

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 374

Senator Ludwig asked the following question on 2 December 2004:

How many terrorism cases were referred to the DPP from Customs?

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

None.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 375

Senator Ludwig asked the following question on 2 December 2004:

What was the prosecution success rate of cases referred from Customs (including breakdowns for offences)?

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

See Question 372. Of the 68 defendants referred in 2003-2004, 29 were successfully prosecuted, 1 was discharged and prosecution discontinued against 2. One defendant was not served and 12 were not prosecuted. The remaining 23 defendants are before the courts.

Offences were charged against the following Acts:

Customs Act 1901

Crimes Act 1914

Criminal Code

Quarantine Act 1908

Environment Protection and Diversity Conservation Act 1999

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 376

Senator Ludwig asked the following question on 2 December 2004:

How much money did the DPP recover from cases referred from Customs (include breakdowns for pecuniary penalty orders, forfeiture orders, etc.)?

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

No money was recovered under Proceeds of Crime legislation in cases referred from Customs in 2003-2004 however \$2,976, 340 was recovered in a case referred by the Australian Federal Police that also involved Customs, made up of \$1,464,544 recovered under pecuniary penalty orders and \$1,511,796 recovered under forfeiture orders.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 377

Senator Ludwig asked the following question on 2 December 2004:

How many cases has the DPP prosecuted, or is preparing to prosecute, which include offences committed on an airline?

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

In 2003-2004 the DPP prosecuted 16 cases involving offences against the Crimes (Aviation) Act 1991 committed on an airline. Records for this period do not indicate any matters in preparation.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 378

Senator Ludwig asked the following question on 2 December 2004:

Regarding the extradition requests involving the DPP

- a) How many incoming extradition requests resulted in an extradition?
- b) How many outgoing extradition requests resulted in an extradition?
- c) How many outgoing extraditions resulted in conviction?
- d) How many incoming extraditions resulted in conviction?
- e) In relation to the four above questions, please provide breakdowns based on country and offence.

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

- a) 9 of the 16 incoming extradition requests involving the DPP in the 2003-2004 financial year have resulted in extradition.
- b) 2 of the 5 outgoing requests involving the DPP in the 2003-2004 financial year have resulted in extradition to Australia.
- c) Information regarding convictions of persons surrendered to requesting countries is not available to the DPP.
- d) These matters are still before the courts.
- e) Incoming:

Country	Offence
USA	Fraud
USA	Tax Evasion
UK	Indecent Assault
Belgium	Fraud
Hong Kong	Theft
Hong Kong	Use False Document to Deceive Employer
Germany	Theft

Israel	Attempted Murder
Brazil	Assault

Outgoing

Greece	Drugs
Thailand	People Smuggling

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 379

Senator Ludwig asked the following question on 2 December 2004:

Information on consultants engaged through 2003-04 appears to be missing. Please provide a summary of:

- a) All consultants engaged in 2003-04
- b) The amount paid to each consultant
- c) The tender process followed for the engagement of each consultant
- d) The composition of the committees that decided the tenders
- e) How many tenders were publicly advertised?
- f) Whether any consultant had previously been engaged as a consultant to the DPP on any matter

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

Information on consultants engaged is provided at page 71 of the CDPP Annual Report.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
CRIMTRAC

Question No. 380

Senator Ludwig asked the following question on 2 December 2004:

Regarding the \$111,178 consultancy fee paid to Deloitte Touche Tohmatsu as itemised in the 2003-04 annual report, was this expenditure incurred in carrying out the external audit from May 2004?

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

No. The fees specified were for cyclic internal audits.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
CRIMTRAC

Question No. 381

Senator Ludwig asked the following question on 2 December 2004:

Will the Minister release the external audit report into CrimTrac? If so, what date can we expect it to be released?

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

The ANAO performance audit on the implementation of CrimTrac is the only external audit that we are aware of. This report was tabled on 17 June 2004. It is audit report 53 2003-2004.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
CRIMTRAC

Question No. 382

Senator Ludwig asked the following question on 2 December 2004:

Has the Australian Government representative on the board of management exercised the power of veto over CrimTrac expenditure?

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

The Australian Government representative on the board of management has never exercised the power of veto over CrimTrac expenditure.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
CRIMTRAC

Question No. 383

Senator Ludwig asked the following question on 2 December 2004:

Could CrimTrac please detail when and in what context this power was used (for each time it was used) and the reasons for exercise of this power?

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

The Australian Government representative on the board of management has never exercised the power of veto over CrimTrac expenditure.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
CRIMTRAC

Question No. 384

Senator Ludwig asked the following question on 2 December 2004:

Can CrimTrac provide the rationale behind the removal of the user transaction fee for NAFIS? How much did the cancellation of this user transaction fee cost NAFIS?

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

The initial NAFIS system owned and operated by the National Exchange of Police Information in NSW was funded by a mixture of jurisdictional subscriptions (associated with authorised police strength) and a transaction based fee for search transactions conducted by jurisdictional law enforcement officers and non core policing users of NAFIS services (Casino/ Gaming background clearance process).

The presence of the user transaction fee tended to inhibit use of the system by state and territory police particularly late in the financial year when budget allocations were running low. Continuation of the transaction fee was seen as undesirable in an environment where coordinated law enforcement systems were being promoted under CrimTrac.

There was no cost of cancellation as user transaction fees were replaced by a system of jurisdictional subscriptions based on authorised police strength. This has removed any economic disincentive to use the NAFIS system.

