

Senate Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Additional Estimates, 16 February 2006

Question: AT 65

Topic: *DPP*

Hansard Page: Written

Senator LUDWIG asked:

1. How many briefs have you forwarded to the DPP for 2001-02, 2002-03, 2003-04, 2004-05?
 - (a) How many briefs were returned without action, and how many were actioned?
2. For each year, what was the average time (as well as indicating the minimum and maximum time in each case) in which it took the DPP to:
 - (a) Bring charges against the accused party
 - (b) Formally bring the matter to a conclusion through either a verdict of guilty or not guilty, the entrance of a nolle prosequi or dropping the charges
 - (c) Return the brief for no further action
3. Did the department or agency forward any formal complaints to the DPP regarding the handling of the brief?
 - (a) If so, give details.
4. Did the department or agency forward any informal complaints to the DPP regarding the handling of the brief?
 - (a) If so, give details.

Answer:

1. The following numbers of briefs were forwarded to the DPP:

2001-02 - 2
2002-03 - 4
2003-04 - 3
2004-05 - 0

(a)

The following numbers of briefs were returned 'without action' (see note 1):

2001-02 - 0
2002-03 - 1
2003-04 - 4
2004-05 - 2

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The following numbers of briefs were 'actioned' (see note 2):

2001-02 - 5

2002-03 - 2

2003-04 - 3

2004-05 - 1

Note 1. All briefs were actioned in the sense of being considered and advice provided.

Note 2. 'Actioned' for the purposes of this answer means charges were laid or the matter was completed. The figures includes briefs which were forwarded to the DPP in the same year or an earlier year.

2. The following represent the average times, and the minimum and maximum times in which it took the DPP to:

(a) Bring charges against the accused party (see note 3)

2001-02

For those matters in which charges were brought in the period (1):

Average: 5 months

Maximum: 9 months

Minimum: 2 weeks

2002-03

Those matters in which charges were brought in the period: none

Average: not applicable

Maximum: not applicable

Minimum: not applicable

2003-04

For those matters in which charges were brought in the period (1)

Average: 16 months

Maximum: 16 months

Minimum: 16 months

2004-05

For those matters in which charges were brought in the period: none

Average: not applicable

Maximum: not applicable

Minimum: not applicable

Note 3. In each matter there is likely to have been correspondence and questions between ACCC and DPP as to a matter and requests for further information, clarification etc. Data reveals the length of time between when a brief was referred to the DPP and the institution of proceedings.

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(b) Formally bring the matter to a conclusion through either a verdict of guilty or not guilty, the entrance of a nolle prosequi or dropping the charges (see note 4)

2001-02

For those matters completed in the period (4)

Average: 24 months

Maximum: 24 months

Minimum: 24 months

2002-03

For those matters completed in the period (2)

Average: 22 months

Maximum: 23 months

Minimum: 21 months

2003-04

For those matters completed in the period (2)

Average: 28 months

Maximum: 36 months

Minimum: 20 months

2004-05

For those matters completed in the period (1)

Average: 24 months

Maximum: 24 months

Minimum: 24 months

Note 4. These figures show the time between the institution of the proceedings and the conclusion of a matter. The time taken to complete a matter will depend on the court processes, the attitude of the defendant and a number of other factors.

(c) Return the brief for no further action (see note 5)

2001-02

For those matters discontinued in the period: none

Average: not applicable

Maximum: not applicable

Minimum: not applicable

2002-03

For those matters discontinued in the period (1)

Average: 4 months

Maximum: 4 months

Minimum: 4 months

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2003-04

For those matters discontinued in the period (4)

Average: 11.5 months

Maximum: 20 months

Minimum: 4 months

2004-05 -

For those matters discontinued in the period (2)

Average: 7.5 months

Maximum: 14 months

Minimum: 1 month

Note 5. These figures include cases where the DPP may have advised that the evidence was insufficient to prosecute or that the public interest did not require a prosecution.

3. The ACCC did not forward any formal complaints to the DPP regarding the handling of the brief in 2001-02, 2002-03, 2003-04, 2004-05.

4. The ACCC did not forward any informal complaints to the DPP regarding the handling of the brief in 2001-02, 2002-03, 2003-04, 2004-05.