

Office of the Director of Public Prosecutions

# Annual Report

2013-2014



**ODPP**

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New South Wales

OUR REFERENCE

**DIRECTOR'S CHAMBERS**

YOUR REFERENCE

DATE

20 October 2014



**Letter of Transmittal**

The Hon. B Hazzard, MP  
Attorney General  
Level 31, Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2000

Dear Attorney

**2013-2014 Annual Report**

I am pleased to forward to you the 27th Annual Report for the Office of the Director of Public Prosecutions (ODPP) for presentation to Parliament. This report encompasses the ODPP's financial statements and performance review for the financial period 2013-2014.

This report has been prepared in accordance to section 34 of the *Director of Public Prosecutions Act 1986* and in compliance with the guidelines from the *Annual Reports (Departments) Act 1985*, *Annual Reports (Departments) Regulation 2010* and the *Public Finance and Audit Act 1983*.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Lloyd Babb'.

**Lloyd Babb SC**  
**Director of Public Prosecutions**

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## DIRECTOR'S OVERVIEW

I am pleased to present the Annual Report for 2013 – 14 for the Office of the Director of Public Prosecutions. In the last financial year, the talented and dedicated ODPP staff considered 23,010 cases. I commend all the staff for dealing with this enormous workload. I head an Office of excellent lawyers, administrative and corporate services staff.

During the year the ODPP has formalised a mentoring and development program for junior lawyers who expressed interest in obtaining trial experience. Less complex trials in the District Court were specially selected and they were briefed in advance and the advocates were mentored by myself, a Deputy Director or a very experienced Crown Prosecutor. I found my involvement in the programme to be very rewarding and the program will continue into the future.

The ODPP continues to be focused on initiatives that improve the health and wellbeing of staff. A Workplace Wellbeing Taskforce established this year includes legal, administrative and corporate services staff from within the Office and from different office locations in Sydney, Sydney West and the Country. I attend all Taskforce meetings. The Taskforce provides guidance on determining what direction the Office should take to best manage wellbeing into the future. The ODPP became a signatory to the Tristan Jepson Memorial Foundation Psychological Wellbeing Best Practice Guidelines this year.

Also, one of our regional offices moved into new premises. Officers in Newcastle now occupy a modern and safe space located next door to the soon to be built Justice Precinct.

### **Just, independent and timely conduct of prosecutions**

Prosecutions by their very nature are costly, time consuming, unwieldy and frequently unpredictable. To manage several thousand every year requires talented staff and a core of managers overseeing the process so that all matters are executed properly. In the last year 82.2% of our matters have resulted in a guilty verdict or a plea of guilty.

71% of committals were resolved in the local court – that is, a summary disposal or a committal for sentence. This means the matter did not have to progress for trial in the District or Supreme Court. There has been a 14.4% increase in the number of District Court trials completed.

A proportion of the matters we handle annually include advisings, wherein Police, PIC, ICAC and other agencies will forward briefs to see if a matter can be successfully prosecuted. This year my office completed 63% of advisings received in three months or less.

We also made 274 applications under the Confiscation of Proceeds of Crime Act.

### **Victims and Witness Service**

The welfare of victims, and the family of victims, is very important to this Office. In the last financial year, the Witness Assistance Service (WAS) officers spent 52% of their total working hours providing direct services to victims and witnesses. This includes accompanying them to court, providing information of the court process and making follow up calls to ensure victims are up to date with a matter's process through the court.

The WAS took on a total of 5,549 clients, 986 of whom were children and young people. Overall there was a three per cent increase to the service provided in child sexual assault matters.

There was also a 9% increase in the services provided to victims of physical Assault (including domestic violence).

### **Improvement in the criminal justice system**

The office is busy, but it is imperative that we are in contact with committees and officers of related agencies. This year we have had a presence on 27 interagency committees.

Our views have been sought in important areas of law reform, including a review on early pleas of guilty in appropriate cases, sentencing for child sexual assault, criminal appeals and amendments to the Mental Health (Forensic Provisions) Act.

Like all Government agencies and private enterprises across the country, my Office has to work hard to keep within our budget. The way we spend out money, though, has not waived – 85% of our yearly budget is channelled directly into staff doing or supporting prosecutorial work. The full forensic analysis of our expenditure can be read in full in the financial statements on page 49.

I must express my appreciation for the contribution of Stephen Kavanagh, the Solicitor for Public Prosecutions, who is about to retire. Stephen is an excellent lawyer, dedicated manager and a source of

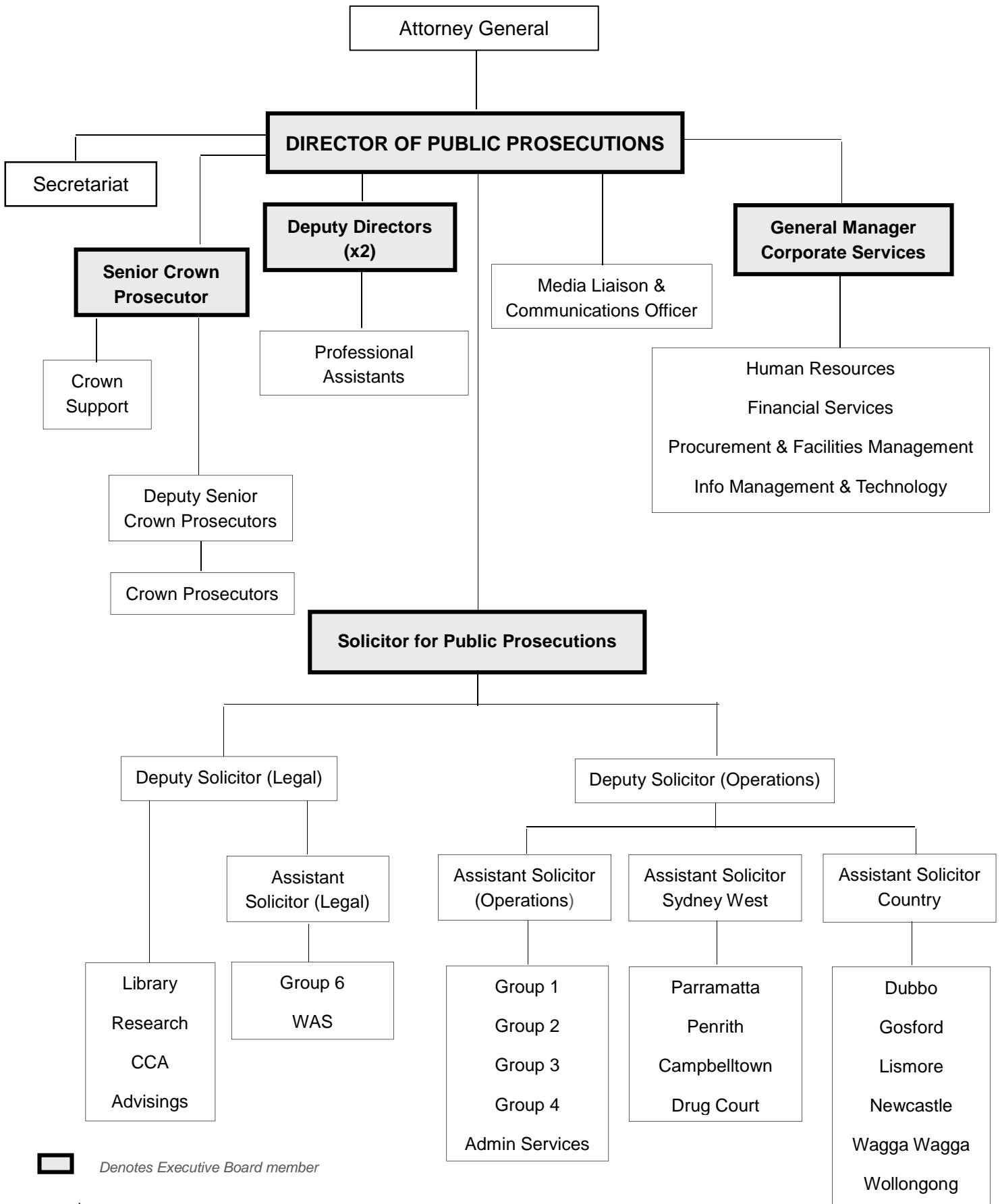
much corporate knowledge. I will miss his wise counsel.

I am immensely proud of my staff and hope that the people of New South Wales are satisfied with the work we do for them. I am confident that this year's Annual Report will provide a clear picture of our achievements and the foundations they provide for a strong prosecutorial service in the coming years.

## **Independence and Accountability**

No guideline under section 26 of the Director of Public Prosecutions Act has been received from the Attorney General, nor has notice been received from him of the exercise by him of any of the functions described in section 27. Two requests have been made to the Attorney General pursuant to section 29.

# ODPP NSW ORGANISATIONAL STRUCTURE



**□** Denotes Executive Board member

## ODPP EXECUTIVE BOARD MEMBERS

### **Lloyd Babb SC BA MA LLB** **Director of Public Prosecutions**

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Appointed Director of Public Prosecutions in July 2011. Before appointment as DPP, practised as a barrister for 16 years. Had worked as a solicitor in private practice and for the Office of the Director of Public Prosecutions before admission as a barrister. Appointed a Crown Prosecutor in 1998. Seconded as Director of the Criminal Law Review Division 2003 to 2005 and an Acting Public Defender 2006 until 2007. Appointed Senior Counsel and Crown Advocate in 2007. Member of the Bar Council of the Bar Association of New South Wales between 1995 and 2000. He is New South Wales' third DPP.

### **Keith Alder B. Leg S** **Deputy Director of Public Prosecutions**

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Mr Alder was admitted as a solicitor in 1988 and in that same year commenced at the Office of the Director of Public Prosecutions. In 1992 Mr Alder was appointed the Managing Lawyer of the Penrith Regional Office. In 1998 he became a Trial Advocate before his appointment as a Crown Prosecutor in 2001. In 2010 Mr Alder was appointed a Deputy Senior Crown Prosecutor. Mr Alder was appointed Deputy Director of Public Prosecutions in November 2011. Mr Alder has been seconded to the Office of the Ombudsman and the Independent Commission Against Corruption.

### **John Pickering SC BEC LLB** **Deputy Director of Public Prosecutions**

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Admitted as a solicitor in 1993, and, in that same year employed as a solicitor in the Office of the Director of Public Prosecutions. Appointed as a Trial Advocate in 1998, and appointed as a Crown Prosecutor in 2001. Appointed as an Acting Deputy Senior Crown Prosecutor in January 2012. Appointed Deputy Director of Public Prosecutions in February 2012. Appointed Senior Counsel October 2012.

### **Mark Tedeschi AM QC MA LLB** **Senior Crown Prosecutor**

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Has been a Crown Prosecutor since 1983. He has been a Queen's Counsel since 1988, and Senior Crown Prosecutor since 1997. He is the author of a book on international trade law and of numerous articles on environmental law, social welfare law, business law, mental health law and criminal law. He is the President of the Australian Association of Crown Prosecutors and a visiting Professor at the University of Wollongong. He is a member of the Board of Directors of the National Art School in Sydney.

### **Stephen Kavanagh LLB** **Solicitor for Public Prosecutions**

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Practised as a solicitor following admission in 1973 in a city firm and later at the State Crown Solicitor's office from 1976 to 1988, primarily in the areas of civil, criminal and constitutional law. Following the establishment of the ODPP in 1987, appointed as Managing Lawyer (Advisings Unit) in 1998 undertaking responsibility for a wide range of appellate litigation conducted by the unit in the Supreme and High Court. Appointed Solicitor for Public Prosecutions in June 2004.

### **Bernard O'Keeffe B. Bus FCPA** **Chief Financial Officer & General Manager, Corporate Services**

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Joined the NSW Public sector in 1977 and worked in a number of finance roles with the Government Printing Office and Department of Education and Training. Joined Arnott's Biscuits in 1988 as the Cost and Management Accountant. From that point on held a variety of CFO, senior financial, business management and business consulting roles in the private sector including a multi-national company. Appointed Chief Financial Officer of the ODPP in June 2009 and the General Manager, Corporate Services in 2010. Appointed to the NSW Public Sector Committee for CPA's Australia in 2011.

## SIGNIFICANT COMMITTEES

### Executive Board

Comprises the Director (Chair), two Deputy Directors, Senior Crown Prosecutor, Solicitor for Public Prosecutions, General Manager Corporate Services and two independent members. The Board meets bi-monthly and minutes of proceedings are kept.

The Board's role is to:

- advise the Director on administrative and managerial aspects of the ODPP with a view to ensuring that it operates in a co-ordinated, effective, economic and efficient manner;
- advise the Director on issues relating to strategic planning, management improvement and monitoring performance against strategic plans;
- monitor the budgetary performance of the ODPP and advise the Director on improving cost effectiveness;
- identify and advise the Director on initiatives for change and improvement in the criminal justice system; and
- provide periodic reports on its operations to the Attorney General and report to the Attorney General upon request on any matter relating to the exercise of its functions, or, after consultation with the Attorney General, on any matters it considers appropriate.

### Management Committee

Comprises the Director (Chair), two Deputy Directors, Senior Crown Prosecutor, Solicitor for Public Prosecutions, General Manager Corporate Services, Deputy Solicitors (Legal and Operations) and Assistant Solicitors (Sydney, Sydney West and Country). The Committee meets monthly and minutes of proceedings are kept.

Its primary functions are:

- to report, discuss and resolve upon action on operational and management issues affecting the ODPP, including (but not limited to) workload and resource allocation;
- to consider monthly financial reports and to initiate action where funding and expenditure issues are identified;

- to discuss issues affecting major policy decisions and other matters requiring referral to the ODPP Executive Board; and
- to serve as a forum for discussion by senior management of any matter affecting the operations of the ODPP, including the activities, challenges and initiatives of the various areas within the Office.

### Audit and Risk Committee

The Audit and Risk Committee, in accordance with Treasury Policy, comprises of an independent chair, an independent member and a representative of ODPP management. Representatives of the Audit Office of NSW, the Deputy Director, Solicitor's Office and the General Manager Corporate Services attend meetings by invitation. Minutes of proceedings are kept.

The Committee meets four times each year and monitors:

- internal audit;
- risk management; and
- anti-corruption functions across all areas of the Office's operations, ensuring that probity and accountability issues are addressed.

### Information Management & Technology Steering Committee (IMTSC)

Comprises the Chief Information Officer (currently the Deputy Solicitor (Operations)) as Chair; Solicitor for Public Prosecutions, General Manager Corporate Services, Deputy Solicitor (Legal), Assistant Solicitor (Country), a Deputy Senior Crown Prosecutor, Manager Information Management & Technology Services and the Assistant Solicitor (Operations). Minutes of proceedings are kept and published on the ODPP Intranet.

The Committee meets bi-monthly and is the management body convened to:

- ensure and promote effective use and management of information and technology;
- guide the selection, development and implementation of information and technology projects; and
- assure the strategic and cost effective use of information and systems to support ODPP activities.



## INTERNAL COMMITTEES

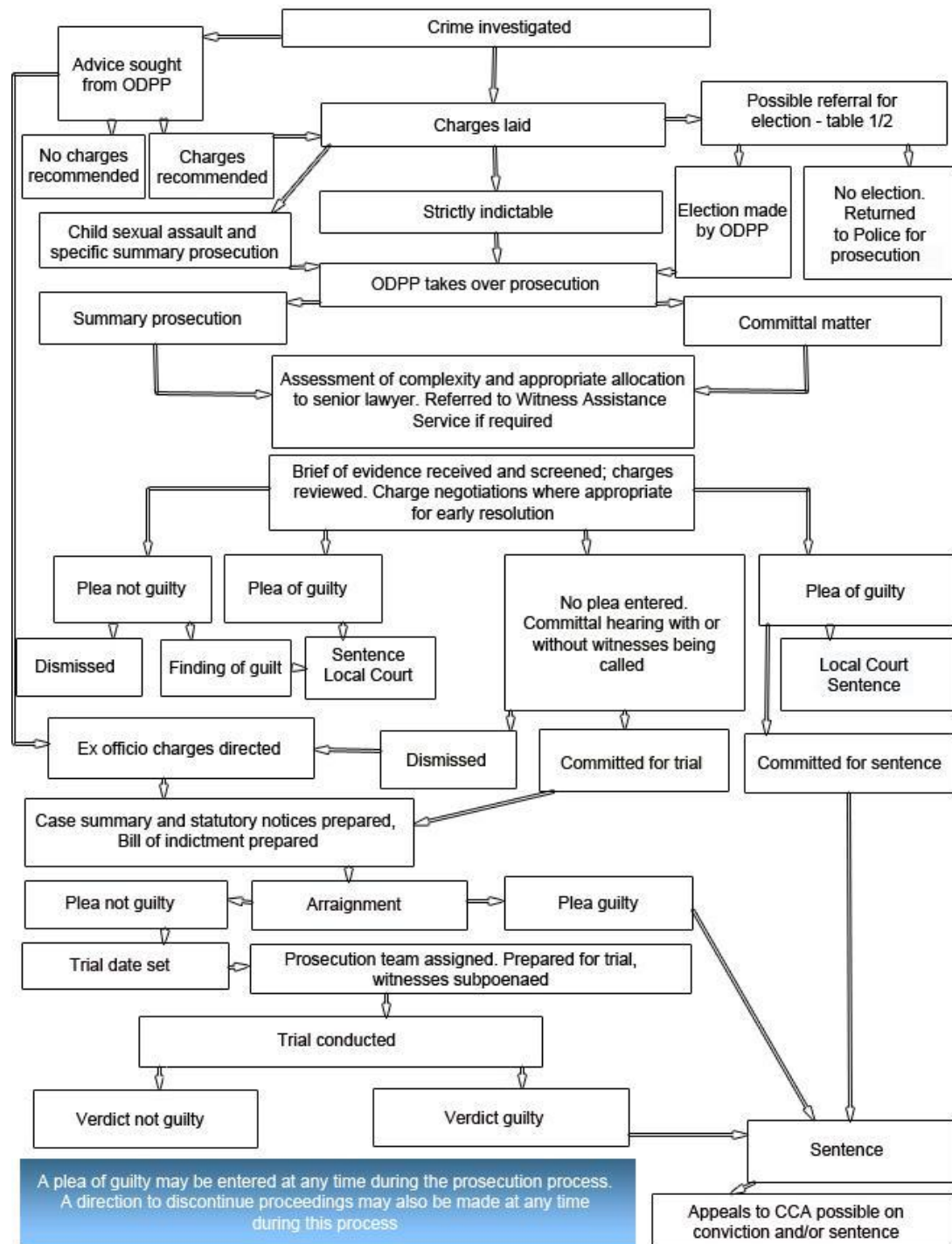
Committee	ODPP Representatives	
<b>Executive Board</b>	Lloyd Babb SC ( <i>Chair</i> ) Keith Alder John Pickering SC Mark Tedeschi AM QC Stephen Kavanagh	Bernie O'Keeffe John Hunter ( <i>Independent</i> ) Janis Watson-Wood ( <i>Independent</i> )
<b>Management Committee</b>	Lloyd Babb SC ( <i>Chair</i> ) Keith Alder John Pickering SC Mark Tedeschi AM QC Wendy Carr	Johanna Pheils Sashi Govind Bernie O'Keeffe Stephen Kavanagh Claire Giroto
<b>Audit &amp; Risk Committee</b>	Jon Isaacs ( <i>Chair/Independent</i> ) (final meeting 30 Sep 2013) Alexander Smith	Sashi Govind (Member) Carolyn Walsh ( <i>Independent</i> )
<b>Information Management &amp; Technology Steering Committee</b>	Claire Giroto ( <i>Chair</i> ) Stephen Kavanagh Richard Herps Hop Nguyen	Sashi Govind Wendy Carr Bernie O'Keeffe
<b>Crown Prosecutors' Management Committee</b>	Mark Tedeschi AM QC Chris Maxwell QC Phil Ingram SC Julia Baly SC Terry Thorpe Craig Everson Kara Shead Phil Hogan ( <i>alt. David Patch</i> )	Michael Fox Frank Veltro ( <i>alt. Siobhan Herbert</i> ) Gina O'Rourke Huw Baker ( <i>alt. Peter McGrath</i> ) Helen Roberts Ana Seeto ( <i>Treasurer</i> ) Deborah Carney ( <i>Crown Support</i> )
<b>Work Health &amp; Safety Committee</b>	<b>Employee Representatives</b> Melissa Day Vesna Medica Peter Phythian Bree Chisholm Andrew McMaster ( <i>Proxy</i> )	<b>Employer Representatives</b> Peter Burns Peter Bridge Keith Holder Nigel Richardson ( <i>Proxy</i> )
<b>PSA / Management Joint Consultative Committee</b>	<b>ODPP Representatives</b> Nigel Richardson ( <i>Chair</i> ) Claire Giroto Stephen Kavanagh Sashi Govind Bernie O'Keeffe Wendy Carr	<b>ODPP PSA Representatives</b> Fiona Horder Andrew Horowitz Carla Black <b>PSA Industrial Officer</b> Nick Player

## EXTERNAL COMMITTEES

<b>Committee/Steering Group</b>	<b>ODPP Representative</b>
Apprehended Violence Legal Issues Coordination Committee <i>(reviews problems associated with apprehended violence orders)</i>	Amy Watts
Burwood Court Users Group	Andrew McDonald
Campbelltown Criminal Court User Group	Janine Lacy
Court Security Committee	Claire Giroto Peter Bridge
Criminal Law Committee of the Law Society of NSW	Johanna Pheils
Criminal Listing Review Committee <i>(review listings in the District Court)</i>	Claire Giroto
Downing Centre Users Group	Paula McNamara
Drug Court Senior Officers Implementation Group (Sydney Metro)	Claire Giroto
Joint Investigative Response Team State Management Group	Amy Watts
Justice Cluster Bail Review Form Working Group	Mark Holdsworth Wendy Carr Johanna Pheils
Justice Process Improvement Committee	Johanna Pheils
Magistrates Early Referral Into Treatment (MERIT) – Statewide Steering Group	Sashi Govind
National DPP Executives Conference	Johanna Pheils Bernie O’Keefe
NSW Sentencing Council	Lloyd Babb SC
Parramatta Children’s Court User Forum	Melinda Graczol
Parramatta Court Users Group	Andrew McDonald Bree Chisolm
Police- ODPP Liaison Group Meeting – Northern Region	Jan Davidson Sashi Govind Aranka Zsidi Colin Cupitt
Police – ODPP Liaison Group Meeting – Southern	Sashi Govind Peter Burns Allison Dunn
Police – ODPP Liaison Group Meeting – Western	Sashi Govind Roger Montgomery

	Susan Ayre
Police – ODPP Liaison Group Meeting – Mid North Coast	Wendy Carr Arnis Tillers Christine Hunter Janet Little Malcolm Young
DPP – ODPP Police Liaison Group Meeting – Riverina	Wendy Carr Tonia Adamson Kylie Knight
Police – ODPP Prosecution Liaison Standing Committee	Stephen Kavanagh Claire Giroto Johanna Pheils Sashi Govind Amy Watts Wendy Carr
Senior Officers Committee on Diversion	Johanna Pheils
Sex Crimes and Joint Investigation Response Squad Advisory Council Meeting	Amy Watts Lee Purches
Sexual Assault Review Committee	Amy Watts Lee Purches Kara Shead Gina O'Rourke
Victims Advisory Board under the Victims' Rights and Support Act 2013	Johanna Pheils
Victims of Crimes Advisory Group	Amy Watts Lee Purches

## OUTLINE OF A TYPICAL PROSECUTION PROCESS



## DIRECTOR OF PUBLIC PROSECUTIONS ACT 1986 NSW: KEY PROVISIONS

**The Director of Public Prosecutions Act 1986** was enacted to create the Office of Director of Public Prosecutions, to confer functions on the Director and for related purposes.

