



Australian Government
Attorney-General's Department

Attorney-General's Department Response

Senate Legal and Constitutional Affairs Legislation Committee

Crimes Legislation Amendment (Combatting Corporate Crime) Bill 2017

Questions on notice

Explanatory points

The Senate Legal and Constitutional Affairs Legislation Committee has asked the department to consider the questions below in relation to the following offences:

Offences to which a DPA may relate		
Item	Act	Provisions
1	<i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>	Sections 35H, 35J, 35K, 53, 55, 59, 74, 123, 136, 137, 138, 139, 140, 141, 142, 143 and 162
2	<i>Autonomous Sanctions Act 2011</i>	Sections 16 and 17
3	<i>Charter of the United Nations Act 1945</i>	Sections 20, 21, 27 and 28
4	<i>Corporations Act 2001</i>	Sections 1041A, 1041B, 1041C, 1041D, 1041E, 1041F, 1041G, 1043A and 1307
5	<i>Criminal Code</i>	Sections 70.2, 131.1, 134.1, 134.2, 135.1, 135.4, 141.1, 142.1, 144.1, 145.1, 145.2, 145.3, 145.4, 145.5, 400.3, 400.4, 400.5, 400.6 and 400.7, subsection 400.8(1) and sections 400.9, 480.4, 480.5, 480.6, 490.1 and 490.2

The department's answers to the questions below are based on data extracted from the Commonwealth Director of Public Prosecution's (CDPP) database on 23 March 2018. The statistics have been broken down into the following categories:

- **Individuals:** all matters where the accused person is identified in the CDPP's database as 'male' or 'female'.
- **Corporations:** all matters where the accused person is identified in the CDPP's database as a 'company'.
- **Other:** all matters where the accused person is identified in the CDPP's database as 'Not applicable'.
- **Unknown:** all matters where the accused person's relevant status is not identified in the CDPP's database.

Question 1

Please provide the number of investigations referred to the CDPP for each offence above for each of the following years:

2012

2013

2014

2015

2016

2017

Please break these down by investigations for offences by corporations or individuals.

Departmental response:

The tables below identify the number of investigations referred to the CDPP for all relevant offences in the years 2012-2017.

1. Anti-Money Laundering and Counter-Terrorism Financing Act 2006

Individuals:

Section	2012	2013	2014	2015	2016	2017	Total
53	4	8	9	7	5	8	41
74				3	3		6
136		1	1				2
137				1			1
138						2	2
142	4	1	3	5	4	7	24
Total	8	10	13	16	12	17	76

Unknown:

Section	2012	2013	2014	2015	2016	2017	Total
53					1		1
142						1	1
Total					1	1	2

2. Autonomous Sanctions Act 2011

Corporations:

Section	2012	2013	2014	2015	2016	2017	Total
16						1	1
Total						1	1

Individuals:

Section	2012	2013	2014	2015	2016	2017	Total
16						1	1
Total						1	1

3. Charter of the United Nations Act 1945

Corporations:

Section	2012	2013	2014	2015	2016	2017	Total
27			1	1	2		4
Total			1	1	2		4

Individuals:

Section	2012	2013	2014	2015	2016	2017	Total
21		1					1
27				2			2
Total		1		2			3

Other:

Section	2012	2013	2014	2015	2016	2017	Total
21						1	1
27			1				1
Total			1			1	2

4. Corporations Act 2001

Corporations:

Section	2012	2013	2014	2015	2016	2017	Total
1307			2				2
1041A				1			1
1041B	2						2
1041G				1			1
1043A					2	1	3
Total	2		2	2	2	1	9

Individuals:

Section	2012	2013	2014	2015	2016	2017	Total
1307	3	1		2	5	6	17
1041A	2		3	3		3	11
1041B	1	1	1				3

1041E	8	1	1	1		3	14
1041F			1				1
1041G	2	1	2			4	9
1043A	7	7		1	4	17	36
Total	23	11	8	7	9	33	91

Unknown:

Section	2012	2013	2014	2015	2016	2017	Total
1041A					1		1
1041B		1					1
1043A			2			1	3
Total		1	2		1	1	5

5. Criminal Code 1995

Corporations:

Section	2012	2013	2014	2015	2016	2017	Total
70.2		1	1	2	6	3	13
131.1	1						1
134.2			3	1	1		5
135.1	2	1	1	1	2		7
135.4					1		1
144.1					1		1
145.1					1		1
400.9	1					1	2
Total	4	2	5	4	12	4	31

Individuals:

Section	2012	2013	2014	2015	2016	2017	Total
70.2			2	7		22	31
131.1	23	22	6	12	4	7	74
134.1	3	3	7	4	6	3	26
134.2	113	94	84	81	78	83	533
135.1	65	42	47	40	39	29	262
135.4	7	8	3	36	12	9	75
141.1		1	4	1	2	3	11
142.1	1	4	2			1	8
144.1	8	6	6	5	2	1	28
145.1	13	16	12	6	18	8	73
145.4	4	1			2	2	9
400.3	7	2	17	7	5	12	50
400.4	11	15	4	14	19	15	78

400.5	3	8	8	3	3	2	27
400.6	5	28	15	8	5	6	67
400.7	5	10	11	1	3	3	33
400.9	37	37	70	48	51	31	274
480.4	4	1	2			2	9
480.5	1						1
480.6		3		1			4
400.8(1)	2		1			2	5
Total	312	301	301	274	249	241	1678

Other:

Section	2012	2013	2014	2015	2016	2017	Total
70.2		4	1		1	2	8
131.1				1			1
134.1					1		1
134.2	3	2	1	4	2	1	13
135.1	1	1	2	1		1	6
135.4	2	1	1		3	1	8
400.3			2			2	4
400.4				1	1		2
400.9			1	2	2		5
480.4	1						1
Total	7	8	8	9	10	7	49

Unknown:

Section	2012	2013	2014	2015	2016	2017	Total
70.2		1	1	3	1	7	13
134.1		2					2
134.2		4	7	4	6	4	25
135.1		4	9	1		3	17
135.4		1	1	1			3
144.1						1	1
145.1			1			1	2
400.3	2		1	1	3		7
400.4		3				1	4
400.5				1			1
400.6		1					1
400.7		1					1
400.9	2		1	1	2	4	10
480.4	1		3				4
Total	5	17	24	12	12	21	91

Question 2

Please provide the number of prosecutions undertaken by the CDPP for each of the offences above for each of the following years:

2012

2013

2014

2015

2016

2017

Please break these down by investigations for offences by corporations or individuals.

Departmental response:

The tables below identify the number of prosecutions undertaken by the CDPP for all relevant offences in the years 2012-2017.

1. Anti-Money Laundering and Counter-Terrorism Financing Act 2006

Individuals:

Section	2012	2013	2014	2015	2016	2017	Total
53	8	13	17	9	7	11	65
59					1		1
74				3	1		4
136	4	4	4	5	1	1	19
137	3	7	4	3	1		18
138	1	1	1	1		1	5
140	2	1	2	2			7
141					1		1
142	3	1	2	15	12	1	34
Total	21	27	30	38	24	14	154

2. Corporations Act 2001

Individuals:

Section	2012	2013	2014	2015	2016	2017	Total
1307	1	3	1	1	5		11
1041A	1		4				5
1041B	1	3	1				5
1041E	5	2		1			8
1041G	3	4			1		8
1043A	8	7	6	1	2	1	25
Total	19	19	12	3	8	1	62

3. Criminal Code 1995

Corporations:

Section	2012	2013	2014	2015	2016	2017	Total
134.2			1	3			4
135.1	1	2			1		4
144.1	1						1
145.1				1			1
Total	2	2	1	4	1		10

Individuals:

Section	2012	2013	2014	2015	2016	2017	Total
70.2		5		3			8
131.1	19	24	19	12	7	5	86
134.1	4	5	5	4	2		20
134.2	77	71	97	97	88	100	530
135.1	60	49	40	47	55	30	281
135.4	5	11	4	31	2	15	68
141.1	4	3	7		1	1	16
142.1	1	3	4		1	1	10
144.1	12	2	5	5	1	4	29
145.1	15	23	17	21	23	19	118
145.2	2		1	7			10
145.4	2			3	2	1	8
400.3	11	6	21	12	10	15	75
400.4	30	31	23	30	24	15	153
400.5	5	12	15	13	6	7	58
400.6	18	36	26	12	20	7	119
400.7	9	4	12	5	6	7	43
400.9	56	51	88	95	86	36	412
480.4	4	3	2	3			12
480.5	2			1			3
480.6		2		1			3
400.8(1)	1	1	1			2	5
Total	337	342	387	402	334	265	2067

Unknown:

Section	2012	2013	2014	2015	2016	2017	Total
134.2				1		4	5
135.1	1		1	1			3
135.4		4					4
144.1				1			1

145.1						2	2
400.3	2		1				3
400.4	1	2					3
400.6		1					1
400.9	2			1	2	1	6
480.4			1				1
Total	6	7	3	4	2	7	29

Question 3

Please provide the number of convictions secured for each of the offences above for each of the following years:

2012

2013

2014

2015

2016

2017

Please break these down by investigations for offences by corporations or individuals. And, where there is a conviction, please specify the penalty (e.g. XX penalty units, imprisonment for XX years).

