

s 22(1)(a)(ii)

**From:** Jennifer Ermert  
**Sent:** Friday, 27 January 2023 12:36 PM  
**To:** s 22(1)(a)(ii)  
**Cc:**  
**Subject:** RE: Amendment to Rule 2.32 of the Federal Court Rules [EXTERNAL]  
[SEC=OFFICIAL:Sensitive, ACCESS=Commercial]

**Security Classification:** OFFICIAL:Sensitive Commercial

**OFFICIAL:Sensitive Commercial**

Dear s 22(1)(a)(ii)

Thank you for your email.

I confirm that it is also AUSTRAC's practice, subject to any confidentiality issues, to publish a copy of our concise statement with our media release issued on commencement of a proceeding. s 22(1)(a)(ii) the rationale includes ensuring transparency and clarity in our allegations and the basis for our allegations.

Whilst the recent Federal Court Rules amendment does not prevent agencies from publishing the concise statement at commencement of proceeding, as you have indicated, on one view the practice may no longer be consistent with the amendment and may be seen to be undermining the court if continued.

Should we be required to discontinue the current practice of publishing the concise statement, we may need to consider issuing more detailed media releases that include the substance of the allegations, to prevent risk of misinformation or disinformation arising from non-parties not being able to access court documents for potentially a very lengthy period. Whilst issuing of media releases is an agency decision that is clearly not subject of the court's control, this may itself present challenges in managing relationship with the court.

s 22(1)(a)(ii)

Kind regards

Jennifer

**Jennifer Ermert** (she/her)  
Acting General  
Counsel Legal and  
Enforcement Branch



P: s 22(1)(a)(ii)  
E:

 @AUSTRAC **W:** www.austrac.gov.au

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**From:** Peter Soros  
**Sent:** Friday, 20 January 2023 11:37 AM  
**To:** Nicole Rose; Nicole Patterson; s 22(1)(a)(ii)  
**Cc:** s 22(1)(a)(ii)  
**Subject:** FW: Federal Court access to documents [SEC=OFFICIAL]

**Security Classification:** OFFICIAL

**OFFICIAL**

Hi All

Just for info, in the past week the federal court has issued new guidelines about public access to court documents. Key change that's relevant for us is that originating documents will now not be available to non-parties until after the first directions hearing or mention.

So that'll be a change in process for us going forward and we'll think about that in due course. No impact on our existing matters before the court.

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Pete

**OFFICIAL**

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**From:** Alex Elith s 22(1)(a)(ii)  
**Sent:** Friday, 20 January 2023 9:58 AM  
**To:** Peter Soros s 22(1)(a)(ii)  
**Cc:** s 22(1)(a)(ii)  
**Subject:** FW: Federal Court access to documents [SEC=OFFICIAL]

**OFFICIAL**

Hi Pete

For info only: before filing our next civil penalty matter, we will need to check whether we are still permitted to publish Application, Concise Statement and Statement of Claim on our website.

Alex Elith (he/him) | A/g National Manager, Legal & Policy | AUSTRAC | s 22(1)(a)(ii)

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