The CrimTrac Board of Management has introduced transaction fees as of July 2005 for the use of the CrimTrac NAFIS for non-core policing transactions.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
CRIMTRAC

Question No. 385

Senator Ludwig asked the following question on 2 December 2004:

Relating to NAFIS:

- a) in what way did Australian police supervise the shipment of fingerprint records to the SAGEM facility at Tacoma?
- b) What was the mode of transport?
- c) What was the data actually stored in?
- d) What agency/agencies were the supervising officials from?
- e) Were they sworn officers or unsworn staff?
- f) Was there any Australian Federal police supervision of the data as it was being converted?
- g) In what data format were the fingerprint records?
- h) Has all the data been fully converted into NAFIS format?
- i) What happened to the data in the previous format?
- j) If it was destroyed was the destruction witnessed by Australian Police?
- k) Does SAGEM still have access to this data?
- l) Has SAGEM passed this data onto any other agency or foreign government?

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

a) The shipment of hard copy fingerprint cards to Tacoma, USA was supervised by sworn members of various Australian police agencies, with the majority of transport and supervision conducted by the jurisdiction that owned the data sent for conversion. In some instances the larger states assisted the smaller territories and states by supervising the conversion work on their behalf. SAGEM personnel working within the conversion facility were subjected to a security clearance process before being approved to work on the Australian fingerprint conversion project. The SAGEM facility is a highly secure facility with physical access controls (card) and privileged access processes.

b) Secure international courier Bax Global via air transport.

c) The cards were transported to Tacoma in double locked metal containers with tamper proof seals in place. The seals were numbered and recorded and the contents of each box counted and numbered prior to departure from Australia and upon their return from the USA. Keys for the containers were held at each end of the operation.

d) New South Wales, Victoria, Western Australia, Queensland, South Australia and the Australian Capital Territory.

e) Sworn serving members of Australian police agencies.

f) Yes.

g) Hard copy records (paper).

h) Yes; Completed in February 2001.

i) The hard copy fingerprint forms were returned to the jurisdictions that owned them.

j) None of the hard copy fingerprint forms were destroyed.

k) SAGEM personnel, attached to CrimTrac in Australia have access to the operational NAFIS system as part of the ongoing maintenance and support of the system as required under the current CrimTrac SAGEM maintenance agreement. SAGEM personnel in France (SAGEM base) and Tacoma (SAGEM SMI) do not have access to the data conversion records.

l) No.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
CRIMTRAC

Question No. 386

Senator Ludwig asked the following question on 2 December 2004:

Relating to NAFIS:

- a) What is the current status of the SAGEM contract?
- b) Has it been moved to an ongoing annual contract extension basis?
- c) How long does the department anticipate the need to engage SAGEM on this basis?

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

a) A maintenance contract is in place until 30 April 2005 with the ability to extend the term of the agreement on an annual basis.

b) Yes

c) As the provider of a proprietary system, SAGEM's intellectual property rights in the core system software mean that there will be an ongoing requirement for system support by the vendor. It is anticipated that during 2005-06 the level of SAGEM involvement in the basic maintenance and support of the system will be reduced and their expertise will be required for system enhancements and upgrades on a periodic basis.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
CRIMTRAC

Question No. 387

Senator Ludwig asked the following question on 2 December 2004:

Can CrimTrac please provide figures relating to each jurisdiction's expenditure on making existing systems compatible with the following new CrimTrac systems:

- a) NAFIS?
- b) ANCOR (including predecessor program NCSOS)?
- c) NCIDD?
- d) CPRS (including predecessor program PANDA)?

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

CrimTrac does not hold jurisdictional expenditure information and there is no requirement for jurisdictions to report this information to CrimTrac.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
CRIMTRAC

Question No. 388

Senator Ludwig asked the following question on 2 December 2004:

Relating to NCIDD:

- a) Is it still the case that no cross-jurisdictional matching has occurred?
- b) If not, how many have occurred?

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

- a) Yes: there has been no cross-jurisdictional matching.
- b) None.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
CRIMTRAC

Question No. 389

Senator Ludwig asked the following question at the hearing on 2 December 2004:

Does the NCIDD currently automatically accept, store and match DNA profiles within and across every Australia police jurisdiction? If not, when will this occur?

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

NCIDD is currently accepting, storing and matching DNA profiles for intra-jurisdictional matching. For those jurisdictions that have completed the necessary MOU with CrimTrac and the Ministerial arrangements CrimTrac expects inter-jurisdictional matching by mid 2005.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
CRIMTRAC

Question No. 390

Senator Ludwig asked the following question on 2 December 2004:

Referring to Table 2.1 of the 2004 ANAO Report into the Implementation of CrimTrac, could the Department please provide an up to date version of jurisdictional legal status to allow NCIDD participation as at 1 December 2004?

- b) What form did these insufficiencies in staffing resources take?
- c) In what way did the insufficient staffing resources impact upon delivery of this project?
- d) What was the cause of these insufficiencies?

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

An updated table 2.1 is below. The ministerial arrangement number to be completed has now been calculated assuming arrangements are bi-lateral agreements, not unilateral as in the published, report.

	Number to be completed	Completed	In progress	Per cent completed
MOU with CrimTrac	9	7	2	78
Ministerial Arrangement	36	24	12	67
Cross-jurisdictional Matching Table	72	13	59	18

- b) The form of the staffing resource insufficiencies cannot be determined.
- c) There has been no impact on the delivery of this project.
- d) Because the form of the staffing insufficiencies cannot be determined, it is not possible to comment directly on any cause. CrimTrac, however, had made appropriate management decisions as to how many staff were to be engaged at any point.