ISP to:
 - monitor developments in AFP matters;
 - identify patterns in the nature and extent of requisitions made to AFP investigators regarding AFP investigations; and
 - consider any issues identified in the course of post-trial reporting.
7. The address of the ISP email drop-box is ISP-DPP-liaison@afp.gov.au

Nature and extent of email correspondence covered

8. CDPP case officers should copy email correspondence to the ISP email drop-box when the subject matter of the correspondence involves issue(s) that might assist the ISP to carry out its aim of ensuring a nationally consistent practice approach to AFP investigations.
9. Where a hard copy of correspondence is sent to the AFP and it involves an issue(s) that might assist the ISP to carry out its aim, a copy should also be sent via email to the AFP as an attachment and copied to the ISP email drop-box.
10. A non-exhaustive list of the nature and extent of correspondence covered includes:
 - pre-brief advice;
 - requisitions;
 - brief assessment outcome;
 - committal outcome;
 - significant issues arising in the course of the prosecution of a matter (e.g. witness indemnification, expert evidence and assessment of prospects);
 - plea/trial/sentencing outcome; and
 - post-trial reporting on issues arising out of the prosecution that might assist the ISP to carry out its aim.
11. Purely routine email correspondence need not be copied to the ISP email drop-box. Each instance should be considered on its merits and a non-exhaustive list of such correspondence includes:
 - notification of bail application/outcome;
 - notification of an adjournment/remand date;

- notification of arraignment date; and
- arrangements concerning the attendance of witnesses at committal/trial.

Responsibility within the CDPP for ISP Portfolio liaison

12. The Practice Group Leader (PGL) for the Illegal Imports and Exports and Human Exploitation and Border Protection (IIE/HEBP) Practice Groups is responsible for ISP Portfolio liaison.
13. Where appropriate (e.g. in sensitive matters) case officers should copy the (IIE/HEBP) PGL into email correspondence that is copied to the ISP email drop-box.
14. Where a case officer is not certain whether certain email correspondence should be copied to the ISP email drop-box, the case officer should discuss the matter with his/her supervisor and/or Branch Head. If the uncertainty is not resolved, the matter should be raised with the (IIE/HEBP) PGL.

Australian Taxation Office email drop-box

15. The address of the Australian Taxation Office (ATO) email drop-box is cdppatomailbox@ato.gov.au

Nature and extent of email correspondence covered

16. In relation to matters referred to the CDPP by the ATO (except for internal fraud matters), CDPP case officers should copy to the ATO email drop-box copies of:
 - prosecution reports;
 - correspondence that relates to additional information being requested from the ATO that may suggest gaps in the brief of evidence or investigative processes or highlight issues that the CDPP would reasonably expect the ATO to have dealt with before referring the brief; and
 - notice of the proposed rejection of a brief of evidence, rejection of a brief of evidence, and reasons for a rejection.

Department of Human Services email drop-box

17. The address of the Department of Human Services (DHS) email drop-box is fraud.investigation.quality@humanservices.gov.au

Nature and extent of email correspondence covered

18. Correspondence to the DHS regarding Centrelink and Child Support matters should be copied to the DHS email drop-box above in addition to the investigator's team positional email drop-box provided on the brief referral cover letter if the correspondence relates to:
 - material deficiencies in the brief of evidence or investigative process;
 - feedback on electronic briefs;
 - debt schedules;
 - issues that the CDPP would reasonably expect DHS to have dealt with before referring the brief;
 - brief of evidence rejections and reasons; and
 - legal advice.

Department of Human Services (Medicare) email drop-box

19. For Medicare matters referred by the Department of Human Services (DHS), the email drop-box is fraud.investigation.medicare.public@humanservices.gov.au and the Medicare team's positional email drop box is fraud.investigation.medicare.public@humanservices.gov.au.

Nature and extent of email correspondence covered

20. All correspondence to DHS regarding Medicare matters should be copied to the two email addresses above including correspondence relating :

- a case under assessment;
- a case in progress;
- court outcome;
- legal advice; and/or
- monthly reports.

Department of Health (Medicare) email drop-box

21. For Medicare matters referred by the Department of Health, the email drop-box is SNCU.SUPPORT@health.gov.au.

Nature and extent of email correspondence covered

22. All correspondence to the Department of Health regarding Medicare matters should be sent or copied into the above email address, including correspondence relating to:

- a case under assessment;
- a case in progress;
- court outcome;
- legal advice; and/or
- monthly reports.

Department of Foreign Affairs and Trade (Australian Passport Office) email drop-box

23. The address of the Department of Foreign Affairs and Trade (DFAT) email drop-box is passports.fraud@dfat.gov.au

Nature and extent of email correspondence covered

24. Correspondence to the DFAT (Australian Passport Office) should be copied to the DFAT email drop-box if the correspondence relates to:

- material deficiencies in the brief of evidence or investigative process;
- brief of evidence rejections and reasons; and
- legal advice.