

Office of the Director of Public Prosecutions

Annual Report 2016/2017



ODPP
New South Wales



Letter of Transmittal

OUR REFERENCE

DIRECTOR'S CHAMBERS



ODPP
New South Wales

YOUR REFERENCE

DATE

25 October 2017

Letter of Transmittal

The Hon. M Speakman SC, MP
Attorney General
52 Martin Place
SYDNEY NSW 2000

Dear Attorney

2016-2017 Annual Report

I am pleased to forward to you the 30th 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 2016-2017.

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 2015* 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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Highlights of the Year

GOAL 1: HIGH QUALITY, INDEPENDENT AND PROFESSIONAL PROSECUTION SERVICE

- Findings of guilt were achieved in 89.2% of matters in the District and Supreme Courts – continuing a steady upward trend from the last 6 reporting periods
- An additional 128 Court Sitting weeks serviced
- Special Callovers at Coffs Harbour and Newcastle resulted in a saving of around 450 court days
- The Burwood Pilot Team achieved an increase in initial interaction with victims by 50% and a reduction in the time take to progress matters in the Local Court by 11 days

GOAL 2: A FAIR, JUST AND TIMELY SERVICE TO VICTIMS AND WITNESSES

- The Witness Assistance Service (WAS) significantly increased their workload this period by providing support and services to an additional 464 victims
- Domestic Violence referrals to WAS increased and now represent 37% of total new referrals.
- The time taken to finalise Priority Matters death and Child Sexual Assault was reduced by 17%

GOAL 3: IMPROVE THE WAYS WE INTERACT INTERNALLY AND WITH OUR CRIMINAL JUSTICE PARTNERS

- Announcement of significant justice reform Early Appropriate Guilty Pleas
- The Director hosted the bi-annual Heads of Prosecuting Agencies Conference which included representatives from the States and Territories as well as participating Commonwealth countries

CONTRIBUTIONS TOWARDS NSW PREMIERS PRIORITIES

Driving public sector diversity

Priority: Increase the number of women in senior leadership roles.

○ At ODPP the Senior Executive comprises of 70% women which was 10% greater than the last reporting period.

Creating jobs

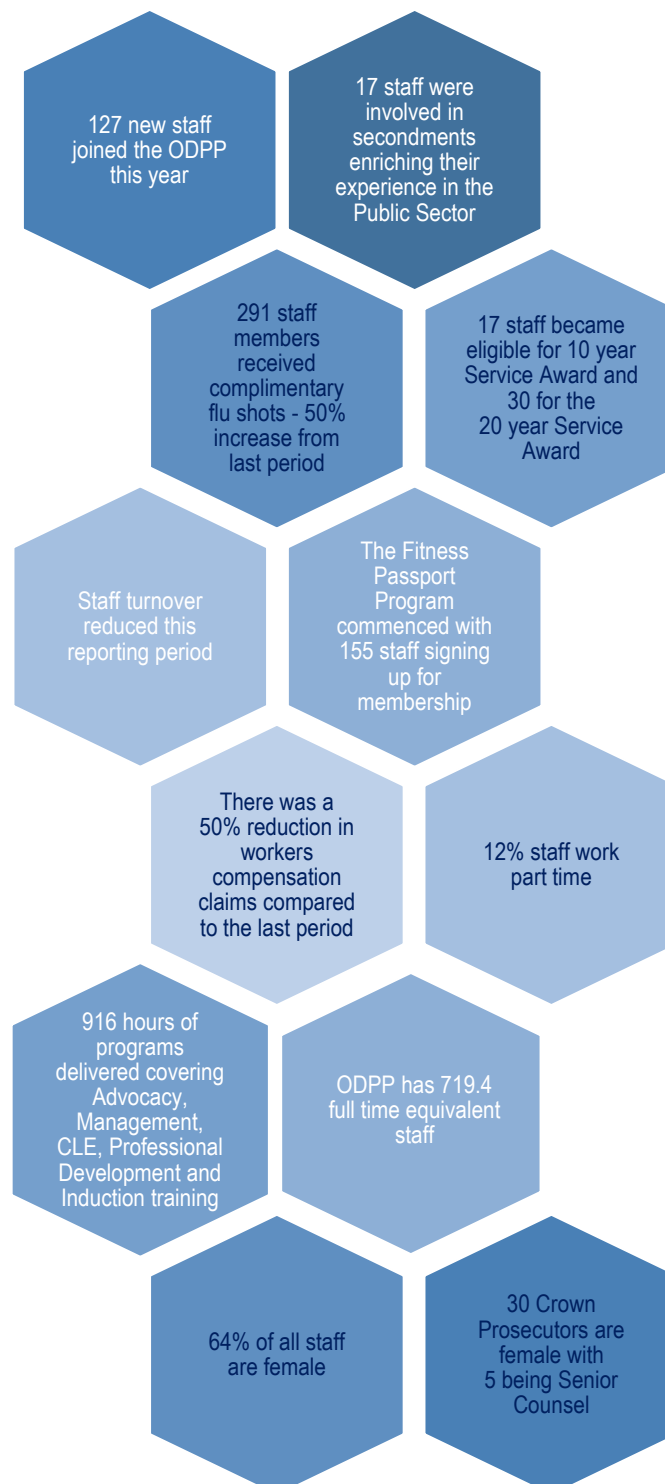
Priority: The creation of 150,000 new jobs by 2019

○ The ODPP full time equivalent positions for this period was 719.4 which is a 14% increase over the last two reporting periods.

APPOINTMENTS

- Appointment of an additional Acting Deputy Director Gina O'Rourke SC
- Deputy Senior Crown Prosecutor Phillip Ingram SC and Crown Prosecutors Nicole Noman SC, Jeff McLennan and Tanya Bright were appointed Judges of the District Court
- Crown Prosecutor James Gibson and lawyer Jennifer Price were appointed as Magistrates to the Local Court
- There were 14 Crown Prosecutors appointed - nine of which were from the Solicitor's Office

GOAL 4: DEVELOP RECOGNISE AND CELEBRATE THE KNOWLEDGE SKILLS AND COMMITMENT TO OUR PEOPLE



OUR VISION

A DYNAMIC PROSECUTION
SERVICE RECOGNISED
FOR ITS EXCELLENCE AND
LEADERSHIP



The Office and the Criminal Justice System

The Office of the Director of Public Prosecutions (ODPP) is the independent prosecuting authority of New South Wales.

The Office was created in 1987 by the *Director of Public Prosecutions Act 1986* (the Act) and is responsible for the prosecution of all serious offences committed against the laws of the State on behalf of the people of NSW. Key provisions of the Act are contained in Appendix 2.

The Director of Public Prosecutions (DPP) acts independently and impartially. The principal functions of the ODPP are to institute and conduct prosecutions for indictable offences in the Local, District and Supreme Courts, conduct appeals in any court for any such prosecution, and conduct, as the responding party, any appeal in any court for any such prosecution.

The ODPP advises in, institutes and conducts proceedings in the public interest in accordance with the Director's Prosecution Guidelines. Decisions about criminal prosecutions are made free of inappropriate influence of political, individual or other sectional interests.

The ODPP does not investigate crime – that is the role of investigative agencies such as the NSW Police Force.

The ODPP Head Office is located in Sydney. There are three western Sydney offices located at Parramatta, Penrith and Campbelltown and six regional offices throughout NSW: Lismore, Newcastle, Gosford, Wagga Wagga, Dubbo and Wollongong. Lawyers appear and also instruct Crown Prosecutors in courts across NSW in a wide range of matters including:

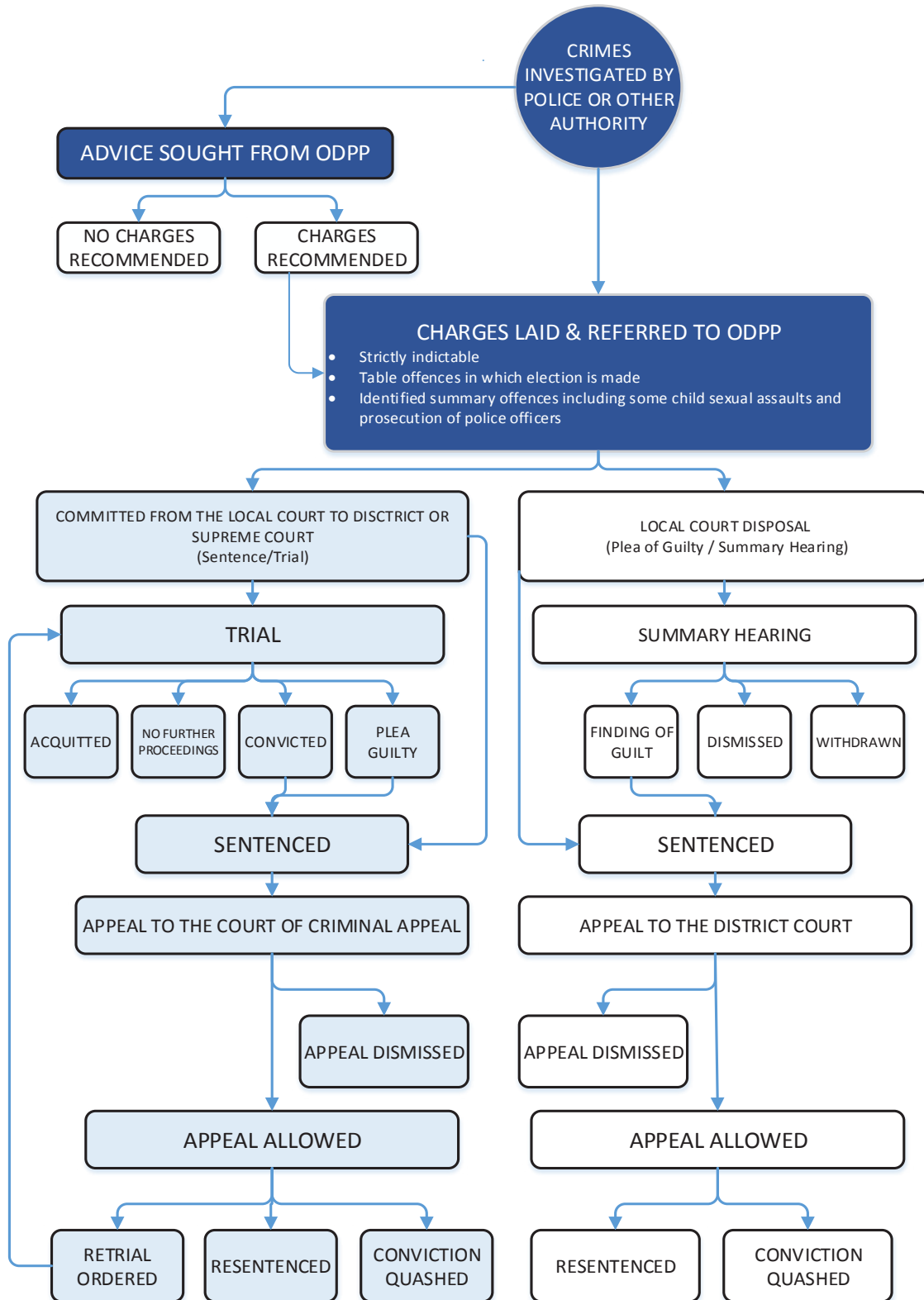
- trials and pleas of guilty in the District Court and the Supreme Court
- committal proceedings in the Local Court
- some summary hearings in the Local Court
- Appeals in the District Court, Court of Appeal, Court of Criminal Appeal and the High Court.

The ODPP also has a Witness Assistance Service (WAS) in each office. WAS officers provide information, support and assistance to victims of crime and witnesses in the matters we prosecute.

In the performance of its functions, the DPP and the ODPP operate within the context of the following legislation:

- *Bail Act 2013* (NSW)
- *Children (Criminal Proceedings) Act 1987* (NSW)
- *Crimes (Appeal and Review) Act 2001* (NSW)
- *Crimes (Domestic and Personal Violence) Act 2007* (NSW)
- *Crimes (Sentencing Procedure) Act 1999* (NSW)
- *Crimes Act 1900* (NSW)
- *Criminal Appeal Act 1912* (NSW)
- *Criminal Procedure Act 1986* (NSW)
- *Director of Public Prosecutions Act 1986* (NSW)
- *Drug Misuse and Trafficking Act 1985* (NSW)
- *Evidence Act 1995* (NSW)
- *Drug Court Act 1988* (NSW).

Outline of the Prosecution Process



ODPP Executive

Lloyd Babb SC BA MA LLB
Director of Public Prosecutions

Appointed Director of Public Prosecutions in July 2011. Before Lloyd's appointment he practised as a barrister for 16 years, after working as a solicitor in private practice and for the ODPP. Appointed a Crown Prosecutor in 1998. Seconded as Director of the Criminal Law Review Division from 2003 to 2005 and an Acting Public Defender from 2006 to 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's third DPP.

Keith Alder B. Leg S
Deputy Director of Public Prosecutions

Appointed Deputy Director of Public Prosecutions in November 2011. Keith was admitted as a solicitor in 1988 and in that same year commenced at the ODPP. In 1992 Keith was appointed the Managing Lawyer of the Penrith regional office, a Trial Advocate in 1998, Crown Prosecutor in 2001 and in 2010, a Deputy Senior Crown Prosecutor. In 2012 he was appointed the Chief Audit Executive of the ODPP Audit and Risk Committee. He has been seconded to the Office of the Ombudsman and the Independent Commission Against Corruption.

Kara Shead SC BA LLB (Hons)
Deputy Director of Public Prosecutions

Appointed as a Deputy Director of Public Prosecutions in May 2016. Kara worked as a solicitor for the ODPP between 1996 and 2005, appearing as a Trial Advocate between 2002 and 2005. In 2005, Kara was appointed a Crown Prosecutor and in 2014, appointed as a Deputy Senior Public Defender. She is a Member of the Bar

Council, the Criminal Law Committee and the Professional Conduct Committee of the Bar Association of New South Wales.

Gina O'Rourke SC BA LLB
Acting Deputy Director of Public Prosecutions

Appointed as Acting Deputy Director of Public Prosecutions in May 2017. In 2002 Gina was appointed as a NSW Crown Prosecutor, appointed Senior Counsel in 2015 and Deputy Senior Crown Prosecutor in February 2016. Gina worked for the Northern Territory DPP as a Crown Prosecutor between 1994 and 1999 before then heading to the Commonwealth DPP in Darwin. She transferred to Commonwealth DPP (Sydney) in March 2000. Gina is a member of the Criminal Law Committee.

Mark Tedeschi AM QC MA LLB
Senior Crown Prosecutor

Appointed as a Crown Prosecutor in 1983. Mark has been a Queen's Counsel since 1998 and Senior Crown Prosecutor since 1997. He is the author of a book on international trade law and has written articles on environment law, social welfare law, business law, mental health law and criminal law. He is the President of the Australian Association of Crown Prosecutors, a visiting Professor at the University of Wollongong, and a member of the Board of Directors of the National Art School in Sydney.

Christopher Maxwell QC
Acting Senior Crown Prosecutor

Appointed as Acting Senior Crown Prosecutor in May 2017. Chris has held the position of Deputy Senior Crown Prosecutor (Sydney) from 2005. For three years prior, he was the Chief International Prosecutor for the United Nations Mission in Kosovo.

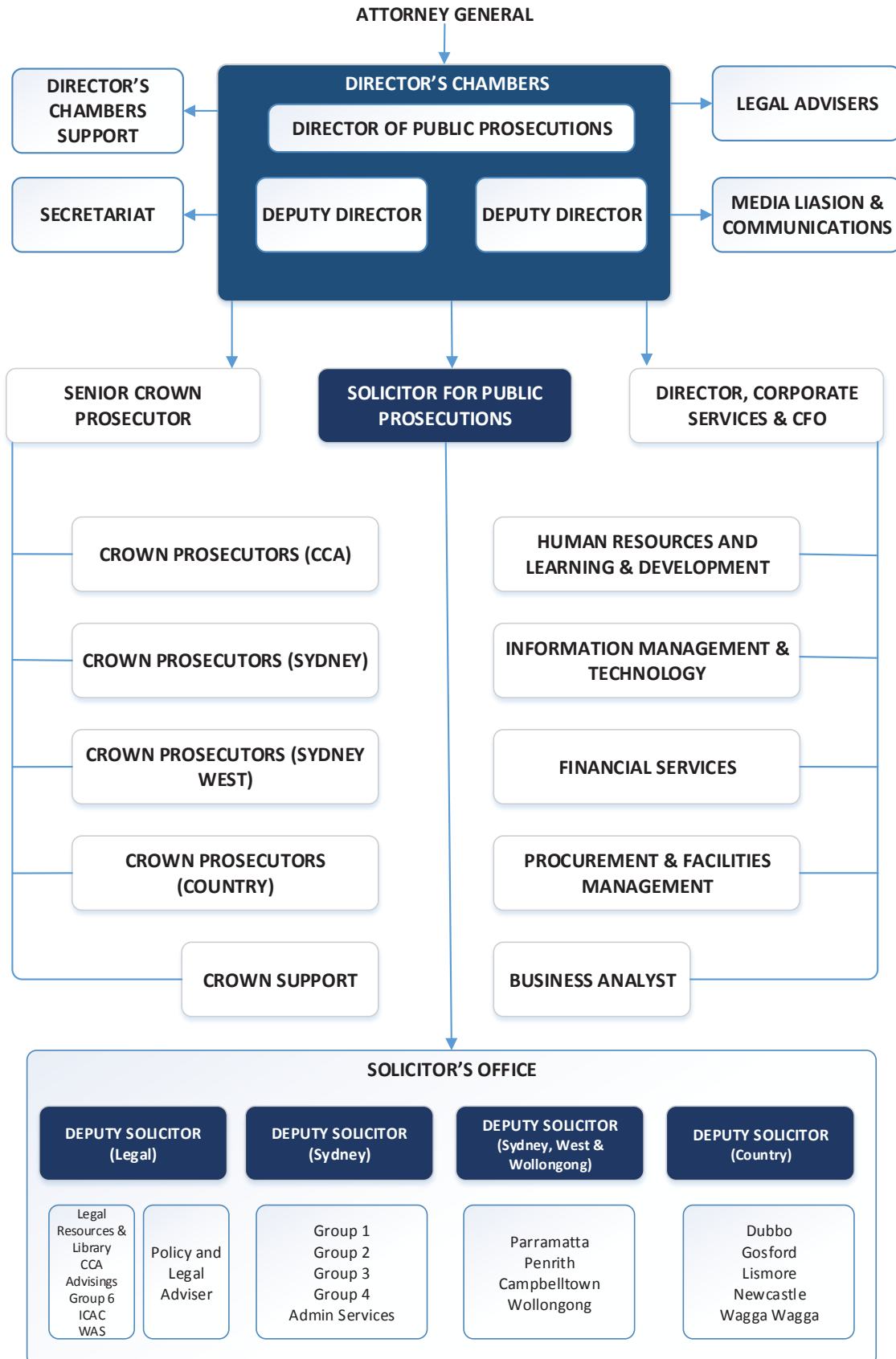
Craig Hyland BJURIS LLB GDPA
Solicitor for Public Prosecutions

Appointed as the Solicitor for Public Prosecutions in February 2015. Craig has over 25 years experience in the criminal justice system. Most recently as the Solicitor for Public Prosecutions in Victoria (from 2009 to 2015) after working as a solicitor, a manager and Senior Executive in the ODPP NSW. Craig graduated from the University of NSW with a Bachelor of Laws and a Bachelor of Jurisprudence in May 1985. He has post graduate qualifications in Public Administration conferred by the University of Sydney in 2007.

Elizabeth Stratford
BCom, MPA, FCPA, GAICD
Director, Corporate Services and CFO

Appointed Director, Corporate Services and CFO in October 2015. Elizabeth was appointed a Fellow of the CPA Australia in 2012 and a Graduate of the Australian Institute of Company Directors in 2013. She is an Executive of the public sector, having held roles in Education and Health portfolios and was most recently the Director of Corporate Services and CFO for the Museum of Applied Arts and Sciences. She has held senior leadership roles at NSW Treasury and Department of Education, and is currently the Chair of the NSW Public Sector Community of Finance Professionals.

ODPP NSW Organisational Structure



Report of the Director of Public Prosecutions



This year marks the 30th anniversary of the Office of the Director of Public Prosecutions (ODPP) and the 25th anniversary of the establishment of the Witness Assistance Service (WAS), both are significant milestones in the history of criminal justice in this State. At the heart of the ODPP are the people; the prosecution lawyers, administrative officers, the WAS and Corporate Services. All work hard as one team to provide a professional and effective prosecution service to New South Wales.

In May 2017, the Attorney General announced the Government's intention to act on the recommendations outlined within the December 2014 Law Reform Commission Report 141, 'Encouraging Appropriate Early Guilty Pleas'. The legislation providing for the reform is expected to be passed later in 2017.

These recommendations are built on the knowledge that while a large percentage of matters are determined by way of a guilty plea, the earlier a guilty plea is entered, the more time and cost effective it is for the criminal justice system.

There are five interdependent elements in the Early Appropriate Guilty Plea reform:

- early disclosure of evidence by the police
- charge certification by a senior prosecutor
- mandatory criminal case conferences
- case management, and
- sentence discounts.

The ODPP is about to take some important strides toward maintaining continuity of the prosecution legal team in criminal cases to provide a better

service to the victims, witnesses and the community. My Office is committed to implementing the Early Appropriate Guilty Plea reform and to building greater efficiency and timeliness in the way we deliver our services.

During the year the Coroner delivered his findings in the Inquest into the deaths arising from the Lindt Café Siege. The ODPP accepted each recommendation and had already taken action or was able to respond to them as a result of extensive work undertaken to improve training and education in relation to bail, continuity in representation, active case management and quality standards. These actions will be further enhanced through the implementation of the Early Appropriate Guilty Plea reform.

The Royal Commission into Institutional Responses to Child Sexual Abuse released its consultation paper on criminal justice. I have been an enthusiastic participant in the Royal Commission proceedings. The consultation paper provided an opportunity to reflect on the current state of the NSW criminal justice system and in particular the handling of child sexual abuse cases. The work of the Royal Commission is evidence based and includes research conducted about jury reasoning utilising jury panels and case based scenarios. The Royal Commission has considered the way evidence is elicited from victims of child sexual abuse, utilising advice from psychologists and child welfare experts from Australia and overseas. Many of the anticipated recommendations of the Royal Commission will fit well with the Early Appropriate Guilty Plea reform and with the Child Sexual Offence Evidence Pilot introduced in the Sydney and Newcastle District Courts. I welcome the opportunity for reform presented by the important work of the Royal Commission.

The District Court Trial registrations for this financial year increased by 7% and finalisations increased by 12%. Criminal sitting weeks of the District Court increased by 128 weeks. The increased sitting weeks and the improvement in the performance of the District Court is supported by the work of the Crown Prosecutors and the staff of the ODPP.

Targeted trial callovers were held at Parramatta, Coffs Harbour, Port Macquarie and Gosford District Courts with over 80 matters resolved and therefore not proceeding to trial. Overall, approximately 450 days of court sitting time has been saved.

I express my appreciation to all ODPP staff and Crown Prosecutors for their hard work and commitment during this year.

Lloyd Babb SC
Director of Public Prosecutions

Report of the Solicitor for Public Prosecutions

This financial year has been one of achievement and celebration for the ODPP; marking results which could not have been realised without the hard work and dedication of all ODPP staff and Crown Prosecutors; and to whom the ODPP is thereby indebted.

The year marked the 25th anniversary of the establishment of the Witness Assistance Service (WAS); the effective and continued implementation of key strategies towards our Strategic Goals; and the recognition of the skills of our people with judicial appointments to the District Court and Local Court, and the appointment of nine lawyers as Crown Prosecutors.

Results

We have again continued the upward trend, for the sixth year in a row, with findings of guilt being achieved in 89.2% of matters prosecuted in the District and Supreme Courts. Early resolution of matters was achieved in 67.3% of matters, and only 32% of matters were committed for trial to the District Court, thereby resulting in efficiencies to the justice cluster.

Registrations and finalisations increased in the Local Court by 7% and 11% respectively and District Court Trial registrations increased by 7% and finalisations by 12%.

Over the same period there has been an increase of 7.2% in referrals to the Drug Court and an increase of 15% to the workload of WAS totalling 3,264 matters, 64% of which were sexual assault matters. During the year there were 606 Domestic Violence related referrals to WAS.

