

Senate Economics Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Additional Estimates, 16 February 2006

Question: AT 68

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. Criminal Briefs referred to the CDPP

- In 2001-02 49 criminal briefs were referred to the CDPP;
14 of those were returned without criminal charges being referred;
35 of those were ultimately actioned, not necessarily in the 2001-02 period
- In 2002-03 59 criminal briefs were referred to the CDPP;
14 of those were returned without criminal charges being referred;
43 of those were ultimately actioned, not necessarily in the 2002-03 period;
2 briefs remain in brief assessment phase.
- In 2003-04 48 criminal briefs were referred to the CDPP;
8 of those were returned without criminal charges being referred;
34 of those were ultimately actioned, not necessarily in the 2003-04 period
6 briefs remain in brief assessment phase.
- In 2004-05 64 criminal briefs were referred to the CDPP;
8 of those were returned without criminal charges being referred;
44 of those were ultimately actioned, not necessarily in the 2004-05 period
12 briefs remain in brief assessment phase.

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2. Timeframes

a. Time taken by the DPP to bring charges against the accused party

Year	Average (Months)	Maximum (Months)	Minimum (Months)	Minimum (Days)
2001/02	10.0	29.6	0.1	2
2002/03	9.1	35.3	0.0	0
2003/04	7.7	27.6	0.3	9
2004/05	6.1	16.1	0.0	0

b. Time taken by the DPP to formally bring the matter to a conclusion

Year	Average (Months)	Maximum (Months)	Minimum (Months)	Minimum (Days)
2001/02	14.3	41.8	0.0	0
2002/03	13.6	32.9	3.0	92
2003/04	11.1	29.6	0.2	7
2004/05	6.3	20.2	0.5	14

c. Time taken by the DPP to return the brief for no further action

Year	Average (Months)	Maximum (Months)	Minimum (Months)	Minimum (Days)
2001/02	13.0	44.0	0	0
2002/03	18.2	35.6	4.5	136
2003/04	10.6	22.4	0.6	17
2004/05	6.6	10.3	1.8	56

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3. & 4. Formal and informal complaints to CDPP

ASIC raises complaints and issues in a robust fashion with the CDPP through a number of mechanisms. In addition to discussion at the case officer level, each matter referred to the CDPP is the subject of discussion at a senior level in regional liaison which is conducted on a monthly basis. Further, national liaison is conducted on a regular basis and is attended by the senior CDPP and ASIC Enforcement officers including the Executive Director of Enforcement and the Senior Assistant Director with national responsibility for Corporations prosecutions for the CDPP. Complaints and issues with regard to individual cases are also raised in this meeting. Additionally, the Chairman of ASIC and the Director of Public Prosecutions have regular contact on issues concerning the two agencies. There is also provision for a National Steering Committee on Corporate Wrongdoing in the event that the two agencies cannot resolve any disputes between them. This Committee is chaired by the Secretary of the Attorney-General's Department. No disputes have been referred to this committee to date.

Only one matter has formally been raised in writing with the CDPP. This matter was raised by the Chairman in a letter addressed to Mr Bugg dated 13 January 2006. The matter which was the subject of this letter was resolved to the satisfaction of both agencies.

It is ASIC's view that it is not in the public interest or the interests of justice that discussions concerning operational matters should be made public. There may also be issues of legal professional privilege in this regard. Further, there is a need for ASIC and the CDPP to be able to communicate in relation to specific operational matters in a robust and open fashion which communication would be prejudiced in the event that such dealings were to be made public.