

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 239

Senator Ludwig asked the following question at the hearing on 14 February 2006:

Further to the reply to Question number 153 from 31 October 2005:

- a) Why is the conviction rate for persons charged with *failure to comply with an ACC coercive investigation or interview* at less than ten per cent?
- b) Could the DPP break down the figures further, indicating:
- i) Of the 54 people that were charged, how many of those persons proceeded to committal?
 - ii) Of those who went to committal, how many of those persons proceeded to trial?
 - iii) Of the 54 people that were charged, how many of the persons had the charges against them dropped?
 - iv) In the cases in which charges were dropped, why were the charges were dropped?
 - v) Of those who proceeded to trial, for how many of those persons was the trial abandoned?
 - vi) Of those who proceeded to trial, for how many of those persons was the jury discharged?
 - vii) Of those who proceeded to trial, for how many of the persons was a verdict of 'not guilty' recorded?
 - viii) Of those who proceeded to trial, for how many of the persons was a verdict of 'guilty' recorded?
 - ix) For those that resulted in guilty verdicts, can you indicate what the exact penalties were?
- c) How many of the charges mentioned above are dropped because a person decided to co-operate with the ACC subsequent to charges being filed against them?

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

a) The figures provided in response to question number 153 from 31 October 2005 were not such that they would disclose a conviction rate. This is because many of the 54 prosecutions noted as having been launched in that answer had not been concluded at that time.

(b)(i) Of the 54 prosecutions:

- ♦ 9 have now been committed for trial;
- ♦ 6 prosecutions are awaiting committal;
- ♦ 8 matters are awaiting sentence in the Supreme Court on the basis of an ex-officio indictment;
- ♦ 30 matters have been withdrawn;

- ♦ 1 finding of not guilty in the Magistrates' Court.

b(ii) Of the 9 prosecutions that have proceeded to committal, 6 resulted in pleas of guilty and 3 are awaiting trial.

b(iii) 30 of the 54 defendants have had their charges discontinued.

b(iv) 27 of these related to a single operation in which all 27 defendants subsequently participated in examinations. At the request of the referring agency each matter was discontinued and the defendants were then returned to their country of origin. See also (c). The other 3 cases were discontinued on the basis of insufficient evidence.

b(v) Nil

b(vi) Nil

b(vii) Nil

b(viii) See b(ii)

b(ix) The sentences were as follows:

- 12 months imprisonment to be released forthwith upon entering into a recognisance in the sum of \$2000 to be of good behaviour for 18 months.
- 2 weeks imprisonment. In this case the offender was also sentenced to 3 years imprisonment with a non-parole period of 12 months at the same time for other offences.
- 12 months imprisonment to be released after serving 3 months upon entering into a recognisance in the sum of \$3000 to be of good behaviour for 2 years.
- 12 months imprisonment to be released after serving 2 months upon entering into a recognisance in the sum of \$2000 to be of good behaviour for 3 years.
- 12 months imprisonment to be released after serving 3 months upon entering into a recognisance in the sum of \$3000 to be of good behaviour for 2 years.
- 12 months imprisonment to be released after serving 3 months upon entering into a recognisance in the sum of \$5000 to be of good behaviour for 2 years.

c) 27