

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Question No. 1

Senator Ludwig asked the following question at the hearing on 14 February 2006:

- a) How many briefs have you forwarded to the DPP for 2001-02, 2002-03, 2003-04, 2004-05?
- b) How many briefs were returned without action, and how many were actioned?
- c) 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:
- i) Bring charges against the accused party
 - ii) 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
 - iii) Return the brief for no further action
- d) Did the department or agency forward any formal complaints to the DPP regarding the handling of the brief?
- i) If so, give details.
- e) Did the department or agency forward any informal complaints to the DPP regarding the handling of the brief?
- i) If so, give details.

The answer to the honourable senator's question is as follows:

- a) The Attorney-General's Department and the following Agencies have reported that they did not forward any briefs to the CDPP in the years specified:
- Administrative Appeals Tribunal (AAT)
 - Australian Government Solicitor (AGS)
 - Australian Institute of Criminology and the Criminology Research Council (AIC-CRC)
 - Australian Security Intelligence Organisation (ASIO)
 - Australian Transaction and Reports Analysis Centre (AUSTRAC)
 - CrimTrac
 - Family Court of Australia
 - Federal Court of Australia
 - Human Rights and Equal Opportunity Commission (HREOC)
 - Office of Parliamentary Counsel.
- b)-e) Not applicable.

Australian Crime Commission

- a) The number of briefs referred to the CDPP for the period 2001-2005 was:

Year	Briefs Referred
2004 - 2005	53
2003 - 2004	65
2002 - 2003	39
2001 - 2002	37

b) All briefs of evidence referred to the CDPP are considered for prosecution action. Upon consideration of a brief of evidence, the CDPP may determine the brief does not contain sufficient evidence or it is not in the public interest to continue with the prosecution. Due to court listing practices, prosecutions may also commence in a different year to when referred, thus resulting in a delay between the date of brief authorisation and action. The number of prosecutions commenced for the period 2001-2005 was:

Year	Prosecutions Commenced	No Prosecution Commenced (Insufficient Evidence/ Not in Public Interest)	No Prosecution Commenced – Other Reason	Total
2004 - 2005	44	9	1	54
2003 - 2004	62	8	1	71
2002 - 2003	9	2	1	12
2001 - 2002	32	1	1	34

c)

(i) The time taken to bring charges against an accused depends upon the complexity and circumstances of each case.

An accused person is not ordinarily charged until the ACC refers a brief of evidence to the CDPP. After this point the CDPP consults with the relevant ACC investigator/s and advises on the appropriate charges if prosecution action is warranted. The CDPP regularly informs ACC staff as to the progress of a matter. The decision to ultimately prosecute is made by the CDPP in accordance with the *Prosecution Policy of the Commonwealth*.

(ii) The conclusion of a prosecution in a Court will depend upon a number of factors including a whether a plea of guilty or not guilty has been entered, mode of trial and the complexity and circumstances of each case. The ACC receives regular written reports from the CDPP on the progress and results of prosecutions.

d) No.

e) No.

Australian Customs Service

a) Customs cases are dealt with on a case-by-case basis and are not recorded in a manner to readily provide this information.

b) The number of briefs accepted by the DPP for action is outlined in the table below:

Year brief accepted by DPP	Number of briefs accepted by DPP
2001-02	45
2002-03	43
2003-04	47
2004-05	48

- c) Customs does not maintain information relating to the amount of time taken by the DPP to bring charges against a party, formally conclude a matter or return a brief for further action.
- d) No.
- e) No.

The following Agency is yet to respond – a final reply will be sent once their input is cleared:

Australian Federal Police

a) and b)

The AFP database records matters with a case status of BEFORE COURT. It can be assumed that cases which have reached this status have been "actioned" by the CDPP.

The following number of cases has progressed through the status BEFORE COURT (note that each case is only counted once, in the financial year in which it first appears):

Year	Status of BEFORE COURT
2001-02	480
2002-03	390
2003-04	371
2004-05	522
TOTAL	1764

The AFP cannot provide a definitive answer to matters not actioned by DPP without manually going through all briefs of evidence submitted which is a time consuming and onerous task and would need to be completed by each individual AFP office.

- c) The AFP does not maintain data on the time it takes to bring charges against an accused party; formally bring a matter to conclusion or return the brief with no further action. These matters are often dependant on a range of factors outside the control of DPP including the courts and defence.
- d) The AFP does not maintain data on this information.
- e) The AFP does not maintain data on this information.