

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

Question No. 141

Senator Ludwig asked the following question at the hearing on 31 October 2006:

Fraud prosecutions: Please provide a breakdown by referring Agency:

- a) How many fraud prosecutions in the past financial year?
- b) How many referrals were received?
 - i) Of these how many were prosecuted?
 - ii) How many were dropped?
- c) What type of fraud was involved? (eg misappropriation? Or fraud against Commonwealth?)
- d) How many were civil trials?
- e) How many were criminal trials?

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

- a) CDPP fraud prosecutions completed in 2005-2006

| Agency | Number |
|---|---------------|
| Centrelink | 3846 |
| Australian Taxation Office | 215 |
| Australian Federal Police | 62 |
| Australian Postal Corporation | 46 |
| Medicare Australia | 40 |
| Department of Veterans' Affairs | 11 |
| Insolvency and Trustee Service Australia | 12 |
| State Police | 9 |
| Australian Crime Commission | 7 |
| Department of Defence | 6 |
| Agriculture, Fish & Forests Australia | 1 |
| Australian Customs Service | 1 |
| Australian Securities and Investment Commission | 1 |
| Department of Employment & Workplace Relations | 1 |
| Department of Immigration & Multicultural Affairs | 1 |
| Office of Indigenous Policy Coordination | 1 |
| Total | 4260 |

This table does not include prosecutions commenced and later discontinued. Figures are provided for the year that the prosecution was completed. Briefs may have been referred in previous years.

b) Briefs alleging fraud received by CDPP in 2005-2006

| Agency | Number |
|--|---------------|
| Centrelink | 4064 |
| Australian Taxation Office | 442 |
| Medicare Australia | 72 |
| Australian Federal Police | 62 |
| Australian Postal Corporation | 70 |
| Department of Veterans' Affairs | 39 |
| Department of Employment & Workplace Relations | 16 |
| Department of Defence | 15 |
| Insolvency and Trustee Service Australia | 12 |
| State Police | 7 |
| Australian Customs Service | 6 |
| Other Agencies | 29 |
| Total | 4834 |

i) - ii) Matters referred in a particular year may be dealt with in the prosecution process over a number of years. CDPP reports focus on matters which are completed in identified time periods. The number of fraud matters prosecuted in 2005-2006 are set out in a) above. The number of matters where a decision was made in 2005-2006 not to commence a prosecution or to discontinue a prosecution is as follows:

| Agency | Number |
|---|---------------|
| Centrelink | 711 |
| Australian Taxation Office | 61 |
| Australian Postal Corporation | 32 |
| Department of Veterans' Affairs | 19 |
| Australian Federal Police | 17 |
| Medicare Australia | 15 |
| Department of Employment & Workplace Relations | 9 |
| Department of Education, Science & Training | 4 |
| Office of Indigenous Policy Coordination | 4 |
| Agriculture, Fish & Forests Australia | 3 |
| Australian Customs Service | 3 |
| Insolvency and Trustee Service Australia | 3 |
| Department of Defence | 3 |
| Department of Immigration & Multicultural Affairs | 2 |
| Australian Securities and Investment Commission | 1 |
| Department of Foreign Affairs & Trade | 1 |
| State Police | 1 |
| Total | 889 |

Figures are provided for the year that the decision was made. Briefs may have been referred in previous years.