Initiatives

The Child Sexual Offence Evidence Pilot, Rolling List Pilot and the District

Court Backlog initiatives added to an already increasing workload. In the financial year funded initiatives were trialled by the District Court to reduce the growing backlog:

- additional sitting weeks
- targeted trial callovers (Special Callovers)
- pre-trial conferencing for long trials
- early resolution (initial plea negotiations).

Of note is that the ODPP serviced an additional 128 sitting weeks in the District Court; resolved over 80 trials in Special Callovers saving approximately 450 days of court sitting time; and negotiated with Legal Aid NSW under our Charge Negotiation Memorandum of Understanding a plea of guilty in 70% of identified matters in Sydney and 60% of identified matters in Parramatta.

Legislation

Senior resources were invested engaging on interagency committees; making a significant number of submissions on law reform; and working with Justice Strategy and Policy, Department of Justice, and other cluster agencies on the EAGP business case, project and legislation.

Strategic Plan

The ODPP is committed to being a dynamic prosecution service recognised for its excellence and leadership.

Work continued during the year building on the foundation of the Strategic Plan 2015–2019, embedding the strategies achieved in the previous financial year. As with last year this Annual Report is structured

around our four strategic goals, and achievements against each:

1. Deliver a high quality, independent and professional prosecution service
2. Provide a fair, just and timely service to victims and witnesses
3. Improve the ways that we interact internally and with our criminal justice partners
4. Develop, recognise and celebrate the knowledge, skills and commitment of our people.

Work continued throughout the year on improving internal legal processes, standard operating procedures, performance and education of staff, communication and knowledge management and measuring our performance. This work will inform the ODPP EAGP Implementation Team as it reviews the internal structure of the ODPP, our current processes, and the best way to transition the Office to a new way of working in order to implement the Early Guilty Plea Reform.

Relevantly:

- a new prosecution model was piloted at Burwood Local Court from March 2016 with legal and administrative staff grouped in a small team with the aims of improving continuity of representation and earlier allocation of matters
- the Standard Operating Procedures project has continued to develop this year with new internal procedures being communicated; specifically in relation to trial preparation and instruction, with legal staff being trained at the 2017 ODPP Professional Workshops

- knowledge management became a focus with the merger of the Research Unit and Library, the establishment of a Knowledge Sharing Committee, and the launch of a new research mini site on the ODPP Intranet
- a Digital Working Strategy was approved in March 2017 – the culmination of consultation across the justice sector, desk top research, and internal workshops. The vision of the Strategy is to provide a seamless digital prosecution service by championing digital practices across the justice cluster
- staff were trained in our personal development system, SuccessFactors, through face to face or online training, after which they entered into plans

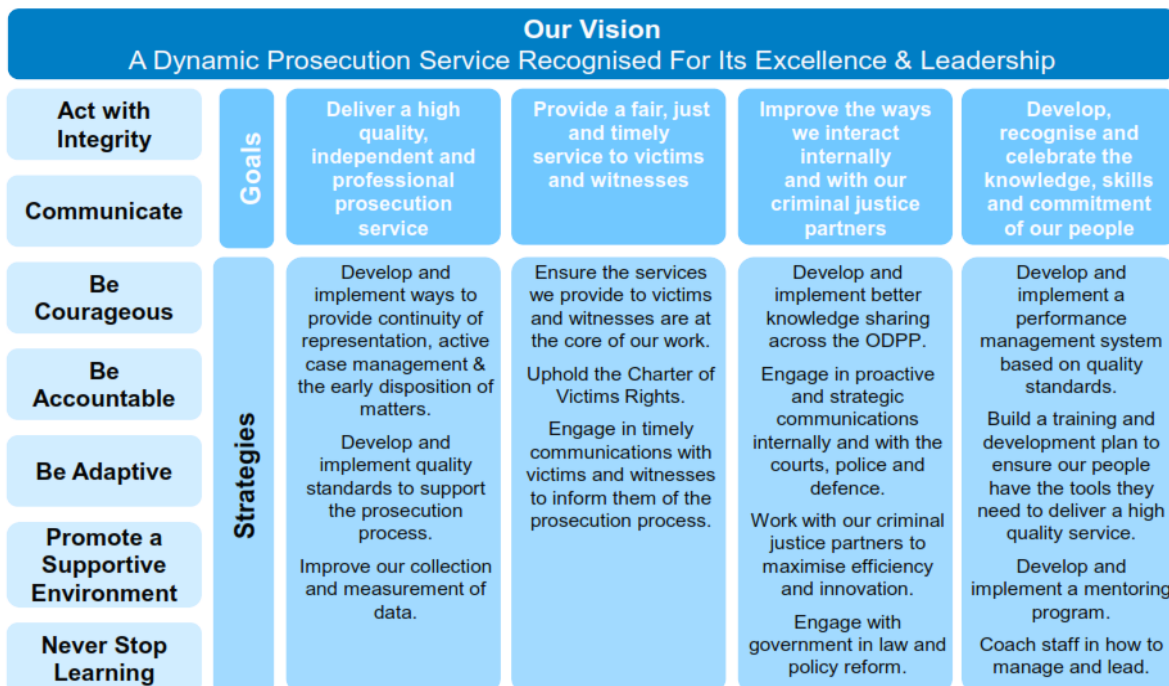
with their managers. Practice Review Templates were created for lawyers, trial advocates and WAS officers and there was an increased focus on regular practice reviews across the Office. Work was undertaken documenting Career Pathways with Role Maps being developed and published to staff to heighten the focus on our performance development process.

During the year the Royal Commission into Institutionalised Responses to Child Sexual Abuse released a consultation paper on Criminal Justice; and the Coroner delivered his findings in the Inquest into the deaths arising from the Lindt Café Siege. The ODPP was well placed to respond as a result of extensive work undertaken on initiatives from its Strategic Plan; and participation in

Cluster initiatives which focused on improved continuity of representation, active case management and quality standards. All of which will be further enhanced through the implementation of the Early Guilty Plea Reform.

An increasing workload; responding to sector initiatives targeting processes and system backlog; working on internal processes; implementing Strategic Plan initiatives and preparing for EAGP has indeed placed many demands on ODPP staff and Crown Prosecutors. The next year will be one of significant change for the ODPP. One which we have prepared for through our Strategic Plan. And one which our staff have been working towards for some time.

Craig Hyland
Solicitor for Public Prosecutions



Report of the Senior Crown Prosecutor

The first NSW Crown Prosecutor was appointed in 1830. Today, the Crown Prosecutors of New South Wales make up the largest 'floor' of criminal barristers in the State. They are counsel who, as statutory office holders under the *Crown Prosecutors Act 1986*, conduct, and appear as counsel, in proceedings on behalf of the Director; find bills of indictment in respect of indictable offences; advise the Director in respect of any matter referred; and to carry out such other functions of counsel as the Director approves. Experience has shown that the use of independent Crown Prosecutors produces the most efficient professional service to the people of New South Wales.

The vast bulk of criminal jury trials in the District and Supreme Courts and criminal appeals in this State are prosecuted by a Crown Prosecutor. Occasionally they appear at coronial inquests, inquiries under Part 7 of the *Crimes (Appeal and Review) Act 2001* and in unusually complex committal proceedings.

The Crown Prosecutors are a repository of some of the most experienced and able criminal lawyers in Australia. Their Chambers encourage substantial interaction in the finest traditions of the Bar and take great pride in being able to apply their considerable expertise to represent the community of New South Wales independently and fearlessly.

This talent has been recognised over the years when Crown Prosecutors have been seconded to such organisations as the Police Integrity Commission, the Independent Commission Against Corruption and the Public Defenders. They have also been called upon to work in international humanitarian law arenas, including the Solomon Islands, Afghanistan and the former Yugoslavia. In addition, there are a significant number of former Crown

Prosecutors who are Judges of the Supreme and District Courts. The Crown Prosecutors are almost all members of the NSW Bar Association and participate in its Council, its Committees (including Professional Conduct Committees) and its collegiate life.

The Crown Prosecutors have chambers in every ODPP office: Sydney, Parramatta, Penrith, Campbelltown, Dubbo, Newcastle, Wollongong, Wagga Wagga and Lismore; reflecting the spread of trial work throughout the state. Crown Prosecutors in the country often travel long distances to service various circuit sittings of the courts.

As at 30 June 2017 there were 93 Crown Prosecutors for the State of NSW.

There were 14 new appointments of Acting Crown Prosecutors in the period July 2016 to June 2017.

There are now 30 female Crown Prosecutors, with five being Senior Counsel.

There were the following departures during the period July 2016 to June 2017:

- Nicole Noman SC appointed as a District Court Judge on 8 August 2016
- Philip Ingram SC appointed as a District Court Judge on 15 August 2016
- Jeff McLennan SC appointed as a District Court Judge on 22 August 2016
- Tanya Bright appointed as a District Court Judge on 31 January 2017
- James Gibson appointed as a Local Court Magistrate on 23 January 2017.

With the pending legislation for Early Appropriate Guilty Pleas, the following year will bring some changes to the way the Crown Prosecutors carry out their work. They will still conduct the most serious criminal trials but will also be involved early in the proceedings in order to identify those matters that are appropriate guilty pleas but also to become briefed early to allow for continuity of the one counsel from the start to finish of a case.

The Crown Prosecutors look forward to and will embrace this new and exciting period in the life of the Office of the Director of Public Prosecutions.

Chris Maxwell QC
Acting Senior Crown Prosecutor

Report of the Director, Corporate Services

It has been an exceptionally busy year for Corporate Services with the team modelling the ODPP signature behaviours of courage, integrity, adaptability, accountability, communication and continual learning to meet challenging deadlines, service delivery goals and project milestones. During the year, the Corporate Services team contributed towards both ODPP Strategic Planning goals and whole of government reforms including NSW Treasury Financial Transformation, District Court Backlog (DCB) and Early Appropriate Guilty Pleas.

One of the key corporate staff development initiatives implemented during the year was 'Corporate Unleashed', a mandatory court visit program for all corporate staff. The visits were led by a Managing Lawyer and were designed to build an understanding of the challenges of frontline legal teams and their direct support staff. Alongside monthly presentations by legal staff to the corporate team, these initiatives ensure all corporate led technological and policy development activities focus on delivering better outcomes to the business.

The following operational highlights of the year were delivered in support of the Strategic Goals of the Office:

Deliver a High Quality Independent and Professional Prosecution Service:

- application of an internal budgetary control to deliver operating funds to enable the modernisation of service delivery
- establishment of the CASES Review project team to deliver a modern case management system to support legal staff

- development of financial reporting by fund source to support resource allocation for the District Court Backlog and Early Appropriate Guilty Plea reform
- development of reporting to identify the pressures of delivering to the District Court Backlog (DCB), additional court sitting weeks and judicial officers
- deployment of new laptops to legal staff and refresh of all multi-function devices across the office to establish a modern, flexible, mobile platform enabling easy access to systems and information
- enabled remote courthouses serviced by the ODPP with Wi-Fi connected printing services to facilitate access to printing and scanning from outside the office.

Improve the Ways we Interact Internally and with our Criminal Justice Partners:

- consolidation of legacy research systems into an integrated SharePoint knowledge site providing improved search and knowledge management capabilities
- development of relationship with NSW Treasury during the NSW Treasury PRIME Financial reporting implementation, including supporting criminal justice partners
- managed the 2017 Heads of Prosecuting Agencies Conference
- supporting staff mobility and developing core technology platforms, delivered an Always-On Remote Connectivity solution to enable staff to connect from anywhere

- dark fibre connectivity between Sydney, Parramatta and the Government Data Centre (GovDC)
- deployed high speed internet services
- implementation of ServiceNow service management system
- to track and manage requests across Information, Management & Technologies and Facilities to improve consistency of support to the business
- migration of Finance and Payroll systems to Justice SAP (Systems, Applications & Products in Data Processing) as a service.

Develop, Recognise and Celebrate the Knowledge, Skills and Commitment of our People

- further implementation of SuccessFactors to extend its focus from professional development planning to include online learning modules, training and events development
- performance development plans in place to support ongoing performance conversations between managers and staff
- update of audio visual facilities to enable use of online learning and video conferencing
- continued support of Mandatory Continuing Legal Education with a dedicated Legal Learning and Development Officer.

In addition to these operational initiatives, Corporate Services either supported or led a number of significant projects.

We led the transition of the Office to the Justice SAP as a service, enterprise resource program implementation, completing the migration of finance, payroll and time recording. The benefits will be significant over the longer term:

- removing the need to run multiple separate systems and related risks for significant margins of error
- improving data quality and delivering improved reporting
- digital workflows and automation.

Significant training of all ODPP staff was delivered, including the development of online learning and Service Desk support.

Corporate Services also supported the ongoing and recently announced EAGP reform. The DCB initiative continues to drive significant effort in recruitment, facilities, financial reporting and technology infrastructure support across the team. The EAGP project commenced in earnest in April 2017 and will drive similar corporate support pressures as workforce redesign, technology and process work streams establish themselves. The technology stream will dovetail with the CASES Review project which started in early 2017.

The fantastic level of positivity and stamina that the Corporate Services team demonstrates is inspiring. My thanks to them and the greater Office for their support of the Corporate Services team and the successful delivery of key goals this year.

Libby Stratford
Director Corporate Services and CFO



GOAL 1

DELIVER A HIGH
QUALITY, INDEPENDENT
AND PROFESSIONAL
PROSECUTION SERVICE

Strategies

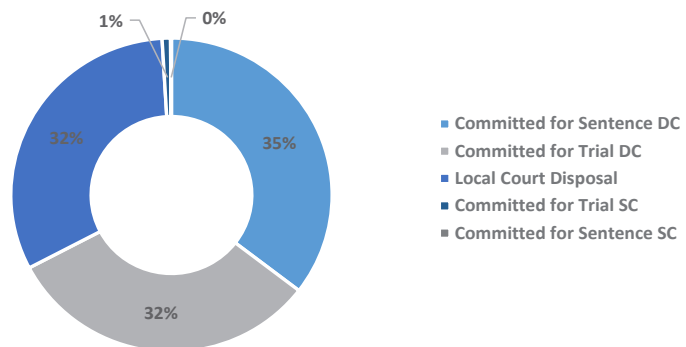
- *Develop and implement ways to provide continuity of representation, active case management and the early disposition of matters*
- *Develop and implement quality standards to support the prosecution process*
- *Improve our collection and measurement of data*

Highlights

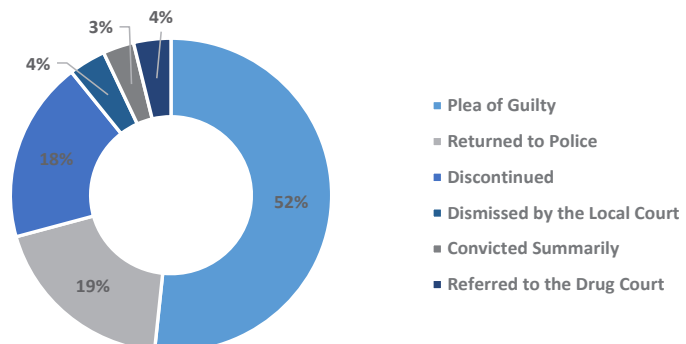
Local Court

The ODPP completed 6,401 matters in the Local Court in 2016/2017. Of those, 31.7% were finalised in the Local Court, 67.3% of matters were committed to the District Court and the remainder committed to the Supreme Court.

Local Court Outcomes

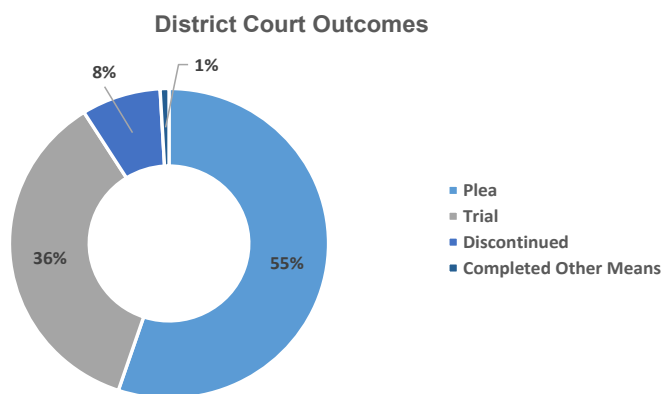


Local Court Finalisation



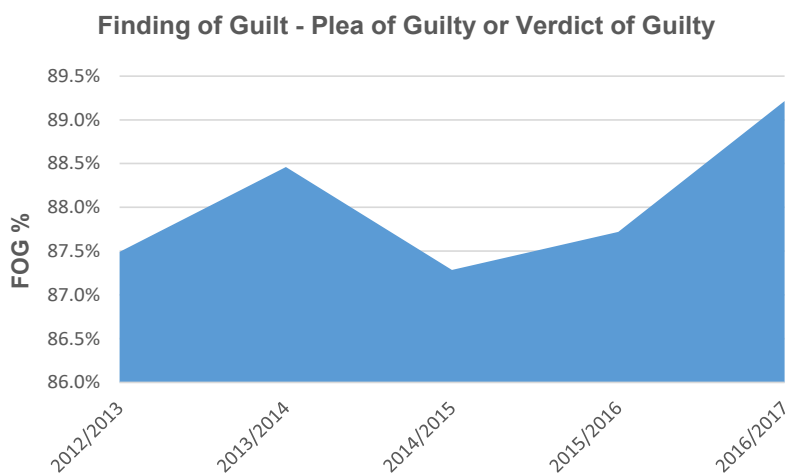
District Court

In 2016/2017 the ODPP completed 1,788 District Court trials. In 55.1% of matters, the matter resolved by way of plea. Trials were held in 35.9% of matters and the remaining 9% of matters were discontinued.



Finding of Guilt

In the last financial year, 89.2% of matters in the District and Supreme Courts resolved in a guilty finding.



Operations

Sydney

Sydney Operations comprises Groups 1 to 3, the Short Matters Group (Group 4), the Burwood Pilot Team and the Drug Court (State-wide).

Managing new initiatives, additional court sittings and an increase in the number and complexity of matters made this a very challenging year for Sydney operations. During this reporting period there was a steady increase in committals, summary prosecutions and trials. The creation of the Burwood Pilot Team resulted in a decrease in committals at Parramatta and contributed to the 18% increase in new registrations in Sydney.

To reduce the backlog at Sydney West trial courts, trials with an estimate duration of three weeks or more were transferred to Sydney. Consequently, the average duration of long trials in Sydney increased to 33.7 days which was a 10% increase from the previous year.

Maintaining continuity in matters by lawyers and early briefing of Crown Prosecutors remained a major focus as a result of several external and internal initiatives.

Priority Matters – which adopted best practice strategies in relation to certain categories of offences was successfully implemented office wide. These strategies were particularly effective in relation to matters under the charge categories involving death (PMD) and child sexual assault (PMC) that were finalised 17% faster than the ODPP average. PMC matters were finalised 32% faster than child sexual assault matters not included in this initiative (see Internal Initiatives for further information).

Readiness Hearings - a case management strategy to assist in the

reduction of the backlog of trials at Sydney District Court. These hearings were listed six weeks before the trial date in all trials with an estimated duration of four weeks or more. During this reporting period readiness hearings were held in 115 trials. The Chief Judge of the District Court has indicated that by July 2017 the Practice Note will be amended to include case management of all trials with an estimated duration of three weeks or more. This will increase the onus on the Office to brief Crown Prosecutors early in trials.

Child Sexual Offence Evidence Pilot - introduced at Sydney and Newcastle District Courts is designed to reduce stress and trauma for child sexual assault complainants. To maintain continuity in these matters senior committal lawyers instructed Crown Prosecutors in the trials during the pre-recording of the child witness' evidence and remained involved in the trial throughout. Of the 45 trials included in the Sydney Pilot, 24 have been successfully completed. Anecdotal feedback about the operation of the Pilot from the lawyers has been positive. The Office has provided targeted training regarding the conduct of matters to lawyers and Crown Prosecutors (see External Initiatives for further information).

Additional District Courts - as part of the District Court backlog initiative six additional District Courts sat at the Downing Centre and Darlinghurst for additional listings of short matters and trials. Further ad hoc court sittings were also scheduled.

Case management of Supreme Court bail applications under the 2016 Practice Note (SC CL 11) continued to assist the Office to better manage resources and provide much needed time to prepare for hearings. There were approximately 2,000 fewer bail

R v LIAN BIN (ROBERT) XIE Murder of five members of the Lin Family

Robert Xie was charged with the murder of his brother-in-law Min (Norman) Lin 45, Mr Lin's wife Yun Lin (Lily) Lin 44, her sister Yun Bin (Irene) Lin 39, and the Lin's two sons Henry 12, and Terry 9. Each victim was bludgeoned to death using a hammer-like object in the early hours of the morning of 18 July 2009 in their family home at North Epping. The offender was arrested on 5 May 2011 after an extensive investigation.

He faced trial at the Sydney Supreme Court in February 2015. After approximately nine months of evidence the jury was unable to reach a verdict.

A retrial commenced in June 2016. On 12 January 2017, after eight days of deliberation, by a majority of 11 jurors, the offender was found guilty of the each of the five counts of murder. He was sentenced on 13 February 2017 to life imprisonment for each murder. The court found the offending was 'heinous in the extreme' and was in the worst category of murders.

To date, in excess of 8,500 work hours have been expended on the prosecution.

A Notice of Intention to Appeal against conviction has been filed.

applications listed for hearing this year due to 30% (1,647) of applications being withdrawn at callover stage. Additional bail court sittings in June 2017 also assisted in the reduction of the backlog.

Drug Court

The Drug Court operates at the Downing Centre (Sydney), Parramatta and Toronto (Hunter). The Parramatta Drug Court is also responsible for the Compulsory Drug Court Correctional Centre at Parklea. This year the Drug Court was actively engaged in the rehabilitation of 357 offenders, a 7.2% increase from the previous year, raising the total referrals to 805.

Computer and technology upgrades assisted the ODPP Drug Court team to meet the challenges of increased referrals and workload. This also improved efficiency and communication with internal and external stakeholders.

Improved interaction with ODPP offices close to the Drug Court locations (Parramatta, Newcastle and Sydney) has enhanced awareness of wider ODPP staff to the program, its processes and benefits. The Drug Court team participated in the Drug Court of NSW Practitioners Conference which was attended by the Attorney General and the Director of Public Prosecutions.

Judge Marsden former judge at the Drug Court, in his retirement speech, said that he was impressed with the professionalism, strength of advocacy and discharge of our ethical obligations of ODPP staff who had greatly contributed to the success of the Drug Court.

R v HUGH GARTH **First conviction under the new 'one punch' laws**

The offence of Aggravated Assault Causing Death pursuant to s25A(2) *Crimes Act* 1900 was introduced in New South Wales in January 2014. Known as the 'one punch' law, it was enacted in response to a number of deaths and serious injuries that had been occasioned by a single punch to an unsuspecting victim.

In May 2014, Raynor Manald, attended a 21st birthday party at the home of a friend, Myrik Ong at Rooty Hill. The offender was also at the party. He was intoxicated. About midnight the offender pushed Mr Ong to the ground. Mr Manald approached the offender with his hands up and palms out. The offender punched Mr Manald to the face causing him to fall unconscious to the ground. Mr Manald died in Westmead Hospital the following day when his life support was turned off.

The offender was charged with aggravated assault causing death. He made a number of unsuccessful applications to stay the proceedings. The trial commenced at the Parramatta District Court in May 2017. The offender raised self defence but was found guilty.

At the sentencing proceedings, the defence raised issues as to the constitutional validity of the new offence. The Attorney General intervened in the proceedings.

The offender is still to be sentenced.

Sydney West and Wollongong

Sydney West and Wollongong Operations comprises offices at Parramatta, Campbelltown, Penrith and Wollongong.

The reporting period brought with it challenges in terms of changing workload and required flexibility around resourcing. The outcomes reported indicate that these four offices have collectively risen to the challenges faced.

In the reporting period, Local Court registrations increased steadily at Campbelltown, Wollongong and Penrith. New registrations at Parramatta declined due to the impact of the Burwood pilot matters being registered in Sydney. All offices increased the number of matters that were resolved in the Local Court compared to the last period. In all three Sydney West offices, there was an increase in the number of matters where a Crown Prosecutor or Trial Advocate was briefed early in the Local Court. Conviction rates in the District Court increased in Parramatta, Penrith and Campbelltown and held steady in Wollongong.

