



National Anti-Corruption Commission

Reference: COR20231919

19 August 2024

Mr John Telford

By email: johntelford2021@gmail.com

Dear Mr Telford,

Thank you for contacting the National Anti-Corruption Commission (the Commission) on 9 October 2023.

On 23 January 2024, you requested a review of the Commission's decision that your report does not raise issues of corrupt conduct, and this has been escalated to me for further consideration. I note we provided confirmation on 2 February 2024 that we were reviewing your report; however, I would like to apologise for the time it has taken us to do so.

Your report relates to alleged corruption by the previous Chairman of the Australian Securities and Investments Commission (ASIC), Mr Greg Medcraft, and the Hon Bill Shorten MP, Minister for Financial Services & Superannuation (at the time). More specifically, you raised concerns about the way both Mr Medcraft and Mr Shorten disseminated what you believe was incorrect information including the wilful omission of factual evidence about the Trio Capital collapse.

In both your letters to the Commission dated 9 October 2023 and 14 December 2023, you noted that Mr Shorten failed to disclose his conflict of interest and you believe that Mr Shorten displayed a bias. You believe that both Mr Medcraft and Mr Shorten acted in a way that was not in the interest of the Australian public and you provided further evidence to support your concerns.

I have reviewed all the information you have provided regarding Mr Shorten, ASIC and the investigation and prosecution of the Trio Capital fraud. I have determined that the correct assessment has been made, and the Commission remains of the view that it was not possible to identify a clear and distinct allegation of corrupt conduct sufficient to raise a corruption issue involving a public official which is capable of investigation under the National Anti-Corruption Commission Act (2022) (the Act). My review has included consideration of the definitions and scope of the Act, and the Commission's Assessment of Corruption

Issues Policy, which can be found on our website:

<https://www.nacc.gov.au/reporting-and-investigating-corruption/how-nacc-assesses-corruption-issues>.

As such, the Commission is unable to act on your report. It should also be noted that, in general terms, the Commission is not required to respond to, or investigate, every report it receives.

We note you have already received a response from the Commission providing information about what constitutes corrupt conduct and the agencies and public officials that are within the Commissions jurisdiction. I won't re-explain this information in this response; however, if you would like to read more you can access our website, <https://www.nacc.gov.au/reporting-and-investigating-corruption/what-corrupt-conduct>.

This matter is now closed. This does not prevent you from providing additional her information to support your allegations in the future, though I note the Commission might not respond to further information from you if it does not raise new or more substantial information that what you have already provided.

Yours sincerely,



General Manager, Evaluation Branch