



Office of the Director of Public Prosecutions



Annual Report 2018/2019

Letter of transmittal

OUR REFERENCE

DIRECTOR'S CHAMBERS



ODPP
New South Wales

YOUR REFERENCE

DATE

10 October 2019

The Hon. M Speakman SC, MP
Attorney General
GPO Box 5341
SYDNEY NSW 2001

Dear Attorney

2018-2019 Annual Report

I am pleased to forward to you the 32nd 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 2018-2019.

This report has been prepared in accordance to section 34 of the *Director of Public Prosecutions Act 1996* 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', written in a cursive style.

Lloyd Babb SC
Director of Public Prosecutions

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Highlights of the year

Goal 1	Goal 2	Goal 3
 <p>72.2% early resolution</p>	 <p>Additional senior WAS Officers</p>	<p>Inaugural Reconciliation Action Plan launched</p>
 <p>88.8% FOG</p>	 <p>ATSI WAS and Intake teams created</p>	
 <p>1077 court days saved in Special Call Overs</p>	 <p>Child Sexual Offence Evidence Program extended</p>	 <p>Continued participation in Legislative reform</p>

Goal 4



845 FTE staff
10% increase



172 new employees



Staff turnover
down 8.35%



Excellence Awards
presented to 2 managers,
2 teams & 5 individuals



11% of staff working
part time



67% of staff are female



14 new Crown
Prosecutors appointed,
57% internal promotions




12 Solicitor Advocates
appointed, 66% internal
promotions



3 female Crown
Prosecutors appointed to
the District Court Bench

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 (NSW).

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 B.

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; and to conduct appeals arising from those prosecutions, including as the responding party, in any court.

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 in Sydney. There are three western Sydney offices – Campbelltown, Parramatta and Penrith – and six regional offices – Dubbo, Gosford, Lismore, Newcastle, Wollongong and Wagga Wagga. Solicitors 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 Court Act 1988* (NSW)
- *Drug Misuse and Trafficking Act 1985* (NSW)
- *Evidence Act 1995* (NSW).



The ODPP Executive

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

Appointed Director of Public Prosecutions in July 2011. Before appointment as DPP, practised as a barrister for 16 years. Worked as a solicitor in private practice and for the ODPP before admission as a barrister. Appointed Crown Prosecutor in 1998. Seconded as Director of the Criminal Law Review Division of the Attorney General's Department between 2003 and 2005 and was an Acting Public Defender 2006 to 2007. Appointed Senior Counsel and Crown Advocate in 2007. Member of the Bar Council of the Bar Association of NSW between 1995 and 2000. NSW's third DPP.

Peter McGrath SC BA LLB **Deputy Director of Public Prosecutions**

Appointed Deputy Director of Public Prosecutions in April 2018. In 1984 commenced at the Commonwealth DPP and then went into practice at the private bar for 20 years, appearing for both defence and prosecution in criminal trials. Appeared in coronial proceedings and before the Police Integrity Commission as counsel assisting or for affected parties. Junior counsel for Corrective Services during ICAC's inquiry into the use of prison informers and appeared for NSW Police Force during the Wood Royal Commission. Appointed a Crown Prosecutor in 2012 and a Deputy Senior Public Defender in January 2017. Member of the Bar's Professional Conduct Committee and Wellbeing Committee and an instructor with the Australian Advocacy Institute.

Huw Baker SC BA Dip Law (LPAB) **Deputy Director of Public Prosecutions**

Appointed as a Deputy Director of Public Prosecutions in June 2019. Has been with the ODPP since 1993, when he started as a Legal Clerk in the Director's Secretariat. Moved on to work as a solicitor and then as a Trial Advocate in both the Sydney and Western Sydney offices. Appointed a Crown Prosecutor in 2005 and appeared in some of the ODPP's most complex jury trials in the District Court and the Supreme Court and as junior counsel in the Supreme Court, Court of Criminal Appeal and the High Court. Appointed Senior Counsel in September 2017 and as the Acting Deputy Director of Public Prosecutions in March 2018. Prior to his appointment as Acting Deputy Director, was appearing in the Supreme Court and the Court of Criminal Appeal. Has more recently been appearing in the High Court.

Tanya Smith LLB (First class Hons) BSC **Acting Director of Public Prosecutions** (January 2019)

Appointed as an Acting Deputy Director of Public Prosecutions in January 2019. Has been with the ODPP for more than 20 years, starting as a solicitor at Parramatta in April 1998. Has been running trials for more than 14 years and was appointed a Crown Prosecutor in January 2007. Was a Deputy Senior Crown Prosecutor for the last three years and has spent a number of years in the Court of Criminal Appeal Unit. Prior to being appointed as Acting Deputy Director, was appearing in the Supreme Court and the Court of Criminal Appeal.

Kara Shead SC BA LLB (Hons) **Deputy Director of Public Prosecutions** (May 2016 – February 2019)

Appointed Deputy Director of Public Prosecutions in May 2016. In 1994 appointed Summer Clerk at the ODPP. Appointed solicitor in 1996 and Trial Advocate in 2002. In 2005 appointed Crown Prosecutor. Prosecuted a wide range of trial matters, with a focus on child sexual assault. Appointed Deputy Senior Public Defender in 2014 and Senior Counsel in September 2016. Appeared for the Crown in numerous homicide trials, the Court of Criminal Appeal and the High Court.

Christopher Maxwell QC **Senior Crown Prosecutor**

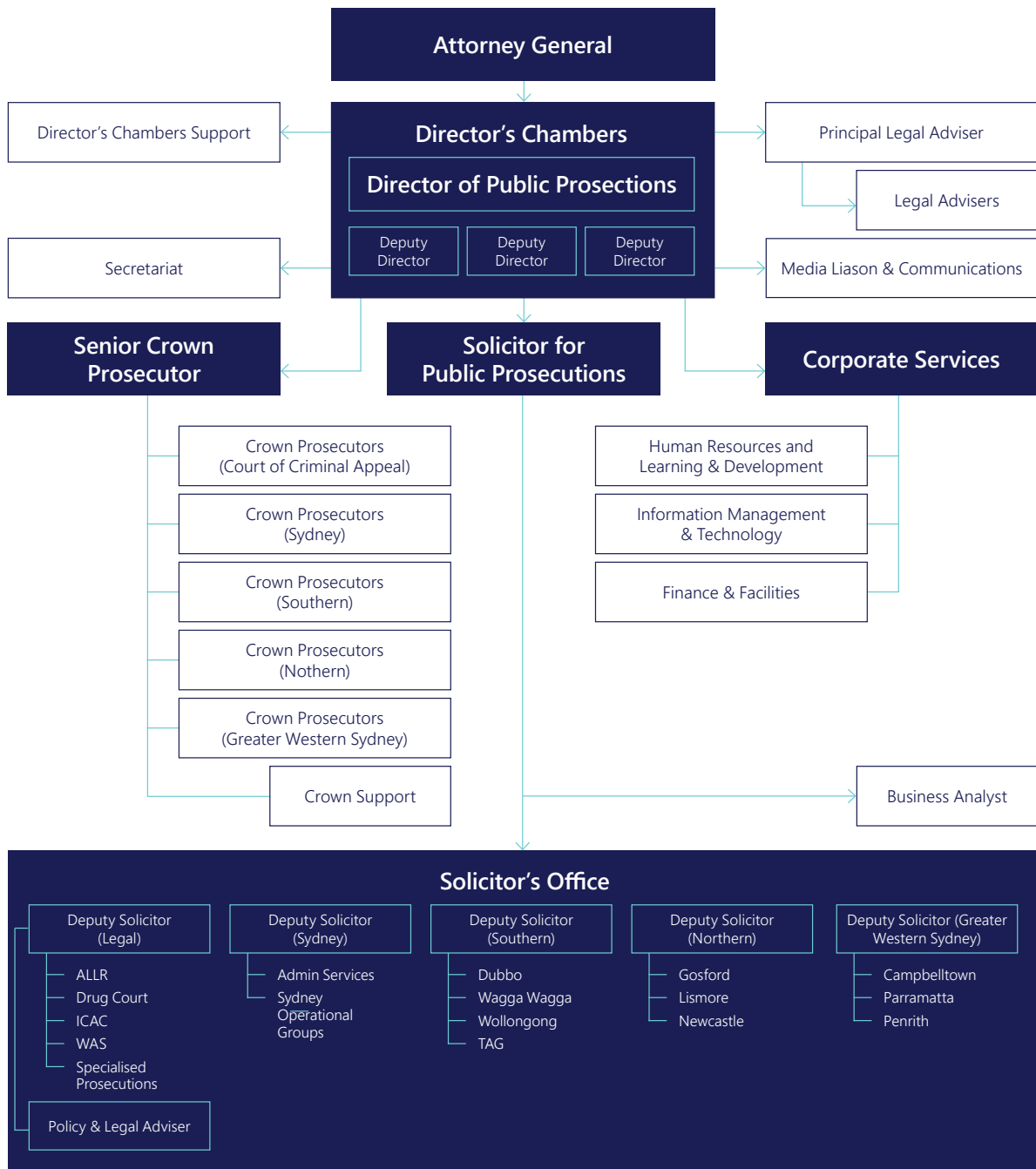
Appointed Senior Crown Prosecutor in March 2018. Held the position of Deputy Senior Crown Prosecutor (Sydney) for 13 years. Appointed the Chief International Prosecutor for the United Nations Mission in Kosovo between July 2002 and July 2005.