For the period 1 July 2013 to 30 June 2014 no amendments were made to the Act.

**s 4 Director** The Director is responsible to the Attorney General for the exercise of his functions. Nothing in s 4(3) affects the Director regarding the preparation, institution and conduct of any proceedings.

**s 7 Principal Functions** The principal functions of the Director are to: (a) institute and conduct prosecutions for indictable offences in the Supreme Court and District Court; (b) conduct appeals in any court for any such prosecution, and (c) conduct, as the responding party, any appeal in any court for any such prosecution: s 7(1). The Director has the same functions as the Attorney General in relation to: (a) finding a bill of indictment or determining that no bill of indictment be found for an indictable offence where the person charged has been committed for trial; (b) directing that no further proceedings be taken against a person committed for trial or sentence; and (c) finding an ex officio indictment where the person has not been committed for trial.

**s 8 Instituting other proceedings** The Director can institute and conduct committal proceedings for indictable offences, summary proceedings in any court, and summary proceedings for those indictable offences which can be dealt with summarily in the Local Court.

**s 11 Consents** The power to consent, authorise or sanction various prosecutions is delegated to the Director.

**s 12 Coroners** The Director can, with the Coroner's consent, assist a coroner in any inquest or inquiry.

**s 13 Guidelines to Crown Prosecutors etc by Director** The Director can provide written guidelines to the Deputy Directors, the Solicitor for Public Prosecutions and Crown Prosecutors concerning the prosecution of offences, but

Guidelines are not issued in relation to particular cases.

**s 14 Recommendations and guidelines to police etc by Director** The Director can issue guidelines to the Commissioner of Police regarding the prosecution of offences, but not in relation to specific cases.

**s 15 Provisions relating to guidelines** Guidelines issued by the Director are required to be published in the Office's Annual Report.

**s 15A Disclosures by law enforcement officers** Police have a duty to disclose, to the Director, all relevant material obtained during an investigation that might reasonably be expected to assist the prosecution or defence case.

**s 18 Request for assistance from police by Director** The Director may request police assistance in investigating a matter that the Director may institute or take over.

**s 19 Indemnities and undertakings** The Director may request the Attorney General to grant indemnities and give an undertaking that an answer or statement etc will not be used in evidence, but may not do so himself.

**s 24 Offences under Commonwealth laws** Where an officer, with the consent of the Attorney General, holds an authority to prosecute Commonwealth offences, that officer may institute and conduct prosecutions for such offences.

**s 25 Consultation** Consultation between the Director and the Attorney General is provided for.

**s 26 Guidelines by Attorney General** The Attorney General may provide guidelines to the Director but not in relation to a particular case. Guidelines furnished are required to be published in the Government Gazette and laid before both houses of parliament.

**s 27 Attorney General to notify Director of bills and no bills** The Attorney General is obliged to notify the Director whenever the Attorney exercises any of the following functions: (a) finding a bill of indictment, or determining that no bill of indictment be found

for an indictable offence where the person concerned has been committed for trial; (b) directing that no further proceedings be taken against a person committed for trial or sentence; (c) finding a bill of indictment for an indictable offence where the person has not been committed for trial; and (d) appealing under s 5D of the **Criminal Appeal Act 1912** to the Court of Criminal Appeal against a sentence. The Director is required to include in the Annual Report, information on notifications received from the Attorney General under this section during the period to which the report relates.

**s 29 Director may make request to Attorney General** If the Director considers it desirable,

in the interests of justice, that he not exercise certain functions in relation to a particular case, the Director may request the Attorney General to exercise the Attorney General's corresponding functions.

**s 30 Attorney General's powers not affected**

Nothing in this Act affects any functions of the Attorney General that the Attorney General has apart from this Act.

**s 33 Delegation (1)** The Director may delegate to an Officer, a Crown Prosecutor, or a person approved by the Attorney General, the exercise of any of the Director's functions other than this power of delegation.

## OUR ROLE

To provide for the people of New South Wales an independent, efficient, fair and just prosecution service.

## OUR VISION

A criminal prosecution system that is accepted by the community as being equitable and acting in the public interest.

## OUR STAKEHOLDERS

The NSW Parliament, the Judiciary, the Courts, Police, victims, witnesses, accused persons and others in the criminal justice system and the community.

## OUR VALUES

### Independence

Advising in, instituting and conducting proceedings in the public interest, free of influence from inappropriate political, individual and other sectional interests.

### Service

The timely and cost efficient conduct of prosecutions.

Anticipating and responding to the legitimate needs of those involved in the prosecution process, especially witnesses and victims.

### Highest Professional Ethics

Manifest integrity, fairness and objectivity.

### Management Excellence

Continual improvement.

Encouraging individual initiative and innovation.

Providing an ethical and supportive workplace.

## REPORT OF THE SOLICITOR FOR PUBLIC PROSECUTIONS

This Annual Report coincides with the conclusion of my role as Solicitor for Public Prosecutions. After forty one years of practising law, the last ten of which have been in the role of Solicitor, I have decided to retire from full-time work. It has been a very busy, fulfilling and professionally satisfying career. I have been very fortunate in the role of Solicitor to have had the support of a highly professional and committed team of Crown Prosecutors, Solicitors and administrative staff within the Office and I take this opportunity to extend to them my sincere gratitude for their assistance and friendship. In particular I acknowledge the contribution of the Senior Executive team in the Solicitor's Office for their daily support and leadership.

As is the case each year a number of sensitive and at times controversial matters arose and continue to arise for consideration. Many of them are ongoing, have a high profile and attract considerable public scrutiny. It is reassuring to note that such matters are consistently addressed by staff in accordance with the Prosecution Guidelines, the independent role of the Office and in the general public interest.

In this regard it is worthwhile to reflect upon the role and duties that rest upon prosecutors in discharging these important public functions. From time to time this role and these responsibilities are not fully understood by some sections of the broader community. As the Prosecution Guidelines note, a prosecutor is a "minister of justice". The prosecutor's principal role is to assist the court to arrive at the truth and to do justice between the community and the accused according to law and the dictates of fairness. A prosecutor is not entitled to act as if representing private interests in litigation. A prosecutor represents the community and not any individual or sectional interest. A prosecutor acts independently, yet in the general public interest. The "public interest" is to be understood in that context as an historical continuum: acknowledging debts to previous generations and obligations to future generations. It is a specialised and demanding role, the features of which need to be clearly recognised and understood.

In a statement which has been adopted throughout the common law world Rand J in *Boucher v The Queen* [1955] SCR 16 at 23-24 of the Supreme Court of Canada said:

*"It cannot be over-emphasised that the purpose of a criminal prosecution is not to obtain a conviction; it is to lay before a jury what the Crown considers to be credible evidence relevant to what is alleged to be a crime. Counsel have a duty to see that all available legal proof of the facts is presented: it should be done firmly and pressed to its legitimate strength, but it must also be done fairly. The role of the prosecutor excludes any notion of winning or losing; his function is a matter of public duty than which in civil life there can be none charged with greater personal responsibility. It is to be efficiently performed with an ingrained sense of the dignity, the seriousness and the justness of judicial proceedings."*

At the time of writing a large volume of statistical and explanatory information is being compiled and will appear elsewhere in this report. It is sufficient to note that the nature, quality and volume of caseload and workload continues unabated; at the same time the high standards of professionalism and ethical decision making continue to be maintained.

During the past year we have seen the introduction of legislation on a number of issues of significance and relevance to the work of the Office. The **Crimes (Sentencing Procedure) Amendment (Family Member Victim Impact Statement) Act 2014** empowers a court, pursuant to a prosecutor's application, to consider a family Victim Impact Statement (VIS) on sentence. This amendment acknowledges that the impact of the victim's death on the victim's immediate family is "an aspect of harm done to the community." The **Crimes and Other Legislation Amendment (Assault and Intoxication) Act 2014** amends the **Crimes Act 1900** and other legislation relating to assaults, intoxication and other matters. Section 25A creates a new offence of Assault Causing Death. The offence is committed where a person assaults another by intentionally hitting them with an object or any

part of the assailant's body, where the assault is not "authorised or excused by law" and causes the death of the victim. A maximum penalty of 20 years imprisonment applies. Section 25A(2) creates an aggravated offence of assault causing death when intoxicated which is committed when an adult (aged 18 years or over) who is intoxicated by alcohol, drugs or another substance, assaults a person causing their death. A maximum penalty of 25 years imprisonment applies with a mandatory minimum sentence of 8 years. In proceedings for an offence under s 25A it is not necessary to prove the victim's death was reasonably foreseeable. The Bail Act 2013, which commenced in May 2014 and required considerable expenditure of time and effort in training and preparation of staff, proved controversial and has been the subject of recent review.

The work of the Office is not limited simply to the prosecution of matters. We work collaboratively with the Courts and other public justice agencies including Police, the Department of Attorney General and Justice, the Police Integrity Commission, the Independent Commission against Corruption, the Judicial Commission and the Commonwealth DPP. Through the Solicitor's Office we play a major role in law reform developments and in the work of numerous external committees with a criminal law focus. These relationships and the important work undertaken are vital to the effective administration of the criminal justice system in this State.

Finally I wish to acknowledge the ongoing support the Office has received over the past year from both of the Attorneys General who have held office in that period: The Honourable Greg Smith SC and the Honourable Brad Hazzard, MP.

## HIGHLIGHTS: KEY RESULT AREAS

### Just, independent and Timely Conduct of Prosecutions

- 82.2% of all matters resulted in findings of guilt, by way of verdict following a trial or guilty plea.
- 71.1% of committals resulted in early resolution in the Local Court, ie, summary disposal or committal for sentence.
- 14.4% increase in the number of District Court trials completed.
- 63% of Advising for sufficiency of evidence completed within 3 months.
- 274 applications made under Confiscation of Proceeds of Crime Act 1989.
- Reduction in the average cost of prosecution of a matter due to earlier resolution of cases.

### Victims and Witness Service

- Average of 52% of time spent providing direct service to victims and witnesses by Witness Assistance Service Officers.
- 5549 clients serviced by WAS, of which 986 were children and young people.
- 3% increase in service provided in child sexual assault matters.
- 9% increase in service provided to victims of physical assault including domestic violence.

### Improvements in Criminal Justice System

- Participation in 27 interagency committees including other stakeholders in the Criminal Justice System.
- Law reform submissions made in relation to encouraging appropriate early pleas of guilty; sentencing for child sexual assault; Criminal appeals and amendments to Mental Health (Forensic Provisions) Act 1990.
- Case managed 28 CCA sentence appeals arising out of Muldrock v. R [2011] HCA 39.



## REPORT OF THE DEPUTY SOLICITOR (OPERATIONS)

**Lawyers at the ODP are responsible for the conduct of summary prosecutions, committals, District Court appeals, District Court Sentencing and instructing Crown Prosecutors in trials and appeals. Solicitor Trial Advocates conduct trials in the District Court.**

Due to an increased focus on pre-committal screening and early resolution of appropriate matters this year the Operations Units achieved the timely disposition of a large number of matters both in the Local and District Courts. Another major achievement was the retention of 82% of cases result in a finding of guilt by way of verdict or plea thereby maintaining the level of quality prosecutions in NSW.

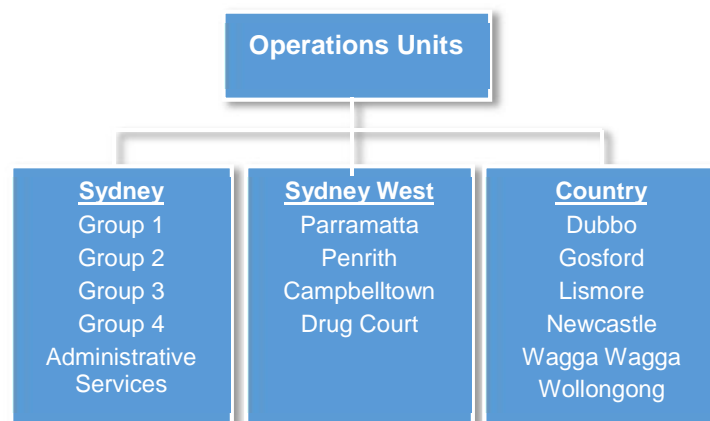
A total of 6806 matters were completed in the Local Court including summary prosecutions and committals. Of those 71.1% (6284) committals were completed in the Local Court either through summary disposal or committal for sentence to the higher courts upon entering pleas of guilty. This year also saw a 4.3% increase in the number of matters received in the Local Court.

Further efficiencies were achieved in the District Court where the ODP was able to restrict the number of matters committed for trial to the same number as the previous year. This was due to a tighter pre-committal advice regime being implemented particularly in the Sydney West offices.

There was a 14.4% increase in the number of trials completed even though longer trials were listed. The disposal rate of trials was also assisted by the Office participating in a major early resolution of listed trials initiative with the Legal Aid Commission, the Public Defender's Office, private practitioners and Courts in the North Coast, New England and Riverina regions.

Despite increases in the receipt of sentences and severity appeals in the District Court, the disposal rate for both were higher. The ODP also achieved a quicker turnaround time for Advising as to sufficiency of evidence. It completed 63% of Advising within 3 months of receipt. The Office maintained its previous timeliness in relation to Election Advising and completed 70% within 14 days of request.

Another major achievement for this year was the reduction in the average cost of the prosecution of a matter from \$4,846 to \$ 4,791 through a number of efficient practices resulting in earlier resolution of matters. This year the Office was able to report on the calculation of timely completion of matters in business days as a result of improvements in its reporting capabilities.



**Early resolution of cases is undertaken, by way of pleas of guilty or disposal in the Local Court, where the level of criminality in sentencing options can be adequately addressed by appropriate charges.**

## TIMELINESS

### Advising

Number and proportion of Advising completed within agreed time				
	12/13		13/14	
<b>Total Referrals for election</b>	<b>3,028</b>		<b>2,980</b>	
Advising as to election (within 14 days)	2,106	70%	2,073	70%
<b>Total Referrals for Advice</b>	<b>194</b>		<b>128</b>	
Advising as to criminal proceedings (within 30 days)	47	24%	44	34%
Advising as to criminal proceedings (within 90 days)	101	52%	80	63%

### Time Taken for Completion of Matters In Business Days

Local Court		
Summary Prosecutions	Average	Median
Arrest to brief service	69	44
Brief service to disposal	108	81
Arrest to disposal	192	163
Committals		
Arrest to brief service	Average	Median
Committals for trial	87	59
Committals for Sentence	82	57
Brief service to disposal		
Committals for trial	108	97
Committals for Sentence	88	77
Disposed in Local Court	83	62
District Court		
	Average	Median
Committal for Sentence to Completion	112	90
Committal for Trial to Completion	259	229
Supreme Court		
	Average	Median
Committal for Sentence to Completion	110	134
Committal for Trial to Completion	309	267
Court of Criminal Appeal		
	Average	Median
Notice of Appeal to Completion	139	114
High Court		
	Average	Median
Application for Special Leave to completion	174	188

*A matter committed for trial is allocated a trial listing by the Court at Arraignment.*

*Matters listed for trial are briefed to Crown Prosecutors or Trial Advocates, according to the complexity of the case.*

*Where possible and especially in cases involving sexual assault and murder, committal lawyers maintain continuity of the case until it is resolved.*

*Other cases are allocated to junior lawyers and all trial prosecution teams work together to present the best possible case on behalf of the people of NSW.*

## Matters Discontinued after Committal Order

	No.	%
Submissions Received	974	
Discontinued Matters	167	17%
Victim's wishes	59	35%
Cases Finalised	3,746	4%
Trial Matters Completed	1,900	9%

This year the Director's Chambers discontinued 17% of the 974 submissions received for discontinuation after committal for trial. This represented 4% of all matters finalised.

## GENERAL OPERATIONAL MATTERS

### Refurbishment of Courts

The refurbishment of Penrith Courts saw a vast movement of matters across the three Sydney West offices of Parramatta, Campbelltown and Penrith. As a result of the change in boundaries for committal courts, two District Courts sat at Campbelltown in 2014. The influx of District Court work at Parramatta and Campbelltown also resulted in shifting resources across offices. Due to excellent co-ordination of matters, implementation of consistent systems and team work amongst the staff of the Sydney West offices, there was minimal disturbance in court commitment and inconvenience to stakeholders.

Wollongong courts will close for refurbishment in the second term of 2014. All trial work and some trial resources from the Wollongong Office will be transferred to the Campbelltown office to accommodate the second District Court at Campbelltown. A number of other courts such as Sutherland will be utilised during the currency of this refurbishment.

### Drug Court

DPP lawyers completed another successful year at Parramatta, Sydney and Toronto Drug Courts.

The ODPP team worked with partner agencies to facilitate the 3<sup>rd</sup> Drug Court for NSW which was rolled out in 2013. Sydney Drug Court commenced operations at Court 4.7 at Downing Centre on 14 February 2013.

Sydney Drug Court services: The Sydney LGA is funded for 40 places and as at December

2013 a total of 141 persons had been referred to the Sydney ballot. This was another successful replication of the Drug Court program model with its first graduate of the program graduating by 29 May 2014 and a further graduate by 17 July 2014. A further 3 graduations are listed on 1 September and 2 in November 2014.

Parramatta had 416 persons referred to the ballot in 2013. This was a marked increase in referrals from the 2012 period, up by 54 persons. There were 167 active participants on program in December 2013, of which 24 participants graduated during the period and a further 13 participants completed the program with substantial compliance.

Further work was conducted through the Parramatta Drug Court for CDTCC which had 70 persons referred to the program and as at December 2013 it had 44 persons active on the program.

Toronto had 135 persons referred to the ballot for 2013 and had 67 active participants on the program in December 2013. Of these 9 participants graduated in 2013 and 1 participant completed the program achieving substantial compliance.

### Multimedia Unit

The Multimedia Unit was set up this year to centralise the formatting and editing of all electronic material for trials. Although it is still in its early days and coincides with the new computer rollout for the Office, very positive feedback has been received from all staff particularly about the efficiency of getting such electronic material edited by experienced fulltime administrative staff in a timely way.

### Trial Development List

The Office formalised a mentoring and development program for junior lawyers who expressed interest in obtaining trial experience. This year a number of Level 2 and Level 3 lawyers were briefed in short and less complex trials in the District Court. They were briefed in advance and were mentored generally by the Director, a Deputy Director or a Senior Crown Prosecutor. This initiative has not only benefitted lawyers but has also relieved Trial Advocates and Crown Prosecutors to utilise their time more effectively in preparing and prosecuting the more complex trials.

### **Stakeholder liaison**

The Operations Units participated in a number of interagency meetings and educational initiatives. A major liaison initiative was the re-establishment of the Greater Western DPP/Police Liaison Group after a lapse of about 7 years. This group will be particularly instrumental in resolving any issues of the movement of work resulting from the refurbishments of Penrith and Wollongong Courts.

- A greater focus on service to witnesses and victims to enable increased participation in the prosecution process.
- Increased training and development initiatives for staff and Managers for better risk and performance management.
- Increased focus on pre-committal evaluation and screening of matters.
- Increasing the effectiveness of prosecutions with better stakeholder liaison.

### **Initiatives for 2014/15**

The Operations Units will work towards a number of initiatives for the next reporting period:

- Consistency of practice across offices to improve process efficiencies including better utilisation of electronic communication and file management initiatives and effective workload management.

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**ODPP Lawyers consistently strive to provide quality prosecution services in the most effective and professional manner.**

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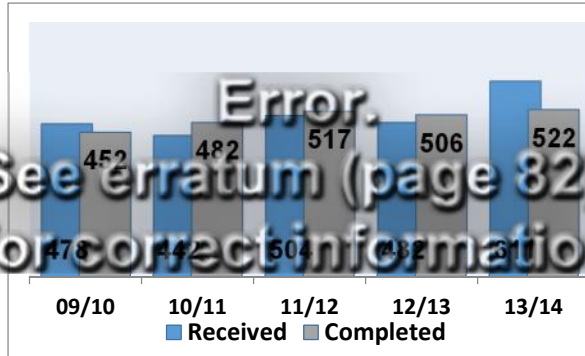
## PRODUCTIVITY

The ODPP continues to deliver quality service in a high volume environment. The Office handled approximately 23,010 cases this year.

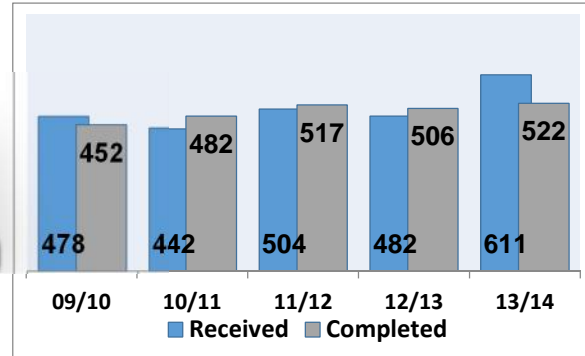
The statistics below represent the most resource extensive work conducted by the Office. These statistics relate to the number of matters received and completed in each jurisdiction prosecuted by the Office. A “completed” matter describes the closing of a file and does not refer to the outcome of a case.

