

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 243

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

a) What is the total number of cases referred to you by agency?

Of those cases referred from each agency, are you able to indicate:

b) The number that the CDPP accepts for prosecution.

c) The number that the CDPP rejects for prosecution.

d) The percentage of each referrals from each agency that are prosecuted.

e) The percentage of prosecutions for each agency that result in:

i) A guilty plea.

ii) A verdict of guilty.

iii) A verdict of not guilty.

iv) Nolle prosequi.

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

a) **Table 1 Matters referred to the CDPP by agency**

AGENCY	2001-2002	2002-2003	2003-2004	2004-2005
AUSTRALIAN CRIME COMMISSION	37	39	65	53
NATIONAL CRIME AUTHORITY	19	9	0	0
AUSTRALIAN FISHERIES MANAGEMENT AUTHORITY	205	332	269	378
AUSTRALIAN FEDERAL POLICE	1063	859	931	716
AUSTRALIAN SECURITIES AND INVESTMENT COMMISSION	97	130	107	153
AUSTRALIAN TAXATION OFFICE	361	340	345	265
CENTRELINK	3832	4136	4312	4690
DEPARTMENT OF IMMIGRATION AND INDIGENOUS AFFAIRS	48	49	84	55
INSOLVENCY AND TRUSTEE SERVICE AUSTRALIA	28	46	114	185
OTHER AGENCIES	937	1110	872	743
TOTAL	6627	7050	7099	7238

Please note that:

(1) The CDPP receives:

- matters on persons when they are arrested;
- briefs of evidence to consider prosecution action; and
- other matters which require action but are not prosecutions.

All these referrals are listed in the table 1.

(2) A matter is a referral concerning a defendant. There may be more than one charge for a defendant.

b) The CDPP accepts all matters referred to it for prosecution. It considers in every case whether to prosecute the referral.

c) see b)

d) **Table 2 % of prosecutions commenced**

Referring Agency	2001 - 2002	2002 - 2003	2003 - 2004	2004 - 2005
AUSTRALIAN CRIME COMMISSION	97%	82%	89%	83%
NATIONAL CRIME AUTHORITY	59%	90%	n/a (4)	n/a (4)
AUSTRALIAN FISHERIES MANAGEMENT AUTHORITY	93%	93%	95%	93%
AUSTRALIAN FEDERAL POLICE	86%	85%	85%	88%
AUSTRALIAN SECURITIES AND INVESTMENT COMMISSION	59%	83%	81%	80%
AUSTRALIAN TAXATION OFFICE	74%	86%	83%	93%
CENTRELINK	83%	79%	82%	86%
DEPARTMENT OF IMMIGRATION AND INDIGENOUS AFFAIRS	74%	60%	74%	63%
INSOLVENCY AND TRUSTEE SERVICE AUSTRALIA	81%	100%	85%	90%
OTHER AGENCIES	64%	70%	66%	74%
TOTAL	80%	79%	81%	85%

Please note that:

(1) Table 2 concerns prosecutions that are commenced, including arrest matters. They are expressed as a percentage of all matters where a prosecution decision was made in that period, including where the CDPP decided not to prosecute on the basis of insufficient evidence or that the prosecution was not in the public interest.

(2) There are further matters that are not prosecuted for other reasons including:

- the referring agency terminated the investigation;
- defendant could not be found; or
- the matter was referred to a state DPP.

The prosecutions in Table 2 are not expressed to be a percentage these matters.

(3) Some of the matters were referred in years prior to the year in which it was decided to prosecute them.

(4) "n/a" means in that year there were no prosecutions commenced which were referred by the National Crime Authority.

(5) A matter is a referral concerning a defendant. A prosecution is in relation to a defendant. There may be more than one charge for a defendant.

(6) All percentages have been rounded up or down to have no decimal point.

e) (i) Table 3 Prosecutions completed that resulted in a guilty plea

AGENCY	2001-2002	2002-2003	2003-2004	2004-2005
AUSTRALIAN CRIME COMMISSION	25%	90%	69%	57%
NATIONAL CRIME AUTHORITY	86%	69%	57%	100%
AUSTRALIAN FISHERIES MANAGEMENT AUTHORITY	99%	99%	97%	99%
AUSTRALIAN FEDERAL POLICE	84%	80%	87%	82%
AUSTRALIAN SECURITIES AND INVESTMENT COMMISSION	83%	73%	75%	76%
AUSTRALIAN TAXATION OFFICE	74%	78%	83%	84%
CENTRELINK	97%	97%	96%	96%
DEPARTMENT OF IMMIGRATION AND INDIGENOUS AFFAIRS	83%	92%	88%	91%
INSOLVENCY AND TRUSTEE SERVICE AUSTRALIA	100%	94%	92%	95%
OTHER AGENCIES	87%	84%	91%	89%
TOTAL	93%	92%	93%	93%

Please note that:

- (1) These are matters where there was a plea of guilty as a percentage of total matters prosecuted where there was a finding of guilt or an acquittal.
- (2) Some of the matters were referred in years prior to the year in which the CDPP decided to prosecute them.
- (3) A matter is a referral concerning a defendant. A prosecution is in relation to a defendant. There may be more than one charge for a defendant.
- (4) All percentages have been rounded up or down to have no decimal point.

