

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

Question No. 94

Senator Siewert asked the following question at the hearing on 16 October 2012:

1. Penalties for Social Security fraud

For the financial year 2011-12:

- a) How much of the Director of Public Prosecutions financial resources (amount and percentage) was dedicated to social security fraud?
- b) How many staff working on projects related to social security fraud?
- c) How many convicted for social security fraud?
- d) For the financial periods 2011-12 provide a breakdown of the sentencing outcomes of recipients convicted by the CDPP by type of sentence (eg. custodial sentence, good behaviour bond, community service order, etc) and provide a breakdown of sentencing outcomes by type of income support payment, age; gender: state and territory, and Indigenous/non-Indigenous background
- e) For all custodial sentences, detail the length of sentences and the value of the fraud involved.

2. Social Security Fraud Convictions

For the 2009-10, 2010-11 and 1 July 31 2011 to 30 June 2012 provide a breakdown of people:

- a) convicted of social security fraud by payment type.
- b) convicted of social security fraud by payment type and gender.
- c) convicted of social security fraud by state and territory and the amount for each jurisdiction.

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

1. Penalties for Social Security fraud

For the financial year 2011-12:

- a) In 2011-2012, 41.1% of defendants dealt with before the courts were referred by Centrelink.. CDPP resource usage is provided below.
- b) CDPP resource usage as at 30 June 2012: 182 CDPP staff had open Social Security fraud files.
- c) See table below

FINANCIAL YEAR	NUMBER OF SOCIAL SECURITY FRAUD CONVICTIONS
2011-12	1878
TOTAL	1878

* Social Security fraud prosecutions are defined as those matters referred to the CDPP by the Department of Human Services (Centrelink). This data extracted from the CDPP's Prosecutions database on 29.10.2012.

d) See below

(i) Age

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

AGE	HIGHEST PENALTY	2011-12
Less than 20 years		1
	Recognisance Order	1
20 to 29 years		233
	Gaol	16
	Gaol (Fully Suspended)	37
	Fine	17
	Community Service Order, etc.	67
	Recognisance Order	96
30 to 39 years		566
	Gaol	42
	Gaol (Fully Suspended)	118
	Fine	60
	Community Service Order, etc.	182
	Recognisance Order	163
	Other	1
40 to 49 years		420
	Gaol	45
	Gaol (Fully Suspended)	91
	Periodic Detention	1
	Fine	32
	Community Service Order, etc.	118
	Recognisance Order	133
50 to 59 years		196
	Gaol	41
	Gaol (Fully Suspended)	41
	Periodic Detention	1
	Fine	14
	Community Service Order, etc.	41
	Recognisance Order	58
60 to 69 years		77
	Gaol	17
	Gaol (Fully Suspended)	20
	Fine	5

	Community Service Order, etc.	9
	Recognisance Order	26
70 years or over		16
	Gaol	4
	Gaol (Fully Suspended)	3
	Fine	1
	Community Service Order, etc.	1
	Recognisance Order	7
TOTAL		1509

(ii) Gender

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

SEX	HIGHEST PENALTY	2011-12
FEMALE		922
	Gaol	76
	Gaol (Fully Suspended)	181
	Fine	72
	Community Service Order, etc.	256
	Recognisance Order	336
	Other	1
MALE		587
	Gaol	89
	Gaol (Fully Suspended)	129
	Periodic Detention	2
	Fine	57
	Community Service Order, etc.	162
	Recognisance Order	148
TOTAL		1509

* '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 31.10.2012.

(iii) State and Territory

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

STATE	HIGHEST PENALTY	2011-12
NSW		456
	Gaol	49
	Gaol (Fully Suspended)	61
	Periodic Detention	1
	Fine	25
	Community Service Order, etc.	123
	Recognisance Order	196
	Other	1
VIC		275

	Gaol	14
	Gaol (Fully Suspended)	34
	Fine	40
	Community Service Order, etc.	59
	Recognisance Order	128
QLD		362
	Gaol	37
	Gaol (Fully Suspended)	70
	Fine	3
	Community Service Order, etc.	146
	Recognisance Order	106
SA		122
	Gaol	19
	Gaol (Fully Suspended)	77
	Fine	3
	Community Service Order, etc.	2
	Recognisance Order	21
WA		167
	Gaol	21
	Gaol (Fully Suspended)	27
	Fine	52
	Community Service Order, etc.	56
	Recognisance Order	11
NT		14
	Gaol	3
	Gaol (Fully Suspended)	3
	Fine	2
	Recognisance Order	6
TAS		50
	Gaol	15
	Gaol (Fully Suspended)	25
	Fine	2
	Community Service Order, etc.	8
ACT		63
	Gaol	7
	Gaol (Fully Suspended)	13
	Periodic Detention	1
	Fine	2
	Community Service Order, etc.	24
	Recognisance Order	16
TOTAL		1509

* '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 31.10.2012.

(iv) Indigenous/Non-Indigenous background

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

INDIGENOUS STATUS	HIGHEST PENALTY	2011-12
INDIGENOUS		120
	Gaol	16
	Gaol (Fully Suspended)	14
	Fine	13
	Community Service Order, etc.	34
	Recognisance Order	43
NOT INDIGENOUS		1177
	Gaol	127
	Gaol (Fully Suspended)	262
	Periodic Detention	2
	Fine	91
	Community Service Order, etc.	333
	Recognisance Order	361
	Other	1
UNKNOWN		212
	Gaol	22
	Gaol (Fully Suspended)	34
	Fine	25
	Community Service Order, etc.	51
	Recognisance Order	80
TOTAL		1509

* '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 31.10.2012.

e) See below

(i) Length of sentence

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

Head sentence(a)	2011-12	TOTAL
Less than 1 year	30	30
1 year	106	106
2 years	15	15
3 years	5	5
4 years	2	2
5 years	1	1
Released forthwith	6	6
TOTAL	165	165

* 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 31.10.2012.

