

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

**Question No. 149**

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

Separately for the years 2003-04, 2004-05 and 2005-06:

- (a) How many cases of welfare fraud were referred to the DPP from Centrelink?
- (b) How many cases of welfare fraud were referred to the DPP from FACSIA?
- (c) How many of these cases were settled before going to court? What was the average cost of handling these cases?
- (d) How many of these cases were settled after the matter had been part or fully heard by the court?
- (e) What was the average cost of handling these cases?
- (f) How many of these cases were dropped without taking any action? What was the average cost of handling these cases?
- (g) How many of these cases were dismissed by the Court following a hearing? What was the average cost of handling these cases?
- (h) How many of these cases were won by the Commonwealth following a hearing? What was the average cost of handling these cases?
- (i) How much in total was recovered from individuals following the referral of the matter to the DPP?
- (j) What was the total cost of dealing with referrals from Centrelink and FACSIA concerning cases of welfare fraud?

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

(a) Cases of welfare fraud referred to the CDPP from Centrelink

<u>Year</u>	<u>Number</u>
2003-04	4295
2004-05	4700
2005-06	4062

(b) Cases of welfare fraud referred to the CDPP from FACSIA

<u>Year</u>	<u>Number</u>
2003-04	0
2004-05	0
2005-06	0

There are a small number of matters which were referred by Centrelink but which have now been transferred from Centrelink to FACSIA.

(c) The CDPP prosecutes in accordance with the *Prosecution Policy of the Commonwealth*. The *Prosecution Policy of the Commonwealth* does not provide for prosecutions to be settled.

(d) See (c)

(e) The CDPP does not record the costs of cases in such a way that it can calculate the average cost of cases by the categories in Question No. 149. See (j).

(f) Cases referred to the CDPP, not prosecuted

<b>Year</b>	<b>Centrelink referred</b>	<b>FACSIA referred</b>
2003-04	928	0
2004-05	748	0
2005-06	658	0

The table includes brief assessments not prosecuted under the *Prosecution Policy of the Commonwealth* and matters discontinued after a prosecution was commenced. Figures are provided for the year that the decision was made, not in the year the brief was received. Briefs may have been referred in previous years.

See (e).

(g) Number of cases dismissed by a Court following a hearing

<b>Year</b>	<b>Centrelink referred</b>	<b>FACSIA referred</b>
2003-04	52	0
2004-05	51	0
2005-06	47	0

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

See (e).

(h) Defendants convicted following a hearing

<b>Year</b>	<b>Centrelink referred</b>	<b>FACSIA referred</b>
2003-04	67	0
2004-05	94	0
2005-06	73	0

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

See (e).

(i) Monies owed to Centrelink as a result of the commission of an offence may be recovered in a variety of ways. These include withholdings or other recovery action taken by Centrelink and Centrelink enforcement of reparation orders obtained under section 21B of the *Crimes Act 1914*.

The following reparation orders were made by courts where Centrelink and FACSIA were the referring agencies.

<b>Year</b>	<b>Centrelink referred</b>	<b>FACSIA referred</b>
2003-04	\$22,994,098	\$0
2004-05	\$26,544,017	\$0
2005-06	\$26,690,570	\$0

Centrelink and FACSIA are responsible for recovery pursuant to reparation orders.

Recoveries in 2005-2006 made pursuant to orders under the *Proceeds of Crime Act 1987* and *Proceeds of Crime Act 2002* in relation to Centrelink and FACSIA matters:

<b>Year</b>	<b>Centrelink matters</b>	<b>FACSIA matters</b>
2003-04	\$247,660	\$0
2004-05	\$148,657	\$0
2005-06	\$630,417	\$0

Orders may have been made in previous years. Recovery amounts provided by ITSA.

(j) Estimated cost to CDPP of dealing with referrals of welfare fraud

<b>Year</b>	<b>Centrelink referred</b>	<b>FACSIA referred</b>
2003-04	\$11,300,000	\$0
2004-05	\$12,300,000	\$0
2005-06	\$11,743,000	\$0