Craig Hyland BJURIS LLB GDPA **Solicitor for Public Prosecutions**

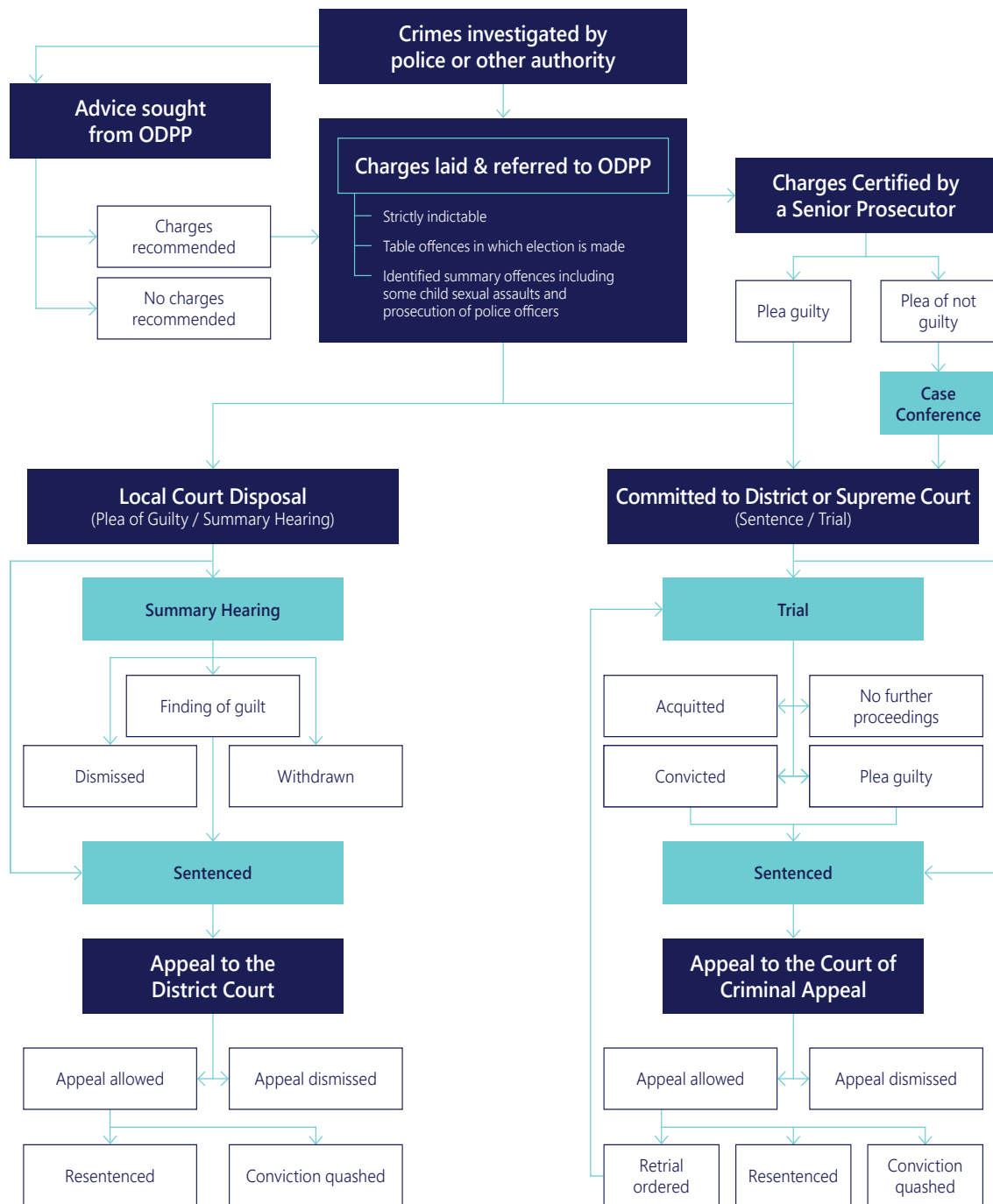
Appointed Solicitor for Public Prosecutions in February 2015. In 2009, appointed Solicitor for Public Prosecutions in Victoria. Previously a solicitor, a manager and Senior Executive in the ODPP NSW. Has over 25 years' experience in the criminal justice system. Graduated from the University of NSW with a Bachelor of Laws and a Bachelor of Jurisprudence in May 1985. Holds post graduate qualifications in Public Administration conferred by the University of Sydney in 2007.



ODPP NSW organisational structure



Outline of the prosecution process



Report of the Director of Public Prosecutions

The past 12 months has been the biggest year of transformation, both within the wider criminal justice system and internally within the Office of the Director of Public Prosecutions (ODPP), since my appointment to the role of Director in July 2011. As a result, it has been an extremely rewarding time to be at the helm.

EAGP reform

When the Early Appropriate Guilty Plea (EAGP) reform package came into effect on 30 April 2018, it introduced very significant changes to the criminal justice system in NSW. Since that time, and in preparation for those changes, the Office has undergone a period of transformation both in terms of internal processes and organisational structure.

The EAGP reform, which aims to encourage the entering of guilty pleas in committal matters at an earlier stage, features several key activities which are to be undertaken while the matter is still in the Local Court. Each of these activities requires the significant involvement of Crown Prosecutors and solicitors within my Office. These include:

- the screening of a simplified brief of evidence
- charge certification by a senior prosecutor and
- attendance at a mandatory case conference.

In the superior courts, the EAGP reform introduces a statutory sentence discount scheme. The changes also aim to achieve greater continuity of representation throughout the life of a prosecution.

Given the Office's position at the cornerstone of each of these elements, the impact of the EAGP suite of reform on the operations of my Office has been

substantial. As part of the EAGP changes, Crown Prosecutors from all over the State have been taking ownership of serious criminal cases at the Local Court stage. When the EAGP brief arrives at the ODPP, a solicitor and senior prosecutor (who may be a Crown Prosecutor) are assigned to the case and from that time, the senior prosecutor remains briefed to run the trial (should the matter not resolve by way of a guilty plea). The prosecution team maintains ownership of that case until completion.

Early ownership of serious criminal cases by a senior prosecutor who will run the trial holds many benefits for the criminal justice system. For defence counsel, it means the prosecutor will be briefed to consider the matter in the Local Court and the charges to be proceeded on will be settled in advance. Further, the attendance of both the senior prosecutor and defence counsel at a formal case conference provides greater opportunities for more meaningful discussions about the future direction of a matter.

Early involvement of a senior prosecutor also removes the risk of a perception by an accused that closer to trial another prosecutor will bring a different approach to the running of the case. For victims of crime, it provides continuity of the prosecution team responsible for handling the case from beginning to end.

The ODPP received additional funding for EAGP until 30 June 2020. This resulted in an expansion of staffing numbers and the need for additional office space. The Office's internal processes and procedures were also reviewed. The advent of charge certification and case conferencing has required staff and Crown Prosecutors to adjust to new ways of working and has fostered a greater sense of teamwork across various parts of the Office. The move to aligning the Crown Prosecutors Chambers with workgroups in the Solicitor's Office in

Sydney has created a more collaborative approach and placed a greater focus on maintaining continuity office wide.

I have long advocated for a criminal justice system that facilitates early charge certainty, ongoing case management and continuity. I am therefore pleased to note that the early results for EAGP matters show an increase in Local Court resolution and committals for sentence and a decrease in matters being committed for trial.

Sentencing reforms

On 24 September 2018, the *Crimes (Sentencing Procedure Amendment (Sentencing Options) Act 2017* came into effect. This legislation substantially changed the sentencing procedure law in NSW by introducing a wide range of new sentencing options. Given the nature and extent of the changes it was vitally important that staff were able to immediately assist the court in applying the correct law. To support our solicitors in this endeavour, a suite of new resource material was created and made available to the Office prior to its introduction.

Child sexual abuse reforms

On 1 December 2018, and in response to the Royal Commission into Institutional Responses to Child Sexual Abuse, the *Criminal Legislation (Child Sexual Abuse) Act 2018* was proclaimed. This Act restructured Part 10A of the *Crimes Act 1900* and replaced a number of old offences with new provisions. The extent and breadth of the changes meant that extra caution needed to be taken by my Office in all cases, but in particular sexual assault and personal violence cases, to ensure the correct law was applied. To assist staff, specific training was delivered at the Solicitors Conference in December 2018.

Diversity and inclusion

In October 2018, it gave me great pleasure to announce the Office's inaugural Reconciliation Action Plan (RAP) which was endorsed by Reconciliation Australia. The RAP is a business plan that documents our commitments and contributions to reconciliation. An artwork by indigenous artist and Wiradjuri man Luke Penrith was commissioned for the RAP and presented to the Office at the Solicitors Workshops in August 2018. The original artwork is displayed in the reception area of the Sydney office and copies of the artwork have been placed in each of the ODPP's other nine office locations. I congratulate the members of the Workforce Diversity and Inclusion Working Group who delivered on the RAP as their first project.