(ii) Value of Fraud Involved

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

Value of Fraud Proven	Head Sentence	2011-12
Less than \$5,000		136
	Less than 1 year	27
	1 year	96
	2 years	6
	3 years	2
	Released forthwith	5
Between \$50,000 and \$100,000		10
	1 year	5
	2 years	5
Between \$100,000 and \$250,000		12
	1 year	4
	2 years	3
	3 years	3
	4 years	1
	5 years	1
Not defined		7
	Less than 1 year	3
	1 year	1

	2 years	1
	4 years	1
	Released forthwith	1
TOTAL		165

* 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 31.10.2012.

2. Social Security Fraud Convictions

In relation to (i) and (ii) the CDPP does not categorise social security fraud matters by payment type. In relation to (iii) please see '(iii) State and Territory' above in conjunction with the table below:

SOCIAL SECURITY FRAUD CONVICTIONS, BY FINANCIAL YEAR MATTER FINALISED, BY FRAUD AMOUNT AND STATE

STATE	FRAUD AMOUNT	NUMBER OF CONVICTIONS			TOTAL
		2009-10	2010-11	2011-12	
NSW		946	1082	456	2484
	Less than \$50,000	89	83	46	218
	Between \$50,000 and \$100,000	135	163	59	357
	Between \$100,000 and \$250,000	396	525	160	1081
	Between \$250,000 and \$500,000	182	206	122	510
	Between \$500,000 and \$750,000	58	48	28	134
	Between \$750,000 and \$1,000,000	44	26	20	90
	Between \$1 and \$5 million	41	28	21	90
	Not defined	1	3	0	4
VIC		783	554	274	1611
	Less than \$50,000	74	60	20	154
	Between \$50,000 and \$100,000	113	95	37	245
	Between \$100,000 and \$250,000	340	228	83	651
	Between \$250,000 and \$500,000	179	104	54	337
	Between \$500,000 and \$750,000	38	18	6	62
	Between \$750,000 and \$1,000,000	12	8	2	22
	Between \$1 and \$5 million	25	15	10	50
	Not defined	2	26	62	90
QLD		1046	586	362	1994

	Less than \$50,000	239	143	78	460
	Between \$50,000 and \$100,000	251	157	108	516
	Between \$100,000 and \$250,000	322	174	91	587
	Between \$250,000 and \$500,000	152	62	49	263
	Between \$500,000 and \$750,000	54	32	22	108
	Between \$750,000 and \$1,000,000	16	9	10	35
	Between \$1 and \$5 million	10	6	4	20
	Not defined	2	3	0	5
SA		430	245	122	797
	Less than \$50,000	14	11	3	28
	Between \$50,000 and \$100,000	43	24	5	72
	Between \$100,000 and \$250,000	159	71	34	264
	Between \$250,000 and \$500,000	144	86	43	273
	Between \$500,000 and \$750,000	38	22	15	75
	Between \$750,000 and \$1,000,000	17	4	6	27
	Between \$1 and \$5 million	10	5	3	18
	Not defined	5	22	13	40
WA		361	198	167	726
	Less than \$50,000	171	101	77	349
	Between \$50,000 and \$100,000	79	49	44	172
	Between \$100,000 and \$250,000	60	23	24	107
	Between \$250,000 and \$500,000	39	16	11	66
	Between \$500,000 and \$750,000	7	3	3	13
	Between \$750,000 and \$1,000,000	2	0	0	2
	Between \$1 and \$5 million	2	2	0	4
	Not defined	1	4	8	13
NT		37	16	14	67
	Less than \$50,000	7	1	7	15
	Between \$50,000 and \$100,000	15	9	1	25
	Between \$100,000 and \$250,000	12	2	3	17
	Between \$250,000 and \$500,000	3	1	0	4
	Between \$500,000 and \$750,000	0	1	0	1

	Between \$750,000 and \$1,000,000	0	1	0	1
	Not defined	0	1	3	4
TAS		132	95	50	277
	Less than \$50,000	21	24	12	57
	Between \$50,000 and \$100,000	19	13	5	37
	Between \$100,000 and \$250,000	54	32	13	99
	Between \$250,000 and \$500,000	32	20	17	69
	Between \$500,000 and \$750,000	4	4	0	8
	Between \$750,000 and \$1,000,000	0	0	2	2
	Between \$1 and \$5 million	2	2	1	5
ACT		171	132	63	366
	Less than \$50,000	53	37	17	107
	Between \$50,000 and \$100,000	41	31	13	85
	Between \$100,000 and \$250,000	52	45	20	117
	Between \$250,000 and \$500,000	16	13	8	37
	Between \$500,000 and \$750,000	3	2	3	8
	Between \$750,000 and \$1,000,000	2	0	0	2
	Between \$1 and \$5 million	3	2	0	5
	Not defined	1	2	2	5
TOTAL		3906	2908	1508	8322

* Social Security fraud prosecutions are defined as those matters referred to the CDPP by Centrelink or sourced from Centrelink. As at 01.11.2012.