### Local Court

Local Court Committals

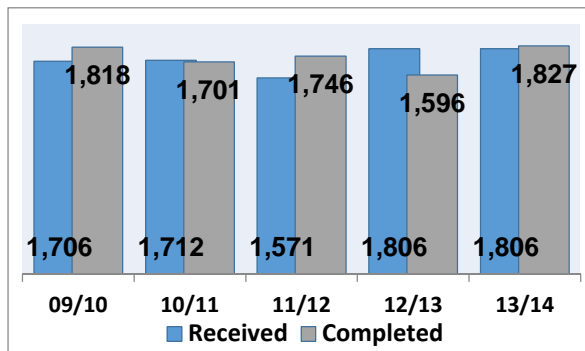


Local Court Summary Matters

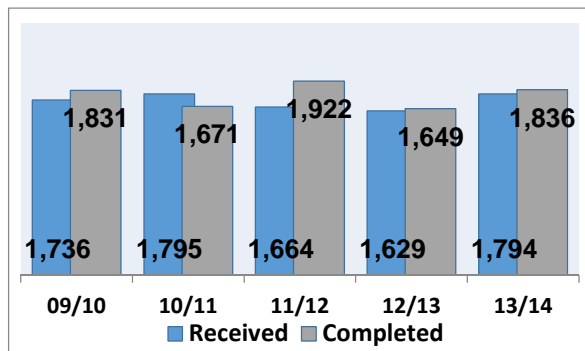


### District Courts

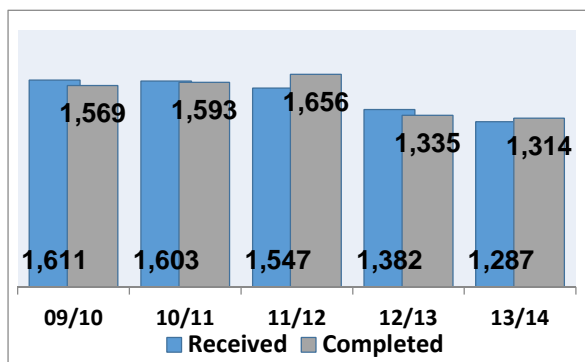
District Court Trials



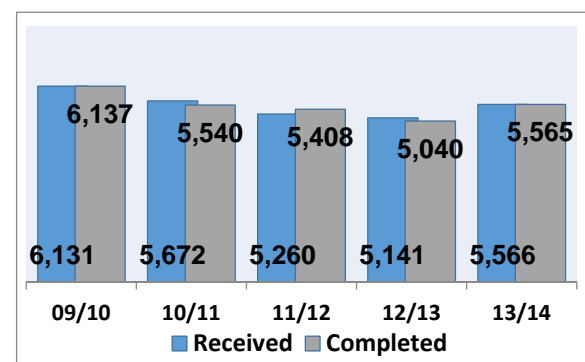
District Court Sentences



District Court All Ground Appeals

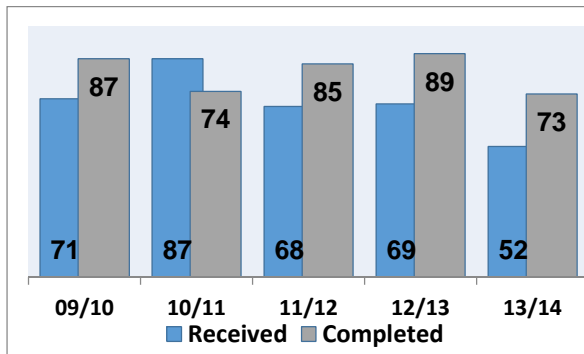


District Court Severity Appeals

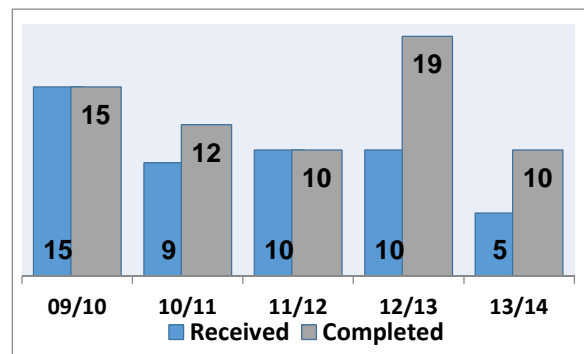


## Higher Courts

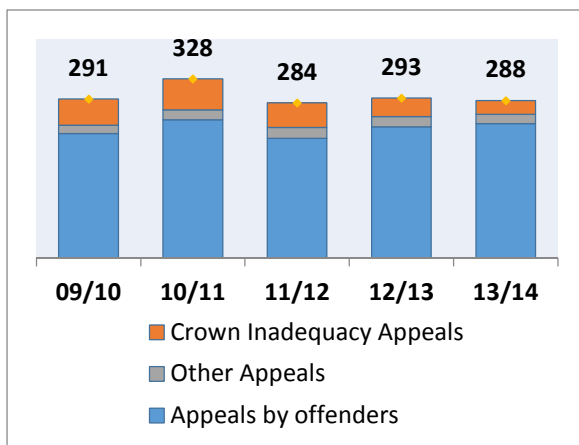
### Supreme Court Trials



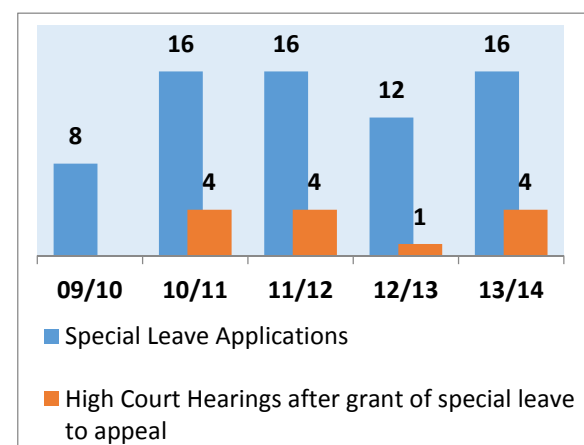
### Supreme Court Sentences



### Appeals finalised in CCA



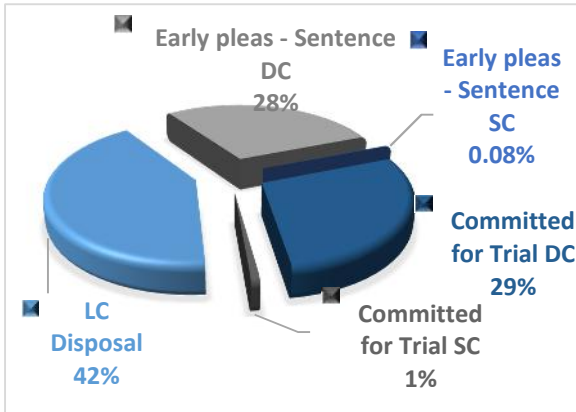
### High Court Matters



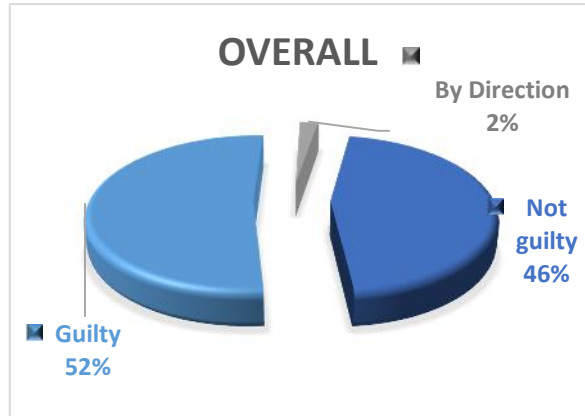
# OUTCOME OF CASES

## COMPLETED MATTERS

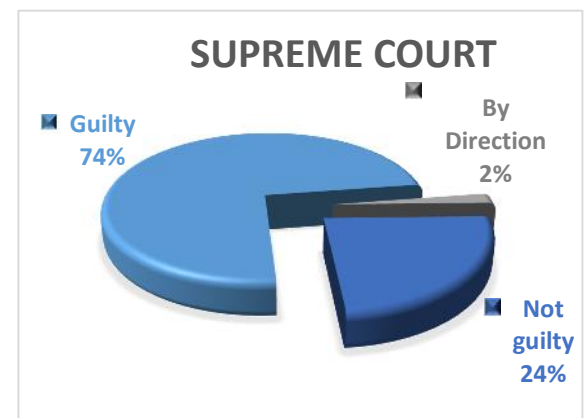
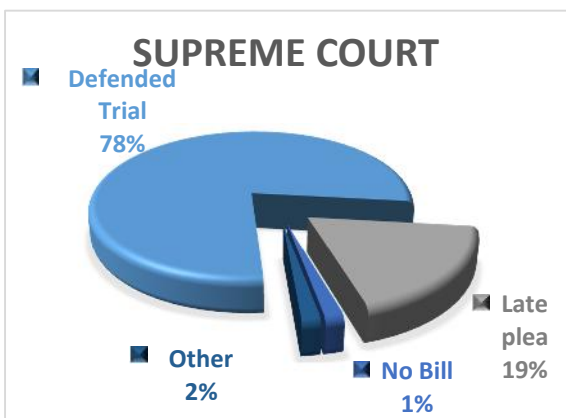
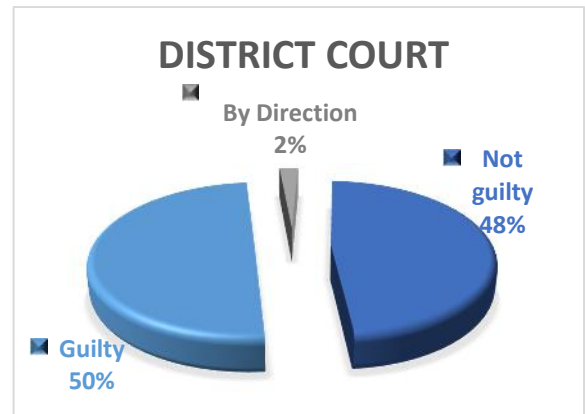
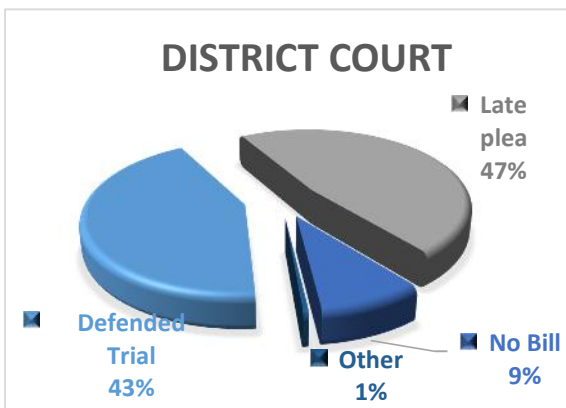
### Local Court Disposals



### Trial Verdict Outcomes



### Trial Disposals



## REPORT OF THE DEPUTY SOLICITOR (LEGAL)

The Legal section of the ODPP includes the Witness Assistance Service, the Court of Criminal Appeal Unit, Group 6, the ICAC unit, the Research Unit and the Library. The Deputy Solicitor (Legal) and Assistant Solicitor (Legal) provide legal policy advice to the Director and are involved in a number of interagency committees concerning law reform.

This report highlights a number of cases dealt with and other activities within the Legal section this year.

### LAW REFORM

In 2013/14 as always, we participated in a large number of inter-agency committees, court user groups and working parties with the main aim of considering the reform of the criminal law and to implement new legislation.

The Director also made numerous submissions on proposals for law reform identified by the Attorney General, NSW Law Reform Commission (LRC), Legislative Council Standing Committee on Law and Justice as well as issues for consideration initiated by the ODPP. Examples include:

- LRC reference on Encouraging appropriate early pleas of guilty
- Standing Committee on Law and Justice, Sentencing for child sexual assault
- Review by DAGJ of the consent provisions in s 61H of the Crimes Act 1990,
- LRC reference on Criminal Appeals
- Response to review of Australia's Female Genital Mutilation Legal Framework
- Law Reform submissions on jury directions
- Mental Health and Cognitive Impairment – Government Response to LRC report
- LRC reference on Parole
- Review by DAGJ of the Coroners Act Domestic Violence Team
- Amendment to Child Protection (Offenders Registration) Act 2000 (definition of sentence)
- Amendment to Mental Health (Forensic Provisions) Act 1990

### Interagency Committees

Some of the interagency committees that we participated in this year are:

- The Bail Act 2013 Implementation Committee and Monitoring Group
- Victims Services, Better Court Support
- Diversion and Mental Health Senior Officers Group, Forensic patients
- Justice Health and the Forensic Mental Health Network (JH & FMHN), Mental Health Review Tribunal and Judicial Commission – development of a webpage on JIRS providing information to practitioners about the availability of expert reports for forensic patients
- Departmental Working Group convened to assist in formulating the proposed Government response to the NSW Legislative Council Law and Justice Committee Report on Racial Vilification laws in NSW
- The Deputy Solicitor (Legal) has continued to be a member of the Law Society of New South Wales Criminal Law Committee.

The Deputy Solicitor (Legal) has also been the ODPP's contact point for the National Royal Commission into Institutional Responses to Child Sexual Abuse and has attended regular meetings with the Crown Solicitor, the Department of Premier and Cabinet and other agencies to co-ordinate and discuss the State's response to the Royal Commission. This year the ODPP responded to 11 Summonses issued by the Royal Commission, producing documents from 30 cases and providing 2 statements prepared by ODPP staff.

### LEGISLATIVE CHANGES

#### Bail Act 2013

The most significant change this year has been the commencement of the **Bail Act 2013** replacing the **Bail Act 1978** on 20 May 2014. The new Bail Act removes the previous system of offence based bail presumptions and replaces it with an "unacceptable risk" test for making bail decisions. The Act contains a new procedural framework for the way in which bail



applications are both made and reviewed. To prepare the ODPP for this change the Deputy Solicitor (Legal) visited each Office and delivered training between February and May 2014.

In summary the new Bail Act requires that the following questions must be asked when making a bail decision:

**Is there an unacceptable risk?** First the “bail authority” must consider whether there is an “unacceptable risk” that an accused will, if released, fail to appear at any proceedings for the offence; commit a serious offence; endanger the safety of victims, individuals or the community; or interfere with witnesses or evidence: s 17(2). In determining whether an “unacceptable risk” exists only matters listed in s 17(3) can be considered. In assessing the seriousness of the offence under s 17(3)(b), matters that may be considered include those listed in s 17(2). If no unacceptable risk is found, a decision to release the person without bail, dispense with bail or grant bail without conditions may be made under s 18.

#### **Can bail conditions mitigate the risk?**

Where an unacceptable risk is identified, the question which must be asked is whether imposing bail conditions can mitigate the risk? Where an unacceptable risk is found to exist, a refusal of bail is only available if the bail authority is satisfied the risk cannot be “sufficiently mitigated” by imposing bail conditions: s 20(1). If bail conditions cannot sufficiently mitigate the risk, bail must be refused under s 19(b). If it is possible to mitigate the risk by imposing bail, a conditional release may be granted: s 19(a).

**Bail Conditions.** Bail conditions may be imposed when a bail authority grants or varies bail: s 23. Bail conditions can only be imposed to mitigate an unacceptable risk: s 24(1). Section 24 sets out other restrictions on the setting of bail conditions, for example compliance must be reasonably practicable. Part 3, Div 3 sets out a range of bail conditions such as conduct and security requirements. Part 3, Div 4 provides that rules of evidence do not apply and that matters decided by a bail authority are to be determined on the balance of probabilities.

#### **Crimes Amendment (Provocation) Act 2014 (No 13)**

The **Crimes Amendment (Provocation) Act 2014 (No 13)** commenced on 13 June 2014 and

restricts the defence of provocation in line with recommendations made by the **NSW Legislative Council Select Committee** in its 2013 report on **The Partial Defence of Provocation**. The reform has come about partly because the law on provocation was seen as being biased against women in that it tended to blame the victim for their own death, by causing the offender to lose their self-control.

Under s 23 of the **Crimes Act 1900** provocation can be raised by an accused person as a partial defence to a charge of murder. If raised by the accused person, and not disproved by the Crown, the accused is acquitted of murder and convicted of the lesser crime of manslaughter. Before s 23 was amended, provocation could be raised when the accused lost self-control due to the victim's conduct, and that conduct could have caused an ordinary person, in the accused's position, to have lost self-control and formed an intention to kill or inflict grievous bodily harm on the victim.

The new law provides a more limited defence called “extreme provocation.” Under this defence an accused person acts in response to “extreme provocation” only if the victim's provocative conduct meets three conditions. The provocative conduct must: (a) constitute a serious indictable offence (punishable by imprisonment for life or five years or more); (b) have caused the accused to lose self-control; and (c) could have caused an ordinary person to lose self-control and form an intention to kill or inflict grievous bodily harm on the deceased.

The new law excludes non-violent sexual advances and conduct incited by the accused to create an excuse to use violence against the deceased. Self-induced intoxication cannot be considered in assessing whether the accused responded to “extreme provocation”. Section 23 of the **Crimes Act 1900** continues to provide that the victim's death need not occur immediately after the provocative conduct. The new law applies to murder trials where the offence was allegedly committed on or after 13 June 2014.

#### **The Crimes Amendment (Strangulation) Act 2014** commenced on 5 June 2014.

In 2011 the ODPP raised a problem with the Attorney General about the operation of s 37 **Crimes Act**. We had found that in approximately 70% of cases where strangulation (or attempted strangulation) was alleged, the case had to be dealt with as

common assault because the prosecution was unable to prove an intention to commit a separate indictable (serious) offence as required by the section.

To better reflect the seriousness of choking, suffocation and strangulation offences, s 37 has been replaced with two separate offences. The first offence is a basic one of choking, suffocation or strangulation under s 37(1). It applies where a person (a) intentionally chokes, suffocates or strangles another to make them unconscious, insensible or unable to resist; and (b) is reckless as to making the other person unconscious, insensible or unable to resist.

Under existing s 4A of the **Crimes Act 1900** the mental element of recklessness can also be established by proving intention or knowledge.

The maximum penalty for a s 37(1) offence is ten years imprisonment. As distinct from the previous offence under s 37, it is not necessary to prove an intention to commit another indictable offence, as that additional offence is now separately provided for in s 37(2) **Crimes Act 1900**. An offence under s 37(1) is listed in Table 1 of the **Criminal Procedure Act 1986** which means it can be dealt with in the Local Court unless the prosecutor or the accused elect otherwise.

A new aggravated offence of choking, suffocation or strangulation is created under s 37(2) **Crimes Act 1900**. This offence occurs where a person (a) chokes, suffocates or strangles another so as to render them unconscious, insensible or unable to resist; (b) with the intention of enabling themselves to commit, or assist another to commit, another indictable offence, that is, an indictable offence other than an offence under s 37. The maximum penalty is 25 years imprisonment. An offence under s 37(2) is strictly indictable, which means it cannot be dealt with in the Local Court.

Section 428B of the **Crimes Act 1900** is amended to include an offence under s 37(2) in the list of offences of specific intent. Under s 428C, intoxication at the time of committing the offence may be relevant to determining whether an offender had the necessary specific intent.

## SPECIALIST UNITS

### Advicings Unit

The Advicings Unit undertakes various types of criminal related litigation in the Court of Appeal, Court of Criminal Appeal and Supreme Court, provides advice to the Director and conducts some High Court work. It also instructs the Crown Solicitors Office in respect of malicious prosecution claims against the ODPP.

This year the Unit finalised a number of cases of interest including:

**DPP (NSW) v Khoury [2014] NSWCA 15** resolved pre-existing uncertainty as to the powers of a court under the *Mental Health (Forensic Procedures) Act 1990 (MHFP Act)* after determining a limiting term under that Act. The respondent, who suffered from paranoid schizophrenia, was charged with 2 counts of 'wounding with intent to inflict grievous bodily harm' and subsequently found unfit to plead.

On 27 May 2011 the District Court found on the basis of the limited evidence presented during a special hearing under the *MHFP Act* that the respondent had committed those offences. On 11 August 2011 the District Court nominated concurrent limiting terms of 5 years for each offence (s 23 *MHFP Act*) and referred the respondent to the Mental Health Review Tribunal (MHRT) (s 24(1)(a) *MHFP Act*). Rather than make an order for custody under s 24(1)(b) of the *MHFP Act* however, the District Court ordered that bail be continued.

On 20 October 2011 the MHRT published a determination that the respondent was suffering from a mental illness, and notified the court of that determination (s 24(3) *MHFP Act*).

On 29 January 2013 the matter was listed for determination under s 27 of the *MHFP Act*. On that day the District Court determined to make no order, with the result that the offender was released unconditionally.

The DPP subsequently sought judicial review. The majority of the Court of Appeal held:

- (1) Having determined a limiting term the District Court had no discretion to cause the respondent to be released by declining to make an order under s 27 of the *MHFP Act*. Section 27 of that Act confers the power to determine the place of detention, not to determine whether the person should be detained at all.

(2) On that basis a declaration was made that there had been a constructive failure by the District Court to exercise the discretion under s 27.

In **CB v DPP (NSW) [2014] NSWCA 134** two juveniles, CB and CS, went to an unoccupied holiday house which was being renovated at weekends by its owners. While CS was downstairs CB began singeing the fringe of a couch in an upstairs room. Foam in the couch caught on fire. CB and CS were unable to extinguish the fire and ran off. The house was destroyed. It was alleged that CB recklessly destroyed the house by fire (s 195(1)(b) *Crimes Act* 1900).

Before the Children's Court CB's solicitor sought to rely on *Blackwell v R* [2011] NSWCCA 93; (2011) 81 NSWLR 119 in submitting that the prosecution had to prove beyond a reasonable doubt, as a necessary element of the offence, that CB foresaw the possibility that the house would be destroyed by fire. The Children's Court magistrate rejected that argument and found CB guilty.

The Court of Appeal held that the primary judge, Adamson J who dismissed an appeal from the Children's Court decision, and the Children's Court magistrate, were correct in concluding that the acts which caused the destruction of the house, accompanied by foresight of damage or destruction to any property, were sufficient for the offence under s 195(1)(b). It was not necessary to prove that CB had foresight of the destruction of the house. *Blackwell* was distinguishable because the mental element in the offence of "recklessly causing grievous bodily harm" considered in that case required foresight of the possibility of grievous bodily harm, a particular degree of seriousness.

**DPP (NSW) v Yau Ming Mathew Mok [2014] NSWSC 618** concerned the application of the Commonwealth *Service and Execution of Process Act* 1992 (SEP Act) to a prosecution for an offence of escaping from lawful custody. On 28 February 2013 at Melbourne Airport the defendant attempted to escape from the custody of two NSW police officers. At the time the defendant was being escorted to Sydney following the execution in Victoria of a bench warrant issued in NSW after he failed to appear for sentence before the NSW District Court on fraud offences.

The defendant was in the custody of the NSW officers pursuant to a "Warrant to Remand a

Person to another State", issued pursuant to s 83(8) of the SEP Act by a Victorian magistrate exercising Federal jurisdiction.

Section 89(4) of the SEP Act provides that the law in force in the place of issue of a warrant, being the law relating to the liability of a person who escapes from lawful custody, applies to a person being taken to the place of issue in compliance with an order in s 89(1) for the subject to be received into a prison in the State of issue of a warrant.

A magistrate subsequently dismissed a charge against the defendant of being an inmate attempting to escape from lawful custody pursuant to s 310D (1) of the NSW *Crimes Act* 1900 essentially on the basis that the defendant was not an "inmate" within the meaning of s 310D because the warrant pursuant to which he was held at the time of the attempted escape was issued in Victoria.

On appeal by the DPP the Supreme Court held that while the magistrate correctly construed the provisions of s 310D of the NSW *Crimes Act* in circumstances where s 310D is not affected by federal legislation, he did not appropriately take into account the effect of the SEP Act as applied by s 89(4) of that Act which supplemented the reach of s 310D, and rendered it applicable in the instant case. The SEP Act applied to the exclusion of a State law with respect to the execution of a bench warrant issued in another State: s 8(4).

## Court of Criminal Appeal Unit

During the 2013-2014 financial year, the CCA Unit case managed 28 sentence appeals in separate sittings of matters identified by Legal Aid NSW following an internal review of offenders who had been refused Legal Aid prior to the High Court's decision in *Muldock v The Queen* [2011] HCA 39; 244 CLR 120. The Court developed controversial principles concerning the test for the granting of leave to appeal out of time, which is now the subject of challenge in the High Court. Numerous appeals which had previously been dismissed by the CCA were also referred to the CCA under the provisions of Part 7 of the **Crimes (Appeal and Review) Act 2001** as a result of error in the application of the standard non-parole period provisions which manifested itself only after the *Muldock* decision. Many of these re-opened appeals (which had previously been heard and dismissed) were allowed, resulting in reductions of sentences.