Across these regions, there were an additional 90 sitting weeks in the District Court compared to the previous period. This has resulted in a significant number of additional resources being placed at those offices. All available accommodation in these offices is occupied with capital works being undertaken to utilise any remaining useable space.

Notably, a third District Court commenced sitting at Campbelltown in September 2016. The third Court is expected to remain in place for the duration of 2017. Correspondingly, the Local Court committal boundaries were amended to reduce the number

of matters committed to Parramatta District Court and increase the number committed to Campbelltown District Court. This has contributed to reducing the District Court backlog faced at both Parramatta and Campbelltown with both courts experiencing a generally downward trend in matters on hand in the District Court.

In June 2016, Picton Local Court experienced an unplanned closure due to flooding. Matters listed there were temporarily diverted to either Moss Vale or Campbelltown Local Court. Following restorative works, the Court was re-opened in February 2017.

Each office continued their work with Legal Aid NSW under the Memorandum of Understanding that was implemented in the previous reporting period regarding Pre-Committal Plea and Charge Negotiations. Positive reports have been received regarding the initiative in securing early pleas and cultivating the relationship between the lawyers at this Office and Legal Aid.

The next financial year will bring an additional District Court to Parramatta expected to open first term of 2018. Additional resources will be required by the Parramatta office to manage this expansion. There are capital works being investigated to accommodate the extra staff.

Also in this next period will be a Special Callover at Wollongong District Court. A Special Callover or Targeted Trial Callover was an initiative included in the funding package announced in March 2016 to address the criminal trial backlog in the District Court. These call overs are usually a week long process whereby a large number of pre-identified trials are listed before the Court. Attempts are made in each matter to resolve them by way of a

plea of guilty which are entered in the callover listing.

A Deputy Director as well as a Public Defender are briefed in these matters for the purpose of the plea discussions. Usually the matters where pleas are entered proceed to sentence during the same period thereby removing them from the court diary entirely.

The Wollongong callover will be conducted in early August and there is a significant amount of preparation already being done by lawyers at the Wollongong office and Deputy Director Keith Alder in anticipation. At least 70 trial matters that have been identified as being likely to resolve have been listed. There is much optimism around this initiative which has shown success in the past saving court time and reducing delay. The outcomes will be reported in the next period.

R v STANFORD [2016] NSWSC 1434 A 'Worst Category' Case of Murder

The offender, Vincent Stanford, murdered Stephanie Clare Scott a teacher at Leeton High School. She was to be married the following week.

On Easter Sunday 2015 Stephanie attended the school to prepare lessons for the relief teacher while Stephanie was away on her honeymoon. She arrived at the school shortly after 11am. The offender was a part time cleaner at the school. He saw Stephanie in the class room and lay in wait for her for two hours.

As Stephanie was leaving the offender grabbed her from behind and dragged her into a dark room. He beat her unconscious and sexually assaulted her. He stabbed her in the neck with a large hunting knife. He went home before returning to the school some time later.

The offender took Stephanie's body home and later disposed of it at the Cocoparra National Park. He mailed Stephanie's personal items including her engagement ring, to his twin brother in Adelaide.

The offender was arrested on 8 April 2015 and subsequently pleaded guilty to murder and aggravated sexual assault. He could provide no explanation for his actions. The Crown's psychiatrist assessed the offender as being in the very highest category of risk of committing further acts of sexual violence.

The offender was sentenced on 13 October 2016 to life imprisonment and no parole period was set.

Country

The ODPP country operations encompasses offices at Dubbo, Gosford, Lismore, Newcastle and Wagga Wagga.

Local Court registrations have remain steady across the Country offices however Newcastle experienced an increase of 9% in the last financial year and an increase of over 15% since the 2014/2015 financial year. Four of the country offices registered a significant increase in the number of summary prosecutions during this reporting period, notably Dubbo (65.6%), Gosford (28.6%), Lismore (38.2%), and Newcastle (12.1%).

The greatest challenge for country during 2016/2017 was increasing District Court trial backlog. In response, an additional 38 weeks of sittings were listed in country centres at Armidale, Gosford, Griffith and Lismore. Notably, figures for Gosford and Lismore offices (including the Armidale circuit) show an increase of 61% and 31% respectively of trials completed.

Three Super Callovers were conducted in country centres with high trial listings. Deputy Director Keith Alder with the assistance of local senior lawyers appeared at the Callovers on behalf of the Crown.

In November 2016 at the Coffs Harbour District Court Callover, out of the 48 trials listed, 22 were resolved by pleas of guilty. The Gosford Special Callover was also conducted in November 2016. There, some 73 trials were listed and approximately 35 matters resolved. At the Port Macquarie Special Callover in March 2017, 71 trials were listed and pleas of guilty were entered in 18 trials involving 22 accused persons.

In total, almost 80 trials, some involving multiple accused, were resolved during the Special Callovers. The longest trial resolved had an estimate of 4 weeks. Overall, some 450 court sitting days were saved.

In addition to District Court sittings, the Supreme Court sat in ten regional centres - Albury, Coffs Harbour, Dubbo, Grafton, Griffin, Lismore, Newcastle, Port Macquarie, Tamworth and Wollongong. A total of 19 murder trials were determined. Convictions for murder were recorded in 12 matters. Five accused pleaded guilty or were convicted of the offence of manslaughter, and two accused were found not guilty by reason of mental illness.

On 14 March 2017 the redeveloped courthouse in Wagga Wagga was officially opened by Attorney General Mark Speakman SC. The courthouse now accomodates two jury trials to sit simultaneously and provides an upgraded witness room. AVL/CCTV facilities improve the court experiences of witnesses and more particularly, victims and their families. With the new facilities available, the Wagga Wagga District Court will commence to sit as a full time District Court for the first time from July 2017. Additional legal and administrative staff have been recruited for the Wagga Wagga office to meet this additional work.

The Child Sexual Offence Evidence Pilot is in full operation at the Newcastle District Court (see External Initiatives). Feedback from complainants and witnesses has been positive, particularly with regards to the assistance provided by Witness Intermediaries. There has also been a reduction in the amount of time child witnesses are required in court, with hearings being conducted with fewer interruptions for legal arguments and rulings.

R v GINO STOCCO AND MARK STOCCO Father and Son Crime Spree

Gino Stocco is the father of Mark Stocco. They were itinerant, working on rural properties in New South Wales and Queensland. They had committed a number of offences and were wanted by police for burning farm sheds and a tractor at a property at Canowindra in August 2014.

In September 2015 the offenders commenced living at a property at Elong Elong, 50 kilometres north east of Dubbo. The deceased Rosario Cimone also lived on the property. On 7 October 2015, after an argument, the offenders shot and killed Mr Cimone.

On 16 October 2015 Highway Patrol police saw the offenders driving a stolen vehicle in southern New South Wales. The offenders drove away and were pursued by police. The offenders stopped their vehicle and fired a semi-automatic rifle towards the police vehicle five or six times. More police took up the pursuit. The offenders again fired at police and escaped, returning to the Elong Elong property.

Police received information of their whereabouts after widespread media coverage. The offenders were arrested on 28 October 2015 by the Police Tactical Response Unit at Elong Elong. They disclosed to the police details of the murder of Mr Cimone and the location of his body.

The offenders pleaded guilty to a number of offences including murder, arson, discharge firearm with intent to avoid apprehension, possess unauthorised firearm, police pursuit – drive recklessly and steal motor vehicle.

Each offender was sentenced on 31 March 2017 to an aggregate sentence of 40 years imprisonment. Gino Stocco is eligible for parole after 28 years. Mark Stocco is due for parole after 30 years.

A Notice of Appeal against sentence has been filed by the offender Mark Stocco.

The Lismore office was closed from 31 March to 5 April 2017 as a result of serious flooding to the region. Although the office itself was not flooded, the building suffered sewerage and general water damage

to the basement and fire doors. Parts of the Lismore CBD were evacuated, so the building could not be accessed for a number of days. All telephone calls were diverted to the Sydney office. Although some staff

were cut off by the floods and it was impossible to access physical files, the ODPP staff continued to service the Lismore District and Local Courts that remained operational.

Murder by the unlawful injection of insulin by medical personnel

R v BRIAN CRICKITT

The offender was a doctor. He was charged on 3 December 2014 with the murder of his wife, Christine Crickitt.

He faced a judge alone trial in October 2016. The Crown case was that the offender was in a relationship with another woman and he deliberately injected his wife with insulin on the night of 31 December 2009 with an intent to kill her. Evidence was led that the offender wrote a prescription for insulin on 31 December 2009 in the name of another patient. It was later dispensed at the pharmacy attached to the Medical Practice of the offender. There was no clear cause of death but a number of experts were called as to effects of insulin on a person who was not insulin dependent.

The offender was convicted of murder and on 5 May 2017 was sentenced to 27 years imprisonment, with a non parole period of 20 years and three months.

A Notice of Intention to Appeal the conviction has been filed.

R v MEGAN JEAN HAINES

The offender was employed at the Summit Aged Care facility at Wallsend. Three residents of the facility suddenly developed serious symptoms related to low blood sugar levels within a few days of each other. Ms Gwendolyne Fowler was found unconscious on 18 October 2013 and died the following day. Ms Audrey Manuel was transported to hospital on 19 October 2013 when she was observed to commence to twitch. She survived. Mr Ryan Kelly was found unresponsive in his bedroom on 19 October 2013. He died on 29 October 2013 at John Hunter Hospital.

Medical experts confirmed all three incidents were as a direct result of each resident being deliberately injected with insulin well in excess of a regular dose for an insulin dependent person.

The Crown case was a circumstantial one. Evidence included that the offender had access to the facility's medications. Other staff were eliminated. He supplied contradictory statements to police. Suspicious text messages regarding the deaths were sent by the offender to another staff member. The offender had been terminated or deregistered from other care facilities.

The offender was found guilty of two counts of murder and one count of attempted murder at the Newcastle Supreme Court. He was sentenced on 13 December 2016 to an aggregate sentence of 40 years with a non parole period of 30 years.

A Notice of intention to Appeal the conviction has been filed.

R v GARRY STEVEN DAVIS

The offender worked as a nurse at St Andrews Aged Care Facility at Ballina. She was rostered on the night shift on 9-10 May 2014. She was informed during the shift, that complaints about her care had been made by residents Mrs Marie Darragh and Mrs Isabella Spencer.

The following morning, both Mrs Darragh and Mrs Spencer were found unconscious. A doctor was called but both women died a short time later. The cause of death in both women was identified as relating to insulin administration. The offender was the only person with access to the medication room.

The police investigation revealed the offender had previously been the subject of four separate investigations involving some 17 complaints relating to her professional conduct at four separate care facilities.

The offender stood trial at the Sydney Supreme Court in October 2016 and was found guilty of both murders. She was sentenced on 16 December 2016 to a total of 36 years imprisonment with a non parole period of 27 years.

A Notice of intention to Appeal the conviction has been filed.

Legal

The Legal Division of the ODPP is made up of six specialist groups: Group 6, the Witness Assistance Service, the Independent Commission Against Corruption Referral Group, the Advising Group, the Court of Criminal Appeal Unit and Legal Resources and Library.

Group 6

Group 6 is a specialist group established to prosecute serving police officers. The Group provides pre-charging advice to the NSW Police Force, the Independent Commission Against Corruption, the Police Integrity Commission and the Ombudsman as well as prosecuting those matters at court. Between 2015 and 2017 the most significant trial conducted was that related to the outlaw criminal group, Brothers for Life. The prosecution team included a Deputy Senior Crown Prosecutor, a Crown Prosecutor and two ODPP lawyers.

Witness Assistance Service

The Witness Assistance Service provides information, referral, assessment and case management of victims of violent/sexual crime and vulnerable witnesses who are involved in prosecutions, to meet the obligations in the NSW Charter of Victims' Rights. A full description of WAS activities may be seen under Goal 2.

ICAC Referral Group

The ICAC Referral Group was formed in 2013. The Group is a team of seven lawyers and one administrative officer formed to consider possible charges arising from investigations by ICAC. To date there have been 14 referrals to the Group.

In 2016/2017 three accused faced trial and all were convicted and sentenced.

On 16 December 2016, the Supreme Court sentenced Eddie Obeid to five years in jail, with a three year non parole period. The conviction related to Obeid's failure to disclose his family's business interests in cafe leases at Circular Quay, while lobbying a senior bureaucrat about the rights of waterfront retailers in 2007 when he was a member of the NSW Upper House. This matter was subsequently appealed to the full bench of the NSW CCA in June 2017. Judgment has been reserved.

Of the referrals received by the ICAC Referral Group three have been listed for trial:

- two Supreme trials have been finalised (Cyrus and Acacia 1) involving three accused (Edward Obeid (Senior), Ian MacDonald and John Maitland). Obeid Senior has appealed unsuccessfully to the NSWCCA and has filed a Special Leave application with High Court. All three accused have been found guilty and sentenced to imprisonment (Obeid 5 years 3 years NPP, Macdonald 10 years 7 years NPP and Maitland 6 years 4 years NPP). Appeals are pending in NSWCCA for Maitland and Macdonald.
- Operation Acacia 2 has run to trial, judge alone, and is listed for judgment in the District Court on 6 November 2017. The accused were John Maitland and Craig Ransley. Maitland was successful in a permanent stay application.

R v FARHAD QAUMI AND OTHERS
Prosecution of the Brothers for Life

Nine accused, who were members of the Brothers for Life criminal gang, were committed for trial on offences related to 13 incidents involving murder, shooting with intent to murder, aggravated break and enter, drug supply, and firearm offences. Three separate trials were ordered.

Five accused stood trial for the shooting murder of Mahmoud Hamzy on 28 October 2013. The Crown case was that Farhad Quami ordered the murder of Mohamad Hamzy, the leader of the Bankstown Brothers for Life. Mahmoud Hamzy was killed instead. Fearing retribution, Quami ordered a number of further shootings.

Over 130 witnesses were called in a seven month trial. In November 2016, three offenders including Quami were convicted of manslaughter and conspiracy to murder. The jury could not reach a verdict in respect of two other accused.

Farhad Quami and another then stood trial for the murder of Joe Antoun on 16 December 2013. Both offenders were found guilty of murder.

In June 2017, three offenders were sentenced to imprisonment for periods between 30 and 60 years for the murders. Farhad Quami was sentenced to 60 years imprisonment, with a non parole period of 43 years. He has filed a Notice of intention to Appeal the conviction.

A number of related trials are listed to commence in late 2017 and early 2018.

LAZARUS v ICAC & ORS
[2017] NSWCA 37
ICAC (Validation) Act
2015 considered

In 2010/2011 the NSW Independent Commission Against Corruption (ICAC) conducted Operation Charity, being an inquiry into possible corrupt conduct in NSW hospitals. Arising from the inquiry Sandra Lazarus was convicted in the Local Court of numerous fraud offences and Michelle Lazarus was convicted in the Local Court of giving false evidence to the ICAC inquiry. Both applicants appealed against their convictions to the District Court.

While the appeals were pending the High Court delivered a judgment, the effect of which was that Operation Charity was not authorised.

The NSW Parliament as a result, passed the *ICAC (Validation) Act 2015*, which retrospectively authorised ICAC to conduct such investigations as Operation Charity. A subsequent High Court decision held that the Validation Act was itself valid (*Duncan v ICAC* (2015) 256 CLR 83).

Sandra and Michelle Lazarus made application that the District Court permanently stay the proceedings. The application was refused. They sought judicial review of the decision in the Court of Appeal, and argued that, despite the decision in *Duncan v ICAC*, as a matter of construction the Validation Act did not apply to pending criminal proceedings and, in addition, was constitutionally invalid to the extent that it interfered with the judicial process.

The Court of Appeal rejected both arguments and dismissed the applications.

R v IAN MACDONALD AND JOHN
MAITLAND
Prosecution of former NSW
Minister

Ian MacDonald, the former NSW Minister for Primary Industries and Mineral Resources and John Maitland, the former head of the Construction, Forestry, Mining and Energy Union (CFMEU) stood trial jointly for criminal offences relating to the corrupt granting of a mining licence in the Hunter Valley. The Crown case was that MacDonald granted the licence whilst he was Minister, to a company owned and run by his friend, Maitland.

The trial ran for eight weeks before the Supreme Court at Sydney. Both offenders were found guilty and were sentenced on 2 June 2017. MacDonald was sentenced to ten years imprisonment with a non parole period of seven years. Maitland was sentenced as an accessory and was imprisoned for six years with a non parole period of four years.

The trial dealt with stay applications and a number of Notices of Motion. The defence appealed a number of the decisions of the trial judge that were dealt with by the Court of Criminal Appeal including the refusal of a stay application. The matter was listed at the Supreme Court on 43 occasions. To date, over 5,000 work hours have been expended on the prosecution.

A Notice of intention to Appeal the conviction and sentence has been filed by both offenders.

Advisings Group

The Advisings Group conducts appellate litigation arising from criminal proceedings in the Supreme Court, Court of Appeal, Court of Criminal Appeal and High Court. The Group also provides legal advice and representation to the Director in relation to a range of specialised matters. This year the Advisings Group were involved in a number of judgments. Of particular interest were those of *Hughes v The Queen*, *Lazarus v ICAC & Ors*, *Wilson v DPP* and *DPP v FD*.

R v FD [2017] NSWSC 679 Crown Appeal - Defence of Lawful Correction of a Child by a Parent

The respondent FD allegedly struck his teenage child on the legs and abdomen with a belt and was charged with the offence of assault occasioning actual bodily harm. The charge was dismissed in the Local Court. The Magistrate found she was 'not satisfied beyond reasonable doubt that the respondent did not intend lawful correction'.

On appeal the Supreme Court set aside the dismissal and remitted the matter to the Local Court to be determined according to law.

In upholding the appeal the Court held that the Magistrate erred in law in:

- failing to apply the correct onus and standard of proof, in that she failed to determine whether the defendant had shown on the balance of probabilities that the defence of lawful correction was made out
- failing to consider whether the criteria for the defence of lawful correction in s61AA *Crimes Act* 1900 had been established.

WILSON v DPP [2017] NSWCA 128 Consideration if proceedings against a Catholic Priest for failing to report information to police about another Priest should be stayed

The appellant, a Catholic priest, was charged with the offence of failing without reasonable excuse to bring material information to police knowing or believing that another person had committed a 'serious indictable offence'. It was alleged that between 2004 and 2006, the appellant had material information relating to an indecent assault on a child allegedly committed in 1971 by another Catholic priest, Father Fletcher. The offence of Indecent Assault alleged was pursuant to s81 *Crimes Act* 1900, a section that was repealed in 1984.

The appellant unsuccessfully sought to have the Court Attendance Notice quashed on the basis that it did not disclose an offence known to law because the alleged offence by Father Fletcher was not a 'serious indictable offence'. The Local Court refused the application. The appellant appealed.

The appeal was heard by a single judge of the Supreme Court and was dismissed.

The appellant was granted leave to appeal to the Court of Appeal. The appeal was dismissed. It was held that, notwithstanding the repeal of s81, an offence under that section remained a 'serious indictable offence' for the purposes of the offence charged against the appellant.

The substantive matter is listed for summary hearing at Newcastle Local Court in November 2017.

HUGHES v The QUEEN [2017] HCA 20 Tendency Evidence

The appellant was arraigned on an indictment containing 11 sexual offences committed against five children aged between five and 16 years. At the trial the Crown adduced evidence from each of the complainants and from other witnesses to prove, for the purposes of each charge, that the appellant had a 'tendency' to have a sexual interest in female children under the age of 16 years and to use his relationships to obtain access to female children in order to engage in sexual activities with them. The appellant challenged the admissibility of the 'tendency' evidence on the basis that in each case it lacked sufficient similarity to the charged conduct to meet the requirement in s97(1)(b) of the *Evidence Act* 1995 (that it have 'significant probative value'). The trial judge admitted the evidence over objection and the appellant was convicted of ten of the counts.

An appeal to the Court of Criminal Appeal against these convictions was dismissed.

By a grant of Special Leave the appellant appealed to the High Court. On 14 June 2017 the High Court, by majority, dismissed the appeal. The majority held that s97(1)(b) does not condition the admission of tendency evidence on the court's assessment of features of similarity between the tendency evidence and the conduct in issue (disapproving the decision of the Victorian Court of Appeal in *Velovski v The Queen* (2014) 45 VR 680).

The Court further held, by majority, that the tendency evidence adduced at the trial possessed significant probative value in relation to each count and showed the appellant's tendency to engage opportunistically in sexual activity with female children despite a high risk of detection.

Court of Criminal Appeal Unit

The Court of Criminal Appeal (CCA) Unit handles hundreds of appeals each year. In this financial year there were over 300 appeals heard by the Court of Criminal Appeal. On average up to ten appeals are listed in any given week ranging from appeals against conviction and or sentence to interlocutory appeals. Crown appeals include appeals against leniency of sentence, interlocutory appeals and on occasion, appeals against acquittals on a question of law alone. The right of appeal against an acquittal conferred by s107 *Crimes (Appeal and Review) Act 2001* is available if it 'involves a question of law alone'.

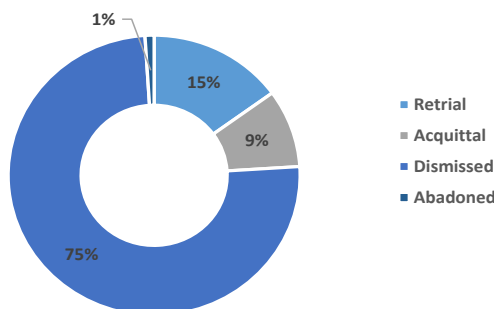
The Unit performs an important task when matters are appealed to the Court of Criminal Appeal by independently reviewing trials and sentences conducted by the Office as part of the appellate process. In recent times the Unit has had carriage of some High Court Special Leave Applications and appeals. Currently there are 15 lawyers and seven administrative staff who work together in this specialised unit. Part of the role of the lawyers is to assist the CCA Crown Prosecutors (of which there are nine) by providing summaries of trials in conviction appeals and drafting written submissions for consideration and settling by the Crown Prosecutor briefed. The Crown Prosecutors are led by Deputy Senior Crown Prosecutor Sally Dowling SC.

JONSON v R [2016] NSWCCA 286 AND R v LULHAM [2016] NSWCCA 287
Full Bench – settle the law on an aggravating factor under s21A(2)(eb) Crimes (Sentencing Procedure) Act 1999

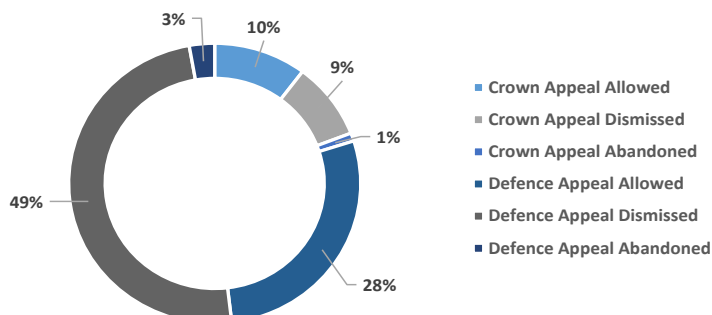
The Court of Criminal Appeal constituting a five judge bench, delivered two judgments on 9 December 2016 settling the application of s21A(2)(eb) *Crimes (Sentencing Procedure) Act 1999* in sentencing proceedings.

The section provides an offence is aggravated if it is committed in the home of the victim or any other person. Issues had arisen whether or not that factor applied to an offence committed in the home of both a victim and an offender. In a unanimous decision, the Court determined that the aggravating factor is not limited to offences where the offender is an intruder but extends to offences committed by an offender who is lawfully on the premises.

Result of Defence Conviction and Sentence Appeals



Result of Crown Inadequacy and Defence Sentence Appeals



**R v ANDREW NOLAN [2017]
NSWCCA 91**

Crown Appeal – Inadequacy of Sentence for Grievous Bodily Harm on 7 month old baby

On 24 April 2017 the Court of Criminal Appeal heard a Crown appeal against the inadequacy of the sentence imposed upon Andrew Nolan for the offence of causing grievous bodily harm with intent to cause grievous bodily harm on his seven month old nephew who was left in his care. When family members returned home the baby was found limp and unresponsive in his cot. A medical examination revealed multiple unexplained injuries to the baby's eyes, head, brain, torso and limbs. He was left severely disabled, with permanent debilitating and life-threatening conditions.