Investing in our people

During the year and as part of our ongoing commitment to promoting a supportive environment and the continued development and wellbeing of our staff, the Office delivered several training programs. These included Aboriginal Cultural Awareness training and Vicarious Trauma training, both of which were well received and well attended. In addition, we invested in the professional development of our people through the provision of advocacy sessions at the Australian Advocacy Institute and at the annual Crown Prosecutors Conference, Solicitors Conference and Solicitors Workshops.

Celebrating the success of our people

The past 12 months has brought about new opportunities for many at the ODPP. The following achievements continue to demonstrate the high regard in which members of this Office are held in the legal community. In particular, I would like to congratulate the following people on their appointments:

- Deputy Director Kara Shead SC as a Judge of the District Court of NSW
- Deputy Senior Crown Prosecutor Nanette Williams as a Judge of the District Court and for being honoured as an exceptional female leader in the NSW Public Sector Top 50
- Crown Prosecutor Sharon Harris as a Judge of the District Court of NSW
- Crown Prosecutor Huw Baker SC as Deputy Director of Public Prosecutions
- Deputy Senior Crown Prosecutor Tanya Smith as Acting Deputy Director of Public Prosecutions
- Deputy Senior Crown Prosecutors Neil Adams and Lee Carr as Senior Counsel
- Deputy Senior Crown Prosecutor Sally Dowling SC as Senior Counsel Assisting the Special Commission of Inquiry into the Drug 'Ice'.

Acknowledgements

I would like to thank everyone at the ODPP for their efforts in ensuring our transition to the EAGP regime and the other reforms that have occurred this year have been as smooth as possible. It is a remarkable achievement for the Office to have implemented such widespread and significant change as seamlessly as we have.

I would like to specifically acknowledge the role of the Solicitor for Public Prosecutions, Craig Hyland in the careful guidance of the Solicitor's Office throughout this transformative period and Chris Maxwell QC, for his leadership of the Crown Prosecutors during this period of EAGP reform. I would also like to thank Deputy Director, Peter McGrath SC for his support and assistance in acting in my role during the latter part of this period.

Lloyd Babb SC
Director of Public Prosecutions



Report of the Solicitor for Public Prosecutions

The achievements of the ODPP during the year, detailed in this report, while implementing the most extensive change to the criminal justice system since the ODPP's inception, are testament to the hard work and dedication of all staff and Crown Prosecutors. This is all the more significant in the context of various initiatives aimed at reducing the District Court backlog; operating within two systems during the year with 'legacy' matters making up the bulk of trials in both superior jurisdictions; new registrations falling under the EAGP system; and staff becoming familiar with a new organisational structure and way of working. The trend of the previous six years has been maintained with increased pleas of guilty, reduced trial numbers and increased finalisations.

EAGP

Our Annual Report last year detailed the extensive preparatory work we undertook to implement the Early Appropriate Guilty Plea (EAGP) reform consequent to the *Justice Legislation (Committals and Guilty Pleas) Act 2017*. That work included changes to our internal operating procedures and delegations, workforce structure and organisational redesign. This year has seen the benefit of that preparatory work with the successful implementation of a new workgroup structure across the Solicitor's Office consisting of increased supervision, smaller spans of control, greater mentoring and training, improved resources, redefined legal support functions and a commitment to continuity through file ownership from registration through to finalisation.

Work has continued throughout the year implementing and refining our EAGP procedures and new workforce structure. In August 2018 a new WAS management

structure commenced with additional senior positions to oversee the WAS teams at each of the ten office locations, to improve service delivery to victims and witnesses and provide internal oversight and support to WAS officers. A dedicated Aboriginal and Torres Strait Island team commenced and the number of dedicated ATSI positions was increased from three to seven.

To implement the EAGP reform, the ODPP received significant additional funding to 30 June 2020 to meet the objectives of continuity of representation and charge certainty. This resulted in unprecedented recruitment activity over the year with staff numbers increasing from 765 to 845 full time equivalent staff. As a result, there was significant additional recruitment, induction and training activities conducted throughout the year. Capital works were consequently undertaken at most offices to accommodate the new staff. The successful recruitment and attendant activities placed significant additional demand on the services of Human Resources and Learning and Development; Information Management and Technology; and Finance and Facilities.

To date, as a result of greater charge certainty and continuity of prosecutor, the reform is showing early signs of success with increased resolution of matters in the Local Court, increased committals for sentence and a reduction in the number of matters committed for trial. Internally the reform is monitored by a governance structure which reviews and tracks the Office's performance in relation to processes, performance indicators and workload; and externally by the EAGP Program Steering Committee where the ODPP is represented by the Director of Public Prosecutions.

Results

This year the upward trend exhibited over past years has continued with a finding of guilt in 89% of matters prosecuted by way of a plea of guilty or a verdict of guilty in the District and Supreme Courts. Early resolution was achieved in 72% of matters through Local Court finalisation or committal for sentence; 33.4% of matters were finalised in the Local Court; 38.8% were committed for sentence to the District and Supreme Courts; and only 27.8% of matters were committed for trial to the District and Supreme Courts. Of note is that 85% of prosecutions resulting from referrals from the Royal Commission into Institutional Responses to Child Sexual Abuse resulted in a finding of guilt either through plea or trial this year.

Demand during the year for the Witness Assistance Unit services also continued with 2,990 referrals, 69% of which related to sexual assault matters. Aboriginal and Torres Strait Islander victims accounted for 13% of all victims registered.

Initiatives

Increased demand on ODPP resources as a result of funded initiatives aimed at reducing the District Court backlog continued this year with additional sitting days at regional venues following the appointment of seven additional District Court Judges in February 2019. In particular the courts at Newcastle, Wollongong, Gosford and Lismore serviced more sitting days than in previous years. Special Call Overs were held at eight regional and Sydney metropolitan venues which resulted in pleas of guilty in a significant number of matters, saving a cumulative 1,077 Court sitting days and

thereby enabling better use of court, defence and prosecution resources in matters that proceed to trial. Targeted sentence intensives were conducted in the Sydney District Court which were serviced from within existing resources by the Solicitor's Office.

Largely as a result of these initiatives trial finalisations increased by 28%; and sentence finalisations increased by 14%.

Acknowledgements

It has been a productive and challenging year at the ODPP responding to initiatives to improve system efficiencies, embedding a new organisational structure and implementing a new way of working. It is a credit to all that the results detailed in this report have been achieved while the organisation and the criminal justice system is in a state of change and renewal. Specifically, I thank the Director of Public Prosecutions, Lloyd Babb SC, and his Deputy Directors Kara Shead SC, Peter McGrath SC, Huw Baker SC and Tanya Smith, and the Senior Crown Prosecutor Chris Maxwell QC, for their commitment to the ODPP and their guidance to all. I thank all Crown Prosecutors, solicitors and legal support officers in the Solicitor's Office and staff in Corporate Services and the Director's Chambers for their tireless work and dedication.

And finally I thank my team of Executives and support staff for their belief in the ODPP and commitment to the people of NSW.

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 NSW 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*, appear in criminal proceedings on behalf of the Director of Public Prosecutions, instructed by solicitors employed by his Office; find bills of indictment in respect of indictable offences; advise the Director in respect of many and varied aspects of criminal law and procedure; and carry out such other functions of counsel when briefed to do so by the Director. Experience has shown that the use of independent Crown Prosecutors produces the most efficient professional service to the people of NSW.

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 some of the most experienced and able criminal barristers 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 NSW 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.

Crown Prosecutors, like all other barristers, are required to hold a current practising certificate issued by the NSW Bar Association. Crown Prosecutors have from time to time been elected to the Bar Council, the executive arm of that body. As members of the Association, Crown Prosecutors have contributed to its collegiate life. They participate in Continuing Professional Development programs, as advocacy coaches in the bar readers course and sit from time to time on the Council's various committees, including the Professional Conduct Committee.

Crown Prosecutors have chambers in Sydney, Campbelltown, Dubbo, Gosford, Lismore, Newcastle, Parramatta, Penrith, Wagga Wagga and Wollongong which reflects 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.

There are 101 Crown Prosecutors for the State of NSW.

There were 14 new appointments of Acting Crown Prosecutors during the year.

There are 31 female Crown Prosecutors.

Crown Prosecutor Lou Lungo was presented with an individual Director's Service Excellence Award for his dedication to a complex murder trial and his many years of effort and performance.

The following Crown Prosecutors took up appointments during the year:

- Deputy Senior Crown Prosecutor Nanette Williams as a Judge of the District Court, also honoured as an exceptional female leader in the NSW Public Sector Top 50
- Crown Prosecutor Sharon Harris as a Judge of the District Court of NSW
- Crown Prosecutor Huw Baker SC as Deputy Director of Public Prosecutions
- Deputy Senior Crown Prosecutor Tanya Smith as Acting Deputy Director of Public Prosecutions
- Deputy Senior Crown Prosecutors Neil Adams and Lee Carr as Senior Counsel
- Deputy Senior Crown Prosecutor Sally Dowling SC as Senior Counsel Assisting the Special Commission of Inquiry into the Drug 'Ice'.

The legislative changes necessary for the implementation of the Early Appropriate Guilty Plea reform (EAGP) commenced on 30 April 2018. Under the new legislative regime Crown Prosecutors receive briefs of evidence from police and certify the charges which then proceed to sentence or trial in the District or Supreme Court.

