

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

**Question No. 60**

**Senator Siewert asked the following question at the hearing on 14 February 2012:**

For the financial years 2009-10 and 2010-11:

1. How much of the Director of Public Prosecutions financial resources (amount and percentage) was dedicated to social security fraud?
2. What are the financial savings to Government of this expenditure?
3. How many staff working on projects related to social security fraud?
4. How many convicted for social security fraud?
5. For the financial periods 2010-11 and 2011-12 and 31 July to 31 December 2011 please provide a breakdown of the sentencing outcomes of recipients convicted [for social security fraud offences] by the CDPP by type of sentence (eg. custodial sentence, good behaviour bond, community service order, etc). Please provide a breakdown of the sentencing outcomes by:
  - i. Age
  - ii. Gender
  - iii. State and Territory, and
  - iv. Indigenous/non-Indigenous background.
6. For all custodial sentences, detail the length of sentence and the value of the fraud involved.
7. For the periods 1 July 2010 to 30 June 2011 and 1 July 2011 to 31 December 2011, how many people were successfully prosecuted by the Commonwealth Director of the Public Prosecutions for social security fraud:
  - i. in total;
  - ii. by payment type;
  - iii. by gender;
  - iv. by age;
  - v. by state and territory;
  - vi. by size of debts, e.g. <\$500; \$501 - \$1,000; \$1,001-\$5,000; \$5,001-\$10,000; \$10,001-\$15,000; \$15,001-\$40,000; \$40,001-\$50,000; \$50,001- \$100,000; and over \$100,000;
  - vii. by Aboriginal and Torres Strait Island (ATSI) status and non ATSI status; and

**The answer to the Honourable Senator's question is as follows:**

1. In 2009-2010, 70.0% of defendants dealt with before the courts were referred by Centrelink. In 2010-11, 60.9% of defendants dealt with before the courts were referred by Centrelink. Detailed information about Social Security fraud prosecutions is at (4), (5) and (6) below. CDPP resource usage is at (3) below.
2. This is a matter for the Department of Human Services.
3. On 30 June 2010, 261 CDPP staff had open Social Security fraud files. On 30 June 2011, 194 CDPP staff had open Social Security fraud files.

4.

**NUMBER OF 'SOCIAL SECURITY FRAUD' CONVICTIONS PROSECUTED BY THE CDPP, BY FINANCIAL YEAR**

<b>FINANCIAL YEAR</b>	<b>NUMBER OF SOCIAL SECURITY FRAUD CONVICTIONS</b>
2009-10	3926
2010-11	2957
2011-12 First Half	826
<b>TOTAL</b>	<b>7709</b>

\* Social Security fraud prosecutions are defined as those matters referred to the CDPP by Centrelink or sourced from Centrelink. As at 21.02.2012.

## 5(i). Age

**SOCIAL SECURITY FRAUD CONVICTIONS, BY FINANCIAL YEAR MATTER FINALISED, BY HIGHEST PENALTY AND AGE\***

<b>AGE</b>	<b>HIGHEST PENALTY</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12 (First Half)</b>	<b>TOTAL</b>
<b>Less than 20 years</b>		<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>
	Recognisance Order	0	0	1	1
<b>20 to 29 years</b>		<b>710</b>	<b>600</b>	<b>139</b>	<b>1449</b>
	Gaol	24	24	8	56
	Gaol (Fully Suspended)	144	87	25	256
	Periodic Detention	3	1	0	4
	Fine	64	65	10	139
	Community Service Order, etc.	154	159	39	352
	Recognisance Order	321	264	57	642
<b>30 to 39 years</b>		<b>1431</b>	<b>1070</b>	<b>325</b>	<b>2826</b>
	Gaol	109	60	20	189
	Gaol (Fully Suspended)	322	204	66	592
	Periodic Detention	9	5	0	14
	Fine	118	91	34	243
	Community Service Order, etc.	379	291	119	789
	Recognisance Order	494	419	86	999
<b>40 to 49 years</b>		<b>1078</b>	<b>820</b>	<b>216</b>	<b>2114</b>
	Gaol	83	51	17	151
	Gaol (Fully Suspended)	271	144	54	469
	Periodic Detention	11	4	1	16
	Fine	94	85	12	191
	Community Service Order, etc.	273	227	58	558
	Recognisance Order	346	309	74	729
<b>50 to 59 years</b>		<b>470</b>	<b>334</b>	<b>101</b>	<b>905</b>
	Gaol	48	32	23	103
	Gaol (Fully Suspended)	120	61	20	201
	Periodic Detention	5	0	1	6
	Fine	35	23	8	66
	Community Service Order, etc.	93	71	22	186
	Recognisance Order	169	147	27	343
<b>60 to 69 years</b>		<b>197</b>	<b>111</b>	<b>36</b>	<b>344</b>
	Gaol	15	11	10	36