The Court also dealt with a number of high profile conviction appeals.

The appeal by Mahmoud **Hawi** concerned a highly publicised brawl at Sydney Airport between two rival members of bikie gangs, which resulted in the death of a motorcycle club member. Six co-accused stood trial for murder. Hawi was the only accused to be found guilty; his five co-accused were acquitted of murder, though a number of co-accused were found guilty of riot. This was a complex appeal raising issues of provocation in connection with an earlier brawl also at the airport. (The CCA has subsequently handed down judgment – allowing the appeal and directing a new trial).

The appeal by Keli **Lane**, (*Lane v R* [2013] NSWCCA 317) convicted of the murder of her newborn baby in a circumstantial case, was also heard by the CCA and dismissed following arguments about (amongst other issues) the failure of the trial judge to leave manslaughter as an alternative, and the way in which the Crown addressed the jury in its closing address – including arguments concerning its tenor and the posing of questions to the jury; the Crown distinguished the questions from those which were criticised by the Court in *Wood v R* [2012] NSWCCA 21. This appeal was the subject of a High Court special leave application which was refused. [2014] HCA Trans 171.

The CCA continued to deal with appeals by Catholic priests who have been convicted of offences of sexual assault against children. One appeal (DOA) was allowed (he is now facing a new trial). Another appeal by John Gaven was dismissed. In the latter case, the Court rejected a ground that a delay of over 40 years (with its inherent issues for an accused) warranted a permanent stay. The Court also addressed the question of the limited circumstances in which it is permissible for the Crown to cross-examine an accused about whether a complainant is lying.

One of the more significant sentencing cases to be heard by the CCA was the appeal by the Crown against the inadequacy of the sentence imposed on Kieran Loveridge for manslaughter, following the well-publicised attack on a young man in Kings Cross: *R v Loveridge* [2014] NSWCCA 120. The sentence was the subject of intense community debate, particularly in light of the offender's assaults on others during the course of the night. The Court heard the appeal following the introduction of the new laws on "one punch manslaughter" offences. The Court has since delivered Judgment,

allowing the appeal and significantly increasing the sentence.

The Court has also recently heard an appeal before a 5 Judge Bench concerning the way in which time spent in pre-sentence custody for matters of which offenders were not ultimately convicted ought to be taken into account when determining the sentence and whether some form of discount should be applied. The Court was taken to various authorities, some of which were argued to be in conflict. The Court has subsequently dismissed the appeal, holding that there is no basis for providing an offender with any "credit" for time served. *Achurch v R* (No 2) [2013] NSWCCA 117.

## Group 6

Group 6 is the section of the ODPP responsible for the prosecution of police officers who are charged with criminal offences, Group 6 also provides advice to the Director concerning the commencement of proceedings arising out of ICAC inquiries and proceedings from the Police Integrity Commission.

Group 6 is currently undertaking the prosecution of the criminal organisation known as the "Brothers for Life" or B4L. The Brothers for life were founded by Bassam Hamzy who is currently serving terms of imprisonment in the Goulburn Supermax gaol. There are currently 10 discrete incidents before the courts and 22 members charged with their individual involvement. The groups' activities focus on drug dealing, robbery and extortion and murder.

Group 6 has also successfully prosecuted this year:

- Former media personality Robert Hughes who was extradited and convicted of historical child sexual assault offences. Hughes is currently serving a term of imprisonment with a total term of 10 years and 9 months, non parole period of 6 years expiring 6 April 2020.
- Former Admiral Geoff Smith CEO of Sydney Ferries convicted of misuse of his corporate credit card. Admiral Smith is due to be sentenced 4 August 2014.
- Sergeant Marc Osborn a police officer who filmed himself having sex with women then shared the footage with work colleagues whilst on duty. An appeal against conviction was dismissed in the District Court with Judge Finnane QC describing the footage

as “vigorous, athletic sexual activities with women”. The appellant’s defence was that the filming was purely because the appellant wanted to show his younger colleagues “he still had it”.

- Michael Williamson former head of Health Services Union and also former president of the National Labour party pleaded guilty to various fraud charges and was sentenced to a minimum term of 5 years imprisonment.

## **ICAC Referral Unit**

In late 2013 a specialist ICAC Referral Unit was established using additional funding provided to the ODPP for that purpose.

The Unit was set up to deal with several large corruption matters that have been referred to the ODPP from the ICAC in 2013. These include *Operation Jasper* concerning the Mount Penny Coal Mine and *Operation Acacia* which dealt with a training mine established at Doyles Creek in the Bylong Valley.

The briefs of evidence in these two matters were provided to the ODPP in April 2014.

Much of the material publically aired at the ICAC hearings is inadmissible as evidence for the purposes of a criminal prosecution, for example the compelled testimony of witnesses. The task of the Unit is to advise the Director on what admissible evidence is available and whether the evidence can support any criminal charges.

More referrals are expected from ICAC during 2014.

## **Research Unit and Library**

The Research Unit regularly publishes legislation updates, new decisions and case notes for all ODPP lawyers, as well as assisting individual lawyers with particular research questions. The Research Unit has assisted in the training for ODPP lawyers about the Bail Act 2013 by creating a pop up intranet site and posting unreported decisions of the Supreme Court and other resources. The Publishing Officer, Online and Print provided invaluable assistance in the creation of the new ODPP external website.

One of the many challenges of prosecuting cases, particularly in remote courts across NSW is providing ODPP lawyers with up to date

legal resources that can be easily carried and accessed while the lawyer is not only away from the Office but is also on their feet in court. This year a number of ODPP lawyers continued to use a limited number of iPads equipped with online criminal law references and eBook versions of loose-leaf reference services. Overall the evaluation of those testing the products was extremely positive and use of the eBook licences was extended to lawyers to use on their own devices. The ODPP continues to work with the Department of Justice to improve the technological resources available for lawyers at Court, including the availability of the internet for legal research, the use of AVL for conferencing witnesses and giving evidence, and the introduction of Wi Fi in court houses.

## **WITNESS ASSISTANCE SERVICE (WAS)**

The Witness Assistance Service (WAS) provides services to victims and witnesses, to assist in minimising the stress for victims and witnesses who are involved in prosecutions and to meet the requirements in the NSW Charter of Victim’s Rights.

In 2014 the WAS began its 21st year of operation as a specialist unit within the NSW Office of the Director of Public Prosecutions. Commencing with a change of management for 12 months with the substantive Manager, taking 12 months leave, the year continued to be one of many changes.

### **WAS Initiatives during 2013-2014**

Early 2014 brought significant other staffing changes with a new acting Senior WAS Officer (SWASO) for Northern region and the resignation of the SWASO covering Wollongong, Dubbo and Wagga Wagga offices. This was an opportunity to re-structure the resources so that Sydney office could also have the benefit of a SWASO. Sydney West region assumed the responsibility of Wollongong WAS and the SWASO position was relocated to Sydney ODPP covering Sydney, Wagga Wagga and Dubbo.

Furthermore, the substantive occupant of the Aboriginal Identified WASO (AWASO) position at Dubbo also resigned. This position had not had a substantive occupant in it for several years and had proven difficult to recruit to on a

temporary basis. A consultation was conducted both internally and with external partner agencies regarding how they recruit and retain staff to Aboriginal identified positions. There was significant learning in this consultation, resulting in changes to the position description and recruitment process.

The implementation of regular and quality supervision was a key priority for 2014 also. As mentioned, standardising supervision practice for WAS around the State was a priority in 2014. Due to the different structure of teams and locations of SWASOs, consistency in supervision was a challenge. A decision was made to outsource the psycho/social component of the supervision process to external supervisors to ensure that everyone was receiving consistent quality supervision given the nature of the work that WASOs do and the high correlation with vicarious trauma. This change is in line with the ODPPs Wellbeing strategy that was introduced in 2014.

It was a priority to focus on interagency relations in 2014.

Regular interagency meetings were put in place with the support agencies WAS rely on to assist with court support. The aim was to have regular communication to address any challenges that arise and to support working together in a strengths based approach.

As in previous years, WAS supported agencies such as the Education Centre Against Violence in their sexual assault training program for counsellors, and other interagency partners with information and training sessions on WAS service provision and working with victims and witnesses in general.

WAS officers also participated in community forums such as the Magistrates' Sentencing Forum and the development of the new criminal justice strategy with Department of Justice and all agencies in the sector.

### WAS Key Performance Indicators

There are only 30 funded WAS positions across the state and for the second half of 2013-2014 year, the team ran at 28 due to the fact there was the SWASO recruitment process and the consultation regarding the AWASO position being conducted. This impacted significantly on the Sydney team that covered the ATSI matters for the Western region. Furthermore, referrals overall to WAS increased in line with

the increase in prosecutions for the ODPP in general. In turn, this impacted on the team's capacity to be as pro-active in regards to early referrals as the previous year because of consistently higher than recommended caseloads, especially in the Sydney and Sydney West teams.

The number of active WAS clients serviced increased significantly in this financial year from 4,940 in 2012/2013 to 5,549 in 2013/2014. This is evidence that WASOs worked harder than in any other year, servicing more clients with less resources.

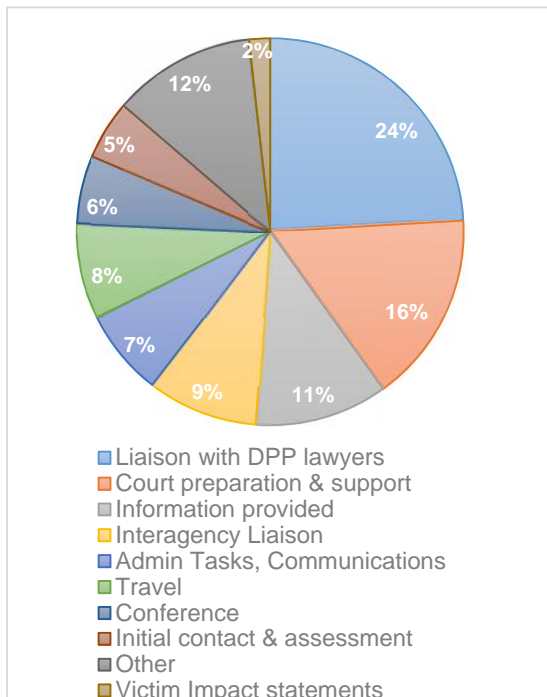
In the previous year WAS took 810 referrals for Under 18s, which was higher than previous. It is significant to note this trend has continued again, and in 2013-2014 WAS worked with 986 children and young people. The upward trend continued also in relation to domestic violence matters and the number of victims and witnesses that identified as being Aboriginal or Torres Strait Islander.



In comparison to the previous reporting period, 2012-2013, there has been a 3% increase in child sexual assault matters and a 9% increase in physical assault of which many are domestic violence related. The increase in both correlates to what we know about child abuse and domestic violence, in that where there is one dynamic, the other is often present also. This increase in both domestic violence and child sexual assault indicates there is a need for more focus on these issues within Aboriginal communities from a broader system perspective as noted in the Ombudsman's (December 2012) report '*Responding to Child Sexual Assault in Aboriginal Communities*'.

## WAS Services

The below chart demonstrates the integral role WASOs have in the prosecution team given that on average 24% of their time is spent in liaison with Crown Prosecutors and Solicitors in relation to matters. A total of 52% of the WASOs' time on average is spent providing direct service provision to witnesses and victims such as providing information, doing court preparation and support, attending conferences, conducting initial assessments and assisting with Victim Impact Statements, as well as debriefing and counselling.



## SEXUAL ASSAULT PROSECUTIONS

The Sexual Assault Review Committee (SARC) hosted by the ODPP and chaired by the Assistant Solicitor (Legal) is an interagency committee that meets quarterly to discuss legal and procedural issues that arise in the matters we prosecute.

The ODPP continues to adhere to the *Best Practice for Sexual Assault Prosecutions* as resources permit. Currently the ODPP has 1363 sexual assault matters on hand. Of these, 580 (adult – 214; child – 366) have been committed for trial. This represents 28.9% of all trials currently on hand.

The same concerns that have been raised at the Sexual Assault Review Committee (SARC)

over the last few years and again in 2013-14 are the continued separation of trials involving multiple complainants and or accused despite *R v Ellis* [2003] NSWCCA 319. The separation of such trials invariably weakens the Crown case, requires complainants at times to give evidence multiple times and considerably lengthens the prosecution process and invariably the cost. SARC continues to lobby for reform in this area.

Another area of concern is the increasing delays in the District Court. In some areas trials are now being listed one year in advance to reduce or minimise delays. This causes distress and upset for victims and their families and delay of itself can impact on the victim's memory and consequently their credibility

For 6 weeks in September and October 2013 a member of the Solicitors Executive on a Churchill fellowship visited Ireland, UK, Austria, Norway and Iceland studying the use of intermediaries for children and vulnerable people. Intermediaries are used in these jurisdictions for the taking of police statements and for giving evidence at criminal hearings. A report on the project was submitted to the NSW Attorney General in April 2014 requesting NSW consider similar provisions.

The ODPP continues to cooperate in a review of the NSW Police, Health and ODPP guidelines for Responding to Adult Victims of Sexual Assault and is continuing to work with Victims Services and other agencies on consent issues relating to the release of Sexual Assault Investigation Kits by complainants to NSW Police.

During the past year the ODPP made 99 referrals on behalf of sexual assault complainants to NSW Legal Aid's Specialist Sexual Assault Communications Privilege Service. This Service provides representation for complainants who wish to claim privilege over their counselling records when these records are subpoenaed by the defence.

## RECOVERY OF PROCEEDS OF CRIME

### Confiscation of Proceeds of Crime Act 1989 (CoPoCA)

The Director of Public Prosecutions may commence proceedings for the forfeiture of assets and pecuniary penalty orders pursuant to CoPoCA after a conviction has been

recorded. In NSW the Crime Commission also has responsibility for taking confiscation proceedings under the *Criminal Assets Recovery Act 1990*; such proceedings are not conviction based. The Crime Commission usually commences proceedings in matters where there are significant amounts that may be forfeited to the State.

On 1 January 2008 amendments to CoPoCA commenced, providing greater power to the NSW Police Force and ODPP in relation to freezing tainted property and the confiscation of the proceeds of drug trafficking. From 1 January 2008 to accommodate the amendments, the ODPP has made a number of administrative changes to the way proceedings pursuant to CoPoCA are handled. Prosecution Guideline 30 was also amended to highlight the obligations of all ODPP lawyers and Crown Prosecutors to identify and pursue confiscation action where appropriate.

### Resources

	10/11	11/12	12/13	13/14
Orders Applied for (FO, PPO & DPO)	247	262	274	295
<b>Orders Granted</b>	<b>240</b>	<b>240</b>	<b>265</b>	<b>274</b>
Forfeiture Orders (FO)	226	223	257	271
Pecuniary Penalty Orders (PPO)	4	9	4	1
Drug Proceeds Orders	10	8	3	2
<b>% of matters-application successful</b>	<b>93%</b>	<b>97%</b>	<b>97%</b>	<b>93%</b>
<b>Est. value property confiscated (Millions)</b>	<b>\$1.8</b>	<b>\$2.6</b>	<b>\$1.1</b>	<b>\$1.0</b>

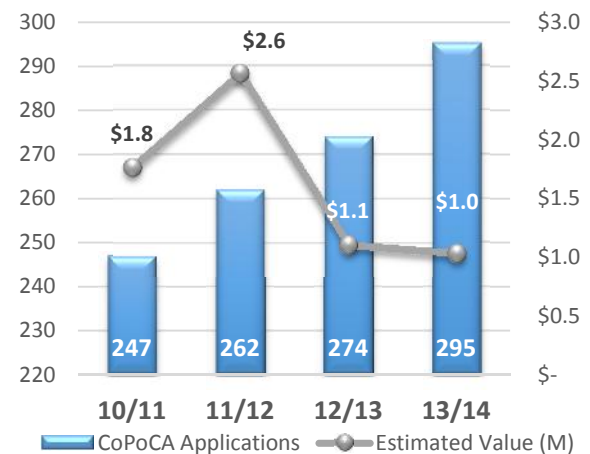
The ODPP receives recurrent funding of \$310,000 per annum to fulfil the obligations required under CoPoCA. This funding is partly applied to the position of a full time confiscation lawyer in Sydney with the remainder being applied to other related resources required in the area, including information technology development and training. The estimated

value of items confiscated this year was approximately \$1million.

### Performance and Statistics

During the 2013/2014 financial year there was a 4% rise in the number of applications made pursuant to the Act. Particulars appear in the following table and graph.

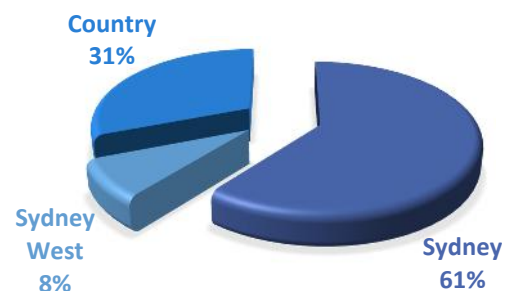
#### Applications and estimated value



**Cash was the most common property confiscated, followed by motor vehicles.**

**Computers used in child pornography, mobiles phones, and hydroponics equipment were also forfeited.**

#### Estimated value of property confiscated by region





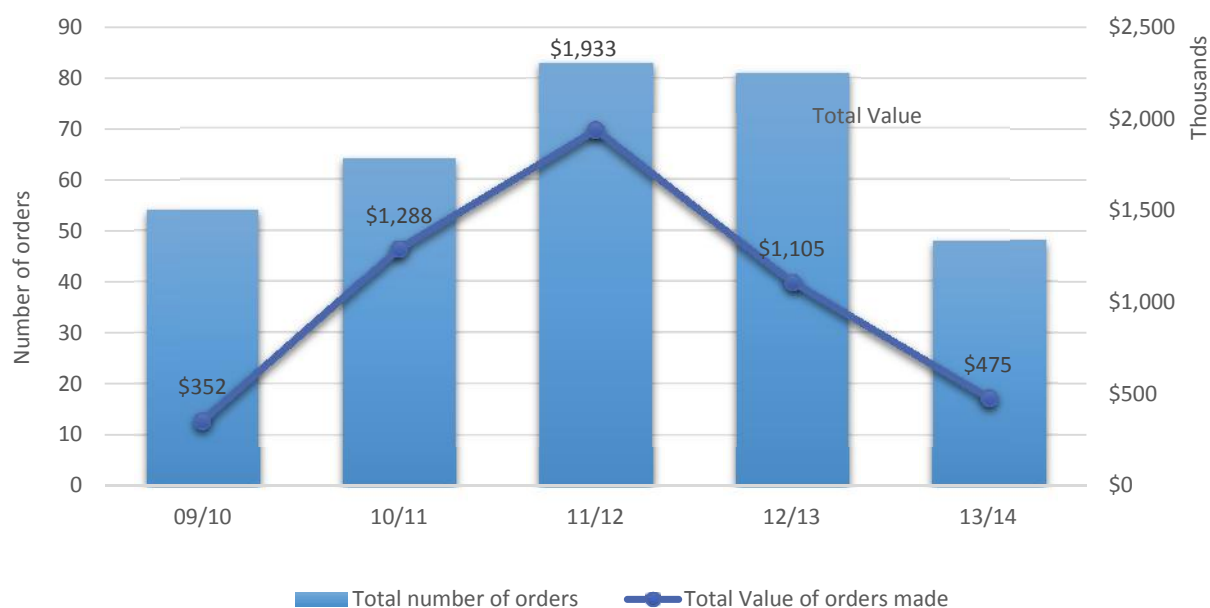
## COST EFFICIENCY

Costs were awarded against the ODPP in 2013/14 in 48 matters. This is a reduction from 81 matters in 2012/13. The total value of costs orders made in 2013/14 was \$475,000.

### Matters where costs were awarded against the ODPP

	2009/10	2010/11	2011/12	2012/13	2013/14
Criminal Procedure Act 1986	35	35	49	64	30
Costs in Criminal Cases Act 1967	14	17	12	13	15
"Mosely" Orders	1	9	10	3	2
Crimes (Appeal & Review) Act 2001	4	1	11	1	0
CoPoCA 1989		2	1	0	1
<b>Total number of orders</b>	<b>54</b>	<b>64</b>	<b>83</b>	<b>81</b>	<b>48</b>
<b>Total Value of orders made (\$'000)</b>	<b>352</b>	<b>1,288</b>	<b>1,933</b>	<b>1,105</b>	<b>475</b>
Number of matters dealt with by ODPP	16,862	16,254	16,254	16,347	16,946
Number of costs orders made where fault of prosecution	6	18	6	12	2
% of matters where costs orders were made due to the conduct of the prosecution	0.07%	0.07%	0.04%	0.07%	0.01%

### Value and number of costs orders awarded against the ODPP



## DISABILITY ACTION PLAN

The Office remains committed to implementing the Disability Policy Framework to ensure that any difficulties accessing our services by people with disabilities are identified and eliminated wherever possible.

The key objectives of the plan are to ensure that:

- All members of the community have equal access to our services;
- There is no discrimination against people with disabilities in our services or workplaces; and
- Disability principles are incorporated into the Office's policies and practices.

Victims and witnesses with a disability are one of the main groups prioritised by the Witness Assistance Service (WAS). In 2013-2014 WAS provided case management services to victims and witnesses with identified disabilities. This included intellectual and cognitive disabilities, acquired brain injury, physical disabilities, sensory disabilities and mental health disabilities.

The WAS liaises closely with ODPP staff and the following external agencies to enable people with disabilities to participate in the criminal justice system and give their evidence to the best of their ability:

- Courts
- Diversity Services with Department of Attorney General and Justice (DAGJ)
- Intellectual Disability Rights Service, Criminal Justice Support Network

Vulnerable persons under the Criminal Procedures Act 1986 include children and people with a cognitive impairment. Vulnerable persons who are called as witnesses are entitled to:

- have their police statements recorded electronically and played to the court as evidence-in-chief;

- give evidence via CCTV; and
- have a support person with them while giving evidence.

WAS Officers assist in preparing witnesses for Court and informing them of their rights and entitlements. WAS Officers coordinate and provide court support if not provided by other services.

The Office is also committed to providing training for all staff to ensure that they are familiar with new and changed laws to ensure that victims and witnesses with a disability given every opportunity. Training provided to staff included:

- Unfit and NGMI Matters at the Mental Health Review Tribunal
- The use of intermediaries for children and vulnerable people at court
- Overview of the WAS Service as part of Induction programs run for new staff

In addition to the training above, the Office provided more in depth training on changes to legislation that may impact upon those victims and witnesses with a disability:

- Recent Issues and Changes to Sexual Assault Prosecutions
- Changes to Victims Support and the New Legislation
- Sexual assault Communication Privilege: The Law

## **ETHNIC AFFAIRS PRIORITY STATEMENT**

The ODPP continues to meet its commitment to the Community and Ethnic Affairs Priority Statement. All staff endeavour to ensure that members of the community are afforded every respect when dealing with the ODPP. The Office continues to adhere to the Memorandum of Understanding implemented in 2008 with the Community Relations Division and the Department of Attorney General and Justice. All witnesses, victims and accused are entitled to access free interpreter services and the Office consistently ensures these entitlements are met.