Crown Prosecutors have been actively involved in case conferences mandated under the new legislation, which in many cases have facilitated guilty pleas and agreed facts.

Crown Prosecutors have continued their traditional role of prosecuting trials and appeals on behalf of the Director in superior courts.

The Crown Prosecutors are committed to the EAGP reform, to serve the public interest in facilitating a speedier and more efficient criminal justice system.

Chris Maxwell QC
Senior Crown Prosecutor

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

Overview

The legal and strategic direction of the ODPP is set by the Director of Public Prosecutions, who is assisted by three Deputy Directors, the Senior Crown Prosecutor, the Solicitor for Public Prosecutions (SPP), the Executive Board and the Management Committee.

Director's Chambers and Secretariat

The Director's Chambers comprises a small team of experienced solicitors and legal support staff who provide high level advice and recommendations to the Director and his Deputies. Among the legal matters considered by the Director's Chambers are the termination of prosecutions, possible appeals against judicial rulings or sentences, approval of plea negotiations, the sanction of ex officio counts or the determination of claims for legal professional privilege.

Crown Prosecutors Chambers and the Solicitor's Office

The Crown Prosecutors Chambers and Solicitor's Office are the divisions of the Office that prosecute serious crimes committed in NSW.

The Crown Prosecutors Chambers is led by the Senior Crown Prosecutor and 14 Deputy Senior Crown Prosecutors (DSCPs). The DSCPs are briefed in the most complex matters. The Sydney Crown Prosecutors Chambers has ten DSCPs. A DSCP based at Parramatta oversees Crown Prosecutors in Greater Western Sydney. Crown Prosecutors at Newcastle, Gosford and Dubbo are led by the Newcastle DSCP and Crown Prosecutors at Wollongong and Wagga Wagga are led by a DSCP based at Wollongong.

The Sydney Crown Prosecutors Chambers incorporates a specialised team of Crown Prosecutors who undertake the appellate work in the higher courts. The Sydney Crown Prosecutors Chambers also services the work from the two Specialised Prosecution Groups.

The Solicitor's Office, which is headed by the SPP, is structured into four regional areas; Sydney, Greater Western Sydney, Northern and Southern. Each of those regions has a Deputy Solicitor who is responsible for the management of the offices, solicitors and legal support staff.

The Greater Western Sydney region comprises the Campbelltown, Parramatta and Penrith offices; the Northern Region the Gosford, Lismore and Newcastle offices; and the Southern Region the offices at Dubbo, Wagga Wagga and Wollongong as well as the Targeted Assistance Group, which provide State-wide assistance.

Each office has local Crown Prosecutors, Solicitor Advocates, solicitors, paralegals, legal support staff and Witness Assistance Officers. The solicitors are responsible for the prosecution of trials, Local Court committals, sentences and District Court appeals in the courts at their office location as well as the circuit District Courts at Albury, Armidale, Bathurst, Bega, Bourke, Broken Hill, Coffs Harbour, Coonamble, Goulburn, Grafton, Moree, Nowra, Orange, Parkes, Port Macquarie, Queanbeyan, Tamworth and Taree. ODPP solicitors appear at Local Courts across the State.

The Solicitor's Office also has several specialised groups located in Sydney, led by the Deputy Solicitor (Legal). Those are the Witness Assistance Service; the Independent Commission Against Corruption (ICAC) Referral Group, which prosecutes referrals from ICAC; the Specialised Prosecution Groups, which prosecutes serving police officers, referrals from the Law Enforcement Conduct Commission and high-profile matters; and the Appellate Litigation and Legal Resources (ALLR) Groups, which prosecute appeals, provide high level legal advice to the Director and represent the Director in interlocutory and other litigation. The Legal Resources and Library is also managed within the ALLR Groups, maintaining a legal library and the internet based legal resources. The Deputy Solicitor (Legal) is also responsible for the Drug Court Team, which services the Drug Courts at Parramatta, Sydney and Toronto.

Corporate Services

The Office is supported by a Corporate Services Division comprising three groups each led by a Director. Those groups are Human Resources, which includes Learning and Development; Information Management and Technology; and Financial Services and Procurement and Facilities Management. All Corporate Services staff are located in Head Office in Sydney.

Achievements

The major achievements for the year are the successful implementation of the EAGP reform and the significant inroads made into the District Court backlog.

The Early Appropriate Guilty Plea Reform

Background

On 30 April 2018, the Early Appropriate Guilty Plea (EAGP) reform was introduced. The EAGP reform package fundamentally changed the procedures for dealing with committal matters in the Local Court and introduced a statutory sentencing regime in the higher courts. The aim of the reform is to facilitate the entering of appropriate guilty pleas in the early stages of a prosecution to avoid late pleas being entered after the matter has been committed for trial.

The five key elements of the reform are:

1. early disclosure of a simplified brief of evidence
2. charge certification
3. mandatory criminal case conferencing
4. case management and continuity of representation
5. statutory sentencing discounts.

The aim is that these elements, working in combination, will:

- improve the timing of guilty pleas
- increase the overall proportion of guilty pleas and
- reduce the average length of contested trials.

The EAGP reform marked the biggest change to the criminal justice system since the ODPP's inception and presented the Office with an unprecedented opportunity to review its internal processes and structure.

EAGP in action

1. EAGP brief

The first element of the EAGP reform is the provision of a simplified brief of evidence served by police at an early stage in the committal process. On 27 April 2018, the Director of Public Prosecutions and the Commissioner of Police co-signed an Agreement Concerning the Content and Service of an EAGP Brief.

Under the Agreement, police prosecutors appear in a matter until a compliant brief is served. The matter is then adjourned for the filing of a charge certificate, when an ODPP solicitor will appear. As at 30 June 2019, the ODPP had registered 6,044 EAGP matters from commencement of the reform.

2. Charge certification

Once a compliant brief is served, the matter is allocated to a solicitor with carriage and briefed to a senior prosecutor, who screens the brief and settles the charges that are to proceed. The certification of charges by a senior prosecutor at an early stage in the proceedings, coupled with the retention of the matter by the same legal team until completion, aims to produce greater charge certainty and a more positive victim experience throughout the life of the matter.

This element of the reform commenced impacting the Office from July 2018. As at 30 June 2019, the ODPP had certified 2,610 matters.

3. Mandatory criminal case conferencing

Once a charge certificate has been filed, the matter is adjourned for a mandatory criminal case conference attended by prosecution and defence representatives. The purpose of the conference is twofold – to resolve the matter in an appropriate plea or, if the matter is to be defended,

then to narrow the issues for trial. A conference must take place face to face, which includes via audio visual link (AVL) and the accused, while not present, must be contactable throughout. To assist, the ODPP and defence solicitors are able to use JUSTConnect, a web based booking system, to enable video conferencing via AVL studios located in correctional centres.

To assist practitioners, the ODPP, Legal Aid New South Wales and the Commonwealth Director of Public Prosecutions, jointly produced a Best Practice Guide to Case Conferencing. The guide aims to inform solicitors about the purpose of mandatory criminal case conferencing, their role in case conferencing, the role of the accused and best practice methods for managing and participating in a case conference. The first case conference was held in August 2018.

4. Case management and continuity

Two further features of the EAGP reform are greater case management of matters in the Local Court (replacing the committal decision previously made by a Magistrate) and the continuity of legal representatives from both defence and the prosecution throughout the life of the matter.

As at 30 June 2019, 595 EAGP matters had been committed for trial and 11 EAGP trials had been completed.

5. Sentencing discounts

The final element of the EAGP reform is the introduction of a system of fixed sentence discounts in the higher courts based on the timing of the plea, as follows:

- before committal in the Local Court, 25%
- up to 14 days before the first day of trial in the District or Supreme Court, 10%
- in any other circumstance, 5%.

At the end of this financial year, 367 EAGP committal for sentence matters had been completed.

Internal processes and procedures

To accommodate the changes brought about as a result of the EAGP reform, a major overhaul of the Director of Public Prosecution’s instrument of delegation and the Office’s internal processes and procedures was required. A series of new Standard Operating Procedures (SOPs) and internal process maps and guides were created to provide prosecutors with clear guidance on how to conduct matters subject to the reform. During the transitional period, the Office will continue to prosecute matters subject to the previous legacy system, necessitating dual processing methods for some time. At the end of June 2019, 238 legacy committal matters remained in the Local Court, 599 legacy sentence matters were to be finalised in the District and Supreme Courts and 1,670 legacy trial matters remained in the District and Supreme Courts.

Staffing, recruitment, training and accommodation

As a result of the EAGP reform, the ODPP received additional funding until 30 June 2020. This gave rise to a period of unparalleled recruitment activity, inductions and staff training. In the last financial year, staffing numbers expanded from 765 to 845 full time equivalent staff. In addition, staff from all levels across the State continued to participate in EAGP specific training.

As a result of this expansion, capital works were undertaken at ODPP office locations to accommodate the substantial growth in staffing numbers.

Internal Monitoring and Advisory Groups

To best ensure the success of the EAGP reform, the ODPP established three internal Monitoring and Advisory Groups (MAGs) to track and review the Office’s performance in the following key areas:

- Internal Process, Training and Stakeholder Interaction
- Information Management and Technology, Key Performance Indicators and Reporting
- Workload, Workforce, Funding and Recruitment.

