

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 3

Program: Other Agency

Question No. AE15/118

Senator Wright asked the following written question from the 24 February and 27 March 2015 hearings:

1. In 2013-14, how many people prosecuted for social security related offences were convicted? What was the average financial amount involved?

Of those convicted please provide a breakdown by:

- a. Gender
 - b. Payment type
 - c. Age
 - d. State and territory of those prosecuted.
2. For 2013-14, how many social security recipients - out of the total population of social security recipients - were convicted for social security fraud (in number and percent)?
 3. What percentage of resources and how many staff at the CDPP were dedicated to social security prosecutions compared to tax prosecutions, in 2013-14?
 4. For the financial periods 2011-12, 2012-13 and 2013-14 please provide a breakdown of the sentencing outcomes of recipients convicted (for social security fraud offences) by the CDPP by type of sentence (e.g. custodial sentence, good behaviour bond, community service order, etc.). Please provide a breakdown of the sentencing outcomes by:
 - a. Age
 - b. Gender
 - c. State and Territory, and
 - d. Indigenous/non-Indigenous background
 5. For the financial periods 2011-12, 2012-13 and 2013-14 please provide a breakdown of the sentencing outcomes of recipients convicted [for tax fraud offences] by the CDPP by type of sentence (e.g. custodial sentence, good behaviour bond, community service order, etc.). Please provide a breakdown of the sentencing outcomes by:
 - a. Age
 - b. Gender
 - c. State and Territory, and
 - d. Indigenous/non-Indigenous background

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

1. In 2013-14, a total of 950 defendants prosecuted by the CDPP for Social Security fraud were convicted. The average fraud amount involved was \$20,347.36 (refer to table below).

Financial year	No. convicted	Ave. fraud proved
2011-12	1,461	15,358.81
2012-13	1,109	19,986.31
2013-14	950	20,347.36

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

a. Conviction breakdown by Gender

Gender	2011-12	2012-13	2013-14	Total
Female	887	651	594	2,132
Male	574	458	352	1,384
Unknown			4	4
Total	1,461	1,109	950	3,520

b. Conviction breakdown by Payment type: the CDPP does not categorise Social Security fraud matters by payment type or size of debt.

c. Conviction breakdown by Age

Age (years)	2011-12	2012-13	2013-14	Total
Less than 20	1			1
20-29	229	140	136	505
30-39	542	405	358	1,305
40-49	402	343	279	1,024
50-59	195	151	127	473
60-69	76	58	39	173
70 years or over	16	12	11	39
Total	1,461	1,109	950	3,520

d. Conviction breakdown by State/Territory of those prosecuted

State/Territory	2011-12	2012-13	2013-14	Total
NSW	447	313	227	987
Vic.	266	273	271	810
Qld.	342	266	282	890
WA	162	71	42	275
SA	119	114	51	284
Tas.	48	38	53	139
NT	15	11	9	35
ACT	62	23	15	100
Total	1,461	1,109	950	3,520

2. This question is a matter for the Department of Human Services.

3. In 2013-14, 37.9% of defendants dealt with before the courts were referred by Centrelink. A total of 179 CDPP staff were working on Centrelink files during the 2013-14 financial year. In comparison, 3% of defendants dealt with before the courts in 2013-14 were referred by the Australian Taxation Office, with a total of 60 CDPP staff working on these files during 2013-14 financial year.

4. Breakdown (for period of 2011-12 to 2013-14 financial years) in sentencing outcomes of recipients convicted (for social security* offences) by the CDPP by type of sentencing by:

a. Age

Age (years)	Highest penalty	2011-12	2012-13	2013-14	Total
Less than 20	Recognizance Order	1			1
	Less than 20 Total	1			1
20-29	Gaol	14	10	11	35
	Gaol (Fully Suspended)	38	41	34	113
	Fine	17	12	9	38
	CSO/CBO	63	33	40	136
	Recognizance Order	97	43	41	181
	Other *			1	1
	Periodic Detention				
	Periodic Detention		1		1
	20-29 Total	229	140	136	505
30-39	Gaol	38	35	31	104
	Gaol (Fully Suspended)	117	101	93	311
	Fine	59	34	20	113
	CSO/CBO	164	122	111	397
	Recognizance Order	163	110	102	375
	Other *	1	1	1	3
	Periodic Detention				
	Periodic Detention		2		2
	30-39 Total	542	405	358	1,305
40-49	Gaol	43	28	35	106
	Gaol (Fully Suspended)	85	89	81	255
	Fine	30	24	19	73
	CSO/CBO	106	110	72	288
	Recognizance Order	137	90	71	298
	Other *			1	1
	Periodic Detention				
	Periodic Detention	1	2		3
	40-49 Total	402	343	279	1,024
50-59	Gaol	39	15	22	76
	Gaol (Fully Suspended)	43	39	34	116
	Fine	14	7	10	31
	CSO/CBO	40	41	25	106
	Recognizance Order	58	46	36	140
	Periodic Detention				
	Periodic Detention	1	3		4
	50-59 Total	195	151	127	473
60-69	Gaol	17	11	8	36
	Gaol (Fully Suspended)	19	21	17	57

Age (years)	Highest penalty	2011-12	2012-13	2013-14	Total
	Fine	4	4	2	10
	CSO/CBO	9	7	6	22
	Recognizance Order	27	15	6	48
	60-69 Total	76	58	39	173
70 years or over	Gaol	4	3	3	10
	Gaol (Fully Suspended)	3	5	4	12
	Fine	1		1	2
	CSO/CBO	1	2		3
	Recognizance Order	7	2	3	12
	70 years or over Total	16	12	11	39
Total		1,461	1,109	950	3,520

*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.

b. Gender

Gender	Highest penalty	2011-12	2012-13	2013-14	Total
Female	Gaol	69	45	66	180
	Gaol (Fully Suspended)	179	164	157	500
	Fine	70	43	38	151
	CSO/CBO	227	179	159	565
	Recognizance Order	341	216	173	730
	Other *	1		1	2
	Periodic Detention				
	Periodic Detention		4		4
	Female Total	887	651	594	2,132
Male	Gaol	86	57	43	186
	Gaol (Fully Suspended)	126	132	104	362
	Fine	55	38	23	116
	CSO/CBO	156	136	95	387
	Recognizance Order	149	90	85	324
	Other *		1	2	3
	Periodic Detention				
	Periodic Detention	2	4		6
	Male Total	574	458	352	1,384
Unknown	Gaol			1	1
	Gaol (Fully Suspended)			2	2
	Recognizance Order			1	1
	Unknown Total			4	4
Total		1,461	1,109	950	3,520

*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.

c. State and Territory

State/Territory prosecuted	Highest penalty	2011-12	2012-13	2013-14	Total
NSW	Gaol	41	21	28	90
	Gaol (Fully Suspended)	61	45	29	135
	Fine	23	19	12	54
	CSO/CBO	116	116	87	319
	Recognizance Order	204	105	70	379
	Other *	1	1	1	3
	Periodic Detention	1	6		7
	NSW Total	447	313	227	987
Vic.	Gaol	13	9	6	28
	Gaol (Fully Suspended)	35	31	43	109
	Fine	38	40	32	110
	CSO/CBO	52	67	62	181
	Recognizance Order	128	126	128	382
	Vic. Total	266	273	271	810
Qld.	Gaol	35	35	39	109
	Gaol (Fully Suspended)	69	95	111	275
	Fine	3	5	5	13
	CSO/CBO	131	87	85	303
	Recognizance Order	104	44	40	188
	Other *			2	2
	Qld. Total	342	266	282	890
WA	Gaol	21	9	8	38
	Gaol (Fully Suspended)	27	13	10	50
	Fine	52	17	10	79
	CSO/CBO	51	28	9	88
	Recognizance Order	11	4	5	20
	WA Total	162	71	42	275
SA	Gaol	19	13	3	35
	Gaol (Fully Suspended)	74	82	41	197
	Fine	3			3
	CSO/CBO	2	2		4
	Recognizance Order	21	17	7	45
	SA Total	119	114	51	284
Tas.	Gaol	15	11	22	48
	Gaol (Fully Suspended)	24	24	20	68
	Fine	2		1	3
	CSO/CBO	7	1	5	13
	Recognizance Order		2	5	7
	Tas. Total	48	38	53	139
NT	Gaol	4	1	3	8
	Gaol (Fully Suspended)	3	3	3	9
	Fine	2			2
	CSO/CBO		3	1	4