### **Witness Assistance Service**

The ODPP Witness Assistance Service (the WAS) prioritises service delivery to sexual assault complainants, family of victims in homicide and dangerous driving matters, domestic violence victims, children, Aboriginal and Torres Strait Islanders, people with a disability, the elderly and other vulnerable witnesses and special needs groups. A number of victims and witnesses can experience cultural or language barriers. WAS Officers consult with ODPP solicitors and Crown Prosecutors to assess the special needs and support issues victims and witnesses may have when they deal with our solicitors and give evidence at court. While some victims and witnesses who have cultural and language difficulties can often communicate effectively, their interaction with the criminal justice system can cause stress and anxiety. The WAS utilises interpreter services for both face-to-face and telephone contacts with victims and witnesses so that the victim or witness can use their primary language. Victims are also able to utilise both interpreters and translation services when writing their victim impact statements. When an interpreter is required for giving evidence at court, the interpreters are booked by the ODPP solicitors through the courts.

### **Interagency Groups**

The ODPP regularly participates in interagency meetings and fora which address issues for victims of crime and vulnerable witnesses. The ODPP participates in a number of committees and consultation processes with representatives of ethnic communities. The WAS regularly liaises with a range of relevant services and regularly updates the resources available for people from culturally and linguistically diverse backgrounds.

### **Overseas Visitors**

**1 July 2013 – 30 June 2014**

#### **Lloyd A Babb SC**

##### **Involvement with overseas visitors**

16 September 2013 Chinese Delegation

4 November 2013 Chinese Delegation

14 April 2014 Minister for Justice from Vietnam and delegation of 14

**There is also involvement of other staff within the ODPP with overseas visitors and other local conferences/seminars etc.**

# GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 NSW

## Name of Agency

Office of the Director of Public Prosecutions (NSW) (ODPP)

## Period

1 July 2013 to 30 June 2014

## Contact

Right to Information Officer  
A/Deputy Solicitor (Legal)  
Telephone (02) 9285 8669

## Summary

The ODPP is an agency under the Government Information (Public Access) Act 2009 (GIPA Act). Pursuant to section 43 and clause 1 of Schedule 2 of the GIPA Act, information in respect of the ODPP's prosecuting functions is "excluded information".

In the period 1 July 2013 to 30 June 2014 the ODPP received no valid and 8 invalid applications under the GIPA Act for access to documents. The ODPP was consulted by 2 Agencies pursuant to section 30 of the Act.

Pursuant to s 7(3) of GIPA the ODPP is obliged to review its program for the release of government information. In the period 1 July 2013 to 30 June 2014 the ODPP launched a new external website. All information published by the ODPP is on our website.

## Statistical information about access applications

Table A: Number of applications by type of applicant and outcome*								
	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Media	0	0	0	0	0	0	0	0
Members of Parliament	0	0	0	0	0	0	0	0
Private sector business	0	0	0	0	0	0	0	0
Not for profit organisations or community groups	0	0	0	0	0	0	0	0
Members of the public (application by legal representative)	0	0	5	0	0	0	0	0
Members of the public (other)	0	0	3	0	0	0	0	0

\*More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision. This also applies to Table B.

Table B: Number of applications by type of application and outcome\*

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
<b>Personal information applications</b>	0	0	8	0	0	0	0	0
<b>Access applications (other than personal information applications)</b>	0	0	0	0	0	0	0	0
<b>Access applications that are partly personal information applications and partly other</b>	0	0	0	0	0	0	0	0

\*A **personal information application** is an access application for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual).

Table C: Invalid applications

Reason for invalidity	No of applications
Application does not comply with formal requirements (section 41 of the Act)	0
Application is for excluded information of the agency (section 43 of the Act)	8
Application contravenes restraint order (section 110 of the Act)	0
Total number of invalid applications received	8
Invalid applications that subsequently became valid applications	0

**Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act**

	<b>Number of times consideration used*</b>
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0

\*More than one public interest consideration may apply in relation to a particular access application and, if so, each such consideration is to be recorded (but only once per application). This also applies in relation to Table E.

**Table F: Timeliness**

	<b>Number of applications</b>
Decided within the statutory timeframe (20 days plus any extensions)	8
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	0
<b>Total</b>	<b>8</b>

Table G: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total
Internal review	0	0	
Review by Information Commissioner*	0	1	1
Internal review following recommendation under section 93 of Act	0	0	
Review by Administrative Decisions Tribunal	0	0	
Total	0	1	1

\*The Information Commissioner does not have the authority to vary decisions, but can make recommendations to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made by the Information Commissioner.

Table H: Applications for review under Part 5 of the Act (by type of applicant)

	Number of applications for review
Applications by access applicants	0
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	1

## DELEGATIONS

The Attorney General has delegated to the Director, by orders published in the Government Gazette, authority to consent to prosecutions for particular offences. Such delegation is permitted by s 11 of the DPP Act 1986.

### Consent given

\* Section 66F(2), *Crimes Act 1900* (sexual intercourse: person responsible for care) x 5

\* Section 66F(3), *Crimes Act 1900* (sexual intercourse with person with cognitive impairment) x 7

\* Section 61M(1)/(3)(e), *Crimes Act 1900* (aggravated indecent assault of person with cognitive impairment) x 2

\* Section 78A, *Crimes Act 1900* (incest) x 15

\* Section 78H, *Crimes Act 1900* (homosexual intercourse with male under 10 years where the accused was under 18 years) x 2

\* Section 8(1), *Surveillance Devices Act 2007* (install surveillance device involving entry into premises without consent) x 2

### Consent refused

\* Section 7(1), *Surveillance Devices Act 2007* (unlawful installation / use / maintenance of a listening device) x 3

## CORPORATE OVERVIEW

We continued our focus on strategies to improve the well-being of our staff, enhance our understanding of the business cost drivers and funding requirements, target mobile technology solutions and deliver improved services to the wider organisation. In June 2014 we moved into new and more efficient premises in our Newcastle Office located next door to the soon to be built Justice Precinct. Work on a new base budget and financial model continued and is due for finalisation in October 2014. This work utilises data captured in the Activity Based Costing and Business Intelligence Systems. The new model is contemporary and provides detailed insight into the organisations cost structures, complexity and demand drivers.

In the information technology space we forged ahead with a new external website, refreshment of all desktops and laptops as well as developing a new centralised and faster approach to managing and processing CCTV files. Work on developing an e-indictment in conjunction with the Justice cluster continued and is due for release later this year.

## OUR PEOPLE

The ODPP has a strong depth of talent and diversity of staff. This year the Office successfully recruited a targeted Indigenous Legal Development Programme placement, and also employed an Indigenous officer in a non-targeted position.

### Some facts

- 612 full-time equivalent staff
- 61% of all employees are female
- 13% of staff are working part time
- 7.4% of new starters are under the age of 25
- 35.4 was the average age of new starters

### Recruitment and Retention of Quality Staff

- Staff turnover for 2013/2014 was 11.4% in comparison with 11.6% in 2012/2013.
- No salary increments were deferred during 2013-2014.

## Professional Learning Programs

Included in the professional learning programs offered to staff this year were the following topics specific to equity and diversity:

- Aboriginal Cultural Awareness
- Bullying and harassment prevention
- Working with Domestic Violence Survivors
- Respect in the Workplace
- Managing psychological Injury or illnesses and difficult behaviours
- The Women's Conference
- Men's Talk

## Enhancement of staff skills and knowledge

The annual training calendar was developed based on training needs analysis results, manager assessment of staff developmental

	MCLE's	External Training	Conference & Workshops	TOTAL	% Increase Over Prior Year
<b>Programs</b>	74	148	1	<b>223</b>	72.9%
<b>Attendees</b>	1922	952	258	<b>3,132</b>	12%
<b>Hours</b>	2,561.25	3115.5	1,371.5	<b>7,048.25</b>	28.6%

needs and legislative and law reform changes.

## Studies Assistance

- Number of Studies Assistance participants: 34
- Total days of study leave accessed: 184.25 days (1290 hours)
- Total Study re-imbursments of \$19,516 paid to 11 participants



## Awards for Service and Excellence

We are proud of the 25 dedicated staff who this year received recognition for their service to the Office. The 10 Year Service Award was presented to 17 staff during the reporting period and the 20 Year Service Award was presented to 8 staff during the reporting period. There were no Director's Excellence Awards presented throughout the year.

## Health and Wellbeing

The Office continues to be focused on providing initiatives that improve the health and wellbeing of our staff. Following the introduction of the ODPD Wellbeing Policy in 2012, the Office's focus throughout 2013/14 was on Building Resilience. The training and awareness sessions conducted as part of the Wellbeing Program were:

- Staying healthy at work;
- Men's health;
- Ergonomics in the workplace; and
- General WHS related issues.

These sessions reinforced our commitment to the prevention and management of psychological injury and improving general physical wellbeing.

## Workplace Wellbeing Taskforce (WWT)

The Workplace Wellbeing Taskforce (WWT) was introduced this year and includes membership from various areas of the Office. The Taskforce assists the Director by providing guidance on determining the direction the Office should take to best manage wellbeing into the future.

The WWT has, in consultation with an industry specialist, established overall priorities for further consideration and the implementation of Debriefing and Mentoring/Coaching programs. The taskforce also reviewed the Tristan Jepson Memorial Foundation Psychological Wellbeing Best Practice Guidelines and identified two of the standards as priorities for the Office – PF9 *Workload management* and PF13 *Clear leadership and expectations*.

## Healthy Lifestyles Program

The Office concluded plans for the introduction of the *Healthy Lifestyles* program which will commence across the Office in 2014/15. The

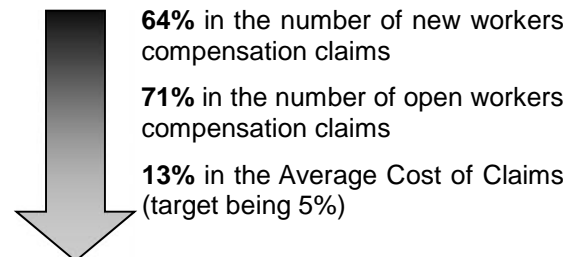
program will commence with Health Fairs at each Office (August 2014), with each fair incorporating individual health assessments and a broad range of health awareness topics that will roll out in ensuing months.

The Office continued the 'Flu Vaccination' program this year, with a total of 211 staff participating across the State. The overall success of this program in relation to the reduction in sick leave absences will be measured in the coming years with the take up rate ensuring the program remains a regular Workplace Health and Safety commitment for the Office.

## Workers Compensation

The Office continues to work on preventative and early intervention strategies to effectively manage workers compensation claims. The return to work process and performance for 2013/14 in this area was outstanding

In comparison to 2012/13, there was a reduction of:



The ongoing development and improvement in monthly Workplace Health and Safety reporting to the Management Committee and Executive Board has assisted in reiterating our commitment to a broader strategic approach to injury prevention and management.

## Workplace Support

- Average Sick Leave for the Office for 2013/2014 was 6.99 days. This is a 3% decrease from last year's figure.
- 64% reduction in workers compensation claims compared to last year.
- The Office continues to ensure that injured workers are returned to work as soon as they are deemed medically fit to resume duties.
- The Office continued to exceed the previous target of a 5% reduction in the average cost of claims during 2013/2014. Our overall

reduction (as reported by NSW SI Corp) is 13% for 2013/2014.

- The Office has maintained its 100% record with respect to managing injured workers within statutory timeframes. All workers injured within the reporting period have been returned to suitable duties and provided with graduated return-to-work plans in line with medical restrictions presented.

The Office continues to provide appropriate information, instruction and training to managers in their roles and responsibilities.

Monthly reporting on WH&S related factors continues to improve and expand to meet the needs of management

### Chief Executive Service and Senior Executive Service

SES Band	30 June 2013					30 June 2014				
	Total	Male	Female	Average Remuneration	% of Total Employee Related Expenditure	Total	Male	Female	Average Remuneration	% of Total Employee Related Expenditure
Band 1	11	5	6	\$163,622.96	2.62%	11	5	6	\$169,248.04	2.74%
Band 2	-	-	-	-	-	-	-	-	-	-
Band 3	-	-	-	-	-	-	-	-	-	-
Band 4	-	-	-	-	-	-	-	-	-	-

In addition to the Senior Executive roles shown in the above table, the ODPP also has the Director of Public Prosecutions, 2 x Deputy Directors of Public Prosecutions and the Solicitor for the Public Prosecutions who are statutory appointees, appointed under the Director of Public Prosecutions Act 1986.

### Statutory Appointments

	Staff Numbers							
	30 June 2007	30 June 2008	30 June 2009	30 June 2010	30 June 2011	30 June 2012	30 June 2013	30 June 2014
Statutory Appointed & SE	100	97	94	92	90	89	84	85
Lawyers	311	299	301	300	320	319	319	204
Administration & Clerical Staff	219	216	211	210	212	209	214	323
<b>Total</b>	<b>630</b>	<b>612</b>	<b>606</b>	<b>602</b>	<b>622</b>	<b>617</b>	<b>617</b>	<b>612</b>

Staff Profile used to prepare above statistics

## Recruitment Statistics

	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Senior Executive	0	1	0	0	0	0	0
Statutory Appointed	0	0	0	0	3	0	1
Crown Prosecutors	1	0	2	0	5	2	0
Prosecution Officer (Lawyer)	19	28	18	32	33	21	16
Prosecution Officer (Admin)	45	48	35	50	49	29	35
<b>Total</b>	<b>65</b>	<b>77</b>	<b>55</b>	<b>82</b>	<b>90</b>	<b>52</b>	<b>52</b>

*As per Workforce Profile, all new starters within the financial year*

## Chief Executive Officer Statement of Performance

*The Director of Public Prosecutions is a statutory appointment under Section 4 of the Director of Public Prosecutions Act 1986. The Director is responsible to Parliament and there is no annual performance review under the Public Sector Employment and Management Act 2002.*

### Lloyd Babb SC

**Period in Position:** 1 July 2013 to 30 June 2014

**Position and Level:** Director of Public Prosecutions

**Remuneration:** \$409,750 pa (salary plus allowance as at 30 June 2013)

## Senior Executive Performance Statement

Nil to report

## USING TECHNOLOGY TO IMPROVE OUR CAPABILITY

The delivery of prosecution services in a highly mobile environment requires reliable and bespoke information and technology systems. Throughout 2013-14, we worked on the following range of strategic projects and initiatives designed to be more efficient, improve capacity and support the daily work of our prosecutors:

- Completion of major technology refreshes and upgrades including:
  - desktop and laptop hardware replacement, Microsoft Office (2013 Version), all software upgraded to new WIN7 operating system;
  - network equipment (routers and switches);
  - server equipment to replace 16 servers at Head Office, the Penrith Disaster Recovery (DR) Site and Regional Offices
  - Security Appliance Upgrades to replace Security appliances including the firewall (Cisco ASA) and Network Access Control System (Cisco ACS)
- Recertification of ISO27001 security compliance for all digital information.
- Completion of new contemporary external website that improves access to Office information and provides an intuitive more user friendly access.
- Consolidation of Objective (the platform used for the ODPP document management system) services from regional offices to a single Head Office service is stage one of a

cost saving initiative to transfer from Objective to TRIM.

- Improve our information reporting and analysis with enhancements to the Business Intelligence Reporting (BIR) system.

### **The year ahead**

We continue to drive technology change within the Office through forward planning and the development of our major technology and infrastructure strategic initiatives. During 2014-15 we aim to:

- Develop a three year ICT Strategy focused on delivery of strategic objectives
- Re-develop the Integrated document management system Interface and modify CASES functions to use TRIM as the Electronic Document and Record Management System (EDRMS) and replace Objective.
- Separate environments for ODPD applications. We will set up a network for the development and testing of applications which will be conducted in environments separate from the production network.
- Improve the Office's capability to efficiently process digital evidence by completing the setting up of a central support unit for the conversion and editing of digital evidence for all ODPD offices.
- Work with our justice cluster partners to deliver an electronic indictment solution for the Justice Sector. The provision of the electronic interface will improve the accuracy, timeliness and reliability of information across the Justice Sector.
- Update our Intranet, providing a more user friendly interface and improving access to knowledge and information across the Office.

## **PROCUREMENT, CORPORATE GOVERNANCE & FINANCIAL ACCOUNTABILITY**

### **Caring for the Environment**

*Waste Reduction and Purchasing Plan and Recycling (WRAPP)  
Government Energy Management Plan (GEMP)*

The Office has developed a four pillar strategic approach to reduce its environmental impact.

We consistently aim to implement established Government procurement and management strategies that reduce waste, utilise Government contracts to purchase recycled or 'green' products (carbon neutral) and recycle or reuse furniture and equipment where possible to ensure the reduction of waste within the Office, reduce dumping in land fill and to attain its energy management goals. The four main pillars are:

### **Energy Use**

- We save energy by using T5 lighting. Also less waste and service costs for replacement as the T5 bulbs last five times longer than the T8 bulbs.
- Building energy efficient facilities that include efficient sensor operated lighting systems.
- Photocopiers have power reduction buttons – 'sleep mode'
- The air conditioning plant is fitted with timers which limits operation only to business hours.
- Energy efficient hot water systems are used in bathrooms and kitchens.
- Buying green electricity where possible via contracts 777 and 776. The Sydney office continues to achieve a 5 Star NABERS rating.
- Procuring equipment that complies with energy star-rating requirements.
- Increasing staff awareness of energy management by publishing best practice guides.

### **Water**

- Water efficient taps are used in bathrooms and kitchens.
- Auto flushing systems are used in the men's toilets.
- Showers are fitted with water saving heads.
- Hydra boil or mini boil hot water units are installed to eliminate water wastage.

### **Equipment, furniture and motor vehicles**

- Reduce the number and type of office equipment through the purchase of multi-function devices.
- Trade in equipment at the expiry of its serviceable life for use as re-engineered machines or stripped for the supply of parts

(manage the 'life-span' of office equipment by rotating and relocating machines to low use ODPP chambers in Court Houses).

- Recycle computers at the expiry of their serviceable life to enable the recycling of appropriate parts or to be re-engineered as usable machines.
- Furniture is re-used, sold at auction, sent to tender or transferred to other Government Departments.
- Purchasing motor vehicles that are fuel efficient.

#### Paper procurement, waste and recycling

- Use of multi-function devices (MFDs) that offer multiple page and double-sided copying.

- Provide clear instructions and training in the use of MFDs and printers to minimise paper usage.
- Use of multi-destination (internal) envelopes.
- Use of electronic documents with workflow and digital signatures.
- Recycle toner cartridges, paper and cardboard products where possible.
- Use co-mingled waste collection where possible.
- Ensure papers stocks purchased are environmentally friendly. We use soy based inks in preference to solvent based products for printing of stock where possible.

Stock Item	Recycled	Environmental Accreditation	Elemental Chlorine Free	Wood Fibre Sustainable Forests	Archival	ISO14001 International Standard
<b>Folders</b>	40-60%	✓	✓	✓		
<b>Letterhead</b>		✓	✓		✓	✓
<b>With Compliments Slips</b>		✓	✓		✓	✓
<b>Business Cards</b>		✓	✓			✓
<b>Envelopes</b>	80-90%					
<b>Brochures</b>	30%	✓	✓	✓		

#### Accountability and Efficiency

All Statutory Reports have been provided within the prescribed timeframes.

- **2013-14 Annual Financial Statements:** completed and submitted to the Auditor-General within the set deadline of 28 July 2014.
- **Fringe Benefit Tax (FBT): 2013-14 Annual Return:** submitted by due date of 21 May 2014.

- **Business Activity Statement (BAS): Monthly Returns:** submitted up to June 2014 by due dates.
- **Waste Reduction and Purchasing Plan (WRAPP):** The 2012-13 Biennial Report is due for submission by 31 August 2013. The next WRAPP Report is due in 2015.

The Audit and Risk Committee monitors compliance with ODPP policies, and compliance has been found to be high. The Committee reviews all audit reports and, where a breach of Office policy is identified, corrective action taken.

## RISK MANAGEMENT & INSURANCE ACTIVITIES

### Risk Management

An internal audit was conducted on one of the ODPP regional offices. The Office accepted the improvement recommendations tabled in the report.

Internal Audits of the following identified areas are to be undertaken in the 2014/2015 financial year:

- Payments, credit cards and banking
- Payroll controls
- IT security and controls
- Further regional office operational review.

### Motor Vehicles

The Office's 2013-14 Motor Vehicle claims totalled 10, representing an average damage/lost net cost in claim payments of \$6,800. In comparison to the 2012-13 financial year, there was a decrease of 14 claims, however there was an increase in the net damage/loss of \$4,300.

### Property

In 2013-14, there were a total of two (2) Property Claims for the Office. The items claimed received a full refund from the Treasury Managed Fund in the total amount of \$1,580.

### Miscellaneous

The 2013-14 reporting period saw the Office with zero miscellaneous claims.

### Credit Card Certification

During the 2013/2014 financial year, credit card use within ODPP was in accordance with Premier & Cabinet Memoranda, The Treasury's directions and award conditions for travel related expenses.

### Credit card use

Credit card use within ODPP is largely limited to:

- Claimable work related travel expenses; and
- Expenditure for minor purchases under \$3,000 where the use of credit card is a more efficient means of payment.

### Monitoring credit card use

The following measures and practices are used for providing guidelines and monitoring the efficient use of credit cards within ODPP:

- The Office uses an online purchasing (credit) card management system to track and provide online verification, certification and manager approval of all transactions.
- Officers are required to verify and certify that all expenses were incurred for official purposes. Acquittals are examined and authorised by officers with appropriate financial delegation;
- As a minimum, annual reviews of usage levels and appropriateness of credit card limits are conducted; and
- A half-yearly report is submitted to Treasury certifying that credit card use in the ODPP is within set guidelines.

Overseas travel - Nil

### Consultants

#### Engagements greater than \$50,000

Consultant	Category	Name of project and purpose	Cost ex GST
Moore Stephens Accountants & Advisors	Management Services	Business Continuity Plans	\$51,475

#### Engagements less than \$50,000

Categories	Total No. of Engagements	Cost ex GST
Management Services	One	\$39,464

## **Internal Audit and Risk Management Attestation for the 2013-2014 Financial Year for the Office of the Director of Public Prosecutions**

I, Lloyd Babb SC, am of the opinion that the Office of the Director of Public Prosecutions has internal audit and risk management processes in operation that are, in all material respects, compliant with the core requirements set out in Treasury Circular NSW TC 09/08 *Internal Audit and Risk Management Policy*. These processes provide a level of assurance that enables the senior management of the Office of the Director of Public Prosecutions to understand, manage and satisfactorily control risk exposures.