The work of the MAGs is overseen by an Executive Leadership Group, headed by the Director of Public Prosecutions.

External stakeholder interaction

The ODPP is uniquely positioned at the cornerstone of each element of the EAGP reform. As a result, the Office plays a key role at an interagency level as a member of both the EAGP Working Group and Steering Committee.

Key Performance Indicators

To assist in monitoring the success of EAGP, the ODPP provides quarterly statistics on various elements of the reform to the Department of Justice including:

- the proportion of matters requiring an additional brief item to be served by police prior to charge certification
- the median number of days between service of a compliant EAGP brief and the filing of the charge certificate
- the number of case conferences held per matter
- the proportion of total matters where ODPP legal representatives have not changed
- the proportion of trials that proceed on the original listing date
- the proportion of trial adjournments due to a party not being ready.

Review of EAGP

The Department of Justice will lead a formative review of the EAGP processes from August 2019. The ODPP welcomes the opportunity to participate in this important review.

Early results

At the end of June 2019, the EAGP reform had been in operation for 14 months. While it is still early days, the preliminary results indicate the reform is already making positive progress to achieving its desired outcomes. Most notably, there has been a 16% increase in the number of matters resolved in the Local Court; an increase of 17% of matters committed for sentence and a consequent reduction in matters being committed for trial, a decrease of 26%, on the previous year. These signs point to the success of charge certification and case conferencing in resolving matters at an early stage.

EAGP early results indications	2017/2018	2018/2019	Difference %
Local Court disposal	28.9%	33.4%	16%
Committed for sentence	33.1%	38.8%	17%
Committed for trial	37.9%	27.8%	-26%

R v Richard Haynes
Persistent Child Sexual Abuse

In February 2017, the offender, aged 73 years old, was extradited to NSW from the United Kingdom to face 367 charges of child sexual abuse against his biological daughter Jennifer (Jeni) Haynes, born in 1970. The abuse commenced in 1974 in NSW when the family moved to Sydney. It continued after the family returned to the United Kingdom in 1981.

Jeni developed Dissociative Identity Disorder, also known as Multiple Personality Disorder as a four year old, to dissociate herself from the physical and psychological violence. Jeni’s other identities, or ‘alters’ retained the memories of the abuse in minute detail.

The offender faced trial at Sydney District Court in February 2019. Jeni gave her evidence in chief ‘through’ her primary or ‘core’ alters, including a four year old girl named ‘Symphony’ and 17 year old boy ‘Muscles’. After Jeni commenced her evidence, the offender entered pleas of guilty to 25 counts of indecent assault, carnal knowledge of a child under ten, rape, and buggery and admitted his guilt to further 16 similar offences.

Inroads into the District Court backlog

Trials received and completed

A total of 1,436 new trials were registered in the NSW District Court across all venues during the reporting period. This is a decrease from the 1,823 matters the previous year, an overall drop of 21%.

The number of trials completed in the same period was 1,846, that is, 410 (28%) more matters were completed than received.

Trial outcomes

Of the 1,846 matters completed, a total of 993 matters (53.8%) were resolved by way of plea in the District Court; trials proceeded in 665 matters (36%); 170 matters (9.2%) were discontinued; and 18 were dealt with in other ways.

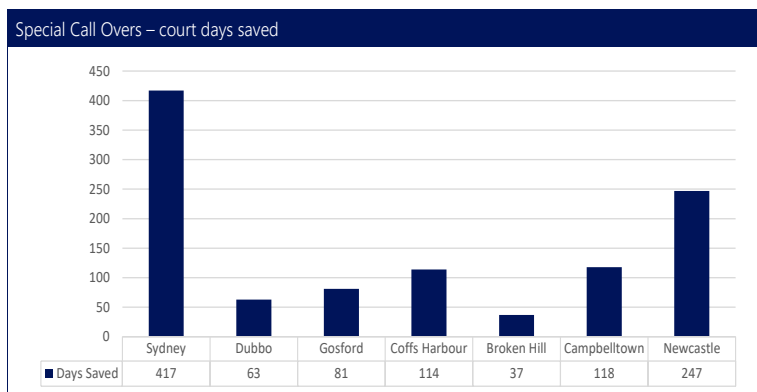
Special Call Overs

Special Call Overs commenced in 2015 as a District Court initiative to facilitate appropriate pleas of guilty being entered before the first day of trial. The venues for the call overs are determined by reviewing the number of trials and the delay in obtaining a trial date at venues across the State. Identified trials that appear to have some prospect of negotiation are listed before a designated District Court

Judge, usually over the course of a week. A Deputy Director of Public Prosecutions and appointed Public Defenders review the matters, take instructions and engage in discussions to either resolve matters or attempt to narrow issues where possible. The ODPP when entering such discussions, complies with its obligations by consulting and seeking the views of both police and victims.

The benefits of the call overs are that matters are resolved earlier, resources are saved and trial dates freed up in the court diary to list other matters that will proceed to trial, thereby shortening delays and contributing to the reduction in the backlog of trials. Resources that would have been expended on trial preparation by both the prosecution and the defence can be redirected to other matters. Early pleas facilitate a better use of judicial and other resources including those of court registries, the NSW Police Force and Corrective Services. Victims and witnesses are spared the stress of preparing for and giving evidence at a trial. The accused also benefits from an early resolution of matters. Savings in other costs associated with the conduct of trials include payment of jurors and witness expenses.

Eight Special Call Overs were conducted during the reporting period. Through the participation in Special Call Overs, a total of 1,077 days of court time were saved.



**DPP (NSW) v Stanizzo [2019]
NSWCA 12**

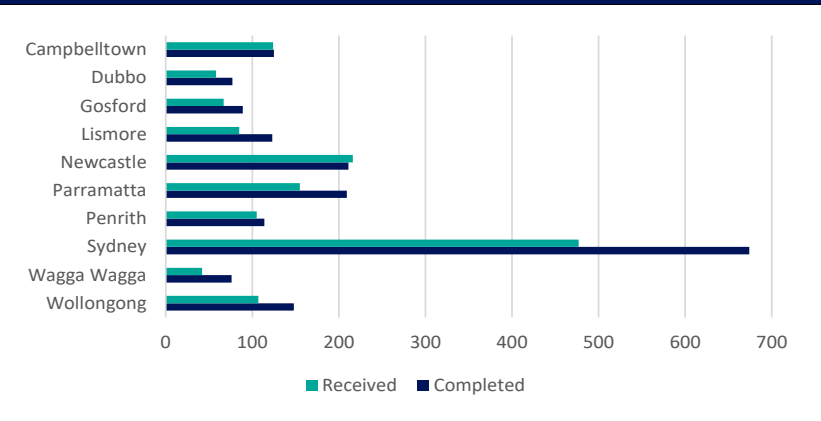
ODPP Client Legal Privilege

Mr Stanizzo (the respondent) was initially charged with serious criminal offences. The ODPP ultimately discontinued the proceedings. The respondent commenced civil proceedings in the Supreme Court against the State of New South Wales seeking damages for alleged false imprisonment and malicious prosecution. A subpoena was issued to the ODPP in those proceedings seeking access to notes taken during conferences between a Crown Prosecutor and witnesses to be called in the criminal trial.

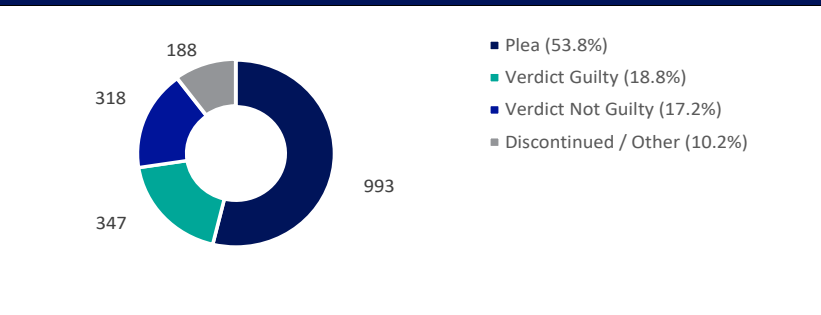
The ODPP resisted production of the notes claiming client legal privilege. Following a hearing, Rothman J AM ordered the conference notes be produced.

The ODPP appealed the order to the Court of Appeal. That appeal was allowed and the orders of Rothman J AM set aside. In its judgment the Court of Appeal confirmed the Director was entitled to rely on client legal privilege and that privilege was not lost as there was no evidence capable of supporting the Director was party to a fraud or he knew or ought to have known, the allegations against the respondent were false.

District Court trials received and completed



Results of District Court trials



R v AKB

Marital homicide

The offender faced trial in July 2018 for the murder of his wife.

In 2016, shortly before her murder, the deceased told her mother she intended to leave the offender. The deceased had formed a new relationship and had arranged to lease a small flat.

It was the Crown case the offender discovered his wife's intentions to leave the marriage. The offender placed petrol in the deceased's bedroom near an electric bar heater and either ignited the petrol fumes or placed the petrol sufficiently close to the heater, causing the petrol fumes to ignite.

