



## **Prosecuting ASIC regulatory offences in the Northern Territory and far-north Queensland**

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This Practice Group Instruction sets out the procedure for prosecuting Australian Securities and Investments Commission (ASIC) regulatory offences in the Northern Territory (NT) and far-north Queensland (FNQ).

### **Background**

1. ASIC does not have prosecutors located in many remote locations in Australia such as the NT and FNQ. Previously there was an informal arrangement between ASIC and the CDPP whereby ASIC officers would assess and charge matters arising in the NT or FNQ before referring those matters to the local CDPP office to prosecute. This can present risks for the CDPP, including questions of standing to appear in court if the CDPP has not formally taken over the matter, loss of CDPP control over the decision to prosecute, and exposure to costs.

### **ASIC and CDPP agreed procedure**

2. To ensure nationally consistent practices in relation to the assessment, charging and conduct of ASIC regulatory prosecutions, in August 2015 ASIC and the CDPP agreed that:

- ASIC will refer all briefs of evidence in relation to allegations of regulatory offending in the NT or FNQ to the CDPP's Brisbane office. ASIC will perform a "pre-assessment" of those matters including by providing draft charges, in an effort to minimise the resource demands on the CDPP.
- The CDPP will determine whether to assess those briefs of evidence within the Brisbane office or to transfer them to the CDPP's Darwin, Townsville or Cairns offices (as appropriate) for assessment. Thereafter the CDPP will be responsible for all prosecutions arising from those matters.

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