I, Lloyd Babb SC, am of the opinion that the Audit and Risk Committee for the Office of the Director of Public Prosecutions is constituted and operates in accordance with the independence and governance requirements of Treasury Circular NSW TC 09/08. The Chair and Members of the Audit and Risk Committee are:

- Jon Isaacs, Independent Chairperson (31 August 2012 – 31 August 2013)
- Alexander Smith AM, Independent Chairperson (8 October 2013 – 7 October 2016)
- Carolyn Walsh, Independent Member (7 January 2013 – 6 January 2016)
- Sashi Govind, Non-independent Member (31 August 2012 – 30 August 2016)

**Lloyd Babb SC**  
**Director of Public Prosecutions**

**Keith Alder**  
**Chief Audit Executive Officer**

## **Digital Information Security Annual Attestation Statement for the 2013-2014 Financial Year for Office of the Director of Public Prosecutions**

I, Lloyd Babb SC, am of the opinion that the Office of the Director of Public Prosecutions had an Information Security Management System in place during the financial year being reported on consistent with the Core Requirements set out in the *Digital Information Security Policy for the NSW Public Sector* with the exception being information classification (expected to be implemented by November 2014).

I, Lloyd Babb SC, am of the opinion that the security controls in place to mitigate identified risks to the digital information and digital information systems of Office of the Director of Public Prosecutions are adequate for the foreseeable future.

I, Lloyd Babb SC, am of the opinion that, where necessary in accordance with the *Digital Information Security Policy for the NSW Public Sector*, certified compliance with *AS/NZS ISO/IEC 27001 Information technology - Security techniques - Information security management systems - Requirements* had been maintained by the Office of the Director of Public Prosecutions.

**Lloyd Babb SC**  
**Director of Public Prosecutions**

## Account Payment Performance

### Ageing of accounts payable at the end of each quarter

Quarter	Current (within due date) \$	< 30 days overdue \$	30 - 60 days overdue \$	60 - 90 days overdue \$	> 90 days overdue \$
<b>September</b>					
All suppliers	1,239,383	-	-	-	-
Small business suppliers	14,476	-	-	-	-
<b>December</b>					
All suppliers	77,561	-	-	-	-
Small business suppliers	248	-	-	-	-
<b>March</b>					
All suppliers	1,060,329	-	-	-	-
Small business suppliers	495	-	-	-	-
<b>June</b>					
All suppliers	261,114	-	-	-	-
Small business suppliers	-	-	-	-	-

### Details of accounts due or paid within each quarter

	September	December	March	June
<b>Number of accounts due for payment</b>				
All suppliers	1,077	1,139	834	1,002
Small business suppliers	11	12	15	15
<b>Number of accounts paid on time</b>				
All suppliers	1,008	1,062	735	942
Small business suppliers	9	12	15	15
<b>Actual percentage of accounts paid on time (based on number of accounts)</b>				
All suppliers	93.59%	93.24%	88.13%	94.01%
Small business suppliers	81.82%	100.00%	100.00%	100.00%
<b>Dollar amount of accounts due for payment</b>				
All suppliers	\$6,054,111	\$5,147,506	\$6,248,491	\$9,987,108
Small business suppliers	\$37,830	\$39,654	\$43,275	\$68,415
<b>Dollar amount of accounts paid on time</b>				
All suppliers	\$5,935,775	\$4,731,754	\$6,004,517	\$9,928,749
Small business suppliers	\$36,455	\$39,654	\$43,275	\$68,415
<b>Actual percentage of accounts paid on time (based on dollar amount of accounts)</b>				
All suppliers	98.05%	91.92%	96.10%	99.42%
Small business suppliers	96.37%	100.00%	100.00%	100.00%
<b>Number of payments for interest on overdue accounts</b>				
All suppliers	-	-	-	-
Small business suppliers	-	-	-	-
<b>Interest paid on late accounts</b>				
All suppliers	-	-	-	-
Small business suppliers	-	-	-	-

### Reasons for Accounts Not Paid on Time

*Proper supplier's invoices were not received on time for payment.*



**Office of the Director of Public Prosecutions**

**Financial statements  
for the year ended 30 June 2014**



## INDEPENDENT AUDITOR'S REPORT

### Office of the Director of Public Prosecutions

To Members of the New South Wales Parliament

I have audited the accompanying financial statements of the Office of the Director of Public Prosecutions (the Office), which comprise the statement of financial position as at 30 June 2014, the statement of comprehensive income, statement of changes in equity, statement of cash flows, service group statements and summary of compliance with financial directives for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information.

### Opinion

In my opinion the financial statements:

- give a true and fair view of the financial position of the Office as at 30 June 2014, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- are in accordance with section 45E of the *Public Finance and Audit Act 1983* (the PF&A Act) and the Public Finance and Audit Regulation 2010

My opinion should be read in conjunction with the rest of this report.

### Director's Responsibility for the Financial Statements

The Director of Public Prosecutions (the Director) is responsible for the preparation of the financial statements that give a true and fair view in accordance with Australian Accounting Standards and the PF&A Act, and for such internal control as the Director determines is necessary to enable the preparation of the financial statements that give a true and fair view and that are free from material misstatement, whether due to fraud or error.

### Auditor's Responsibility

My responsibility is to express an opinion on the financial statements based on my audit. I conducted my audit in accordance with Australian Auditing Standards. Those standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Office's preparation of the financial statements that give a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Office's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Director, as well as evaluating the overall presentation of the financial statements.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

My opinion does *not* provide assurance:

- about the future viability of the Office
- that it has carried out its activities effectively, efficiently and economically
- about the effectiveness of its internal control
- about the assumptions used in formulating the budget figures disclosed in the financial statements
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about other information that may have been hyperlinked to/from the financial statements.

### **Independence**

In conducting my audit, I have complied with the independence requirements of the Australian Auditing Standards and relevant ethical pronouncements. The PF&A Act further promotes independence by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of public sector agencies, but precluding the provision of non-audit services, thus ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by the possibility of losing clients or income.



David Daniels  
Director, Financial Audit Services

19 September 2014  
SYDNEY

**Office of the Director of Public Prosecutions  
Statement by Director for the year ended 30 June 2014**

Pursuant to Section 45F of the *Public Finance and Audit Act 1983*, I state that:

- (a) the accompanying financial statements have been prepared in accordance with applicable Australian Accounting Standards, the requirements of the *Public Finance and Audit Act 1983*, and the Financial Reporting Directions published in the Financial Reporting Code for Budget Dependent General Government Sector Agencies, the applicable clauses of the *Public Finance and Audit Regulation 2010* and the Treasurer's Directions;
- (b) the statements exhibit a true and fair view of the financial position and transactions of the Office; and
- (c) I am not aware of any circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.



Lloyd Babb SC  
Director of Public Prosecutions

Sydney  
19 September 2014

**Office of the Director of Public Prosecutions**  
**Statement of comprehensive income for the year ended 30 June 2014**

	Actual 2014 \$'000	Budget 2014 \$'000	Actual 2013 \$'000
<b>Expenses excluding losses</b>			
Operating expenses			
Employee related	2(a) 89,946	92,642	85,563
Other operating expenses	2(b) 18,802	15,390	17,258
Depreciation and amortisation	2(c) 2,812	3,145	2,869
Other expenses	2(d) 2,980	3,905	2,925
	<u>114,540</u>	<u>115,082</u>	<u>108,615</u>
<b>Total expenses excluding losses</b>			
<b>Revenue</b>			
Recurrent appropriation	3(a) 102,615	104,215	99,288
Capital appropriation	3(a) 2,884	2,884	1,368
Sale of goods and services	3(b) 40	72	65
Investment revenue	3(c) 199	195	168
Grants and contributions	3(d) 2,979	-	127
Acceptance by the Crown Entity of employee benefits and other liabilities	3(e) 7,328	7,975	4,542
Other revenue	3(f) 1,105	31	1,539
	<u>117,150</u>	<u>115,372</u>	<u>107,097</u>
<b>Total revenue</b>			
Gain / (loss) on disposal	4 (29)	5	(3)
<b>Net result</b>	14, 16 2,581	295	(1,521)
<b>Other comprehensive income</b>			
Net increase / (decrease) in plant and equipment asset revaluation reserve	-	-	-
<b>Total other comprehensive income</b>	-	-	-
<b>TOTAL COMPREHENSIVE INCOME</b>	<u>2,581</u>	<u>295</u>	<u>(1,521)</u>

The accompanying notes form part of these financial statements.

**Office of the Director of Public Prosecutions**  
**Statement of financial position as at 30 June 2014**

	Notes	Actual 2014 \$'000	Budget 2014 \$'000	Actual 2013 \$'000
<b>ASSETS</b>				
<b>Current assets</b>				
Cash and cash equivalents	6	6,922	5,275	5,319
Receivables	7	<u>2,927</u>	<u>1,627</u>	<u>879</u>
<b>Total current assets</b>		<u>9,849</u>	<u>6,902</u>	<u>6,198</u>
<b>Non-current assets</b>				
Plant and equipment	8	12,796	11,272	11,266
Intangible assets	9	<u>1,033</u>	<u>673</u>	<u>757</u>
<b>Total non-current assets</b>		<u>13,829</u>	<u>11,945</u>	<u>12,023</u>
<b>Total assets</b>		<u>23,678</u>	<u>18,847</u>	<u>18,221</u>
<b>LIABILITIES</b>				
<b>Current liabilities</b>				
Payables	10	3,470	4,193	2,988
Provisions	11	11,135	9,459	11,137
Other	12	<u>1,600</u>	<u>249</u>	<u>27</u>
<b>Total current liabilities</b>		<u>16,205</u>	<u>13,901</u>	<u>14,152</u>
<b>Non-current liabilities</b>				
Provisions	11	<u>3,094</u>	<u>2,313</u>	<u>2,271</u>
<b>Total non-current liabilities</b>		<u>3,094</u>	<u>2,313</u>	<u>2,271</u>
<b>Total liabilities</b>		<u>19,299</u>	<u>16,214</u>	<u>16,423</u>
<b>Net assets</b>		<u>4,379</u>	<u>2,633</u>	<u>1,798</u>
<b>EQUITY</b>				
Accumulated funds		<u>4,379</u>	<u>2,633</u>	<u>1,798</u>
<b>Total equity</b>		<u>4,379</u>	<u>2,633</u>	<u>1,798</u>

The accompanying notes form part of these financial statements.

**Office of the Director of Public Prosecutions  
Statement of changes in equity for the year ended 30 June 2014**

	Accumulated Funds	Total
	\$'000	\$'000
Balance at 1 July 2013	1,798	1,798
Net result for the year	<u>2,581</u>	<u>2,581</u>
Other comprehensive income:		
Total other comprehensive income	<u>-</u>	<u>-</u>
Total comprehensive income for the year	<u>2,581</u>	<u>2,581</u>
Balance at 30 June 2014	<u>4,379</u>	<u>4,379</u>
Balance at 1 July 2012	3,319	3,319
Net result for the year	<u>(1,521)</u>	<u>(1,521)</u>
Other comprehensive income:		
Total other comprehensive income	<u>-</u>	<u>-</u>
Total comprehensive income for the year	<u>(1,521)</u>	<u>(1,521)</u>
Balance at 30 June 2013	<u>1,798</u>	<u>1,798</u>

**Office of the Director of Public Prosecutions**  
**Statement of cash flows for the year ended 30 June 2014**

	Actual 2014 \$'000	Budget 2014 \$'000	Actual 2013 \$'000
Notes			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee related	(82,076)	(83,967)	(81,191)
Other	(25,177)	(21,749)	(22,544)
<b>Total payments</b>	<u>(107,253)</u>	<u>(105,716)</u>	<u>(103,735)</u>
<b>Receipts</b>			
Recurrent appropriation	104,215	104,215	99,315
Capital appropriation	2,884	2,884	1,368
Transfers to the Crown Entity	(27)	-	(158)
Sale of goods and services	40	72	65
Interest received	165	195	217
Grants and contributions	1,273	-	127
Other	3,169	2,361	4,034
<b>Total receipts</b>	<u>111,719</u>	<u>109,727</u>	<u>104,968</u>
<b>NET CASH FLOWS FROM OPERATING ACTIVITIES</b>	<b>16</b>	<b>4,466</b>	<b>4,011</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Proceeds from sale of plant and equipment	24	5	1
Purchases of plant and equipment	(2,255)	(2,784)	(1,092)
Other	(632)	(100)	(276)
<b>NET CASH FLOWS FROM INVESTING ACTIVITIES</b>	<b>(2,863)</b>	<b>(2,879)</b>	<b>(1,367)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
<b>NET CASH FLOWS FROM FINANCING ACTIVITIES</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>NET INCREASE (DECREASE) IN CASH</b>	<b>1,603</b>	<b>1,132</b>	<b>(134)</b>
Opening cash and cash equivalents	5,319	5,319	5,453
<b>CLOSING CASH AND CASH EQUIVALENTS</b>	<b>6</b>	<b>6,922</b>	<b>6,451</b>

The accompanying notes form part of these financial statements.



Office of the Director of Public Prosecutions  
Service group statements for the year ended 30 June 2014

Supplementary financial statements

	Service Group 1 Prosecutions *		Service Group 2 Victim and Witness Assistance *		Not Attributable		Total	
	2014 \$'000	2013 \$'000	2014 \$'000	2013 \$'000	2014 \$'000	2013 \$'000	2014 \$'000	2013 \$'000
<b>OFFICE'S EXPENSES AND INCOME</b>								
Expenses excluding losses								
Operating expenses								
• Employee related	86,934	82,673	3,012	2,890	-	-	89,946	85,563
• Other operating expenses	18,222	16,696	580	562	-	-	18,802	17,258
Depreciation and amortisation	2,681	2,732	131	137	-	-	2,812	2,869
Other expenses	-	2,980	2,980	2,925	-	-	2,980	2,925
<b>Total expenses excluding losses</b>	<b>107,837</b>	<b>102,101</b>	<b>6,703</b>	<b>6,514</b>	-	-	<b>114,540</b>	<b>108,615</b>
<b>Revenue**</b>								
Recurrent appropriation	-	-	-	-	102,615	99,288	102,615	99,288
Capital appropriation	-	-	-	-	2,884	1,368	2,884	1,368
Sale of goods and services	40	65	-	-	-	-	40	65
Investment revenue	192	162	7	6	-	-	199	168
Grants and contributions	2,896	127	83	-	-	-	2,979	127
Acceptance by the Crown Entity of employee benefits and other liabilities	7,082	4,388	246	154	-	-	7,328	4,542
Other revenue	1,105	1,535	-	4	-	-	1,105	1,539
<b>Total revenue</b>	<b>11,315</b>	<b>6,277</b>	<b>336</b>	<b>164</b>	<b>105,499</b>	<b>100,656</b>	<b>117,150</b>	<b>107,097</b>
Gain / (loss) on disposal	(28)	(3)	(1)	-	-	-	(29)	(3)
<b>Net result</b>	<b>(96,550)</b>	<b>(95,827)</b>	<b>(6,368)</b>	<b>(6,350)</b>	<b>105,499</b>	<b>100,656</b>	<b>2,581</b>	<b>(1,521)</b>
<b>Other comprehensive income</b> increase / (decrease) in assets revaluation reserve								
<b>TOTAL COMPREHENSIVE INCOME</b>	<b>(96,550)</b>	<b>(95,827)</b>	<b>(6,368)</b>	<b>(6,350)</b>	<b>105,499</b>	<b>100,656</b>	<b>2,581</b>	<b>(1,521)</b>

\* The names and purposes of each service group are summarised in note 5.

\*\* Appropriations are made on an entity basis and not to individual service groups. Consequently, appropriations must be included in the 'Not Attributable' column.

Office of the Director of Public Prosecutions  
Service group statements for the year ended 30 June 2014

Supplementary financial statements

OFFICE'S ASSETS & LIABILITIES	Service Group 1 Prosecutions *		Service Group 2 Victim and Witness Assistance *		Not Attributable		Total	
	2014 \$'000	2013 \$'000	2014 \$'000	2013 \$'000	2014 \$'000	2013 \$'000	2014 \$'000	2013 \$'000
<b>Current assets</b>								
Cash and cash equivalents	6,649	5,098	273	221	-	-	6,922	5,319
Receivables	2,818	853	109	26	-	-	2,927	879
<b>Total current assets</b>	<b>9,467</b>	<b>5,951</b>	<b>382</b>	<b>247</b>	<b>-</b>	<b>-</b>	<b>9,849</b>	<b>6,198</b>
<b>Non-current assets</b>								
Plant and equipment	12,170	10,707	626	559	-	-	12,796	11,266
Intangible assets	982	720	51	37	-	-	1,033	757
<b>Total non-current assets</b>	<b>13,152</b>	<b>11,427</b>	<b>677</b>	<b>596</b>	<b>-</b>	<b>-</b>	<b>13,829</b>	<b>12,023</b>
<b>TOTAL ASSETS</b>	<b>22,619</b>	<b>17,378</b>	<b>1,059</b>	<b>843</b>	<b>-</b>	<b>-</b>	<b>23,678</b>	<b>18,221</b>
<b>Current liabilities</b>								
Payables	3,122	2,674	348	314	-	-	3,470	2,988
Provisions	10,704	10,768	431	349	-	-	11,135	11,137
Other	1,600	-	-	27	-	-	1,600	27
<b>Total current liabilities</b>	<b>15,426</b>	<b>13,462</b>	<b>779</b>	<b>690</b>	<b>-</b>	<b>-</b>	<b>16,205</b>	<b>14,152</b>
<b>Non-current liabilities</b>								
Provisions	3,059	2,198	35	73	-	-	3,094	2,271
<b>Total non-current liabilities</b>	<b>3,059</b>	<b>2,198</b>	<b>35</b>	<b>73</b>	<b>-</b>	<b>-</b>	<b>3,094</b>	<b>2,271</b>
<b>TOTAL LIABILITIES</b>	<b>18,485</b>	<b>15,660</b>	<b>814</b>	<b>763</b>	<b>-</b>	<b>-</b>	<b>19,299</b>	<b>16,423</b>
<b>NET ASSETS</b>	<b>4,134</b>	<b>1,718</b>	<b>245</b>	<b>80</b>	<b>-</b>	<b>-</b>	<b>4,379</b>	<b>1,798</b>

\* The names and purposes of each service group are summarised in note 5.

Supplementary financial statements  
Office of the Director of Public Prosecutions  
Summary of compliance with financial directives for the year ended 30 June 2014

	2014			2013		
	Recurrent Appropriation \$'000	Capital Appropriation \$'000	Expenditure / Net Claim on Consolidated Fund \$'000	Recurrent Appropriation \$'000	Capital Appropriation \$'000	Expenditure / Net Claim on Consolidated Fund \$'000
<b>ORIGINAL BUDGET APPROPRIATION / EXPENDITURE</b>						
• Appropriation Act	104,215	2,884	2,884	99,343	1,368	1,368
	104,215	2,884	2,884	99,343	1,368	1,368
<b>OTHER APPROPRIATIONS / EXPENDITURE</b>						
• Transfers from another agency (per section 32 of the Appropriation Act)	-	-	-	1,162	-	-
	-	-	-	1,162	-	-
<b>Total Appropriations / Expenditure / Net Claim on Consolidated Fund (includes transfer payments)</b>	104,215	2,884	2,884	100,505	1,368	1,368
<b>Amount drawn down against Appropriation</b>			2,884			1,368
<b>Liability to Consolidated Fund *</b>		(1,600)	-		27	-

The summary of compliance is based on the assumption that Consolidated Fund moneys are spent first (except where otherwise identified or prescribed).

\* The "Liability to Consolidated Fund" represents the difference between the 'Amount drawn down against Appropriation' and the 'Expenditure / Net Claim on Consolidated Fund'.

**Office of the Director of Public Prosecutions  
Notes to the financial statements for the year ended 30 June 2014**

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**Office of the Director of Public Prosecutions**  
**Notes to the financial statements for the year ended 30 June 2014**

**1 Summary of Significant Accounting Policies**

(a) *Reporting entity*

The Office of the Director of Public Prosecutions (the Office) is a NSW government entity. The Office is a not-for-profit entity (as profit is not its principal objective) and it has no cash generating units. The Office is consolidated as part of the NSW Total State Sector Accounts.

These financial statements for the year ended 30 June 2014 have been authorised for issue by the Director on 19 September 2014.

(b) *Basis of preparation*

The Office's financial statements are general purpose financial statements which have been prepared on an accruals basis and in accordance with:

- applicable Australian Accounting Standards (which include Australian Accounting Interpretations)
- the requirements of the *Public Finance and Audit Act 1983* and *Public Finance and Audit Regulation 2010* and
- the Financial Reporting Directions published in the Financial Reporting Code for NSW General Government Sector Entities or issued by the Treasurer.

Plant and equipment are measured at fair value. Other financial statement items are prepared in accordance with the historical cost convention.

Judgements, key assumptions and estimations management has made are disclosed in the relevant notes to the financial statements.

All amounts are rounded to the nearest one thousand dollars and are expressed in Australian currency.

(c) *Statement of compliance*

The financial statements and notes comply with Australian Accounting Standards, which include Australian Accounting Interpretations.

(d) *Insurance*

The Office's insurance activities are conducted through the NSW Treasury Managed Fund Scheme of self insurance for Government entities. The expense (premium) is determined by the Fund Manager based on past claims experience.

(e) *Accounting for the Goods and Services Tax (GST)*

Income, expenses and assets are recognised net of the amount of GST, except that the:

- amount of GST incurred by the Office as a purchaser that is not recoverable from the Australian Taxation Office is recognised as part of an asset's cost of acquisition or as part of an item of expense and
- receivables and payables are stated with the amount of GST included.

Cash flows are included in the statement of cash flows on a gross basis. However, the GST components of cash flows arising from investing and financing activities which are recoverable from, or payable to, the Australian Taxation Office are classified as operating cash flows.

(f) *Income recognition*

Income is measured at the fair value of the consideration or contribution received or receivable. Additional comments regarding the accounting policies for the recognition of income are discussed below.

(i) *Parliamentary appropriations and contributions*

Except as specified below, parliamentary appropriations and contributions from other bodies (including grants and donations) are recognised as income when the Office obtains control over the assets comprising the appropriations / contributions. Control over appropriations and contributions is normally obtained upon the receipt of cash.

Appropriations are not recognised as income in the following circumstances:

**Office of the Director of Public Prosecutions**  
**Notes to the financial statements for the year ended 30 June 2014**

**1 Summary of Significant Accounting Policies (cont'd)**

(f) *Income recognition (cont'd)*

- Unspent appropriations are recognised as liabilities rather than income, as the authority to spend the money lapses and the unspent amount must be repaid to the Consolidated Fund.
- The liability is disclosed in note 12 as part of 'Current liabilities - Other'. The amount will be repaid and the liability will be extinguished next financial year.

(ii) *Rendering of services*

Revenue is recognised when the service is provided or by reference to the stage of completion (based on labour hours incurred to date).

(iii) *Investment revenue*

Interest revenue is recognised using the effective interest method as set out in AASB 139 *Financial Instruments: Recognition and Measurement*.

(g) *Assets*

(i) *Acquisitions of assets*

Assets acquired are initially recognised at cost. Cost is the amount of cash or cash equivalents paid or the fair value of the other consideration given to acquire the asset at the time of its acquisition or construction or, where applicable, the amount attributed to that asset when initially recognised in accordance with the requirements of other Australian Accounting Standards.

Assets acquired at no cost, or for nominal consideration, are initially recognised at their fair value at the date of acquisition.

Fair value is the price that would be received to sell an asset in an orderly transaction between market participants at measurement date.