The Crown appeal was allowed. The sentence was increased from 12 years and six months with a non parole period of eight years and six months to 15 years and three months with a non parole period of 11 years and six months. In considering an argument by the Crown that the sentencing judge erred in regard to his finding of objective seriousness, the Court held that the judge did not need to be satisfied beyond reasonable doubt as to precisely how the injuries were sustained; it was evident that considerable force was used. The Court concluded that the sentence fell 'well short of adequately reflecting the gravity of the offence' and the need for deterrence.

DL v R [2017] NSWCCA 57 and DL v R (No 2) [2017] NSWCCA 58

Murder of 15 year old girl by juvenile – application of proviso to dismiss appeal despite flawed expert evidence at trial as to blood spatter

On 7 November 2016 the Court of Criminal Appeal heard an appeal against conviction and sentence in relation to the 2005 murder of a 15 year old school girl who was stabbed 48 times as she walked home after alighting from her school bus. The offender was 16 years old at the time of the offence. He was sentenced to a term of 22 years with a non parole period of 17 years.

At the appeal it was argued that the trial miscarried on account of fresh evidence in the form of expert evidence relating to blood pattern analysis. The Court concluded that the unchallenged evidence regarding blood pattern analysis at trial was materially flawed and that there was a risk of a denial of procedural fairness in the way aspects of the evidence had been presented. However, in considering the exercise of the proviso, the Court found that other evidentiary matters in the Crown case were sufficient of themselves to establish guilt beyond reasonable doubt and concluded that to the extent there was a denial of procedural fairness at trial, it was not a denial that precluded the application of the proviso.

The Court dismissed the appeal against conviction and sentence on 13 April 2017.

Applications for Special Leave to the High Court of Australia were lodged in June 2017.

Internal Initiatives

Digital Evidence Processing Unit (DEPU)

The DEPU, based at Head Office, centralises the editing, conversion and enhancement of digital material for prosecutions. This year the DEPU completed 4,277 requests State-wide including 2,206 edits, 1,986 conversions and 85 enhancements. The overall growth of 38% in the work resulted from increased use by the NSW Police Force of digital material in matters and edits arising out the pre-recording of complainant's evidence for the Child Sexual Offence Evidence Pilot. This year the DEPU successfully rolled out hardware and software solutions that have improved the quality of processing digital evidence. Further work is being done to enhance efficiency in the delivery of services by the DEPU.

Burwood Pilot

The Burwood Pilot commenced in March 2016. The Pilot implemented best practice strategies in allocating and briefing matters, victim and stakeholder engagement and streamlining work processes for more efficient operations. It aimed to achieve a culture of proactive and robust screening of matters and negotiations with defence for early resolution of appropriate matters.

The team's positive approach to exploring options for improvement made a significant difference in efficiency through establishing good relationships with police and defence.

The Pilot achieved improvements in a number of areas including:

- early allocation of matters
- involvement of Crown Prosecutors earlier in the process for mentoring and advice

- better relationship with police and Legal Aid NSW
- increased contact with victims
- quicker progress and earlier resolution of matters in the Local Court
- better administrative support for legal staff.

It is expected that learnings from the Burwood Pilot will be considered by the ODPP Early Appropriate Guilty Plea Implementation Team.

Priority Matters Initiative

The Priority Matters Initiative (PMI) was implemented in 2015 and adopted best practice strategies in relation to three categories of offences: sexual offences committed against a victim 16 years of age and under (PMC), matters involving death (PMD) and Special Interest (PMSI) matters.

It focused on the key areas of:

- early allocation
- early briefing of Crown Prosecutors in matters to be dealt with on indictment
- early engagement with victims
- continuity of representation.

The Priority Matters Initiative was evaluated during this reporting period. Highlights of the Office's successful compliance with PMI include a positive impact on Local Court timeliness, that is, PMD and PMC matters finalised 17% faster than the ODPP average. In particular, PMC matters were finalised 32% quicker than non-priority child sexual assault matters.

The evaluation demonstrated that the PMI has been successfully implemented and has made some positive improvements to the prosecution process in line with best practice.

Overall, the feedback from staff was positive particularly regarding early allocation of matters which was observed as promoting earlier contact with victims and providing professional development opportunities.

Trial Development List

This initiative is in its sixth year and continues to provide an excellent development opportunity for lawyers to conduct short and less complex trials in the District Court with the assistance of mentors, (who include the Director, Deputy Directors and Crown Prosecutors).

This year, 114 trials were identified as being suitable for lawyers on this list, is a 38% increase in the number of Development List trials from the previous year. Although accused persons pleaded guilty in a large number of these trials, 18% ran to verdict. Of the trials that ran, 55% returned a guilty verdict. The one-on-one mentoring and advocacy in jury trials has added a new dimension to the development of ODPP lawyers' trial advocacy skills.

Targeted Assistance Group

The Targeted Assistance Group (TAG) is a team of six to seven experienced lawyers who provide short term assistance to ODPP offices across New South Wales. The lawyers assist with additional District Court circuits or sittings and Short Matters courts. The TAG team are also available to step into committal practices on short notice or to provide relief for local lawyers on lengthy periods of leave. TAG continues to be a vital resource to address periods of heavy workloads and unexpected court sittings across the ODPP.

Workload Weighting System

Phase 1 of the Workload Weighting System (WWS) was successfully executed at the pilot locations of Group 3, Burwood Pilot, Penrith, Lismore and Dubbo during the year. The WWS aims to provide quantitative and qualitative information about workload size and complexity.

Phase 1 related to assessing and assigning a complexity rating to each Advising and Local Court matter and rating specified factors to measure the amount of work involved. This involved assigning a rating score between 1 to 5 to a matter, with 1 being low complexity and 5 being high complexity. The rating allocation was based on an assessment of specified criteria and risk involved in that matter.

As a result of the success of the complexity rating of Local Court and Advising matters, Phase 1 of the WWS was rolled out office-wide in January 2017. Success was measured by the following criteria:

- ease of complexity assessment by the Managing Lawyers and a compliance rate of 72%
- acceptance by Managing Lawyers and staff of the process
- the benefit of being able to ascertain the complexity of matters and determine the experience and mix of staff required to prosecute them.

An evaluation of the complexity rating of committals showed:

- as expected, the Legal units of Group 6 and the ICAC Referral Group have the more complex matters with 50% of committals rated 5

- in Sydney operations, approximately 87% of committals are rated 2 and above. In Sydney West and Wollongong 39% are rated 2 and above while 42% of committals in the regional offices have a complexity rating of 2 and above.

The procedures and criteria are currently being reviewed for extension to trials and other types of matters. These ratings will be utilised to determine resourcing and address risk under the Early Guilty Plea reform.

External Initiatives

Child Sexual Offence Evidence Pilot

The Child Sexual Offence Evidence Pilot began in March 2016 and is scheduled to continue until 2019. The Pilot operates in the Sydney and Newcastle District Courts.

This initiative is designed to reduce the stress and trauma suffered by many child sexual assault complainants due to their participation in the trial process. The Pilot aims to relieve stress and trauma in two ways: firstly, having the child assessed by a Witness Intermediary who prepares a report on the child's communication needs and then, based on the recommendations made in the report, assists the child to communicate when giving evidence at the pre-recorded hearing. Secondly, by pre-recording the child's evidence, including their cross-examination, without a jury being present and well before the remainder of the trial begins. This pre-recorded evidence is then played at the later trial in lieu of the child attending.

It was anticipated, and it has been shown by the operation of the Pilot to date, that pre-recording the child's evidence within two or three months of the matter being committed for trial means that the stress of waiting for the trial to begin, which can be anything from six months to a year or more, is greatly reduced and the burden of giving evidence lifted from the child earlier.

Pre-recorded hearings are more 'child-friendly' and less formal than a trial courtroom, as the jury is not present and this also lessens the child's stress and trauma, particularly as waiting times when at court have been vastly reduced under the Pilot.

The Implementation and Monitoring Group, which meets bimonthly, has sought to effect on-going legislative

and practical change to improve the Pilot. As such, eligibility for the Pilot has been extended to all children who are prosecution witnesses in child sexual assault matters, not just complainants; teachers are now included among the professions who are eligible to become Witness Intermediaries; and in-court practices have been introduced to further reduce the amount of time a child spends at court for a pre-recorded hearing. An independent assessment and evaluation process is currently under way.

As of July 2017, 85 matters had entered the Pilot, 45 in Sydney and 40 in Newcastle; and 27 Local Court matters had been identified as being eligible for inclusion once committed for trial. Pre-recording had been completed in 40 of the matters entered into the Pilot, 23 in Sydney and 17 in Newcastle, and 24 of the Pilot matters had been finalised, 12 each in Sydney and Newcastle.

Additionally, the NSW Police Force has utilised Witness Intermediaries at the police interview stage 672 times. Whilst the majority of these matters will not enter the Pilot (as they will proceed through courts outside Pilot catchment areas) the use of Witness Intermediaries at this stage is another aspect of the Pilot and enables police to conduct the best interview possible with child complainants and witnesses.

Rolling List Court Pilot

The Rolling List Pilot Court (the 'Rolling List') commenced as a joint initiative of the ODPP, Public Defenders and Legal Aid NSW in April 2015. It was initially a 12 month pilot conducted at Sydney District Court. During the pilot two dedicated prosecution teams each consisting of a Crown Prosecutor and an ODPP lawyer, worked with two defence teams of a Public Defender and a Legal Aid NSW lawyer. They

appeared before the same District Court judge with the objective of better case managing trials. The prosecution and defence entered into discussions before a trial was listed in an attempt to resolve the matter or, if not resolved, then to narrow the legal issues and reduce the length of the trial.

The Bureau of Crime Statistics and Research (BOCSAR) undertook an assessment of the Pilot. All matters referred to the Rolling List were placed in a ballot. Those that were 'balloted out' of the Rolling List were monitored as a control group in the general court trial list, and compared against the matters in the Pilot.

The NSW Rolling List Court Evaluation: Preliminary Report was released by BOCSAR in September 2016. It concluded the early results of the Rolling List were promising. By the end of July 2016 a significantly higher proportion of matters were finalised in the Rolling List compared with matters dealt with in the general court list (65% vs 37%). A higher proportion of Rolling List matters resulted in a guilty plea (63% vs 41%).

A number of matters in the general court list were still to be finalised as at 30 June, 2017. Once those matters are finalised BOSCAR will complete its analysis of the data to prepare its final report. The views of participants including the court, the prosecution and the defence have been sought by BOSCAR. It is anticipated the report will be available in late 2017.

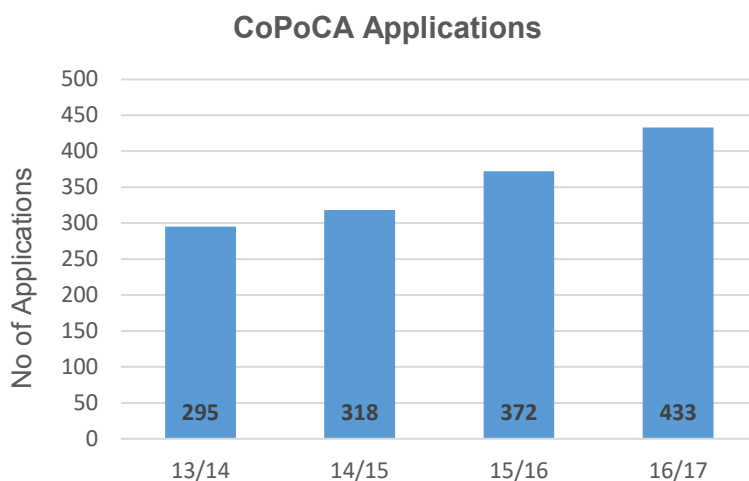
Although the pilot was completed in June 2016, the Rolling List continues to operate at the Sydney District Court. It has maintained a high level of efficiency.

Confiscation of Proceeds of Crime

The ODPP is empowered, pursuant to the *Confiscation of Proceeds of Crime Act 1989* (CoPoCA), to make applications for the forfeiture of “tainted” property or funds that have been proven to be the proceeds of crime. Forfeiture Orders (FO), Pecuniary Penalty Orders (PPO) or Drug Proceeds Orders (DPO) against an accused are pursued by the ODPP.

Applications under CoPoCA must be made within six months of the conviction (or plea of guilty by an accused). In practice, the ODPP makes applications at the same time as the sentencing proceedings. The most common types of property forfeited are cash and motor vehicles.

CoPoCA Applications Number, Type of Order and Success Rate	13/14	14/15	15/16	16/17
Number of Orders Applied for (FO, PPO & DPO)	295	318	372	433
Number of Orders Granted	274	303	360	414
Number of Forfeiture Orders (FO)	271	297	346	396
Number of Pecuniary Penalty Orders (PPO)	1	1	2	2
Number of Drug Proceeds Orders	2	5	12	16
Percentage of matters where application was successful	93%	95%	97%	96%
Total Estimated Value of property confiscated (millions)	\$1.0	\$1.5	\$3.7	\$3.4



Costs Awarded against the ODPP

Costs may be awarded against the prosecution in circumstances provided for by various statutes, including the *Criminal Procedure Act 1986*, *Costs in Criminal Cases Act 1967* and the *Crimes (Appeal and Review) Act 2001*.

The common law line of authority from the decision in *R v Mosely* (1992) 29 NSWLR 735, also allows the court to seek an undertaking from

the prosecution to pay the accused reasonable costs in circumstances where the Crown seeks an adjournment of a trial.

The total value of orders made in the below table does not include values under the *Costs in Criminal Cases Act 1967* since, pursuant to that Act, the court does not make an order as to required amount.

Matters where costs awarded against ODPP					
	12/13	13/14	14/15	15/16	16/17
Criminal Procedure Act	64	30	31	48	37
Costs in Criminal Cases Act	13	14	12	6	17
Mosely Orders	3	0	4	1	3
Crimes (Appeal & Review) Act	1	0	0	0	0
CoPoCA	0	1	0	0	0
Total number of orders	81	45	47	55	57
Total Value of orders made	\$1,104,884	\$462,257	\$503,210	\$726,540	\$634,057
Number of matters registered by ODPP in period	16,347	16,946	17,385	18,280	19,021
Number of costs awarded where fault of prosecution	12	2	9	9	17
Percentage of matters where costs orders were made due to the conduct of the prosecution	0.07%	0.01%	0.05%	0.05%	0.09%

Matters where costs were awarded on adjournment					
	12/13	13/14	14/15	15/16	16/17
Mosely Orders	3	2	4	1	3
Adjournment because full brief not served - Criminal Procedure Act	7	8	12	11	2
Criminal Procedure Act other adjournments	4	0	0	0	0
Other costs orders	67	35	31	43	52
Total	81	45	47	55	57

GOAL 2

PROVIDE A FAIR, JUST
AND TIMELY SERVICE TO
VICTIMS AND WITNESSES



Strategies

- *Ensure the services we provide to victims and witnesses are at the core of our work*
 - *Uphold the Charter of Victims Rights*
 - *Engage in timely communications with victims and witnesses to inform them of the prosecution process*
-

Witness Assistance Service

WAS is a service within the ODPP which focuses on supporting victims of violent or sexual crime and vulnerable witnesses involved in the prosecution process. The Service provides information, referral, assessment and case management of victims and vulnerable witnesses who are involved in prosecutions, with the aim of meeting the ODPP's obligations under the NSW Charter of Victims' Rights.

In 2016 the Witness Assistance Service undertook its 25th year of operation.

In response to current law reform initiatives, WAS has had an important role in the implementation of the Child Sexual Offence Evidence Pilot, and has worked closely with Victims Services in this regard. WAS is continuing to develop its Trauma Informed Practice (whereby the physical, psychological and emotional impact the offending has had on a victim guides our victim interaction) to ensure its service provision to vulnerable victims and witnesses is appropriately supportive and minimises the risk of further trauma through the prosecution process.

WAS Staffing and Service Delivery

The increased work in managing the District Court Backlog alongside additional court sittings in regional courts, meant an increase in the WAS staffing numbers this financial year.

Staffing was increased to include an additional four permanent full time and three full time equivalent temporary positions to assist with the workload. WAS has continued to maintain three Identified Aboriginal and Torres Strait Islander (ATSI) WAS Officer positions to provide culturally appropriate support and service to Aboriginal and Torres Strait Islander victims and witnesses.

WAS Interagency Activities and Networks

Throughout 2016/2017 WAS continued its efforts in maintaining partnership with key agencies including Victims Services, NSW Police Force, Family and Community Services, Sexual Assault Counselling Services, Education Centre Against Violence and Multicultural Services Australia (Interpreter Services).

WAS have also continued to work with our partner agencies including:

- Mission Australia Court Support
- Homicide Victims Support Group
- Victims and Witnesses of Crime Court Support
- Victims of Crime Assistance League.

WAS has been a part of a number of taskforce and interagency networks including the Sexual Assault Review Committee, Royal Commission into Institutional Responses to Child Sexual Abuse public hearings and private roundtable discussions, Child Sexual Assault Task Force, Child Sexual Assault Legislative Working Group and the Victims of Crime Interagency Committee.

Child Sexual Offence Evidence Pilot

Child sexual offence complainants are among the most vulnerable of all witnesses. A greater proportion of them are required to give evidence in court because a greater proportion of child sexual assault matters are finalised by way of trial.

The Pilot implementation occurred in consultation with WAS to develop best practice.

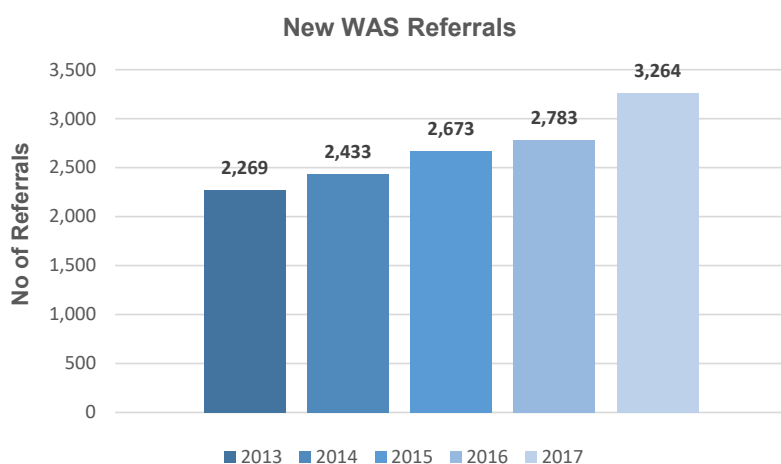
Refer to Internal Initiatives for further information regarding the Pilot.

Burwood Pilot

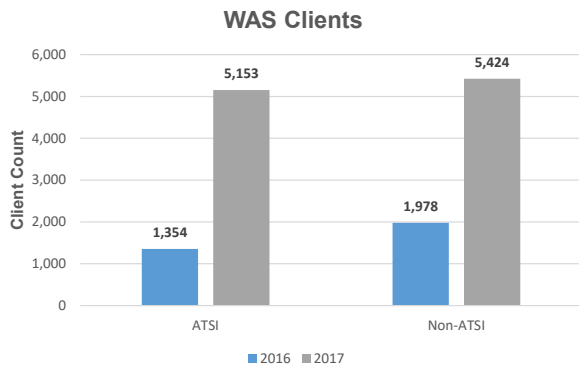
Throughout 2016/2017 WAS has been working with the Burwood Pilot in Sydney. WAS has dedicated almost two and a half positions within Sydney to assist with Burwood Pilot matters and WAS victims and witnesses.

Refer to Internal Initiatives for further information on the Pilot.

This year there were 3,264 new WAS referrals, an increase of 18%. New referrals involving domestic violence have also increased and now account for 19% of WAS referrals, a 16% increase on last year. Sexual Assault referrals account for 64%, an increase of 29%.

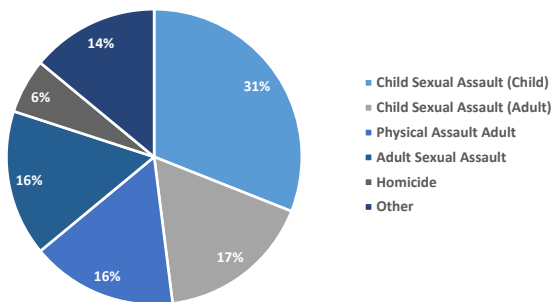


There has been a 23% increase in Identified ATSI WAS Clients from last year.



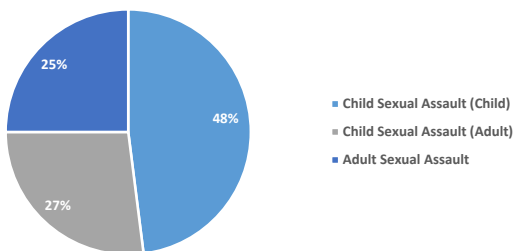
Consistently, sexual assault matters represent 64% of all WAS work.

WAS Registrations by Matter Type



Contemporary child sexual assault matters represent 48% of the total sexual assault 'matter type' for WAS. Historical child sexual assault matters represent 27% and adult sexual assault matters represent the remaining 25%.

Sexual Assault Matter Types



Statutory Compliance and Engagement

Disability Action Inclusion Plan

The Office remains committed to implementing a Disability Policy framework. It aims to identify and eliminate any obstacles to people with disabilities who access this Office's services.

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
- disability principles are incorporated into the Office's policies and practices.

Victims and witnesses with a disability are an important group prioritised by the Witness Assistance Service (WAS) and account for more than 10% of the priority groups targeted for service delivery. WAS continues to provide case management services to victims and witnesses with identified disabilities. This includes intellectual and cognitive disabilities, acquired brain injury, physical disabilities, sensory disabilities and mental illness.

People with a cognitive impairment are one group recognised under the *Criminal Procedures Act 1986* as vulnerable persons. As such, when called as witnesses they are entitled to:

- have their police statements recorded electronically and played to the court as evidence-in-chief
- give evidence via CCTV
- have improper questions restricted
- have a support person with them while giving evidence.

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

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 evidence to the best of their ability:

- Lifestyle Solutions
- Department of Ageing, Disability and Homecare NSW (FACS)
- Diversity Services, Department of Attorney General and Justice (DAGJ)
- Victims Services NSW
- Intellectual Disability Rights Service – Criminal Justice Support Network.

The Office is also committed to providing training for all staff to ensure they are familiar with the law, so that victims and witnesses with a disability are given every opportunity available. Training provided to staff included:

- the use of Witness Intermediaries for children at court
- an overview of WAS as part of induction programs run for new staff.

In addition, the Office provided in depth training on changes to legislation that may impact upon those victims and witnesses with a disability, including the introduction of the Child Sexual Offence Evidence Pilot and legislated use of Witness Intermediaries.

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.

Witness Assistance Service

The Witness Assistance Service prioritises service delivery to:

- sexual assault victims
- 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
- special needs groups.

A number of victims and witnesses experience cultural or language barriers. All witnesses and victims are entitled to access free interpreter services and the Office consistently ensures that these entitlements are met.

WAS also consults with ODPP staff and Crown Prosecutors to assess the special needs and support issues of these victims and witnesses. While some victims and witnesses who have cultural and language difficulties are able to communicate effectively in English under normal circumstances, their interaction with the criminal justice system can cause stress and anxiety. 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 Victim Impact Statements. When an interpreter is required for giving evidence at court, the interpreters are booked by the ODPP through the courts.

Learning and Development Branch

The ODPP training programs for all staff have components covering cultural diversity. Training providers are required to adhere to the ODPP Code of Conduct, which requires respect for individual differences and non-discriminatory behaviours.

Corporate induction training conducted throughout the year included information on the ODPP's policies on Dignity and Respect in the Workplace, Workplace Relations Policy (Building a Harassment- Free Workplace) and Workplace Wellbeing Policy.

Multicultural Policies and Services Program

As a small agency, providing services to the people of NSW, the ODPP continues to focus on ensuring that the appropriate access to relevant information and services are available to all members of the community. In the 2016/17 year the following outcomes were achieved with the Multicultural NSW reporting themes:

- 57% of new appointments to senior statutory Crown Prosecutor roles were women
- 70% of our Public Sector Senior Executive group are women (a 10% increase on the same time last year)

- 72% of all new starters in the ODPP in 2016/17 were women
- the ODPP registered to adopt the National Model Gender Equitable Briefing Policy
- the ODPP became a signatory to the Law Society's Charter for the Advancement of Women in the Legal Profession
- the ODPP sponsored the attendance of a number of staff to attend the Women's Legal Services of NSW 2nd Annual Domestic Violence Legal Training Day
- the ODPP has been investigating options to engage with the Public Sector Refugee Employment Program
- the ODPP has developed a Diversity and Cultural Awareness Working Group with a view to developing a Reconciliation Action Plan in the next reporting year.

