

EDUCATION, SCIENCE AND TRAINING

SENATE LEGISLATION COMMITTEE - QUESTIONS ON NOTICE 2005-2006 SUPPLEMENTARY ESTIMATES HEARING

Outcome: All
Output Group: All

DEST Question No. E795_06 - Final

Senator Wong provided in writing.

Question:

How many matters investigated by DEST's National Investigations Unit have been referred to the police for further investigation?

What was the nature of these matters?

How many of such investigations have resulted in:

- (i) charges being laid;
- (ii) successful prosecutions; and
- (iii) for each of the above what was the nature of the charge.

Answer:

Matters Referred to the Police by DEST's National Investigations Unit

In accordance with the Fraud Control Policy of the Commonwealth, DEST's National Investigations Unit (NIU) investigates all allegations of fraud and related criminal offences and, in consultation with the Commonwealth Director of Public Prosecutions (DPP), prepares Briefs of Evidence in relation to such matters. In the five years to 30 September 2005, no matters investigated by the NIU have been referred to the Australian Federal Police (AFP). AFP assistance is obtained where required, in respect of forensic document examination, the execution of search warrants under s3E of the *Crimes Act 1914* (Cwth) and in accessing criminal record information. The AFP also conduct quality assurance reviews of NIU investigations from time to time.

The NIU has an active program of investigations covering a range of DEST program areas and internal investigations. As at 30 September 2005, there were 18 matters which involved Briefs of Evidence being submitted or in preparation for the DPP, covering charges under Divisions 135 (Obtain financial advantage), 137 (False or misleading information) and 144 (Forgery) of the *Criminal Code* (Cwth) and s85ZE (Improper use of carriage services) *Crimes Act 1914* (Cwth).

Recent prosecution action in relation to NIU Briefs of Evidence has seen the conviction of an employee of a Group Training Company of 43 counts of General Dishonesty under s135 of the *Criminal Code*, with a further Brief in preparation in connection with a possible associate. Convictions have also been obtained against two former DEST officers in respect of s85ZE (improper use of carriage services) of the *Crimes Act*, with an appeal having been lodged by one of those persons against the severity of the sentence. A further conviction of eight counts under s29D (Defraud the Commonwealth) of the *Crimes Act* was obtained against an employer for creating sham New Apprenticeships.