(ii) *Capitalisation thresholds*

Plant and equipment and intangible assets costing \$5,000 and above individually (or forming part of a network costing more than \$5,000) are capitalised.

(iii) *Revaluation of plant and equipment*

Physical non-current assets are valued in accordance with the 'Valuation of Physical Non-Current Assets at Fair Value' Policy and Guidelines Paper (TPP 14-1). This policy adopts fair value in accordance with AASB 13 *Fair Value Measurement*, AASB 116 *Property, Plant and Equipment* and AASB 140 *Investment Property*.

Plant and equipment is measured at the highest and best use by market participants that is physically possible, legally permissible and financially feasible. The highest and best use must be available at a period that is not remote and takes into account the characteristics of the asset being measured, including any socio-political restrictions imposed by government. In most cases, after taking into account these considerations, the highest and best use is the existing use. In limited circumstances, the highest and best use may be a feasible alternative use, where there are no restrictions on use or where there is a feasible higher restricted alternative use.

Fair value of plant and equipment is based on a market participants' perspective, using valuation techniques (market approach, cost approach, income approach) that maximise relevant observable inputs and minimise unobservable inputs. Also refer note to 8 for further information regarding fair value.

The Office revalues each class of plant and equipment at least every five years or with sufficient regularity to ensure that the carrying amount of each asset in the class does not differ materially from its fair value at reporting date. The last revaluation of the Office's library books was completed on 30 June 2011 and was based on an independent assessment.

Non-specialised assets with short useful lives are measured at depreciated historical cost, as a surrogate for fair value.

**Office of the Director of Public Prosecutions**  
**Notes to the financial statements for the year ended 30 June 2014**

**1 Summary of Significant Accounting Policies (cont'd)**

(g) *Assets (cont'd)*

(iii) Revaluation of plant and equipment (cont'd)

When revaluing non-current assets using the cost approach, the gross amount and the related accumulated depreciation are separately restated.

For other assets valued using other valuation techniques, any balances of accumulated depreciation at the revaluation date in respect of those assets are credited to the asset accounts to which they relate. The net asset accounts are then increased or decreased by the revaluation increments or decrements.

Revaluation increments are credited directly to revaluation surplus, except that, to the extent that an increment reverses a revaluation decrement in respect of that class of asset previously recognised as an expense in the net result, the increment is recognised immediately as revenue in the net result.

Revaluation decrements are recognised immediately as expenses in the net result, except that, to the extent that a credit balance exists in the asset revaluation surplus in respect of the same class of assets, they are debited directly to the asset revaluation surplus.

As a not-for-profit entity, revaluation increments and decrements are offset against one another within a class of non-current assets, but not otherwise.

Where an asset that has previously been revalued is disposed of, any balance remaining in the asset revaluation surplus in respect of that asset is transferred to accumulated funds.

(iv) Impairment of plant and equipment

As a not-for-profit entity with no cash generating units, impairment under AASB 136 *Impairment of Assets* is unlikely to arise. As plant and equipment is carried at fair value, impairment can only arise in the rare circumstances where the costs of disposal are material. Specifically, impairment is unlikely for not-for-profit entities given that AASB 136 modifies the recoverable amount test for non-cash generating assets of not-for-profit entities to the higher of fair value less costs of disposal and depreciated replacement cost where depreciated replacement cost is also fair value.

(v) Depreciation of plant and equipment

Depreciation is provided for on a straight-line basis for all depreciable assets so as to write off the depreciable amount of each asset as it is consumed over its useful life to the Office.

All material identifiable components of assets are depreciated separately over their useful lives.

Office equipments	5 years
Office furniture and fittings	10 years
Computer equipments	4 years
Photocopiers	5 years
PABX equipments	5 years
Laptop computers	3 years
Servers	3 years
Library books	15 years

(vi) Restoration costs

The estimated cost of dismantling and removing an asset and restoring the site is included in the cost of an asset, to the extent it is recognised as a liability.

(vii) Maintenance

Day-to-day servicing costs or maintenance are charged as expenses as incurred, except where they relate to the replacement of a part or component of an asset, in which case the costs are capitalised and depreciated.

**Office of the Director of Public Prosecutions**  
**Notes to the financial statements for the year ended 30 June 2014**

**1 Summary of Significant Accounting Policies (cont'd)**

(g) *Assets (cont'd)*

(viii) Leased assets

A distinction is made between finance leases which effectively transfer from the lessor to the lessee substantially all the risks and benefits incidental to ownership of the leased assets, and operating leases under which the lessor does not transfer substantially all the risks and benefits.

Operating lease payments are charged to the statement of comprehensive income in the periods in which they are incurred. Property lease fixed escalations are spread equally over the period of the lease term.

(ix) Intangible assets

The Office recognises intangible assets only if it is probable that future economic benefits will flow to the Office and the cost of the asset can be measured reliably. Intangible assets are measured initially at cost. Where an asset is acquired at no or nominal cost, the cost is its fair value as at the date of acquisition. Software is classified as intangible assets.

Development costs are only capitalised when certain criteria are met.

The useful lives of intangible assets are assessed to be finite.

Intangible assets are subsequently measured at fair value only if there is an active market. As there is no active market for the Office's intangible assets, the assets are carried at cost less any accumulated amortisation.

The Office's intangible assets are amortised using the straight line method over a period of 4 years.

Intangible assets are tested for impairment where an indicator of impairment exists. If the recoverable amount is less than its carrying amount the carrying amount is reduced to recoverable amount and the reduction is recognised as an impairment loss.

(x) Receivables

Short-term receivables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

(xi) Impairment of financial assets

All financial assets, except those measured at fair value through profit and loss, are subject to an annual review for impairment. An allowance for impairment is established when there is objective evidence that the entity will not be able to collect all amounts due.

For financial assets carried at amortised cost, the amount of the allowance is the difference between the asset's carrying amount and the present value of estimated future cash flows, discounted at the effective interest rate. The amount of the impairment loss is recognised in the net result for the year.

When an available for sale financial asset is impaired, the amount of the cumulative loss is removed from equity and recognised in the net result for the year, based on the difference between the acquisition cost (net of any principal repayment and amortisation) and current fair value, less any impairment loss previously recognised in the net result for the year.

Any reversals of impairment losses are reversed through the net result for the year, where there is objective evidence. However, reversals of impairment losses on an investment in an equity instrument classified as 'available for sale' must be made through the revaluation surplus. Reversals of impairment losses of financial assets carried at amortised cost cannot result in a carrying amount that exceeds what the carrying amount would have been had there not been an impairment loss.

(xii) Derecognition of financial assets and financial liabilities

A financial asset is derecognised when the contractual rights to the cash flows from the financial assets expire; or if the Office transfers the financial asset:

- where substantially all the risks and rewards have been transferred or



**Office of the Director of Public Prosecutions**  
**Notes to the financial statements for the year ended 30 June 2014**

**1 Summary of Significant Accounting Policies (cont'd)**

(g) *Assets (cont'd)*

(xii) Derecognition of financial assets and financial liabilities (cont'd)

- where the Office has not transferred substantially all the risks and rewards, if the entity has not retained control.

Where the Office has neither transferred nor retained substantially all the risks and rewards or transferred control, the asset is recognised to the extent of the Office's continuing involvement in the asset.

A financial liability is derecognised when the obligation specified in the contract is discharged or cancelled or expires.

(h) *Liabilities*

(i) Payables

These amounts represent liabilities for goods and services provided to the Office and other amounts. Payables are recognised initially at fair value, usually based on the transaction cost or face value. Subsequent measurement is at amortised cost using the effective interest method. Short-term payables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

(ii) Financial guarantees

The Office has reviewed its financial guarantees and determined that there is no material liability to be recognised for financial guarantee contracts as at 30 June 2014 and at 30 June 2013. However, refer note 15 regarding disclosures on contingent liabilities.

(iii) Employee benefits and other provisions

(a) Salaries and wages, annual leave, sick leave and on-costs

Salaries and wages (including non-monetary benefits) and paid sick leave that are expected to be settled wholly within 12 months after the end of the period in which the employees render the service are recognised and measured at the undiscounted amounts of the benefits. Annual leave is not expected to be settled wholly before twelve months after the end of the annual reporting period in which the employees render the related service. As such, it is required to be measured at present value in accordance with AASB 119 *Employee Benefits* (although short-cut methods are permitted). Actuarial advice obtained by Treasury has confirmed that the use of a nominal approach plus the annual leave on annual leave liability (using 7.9% of the nominal value of annual leave) can be used to approximate the present value of the annual leave liability. The Office has assessed the actuarial advice based on the Office's circumstances and has determined that the effect of discounting is immaterial to annual leave.

Unused non-vesting sick leave does not give rise to a liability as it is not considered probable that sick leave taken in the future will be greater than the benefits accrued in the future.

Crown Prosecutors are entitled to compensatory leave when they perform duties during their vacation. Unused compensatory leave gives rise to a liability and is disclosed as part of annual leave.

(b) Long service leave and superannuation

The Office's liabilities for long service leave and defined benefit superannuation are assumed by the Crown Entity. The Office accounts for the liability as having been extinguished, resulting in the amount assumed being shown as part of the non-monetary revenue item described as 'Acceptance by the Crown Entity of employee benefits and other liabilities'.

Long service leave is measured at present value in accordance with AASB 119 *Employee Benefits*. This is based on the application of certain factors (specified in NSWTC 14/04) to employees with five or more years of service, using current rates of pay. These factors were determined based on an actuarial review to approximate present value.

**Office of the Director of Public Prosecutions**  
**Notes to the financial statements for the year ended 30 June 2014**

**1 Summary of Significant Accounting Policies (cont'd)**

(h) *Liabilities (cont'd)*

(iii) Employee benefits and other provisions (cont'd)

The superannuation expense for the financial year is determined by using the formulae specified in the Treasurer's Directions. The expense for certain superannuation schemes (e.g. Basic Benefit and First State Super) is calculated as a percentage of the employees' salary. For other superannuation schemes (ie State Superannuation Scheme and State Authorities Superannuation Scheme), the expense is calculated as a multiple of the employees' superannuation contributions.

(c) Consequential on-costs

Consequential costs to employment are recognised as liabilities and expenses where the employee benefits to which they relate have been recognised. This includes outstanding amounts of payroll tax, workers' compensation insurance premiums and fringe benefits tax.

(iv) Other Provisions

Other provisions exist when: the Office has a present legal or constructive obligation as a result of a past event; it is probable that an outflow of resources will be required to settle the obligation; and a reliable estimate can be made of the amount of the obligation.

Any provisions for restructuring are recognised only when the office has a detailed formal plan and the Office has raised a valid expectation in those affected by the restructuring that it will carryout the restructuring by starting to implement the plan or announcing its main features to those affected.

If the effect of the time value of money is material, provisions are discounted at 3.54%, which is a pre-tax rate that reflects the current market assessments of the time value of money and the risks specific to the liability.

(i) *Fair value hierarchy*

A number of the Office's accounting policies and disclosures require the measurement of fair values, for both financial and non-financial assets and liabilities. When measuring fair value, the valuation technique used maximises the use of relevant observable inputs and minimises the use of unobservable inputs. Under AASB 13, the Office categorises, for disclosure purposes, the valuation techniques based on the inputs used in the valuation techniques as follows:

- Level 1 - quoted prices in active markets for identical assets / liabilities that the Office can access at the measurement date.
- Level 2 - inputs other than quoted prices included within Level 1 that are observable, either directly or indirectly.
- Level 3 - inputs that are not based on observable market data (unobservable inputs).

The Office recognises transfers between levels of the fair value hierarchy at the end of the reporting period during which the change has occurred.

Refer Note 8 and Note 17 for further disclosures regarding fair value measurements of financial and non-financial assets.

(j) *Equity and reserves*

(i) Revaluation surplus

The revaluation surplus is used to record increments and decrements on the revaluation of non-current assets. This accords with the Office's policy on the revaluation of property, plant and equipment as discussed in note 1(g)(iii).

**Office of the Director of Public Prosecutions**  
**Notes to the financial statements for the year ended 30 June 2014**

**1 Summary of Significant Accounting Policies (cont'd)**

(j) *Equity and reserves (cont'd)*

(ii) *Accumulated Funds*

The category 'Accumulated Funds' includes all current and prior period retained funds.

(k) *Budgeted amounts*

The budgeted amounts are drawn from the original budgeted financial statements presented to Parliament in respect of the reporting period, as adjusted for section 24 of the PFAA where there has been a transfer of functions between departments. Other amendments made to the budget are not reflected in the budgeted amounts.

(l) *Comparative information*

Except when an Australian Accounting Standard permits or requires otherwise, comparative information is presented in respect of the previous period for all amounts reported in the financial statements.

(m) *Incentive*

Incentives payable under operating leases are recognised initially as liabilities. The incentive is subsequently amortised over the contract term, as a reduction of expenses. The straight-line method is adopted for reduction of expense.

(n) *Witness expenses*

Witness expenses are paid to witnesses who attend conferences with the Office and court to give evidence for the prosecution. Witness expenses are designed to minimise financial hardship and are paid towards lost income and direct out of pocket expenses such as travel expenses incurred in attending court.

(o) *Changes in accounting policy, including new or revised Australian Accounting Standards*

(i) *Effective for the first time in 2013-14*

The accounting policies applied in 2013-14 are consistent with those of the previous financial year except as a result of the following revised Australian Accounting Standard that has been applied for the first time in 2013-14.

In accordance with the revised AASB 119, and based on Treasury's assessment, the present value of annual leave is calculated at a factor of 7.9% on the nominal value of annual leave. The impact of this standard in the 2013-14 period of initial application includes a \$0.382 M increase in employee related expenses and annual leave liability.

(ii) *The following new Accounting Standards have not been applied and are not effective*

AASB 2010 Amendments arising from AASB 9 to Australian Accounting Standards (December 2013). These requirements improve and simplify the approach for classification and measurement of financial assets compared with the requirements of AASB 139 Financial Instruments: Recognition and Measurement. This standard is applicable from 1 January 2015.

AASB 2013-3 amendment to AASB 136 Recoverable Amount Disclosures for Non-Financial Assets. The amendments include the requirement to disclose additional information about the fair value measurement where the recoverable amount of impaired assets is based on fair value less cost of disposal. This standard is applicable from 1 January 2014.

AASB 2013-9 Conceptual Framework, Materiality & Financial Investments.

Part B of this standard decided to retain AASB 1031, in a revised format, to ensure that the meaning of materiality remained well explained. Part B of this standard is applicable from 1 January 2014.

**Office of the Director of Public Prosecutions**  
**Notes to the financial statements for the year ended 30 June 2014**

**1 Summary of Significant Accounting Policies (cont'd)**

(o) *Changes in accounting policy, including new or revised Australian Accounting Standards (cont'd)*

Part C also amends AASB 9 to permit requirements relating to the 'own credit risk' of financial liabilities measured at fair value to be applied without applying the other requirements of AASB 9 at the same time. Part C of this standard is applicable from 1 January 2015. Furthermore, Part C of this standard amends the mandatory effective date of AASB 9 so that AASB 9 is required to be applied from 1 January 2017 instead of 1 January 2015.

While the impact of these standards in the period of initial application has not been specifically quantified, they are not expected to materially impact the financial statements.

**Office of the Director of Public Prosecutions**  
**Notes to the financial statements for the year ended 30 June 2014**

**2 Expenses Excluding Losses**

	2014	2013
	\$'000	\$'000
<b>(a) Employee related expenses</b>		
Salaries and wages (including annual leave)	72,408	71,435
Superannuation - defined benefit plans	2,593	2,739
Superannuation - defined contribution plans	5,039	4,731
Long service leave	4,593	1,653
Workers' compensation insurance	321	490
Payroll tax and fringe benefit tax	4,726	4,637
On-cost on long service leave	262	(180)
Temporary staff	4	58
	<u>89,946</u>	<u>85,563</u>
	2014	2013
	\$'000	\$'000
<b>(b) Other operating expenses include the following:</b>		
Auditor's remuneration - audit of the financial statements	46	44
Cleaning	324	303
Consultants	91	23
Insurance	375	330
Motor vehicle expenses	276	292
Operating lease rental expense - minimum lease payments	8,051	7,851
Telephone	614	693
Printing	13	34
Stores and equipment	533	543
Training	153	128
Travel	1,166	1,123
Other expenses	1,606	802
Outgoings	611	580
Books	103	101
Fees - private barristers	2,467	2,118
Fees - practising certificates	313	301
Fees - security	171	170
Gas and electricity	435	452
Postage	133	126
Courier	15	13
Maintenance*	1,306	1,231
	<u>18,802</u>	<u>17,258</u>
<i>* Reconciliation - Total maintenance</i>		
Maintenance expense - contracted labour and other (non-employee related), as above	1,306	1,231
Employee related maintenance expense included in Note 2(a)	18	16
Total maintenance expenses included in Note 2(a) + 2(b)	<u>1,324</u>	<u>1,247</u>
	2014	2013
	\$'000	\$'000
<b>(c) Depreciation and amortisation expense</b>		
Depreciation		
Plant and Equipment	1,996	1,795
Computer equipment	372	670
Library collection	136	106
Total Depreciation	<u>2,504</u>	<u>2,571</u>
Amortisation		
Intangible	308	298
	<u>2,812</u>	<u>2,869</u>

**Office of the Director of Public Prosecutions**  
**Notes to the financial statements for the year ended 30 June 2014**

**2 Expenses Excluding Losses (cont'd)**

	2014	2013
	\$'000	\$'000
<b>(d) Other expenses</b>		
Allowances to witness	2,917	2,890
Living expenses of defendant non Australian citizens	<u>63</u>	<u>35</u>
	<u>2,980</u>	<u>2,925</u>

**3 Revenue**

	2014	2013
	\$'000	\$'000

**(a) Appropriations and transfers to the Crown entity**

<i>Recurrent appropriations</i>		
Total recurrent draw-downs from NSW Treasury (per Summary of compliance)	104,215	99,315
Less: Liability to Consolidated Fund (per Summary of compliance)	<u>1,600</u>	<u>27</u>
	<u>102,615</u>	<u>99,288</u>

Comprising:		
Recurrent appropriations (per Statement of comprehensive income)	<u>102,615</u>	<u>99,288</u>
	<u>102,615</u>	<u>99,288</u>

<i>Capital appropriations</i>		
Total capital draw-downs from NSW Treasury (per Summary of compliance)	2,884	1,368
Less: Liability to Consolidated Fund (per Summary of compliance)	<u>-</u>	<u>-</u>
	<u>2,884</u>	<u>1,368</u>

Comprising:		
Capital appropriations (per Statement of comprehensive income)	<u>2,884</u>	<u>1,368</u>
	<u>2,884</u>	<u>1,368</u>

	2014	2013
	\$'000	\$'000

**(b) Sale of goods and services**

Rendering of services	-	1
Commissions - miscellaneous deductions	1	1
Cost awarded	38	61
Appearance fees	<u>1</u>	<u>2</u>
	<u>40</u>	<u>65</u>

	2014	2013
	\$'000	\$'000

**(c) Investment revenue**

Interest revenue from financial assets not at fair value through profit or loss	<u>199</u>	<u>168</u>
	<u>199</u>	<u>168</u>

	2014	2013
	\$'000	\$'000

**(d) Grants and contributions**

Contribution from Budget Dependant agencies	<u>2,979</u>	<u>127</u>
	<u>2,979</u>	<u>127</u>

**Office of the Director of Public Prosecutions  
Notes to the financial statements for the year ended 30 June 2014**

**3 Revenue (cont'd)**

Grant received from Department of Police and Justice in 2013-14 for Police Summary Prosecutions and Supreme Court Bails program \$1 M and Sydney Drug Court program \$0.273 M.

Non cash grant of \$1.706 M received from Department of Police and Justice for the Newcastle Office fitout (asset transfer).

	2014	2013
	\$'000	\$'000

**(e) Acceptance by the Crown Entity of employee benefits and other liabilities**

The following liabilities and / or expenses have been assumed by the Crown Entity or other government agencies:

Superannuation - defined benefit	2,593	2,739
Long service leave	4,593	1,653
Payroll tax	<u>142</u>	<u>150</u>
	<u>7,328</u>	<u>4,542</u>

Long service leave valuations are subject to actuarial reviews. The Commonwealth 10 year bond rate as at 30th June each year has an impact on the valuation.

	2014	2013
	\$'000	\$'000

**(f) Other revenue**

Lease incentives	180	-
Other revenue	<u>925</u>	<u>1,539</u>
	<u>1,105</u>	<u>1,539</u>

**4 Gain / (Loss) on Disposal**

	2014	2013
	\$'000	\$'000

**Gain / (loss) on disposal of computer equipment**

Proceeds from disposal	42	1
Written down value of assets disposed	<u>(71)</u>	<u>(4)</u>
Net gain / (loss) on disposal of office equipment	<u>(29)</u>	<u>(3)</u>

**5 Service Groups of the Office**

**(a) Service Group 1 Prosecutions**

Purpose: To provide the people of New South Wales with an efficient, fair and just prosecution service.

Description: This service group covers instituting and conducting prosecutions and related proceedings for indictable offences under NSW laws in the Supreme Court, District Court and Local Court on behalf of the Crown. This includes providing advice to police and investigative agencies on evidentiary matters, participating in the law reform process and capturing the proceeds of crime.

**Office of the Director of Public Prosecutions**  
**Notes to the financial statements for the year ended 30 June 2014**

**5 Service Groups of the Office (cont'd)**

**(b) Service Group 2 Victim and Witness Assistance**

Purpose: To provide victims and witnesses with relevant information and support in the prosecution process.

Description: This service group covers providing information, referral and support services to victims of violent crimes and to vulnerable witnesses who are giving evidence in matters prosecuted by the Director of Public Prosecutions. This includes assisting victims and witnesses to minimise the traumatic impact of the court process, providing access to services in remote areas and assisting indigenous victims and witnesses.

Service Group 'Statement of assets and liabilities' and 'Statement of expenses and income' are provided in the supplementary financial statements.

**6 Current Assets - Cash and Cash Equivalents**

	<b>2014</b>	<b>2013</b>
	<b>\$'000</b>	<b>\$'000</b>
Cash at bank and on hand	6,879	5,276
Permanent witness advance	<u>43</u>	<u>43</u>
	<b><u>6,922</u></b>	<b><u>5,319</u></b>

For the purposes of the statement of cash flows, cash and cash equivalents include cash at bank, cash on hand and witness advances float given to courthouses.

Cash and cash equivalent assets recognised in the statement of financial position are reconciled at the end of the financial year to the statement of cash flows as follows:

	<b>2014</b>	<b>2013</b>
	<b>\$'000</b>	<b>\$'000</b>
Cash and cash equivalents (per statement of financial position)	<u>6,922</u>	<u>5,319</u>
Closing cash and cash equivalents (per statement of cash flows)	<u>6,922</u>	<u>5,319</u>

Refer note 17 for details regarding credit risk, liquidity risk, and market risk arising from financial instruments.