Consumer Response

The ODPP usually conducts a bi-annual survey of non-expert witnesses and victims who have been involved in trials.

The ODPP has a Witness Assistance Service, designed to improve engagement and communication between the ODPP and victims and witnesses in certain prosecutions.

The ODPP has a formal procedure for handling complaints, which is made known to staff and to members of the public (via the ODPP's website). A record is kept of all complaints.

GOAL 3

IMPROVE THE WAYS WE
INTERACT INTERNALLY
AND WITH OUR CRIMINAL
JUSTICE PARTNERS



Strategies

- *Develop and implement better knowledge sharing across the ODPP*
 - *Engage in proactive and strategic communications internally and with the courts, police and defence*
 - *Engage with government in law and policy reform*
-

Law Reform

In May 2017 the Attorney General announced a series of justice reforms to deliver justice more quickly to communities and victims. The reforms are designed to create a tougher, smarter and safer NSW justice system.

The Early Appropriate Guilty Plea reform will aim to minimise court delays, reduce the District Court Backlog, reduce undue stress for victims and witnesses and allow police to return to their frontline duties.

The changes EAGP will bring are:

- early disclosure of evidence by police
- senior prosecutors to review and confirm the charges that will proceed as early as possible
- mandatory criminal case conferencing between senior prosecutors and the defence
- flexible Local Court case management
- statutory sentence discounts for guilty pleas.

The Office has, over the last year, contributed a significant amount to the establishment of the EAGP Project which is, led by the Department of Justice.

A number of the Executive were, and continue to be, instrumental in contributing to and reviewing the draft legislation. An ODPP EAGP Implementation Team has been established to transition the Office towards a new way of working in the criminal justice system.

This year the Office also participated in a large number of inter-agency committees, court user groups and working parties, with the aim of considering the reform of criminal law and implementing new legislation.

The Office participates in many inter-agency forums including:

- AVL Governance Board
- Bail Act Monitoring Group
- Body Worn Video Implementation Committee
- Child Sexual Offence Evidence Pilot - Implementation and Monitoring Group
- CSA Implementation and Monitoring Group
- Data Analytics Steering Committee
- District Court Backlog Senior Officer's Group
- Domestic Violence Review Committee
- EAGP Steering Committee
- EAGP Working Group
- Interagency Consultation on Pre Trial Disclosure amendments
- NSW Sexual Assault Strategy
- Organised Crime Implementation Group
- Police Liaison Group Meetings
- Sentencing and Parole Reform Steering Committee
- Sexual Assault Review Committee
- Victims Advisory Board.

The Director also made a number of submissions on proposals for law reform as identified by the Attorney General, the Law Reform Commission, the Legislative Standing Council on Law, and Justice and the Sentencing Council:

- Non-consensual Sharing of Intimate Images
- Crimes Miscellaneous Bill
- Coroners Act Legislation Review
- Sentencing Parole Reforms
- Sentencing Council Victim Impact Statement Review.

The Deputy Solicitor (Legal) continued to be a member of, and participate, in the Law Society NSW Criminal Law Committee.

Royal Commission into Institutional Responses to Child Sexual Abuse

The Royal Commission into Institutional Responses to Child Sexual Abuse was established by the Commonwealth Government in 2014.

The terms of reference included making recommendations as to; changes to laws, policies, practices and systems, to better protect against and respond to child sexual abuse and related matters in institutional contexts.

In September 2016 the Consultation Paper: Criminal Justice was released by the Royal Commission for comment. The Director prepared a detailed response in November 2016.

The response highlighted the initiatives the ODPP had implemented or been involved with to address many of the issues identified by the Royal Commission regarding criminal prosecutions:

- the Priority Matters Initiative which focuses on early victim contact and continuity of representation
- the Rolling Court List Initiative at Sydney District Court to address delays
- the Child Sexual Offence Pilot and the appointment of witness intermediaries to assist vulnerable witness to give cogent evidence
- many of the ODPP's submissions for law reform over the year had endorsed some of the measures raised for discussion by the paper including the use of tendency evidence, the creation of specific offences and sentencing considerations.

It is anticipated that the Early Appropriate Guilty Pleas reform, which have been actively promoted by the ODPP, will further address the matters of continuity, victim contact, and delay in sexual assault trials.

The recommendations of the Royal Commission are expected to be released in August 2017.

Lindt Café

An Inquest into the deaths arising from the Lindt Café Siege in December 2014 was conducted by the State Coroner in part during this period. The ODPP was represented at the Inquest by the Crown Solicitor's Office. Seven current and former ODPP staff gave evidence in the bail segment in August 2015. The State Coroner delivered his findings from the inquest on 24 May 2017. The findings and recommendations relevant to the ODPP related to file management, policies concerning bail, in-house legal education and training as well as supervision of new lawyers.

These findings closely align with the strategies identified in the Office's Strategic Planning process which

commenced in 2015. A number of initiatives have been implemented across the office as a result of the strategic plan and many in anticipation of the Inquest findings. It is expected that further focus will be placed on these areas as the EAGP reforms are implemented throughout the office.

Innovation in Criminal Prosecutions

The ODPP Strategic Knowledge Sharing Project (KSP) achieved its objective of creating a single source of information for staff by moving separate research systems into the ODPP intranet. At the same time, we redeveloped and expanded the ODPP intranet and in particular, DPPdia.

DPPdia is a dedicated ODPP intranet space to share knowledge. Topics include Legal Research Tools and Tips; Legal Practice; Court Preparation; Court Procedures; Evidence; Appeals; and Victims and Witnesses. Staff can pose questions and share knowledge and experience.

The KSP has now evolved into a new phase, with the creation of the Knowledge Sharing Committee (KSC), which allows opportunities for more lawyers to get involved in knowledge sharing. It is a change in direction for Legal Resources and Library.

Over the past year the KSP has worked closely with Legal Research and Library, and a strong alliance based on a convergence of interests has been formed. In addition to the Legal Resources and Library, the CCA Unit is a natural companion to knowledge sharing activities. The publication of news and forum posts from the CCA Unit that alert staff to significant cases provides a much more rapid filtering of knowledge through the organisation. News and forum posts have also provided a ready-made catalogue of information, so staff do not need to individually manage a collection of office-wide emails. The catalogue has the added benefit of being available to new employees. A substantial amount of content has been moved to the DPPdia, such as the Local Court Kit and extensive sentencing information from the CCA Unit.

The Research Unit and Library merged and are now known as Legal Resources and Library. The name

reflects a renewed focus on sourcing (or drafting where necessary) the specialised legal information lawyers and Crown Prosecutors in the ODPP require to do their work, and making that information readily accessible.

The Unit will be using the requests for assistance to inform decisions about the material that needs to be available on the intranet. Many of the requests arise because staff don't know where to look for what they need. The Unit has been logging requests for this type of assistance and where there are frequent instances of requests for similar information, the information will be sourced, collated and developed into accessible DPPdia entries or links which can be found via the Research and Library homepages.

Coinciding with the renaming of the Unit, the Sydney Library was remodelled to deliver a fresh modern and welcoming research space. Facilities allow visiting lawyers and Crown Prosecutors to stay connected.

With so much having changed in the legal resources landscape over the last few years, the former Research Unit visited regional offices to conduct Research Roadshows to demonstrate the many new legal resources that are available to our lawyers and provide guidance on how to use these tools effectively. The roadshows were also an opportunity to improve use of the intranet so staff can get the maximum benefit of the various intranet tools. The roadshows were well received by staff.

International Visitors

Each year, the ODPP accepts visits from other prosecutorial bodies.

Singapore

In 2016 the Office hosted two senior prosecutors from the Singapore

Prosecution Office, both of whom were extremely impressed with the Office's administration practices, the Legal Research Unit and Library and the ODPP case management system, CASES. The Singapore DPP sought agreement for two of the senior administrative staff to visit for two weeks in 2016.

This was a first for the ODPP – we host many short and extended visits from prosecutors but never from administrative staff.

The two visitors spent time with Information Management and Technology, the Legal Research Unit, Advisings and the Solicitor's Executive in November 2016. They were particularly interested in our comprehensive research systems and the administration of our case management system.

Germany

In April 2017, six academics from the Ruhr University Bochum in Germany, spent a week in Sydney to report on aspects on the NSW criminal justice system. Their visit culminated with a meeting with the Director. They were especially interested in our roles in the Court of Criminal Appeal and the High Court of Australia.

United States of America

In May 2017, the Office agreed to take an American law student who hopes to practice as a prosecutor after graduation. The student's application to visit was overseen by the Santa Clara University of Law, and one of her supervising professors will stay in contact as she undertakes her placement with the ODPP.

Memorandum of Understanding on Pre-Committal Plea and Charge Negotiations with Legal Aid NSW

The Memorandum of Understanding (MOU) was signed in September 2015 by the Solicitor for Public Prosecutions and the Director, Criminal Law, Legal Aid NSW. It formalised the obligations of solicitors from each agency to actively engage in plea negotiations at an early stage of the proceedings. Standard Operating Procedures have been issued to provide guidance and processes for the implementation and conduct of negotiations under the MOU for ODPP lawyers.

The initiative has been embraced in a number of centres throughout the State and operates successfully in Sydney, Parramatta, Campbelltown, Penrith and Newcastle. Available figures for the Sydney Office indicate early discussions with Legal Aid NSW have resulted in excess of 70% of identified matters being resolved without proceeding to District Court trial. Overall, only 9% of identified matters were committed to the District Court for trial. In another 5% of matters, the accused failed to appear and a bench warrant was issued.

Figures from the Parramatta office reflect similar success. Since June 2016 a total of 98 matters were identified for negotiation and of those, 60% were resolved and only 6% were committed for trial. Conferences were conducted with Legal Aid NSW in 62 matters; negotiations were still pending in 13 matters at the end of June.

The MOU operates successfully in Campbelltown, Newcastle and Penrith offices. Issues that have hampered the operation of the MOU in other centres include:

- large percentage of matters in some areas wherein the accused is represented by the Aboriginal Legal Service
- matters being assigned to private practitioners
- practical difficulties engaging in meaningful discussions in remote locations
- high turnover of ODPP and Legal Aid staff in some regions which precludes the formation of good working relationships.

HOPAC Conference

The Heads of Prosecuting Agencies Conference (HOPAC) meets bi-annually in a participating Commonwealth country. It is a unique opportunity for Directors of prosecuting agencies to compare and contrast the process, challenges and obligations of their role.

In April 2017, the Director hosted delegates from twenty one states and nations for HOPAC in Sydney. Delegates from England, Ireland, Wales, Scotland, Fiji, New Zealand, the Commonwealth DPP, Queensland, Victoria, Tasmania, South Australia, Western Australia,

Northern Territory, Australian Capital Territory, Singapore, Hong Kong, Mauritius, Solomon Islands, Northern Ireland, Tonga, and Uganda gathered in the ODPP training rooms for a series of talks and panel discussions over three days.

The theme at this year's HOPAC was Leading a Prosecutorial Agency – How to be a Leader, Independent and Accountable. It covered topics that, for heads of all prosecuting agencies, are addressed every day, and it inspired a wide range of thoughtful and useful presentations.



Requests and Disclosure of Information

Privacy and Personal Information

In 2016/2017 the ODPP did not receive any requests for access or amendment to personal information or privacy internal reviews under s53 of the *Privacy and Personal Information Protection Act 1998* (PPIP Act).

All ODPP staff who received induction training were trained on the practical application of the PPIP Act to the prosecution process.

Public Interest Disclosure

The ODPP has a Public Interest Disclosure Policy in place. There were no disclosures made in 2016/2017 under this Policy.

Government Information (Public Access) Act 2009 NSW

Agency Name

Office of the Director of Public Prosecution

Principal Department

Solicitor's Executive

Reporting Period

2016/2017

Obligations under the GIPA Act

Review of proactive release program – Clause 7(a)

Under section 7 of the GIPA Act, agencies must review their programs for the release of government information to identify the kinds of information that can be made publicly available. This review must be undertaken at least once every 12 months.

Our agency's program for the proactive release of information involves review of material that may be published on the ODPP website.

As a result of this review no new information was released.

Number of access applications received – Clause 7(b)

During the reporting period, our agency received no formal access applications (including withdrawn applications but not invalid applications).

Number of refused applications for Schedule 1 information – Clause 7(c)

During the reporting period, our agency refused no access applications either wholly or in part because the information requested was information referred to in Schedule 1 to the GIPA Act.

Statistical information about access applications – Clause 7(d) and Schedule 2

During the reporting period, our agency granted one application in part to the media. 12 applications for access

were refused in full by members of the public (six) and members of the public (other) (six).

Thirteen access applications (other than personal information applications) were refused in full.

There were 13 invalid applications which were requests for excluded information of the agency (s43 of the Act).

There were no instances of conclusive presumption of overriding public interest against disclosure, as listed in Schedule 1 of the Act.

No applications were made which required other public interest considerations against disclosure, as listed in the table to s14 of the Act.

All applications (13) were decided within the statutory timeframe of 20 days plus any extension.

One application was reviewed under Part 5 of the Act by the Information Commissioner and the decision upheld.

There were no applications for review under Part 5 of the Act from applicants for access applications or persons to whom information the subject of the access application related (s54 of the Act).

Committees

Executive Board

The Executive Board comprises the Director (Chair), two Deputy Directors, Senior Crown Prosecutor, Solicitor for Public Prosecutions, Director Corporate Services & CFO 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 to ensure that it operates in a coordinated, 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
- 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

The Management Committee comprises the Director (Chair), the Deputy Directors, Senior Crown Prosecutor, Solicitor for Public Prosecutions, Director Corporate Services & CFO, Director Human Resources, Director Information Management & Technology and Deputy Solicitors (Sydney, Legal, Country and Sydney West and Wollongong). 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, Human Resources, Information Management and Technology (IM&T), Crown Prosecutor and Solicitor's Office reports and to initiate action where activity related funding and resourcing issues are identified
- to discuss issues affecting major policy decisions and other matters requiring referral to the ODPP Executive Board
- 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 TPP 15-03, comprises three independent members. They are selected from a panel of pre-qualified individuals maintained by the Department of Finance, Services and innovation. Representatives of the Audit Office of NSW, the Deputy Director (in his capacity as the Chief Audit Executive), the Chief Risk Officer (currently the Deputy Solicitor, Sydney), and the Director Corporate Services attend meetings by invitation. Minutes of proceedings are kept.

The Committee meets a minimum of four times each year, to address key activities defined by the Charter and Annual Calendar and to monitor:

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

Information Management and Technology Steering Committee

In April 2017, the Information Security Forum and the Information Management and Technology Steering Committee, both governance bodies for information technology, were amalgamated to form the Information Management and Technology Committee (IMTC).

The IMTC, chaired by the Director of IM&T, reports to the ODPP Management Committee. It is made up of a number of executives and managers from key areas.

The Committee's role includes:

- assist with the development of corporate and technology strategies and plans to promote and ensure security and effective use of information and technology in support of the ODPP Digital Working Strategy
- establish and approve information management and technology projects, endorse funding proposals and provide support for allocation of resources for approved projects
- review ODPP wide information security policies, guidelines and procedures and ensure that these are adopted within the ODPP
- review and approve acceptance of information management and technology treated risks rated high or extreme
- provide senior management support for the development, implementation, of on-going operations, and continuous improvement of an operational Information Security Management System.

GOAL 4

DEVELOP, RECOGNISE
AND CELEBRATE THE
KNOWLEDGE, SKILLS
AND COMMITMENT
OF OUR PEOPLE



Strategies

- *Develop and implement a performance management system based on quality standards*
 - *Build a training and development plan to ensure our people have the tools they need to deliver a high quality service*
-

Our People

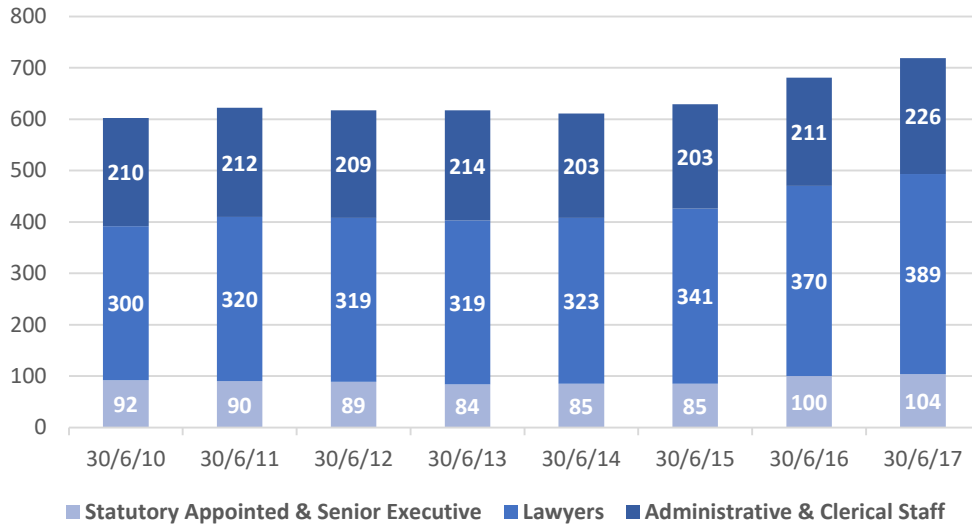
Highlights

- 719.40 full-time equivalent staff
- 64% of all employees are female
- 12% of staff are working part time
- 7.97% of new starters are under the age of 25
- 34.4 years was the average age of new starters

Recruitment and Retention of Quality Staff

- Staff turnover for 2016/2017 was 8.75% in comparison with 9.22% in 2015/2016
- 14 new Crown Prosecutors were appointed during the year, nine (65%) of these were promotions from within the Office
- A total of 140 new staff were employed during the year
- The Office had a total of 96 statutory appointed staff as at 30 June 2017

Staff Numbers



Recruitment Statistics*	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Senior Executive	0	0	0	0	0	2	0
Statutory Appointed	0	3	0	1	1	1	0
Crown Prosecutors	0	5	2	0	3	11	5
Prosecution Officer (Lawyers)	32	33	21	16	38	44	54
Prosecution Officer (Administrative)	50	49	29	35	45	61	61
Total	82	90	52	52	87	119	127

*Note that these figures reflect external recruitment

Learning and Development	Sessions	Attendees*	Hours Delivered
Management Development	17	141	116
Advocacy	4	61	45
Continuing Legal Education	58	3357	104
Professional Development	114	832	510
Induction	7	113	141
Total	200	4504	916

*Note that these figures reflect attendance at multiple sessions by attendees

Learning and Development

The Office invests significantly in the development of its staff, recognising the importance of building and developing capabilities to meet current and future needs. Never Stop Learning is a signature behaviour of the ODPP and staff are encouraged to adopt and maintain a commitment to ongoing learning.

Learning and development programs offered this year were aligned to needs identified during the performance development program, manager assessments, strategic aims of the Office and legislative and law reform changes.

Management Development

The Office scheduled a variety of programs to promote and develop leadership capabilities. We implemented a performance development program this year and offered targeted programs such as Giving and Receiving Feedback and Having Difficult Conversations to equip leaders with the skills to develop their people.

The Office has also sponsored three senior staff members to study leadership at a tertiary level through their studies in Masters of Public Administration.

Advocacy

Feedback from the performance development program indicated a strong desire for advocacy training. As a result, we partnered with the Australian Advocacy Institute and other providers to assist us grow this capability. In total 315 participants attended programs and gained practical experience through mock courtroom sessions and workshops.

Continuing Legal Education (CLE)

We offered a total of 104 hours of Continuing Legal Education sessions allowing our lawyers to fulfil their mandatory learning hours in-house. Topics of particular interest were Extended Joint Criminal Enterprise in the Wake of Jogie and Miller presented by President Beazley AO and Negotiating with the ODPP: an interactive panel session between the ODPP and the Aboriginal Legal Service.

Professional Development

The Office offered a variety of professional development programs ranging from wellbeing to systems, time management and recruitment skills.

Studies Assistance

- Number of Studies Assistance participants: 32
- Total study leave taken: 192.95 days
- Total Study Assistance re-imbursements: \$37,638.66

Learning Technology

A learning management system was introduced in 2017 to improve the enrolment, tracking and more importantly, hosting of eLearning programs as we acknowledge the needs of our remote and mobile workforce.

Performance Development

An online performance development system, SuccessFactors, was implemented this year. Role Maps were developed to assist managers and staff to identify developmental opportunities and also assist in the performance development process.

Awards for Service

We are proud of the 47 dedicated staff who this year became eligible for recognition for their service to the Office. 17 staff became eligible for the 10 Year Service Award and 30 staff for the 20 Year Service Award during the reporting period.

Crown Prosecutor Appointments

During the year, 14 Crown Prosecutors were appointed; of these, nine (65%) were promotional opportunities from within the Solicitor's Office.

Secondments

The Office continues to demonstrate its commitment to developing, recognising and celebrating the knowledge, skills and commitment of its people by actively promoting, supporting and encouraging staff to participate in secondment opportunities where they are available. During the 2016/2017 reporting period 17 staff were involved in secondments across the public sector in a diverse range of roles and agencies including Justice, Education and Health. The benefits of the different perspectives and experiences have allowed these staff to develop capabilities, skills and knowledge that can be shared more broadly upon their return through internal training and mentoring sessions.

Appointments to the Bench

In the last year, Deputy Senior Crown Prosecutor Phillip Ingram SC and Crown Prosecutors Nicole Noman SC, Jeff McLennan SC and Tanya Bright were appointed Judges of the District Court. Crown Prosecutor James Gibson and lawyer Jennifer Price were appointed as Magistrates.

Workers Compensation

The Office continues to work on preventative and early intervention strategies to effectively manage workers compensation claims. This year, the return to work process and performance in this area was again outstanding.

In comparison to 2015/2016, the Office had a 50% reduction in new workers compensation claims.

Health and Wellbeing

The Office continued its holistic approach towards physical and mental health throughout 2016/2017. The Workplace Wellbeing Taskforce continued to provide guidance to the Director on determining the direction the Office should take to best manage wellbeing into the future. The training and awareness sessions conducted as part of the Wellbeing Program were:

- Creating A Positive Workplace Culture
- Workplace Health & Safety
- Giving & Receiving Feedback
- How to have those Really Difficult Conversations with Employees
- Building Resilience: How to Stay Healthy At Work
- Improving Your Workplace Effectiveness and Personal Productivity
- Smart, Cool, Well – A wellbeing guide for lawyers
- Safeguarding Yourself - Recognising & Responding to Vicarious Trauma
- Successful Leadership
- Tough Love Leadership
- Workplace Bullying - Bully Blocking.

Healthy Lifestyles Program

The Healthy Lifestyles Program continued to have strong participation. The flu vaccination initiative was taken up by 291 staff members across all offices.

The Fitness Passport program was rolled out successfully and has been very popular, with 155 staff members enjoying ongoing memberships.

Physical Health Checks were made available at all offices and were taken up by 159 staff members. The results demonstrated improving health levels among participants.

Staff members signing up to the Fitness Passport program were encouraged to also participate in the Physical Health Checks and vice versa to encourage staff to better understand and take action towards improving their physical health.

