

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

**Question No. 153**

**Senator Siewert asked the following question at the hearing on 18 November 2013:**

For the financial years 2011-12 and 2012-13:

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 2011-12 and 2012-13 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 2011-12 and 2012-13, 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

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

1. In 2011-2012, 40.7% of defendants dealt with before the courts were referred by Centrelink. In 2012-13, 38.2% of defendants dealt with before the courts in cases conducted by the

CDPP 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 2012, 277 CDPP staff had open Social Security fraud files. On 30 June 2013, 172 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>
2011-12	1467
2012-13	1131
<b>Total</b>	<b>2598</b>

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

## 5(i). Age

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

		<b>2011-12</b>	<b>2012-13</b>	<b>TOTAL</b>
<b>Less than 20</b>		<b>1</b>	<b>0</b>	<b>1</b>
	Recognisance Order	1	0	1
<b>20-29</b>		<b>230</b>	<b>149</b>	<b>379</b>
	Gaol	16	10	26
	Gaol (Fully Suspended)	37	41	78
	Periodic Detention		1	1
	Fine	17	12	29
	Community-based orders and Intensive correction orders etc.	64	41	105
	Recognisance Order	96	44	140
<b>30-39</b>		<b>545</b>	<b>417</b>	<b>962</b>
	Gaol	41	40	81
	Gaol (Fully Suspended)	115	102	217
	Periodic Detention	0	1	1
	Fine	60	34	94
	Community-based orders and Intensive correction orders etc.	167	131	298
	Recognisance Order	162	109	271
<b>40-49</b>		<b>405</b>	<b>342</b>	<b>747</b>
	Gaol	45	28	73
	Gaol (Fully Suspended)	87	87	174
	Periodic Detention	1	3	4
	Fine	32	24	56
	Community-based orders and Intensive correction orders etc.	106	110	216
	Recognisance Order	134	90	224
<b>50-59</b>		<b>194</b>	<b>153</b>	<b>347</b>
	Gaol	41	16	57
	Gaol (Fully Suspended)	40	41	81
	Periodic Detention	1	3	4
	Fine	14	7	21
	Community-based orders and Intensive correction orders etc.	40	41	81
	Recognisance Order	58	45	103
<b>60-69</b>		<b>76</b>	<b>58</b>	<b>134</b>
	Gaol	17	10	27
	Gaol (Fully Suspended)	20	21	41
	Fine	5	4	9
	Community-based orders and Intensive correction orders etc.	9	8	17
	Recognisance Order	25	15	40
<b>70 years or over</b>		<b>16</b>	<b>12</b>	<b>28</b>
	Gaol	4	3	7
	Gaol (Fully Suspended)	3	5	8

	Fine	1	0	1
	Community-based orders and Intensive correction orders etc.	1	2	3
	Recognisance Order	7	2	9
<b>TOTAL</b>		<b>1467</b>	<b>1131</b>	<b>2598</b>

\*Social Security fraud convictions are defined as those matters referred to the CDPP by Centrelink or sourced from Centrelink. '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.

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>2011-12</b>	<b>2012-13</b>	<b>TOTAL</b>
<b>FEMALE</b>		<b>890</b>	<b>661</b>	<b>1551</b>
	Gaol	76	48	124
	Gaol (Fully Suspended)	177	165	342
	Periodic Detention		3	3
	Fine	72	43	115
	Community-based orders and Intensive correction orders etc.	229	186	415
	Recognisance Order	336	216	552
<b>MALE</b>		<b>577</b>	<b>470</b>	<b>1047</b>
	Gaol	88	59	147
	Gaol (Fully Suspended)	125	132	257
	Periodic Detention	2	5	7
	Fine	57	38	95
	Community-based orders and Intensive correction orders etc.	158	147	305
	Recognisance Order	147	89	236
<b>TOTAL</b>		<b>1467</b>	<b>1131</b>	<b>2598</b>

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## 5(iii). State and Territory

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

<b>STATE/TERRITORY</b>	<b>HIGHEST PENALTY</b>	<b>2011-12</b>	<b>2012-13</b>	<b>TOTAL</b>
<b>NSW</b>		<b>448</b>	<b>320</b>	<b>768</b>
	Gaol	48	27	75
	Gaol (Fully Suspended)	60	44	104
	Periodic Detention	1	7	8
	Fine	25	19	44
	Community-based orders and Intensive correction orders etc.	117	119	236
	Recognisance Order	197	104	301
<b>VIC</b>		<b>265</b>	<b>280</b>	<b>545</b>
	Gaol	14	8	22
	Gaol (Fully Suspended)	32	34	66
	Fine	40	40	80
	Community-based orders and Intensive correction orders etc.	53	74	127
	Recognisance Order	126	124	250
<b>QLD</b>		<b>345</b>	<b>272</b>	<b>617</b>
	Gaol	36	34	70
	Gaol (Fully Suspended)	68	94	162
	Fine	3	5	8
	Community-based orders and Intensive correction orders etc.	133	93	226
	Recognisance Order	105	45	150
<b>SA</b>		<b>122</b>	<b>114</b>	<b>236</b>
	Gaol	19	14	33
	Gaol (Fully Suspended)	76	81	157
	Fine	3	0	3
	Community-based orders and Intensive correction orders etc.	2	2	4
	Recognisance Order	22	17	39
<b>WA</b>		<b>162</b>	<b>71</b>	<b>233</b>
	Gaol	21	9	30
	Gaol (Fully Suspended)	27	12	39
	Fine	52	17	69
	Community-based orders and Intensive correction orders etc.	51	28	79
	Recognisance Order	11	5	16
<b>NT</b>		<b>15</b>	<b>11</b>	<b>26</b>
	Gaol	4	1	5
	Gaol (Fully Suspended)	3	3	6
	Fine	2	0	2