State/Territory prosecuted	Highest penalty	2011-12	2012-13	2013-14	Total
	Recognizance Order	6	4	2	12
	NT Total	15	11	9	35
ACT	Gaol	7	3	1	11
	Gaol (Fully Suspended)	12	3	6	21
	Fine	2		1	3
	CSO/CBO	24	11	5	40
	Recognizance Order	16	4	2	22
	Periodic Detention	1	2		3
	ACT Total	62	23	15	100
Total		1,461	1,109	950	3,520

*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.

d. Indigenous/non-Indigenous background

Indigenous/non-Indigenous	Highest penalty	2011-12	2012-13	2013-14	Total
Indigenous	Gaol	14	13	8	35
	Gaol (Fully Suspended)	15	19	23	57
	Fine	12	6	4	22
	CSO/CBO	29	35	18	82
	Recognizance Order	42	28	7	77
	Other *			1	1
	Periodic Detention		1		1
	Indigenous Total	112	102	61	275
Non-Indigenous	Gaol	119	73	78	270
	Gaol (Fully Suspended)	256	226	180	662
	Fine	90	39	27	156
	CSO/CBO	308	217	162	687
	Recognizance Order	366	178	135	679
	Other *	1	1	2	4
	Periodic Detention	2	3		5
	Non-Indigenous Total	1,142	737	584	2,463
Unknown	Gaol	22	16	24	62
	Gaol (Fully Suspended)	34	51	60	145
	Fine	23	36	30	89
	CSO/CBO	46	63	74	183
	Recognizance Order	82	100	117	299
	Periodic Detention		4		4
	Total	207	270	305	782
Total		1,461	1,109	950	3,520

*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. Breakdown (for period of 2011-12 to 2013-14 financial years) in sentencing outcomes of recipients convicted (Tax fraud*) by the CDP by type of sentencing by:

a. Age

Age (years)	Highest penalty	2011-12	2012-13	2013-14	Total
20-29	Gaol	1			1
	Gaol (Fully Suspended)	1	2		3
	Fine	1		2	3
	CSO/CBO		2		2
	Recognizance Order	1	5	1	7
	Young Offender - Other		1		1
	20-29 Total		4	10	3
30-39	Gaol	7	4	6	17
	Gaol (Fully Suspended)	3	2	1	6
	Fine	4	5	3	12
	CSO/CBO		1	1	2
	Recognizance Order	1	4	2	7
	30-39 Total		15	16	13
40-49	Gaol	14	8	6	28
	Gaol (Fully Suspended)	2	6	3	11
	Fine	8	20	11	39
	CSO/CBO			2	2
	Recognizance Order	5	6	4	15
	40-49 Total		29	40	26
50-59	Gaol	7	13	3	23
	Gaol (Fully Suspended)	1	2	1	4
	Fine	9	9	9	27
	Recognizance Order	4	5	7	16
	50-59 Total		21	29	20
60-69	Gaol	7	5	1	13
	Gaol (Fully Suspended)	2	1		3
	Fine	5	8	8	21
	Recognizance Order	3	3		6
	60-69 Total		17	17	9
70 years or over	Gaol	1	1		2
	Fine	1		1	2
	Recognizance Order	1			1
	70 years or over Total		3	1	1
Unknown	Fine	6	9	3	18
	Recognizance Order	1	2		3
	Unknown Total		7	11	3
Total		96	124	75	295

*Tax fraud convictions are defined as those matters referred to the CDP by the Australian Taxation Office or sourced from the Australian Taxation Office. '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 tax fraud offences, not actual penalties imposed.