	Gaol (Fully Suspended)	58	28	9	<b>95</b>
	Periodic Detention	2	1	0	<b>3</b>
	Fine	13	6	3	<b>22</b>
	Community Service Order, etc.	33	12	7	<b>52</b>
	Recognisance Order	76	53	7	<b>136</b>
<b>70 years or over</b>		<b>38</b>	<b>22</b>	<b>8</b>	<b>68</b>
	Gaol	6	5	3	<b>14</b>
	Gaol (Fully Suspended)	13	7	1	<b>21</b>
	Fine	2	2	0	<b>4</b>
	Community Service Order, etc.	5	1	1	<b>7</b>
	Recognisance Order	12	7	3	<b>22</b>
<b>Unknown</b>		<b>2</b>	<b>0</b>	<b>0</b>	<b>2</b>
	Gaol	1	0	0	<b>1</b>
	Fine	1	0	0	<b>1</b>
<b>TOTAL</b>		<b>3926</b>	<b>2957</b>	<b>826</b>	<b>7709</b>

\* 'Highest penalty' is calculated by taking the most severe penalty imposed on the defendant. For example, if a defendant received a fully suspended gaol sentence as well as a fine, only the fully suspended gaol sentence will be captured in this table. In this regard, the table is a count of defendants sentenced for Social Security fraud offences, not actual penalties imposed. Social Security fraud prosecutions are defined as those matters referred to the CDPP by Centrelink or sourced from Centrelink. As at 21.02.2012.

## 5(ii). Gender

**SOCIAL SECURITY FRAUD CONVICTIONS, BY FINANCIAL YEAR MATTER FINALISED, BY HIGHEST PENALTY AND GENDER\***

<b>GENDER</b>	<b>HIGHEST PENALTY</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12 (First Half)</b>	<b>TOTAL</b>
<b>FEMALE</b>		<b>2504</b>	<b>1774</b>	<b>481</b>	<b>4759</b>
	Gaol	165	96	34	<b>295</b>
	Gaol (Fully Suspended)	564	292	101	<b>957</b>
	Periodic Detention	20	3	0	<b>23</b>
	Fine	168	132	35	<b>335</b>
	Community Service Order, etc.	610	456	139	<b>1205</b>
	Recognisance Order	977	795	172	<b>1944</b>
<b>MALE</b>		<b>1422</b>	<b>1183</b>	<b>345</b>	<b>2950</b>
	Gaol	121	87	47	<b>255</b>
	Gaol (Fully Suspended)	364	239	74	<b>677</b>
	Periodic Detention	10	8	2	<b>20</b>
	Fine	159	140	32	<b>331</b>
	Community Service Order, etc.	327	305	107	<b>739</b>
	Recognisance Order	441	404	83	<b>928</b>
<b>TOTAL</b>		<b>3926</b>	<b>2957</b>	<b>826</b>	<b>7709</b>

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## 5(iii). State and Territory