The deceased attempted to escape from the burning bedroom but the offender held the door closed, knowing the only window to the bedroom was fitted with metal bars. Their two children, aged six and nine, were asleep in the house when the fire started. Both children woke and attempted to help their mother but were prevented by the offender. The deceased died from thermal injuries.

The offender was convicted of murder and was sentenced by Davies J. on 2 November 2018 to 36 years imprisonment with a non-parole period of 27 years.

A Notice of Intention to Appeal the conviction and sentence has been lodged by the offender.

Sentences in the District Court

In this reporting period, 2,168 District Court sentences were registered, a small increase on the previous year. More significantly, 2,343 sentences were completed, a notable increase of 14% (289 matters) on the previous year's total of 2,083 sentences completed.

In 2018, the Chief Judge of the District Court identified backlogs in the number of matters awaiting sentence at the Sydney District Court and announced additional sentence specific lists throughout 2018/2019. As a result, 22 extra sentence lists were conducted between 3 September and 3 December 2018. In the week prior to the end of the Court's sitting term in December 2018 and in lieu of trials, the Court rostered 25 additional sentence lists. In the ten sitting days broken by the Easter period in 2019, the Court again adopted a strategy of listing sentence proceedings in lieu of trials, rostering seven additional sentence lists each day. In total during the 2018/2019 financial year, the Sydney District Court sat 117 additional sentence

days. With multiple matters in each list and the increasing complexity of sentence law in NSW, the strategy placed a significant burden on the resources of the Solicitor's Office to service the additional court sittings.

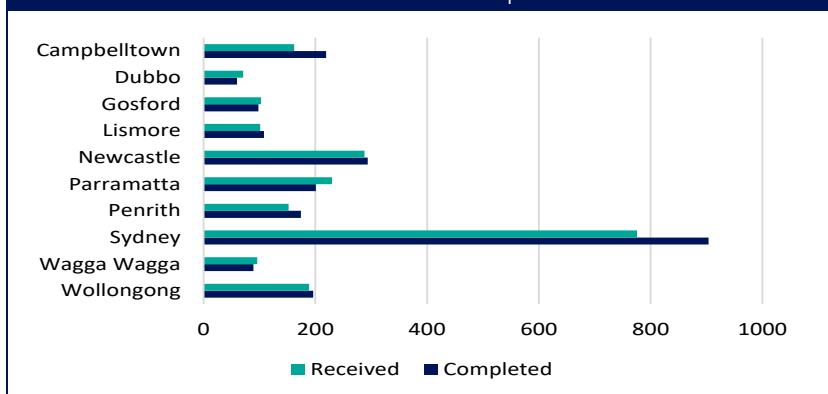
Appeals from the Local Court to the District Court

The ODPP appears as the respondent in appeals against convictions and sentences imposed by the Local Court. These appeals are heard by a District Court Judge.

In 2018/2019, 940 conviction appeals were lodged and 957 finalised across the State. Appeals against the severity of the sentence imposed by the Local Court numbered 5,537, with 5,699 matters disposed of during the year.

The Crown lodged appeals against the leniency of the sentence of 13 offenders dealt with in the Local Court. Ten of the 13 appeals were successful. Matters are referred to the ODPP for consideration of an appeal by the NSW Police Force.

District Court sentences received and completed



R v Daniel Holdom

Murder of mother and child

In August 2010, unidentified skeletal remains of a young woman were found in the Belanglo State Forest, NSW. In July 2015, skeletal remains of a young child were found in a suitcase, on the side of a highway in South Australia. In October 2015, following a call to Crime Stoppers, the remains were identified as Karlie Jade Pearce-Stevenson, aged 20 and her two year old daughter Khandalyce Kiara Pearce.

Karlie and Khandalyce left their home in Alice Springs in December 2008, with Karlie's new partner Daniel Holdom (the offender) to travel to the ACT.

A lengthy police investigation established that on 14 December 2008 after an argument, the offender drove Karlie in her car to Belanglo before sexually assaulting and murdering her in the early hours, most likely by stomping on her chest. He took 'trophy photos' of her body in situ.

The offender returned to the ACT and traded Karlie's car after cleaning it. He told friends Karlie had run off and he intended to take Khandalyce to her grandmother in Alice Springs. He and Khandalyce left the ACT and checked into a hotel in Narrandera. The offender is believed to have suffocated Khandalyce shortly after while sexually or attempting to sexually assault her.

Karlie's mother had reported her and Khandalyce missing during 2009. The offender continued

to access Karlie's bank accounts, Centrelink accounts and telephone over a number of years, suggesting that Karlie and her daughter were still alive.

On 28 October 2015, the offender was arrested for the murder of Karlie and on 15 December 2015, he was arrested for the murder of Khandalyce.

The trial was set for 6 August 2018, with an estimate of three months. A week before the trial was to commence, the offender pleaded guilty to both murders.

The sentence proceedings commenced on 28 September 2018. The Crown submitted the murders were in the worst case category and the offender be sentenced to life sentences. The offender was sentenced by Hulme J to two sentences of life imprisonment for the two murders.

Local Court workload and outcomes

Less trials were received in the District Court during the reporting period, in part due to a decrease in Local Court registrations and an increase in the early resolution of matters in the Local Court.

In 2018/2019, 5,259 committal files were registered, a 12.5% decrease on the number registered the previous year. This can be partly attributed to amendments to the *Criminal Procedure Act 1986* that commenced in 2018, removing a range of offences from the list of strictly indictable matters that require District Court resolution. The decrease in registrations allowed ODPP solicitors to concentrate on prosecuting more serious crimes, often involving the most vulnerable witnesses and placing more resources into attempting to resolve matters early.

A total of 5,639 committal matters were completed in the same year. Of significance is the manner of disposal; 1,882 matters (33.4%) were finalised in the Local Court, 2,178 (38.6%) were committed for sentence to the District Court after the accused pleaded guilty and 1,520 (27%) matters were committed for trial to the District Court. The remaining 59 matters (1%) were committed for sentence or trial to the Supreme Court.

In comparison, the previous year 29% of matters were finalised in the Local Court; 37.2% were committed for sentence to the District Court and 32.9% were committed to the District Court for trial.

Of note is that 2,168 matters were committed for trial in the previous year against 1,520 during the current year.

During the 2018/2019 financial year the ODPP had carriage of 495 summary prosecutions. More than half of these were conducted by three offices, Sydney, Newcastle and Lismore. Of the

total, 262 matters were less serious child sexual assaults. Under a Memorandum of Understanding with NSW Police, the ODPP conducts the prosecution of sexual assault summary matters involving complainants under the age of 16 years.

The outcome of the summary prosecutions was a finding of guilt in 67% of matters and the dismissal of 18%.

The New South Wales Police Force referred 3,777 matters in 2018/2019 to the ODPP to consider whether to elect to prosecute them in the District Court instead of proceeding summarily in the Local Court. The determination of an election is made by Managing Solicitors by applying the criteria set out in Prosecution Guideline 8 and the Protocol between the NSW Police Force and the ODPP concerning Table 1 and Table 2 Offences. The number of elections referred was an 16% increase on the previous financial year. The ODPP elected in 1,131 matters and took over a further 901 matters on discretionary grounds. These additional matters included the prosecution of serving police officers and serious indictable crimes committed by young persons.

Supreme Court workload and outcomes

A total of 59 homicide prosecutions were committed to the Supreme Court in 2018/2019; 47 for trial and 12 for sentence. During the same period, 62 matters – 53 trials and nine sentences – were completed. The majority of trials were conducted at the Sydney Supreme Court. The Supreme Court also heard 11 trials in regional centres - Albury, Armidale, Coffs Harbour, Dubbo, Lismore (two trials), Newcastle (two trials), Wagga Wagga and Wollongong (two trials).

The number of homicide prosecutions has decreased from a high of 74 matters, including 68 trial registrations, recorded

in the 2015/2016 financial year. Current ODPP listings record 52 trials pending in the Supreme Court.

Supreme Court bail applications

Group 8 in the Sydney office conducts bail applications before the Supreme Court of NSW. The applications, heard by a single Supreme Court Judge, are a review of bail determinations made by the lower courts. This financial year the ODPP appeared in 2,209 Supreme Court bail applications. Each bail application is listed in a call over to ascertain if the parties are ready to proceed prior to the court fixing the matter for hearing. This case management practice has resulted in a marked decrease in the number of bail applications ODPP solicitors are ultimately required to prepare and appear in.

Court of Criminal Appeal

The ALLR Groups had conduct of 256 appeals listed in the Court of Criminal Appeal (CCA) in the reporting period. The Crown was the respondent in 89% of cases. The defence filed 31 appeals against conviction and sentence; 39 appeals against conviction only; and 153 appeals against only the sentence imposed by the District Court.

The Crown appealed against the inadequacy of the sentence imposed in the lower court in 27 matters. Of those, 63% were successful.

An interlocutory appeal against a judge's determination during a trial may be brought under s5F of the *Criminal Appeal Act 1912* by either the Crown or the defence. These appeals are generally listed urgently before the CCA to allow the trial to proceed without delay. This financial year, six s5F appeals were heard, two lodged by the Crown and four lodged by the defence. In both appeals filed by the Crown the grounds related to the exclusion of evidence. The Crown was successful in one of those appeals. The defence succeeded in two of four s5F appeals.