b. Gender

Gender	Highest penalty	2011-12	2012-13	2013-14	Total
Female	Gaol	9	7	2	18
	Gaol (Fully Suspended)	4	2	3	9
	Fine	7	9	7	23
	CSO/CBO		1		1
	Recognizance Order	3	9	3	15
	Female Total	23	28	15	66
Male	Gaol	28	24	14	66
	Gaol (Fully Suspended)	5	11	2	18
	Fine	22	33	27	82
	CSO/CBO		2	3	5
	Recognizance Order	12	14	11	37
	Young Offender - Other		1		1
	Male Total	67	85	57	209
Company	Fine	5	8	3	16
	Recognizance Order	1	2		3
	Company Total	6	10	3	19
Unknown	Fine		1		1
	Unknown Total		1		1
Total		96	124	75	295

*Tax fraud convictions are defined as those matters referred to the CDDP by the Australian Taxation Office or sourced from the Australian Taxation Office. '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 tax fraud offences, not actual penalties imposed.

c. State and Territory

State/Territory	Highest penalty	2011-12	2012-13	2013-14	Total
NSW	Gaol	11	8	7	26
	Gaol (Fully Suspended)	1	5	3	9
	Fine	19	26	19	64
	CSO/CBO		3	3	6
	Recognizance Order	11	11	5	27
	Young Offender - Other		1		1
	NSW Total	42	54	37	133
Vic.	Gaol	3	2	4	9
	Gaol (Fully Suspended)	4	2		6
	Fine	3	3	2	8
	Recognizance Order	1	6	2	9
	Vic. Total	11	13	8	32
Qld.	Gaol	18	13	3	34
	Gaol (Fully Suspended)	1	5	1	7
	Fine	3	10	10	23
	Recognizance Order	4	3	4	11
	Qld. Total	26	31	18	75
WA	Gaol	4	3	2	9
	Fine	5	4	1	10

State/Territory	Highest penalty	2011-12	2012-13	2013-14	Total
	Recognizance Order			2	2
	WA Total	9	7	5	21
SA	Gaol (Fully Suspended)	1	1		2
	Fine		1	2	3
	Recognizance Order		2	1	3
	SA Total	1	4	3	8
Tas.	Gaol	1	3		4
	Gaol (Fully Suspended)			1	1
	Tas. Total	1	3	1	5
NT	Fine		2		2
	NT Total		2		2
ACT	Gaol		2		2
	Gaol (Fully Suspended)	2			2
	Fine	4	5	3	12
	Recognizance Order		3		3
	ACT Total	6	10	3	19
Total		96	124	75	295

*Tax fraud convictions are defined as those matters referred to the CDPP by the Australian Taxation Office or sourced from the Australian Taxation Office. '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 tax fraud offences, not actual penalties imposed.

d. Indigenous/non-Indigenous background

Indigenous/non-Indigenous	Highest penalty	2011-12	2012-13	2013-14	Total
Indigenous	Gaol		1		1
	Gaol (Fully Suspended)			1	1
	Fine			1	1
	CSO/CBO		1		1
	Indigenous Total		2	2	4
	non-Indigenous				
Non-Indigenous	Gaol	18	12	4	34
	Gaol (Fully Suspended)	2	5	1	8
	Fine	5	5	6	16
	CSO/CBO			1	1
	Recognizance Order	3	7	3	13
	Non-Indigenous Total	28	29	15	72
	Unknown				
Unknown	Gaol	19	18	12	49
	Gaol (Fully Suspended)	7	8	3	18
	Fine	29	46	30	105
	CSO/CBO		2	2	4
	Recognizance Order	13	18	11	42
	Young Offender - Other		1		1
	Unknown Total	68	93	58	219
Total		96	124	75	295

*Tax fraud convictions are defined as those matters referred to the CDPP by the Australian Taxation Office or sourced from the Australian Taxation Office. '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 tax fraud offences, not actual penalties imposed.

Note: All figures have been extracted from the CDPP database on 15 April 2015.