Departmental response:

The tables below identify the number of convictions for all relevant offences in the years 2012-2017. The tables do not identify the full range of penalties imposed, but only the most severe penalty imposed on a defendant for each offence for which that defendant was convicted. The tables below capture a total of 1,517 convictions, representing a total of 1,362 defendants. Given the high number of convictions, it is difficult to draw out the quantum of the penalty imposed by a court in each case. As such, the tables below provide a breakdown of penalties by type (imprisonment, suspended sentences of imprisonment, community service orders/community-based orders, fines, recognizance release orders, or other orders that a court may impose on young offenders, such as reprimands).

1. 2012

Individuals:

Act/Section	Gaol	Gaol (Fully Suspended)	CSO/CBO	Fine/Reparation/Forfeiture	Recogn Order	Young Offender - Other	Total
<i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>							
53				3	2		5
140	1						1

142	1	1		1			3
Total	2	1		4	2		9
<i>Corporations Act 2001</i>							
1041G	1	1					2
1043A		2					2
Total	1	3					4
<i>Criminal Code 1995</i>							
131.1	3	4	2	2	6		17
134.1	2	4	3	1	2		12
134.2	23	12	2	1	2	1	41
135.1	15	7	6	6	9		43
135.4	9						9
141.1	1						1
144.1		2	1				3
145.1	2	3			2		7
145.4		1	1				2
400.3	3						3
400.4	11	1					12
400.5	1						1
400.6	4	2					6
400.7			2		2	1	5
400.9	11	8	1	4	1		25
480.4	1			1			2
480.5	1						1
400.8(1)				1			1
Total	87	44	18	16	24	2	191

Corporations:

Act/Section	Gaol	Gaol (Fully Suspended)	CSO/CBO	Fine/Reparation/Forfeiture	Recog Order	Young Offender - Other	Total
<i>Criminal Code 1995</i>							
70.2				6			6
Total				6			6

Unknown:

Act/Section	Gaol	Gaol (Fully Suspended)	CSO/CBO	Fine/Reparation/Forfeiture	Recog Order	Young Offender - Other	Total
<i>Criminal Code 1995</i>							
144.1					1		1
400.9		2					2
Total		2			1		3

2. 2013

Individuals:

Act/Section	Gaol	Gaol (Fully Suspended)	CSO/CBO	Fine/Reparation/Forfeiture	Recog Order	Young Offender - Other	Total
<i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>							
53				4			4
136	1						1
137	2						2

140	1	1					2
142					1		1
Total	4	1		4	1		10
Corporations Act 2001							
1307	2	1			1		4
1041B	1						1
1041E	3			1			4
1041G	2						2
1043A	3	1	1	3	1		9
Total	11	2	1	4	2		20
Criminal Code 1995							
70.2		1					1
131.1	2	5	3	3	5		18
134.1	3	1			1		5
134.2	31	12	2	2	2		49
135.1	15	8	5	5	9		42
135.4	11						11
144.1	1	1		1			3
145.1	6	1	1	4	4		16
145.2	2	1					3
400.3	7						7
400.4	9						9
400.5	2				1		3
400.6	3	14	7		2		26
400.7					1		1
400.9	19	6	2	1	1		29
480.4	3				1		4
480.5	1						1

Total	115	50	20	16	27		228
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Corporations:

Act/Section	Gaol	Gaol (Fully Suspended)	CSO/CBO	Fine/Reparation/Forfeiture	Recog Order	Young Offender - Other	Total
<i>Criminal Code 1995</i>							
135.1				1			1
Total				1			1

Unknown:

Act/Section	Gaol	Gaol (Fully Suspended)	CSO/CBO	Fine/Reparation/Forfeiture	Recog Order	Young Offender - Other	Total
<i>Criminal Code 1995</i>							
135.1					1		1
Total					1		1

3. 2014

Individuals:

Act/Section	Gaol	Gaol (Fully Suspended)	CSO/CBO	Fine/Reparation/Forfeiture	Recog Order	Young Offender - Other	Total
<i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>							
53	5			10	3		18
136	2			1			3
137	4	1		1			6
138		1		1			2
140	1			1			2
142	1			1			2
Total	13	2		15	3		33
<i>Corporations Act 2001</i>							

1041A	1						1
1041B	1						1
1041E		1					1
1041G			1				1
1043A	1			2			3
Total	3	1	1	2			7
Criminal Code 1995							
131.1	6	6	2		3		17
134.1	2	1			1		4
134.2	30	15	6	2	3		56
135.1	12	13	2	1	6		34
135.4	4						4
141.1	1						1
142.1	3	1					4
144.1	2	3					5
145.1	5		2	3	4		14
400.4	12						12
400.5	5	2	1				8
400.6	5	6		2	5		18
400.7	1	1		2	4		8
400.9	34	7	3	3	2		49
480.4	1		1				2
480.6	2						2
Total	125	55	17	13	28		238