**7 Current Assets - Receivables**

	<b>2014</b>	<b>2013</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Current Receivables</b>		
Rendering of services	163	5
Goods and Services Tax recoverable from ATO	358	169
Prepayments	2,269	624
Interest	110	76
Advances	<u>27</u>	<u>5</u>
	<b><u>2,927</u></b>	<b><u>879</u></b>

Details regarding credit risk, liquidity risk and market risk, including financial assets that are either past due or impaired, are disclosed in note 17.



**Office of the Director of Public Prosecutions**  
**Notes to the financial statements for the year ended 30 June 2014**

**8 Non-Current Assets - Plant and Equipment**

	<b>Plant and Equipment</b>
<b>At 1 July 2013 - fair value</b>	
Gross carrying amount	28,914
Accumulated depreciation	<u>(17,648)</u>
Net carrying amount	<u>11,266</u>
<b>At 30 June 2014 - fair value</b>	
Gross carrying amount	29,645
Accumulated depreciation	<u>(16,849)</u>
Net carrying amount	<u>12,796</u>

**Reconciliation**

A reconciliation of the carrying amount of plant and equipment at the beginning and end of the current reporting period is set out below.

<b>Year ended 30 June 2014</b>	
Net carrying amount at start of year	11,266
Additions	4,058
Disposals	(23)
Depreciation expense	<u>(2,505)</u>
Net carrying amount at end of year	<u>12,796</u>

\$'000

<b>At 1 July 2012 - fair value</b>	
Gross carrying amount	32,265
Accumulated depreciation	<u>(19,748)</u>
Net carrying amount	<u>12,517</u>
<b>At 30 June 2013 - fair value</b>	
Gross carrying amount	28,914
Accumulated depreciation	<u>(17,648)</u>
Net carrying amount	<u>11,266</u>

**Reconciliation**

A reconciliation of the carrying amount of each class of plant and equipment at the beginning and end of the previous reporting period is set out below.

<b>Year ended 30 June 2013</b>	
Net carrying amount at start of year	12,517
Additions	1,324
Disposals	(4)
Depreciation expense	<u>(2,571)</u>
Net carrying amount at end of year	<u>11,266</u>

As at 30 June 2014 plant and equipment includes net revalued library books of \$0.784 M ( As at 30 June 2013: \$0.849M).

**(a) Fair value hierarchy**

	Level 1	Level 2	Level 3	Total fair value
	\$'000	\$'000	\$'000	\$'000
2014				
Library books	<u>-</u>	<u>784</u>	<u>-</u>	<u>784</u>
	-	784	-	784

There were no transfers between level 1 or 2 during the period

**Office of the Director of Public Prosecutions  
Notes to the financial statements for the year ended 30 June 2014**

**8 Non-Current Assets - Plant and Equipment (cont'd)**

**(b) Valuation techniques, inputs and processes**

The Office plant and equipment are non-specialised assets that have short useful lives. The appropriate valuation technique used is the cost approach. Using this approach, the depreciated historical cost is used as an acceptable surrogate for fair value. The Office's library books are based on the market approach with the relevant inputs determined to be level 2.

The valuation of the Office's library books as at 30 June 2011, was carried out in accordance with the principles determined by the International Valuation Standards Committee and the Australian Property Institute. With regard to the valuation of the library collection the cost approach has been adopted in the case where there was no data to derive a market based valuation. Where there has been market evidence available those items have been valued based on the information available. The valuation process used is a complex one and many factors have been taken into account when valuing this asset group. The procedure for valuation is based on:

- What the asset is
- Age of the asset
- Comparable sales data
- Cost to replace the asset
- Depreciation
- The exchange rate
- Currency of material

**9 Non-Current Assets - Intangible Assets**

	<b>Software and Others \$'000</b>
<b>At 1 July 2013</b>	
Cost (gross carrying amount)	1,319
Accumulated amortisation	<u>(562)</u>
Net carrying amount	<u>757</u>
<b>At 30 June 2014</b>	
Cost (gross carrying amount)	1,607
Accumulated amortisation	<u>(574)</u>
Net carrying amount	<u>1,033</u>
<b>Year ended 30 June 2014</b>	
Net carrying amount at start of year	757
Additions	632
Impairment losses	(48)
Amortisation (recognised in "depreciation and amortisation")	<u>(308)</u>
Net carrying amount at end of year	<u>1,033</u>
<b>At 1 July 2012</b>	
Cost (gross carrying amount)	9,048
Accumulated amortisation	<u>(8,269)</u>
Net carrying amount	<u>779</u>
<b>At 30 June 2013</b>	
Cost (gross carrying amount)	1,319
Accumulated amortisation	<u>(562)</u>
Net carrying amount	<u>757</u>
<b>Year ended 30 June 2013</b>	
Net carrying amount at start of year	779
Additions	276
Amortisation (recognised in "depreciation and amortisation")	<u>(298)</u>
Net carrying amount at end of year	<u>757</u>

**Office of the Director of Public Prosecutions**  
**Notes to the financial statements for the year ended 30 June 2014**

**10 Current Liabilities - Payables**

	2014 \$'000	2013 \$'000
Accrued salaries, wages and on-costs	2,472	1,996
Creditors	261	340
Accruals	<u>737</u>	<u>652</u>
	<u>3,470</u>	<u>2,988</u>

Details regarding credit risk, liquidity risk and market risk, including a maturity analysis of the above payables, are disclosed in note 17.

**11 Current / Non-Current Liabilities - Provisions**

	2014 \$'000	2013 \$'000
<b>Current</b>		
<b>Employee benefits and related on-costs</b>		
Annual leave	6,360	6,467
On-cost on annual leave and long service leave	2,606	2,447
Payroll tax on-cost for annual leave and long service leave	<u>1,770</u>	<u>1,770</u>
	10,736	10,684

Annual leave includes \$1.056 M expected to be taken after 12 months (2013: \$0.983 M).

<b>Other provisions</b>		
Restoration costs	-	421
Rent adjustment reserve	128	-
Incentive	<u>271</u>	<u>32</u>
	399	453
<b>Total provisions - current</b>	<u>11,135</u>	<u>11,137</u>

	2014 \$'000	2013 \$'000
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<b>Non-current</b>		
<b>Employee benefits and related on-costs</b>		
On-cost on long service leave	111	100
Payroll tax on-cost for long service leave	<u>72</u>	<u>73</u>
	183	173

<b>Other provisions</b>		
Restoration costs	2,080	1,671
Rent adjustment reserve	77	138
Incentive	<u>754</u>	<u>289</u>
	2,911	2,098
<b>Total provisions - non-current</b>	<u>3,094</u>	<u>2,271</u>

**Aggregate employee benefits and related on-costs**

Provisions - current	10,736	10,684
Provisions - non-current	183	173
Accrued salaries, wages and on-costs (note 10)	<u>2,472</u>	<u>1,996</u>
	<u>13,391</u>	<u>12,853</u>

**Movements in provisions (other than employee benefits)**

Movements in each class of provision during the financial year, other than employee benefits are set out below:

**Office of the Director of Public Prosecutions**  
**Notes to the financial statements for the year ended 30 June 2014**

**11 Current / Non-Current Liabilities - Provisions (cont'd)**

	Lease incentive	Restoration costs	Rent adjustment reserve	Total
	\$'000	\$'000	\$'000	\$'000
<b>2014</b>				
Carrying amount at the beginning of financial year	321	2,092	138	2,551
Additional provisions recognised	836	232	78	1,146
Amounts used	(133)	(135)	(11)	(279)
Unused amounts reversed	-	(180)	-	(180)
Unwinding / change in the discount rate	-	71	-	71
Carrying amount at end of financial year	<u>1,024</u>	<u>2,080</u>	<u>205</u>	<u>3,309</u>

**12 Current / Non-Current Liabilities - Other**

	2014 \$'000	2013 \$'000
<b>Current</b>		
Liability to consolidated fund	<u>1,600</u>	<u>27</u>
	<u>1,600</u>	<u>27</u>

**13 Commitments for Expenditure**

**(a) Capital commitments**

Aggregate capital expenditure for the acquisition of computer equipment and library reference materials contracted for at balance date and not provided for:

Not later than one year	<u>75</u>	-
Total (including GST)	<u>75</u>	-

The total "capital commitments" above includes input tax credit of \$0.007 M (30 June 2013 : \$ nil) recoverable from Australian Taxation Office.

**(b) Operating lease commitments**

Future non-cancellable operating lease rentals not provided for and payable:

	2014 \$'000	2013 \$'000
Not later than one year	8,817	8,462
Later than one year and not later than five years	13,301	14,909
Later than five years	<u>8,735</u>	<u>8,268</u>
Total (including GST)	<u>30,853</u>	<u>31,639</u>

The total "operating lease commitments" above includes input tax credit of \$2.805 M (30 June 2013: \$2.876M) recoverable from Australian Taxation Office.

**Office of the Director of Public Prosecutions  
Notes to the financial statements for the year ended 30 June 2014**

**13 Commitments for Expenditure (cont'd)**

Non-cancellable leases relate to commitments for accommodation for ten leased premises throughout the state and lease of motor vehicles. Commitments for accommodation are based on current costs and are subject to future rent reviews.

**14 Budget Review**

**Net result**

**The actual net result was better than budget by \$2.286M, primarily due to:**

Better than Budget \$4.564M

- \$1.706M in non-cash grant from the Department of Police and Justice for fit out of new premises at Newcastle.
- \$1.600M in ICAC protected funding not spent in 13/14, rolled into the 14/15 financial year.
- \$0.925M less in other expenses. Mainly due to under expenditure in witness allowances.
- \$0.333M less depreciation mainly due to the late completion of the desktop computer refreshment project.

Worse than Budget \$2.246M

- \$1.500M increase in other working expenditure. Mainly due to increase in private barrister expenditure required as a result of reduced Crown Prosecutor resources.
- \$0.619M increase due to new contract for records management transferring from Government Records Repository to Grace Records.
- \$0.127M increase due to Treasury Managed Fund hindsight adjustment.

**Assets and liabilities**

Current assets are higher than budget by \$2.947M mainly due to \$1.600M receipt of unspent ICAC protected funding and \$1.347M more in prepayments.

Non-current assets are higher than budget by \$1.884M mainly due to \$1.706M asset transfer from the Department of Police and Justice for new premises fit out Newcastle, \$0.232M in capitalised restoration costs, \$0.333M less than expected depreciation due to timing of completion of the desktop computer refreshment project and \$0.071M disposal of assets.

Current liabilities are higher than budget \$2.304M mainly due to unspent ICAC protected funding of \$1.600M to be returned to Treasury and \$0.512M increased employee oncost provisioning in line with Treasury circular 14/04.

Non-current liabilities are higher than budget by \$0.781M mainly due to \$0.619M records incentive received for change of records storage contract from Government Records Repository to Grace and \$0.344M in property related provisioning.

**Cash flows**

Net cash flows from operating activities was greater than budget by \$0.455M mainly due to greater than expected receipts from debtors.

**15 Contingent Liabilities and Contingent Assets**

**Contingent liabilities**

The Office was not aware of any contingent asset or liability as at 30 June 2014 (nil in 2013) that may materially affect the future results of the Office.

**Office of the Director of Public Prosecutions**  
**Notes to the financial statements for the year ended 30 June 2014**

**16 Reconciliation of Cash Flows from Operating Activities to Net Result**

	2014	2013
	\$'000	\$'000
Net cash flow from operating activities	4,466	1,233
Depreciation and amortisation	(2,812)	(2,869)
Decrease / (increase) in provisions	(821)	(1,059)
Increase / (decrease) in prepayments and other assets	2,048	(265)
Decrease / (Increase) in creditors	(482)	1,079
Decrease / (increase) in other liabilities	(1,573)	131
Increase/(decrease) in Assets	<u>1,755</u>	<u>229</u>
Net result	<u>2,581</u>	<u>(1,521)</u>

**17 Financial Instruments**

The Office's principal financial instruments are outlined below. These financial instruments arise directly from the Office's operations or are required to finance the Office's operations. The Office does not enter into or trade financial instruments, including derivative financial instruments, for speculative purposes.

The Office's main risks arising from financial instruments are outlined below, together with the Office's objectives, policies and processes for measuring and managing risk.

The Director has overall responsibility for the establishment and oversight of risk management and reviews and agrees policies for managing each of these risks. Risk management policies are established to identify and analyse the risks faced by the Office, to set risk limits and controls and to monitor risks. Compliance with policies is reviewed by the Audit and Risk Committee on a continuous basis.

**(a) Financial instrument categories**

Financial Assets	Note	Category	Carrying Amount	Carrying Amount
Class:			2014	2013
			\$'000	\$'000
Cash and cash equivalents	6	N/A	6,922	5,319
Receivables <sup>1</sup>	7	Receivables measured at amortised cost	300	86
<b>Financial Liabilities</b>	<b>Note</b>	<b>Category</b>	<b>Carrying Amount</b>	<b>Carrying Amount</b>
<b>Class:</b>			<b>2014</b>	<b>2013</b>
			<b>\$'000</b>	<b>\$'000</b>
Payables <sup>2</sup>	10	Financial liabilities measured at cost	4,739	3,061
Provisions	11	Financial liabilities measured at amortised cost	2,080	2,091

<sup>1</sup> Excludes statutory receivables and prepayments

<sup>2</sup> Excludes statutory payables and unearned revenue

**(b) Credit risk**

Credit risk arises when there is the possibility of the Office's debtors defaulting on their contractual obligations, resulting in a financial loss to the Office. The maximum exposure to credit risk is generally represented by the carrying amount of the financial assets (net of any allowance for impairment).

Credit risk arises from the financial assets of the Office, including cash and receivables. No collateral is held by the Office. The Office has not granted any financial guarantees.

**Office of the Director of Public Prosecutions**  
**Notes to the financial statements for the year ended 30 June 2014**

**17 Financial Instruments (cont'd)**

Credit risk associated with the Office's financial assets, other than receivables, is managed through the selection of counterparties and establishment of minimum credit rating standards.

**Cash**

Cash comprises cash on hand and bank balances within the NSW Treasury Banking System. Interest is earned on daily bank balances at the monthly average NSW Treasury Corporation (TCorp) 11am unofficial cash rate, adjusted for a management fee to NSW Treasury.

**Receivables - trade debtors**

All trade debtors are recognised as amounts receivable at balance date. Collectibility of trade debtors is reviewed on an ongoing basis. Procedures as established in the Treasurer's Directions are followed to recover outstanding amounts, including letters of demand. Debts which are known to be uncollectible are written off. An allowance for impairment is raised when there is objective evidence that the entity will not be able to collect all amounts due. This evidence includes past experience, and current and expected changes in economic conditions and debtor credit ratings. No interest is earned on trade debtors. Sales are made on 30 day terms.

The Office is not materially exposed to concentrations of credit risk to a single trade debtor or group of debtors. Based on past experience, debtors that are not past due (2014: \$nil; 2013: \$nil) and not less than 3 months past due are not considered impaired. Together, these represent 100% of the total trade debtors. Most of the Office's debtors have a 100% credit rating. There are no debtors which are currently not past due or impaired whose terms have been renegotiated.

**(c) Liquidity risk**

Liquidity risk is the risk that the Office will be unable to meet its payment obligations when they fall due. The Office continuously manages risk through monitoring future cash flows planning to ensure adequate holding of high quality liquid assets. The objective is to maintain a balance between continuity of funding and flexibility through the use of overdrafts, loans and other advances.

During the current and prior years, there were no defaults of loans payable. No assets have been pledged as collateral. The Office's exposure to liquidity risk is deemed insignificant based on prior periods' data and current assessment of risk.

The liabilities are recognised for amounts due to be paid in the future for goods or services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in NSW TC 11/12. For small business suppliers, where terms are not specified, payment is made not later than 30 days from date of receipt of a correctly rendered invoice. For other suppliers, if trade terms are not specified, payment is made no later than the end of the month following the month in which an invoice or a statement is received. For small business suppliers, where payment is not made within the specified time period, simple interest must be paid automatically unless an existing contract specifies otherwise. For payments to other suppliers, Office may automatically pay the supplier simple interest. No interest was paid during the year (2014: \$nil, 2013: \$nil).

**(d) Market risk**

The Office's borrowing is nil. The Office has no exposure to foreign currency risk and does not enter into commodity contracts.

**Interest rate risk**

The Office has no interest bearing liabilities.

**Other price risk**

The Office has no direct equity investments.

**Office of the Director of Public Prosecutions**  
**Notes to the financial statements for the year ended 30 June 2014**

**17 Financial Instruments (cont'd)**

**(e) Fair value measurement**

Financial instruments are generally recognised at cost and the carrying amount is a reasonable approximation of fair value.

**18 After Balance Date Events**

The Office is not aware of any circumstances that occurred after balance date, which would materially affect the financial statements.

End of audited financial statements



## ODPP Locations

### **HEAD OFFICE**

Level 17, 175 Liverpool Street  
Sydney NSW 2000  
Locked Bag A8, Sydney South NSW 1232  
DX 11525 Sydney Downtown  
Telephone: (02) 9285 8606      Facsimile: (02) 9285 8600

### **SYDNEY WEST OFFICES**

#### **Campbelltown**

Level 3, Centrecourt Building  
101 Queen Street  
Campbelltown NSW 2560  
PO Box 1095, Campbelltown NSW 2560  
DX 5125  
Telephone:       (02) 4629 2811  
Facsimile:       (02) 4629 2800

#### **Penrith**

Level 2, 295 High Street  
Penrith NSW 2750  
PO Box 781  
Penrith Post Business Centre NSW 2750  
DX 8022  
Telephone: (02) 4721 6100  
Facsimile: (02) 4721 4149

#### **Parramatta**

4 George Street  
Parramatta NSW 2150  
PO Box 3696, Parramatta NSW 2124  
DX 8210  
Telephone:       (02) 9891 9800  
Facsimile:       (02) 9891 9866

### **REGIONAL OFFICES**

#### **Dubbo**

Ground Floor, 130 Brisbane Street  
Dubbo NSW 2830  
PO Box 811, Dubbo NSW 2830  
DX 4019  
Telephone:       (02) 6881 3300  
Facsimile:       (02) 6882 9401

#### **Newcastle**

Level 6, 317 Hunter Street  
Newcastle NSW 2300  
PO Box 779, Newcastle NSW 2300  
DX 7867  
Telephone: (02) 4929 4399  
Facsimile: (02) 4926 2119

#### **Gosford**

Level 2, 107-109 Mann Street  
Gosford NSW 2250  
PO Box 1987, Gosford NSW 2250  
DX 7221  
Telephone:       (02) 4337 1111  
Facsimile:       (02) 4337 1133

#### **Wagga Wagga**

Level 3, 43-45 Johnston Street  
Wagga Wagga NSW 2650  
PO Box 124, Wagga Wagga NSW 2650  
Telephone: (02) 6925 8400  
Facsimile: (02) 6921 1086

#### **Lismore**

Level 3, Credit Union Centre  
101 Molesworth Street  
Lismore NSW 2480  
Po Box 558, Lismore NSW 2480  
DX 7707  
Telephone:       (02) 6627 2222  
Facsimile:       (02) 6627 2233

#### **Wollongong**

Level 2, 166 Keira Street  
Wollongong NSW 2500  
PO Box 606, Wollongong East NSW 2520  
DX 27833  
Telephone: (02) 4224 7111  
Facsimile: (02) 4224 7100

*Note: All offices are open Monday to Friday 9:00am – 5:00pm (excluding Public Holidays)*

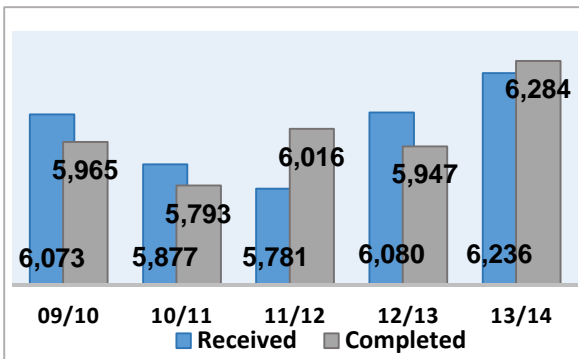
## ERRATUM PRODUCTIVITY

The ODPP continues to deliver quality service in a high volume environment. The Office handled approximately 23,010 cases this year.

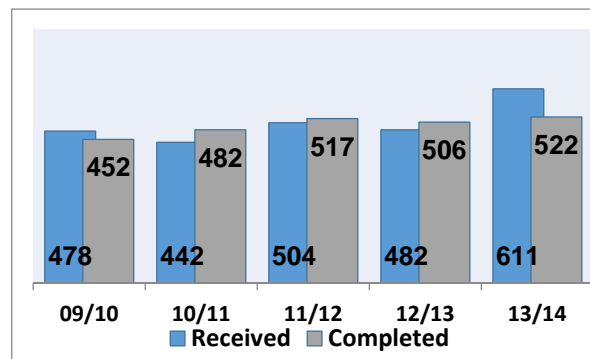
The statistics below represent the most resource extensive work conducted by the Office. These statistics relate to the number of matters received and completed in each jurisdiction prosecuted by the Office. A “completed” matter describes the closing of a file and does not refer to the outcome of a case.

### Local Court

#### Local Court Committals

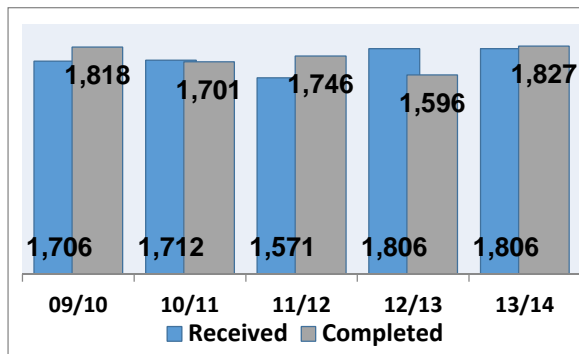


#### Local Court Summary Matters

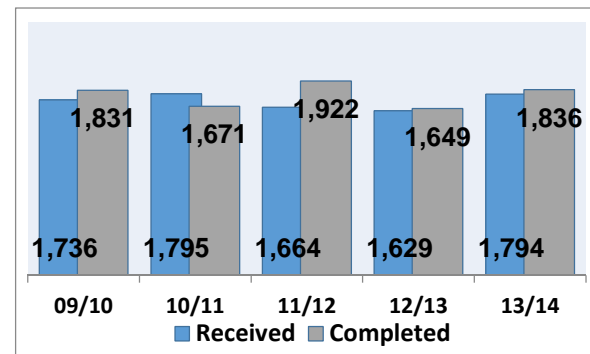


### District Courts

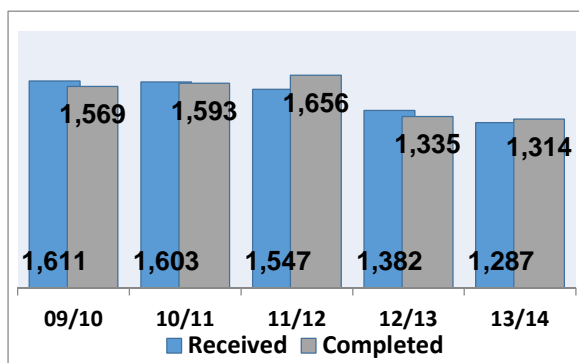
#### District Court Trials



#### District Court Sentences



#### District Court All Ground Appeals



#### District Court Severity Appeals

