

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 242

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

Please provide:

- a) The total number of persons charged with people smuggling offences for the years 03-04-05-06.
- b) The total number of those persons whose trial proceeds to committal?
- c) Of those who proceeded to trial, for how many of those persons was the trial abandoned?
- d) Of those who proceeded to trial, for how many of those persons was the jury discharged?
- e) Of those who proceeded to trial, for how many of the persons was a verdict of 'not guilty' recorded?
- f) Of those who proceeded to trial, for how many of the persons was a verdict of 'guilty' recorded?
- g) For those that resulted in guilty verdicts, can you indicate what the exact penalties were?

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

- a) Court action in people smuggling matters commenced against six people in 2003; two people in 2004 and against one person in 2005. No court action has commenced against any person in respect of people smuggling offences in 2006. One person was dealt with summarily. One prosecution is ongoing.
- b) The total number of persons committed for trial in the years 2003, 2004 and 2005 is seven. One other matter proceeded by way of ex-officio indictment by consent and another matter proceeded summarily.
- c) Proceedings were discontinued against one person.
- d) None.
- e) A verdict of not guilty was recorded in respect of two people.
- f) –g) A verdict of guilty was recorded in respect of four people.
 - A head sentence of 8 years imprisonment with 4 years non-parole period;
 - A head sentence of 5 years and 6 months imprisonment with 2 years and 9 months non-parole period;
 - A head sentence of 9 years imprisonment with 4 years and 6 months non-parole period; and
 - A head sentence of 10 years and 12 years imprisonment on two charges to be served concurrently with a non-parole period of 7 years imprisonment.