**SOCIAL SECURITY FRAUD CONVICTIONS, BY FINANCIAL YEAR MATTER FINALISED, BY HIGHEST PENALTY AND STATE\***

<b>STATE</b>	<b>HIGHEST PENALTY</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12 (First Half)</b>	<b>TOTAL</b>
<b>NSW</b>		<b>949</b>	<b>1092</b>	<b>243</b>	<b>2284</b>
	Gaol	66	59	32	<b>157</b>
	Gaol (Fully Suspended)	119	107	38	<b>264</b>
	Periodic Detention	28	11	1	<b>40</b>
	Fine	73	72	9	<b>154</b>
	Community Service Order, etc.	234	278	73	<b>585</b>
	Recognisance Order	429	565	90	<b>1084</b>
<b>VIC</b>		<b>786</b>	<b>565</b>	<b>157</b>	<b>1508</b>
	Gaol	24	16	3	<b>43</b>
	Gaol (Fully Suspended)	109	67	20	<b>196</b>
	Fine	83	73	20	<b>176</b>
	Community Service Order, etc.	155	113	36	<b>304</b>
	Recognisance Order	415	296	78	<b>789</b>
<b>QLD</b>		<b>1048</b>	<b>604</b>	<b>196</b>	<b>1848</b>
	Gaol	89	47	18	<b>154</b>
	Gaol (Fully Suspended)	248	121	36	<b>405</b>
	Fine	26	14	1	<b>41</b>
	Community Service Order, etc.	375	236	82	<b>693</b>
	Recognisance Order	310	186	59	<b>555</b>
<b>SA</b>		<b>437</b>	<b>246</b>	<b>67</b>	<b>750</b>
	Gaol	34	25	8	<b>67</b>
	Gaol (Fully Suspended)	261	134	44	<b>439</b>
	Fine	4	1	3	<b>8</b>
	Community Service Order, etc.	5	2	2	<b>9</b>
	Recognisance Order	133	84	10	<b>227</b>
<b>WA</b>		<b>365</b>	<b>204</b>	<b>90</b>	<b>659</b>
	Gaol	32	12	6	<b>50</b>
	Gaol (Fully Suspended)	87	31	15	<b>133</b>
	Fine	120	98	30	<b>248</b>
	Community Service Order, etc.	85	55	32	<b>172</b>
	Recognisance Order	41	8	7	<b>56</b>
<b>NT</b>		<b>37</b>	<b>17</b>	<b>5</b>	<b>59</b>
	Gaol	4	3	1	<b>8</b>
	Gaol (Fully Suspended)	15	5	1	<b>21</b>

	Fine	0	0	2	2
	Recognisance Order	18	9	1	28
<b>TAS</b>		<b>132</b>	<b>95</b>	<b>32</b>	<b>259</b>
	Gaol	27	14	9	50
	Gaol (Fully Suspended)	75	52	15	142
	Fine	7	3	2	12
	Community Service Order, etc.	18	23	6	47
	Recognisance Order	5	3	0	8
<b>ACT</b>		<b>172</b>	<b>134</b>	<b>36</b>	<b>342</b>
	Gaol	10	7	4	21
	Gaol (Fully Suspended)	14	14	6	34
	Periodic Detention	2	0	1	3
	Fine	14	11	0	25
	Community Service Order, etc.	65	54	15	134
	Recognisance Order	67	48	10	125
<b>TOTAL</b>		<b>3926</b>	<b>2957</b>	<b>826</b>	<b>7709</b>

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5(iv). Indigenous/non-Indigenous background.

**SOCIAL SECURITY FRAUD CONVICTIONS, BY FINANCIAL YEAR MATTER FINALISED, BY HIGHEST PENALTY AND INDIGENOUS STATUS\***

<b>INDIGENOUS STATUS</b>	<b>HIGHEST PENALTY</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12 First Half</b>	<b>TOTAL</b>
<b>INDIGENOUS</b>		<b>272</b>	<b>202</b>	<b>68</b>	<b>542</b>
	Gaol	25	13	7	<b>45</b>
	Gaol (Fully Suspended)	59	44	7	<b>110</b>
	Periodic Detention	1	0	0	<b>1</b>
	Fine	20	16	6	<b>42</b>
	Community Service Order, etc.	70	64	25	<b>159</b>
	Recognisance Order	97	65	23	<b>185</b>
<b>NOT INDIGENOUS</b>		<b>3407</b>	<b>2385</b>	<b>642</b>	<b>6434</b>
	Gaol	246	149	65	<b>460</b>
	Gaol (Fully Suspended)	826	440	150	<b>1416</b>
	Periodic Detention	27	11	2	<b>40</b>
	Fine	285	209	48	<b>542</b>
	Community Service Order, etc.	795	608	195	<b>1598</b>
	Recognisance Order	1228	968	182	<b>2378</b>
<b>UNKNOWN</b>		<b>247</b>	<b>370</b>	<b>116</b>	<b>733</b>
	Gaol	15	21	9	<b>45</b>
	Gaol (Fully Suspended)	43	47	18	<b>108</b>
	Periodic Detention	2	0	0	<b>2</b>
	Fine	22	47	13	<b>82</b>
	Community Service Order, etc.	72	89	26	<b>187</b>
	Recognisance Order	93	166	50	<b>309</b>
<b>TOTAL</b>		<b>3926</b>	<b>2957</b>	<b>826</b>	<b>7709</b>

\* 'Highest penalty' is calculated by taking the most severe penalty imposed on the defendant. For example, if a defendant received a fully suspended gaol sentence as well as a fine, only the fully suspended gaol sentence will be captured in this table. In this regard, the table is a count of defendants sentenced for Social Security fraud offences, not actual penalties imposed. Social Security fraud prosecutions are defined as those matters referred to the CDPP by Centrelink or sourced from Centrelink. As at 21.02.2012.