Appendices

Appendix 1: Productivity Statistics

Number of Matters Received and Completed		Received	Change	Completed	Change
Local Court	Committal Matters	6,264	6.8%	6,401	10.9%
	Summary Prosecutions	517	-3.0%	442	-5.4%
District Court	District Court Sentences	2,257	4.5%	2,083	7.2%
	District Court Trials	1,963	6.9%	1,788	12.2%
	All Grounds Appeals	1,012	0.2%	983	1.7%
	Severity Appeals	5,963	-0.3%	5,983	-0.5%
Supreme Court	Supreme Court Sentences	5	-16.7%	9	125.5%
	Supreme Court Trials	57	-16.2%	60	27.7%

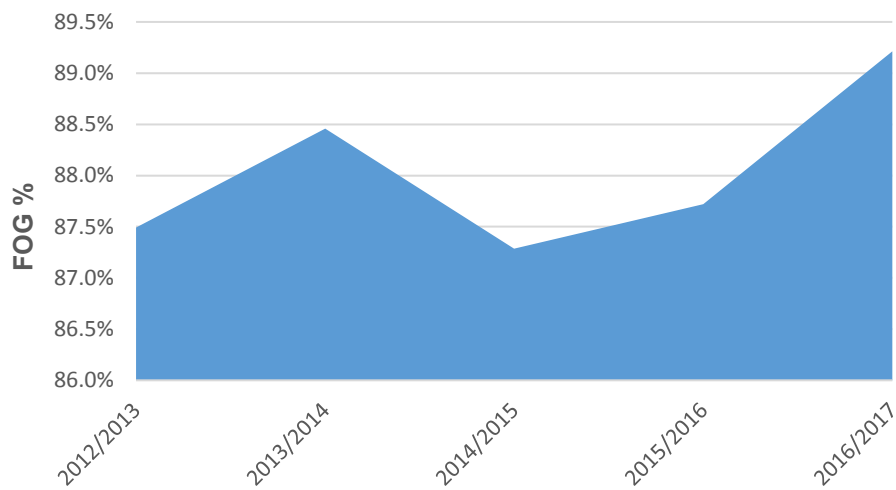
Local Court Results		No	%
Local Court Disposal	Plea of Guilty	643	10.0%
	Withdrawn	360	5.6%
	Sentence following Summary Hearing	477	7.5%
	Returned to Police	371	5.8%
	Dismissed by the Local Court	78	1.2%
	Referred to the Drug Court	77	1.2%
	Subject Deceased	19	0.3%
	Form 1	7	0.1%
	Total	2,032	31.7%
Committed to the District Court	Sentence	2,267	35.4%
	Trial	2,042	31.9%
	Total	4,309	67.3%
Committed to the Supreme Court	Sentence	6	0.1%
	Trial	54	0.8%
	Total	60	0.9%

Results of District Court Trials		No	%
Late Plea		986	55.1%
Trial	Verdict Guilty	347	19.4%
	Verdict Not Guilty	281	15.7%
	Verdict by Direction	14	0.8%
	Total	642	35.9%
Discontinued		144	8.1%
Other Means		16	0.9%

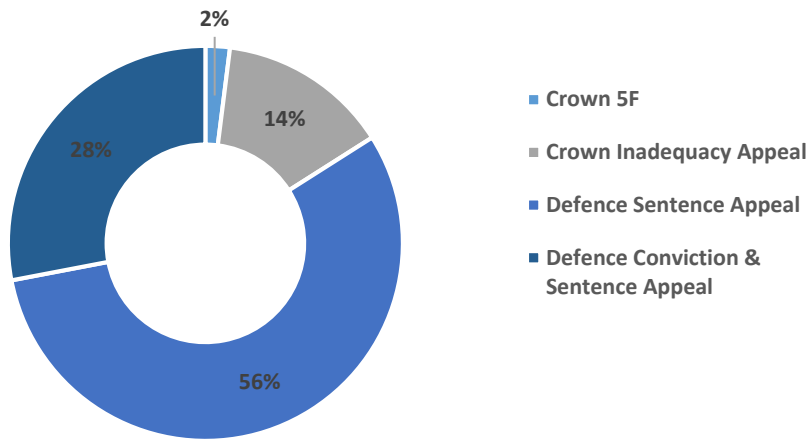
Results of Supreme Court Trials		No	%
Late Plea		12	20.0%
Trial	Verdict Guilty	34	56.7%
	Verdict Not Guilty	7	11.7%
	Total	41	68.3%
Discontinued		5	8.3%
Other Means		2	3.3%

Overall Finding of Guilt	%
2012/2013	82.0%
2013/2014	82.2%
2014/2015	81.7%
2015/2016	87.7%
2016/2017	89.2%

Finding of Guilt - Plea of Guilty or Verdict of Guilty



Completed Court of Criminal Appeal Matters



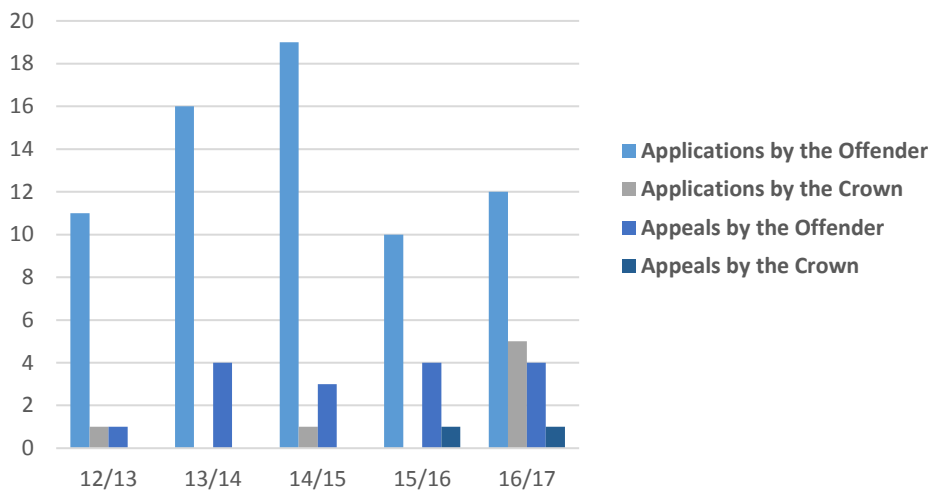
Completed Court of Criminal Appeal Matters	No
Crown 5F Appeals	5
Crown Inadequacy Appeal	43
Defence Sentence Appeal	171
Defence Conviction & Sentence Appeal	87

Result of Conviction and Sentence Appeals		No	%
Allowed	Retrial	13	15%
	Acquittal	8	9%
Dismissed		65	75%
Abandoned		1	1%
TOTAL		87	100%

Result of Sentence Defence and Crown Inadequacy Appeals	Defence	Crown
Allowed	60	22
Dismissed	105	19
Abandoned	6	2
TOTAL	171	43

High Court Special Leave Applications and Appeals	12/13	13/14	14/15	15/16	16/17
Completed Applications for Special Leave to Appeal					
Applications by the Offender	11	16	19	10	12
Applications by the Crown	1	0	1	0	5
Hearings Conducted after grant of Special Leave					
Appeals by the Offender	1	4	3	4	4
Appeals by the Crown	0	0	0	1	1

Completed High Court Matters



Appendix 2:

Key Provisions of the DPP Act

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 2016 to 30 June 2017 there were no significant amendments made to the Act.

s4 Director

The Director is responsible to the Attorney General for the exercise of his functions but that does not affect or derogate from the authority of the Director in respect of the preparation, institution and conduct of any proceedings.

s7 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 7(2).

s8 Instituting other Proceedings

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

s11 Consents

The power to consent, authorise or sanction various prosecutions is delegated to the Director.

s12 Coroners

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

s13 Guidelines to Crown Prosecutors 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.

s14 Recommendations and Guidelines to Police by Director

The Director can recommend to the Commissioner of Police and certain others that proceedings be instituted in respect of an offence and can issue guidelines to the Commissioner of Police regarding the prosecution of offences, but not in relation to specific cases.

s15 Provisions relating to Guidelines

Guidelines issued by the Director are required to be published in the Office's Annual Report.

s15A 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.

s18 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.

s19 Indemnities and Undertakings

The Director may request the Attorney General to grant indemnities and give an undertaking that an answer or statement will not be used in evidence.

s24 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.

s25 Consultation

Consultation between the Director and the Attorney General is provided for.

s26 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.

s27 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 s5D 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.

s29 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.

s30 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.

s33 Delegation

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.

Appendix 3: Delegations

The Attorney General has delegated to the Director, by orders published in the Gazette, authority to consent to prosecutions for particular offences by virtue of section 11(2) of the *Director of Public Prosecutions Act 1986*. This notification of the giving or refusing of consent under the authorisation is made pursuant to section 11(6).

Consent was given for the commencement of proceedings for the following offences:

- Section 66F(2), *Crimes Act 1900* (sexual intercourse with person with cognitive impairment by person responsible for care) x 3
- Section 66F(3), *Crimes Act 1900* (sexual intercourse by taking advantage of person with cognitive impairment) x 13
- Section 78A, *Crimes Act 1900* (incest) x 20
- Section 78B, *Crimes Act 1900* (attempted incest) x 1
- Section 78H, *Crimes Act 1900* (homosexual intercourse with male under 10 years where the accused was under 18 years) x 2
- Section 8, *Surveillance Devices Act 2007* (install, use or maintain an optical surveillance device) x 7
- Section 11, *Surveillance Devices Act 2007* (knowingly communicate or publish recording of private conversation or activity obtained in contravention of the Act) x 6
- Section 12, *Surveillance Devices Act 2007* (knowingly possess recording of private conversation or activity in contravention of the Act) x 1
- No request for consent to commence proceedings was refused.

Appendix 4: Independence and Accountability

No guideline under s26 of the *Director of Public Prosecutions Act 1986* 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 s27. No requests have been made to the Attorney General pursuant to s29.

Appendix 5: Internal Committees

Committee	ODPP Representatives	
Executive Board	Lloyd Babb SC (<i>Chair</i>) Keith Alder Kara Shead SC Mark Tedeschi AM QC Chris Maxwell QC (first meeting 20 April 2017)	Gina O'Rourke SC (first meeting 15 June 2017) Elizabeth Stratford Craig Hyland Kenneth Dixon (<i>Independent</i>) Robyn Gray (<i>Independent</i>)
Management Committee	Lloyd Babb SC (<i>Chair</i>) Keith Alder Kara Shead SC Gina O'Rourke SC (first meeting 15 June 2017) Mark Tedeschi AM QC Elizabeth Stratford Craig Hyland Johanna Pheils	Sashi Govind Paula McNamara Nigel Richardson Brendan Oldham Janine Lacy (final meeting 18 May 2017) Chris Maxwell QC (first meeting 16 March 2017) Melinda Graczol (first meeting 15 June 2017)
Audit & Risk Committee	Alexander Smith AM (<i>Chair/Independent</i>) Carolyn Walsh (<i>Independent</i>) Ian Gillespie (<i>Independent</i>)	Sashi Govind (<i>Invitee</i>) (<i>Chief Risk Officer</i>) Keith Alder (<i>Invitee</i>) (<i>Chief Audit Executive</i>) Elizabeth Stratford (<i>Invitee</i>)
Information Management & Technology Steering Committee (Final meeting 5 April 2017)	Sashi Govind (<i>Chair</i>) Mark Hobart SC (<i>alt. Richard Herps</i>) Elizabeth Stratford Brendan Oldham	Craig Hyland Johanna Pheils Aranka Zsidi (first meeting 6 September 2016)
Crown Prosecutors Management Committee	Mark Tedeschi AM QC Chris Maxwell QC Phil Ingram SC (resigned 15 August 2016) Lee Carr Terry Thorpe Craig Everson Phil Hogan	Luigi Lungo (<i>alt. Anthony McCarthy</i>) Neil Adams (<i>alt. Sean Hughes</i>) Michael Fox Ken Gilson Gina O'Rourke SC (<i>alt. Sharon Harris</i>) Huw Baker (<i>alt. James Gibson - resigned 20 January 2017</i>) Ana Seeto (Treasurer) (resigned 20 January 2017) Deborah Carney (<i>Crown Support</i>)
Work Health & Safety Committee	Employee Representatives Vesna Medica Bree Chisholm Andrew McMaster (<i>Proxy</i>)	Employer Representatives Keith Dawson Nigel Richardson
PSA / Management Joint Consultative Committee	ODPP Representatives Nigel Richardson (<i>Chair</i>) Craig Hyland Sashi Govind Elizabeth Stratford	ODPP PSA Representatives Fiona Horder Susan Ayre (first meeting 24 May 2017) Linda Barrs (first meeting 24 May 2017) PSA Industrial Officer Dean Allen Bart McKenzie
Workplace Wellbeing Taskforce	Lloyd Babb SC (<i>Chair</i>) Nanette Williams Sharon Wills Susan Ayre Bea Woolford Andrew Horowitz	Julie Booth Michael Reville Luke Muller Keith Dawson Nigel Richardson Elizabeth Stratford

Appendix 6:

Risk Management and Insurance Activities

Risk Management

The Office completed its review and update of its Risk Management Framework and Risk Register during 2016/2017. Arising from the update was the commissioning of an overall Quality Assurance framework for prosecutions and related activities.

The Quality Assurance framework allows the ODPP to undertake its internal review of prosecution and related matters to ensure consistent, continuous quality improvement in practice management and oversight.

This work will inform the ongoing audit plan, including:

- Review of Practice Audit protocols and procedures to ensure compliance with TPP 15-03
- Review best practice compliance in Priority Matters, being matters involving death, special interest and child sexual assault
- Evaluation of internal processes and stakeholder engagement of the Burwood Pilot.

The implementation of Justice SAP during the financial year resolved a number of risk and control issues that were caused by independent systems managing different aspects of financial process delegations, leave and delegations of approval. The SAP solution provides a 'virtuous control circle' with segregation of duties and systems control independently assigned and developed.

Motor Vehicles

The Office's 2016/2017 motor vehicle claims totalled twenty (20), representing an average damage/loss net cost in claim payments of \$3,350. This was an increase of seven (7) claims and a decrease in the average net damage/loss of \$699 per claim compared to the 2015/2016 financial year.

Property

In 2016/2017, there were one (1) property claims finalised for the Office in the amount of \$3,565. In the previous financial year there were NIL (0) property claims for the Office.

Miscellaneous

The Office had NIL (0) Miscellaneous Claims in the 2016/2017 reporting year.

Credit Card Certification

During 2016/2017, 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 the ODPP is largely limited to claimable work related travel expenses and expenditure for minor purchases 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:

- officers are issued with a credit card monthly statement 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
- a half-yearly report is submitted to Treasury certifying that credit card use in the ODPP is within set guidelines.

Appendix 7: Internal Audit and Risk Management Attestation

OUR REFERENCE

DIRECTOR'S CHAMBERS



ODPP
New South Wales

YOUR REFERENCE

DATE

14 July 2017

**Internal Audit and Risk Management Attestation for the
2016-2017 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, excluding the exceptions or transitional arrangements described below, compliant with the eight (8) core requirements set out in the *Internal Audit and Risk Management Policy for the NSW Public Sector*, specifically:

Core Requirements	Compliance Status
Risk Management Framework	
1.1 The agency head is ultimately responsible and accountable for risk management in the agency	Compliant
1.2 A risk management framework that is appropriate to the agency has been established and maintained and the framework is consistent with AS/NZS ISO 31000:2009	Compliant
Internal Audit Function	
2.1 An internal audit function has been established and maintained	Compliant
2.2 The operation of the internal audit function is consistent with the International Standards for the Professional Practice of Internal Auditing	Partial Compliance
2.3 The agency has an Internal Audit Charter that is consistent with the content of the 'model charter'	Compliant
Audit and Risk Committee	
3.1 An independent Audit and Risk Committee with appropriate expertise has been established	Compliant
3.2 The Audit and Risk Committee is an advisory committee providing assistance to the agency head on the agency's governance processes, risk management and control frameworks, and its external accountability obligations	Compliant
3.3 The Audit and Risk Committee has a Charter that is consistent with the content of the 'model charter'	Compliant

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Telephone: **(02) 9285 8888** Facsimile: (02) 9285 8601 TTY: (02) 9285 8646
www.odpp.nsw.gov.au

Membership

The chair and members of the Audit and Risk Committee are:

- Alexander Smith, Independent Chairperson (8 October 2013 – 7 October 2018)
- Carolyn Walsh, Independent Member (7 January 2013 – 1 February 2019)
- Ian Gillespie, Independent Member (6 June 2016 – 6 June 2019)
- Sashi Govind, Chief Risk Officer (from 19 May 2016)

I, Lloyd Babb SC advise that the internal audit and risk management processes for the Office of the Director of Public Prosecutions depart from the following core requirements set out in the *Internal Audit and Risk Management Policy for the NSW Public Sector*.

The departure from the core requirements is due to the agency implementing measures to achieve compliance with new policy requirements consistent with the permitted transitional arrangements.

Departure	Reason for departure and steps being implemented
Internal Audit Function	
2.2 The operation of the internal audit function is consistent with the International Standards for the Professional Practice of Internal Auditing	The office has a co sourced model for Internal Audit activity. Partial compliance self relating acknowledges The Office's planned investment in reviewing all processes and developing a training package for relevant staff to ensure that International standards are met. The internal function has always been part of self-assurance practices of The Office.



Lloyd Babb SC
Director of Public Prosecutions



Department Contact Officer/ Chief Executive Officer (Audit and Risk)
Keith Alder
Deputy Director of Public Prosecutions

Appendix 8: Digital Information Security Attestation

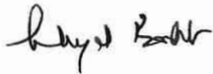
Digital Information Security Annual Attestation Statement for the 2016-2017 Financial Year for Office of the Director of Public Prosecutions

I, Lloyd Babb SC, am of the opinion that Office of the Director of Public Prosecutions had an Information Security Management System in place during the 2016-2017 financial year that is consistent with the Core Requirements set out in the *NSW Government Digital Information Security Policy*.

The 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.

There is no agency under the control of Office of the Director of Public Prosecutions which is required to develop an independent ISMS in accordance with the *NSW Government Digital Information Security Policy*.

The Office of the Director of Public Prosecutions has maintained certified compliance with *ISO 27001 Information technology - Security techniques - Information security management systems - Requirements* by an Accredited Third Party during the 2016-2017 financial year.



Lloyd Babb SC 24/7/17
Director of Public Prosecutions

Appendix 9: Procurement, Corporate Governance and Financial Accountability

Accountability and Efficiency

The Office submitted all Statutory Reports within prescribed timeframes.

- 2016/2017 Annual Financial Statements: finalised and submitted to the Auditor-General on 21 July 2017
- Fringe Benefit Tax (FBT) 2016/2017 Annual Return: submitted on the due date of 12 May 2017
- Business Activity Statement (BAS) Monthly Returns: all returns submitted by monthly due dates

The Audit and Risk Committee monitors compliance with ODPP policies, overseeing an internal audit program designed to test performance. The Committee reviews all audit reports and where recommendations are made in relation to adherence to Office policy, the management identified corrective actions are monitored for resolution.

Caring for the Environment

NSW Government Resource Efficiency Policy (GREP)

The Government Resource Efficiency Policy (GREP) aims to drive resource efficiency in four main areas – energy, water, waste and clean air, replacing the previous NSW Government Sustainability and Waste Reduction and Purchasing Policies. GREP ensures that NSW Government agencies:

- meet the challenge of rising costs for energy, water, clean air and waste management
- use purchasing power to drive down the cost of resource-efficient technologies and services
- show leadership by incorporating resource efficiency in decision making.

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

The Office consistently aims 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.

For further information regarding the Government Resource Efficiency Policy (GREP), please visit www.environment.nsw.gov.au.

ODPP GREP Strategic Approach	
Energy	
E1: Targets to undertake energy efficiency projects	All ODPP projects undertaken consider ways and methods of achieving energy efficiencies.
E2: Minimum NABERS Energy ratings for offices and data centres	Sydney Office has a 5 Star NABERS Energy rating, while Parramatta Office has a 4 Star NABERS Energy rating.
E3: Minimum standards for new electrical appliances and equipment	All purchased appliances and equipment meet the minimum standards for energy ratings where suitable.
E4: Minimum standards for new buildings	Not Applicable
E5: Identify and enable solar leasing opportunities	Not applicable
E6: Minimum fuel efficiency standards for new light vehicles	All vehicles are leased from the approved list.
E7: Purchase 6% GreenPower	Electricity is purchased where possible via NSW Government contracts 777 and 776 which includes a minimum of 6% green power.
Water	
W1: Report on water use	Not applicable.
W2: Minimum water standards for office buildings	Not applicable.
W3: Minimum standards for new water using appliances	All purchased appliances and equipment meet the minimum standards for water ratings where suitable.
Power	
P1: Report on top three waste streams	Not applicable.
Clean Air	
A1: Air emission standards for mobile non-road diesel plant and equipment	Not applicable
A2: Low-VOC surface coatings	All surface coatings are low-VOC as required.

Appendix 10: 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 *Government Sector Employment Act 2013*

Lloyd Babb SC

Period in Position

1 July 2016 to 30 June 2017

Position and Level

Director of Public Prosecutions

Remuneration

\$448,410 pa (salary plus allowance as at 30 June 2017)

Senior Executive Performance Statement

Nil to report.

Appendix 11: Chief Executive Service and Senior Executive Service

SES Band	30 June 2016					30 June 2017				
	Total Number	Male	Female	Average Remuneration	% of Total Employee Related Expenditure	Total Number	Male	Female	Average Remuneration	% of Total Employee Related Expenditure
Band 1	10	4	6	213,635	2.45	10	3	7	218,581	2.27
Band 2	-	-	-	-	-	-	-	-	-	-
Band 3	-	-	-	-	-	-	-	-	-	-
Band 4	-	-	-	-	-	-	-	-	-	-

In addition to the Senior Executive roles shown in the above table, the ODPP also has a Director of Public Prosecutions, three 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*.

All executive roles were transitioned into the new *Government Sector Employment Act 2013* arrangements during the year.

Appendix 12: Overseas Travel

Staff Member	Dates, Places and Travel Details	Reason for Travel and Expense Details (\$AUS)	Total Cost
Lloyd Babb SC	IAP Conference 10-16 September 2016 Dublin, Ireland	IAP Conference Accommodation \$714.30 Airlines \$6,497.81 Taxi and Light Rail Pass \$54.42 Conference Registration \$1,747.91	\$9,014.44

Appendix 13: Consultants

Engagements greater than \$50,000			
Consultant	Category	Name of project and purpose	Cost ex GST
Nil	Nil	Nil	Nil

Engagements less than \$50,000		
Categories	Total No. of Engagements	Cost ex GST
Nil	Nil	Nil

Appendix 14:

Accounts Payment Performance

1 July 2016 to 30 June 2017

Ageing of accounts payable at the end of each quarter 1 July 2016 to 30 June 2017					
Quarter	Current (within due date) \$	< 30 days overdue \$	30 – 60 days overdue \$	60 - 90 days overdue \$	> 90 days overdue \$
September					
All suppliers	238,710	43,074	-	20	-
Small business suppliers	-	-	-	-	-
December					
All suppliers	1,067,228	-	-	-	-
Small business suppliers	-	-	-	-	-
March					
All suppliers	535,538	10,542	-	1,355	-
Small business suppliers	-	-	-	-	-
June					
All suppliers	82,880	652	71	-	-
Small business suppliers	100	-	-	-	-

Details of accounts due or paid within each quarter	September	December	March	June
Number of accounts due for payment				
All suppliers	1,470	1,469	1,432	2,083
Small business suppliers	9	7	3	8
Number of accounts paid on time				
All suppliers	1,408	1,371	1,369	1,996
Small business suppliers	9	7	1	8
Actual percentage of accounts paid on time (based on number of accounts)				
All suppliers	96%	93%	96%	96%
Small business suppliers	100%	100%	33%	100%
Dollar amount of accounts due for payment				
All suppliers	\$7,651,195	\$6,843,914	\$7,463,404	\$11,700,053
Small business suppliers	\$46,721	\$33,615	\$16,013	\$17,017
Dollar amount of accounts paid on time				
All suppliers	\$7,434,212	\$6,413,784	\$7,302,936	\$11,262,933
Small business suppliers	\$46,721	\$33,615	\$10,153	\$17,017
Actual percentage of accounts paid on time (based on dollar amount of accounts)				
All suppliers	97%	94%	98%	96%
Small business suppliers	100%	100%	63%	100%
Number of payments for interest on overdue accounts				
All suppliers	-	-	-	-
Small business suppliers	-	-	-	-
Interest paid on late accounts				
All suppliers	-	-	-	-
Small business suppliers	-	-	-	-

Appendix 15: Financial Accounts

Office of the Director of Public Prosecutions

Financial statements for the year ended 30 June 2017

**Office of the Director of Public Prosecutions
Statement by Director for the year ended 30 June 2017**

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 (which include Australian Accounting Interpretations), the requirements of the *Public Finance and Audit Act 1983*, and *Public Finance and Audit Regulation 2015* and Financial Reporting Directions mandated by the Treasurer;
- (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
13 September 2017



INDEPENDENT AUDITOR'S REPORT

Office of the Director of Public Prosecutions

To Members of the New South Wales Parliament

Opinion

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 2017, the statement of comprehensive income, statement of changes in equity, statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information.

In my opinion the financial statements:

- give a true and fair view of the financial position of the Office as at 30 June 2017, 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* (PF&A Act) and the Public Finance and Audit Regulation 2015

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

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report.

I am independent of the Office in accordance with the auditor independence requirements of:

- Australian Auditing Standards
- ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (the Code).