Corporations:

Act/Section	Gaol	Gaol (Fully Suspended)	CSO/CBO	Fine/Reparation/Forfeiture	Recogn Order	Young Offender - Other	Total
Anti-Money Laundering and Counter-Terrorism Financing Act 2006							

144.1				1			1
Total				1			1

4. 2015

Individuals:

Act/Section	Gaol	Gaol (Fully Suspended)	CSO/CBO	Fine/Reparation/Forfeiture	Recogn Order	Young Offender - Other	Total
Anti-Money Laundering and Counter-Terrorism Financing Act 2006							
53		2	2	3	3		10
140		1					1
142	1				1		2
Total	1	3	2	3	4		13
Corporations Act 2001							
1041A	3						3
1041E		1					1
1041G	1	1					2
1043A	2	3					5
Total	6	5					11
Criminal Code 1995							
131.1	2	5	2	1	1		11
134.1	2						2
134.2	28	20	11	2	1		62
135.1	13	5	9	4	3		34
135.4	1						1
141.1	1						1
142.1		1					1
144.1	1	1	1		1		4

145.1	3	2	2	1	1		9
145.2					1		1
400.3	4						4
400.4	12						12
400.5	7		1				8
400.6	2						2
400.7	2	1			1		4
400.9	29	16	4	2	2		53
480.4	3	1					
Total	110	52	30	10	11		213

Corporations:

Act/Section	Gaol	Gaol (Fully Suspended)	CSO/CBO	Fine/Reparation/Forfeiture	Recog Order	Young Offender - Other	Total
<i>Criminal Code 1995</i>							
135.1				1			1
Total				1			1

Unknown:

Act/Section	Gaol	Gaol (Fully Suspended)	CSO/CBO	Fine/Reparation/Forfeiture	Recog Order	Young Offender - Other	Total
<i>Criminal Code 1995</i>							
135.1				1			1
144.1					1		1
400.9	4						4
480.4				1			1
Total	4			2	1		7

5. 2016

Individuals:

Act/Section	Gaol	Gaol (Fully Suspended)	CSO/CBO	Fine/Reparation/Forfeiture	Recogn Order	Young Offender - Other	Total
Anti-Money Laundering and Counter-Terrorism Financing Act 2006							
53				4	1		5
74	1	1					2
136	1						1
137	2						2
142	1	3		1	1		6
Total	5	4		5	2		16
Corporations Act 2001							
1307	3						3
1041A	1						1
1041B	1						1
1043A	3			1			4
Total	8			1			9
Criminal Code 1995							
131.1	3	4	1		2		10
134.1	2						2
134.2	41	20	7	5	4		77
135.1	16	7	3	1	2		29
135.4	1	1	1				3
141.1	1						1
144.1	1		1				2
145.1	8	2	1		1		12
145.4					1		1
400.3	6						6

400.4	12						12
400.5	3	3			1		7
400.6	4	3		1			8
400.7	2	1		1	1		5
400.9	34	12	3	4	7		60
480.4				1			1
Total	134	53	17	13	19		236

Unknown:

Act/Section	Gaol	Gaol (Fully Suspended)	CSO/CBO	Fine/Reparation/Forfeiture	Recog Order	Young Offender - Other	Total
<i>Criminal Code 1995</i>							
400.5		1					1
400.9		1					1
Total		2					2

6. 2017

Individuals:

Act/Section	Gaol	Gaol (Fully Suspended)	CSO/CBO	Fine/Reparation/Forfeiture	Recog Order	Young Offender - Other	Total
<i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>							
53	1			5	4		10
59				1			1
136	2						2
137	1						1
138	1		1				2
140	1						1

142	6		1				7
Total	12		2	6	4		24
<i>Corporations Act 2001</i>							
1307	1	1	1	1			4
1043A	1						1
Total	2	1	1	1			5
<i>Criminal Code 1995</i>							
70.2	4	1					5
131.1	3				1		4
134.2	41	15	9	2	3		70
135.1	12	12	2	3	4		33
135.4	1						1
142.1	1						1
144.1		1					1
145.1	5	5	3	2	2		17
145.4	1				1		2
400.3	11						11
400.4	9	1					10
400.5	5	1					6
400.6	4	3			1		8
400.7	1				2		3
400.9	37	9	6	1	1		54
400.8(1)	1						1
Total	136	48	20	8	15		227

Unknown:

Act/Section	Gaol	Gaol (Fully Suspended)	CSO/CBO	Fine/Reparation/Forfeiture	Recog Order	Young Offender - Other	Total
<i>Criminal Code 1995</i>							
400.9	1						1
Total	1						1