Johnston v R [2019] NSWCCA 108

Police officer – pervert the course of justice

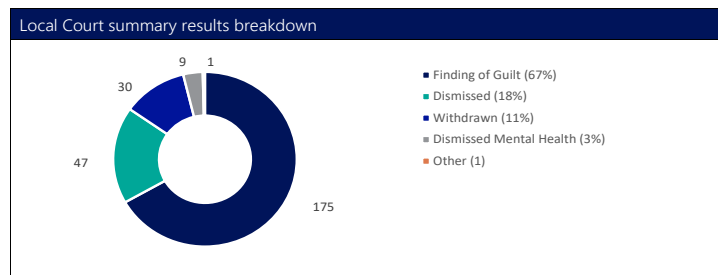
On the evening of 8 January 2016, the offender, an off duty police sergeant, was pulled over for a random breath test. The offender refused to undergo the testing that a probationary constable attempted to administer and drove away. Later that evening, the offender sent a colleague a text message, that included “Rbt on the highway...I declined and gave the pro a lesson on rbt and in the job etiquette.”

The offender was charged with the offence of pervert the course of justice by using her rank and authority to avoid the administration of a breath test.

In December 2017 a jury returned a guilty verdict and the offender was sentenced to a term of imprisonment of one year and four months with a non-parole period of one year.

The offender appealed her conviction on a number of grounds including the conviction was not supported by the evidence. The Court of Criminal Appeal dismissed the appeal on 27 May 2019.

Local Court results		No	%
Local Court disposal	Plea of guilty	984	17.4%
	Withdrawn	237	4.2%
	Sentenced following summary hearing	25	0.4%
	Returned to Police	527	9.3%
	Dismissed by the Local Court	68	1.2%
	Referred to the Drug Court	41	0.7%
	Sub total	1882	33.4%
Committed to the District Court	Sentence	2178	38.6%
	Trial	1520	27.0%
	Sub total	3698	65.6%
Committed to the Supreme Court	Sentence	12	0.2%
	Trial	47	0.8%
	Sub total	59	1.0%
Total		5639	100%



McPhillamy v The Queen [2018] HCA 52

Tendency - significant probative value

The appellant was convicted in February 2015, following a trial before a jury, of six sexual assault offences. The offences were alleged to have occurred in 1995-1996 when the complainant was an 11 year old boy under the supervision of the appellant, then a 34 year old acolyte. The offences were alleged to have occurred in two separate incidents in the toilet of a cathedral before mass.

At the trial the Crown adduced evidence from two other witnesses that they were sexually assaulted by the appellant in 1985 while they were in their early teens and under his supervision at a boarding school. The Crown submitted this was 'tendency evidence' and was capable of demonstrating the appellant had a sexual interest in male children in their early teenage years and was prepared to act on that interest. The Crown submitted the evidence had 'significant probative value'.

In 2017 the Court of Criminal Appeal in *McPhillamy v R* [2017] NSWCCA 130, by majority, dismissed the appellant's conviction appeal as there seemed to be, despite some differences, an overriding similarity between the 1995-1996 conduct and the 1985 incidents. The fact the evidence of tendency concerned acts ten years earlier, in their view, did not deprive the evidence of significant probative value, as a sexual interest in teenage boys by a mature male was capable of being regarded as an enduring tendency.

On 9 August 2018 the High Court (Kiefel CJ, Bell, Keane, Nettle and Edelman JJ) allowed the appeal and ordered a retrial. On 8 November 2018 the High Court delivered the reasons for judgment. The Court found that proof of the appellant's sexual interest in young teenage boys in 1985 might meet the test of 'relevance'; but lacked 'significant probative value' for the purpose of s97(1) *Evidence Act 1995* as generally 'it is the tendency to act on the sexual interest that gives tendency evidence in sexual cases its probative value' and there was no evidence of that in the intervening ten years (at [27]).

The Court also stated at [31] that:

"Moreover, where, as here, the tendency evidence relates to sexual misconduct with a person or persons other than the complainant, it will usually be necessary to identify some feature of the other sexual misconduct and the alleged offending which serves to link the two together."

High Court of Australia workload

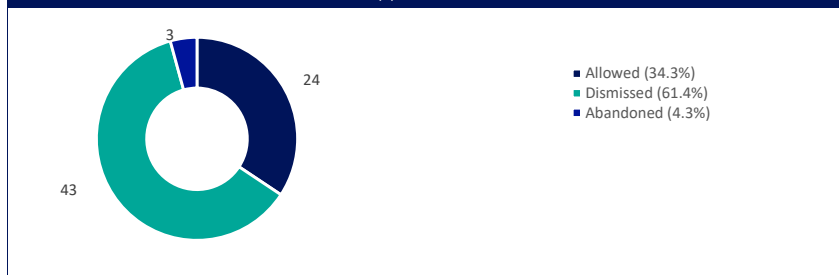
This financial year the ODPP was a party to 16 completed Applications for Special Leave to Appeal to the High Court of Australia (High Court). Three were Crown applications and the remaining 13 were made by an offender.

The three applications by the Crown arose from the judgment of the CCA in *A2, Magennis and Vaziri v The Queen* [2018] NSWCCA 174. Each respondent had initially been convicted of the offence of female genital mutilation. Those convictions were quashed by the CCA. Special Leave to Appeal against that judgment was granted in each matter on 15 February 2019. The appeals were heard on 12 June 2019 and judgment reserved.

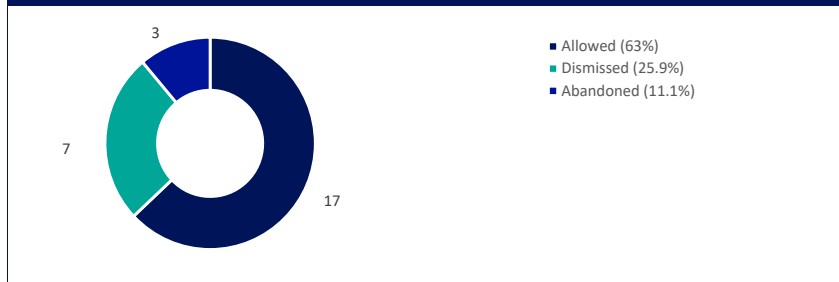
The High Court granted Special Leave to Appeal in three applications filed by offenders. Those appeals are yet to be heard.

The High Court also delivered judgment in two appeals in which the ODPP appeared: *McPhillamy v The Queen* [2018] HCA 52, where the High Court clarified that there needed to be a feature linking the tendency evidence and the accused's misconduct; and *Grajewski v DPP* [2019] HCA 8 which clarified the law in relation to what constitutes damage in a malicious damage offence, in this case the offence was not made out by the accused strapping himself to a machine.

Results of CCA conviction and sentence appeals



Results of CCA Crown inadequacy appeals



Folbigg Inquiry

Inquiry into the convictions of Kathleen Megan Folbigg.

In 2003, Kathleen Folbigg was found guilty by a jury of offences relating to the deaths of her four children; Caleb in 1989 (aged 19 days), Patrick in 1991 (aged eight months and ten days), Sarah in 1993 (aged ten months and 16 days) and Laura in 1999 (aged 18 months and 22 days).

Her appeals against her convictions were rejected twice by the Court of Criminal Appeal (CCA). An application for special leave to the High Court of Australia to appeal her convictions was also refused. Her appeal against sentence was upheld by the CCA and her sentence was reduced to 30 years imprisonment

with a non-parole period of 25 years.

In 2018, the Governor of New South Wales on the advice of the Attorney General, ordered an inquiry into the convictions of Kathleen Folbigg. The Honourable Reginald Blanch AM QC was appointed as the Judicial Officer to review any new research or advances in medical science relevant to the causes of death of the four children and any new evidence or research as to the incidence of reported deaths of three or more infants in the same family attributed to natural causes that may impact on the guilt or otherwise of Kathleen Folbigg.

The scope of the Inquiry was extended to allow Kathleen Folbigg to give evidence about

diary entries made by her and the possession and disposal of those diaries which had formed a significant part of the Crown’s circumstantial case at the 2003 trial. Kathleen Folbigg did not give evidence at trial.

The DPP sought leave to appear at the Inquiry and to cross examine Kathleen Folbigg in relation to the diary entries. Kathleen Folbigg gave evidence before the Inquiry on 29 April 2019, 30 April 2019 and 1 May 2019 and she was extensively cross examined by counsel representing the DPP.

The findings of the Judicial Officer are to be handed down in July 2019.



R v Allan O'Connor NSWSC [2018] 1734

Multiple homicide

On 26 June 2015, the bodies of three people were discovered on a rural property 'Nadja' outside the small town of Hermidale. Steven Cumberland, his son Jacob and Steven's new partner Rebecca Webb had all been shot.

Rebecca Webb had previously lived with the offender but had publicly ended the relationship the night before the murders, while at the Hermidale Hotel in the presence of witnesses. Steven Cumberland was the offender's best friend.

The offender's trial commenced at the Supreme Court, Dubbo, in October 2018. Following 20 days of evidence, a jury found him guilty of all three murders. On 16 November 2018, Hulme J. sentenced the offender to life imprisonment without parole for each murder. At sentence, his Honour remarked that at their core, the murders were domestic violence offences.