I have also fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles 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
- precluding the provision of non-audit services.

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

Director's Responsibility for the Financial Statements

The Director of the Office (the Director) is responsible for the preparation and fair presentation of the financial statements 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 and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Director must assess the Office's ability to continue as a going concern except where the Office's operations will cease as a result of an administrative restructure. The assessment must disclose, as applicable, matters related to going concern and the appropriateness of using the going concern basis of accounting.

Auditor's Responsibility for the Audit of the Financial Statements

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A further description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: <http://www.auasb.gov.au/Home.aspx>. The description forms part of my auditor's report.

My opinion does *not* provide assurance:

- that the Office carried out its activities effectively, efficiently and economically
- 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.



David Daniels
Director, Financial Audit Services

15 September 2017
SYDNEY

Office of the Director of Public Prosecutions
Statement of comprehensive income for the year ended 30 June 2017

	Notes	Actual 2017 \$'000	Budget 2017 \$'000	Actual 2016 \$'000
Continuing Operations				
Expenses excluding losses				
Employee-related expenses	2(a)	107,949	110,488	101,512
Other operating expenses	2(b)	22,886	19,486	21,877
Depreciation and amortisation	2(c)	3,383	3,240	3,206
Grants and subsidies	2(d)	-	107	1
Other expenses	2(e)	<u>3,830</u>	<u>3,408</u>	<u>3,080</u>
Total expenses excluding losses		<u>138,048</u>	<u>136,729</u>	<u>129,676</u>
Revenue				
Appropriation	3(a)	127,237	128,237	116,865
Sale of goods and services	3(b)	9	82	23
Grants and other contributions	3(c)	4,398	-	4,202
Acceptance by the Crown Entity of employee benefits and other liabilities	3(d)	5,000	8,590	8,715
Other income	3(e)	<u>433</u>	<u>35</u>	<u>263</u>
Total revenue		<u>137,077</u>	<u>136,944</u>	<u>130,068</u>
Operating result		<u>(971)</u>	<u>215</u>	<u>392</u>
Gain / (loss) on disposal	4	<u>(10)</u>	<u>5</u>	<u>(6)</u>
Net result		<u>(981)</u>	<u>220</u>	<u>386</u>
Other comprehensive income		<u>-</u>	<u>-</u>	<u>-</u>
Total other comprehensive income		<u>-</u>	<u>-</u>	<u>-</u>
TOTAL COMPREHENSIVE INCOME		<u>(981)</u>	<u>220</u>	<u>386</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 2017

	Notes	Actual 2017 \$'000	Budget 2017 \$'000	Actual 2016 \$'000
ASSETS				
Current assets				
Cash and cash equivalents	6	2,166	2,506	2,352
Receivables	7	<u>1,848</u>	<u>3,088</u>	<u>1,584</u>
Total current assets		<u>4,014</u>	<u>5,594</u>	<u>3,936</u>
Non-current assets				
Plant and equipment	8	10,336	8,450	9,975
Intangible assets	9	<u>1,891</u>	<u>3,406</u>	<u>2,376</u>
Total non-current assets		<u>12,227</u>	<u>11,856</u>	<u>12,351</u>
Total assets		<u>16,241</u>	<u>17,450</u>	<u>16,287</u>
LIABILITIES				
Current liabilities				
Payables	10	1,856	2,666	1,341
Provisions	11	12,605	11,431	12,084
Other current liabilities	12	<u>-</u>	<u>458</u>	<u>93</u>
Total current liabilities		<u>14,461</u>	<u>14,555</u>	<u>13,518</u>
Non-current liabilities				
Provisions	11	3,321	2,864	3,329
Other non-current liabilities		<u>-</u>	<u>293</u>	<u>-</u>
Total non-current liabilities		<u>3,321</u>	<u>3,157</u>	<u>3,329</u>
Total liabilities		<u>17,782</u>	<u>17,712</u>	<u>16,847</u>
Net assets		<u>(1,541)</u>	<u>(262)</u>	<u>(560)</u>
EQUITY				
Accumulated funds		<u>(1,541)</u>	<u>(262)</u>	<u>(560)</u>
Total equity		<u>(1,541)</u>	<u>(262)</u>	<u>(560)</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 2017**

	Accumulated Funds \$'000	Total \$'000
Balance at 1 July 2016	(560)	(560)
Net result for the year	(981)	(981)
Other comprehensive income:	<u>-</u>	<u>-</u>
Total other comprehensive income	<u>-</u>	<u>-</u>
Total comprehensive income for the year	<u>(981)</u>	<u>(981)</u>
Balance at 30 June 2017	<u>(1,541)</u>	<u>(1,541)</u>

	Accumulated Funds \$'000	Total \$'000
Balance at 1 July 2015	(946)	(946)
Net result for the year	386	386
Other comprehensive income	<u>-</u>	<u>-</u>
Total other comprehensive income	<u>-</u>	<u>-</u>
Total comprehensive income for the year	<u>386</u>	<u>386</u>
Balance at 30 June 2016	<u>(560)</u>	<u>(560)</u>

**Office of the Director of Public Prosecutions
Statement of cash flows for the year ended 30 June 2017**

	Actual 2017 \$'000	Budget 2017 \$'000	Actual 2016 \$'000
Notes			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee related	(100,666)	(101,137)	(95,206)
Grants and subsidies	-	(107)	(1)
Other	(30,546)	(26,282)	(25,935)
Total payments	<u>(131,212)</u>	<u>(127,526)</u>	<u>(121,142)</u>
Receipts			
Appropriations (excluding equity appropriations) (Transfers to the Crown Entity)	127,237 (93)	128,237 -	116,958 (118)
Sale of goods and services	10	82	23
Interest received	-	-	90
Grants and contributions	4,251	-	4,202
Other	2,855	2,283	2,714
Total receipts	<u>134,260</u>	<u>130,602</u>	<u>123,869</u>
NET CASH FLOWS FROM OPERATING ACTIVITIES	16 <u>3,048</u>	<u>3,076</u>	<u>2,727</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Proceeds from sale of plant and equipment	-	5	1
Purchases of plant and equipment	(2,880)	(1,940)	(2,503)
Other	(354)	(1,128)	(566)
NET CASH FLOWS FROM INVESTING ACTIVITIES	<u>(3,234)</u>	<u>(3,063)</u>	<u>(3,068)</u>
CASH FLOWS FROM FINANCING ACTIVITIES			
NET CASH FLOWS FROM FINANCING ACTIVITIES	<u>-</u>	<u>-</u>	<u>-</u>
NET INCREASE (DECREASE) IN CASH AND CASH EQUIVALENTS	(186)	13	(341)
Opening cash and cash equivalents	2,352	2,493	2,693
CLOSING CASH AND CASH EQUIVALENTS	6 <u>2,166</u>	<u>2,506</u>	<u>2,352</u>

The accompanying notes form part of these financial statements.

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2017

Index to the notes to the financial statements

1	Summary of Significant Accounting Policies
2	Expenses Excluding Losses
3	Revenue
4	Gain / (loss) on Disposal
5	Service group statements for the year ended 30 June 2017
6	Current Assets - Cash and Cash Equivalents
7	Current Assets - Receivables
8	Non-Current Assets - Plant and Equipment
9	Non-Current Assets - Intangible Assets
10	Current Liabilities - Payables
11	Current / Non-Current Liabilities - Provisions
12	Current Liabilities - Other
13	Contingent Liabilities and Contingent Assets
14	Commitments
15	Budget Review
16	Reconciliation of Net Cash Flows from Operating Activities to Net Result
17	Financial Instruments
18	Related Party Disclosures
19	Events after the Reporting Period.

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2017

1 Summary of Significant Accounting Policies

(a) *Reporting entity*

The Office of the Director of Public Prosecutions (the Office) is a NSW government entity and is controlled by the State of New South Wales, which is the ultimate parent. The Office is a not-for-profit entity (as profit is not its principal objective) and it has no cash generating units.

These financial statements for the year ended 30 June 2017 have been authorised for issue by the Director on 13 September 2017.

(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 (AAS) (which include Australian Accounting Interpretations);
- the requirements of the *Public Finance and Audit Act 1983* and *Public Finance and Audit Regulation 2015*; and
- the Financial Reporting Directions mandated by the Treasurer.

While the Office has negative net assets at reporting date, the financial statements have been prepared on a going-concern basis, after taking into account future funding from government appropriations. Cash flow forecasts demonstrate that with future appropriation funding, the Office will have sufficient funds to pay its debts as and when they are due for at least the next 12 months from the end of the reporting period.

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

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. Comments regarding the accounting policies for the recognition of income are discussed below.

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2017

1 Summary of Significant Accounting Policies (cont'd)

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

(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 circumstance:

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

(iii) Grants

Income from grants (other than contribution by owners) is recognised when the Office obtains control over the contribution. The Office is deemed to have assumed control when the grant is received or receivable.

Contributions are recognised at their fair value. Contributions of services are recognised when and only when a fair value of those services can be reliably determined and services would be purchased if not donated.

(g) *Plant and equipment*

(i) Acquisitions of plant and equipment

Plant and equipment are initially measured at cost and subsequently carried at fair value less accumulated depreciation and impairment. 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.

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

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

(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) Restoration costs

The present value of the expected cost for the restoration or cost of dismantling of an asset after its use is included in the cost of the respective asset if the recognition criteria for a provision are met.

(iv) 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 2017

1 Summary of Significant Accounting Policies (cont'd)

(g) *Plant and equipment (cont'd)*

(v) Depreciation of plant and equipment

Except for certain non-depreciable assets, depreciation is provided for on a straight-line basis 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.

	2017	2016
Computer laptop	4 years	4 years
Computer servers	4 years	4 years
Computer equipment	4 years	4 years
Office equipment	5 years	5 years
Multifunction devices	5 years	5 years
PABX equipment	5 years	5 years
Office furniture and fittings	10 years	10 years
Library books	15 years	15 years

(vi) 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 14-01). This policy adopts fair value in accordance with AASB 13 *Fair Value Measurement*, AASB 116 *Property, Plant and Equipment*.

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.

Plant and equipment is limited to non-specialised assets with short useful lives. The Office has assessed that any difference between fair value and depreciated historical cost for these assets as immaterial, and is therefore using depreciated historical cost as a surrogate for fair value. As a result, revaluation of the Office's physical non-current assets is not required.

The residual values, useful lives and methods of depreciation of plant and equipment are reviewed at each financial year end.

(vii) 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 or an amount that approximates fair value, impairment can only arise in the rare circumstances such as 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.

The Office assesses, at each reporting date, whether there is an indication that an asset may be impaired. If any indication exists, or when annual impairment testing for an asset is required, the Office estimates the asset's recoverable amount. When the carrying amount of an asset exceeds its recoverable amount, the asset is considered impaired and is written down to its recoverable amount.

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2017

1 Summary of Significant Accounting Policies (cont'd)

(g) *Plant and equipment (cont'd)*

(vii) Impairment of plant and equipment (cont'd)

As a not for-profit entity, an impairment loss is recognised in the net result to the extent the impairment loss exceeds the amount in the revaluation surplus for the class of asset.

(h) *Leases*

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

An operating lease is a lease other than a finance lease. Operating lease payments are recognised as an operating expense in the statement of comprehensive income on a straight-line basis over the lease term.

(i) *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. Following initial recognition, intangible assets are subsequently measured at fair value only if there is an active market. If there is no active market for the Office's intangible assets, the assets are carried at cost less any accumulated amortisation and impairment losses.

All research costs are expensed. Development costs are only capitalised when certain criteria are met.

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

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

The amortisation period and the amortisation method for an intangible asset with a finite useful life are reviewed at least at the end of each reporting period.

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.

(j) *Financial Instruments*

A financial instrument is any contract that gives rise to a financial asset of one entity and a financial liability or equity instrument of another entity.

Financial assets and financial liabilities are initially measured at fair value. Transaction costs that are directly attributable to the acquisition or issue of financial assets and financial liabilities (other than financial assets and financial liabilities at fair value through profit or loss) are added to or deducted from the fair value of the financial assets or financial liabilities, as appropriate, on initial recognition. Transaction costs directly attributable to the acquisition of financial assets or financial liabilities at fair value through profit or loss are recognised immediately in net result.

The Office determines the classification of its financial assets and liabilities after initial recognition and, when allowed and appropriate, re-evaluates this at each financial year end.

(i) *Financial assets*

Financial assets are classified, at initial recognition. The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition.

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2017

1 Summary of Significant Accounting Policies (cont'd)

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

- Receivables

Trade receivables and other receivables that have fixed or determinable payments that are not quoted in an active market are classified as receivables. Receivables are measured at amortised cost using the effective interest method, less any impairment. Changes are recognised in the net result for the year when impaired.

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

- Impairment of financial assets

All financial assets, except those at fair value through profit and loss, are subject to an annual review for impairment. Financial assets are considered to be impaired when there is objective evidence that, as a result of one or more events that occurred after the initial recognition of the financial asset, the estimated future cash flows have been affected.

For certain categories of financial assets, such as trade receivables, the entity first assesses whether impairment exists individually for financial assets that are individually significant, or collectively for financial assets that are not individually significant. Assets are assessed for impairment on a collective basis if they were assessed not to be impaired individually.

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 original effective interest rate. The amount of the impairment loss is 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. 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.

(ii) **Financial liabilities**

- Financial liabilities at amortised cost (including trade payables)

Financial liabilities at amortised cost are initially measured at fair value, net of transaction costs. These are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective yield basis.

Payables represent liabilities for goods and services provided to the Office and other amounts. Short-term payables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

Finance lease liabilities are determined in accordance with AASB 117 *Leases*.

- Financial Guarantees

A financial guarantee contract is a contract that requires the issuer to make specified payments to reimburse the holder for a loss it incurs because a specified debtor fails to make payment when due in accordance with the original or modified terms of a debt instrument.

Financial guarantee contracts are recognised as a liability at the time the guarantee is issued and initially recognised at fair value plus, in the case of financial guarantees not at fair value through profit or loss, directly attributable transaction costs, where material. After initial recognition, the liability is measured at the higher of the amount determined in accordance with AASB 137 *Provisions, Contingent Liabilities and Contingent Assets* and the amount initially recognised, less accumulated amortisation, where appropriate.

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 2017 and as at 30 June 2016.

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2017

1 Summary of Significant Accounting Policies (cont'd)

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

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

Where the Office has neither transferred nor retained substantially all the risks and rewards or transferred control, the asset continues to be recognised to the extent of the Office's continuing involvement in the asset. In that case, the Office also recognises an associated liability. The transferred asset and the associated liability are measured on a basis that reflects the rights and obligations that the Office has retained.

Continuing involvement that takes the form of a guarantee over the transferred asset is measured at the lower of the original carrying amount of the asset and the maximum amount of consideration that the Office could be required to repay.

A financial liability is derecognised when the obligation specified in the contract is discharged or cancelled or expires. When an existing financial liability is replaced by another from the same lender on substantially different terms, or the terms of an existing liability are substantially modified, such an exchange or modification is treated as the derecognition of the original liability and the recognition of a new liability. The difference in the respective carrying amounts is recognised in the net result.

(k) *Employee benefits*

(i) Salaries and wages, annual leave, and sick leave

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 annual leave balance plus the annual leave entitlements accrued while taking annual leave (calculated 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. All annual leave is classified as a current liability even where the Office does not expect to settle the liability within 12 months as the Office does not have unconditional right to defer settlement.

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.

(ii) 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'.

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2017

1 Summary of Significant Accounting Policies (cont'd)

(k) *Employee benefits (cont'd)*

Long service leave is measured at the present value of expected future payments to be made in respect of services provided up to the reporting date. Consideration is given to certain factors based on actuarial review, including expected future wage and salary level, experience of employee departures, and periods of service. Expected future payments are discounted using Commonwealth government bond rate at the reporting date.

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 (i.e. State Superannuation Scheme and State Authorities Superannuation Scheme), the expense is calculated as a multiple of the employees' superannuation contributions.

(iii) *Consequential on-costs*

Consequential on-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.

(l) *Provisions*

Provisions are recognised 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. When the Office expects some or all of a provision to be reimbursed, for example, under an insurance contract, the reimbursement is recognised as a separate asset, but only when the reimbursement is virtually certain. The expense relating to a provision is presented net of any reimbursement in the statement of comprehensive income.

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 carry out 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 2% (2016:2%), 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. When discounting is used, the increase in provision due to the percentage of time (i.e. unwinding of discount rate) is recognised as a finance cost.

(m) *Equity and reserves*

Accumulated Funds

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

(n) *Fair value measurement and hierarchy*

Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. The fair value measurement is based on the presumption that the transaction to sell the asset or transfer the liability takes place either in the principal market for the asset or liability or in the absence of a principal market, in the most advantageous market for the asset or liability.

(o) *Budgeted amounts*

The budgeted amounts are drawn from the original budgeted financial statements presented to Parliament in respect of the reporting period. There are no budget adjustments to the original budget as a result of Administrative Arrangement Orders. Major variances between the original budgeted amounts and the actual amounts disclosed on the primary financial statements are explained in Note 15.

(p) *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.

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2017

1 Summary of Significant Accounting Policies (cont'd)

(q) *Incentive*

Lease 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.

(r) *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.

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

(i) Effective for the first time in 2016-17

The accounting policies applied in 2016-17 are consistent with those of the previous financial year except as a result of the following new or revised Australian Accounting Standards that have been applied for the first time in 2016-17.

- AASB 2015-6 *Amendments to Australian Accounting Standards* - extending related party disclosures to not-for profit public sector entities is applied for the first time. From 1 July 2016, the Office has disclosed information about related parties in the financial statements including key management personnel compensation, the nature of related party relationships, the amount and nature of transactions with Government related entities. The disclosures are included in Note 18.
- AASB 2015-2 *Disclosure initiative-amendments to AASB 101*. The amendments are designed to encourage entities to apply professional judgement on disclosures. The amendments also clarify that entities should use professional judgement in determining the location and order of information disclosed.
- AASB 2014-4 *Amendment to AASB 116* Prohibiting the use of a revenue based depreciation method for property, plant and equipment. Additionally, the amendments provide guidance in the application of the diminishing balance method for property, plant and equipment.
- AASB 2015-7 *Amendments to AASB 13* Provides disclosure relief to not-for-profit public sector entities from certain disclosures about the fair value measurement of property, plant and equipment held for the current service potential rather than to generate net cash flows.

(ii) Issued but not yet effective

NSW public sector entities are not permitted to early adopt new Australian Accounting Standards, unless Treasury determines otherwise.

The following new Accounting Standards have not been applied and are not yet effective:

- AASB 9 *Financial instruments*
- AASB 15, AASB 2014-5, AASB 2015-8, and 2016-3 regarding *Revenue from contracts with customers*
- AASB 1058 *Income of not-for-profit entities*
- AASB 2016-4 *Amendments to Australian Accounting Standards- Recoverable amount of non-cash-generating specialised assets of not-for-profit entities*
- AASB 2016-7 *Amendments to Australian Accounting Standards-Deferral of AASB 15 for not-for-profit entities*
- AASB 2016-8 *Amendments to Australian Accounting Standards-Australian Implementation Guidance for Not-for-Profit Entities*
- AASB 16 *Leases*

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2017

1 Summary of Significant Accounting Policies (cont'd)

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

(ii) Issued but not yet effective (cont'd)

The possible impact of these Standards in the period of initial application includes:

- AASB 16 *Leases*. The possible impact of AASB16 based on preliminary assessments by the Office include:
 - Lease assets and financial liabilities on the statement of financial position will be increased based on the lease details at the date of the assessment.
 - Operating cash outflows will be lower and financing cash outflows will be higher in the statement of cash flows, as principal repayments on all lease liabilities will now be included in financing activities rather than operating activities.
 - The income statement will be impacted by interest charges on lease terms when depreciation and interest charges on the right of use assets are higher.
 - There will be a reduction in the reported equity when carrying amounts of lease assets will reduce more quickly than carrying amounts of lease liabilities.

While the impact of all other 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 2017

2 Expenses Excluding Losses

	2017	2016
	\$'000	\$'000
(a) Employee related expenses		
Salaries and wages (including annual leave)*	88,939	80,621
Superannuation - defined benefit plans	2,002	2,084
Superannuation - defined contribution plans	7,033	6,145
Long service leave	2,862	6,514
Workers' compensation insurance	329	233
Payroll tax and fringe benefit tax	5,718	5,278
On-cost on long service leave	(17)	335
Temporary staff	1,083	302
	<u>107,949</u>	<u>101,512</u>

* Employee related costs that have been capitalised as intangible assets have been excluded from above; i.e. \$0.082 million (2016:\$0.099 million)

	2017	2016
	\$'000	\$'000
(b) Other operating expenses include the following:		
Auditor's remuneration - audit of the financial statements	65	52
Cleaning	451	411
Consultants	-	135
Insurance	577	567
Motor vehicle expenses	191	222
Operating lease rental expense - minimum lease payments	8,484	8,277
Telephone	865	902
Stores and equipment	924	591
Training	257	170
Travel	1,730	1,518
Other expenses	678	743
Outgoings	988	812
Books and online services	627	531
Fees - private barristers	4,751	4,622
Fees - practising certificates	374	346
Fees - security	257	216
Gas and electricity	353	289
Postage	184	172
Maintenance*	1,130	1,301
	<u>22,886</u>	<u>21,877</u>
<i>* Reconciliation - Total maintenance</i>		
Maintenance expense - contracted labour and other (non-employee related), as above	1,130	1,301
Employee related maintenance expense included in Note 2(a)	440	26
Total maintenance expenses included in Note 2(a) + 2(b)	<u>1,570</u>	<u>1,327</u>

The Office has reviewed its estimation of maintenance effort by key staff in the Facilities and IM&T teams to better reflect the TPP 06-06 Guidelines for Capitalisation of Expenditure on Property, Plant and Equipment with respect to the planning, supervising, managing or executing works involved in or relating to maintenance of the assets owned or controlled by the Office. Past reporting focused only on help desk hardware support. Significant systems implementations and reform related facilities upgrades has led to a greater awareness of effort.

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2017

2 Expenses Excluding Losses (cont'd)

	2017 \$'000	2016 \$'000
(c) Depreciation and amortisation expense		
Depreciation		
Plant and Equipment	1,852	1,707
Computer equipment	668	623
Other plant and equipment	<u>24</u>	<u>22</u>
Total Depreciation	2,544	2,352
Amortisation		
Intangible	<u>839</u>	<u>854</u>
	3,383	3,206
	2017 \$'000	2016 \$'000
(d) Grants and subsidies		
Contribution to TMF for hindsight adjustment	<u>-</u>	<u>1</u>
	<u>-</u>	<u>1</u>
	2017 \$'000	2016 \$'000
(e) Other expenses		
Allowances to witnesses	3,818	3,023
Living expenses of defendants who are not Australian citizens	<u>12</u>	<u>57</u>
	3,830	3,080

3 Revenue

(a) Appropriations and transfers to the Crown Entity

Summary of Compliance	2017 \$'000		2016 \$'000	
	Appropriation	Expenditure	Appropriation	Expenditure
Original Budget per Appropriation Act	<u>128,237</u>	<u>127,237</u>	<u>118,858</u>	<u>116,865</u>
Total Appropriations / Expenditure / Net claim on Consolidated Fund (includes transfer payments)	128,237	127,237	118,858	116,865
Appropriation drawn down*		<u>127,237</u>		<u>116,958</u>
Liability to Consolidated Fund (refer Note 12)		<u>-</u>		<u>93</u>
 *Comprising:				
Appropriations (per Statement of comprehensive income)**		<u>127,237</u>		<u>116,865</u>
		<u>127,237</u>		<u>116,865</u>
 **Appropriations				
Recurrent		124,169		113,797
Capital		<u>3,068</u>		<u>3,068</u>
		127,237		116,865

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

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2017

2 Expenses Excluding Losses (cont'd)

	2017 \$'000	2016 \$'000
(c) Depreciation and amortisation expense		
Depreciation		
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The summary of compliance is based on the assumption that Consolidated Fund monies are spent first (except where otherwise identified or prescribed).

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2017

3 Revenue (cont'd)

The 'Liability to Consolidated Fund' represents the difference between the 'amount drawn down against Appropriation' and the 'expenditure / net claim on Consolidated Fund'.