6(i). Length of sentence

**SOCIAL SECURITY FRAUD CONVICTIONS RESULTING IN CUSTODIAL SENTENCE, BY FINANCIAL YEAR MATTER FINALISED AND HEAD SENTENCE\***

<b>Head sentence(a)</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12 (First Half)</b>	<b>TOTAL</b>
Less than 1 year	69	36	20	<b>125</b>
1 year	166	101	49	<b>316</b>
2 years	37	23	7	<b>67</b>
3 years	10	19	3	<b>32</b>
4 years	1	0	2	<b>3</b>
5 years	1	0	0	<b>1</b>
Released forthwith	2	4	0	<b>6</b>
<b>TOTAL</b>	<b>286</b>	<b>183</b>	<b>81</b>	<b>550</b>

\* The 'head sentence' was calculated by rounding the maximum custodial term of imprisonment to the nearest whole year. Social Security fraud prosecutions are defined as those matters referred to the CDPP by Centrelink or sourced from Centrelink. As at 21.02.2012.

## 6(ii). Value of fraud involved

**SOCIAL SECURITY FRAUD CONVICTIONS RESULTING IN CUSTODIAL SENTENCE, BY FINANCIAL YEAR MATTER FINALISED, BY FRAUD AMOUNT AND HEAD SENTENCE\***

<b>Value of Fraud Proven</b>	<b>Head Sentence</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12 (First Half)</b>	<b>TOTAL</b>
<b>Less than \$5,000</b>		<b>17</b>	<b>11</b>	<b>9</b>	<b>37</b>
	Less than 1 year	10	8	4	22
	1 year	6	2	5	13
	Released forthwith	1	1	0	2
<b>Between \$5,000 and \$10,000</b>		<b>44</b>	<b>35</b>	<b>15</b>	<b>94</b>
	Less than 1 year	17	13	8	38
	1 year	26	22	6	54
	2 years	1	0	1	2
<b>Between \$10,000 and \$25,000</b>		<b>97</b>	<b>50</b>	<b>30</b>	<b>177</b>
	Less than 1 year	24	12	3	39
	1 year	71	33	26	130
	2 years	2	2	1	5
	3 years	0	1	0	1
	Released forthwith	0	2	0	2
<b>Between \$25,000 and \$50,000</b>		<b>82</b>	<b>51</b>	<b>14</b>	<b>147</b>
	Less than 1 year	14	3	3	20
	1 year	55	33	7	95
	2 years	12	12	2	26
	3 years	0	3	2	5
	Released forthwith	1	0	0	1
<b>Between \$50,000 and \$75,000</b>		<b>26</b>	<b>14</b>	<b>2</b>	<b>42</b>
	Less than 1 year	4	0	0	4
	1 year	5	3	1	9
	2 years	12	4	1	17
	3 years	5	7	0	12
<b>Between \$75,000 and \$100,000</b>		<b>11</b>	<b>13</b>	<b>3</b>	<b>27</b>
	1 year	2	6	2	10
	2 years	5	3	1	9
	3 years	3	4	0	7
	4 years	1	0	0	1
<b>Between \$100,000 and \$500,000</b>		<b>8</b>	<b>6</b>	<b>6</b>	<b>20</b>
	Less than 1 year	0	0	1	1
	1 year	0	0	2	2

	2 years	5	2	1	<b>8</b>
	3 years	2	4	1	<b>7</b>
	4 years	0	0	1	<b>1</b>
	5 years	1	0	0	<b>1</b>
<b>Not defined</b>		<b>1</b>	<b>3</b>	<b>2</b>	<b>6</b>
	Less than 1 year	0	0	1	<b>1</b>
	1 year	1	2	0	<b>3</b>
	4 years	0	0	1	<b>1</b>
	Released forthwith	0	1	0	<b>1</b>
<b>TOTAL</b>		<b>286</b>	<b>183</b>	<b>81</b>	<b>550</b>

\* The 'head sentence' was calculated by rounding the maximum custodial term of imprisonment to the nearest whole year. Social Security fraud prosecutions are defined as those matters referred to the CDPP by Centrelink or sourced from Centrelink. As at 21.02.2012.

7. (i) –(viii) See (4)-(6) above. In relation to (ii) and (vi) the CDPP does not categorise social security fraud matters by payment type or size of debt. In relation to (viii) this information is not compiled for the conduct of prosecutions.