(ii) Table 4 Prosecutions completed that resulted in a verdict of guilty

AGENCY	2001-2002	2002-2003	2003-2004	2004-2005
AUSTRALIAN CRIME COMMISSION	100%	100%	86%	90%
NATIONAL CRIME AUTHORITY	95%	92%	71%	100%
AUSTRALIAN FISHERIES MANAGEMENT AUTHORITY	100%	100%	100%	100%
AUSTRALIAN FEDERAL POLICE	96%	94%	96%	93%
AUSTRALIAN SECURITIES AND INVESTMENT COMMISSION	98%	92%	92%	90%
AUSTRALIAN TAXATION OFFICE	91%	94%	96%	96%
CENTRELINK	99%	99%	98%	99%
DEPARTMENT OF IMMIGRATION AND INDIGENOUS AFFAIRS	100%	100%	88%	98%
INSOLVENCY AND TRUSTEE SERVICE AUSTRALIA	100%	97%	98%	98%
OTHER AGENCIES	97%	97%	97%	97%
TOTAL	98%	98%	98%	98%

Please note that:

- (1) These matters are findings of guilt as a percentage of total matters prosecuted where there is a finding of guilt or an acquittal.
- (2) Some of the matters were referred in years prior to the year in which the CDPP decided to prosecute them.
- (3) A matter is a referral concerning a defendant. A prosecution is in relation to a defendant. There may be more than one charge for a defendant.
- (4) All percentages have been rounded up or down to have no decimal point.

(iii) Table 5 Prosecutions completed that resulted in a verdict of not guilty

AGENCY	2001-2002	2002-2003	2003-2004	2004-2005
AUSTRALIAN CRIME COMMISSION	0%	0%	14%	10%
NATIONAL CRIME AUTHORITY	5%	8%	29%	0%
AUSTRALIAN FISHERIES MANAGEMENT AUTHORITY	0%	0%	0%	0%
AUSTRALIAN FEDERAL POLICE	4%	6%	4%	7%
AUSTRALIAN SECURITIES AND INVESTMENT COMMISSION	2%	8%	8%	10%
AUSTRALIAN TAXATION OFFICE	9%	6%	4%	4%
CENTRELINK	1%	1%	2%	1%
DEPARTMENT OF IMMIGRATION AND INDIGENOUS AFFAIRS	0%	0%	12%	2%
INSOLVENCY AND TRUSTEE SERVICE AUSTRALIA	0%	3%	2%	2%
OTHER AGENCIES	3%	3%	3%	3%
TOTAL	2%	2%	2%	2%

Please note that:

- (1) These matters are acquittals as a percentage of total matters prosecuted where there is a finding of guilt or an acquittal.
- (2) Some of the matters were referred in years prior to the year in which the CDPP decided to prosecute them.
- (3) A matter is a referral concerning a defendant. A prosecution is in relation to a defendant. There may be more than one charge for a defendant.
- (4) All percentages have been rounded up or down to have no decimal point.

(iv) Table 6 Prosecutions that resulted in a nolle prosequi

Referring Agency	2001-2002	2002-2003	2003-2004	2004-2005
AUSTRALIAN CRIME COMMISSION	0%	3%	11%	4%
NATIONAL CRIME AUTHORITY	14%	17%	50% (4)	0%
AUSTRALIAN FISHERIES MANAGEMENT AUTHORITY	0%	0%	0%	0%
AUSTRALIAN FEDERAL POLICE	3%	8%	4%	2%
AUSTRALIAN SECURITIES AND INVESTMENT COMMISSION	3%	13%	2%	9%
AUSTRALIAN TAXATION OFFICE	3%	2%	3%	2%
CENTRELINK	14%	0%	3%	0%
DEPARTMENT OF IMMIGRATION AND INDIGENOUS AFFAIRS	50% (4)	0%	0%	0%
INSOLVENCY AND TRUSTEE SERVICE AUSTRALIA	0%	0%	0%	50% (4)
OTHER AGENCIES	3%	10%	6%	5%
TOTAL	4%	7%	4%	3%

Please note that:

- (1) Nolle prosequis are filed only in indictable matters. These nolle prosequi are expressed as a percentage of matters where a defendant has been committed for trial or sentence.
- (2) Some of the nolle prosequi matters were referred in years prior to the year in which the committal order was made. Some of the committal orders were made in respect of matters which were referred in years prior to the year in which the committal order was made.
- (3) A matter is a referral concerning a defendant. A prosecution is in relation to a defendant. There may be more than one charge for a defendant.
- (4) These were where a nolle prosequi was filed in one matter out of two committals.
- (5) All percentages have been rounded up or down to have no decimal point.