	2017 \$'000	2016 \$'000
(b) Sale of goods and services		
Commissions - miscellaneous deductions	-	1
Cost awarded	<u>9</u>	<u>22</u>
	<u>9</u>	<u>23</u>
	2017	2016
	\$'000	\$'000

(c) Grants and contributions

Contribution from Budget Dependant agencies	<u>4,398</u>	<u>4,202</u>
	<u>4,398</u>	<u>4,202</u>

Grant received from Attorney General & Justice NSW for District Court Backlog Program \$4.168 million, Early Appropriate Guilty Pleas Reform \$0.148 million and Cases Management Project \$0.082 million.

	2017 \$'000	2016 \$'000
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(d) 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	2,002	2,084
Long service leave	2,891	6,514
Payroll tax	<u>107</u>	<u>117</u>
	<u>5,000</u>	<u>8,715</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.

	2017 \$'000	2016 \$'000
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(e) Other income

Other income	<u>433</u>	<u>263</u>
	<u>433</u>	<u>263</u>

4 Gain / (loss) on Disposal

	2017 \$'000	2016 \$'000
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Gain / (loss) on disposal of office equipment

Proceeds from disposal	-	-
Written down value of assets disposed	<u>(10)</u>	<u>(6)</u>
Net gain / (loss) on disposal of office equipment	<u>(10)</u>	<u>(6)</u>

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2017

5 Service group statements for the year ended 30 June 2017

	Service Group 1 Prosecutions * 2017 \$'000	Service Group 1 Prosecutions * 2016 \$'000	Service Group 2 Victim and Witness Assistance * 2017 \$'000	Service Group 2 Victim and Witness Assistance * 2016 \$'000	Not Attributable 2017 \$'000	Not Attributable 2016 \$'000	Total 2017 \$'000	Total 2016 \$'000
OFFICE'S EXPENSES AND INCOME								
Expenses excluding losses								
Operating expenses								
• Employee related	104,192	98,154	3,757	3,358	-	-	107,949	101,512
• Other operating expenses	22,120	21,272	766	605	-	-	22,886	21,877
Depreciation and amortisation	3,207	3,052	176	154	-	-	3,383	3,206
Grants and subsidies	-	1	-	-	-	-	-	1
Other expenses	-	-	3,830	3,080	-	-	3,830	3,080
Total expenses excluding losses	129,519	122,479	8,529	7,197	-	-	138,048	129,676
Revenue**								
Recurrent appropriation	-	-	-	-	127,237	116,865	127,237	116,865
Sale of goods and services	9	23	-	-	-	-	9	23
Grants and contributions	4,398	4,202	-	-	-	-	4,398	4,202
Acceptance by the Crown Entity of employee benefits and other liabilities	4,825	8,427	175	288	-	-	5,000	8,715
Other income	421	255	12	8	-	-	433	263
Total revenue	9,653	12,907	187	296	127,237	116,865	137,077	130,068
Gain / (loss) on disposal	(10)	(6)	-	-	-	-	(10)	(6)
Net result	(119,876)	(109,578)	(8,342)	(6,901)	127,237	116,865	(981)	386
Other comprehensive income								
Total other comprehensive income	-	-	-	-	-	-	-	-
TOTAL COMPREHENSIVE INCOME	(119,876)	(109,578)	(8,342)	(6,901)	127,237	116,865	(981)	386

* 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
Notes to the financial statements for the year ended 30 June 2017

5 Service group statements for the year ended 30 June 2017 (cont'd)

	Service Group 1 Prosecutions *		Service Group 2 Victim and Witness Assistance *		Not Attributable		Total	
	2017 \$'000	2016 \$'000	2017 \$'000	2016 \$'000	2017 \$'000	2016 \$'000	2017 \$'000	2016 \$'000
OFFICE'S ASSETS & LIABILITIES								
Current assets								
Cash and cash equivalents	2,085	2,240	81	112	-	-	2,166	2,352
Receivables	1,776	1,528	72	56	-	-	1,848	1,584
Total current assets	3,861	3,768	153	168	-	-	4,014	3,936
Non-current assets								
Plant and equipment	9,799	9,507	537	468	-	-	10,336	9,975
Intangible assets	1,793	2,261	98	115	-	-	1,891	2,376
Total non-current assets	11,592	11,768	635	583	-	-	12,227	12,351
TOTAL ASSETS	15,453	15,536	788	751	-	-	16,241	16,287
Current liabilities								
Payables	1,767	1,144	89	197	-	-	1,856	1,341
Provisions	12,183	11,684	422	400	-	-	12,605	12,084
Other	-	90	-	3	-	-	-	93
Total current liabilities	13,950	12,918	511	600	-	-	14,461	13,518
Non-current liabilities								
Provisions	3,201	3,215	120	114	-	-	3,321	3,329
Total non-current liabilities	3,201	3,215	120	114	-	-	3,321	3,329
TOTAL LIABILITIES	17,151	16,133	631	714	-	-	17,782	16,847
NET ASSETS	(1,698)	(597)	157	37	-	-	(1,541)	(560)

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

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2017

5 Service group statements for the year ended 30 June 2017 (cont'd)

Service Group Descriptions

(a) Service Group 1 Prosecutions

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

Description: The service group covers the institution and conduct of prosecutions and related proceedings for indictable offences under NSW laws. This includes providing advice to police and investigative agencies on evidentiary matters, participating in the law reform process and capturing the proceeds of crime.

(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 the provision of information, referral and support services to victims of violent crimes and to vulnerable witnesses who give evidence in matters prosecuted by the Director of Public Prosecutions.

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

	2017 \$'000	2016 \$'000
Cash at bank and on hand	2,161	2,317
Permanent witness advance	5	35
	2,166	2,352

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:

	2017 \$'000	2016 \$'000
Cash and cash equivalents (per statement of financial position)	2,166	2,352
Closing cash and cash equivalents (per statement of cash flows)	2,166	2,352

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

7 Current Assets - Receivables

	2017 \$'000	2016 \$'000
Current Receivables		
Rendering of services	153	28
Goods and Services Tax recoverable from ATO	343	384
Prepayments	1,293	1,134
Advances	59	38
	1,848	1,584

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 2017

8 Non-Current Assets - Plant and Equipment

	Total \$'000
At 1 July 2016 - fair value	
Gross carrying amount	30,245
Accumulated depreciation	<u>(20,270)</u>
Net carrying amount	<u>9,975</u>
At 30 June 2017 - fair value	
Gross carrying amount	32,738
Accumulated depreciation	<u>(22,402)</u>
Net carrying amount	<u>10,336</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.

	Total \$'000
Year ended 30 June 2017	
Net carrying amount at start of year	9,975
Additions	2,915
Disposals	(10)
Depreciation expense	<u>(2,544)</u>
Net carrying amount at end of year	<u>10,336</u>

	Total \$'000
At 1 July 2015 - fair value	
Gross carrying amount	28,669
Accumulated depreciation	<u>(18,946)</u>
Net carrying amount	<u>9,723</u>
At 30 June 2016 - fair value	
Gross carrying amount	30,245
Accumulated depreciation	<u>(20,270)</u>
Net carrying amount	<u>9,975</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.

	Total \$'000
Year ended 30 June 2016	
Net carrying amount at start of year	9,723
Additions	2,610
Disposals	(6)
Net revaluation increment less revaluation decrements	-
Depreciation expense	<u>(2,352)</u>
Net carrying amount at end of year	<u>9,975</u>

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2017

9 Non-Current Assets - Intangible Assets

	Software and Others \$'000
At 1 July 2016	
Cost (gross carrying amount)	4,174
Accumulated amortisation	<u>(1,798)</u>
Net carrying amount	<u>2,376</u>
At 30 June 2017	
Cost (gross carrying amount)	4,528
Accumulated amortisation	<u>(2,637)</u>
Net carrying amount	<u>1,891</u>
Year ended 30 June 2017	
Net carrying amount at start of year	2,376
Additions	354
Amortisation	<u>(839)</u>
Net carrying amount at end of year	<u>1,891</u>
At 1 July 2015	
Cost (gross carrying amount)	3,621
Accumulated amortisation	<u>(957)</u>
Net carrying amount	<u>2,664</u>
At 30 June 2016	
Cost (gross carrying amount)	4,174
Accumulated amortisation	<u>(1,798)</u>
Net carrying amount	<u>2,376</u>
Year ended 30 June 2016	
Net carrying amount at start of year	2,664
Additions	566
Amortisation	<u>(854)</u>
Net carrying amount at end of year	<u>2,376</u>

10 Current Liabilities - Payables

	2017 \$'000	2016 \$'000
Accrued salaries, wages and on-costs	443	103
Creditors	85	381
Accruals	<u>1,328</u>	<u>857</u>
	<u>1,856</u>	<u>1,341</u>

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

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2017

11 Current / Non-Current Liabilities - Provisions

	2017	2016
	\$'000	\$'000
Current		
Employee benefits and related on-costs		
Annual leave	7,068	6,716
On-cost on annual leave and long service leave	3,519	3,147
Payroll tax on-cost for annual leave and long service leave	<u>1,563</u>	<u>1,945</u>
	12,150	11,808
Annual leave includes \$0.592 million expected to be taken after 12 months (2016: \$0.842 million).		
Other provisions		
Restoration costs	119	-
Rent adjustment reserve	154	-
Incentive	<u>182</u>	<u>276</u>
	<u>455</u>	<u>276</u>
Total provisions - current	<u>12,605</u>	<u>12,084</u>
	2017	2016
	\$'000	\$'000
Non-current		
Employee benefits and related on-costs		
On-cost on long service leave	224	227
Payroll tax on-cost for long service leave	<u>136</u>	<u>137</u>
	360	364
Other provisions		
Restoration costs	2,360	2,308
Rent adjustment reserve	308	182
Incentive	<u>293</u>	<u>475</u>
	<u>2,961</u>	<u>2,965</u>
Total provisions - non-current	<u>3,321</u>	<u>3,329</u>
Aggregate employee benefits and related on-costs		
Provisions - current	12,150	11,808
Provisions - non-current	360	364
Accrued salaries, wages and on-costs (Note 10)	<u>443</u>	<u>103</u>
	<u>12,953</u>	<u>12,275</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:

	Lease incentive	Restoration costs	Rent adjustment reserve	Total
	\$'000	\$'000	\$'000	\$'000
2017				
Carrying amount at the beginning of financial year	751	2,308	182	3,241
Additional provisions recognised	-	35	281	316
Amounts used	(276)	-	(1)	(277)
Unwinding / change in the discount rate	-	136	-	136
Carrying amount at end of financial year	<u>475</u>	<u>2,479</u>	<u>462</u>	<u>3,416</u>

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2017

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

Restoration costs refers to the present value of estimated cost of make good obligations (in accordance with AASB137) that will arise when existing office accommodation leases expire. The provision is adjusted annually for unwinding and changes in discount rates. Any cost variations in make good expenses at the time of implementation will be recognised in the statement of comprehensive income.

	Lease incentive \$'000	Restoration costs \$'000	Rent adjustment reserve \$'000	Total \$'000
2016				
Carrying amount at the beginning of financial year	1,013	1,939	130	3,082
Additional provisions recognised	10	285	116	411
Amounts used	(272)	-	(64)	(336)
Unwinding / change in the discount rate	-	84	-	84
Carrying amount at the end of financial year	<u>751</u>	<u>2,308</u>	<u>182</u>	<u>3,241</u>

12 Current Liabilities - Other

	2017 \$'000	2016 \$'000
Current		
Liability to consolidated fund	<u>-</u>	<u>93</u>
	<u>-</u>	<u>93</u>

13 Contingent Liabilities and Contingent Assets

The Office was not aware of any contingent assets or liabilities as at 30 June 2017 (2016: \$nil) that may materially affect the future results of the Office.

14 Commitments

	2017 \$'000	2016 \$'000
Future minimum rentals payable under non-cancelable operating lease as at 30 June are, as follows:		
Not later than one year	9,452	8,774
Later than one year and not later than five years	29,391	31,221
Later than five years	9,041	11,966
Total (including GST)	<u>47,884</u>	<u>51,961</u>

The total "operating lease commitments" above includes input tax credit of \$4.353 million (2016: \$4.724 million) recoverable from Australian Taxation Office.

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.

**Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2017**

15 Budget Review

Net result

The actual net result exceeded budget by \$1.201 million, primarily due to the following factors:

- \$0.422 million higher than expected protected witness expenses due to an increase in court sittings for 2016-17, and including \$0.231 million relating to 2015-16 activity
- \$0.143 million higher than expected depreciation
- \$0.490 million in year end adjustments which are not considered in the budget including an NPV increase in lease make good provisions (\$0.135 million), fixed rent increase booked adjustment (\$0.193 million), and recognition of 2.5% increase in leave liabilities (\$0.162 million)
- \$0.788 million over in ICAC expenditure which was anticipated due to case complexity and delays, reducing to \$0.335 million when offset by;
 - * Under expenditure against other employee and operating (\$0.105 million)
 - * Additional miscellaneous revenue and TMF Hindsight adjustment (\$0.348 million).

Additional budget variance offsetting factors include:

- \$0.082million Capital grant for CASES review project, not included in the budget
- \$0.107 million grant expenses not incurred.

Other budget variances not impacting on net result were:

- \$4.317 million recurrent grant received from Attorney General and Justice NSW for District Court Backlog reforms \$4.169 million, and Early Appropriate Guilty Plea reform \$0.147 million
- \$0.082 million capital grant received from Attorney General and Justice NSW
- \$1.000 million carry forward of Ombudsman funding to FY18
- \$3.590 million less than expected Crown acceptance expenditure mainly due to \$1.140 million LSL valuation decrement and reduced \$2.507 million Crown accepted superannuation.

Assets and liabilities

Total current assets were \$1.580 million lower than budget due to fewer prepayments (\$1.240 million) and reduced cash balance (\$0.340 million) from increased creditor payments.

Total non-current assets were \$0.371 million higher than budget due to increased capital assets, including additional \$0.082 million funded by capital grant, \$0.035 million capitalised restoration cost, and \$0.084 million additional capital purchases arising from a SAP Implementation. The budget was also \$0.323 million overstated due to an inflated 2015-16 fixed asset projection.

Total current liabilities were lower than budget by \$0.094 million due to a decrease in payables (\$0.810 million) and increases in provisions and other current liabilities relating to employee leave liability increases (\$0.716 million).

Total non-current liabilities were higher than budget by \$0.164 million mainly due to increased revaluation of the restoration provision.

Cash flows

Net cash flows from operating activities were lower than budget by \$0.028 million mainly due to a reduction in revenue collection.

Net cash flows from investing activities were higher than budget by \$0.171 million due to increased capital expenditure.

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2017

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

	2017	2016
	\$'000	\$'000
Net cash flow from operating activities	3,048	2,727
Depreciation and amortisation	(3,383)	(3,206)
Decrease / (increase) in provisions	(513)	(813)
Increase / (decrease) in prepayments and other assets	264	(1,334)
Decrease / (Increase) in creditors	(515)	2,885
Decrease / (increase) in other liabilities	93	25
Increase/(decrease) in Assets	35	108
Net gain / (loss) on sale of plant and equipment	(10)	(6)
Net result	(981)	386

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:			2017	2016
			\$'000	\$'000
Cash and cash equivalents	6	N/A	2,166	2,352
Receivables ¹	7	Receivables measured at amortised cost	212	66
Financial Liabilities	Note	Category	Carrying Amount	Carrying Amount
Class:			2017	2016
			\$'000	\$'000
Payables ²	10	Financial liabilities measured at cost	1,797	1,405
Provisions	11	Financial liabilities measured at amortised cost	2,479	2,308

¹ Excludes statutory receivables and prepayments

² Excludes statutory payables and unearned revenue

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2017

17 Financial Instruments (cont'd)

(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.

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 and cash equivalents

Cash comprises cash on hand and bank balances within the NSW Treasury Banking System.

Receivables - trade debtors

All trade debtors are recognised as amounts receivable at balance date. Collectability 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. Account receivable invoices 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. Most of the Office's debtors have a 100% credit rating.

There are no debtors which are currently past due or impaired

(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, the Office may automatically pay the supplier simple interest. No interest was paid during the year (2017: \$nil, 2016: \$nil).

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2017

17 Financial Instruments (cont'd)

Maturity Analysis and interest rate exposure of financial liabilities

	\$'000			
	Interest Rate Exposure		Maturity Dates	
	Variable Interest Rate	Non-interest bearing	< 1 yr	1-5 yrs
2017				
Payables	-	1,797	1,797	-
	-	1,797	1,797	-
2016				
Payables	-	1,405	1,405	-
	-	1,405	1,405	-

Notes

The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities based on the earliest date on which the entity can be required to pay. The tables include both interest and principal cash flows and therefore will not reconcile to the amounts in the statement of financial position.

(d) Market risk

The Office's financial instruments are not exposed to price risk.

Interest rate risk

The Office has no interest bearing liabilities.

Other price risk

The Office's financial instruments are not exposed to price risk.

(e) Fair value measurement

Financial instruments are generally recognised at cost and the carrying amount is a reasonable approximation of fair value because of the short term nature of many of the financial instruments.

18 Related Party Disclosures

The ODPP has determined that for the purposes of AASB 124 Related Parties Key Management Personnel (KMP) include;

- Director Public Prosecutions
- Senior Crown Prosecutor
- Deputy Directors Public Prosecutions (x3)
- Solicitor Public Prosecutions
- Director Corporate Services and CFO

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2017

18 Related Party Disclosures (cont'd)

The Office's key management personnel compensation is as follows:

	2017
	\$'000
Short-term employee benefits:	
Salaries	2,227
Other monetary allowances	106
Other long-term employee benefits	76
Total remuneration	<u>2,409</u>

During the year, the Office did not enter into any transactions on arm's length terms and conditions with any key management personnel, their close family members and controlled or jointly controlled entities thereof.

During the year, the Office entered into transactions with other entities that are controlled/jointly controlled/significantly influenced by NSW Government. These transactions in aggregate are a significant portion of the Office's sale of goods/ rendering of services/ receiving of services

These transactions include:

- Long service leave and defined benefit superannuation assumed by the Crown
- Appropriations (and subsequent adjustments to appropriations)
- Transactions relating to Treasury Banking System
- Employer contribution paid to defined benefit superannuation funds
- Payments into the Treasury Managed Funds for workers' compensation insurance and other insurances
- Grant revenue received from Department of Justice
- Payments to Department of Justice for maintenance of ERP system and reimbursement of witness expenses
- Payments to NSW police for security service and reimbursement of witness expenses
- Payments to State Property for rent and outgoing.

19 Events after the Reporting Period.

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

Appendix 16:

Glossary

AVL	Audio Visual Link
CBD	Central Business District
CCA	Court of Criminal Appeal
CCTV	Close Circuit Television
COPOCA	Confiscation of Proceeds of Crime Act 1989
DC	District Court
DCB	District Court Back-log
DEPU	Digital Evidence Processing Unit
DPO	Drug Proceeds Order
DPP	Director of Public Prosecutions
DWS	Digital Working Strategy
EAGP	Early Appropriate Guilty Plea
FO	Freezing Order
HC	High Court
HOPAC	Heads of Prosecuting Agencies Conference
ICAC	Independent Commission Against Corruption
IMT	Information Management and Technology
IMTC	Information Management and Technology Committee
KPI	Key Performance Indicators
KSC	Knowledge Sharing Committee
KSP	Knowledge Sharing Project
LA NSW	Legal Aid New South Wales
LC	Local Court
ODPP	Office of the Director of Public Prosecution
PMC	Priority Matter – Child Sexual Assault
PMD	Priority Matter – Death
PMI	Priority Matter Initiative
PMSI	Priority Matter – Special Interest
PPO	Pecuniary Penalty Order
QC	Queen’s Counsel
SC	Supreme Court
SC	Senior Counsel
SI	Strictly Indictable
SOPs	Standard Operating Procedures
WAS	Witness Assistance Service
WWS	Workload Weighting System

Appendix 17: ODPP Locations

HEAD OFFICE

Level 17, 175 Liverpool Street
SYDNEY NSW 2000
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PO Box 1095, CAMPBELLTOWN NSW 2560
Telephone: (02) 4629 2811
Facsimile: (02) 4629 2800

Penrith
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PENRITH NSW 2750
PO Box 781
Penrith Post Business Centre NSW 2750
Telephone: (02) 4721 6100
Facsimile: (02) 4721 4149

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

REGIONAL OFFICES

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Ground Floor, 130 Brisbane Street
DUBBO NSW 2830
PO Box 811, DUBBO NSW 2830
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Facsimile: (02) 6882 9401

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

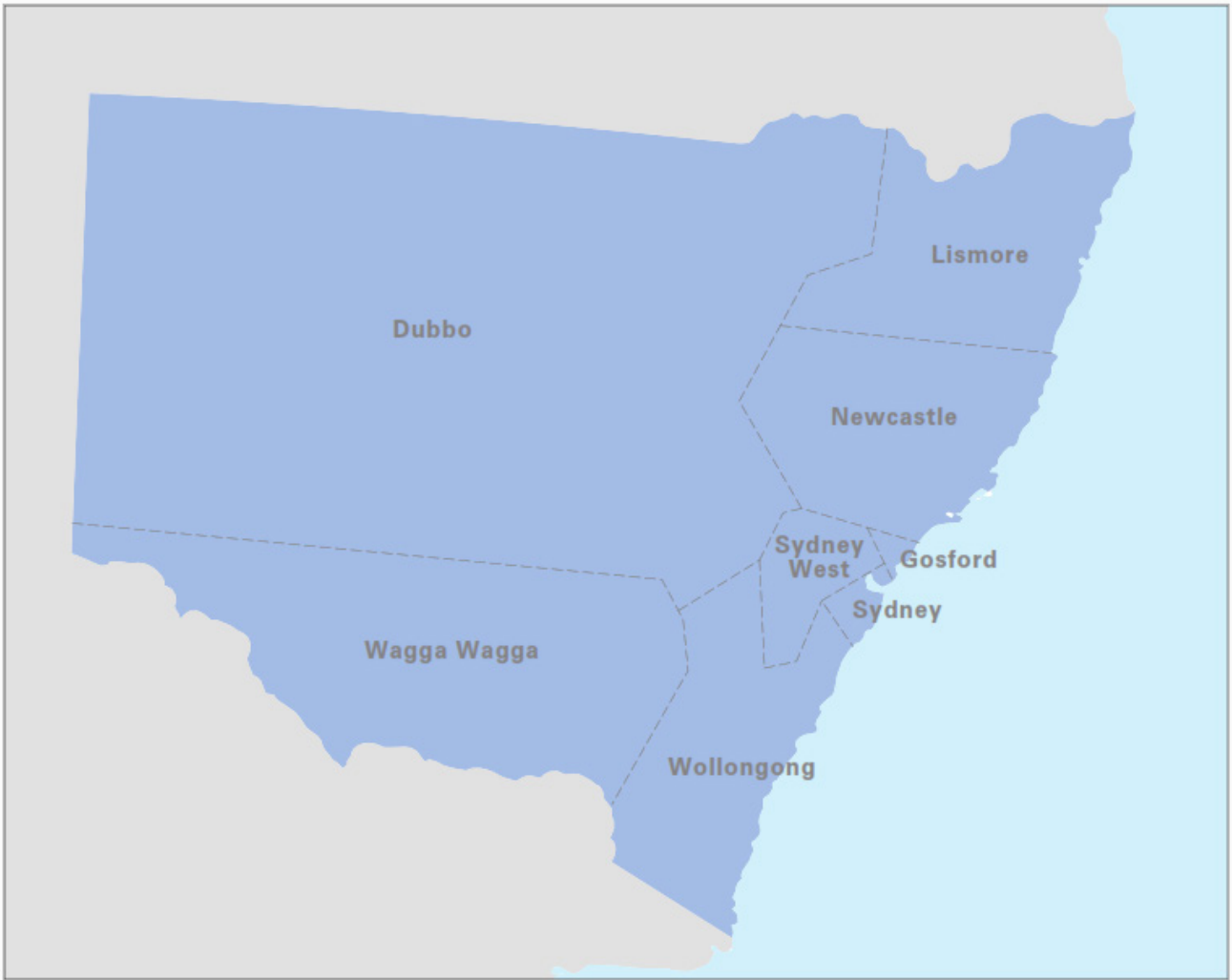
Gosford
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PO Box 1987, GOSFORD NSW 2250
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Level 3, Credit Union Centre
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Po Box 558, LISMORE NSW 2480
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Facsimile: (02) 6627 2233

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WOLLONGONG NSW 2500
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All offices are open Monday to Friday 9.00am to 5.00pm (excluding Public Holidays)





ODPP
New South Wales