	Community-based orders and Intensive correction orders etc.	0	3	3
	Recognisance Order	6	4	10
<b>TAS</b>		<b>48</b>	<b>39</b>	<b>87</b>
	Gaol	15	11	26
	Gaol (Fully Suspended)	24	24	48
	Fine	2	0	2
	Community-based orders and Intensive correction orders etc.	7	2	9
	Recognisance Order	0	2	2
<b>ACT</b>		<b>62</b>	<b>24</b>	<b>86</b>
	Gaol	7	3	10
	Gaol (Fully Suspended)	12	4	16
	Periodic Detention	1	1	2
	Fine	2	0	2
	Community-based orders and Intensive correction orders etc.	24	12	36
	Recognisance Order	16	4	20
<b>TOTAL</b>		<b>1467</b>	<b>1131</b>	<b>2598</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 BACKGROUND**

<b>INDIGENOUS BACKGROUND</b>	<b>HIGHEST PENALTY</b>	<b>2011-12</b>	<b>2012-13</b>	<b>TOTAL</b>
<b>INDIGENOUS</b>		<b>112</b>	<b>102</b>	<b>214</b>
	Gaol	15	13	28
	Gaol (Fully Suspended)	13	19	32
	Periodic Detention	0	1	1
	Fine	13	6	19
	Community-based orders and Intensive correction orders etc.	29	35	64
	Recognisance Order	42	28	70
<b>NON-INDIGENOUS</b>		<b>1149</b>	<b>754</b>	<b>1903</b>
	Gaol	127	79	206
	Gaol (Fully Suspended)	257	225	482
	Periodic Detention	2	4	6
	Fine	91	39	130
	Community-based orders and Intensive correction orders etc.	311	229	540
	Recognisance Order	361	178	539
<b>UNKNOWN</b>		<b>206</b>	<b>275</b>	<b>481</b>
	Gaol	22	15	37
	Gaol (Fully Suspended)	32	53	85
	Periodic Detention	0	3	3
	Fine	25	36	61
	Community-based orders and Intensive correction orders etc.	47	69	116
	Recognisance Order	80	99	179
<b>TOTAL</b>		<b>1467</b>	<b>1131</b>	<b>2598</b>

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6(i). Length of sentence

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

<b>Head Sentence*</b>	<b>2011-12</b>	<b>2012-13</b>	<b>TOTAL</b>
Less than 1 year	120	78	198
1 year	31	14	45
2 years	7	7	14
3 years	3	6	9
4 years	3	2	5
<b>TOTAL</b>	<b>164</b>	<b>107</b>	<b>271</b>

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

## 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 involved</b>	<b>Head sentence</b>	<b>2011-12</b>	<b>2012-13</b>	<b>TOTAL</b>
<b>Less than \$5,000</b>		<b>15</b>	<b>12</b>	<b>27</b>
	Less than 1 year	14	11	25
	1 year	1	1	2
<b>Between \$5,000 and \$10,000</b>		<b>22</b>	<b>15</b>	<b>37</b>
	Less than 1 year	21	13	34
	1 year	1	2	3
<b>Between \$10,000 and \$25,000</b>		<b>62</b>	<b>33</b>	<b>95</b>
	Less than 1 year	52	31	83
	1 year	10	2	12
<b>Between \$25,000 and \$50,000</b>		<b>37</b>	<b>25</b>	<b>62</b>
	Less than 1 year	23	17	40
	1 year	11	5	16
	2 years	3	3	6
<b>Between \$50,000 and \$75,000</b>		<b>4</b>	<b>12</b>	<b>16</b>
	Less than 1 year	1	3	4
	1 year	2	2	4
	2 years	1	1	2
	3 years	0	5	5
	4 years	0	1	1
<b>Between \$75,000 and \$100,000</b>		<b>6</b>	<b>4</b>	<b>10</b>
	Less than 1 year	2	1	3
	1 year	3	0	3
	2 years	1	2	3
	3 years	0	1	1
<b>Between \$100,000 and \$500,000</b>		<b>12</b>	<b>3</b>	<b>15</b>
	Less than 1 year	3	0	3
	1 year	3	2	5
	2 years	1	0	1
	3 years	3	0	3
	4 years	2	1	3
<b>Not defined</b>		<b>6</b>	<b>3</b>	<b>9</b>
	Less than 1 year	4	2	6
	2 years	1	1	2
	4 years	1	0	1
<b>TOTAL</b>		<b>164</b>	<b>107</b>	<b>271</b>

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

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.

\*Note: All figures have been extracted from the CDPP database on 04.12.2013.