

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS**

**BUDGET ESTIMATES 2017**

**Commonwealth Director of Public Prosecutions**

**Question No. BE17-182**

**Senator Pratt asked the following question on 28 August 2017:**

How many incidents of foreign bribery have been brought to/referred to the CDPP in the following years:

2011-12

2012-13

2013-14

2014-15

2015-16

2016-17

2017-18 (to date)

How many of these progressed to prosecution? Please list these by year:

2011-12

2012-13

2013-14

2014-15

2015-16

2016-17

2017-18 (to date)

How many resulted in a conviction? Please list these by year:

2011-12

2012-13

2013-14

2014-15

2015-16

2016-17

2017-18 (to date)

Has the CDPP provided advice to the Minister on why there are so few convictions and prosecutions of foreign bribery?

Has the CDPP provided advice to the Minister on why there are so few convictions?

How many staff working at the CDPP have forensic accounting qualifications?

**The response to the honourable Senator’s question is as follows:**

1. The figures below are the number of alleged ‘incidents’ referred to the CDPP during each financial year. They include referrals for pre-brief advice and referrals of completed briefs of evidence. Each ‘incident’ may include allegations against more than one entity and/or individual.

2011-12	1
2012-13	2
2013-14	7
2014-15	6
2015-16	3
2016-17	8
2017-18 to 15/9/2017	0

2. The figures provided show the total number of prosecutions of entities and individuals commenced during each financial year. The incidents referred to in the answer to Question 1 may have led to no, one or more than one prosecution. Some accused were charged separately for their roles in different incidents. The figures provided include new prosecutions of accused who had already been charged in earlier years with offences arising from other incidents of alleged bribery. The figures show the number of prosecutions that emanated from referrals of foreign bribery incidents. Some accused were charged with related offences (such as false accounting) rather than foreign bribery contrary to section 70.2(1) of the *Criminal Code*.

2011-12	11
2012-13	3
2013-14	2
2014-15	3
2015-16	0
2016-17	6
2017-18 to 15/9/2017	0

3. The figures provided show the total number of entities and individuals convicted during the financial year in question. The figures show the number of convictions that emanated from referrals of foreign bribery incidents. However some accused were convicted of related offences (such as false accounting) rather than foreign bribery contrary to section 70.2(1) of the *Criminal Code*.

2011-12	0
2012-13	3
2013-14	1
2014-15	0
2015-16	0
2016-17	0
2017-18 to 15/9/2017	Three individuals entered guilty pleas to foreign bribery offences in July 2017, but they have not yet been formally convicted and sentenced.

4. As a prosecution agency, CDPP only acts on briefs of evidence referred to it by investigation agencies. On receipt of a brief of evidence the CDPP assesses the matter in accordance with the *Prosecution Policy of the Commonwealth*. If there is sufficient evidence and the matter is in the public interest then a prosecution proceeds.

The CDPP on request has provided statistics and information to policy Departments.

5. See answer to question 4.
6. The CDPP does not maintain records of the number of staff with forensic accounting qualifications.

The CDPP notes that it is not an investigative agency. The CDPP's role is to assess briefs of evidence (which may include expert evidence from forensic accountants) and to present evidence in court.

The above data reflects matters received within a given financial year and does not provide a percentage basis for the number of matters prosecuted as matters received in one year may be finalised in another financial year.

These figures do not represent a conviction rate as a matter may be prosecuted in one year but finalised in another year.