c) Frauds prosecuted by primary offence legislation/provision in 2005-2006

| Act | Section | ACC | AFP | APC | ATO | CLINK | DOD |
|-----------------------------------|-----------|----------|-----------|-----------|------------|-------------|----------|
| Criminal Code Act 1995 | 131.1 (1) | | 2 | 12 | | | |
| | 134.1 (1) | | 1 | 7 | 3 | 1 | 1 |
| | 134.2 (1) | | 11 | 2 | 26 | 8 | 1 |
| | 135.1 (1) | | | 4 | 1 | 15 | |
| | 135.1 (5) | | 7 | | 3 | 5 | |
| | 135.2 (1) | | 2 | 4 | 3 | 2682 | 3 |
| Crimes Act 1914 | 29B | | 1 | | | 12 | |
| | 29D | 3 | 22 | 1 | 15 | 50 | |
| Excise Act 1901 | 117D(1) | | | | 17 | | |
| Health Insurance Act 1973 | 128B(1) | | | | | | |
| Social Security Admin Act 1999 | 212 | | | | | 315 | |
| | 215 | | 1 | | | 547 | |
| Social Security Act 1991 | 1344 | | | | | 11 | |
| | 1347 | | | | | 159 | |
| Tax Admin Act 1953 | 8C(1)(a) | | | | 126 | | |
| Other Legislation | | 4 | 15 | 16 | 21 | 41 | 1 |
| Total | | 7 | 62 | 46 | 215 | 3846 | 6 |

| Act | Section | DVA | ITSA | MA | SP | Other | Total all agencies |
|-----------------------------------|-----------|-----------|-----------|-----------|----------|----------|--------------------|
| Criminal Code Act 1995 | 131.1 (1) | | | | | | 14 |
| | 134.1 (1) | | | 2 | 1 | | 16 |
| | 134.2 (1) | | | | 2 | 1 | 51 |
| | 135.1 (1) | | | 2 | | | 22 |
| | 135.1 (5) | | | | | | 15 |
| | 135.2 (1) | 1 | | 4 | | | 2699 |
| Crimes Act 1914 | 29B | 2 | | | | | 15 |
| | 29D | 2 | | 2 | | 1 | 96 |
| Excise Act 1901 | 117D(1) | | | | | | 17 |
| Health Insurance Act 1973 | 128B(1) | | | 22 | | | 22 |
| Social Security Admin Act 1999 | 212 | | | | | | 315 |
| | 215 | | | | | | 548 |
| Social Security Act 1991 | 1344 | | | | | | 11 |
| | 1347 | | | | | | 159 |
| Tax Admin Act 1953 | 8C(1)(a) | | | | | | 126 |
| Other Legislation | | 6 | 12 | 8 | 6 | 4 | 134 |
| Total | | 11 | 12 | 40 | 9 | 6 | 4260 |

A defendant may be prosecuted for more than one offence. In addition, a defendant may be prosecuted under different offence provisions. This table is based on the major act and section under which each defendant was prosecuted. Figures are provided for the year that the prosecution was completed. Briefs may have been referred in previous years.

Code for agency abbreviations:

ACC - Australian Crime Commission
AFP - Australian Federal Police
APC - Australian Postal Corporation
ASIC - Australian Securities and Investment Commission
ATO - Australian Taxation Office
CLINK - Centrelink
DOD - Department of Defence
DVA - Department of Veterans' Affairs
ITSA - Insolvency and Trustee Service Australia
MA - Medicare Australia
SP - State Police
Other – Agencies with only one prosecution

d) The CDPP does not conduct civil trials.

e) Defendants prosecuted by CDPP for fraud offences in 2005-2006

| <u>Agency</u> | Summary hearings | Trials on indictment | Total |
|---|-----------------------------|---------------------------------|--------------|
| Australian Crime Commission | 0 | 4 | 4 |
| Australian Federal Police | 0 | 7 | 7 |
| Australian Postal Corporation | 1 | 2 | 3 |
| Australian Taxation Office | 34 | 4 | 38 |
| Centrelink | 117 | 4 | 121 |
| Department of Defence | 1 | 0 | 1 |
| Department of Immigration & Multicultural Affairs | 1 | 0 | 1 |
| Department of Veterans' Affairs | 2 | 1 | 3 |
| Medicare Australia | 0 | 2 | 2 |
| Total | 156 | 20 | 176 |

Figures are provided for the year that the prosecution was completed. Briefs may have been referred in previous years.