Finding of guilt

This reporting period, 88.8% of matters in the District and Supreme Courts resolved in a finding of guilt, either by a plea or verdict of guilty. This is consistent with conviction rates for the four previous years

Early resolution

This year, 72.2% of matters were resolved early; either finalised in the Local Court or committed for sentence to a higher court. The increase in early resolution is a pleasing result. There has also been an increase in Local Court disposal and matters committed for sentence to a higher court. A decrease has been achieved in the matters committed for trial.

Child Sexual Offence Evidence Program

The Child Sexual Offence Evidence Pilot began in March 2016. In April 2019, the Pilot transitioned into a Program and received further funding to June 2022. The Program operates in the Sydney and Newcastle District Courts.

The Program is designed to reduce the stress and trauma of participating in the trial process for child sexual offence complainants and child witnesses who will give evidence for the prosecution. The Program does this in two ways. The child's evidence, including their cross examination, is pre-recorded without a jury being present and well before the remainder of the trial begins. This pre-recorded evidence is then played when the remainder of the trial takes place in lieu of the child attending. Secondly, the child is 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.

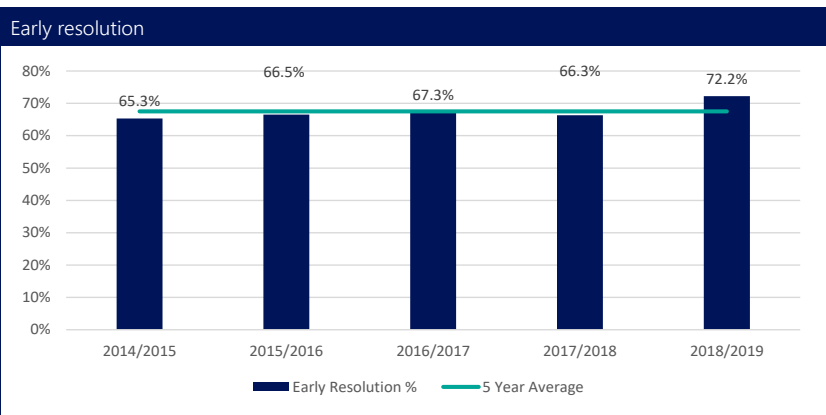
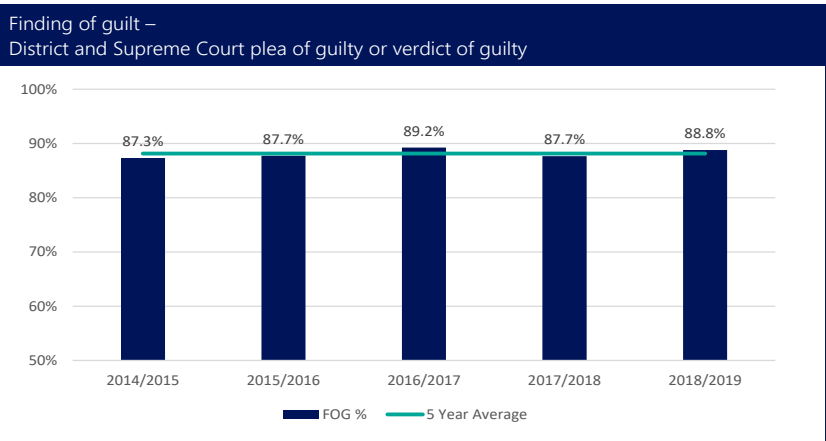
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A pre-recording of a child's evidence is a less formal setting than a trial court and usually occurs months, or even a year, before the remainder of the trial is listed to begin. This greatly reduces the stress children suffer and lifts the burden of giving evidence at court from them much earlier than would otherwise be the case.

The use of Witness Intermediaries has enabled child complainants and witnesses to give the best evidence they can and has reduced the stress and distress inherent in giving evidence, including when being cross examined.

The Program continues to be monitored, and its operation improved, by the Program Implementation and Monitoring Group, which meets regularly. Since its inception, there have been several legislative and practical changes to the Program, all designed to better the children's experience of the court system.

Between 1 July 2018 and 30 June 2019, 77 new matters entered the Program; 31 in Sydney and 46 in Newcastle. Pre-recorded hearings were completed by complainants and child witnesses in 152 matters during the year.



EAGP early results indications	2017/2018	2018/2019	Difference %
Local Court disposal	28.9%	33.4%	16%
Committed for sentence	33.1%	38.8%	17%
Committed for trial	37.9%	27.8%	-26%



R v Andrew James Benn

Social media dating sexual assaults

Between 2013 and 2016, the offender contacted his female victims via social media including Facebook and Tinder. He arranged to meet each of them in person either at their homes or he picked them up in his car and drove to locations within the Hunter area, before sexually assaulting each of the victims.

In total 14 victims were identified, the youngest being 15 years old.

The offender was charged with numerous offences including indecent assault, sexual intercourse without consent, aggravated sexual intercourse without consent, and procure child for unlawful sexual activity. He pleaded guilty to a total of 33 counts at the Newcastle District Court and was sentenced to an aggregate term of imprisonment of 40 years with a non-parole period of 30 years. He is eligible for parole on 13 January 2047.

Additionally, the NSW Police Force used Witness Intermediaries to assist at the police interview stage 902 times during the reporting period. While not all these matters will enter the Program (as some will proceed through courts outside the catchment areas), the use of Witness Intermediaries enables police to conduct the best interviews possible with child complainants and child witnesses.

The ODPP also uses and funds Witness Intermediaries in out of Program matters where the complainant or victim is particularly vulnerable and requires assistance to give the best evidence they can. As such, Witness Intermediaries have assisted complainants in matters that fall outside the Program catchment areas or are not heard in the District Court. Approval is given for the complainant or victim to be assessed by a Witness Intermediary and a report commissioned. The ODPP then applies to have the recommendations in the report reflected in subsequent questioning at trial or hearing. In a small number of matters, the ODPP has also applied to have the Witness Intermediary assist the complainant or victim when they give evidence in court. Matters within the Program take precedence over out-of- Program referrals and the granting of an ODPP application is at the discretion of the court. Out-of- Program referrals have assisted many complainants across the State, who would otherwise not be assisted in this way, to give the best evidence they can. This year a total of 39 out-of-Program referrals were granted by the Court in matters prosecuted by the ODPP and 37 matters prosecuted by the NSW Police Force.

Drug Court Group

The ODPP Drug Court (the Drug Court) Group appears in the NSW Drug Court's three separate court venues at Parramatta, Sydney and Toronto. The solicitors in the

Drug Court's hybrid jurisdiction have carriage of all matters that are dealt with by way of a suspended sentence under the *Drug Court Act 1998*. An integral aspect of the role is to participate, along with the Judges, the Drug Court Registry, Community Corrections, Justice Health, Legal Aid solicitors and police prosecutors as members of the Drug Court Team.

In February 2019, the Drug Court celebrated its 20th anniversary with an inspiring conference. The keynote speaker was Judge Peggy Hora from the United States of America, who was instrumental in establishing the world's first Drug Courts. Judge Hora is a global leader in the solution focussed courts movement.

This year the Drug Court has liaised with the Special Commission of Inquiry into the Drug 'Ice'. Members of the Inquiry have visited the Drug Court and spoken at length to the Drug Court partners, including ODPP staff.

The introduction of digital systems and replacing paper files has resulted in a faster and more efficient provision of information to the court.

This year the Drug Court made significant achievements:

- 103 - the number of graduates was the highest of any year
- 313 - Program entrants increased to the highest in six years
- 362 - Program completion was a record across the three centres
- 190 or 58.28% - a record number of participants not required to return to prison.

Prosecutions arising from the Royal Commission into Institutional Responses to Child Sexual Abuse

During the year, the Office finalised 21 matters arising from referrals by the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) to the NSW Police Force.

In those matters, one offender pleaded guilty and was sentenced by the Local Court and another nine offenders pleaded guilty and were sentenced by the District Court. Trials were held in eight matters, with all offenders found guilty and sentenced in the District Court. One matter was granted a permanent stay of proceedings by the District Court and two matters had no further proceedings directed.

A further 19 prosecutions remain active.

The Royal Commission commenced hearings in May 2013. There have been a total number of 66 ODPF prosecutions as a consequence of referrals from, or evidence given to, the Royal Commission.

Witness Assistance Service

Another ODPF highlight for the reporting period has been the increase in the number of Witness Assistance Officers across the State. A new WAS management structure saw the number of senior WAS positions increase to 12, as well as the implementation of a centralised State-wide intake team located in Sydney and the creation of an Aboriginal and Torres Strait Island team.

See Goal 2 for more details on the work of the ODPF's Witness Assistance Service.

Developmental Trial List

The Trial Development List (D-List) continues to support the development of solicitors by providing skills and experience to conduct short and less complex trials in the District Court while releasing Crown Prosecutors and Solicitor Advocates for more complex trials. D-List solicitors are supported and guided by a network of mentors including Deputy Directors and Crown Prosecutors at all locations.

Following a call for an expression of interest, the largest number of solicitors to date were placed on the D-List. There are D-List

solicitors at all ten office locations. To ensure consistency and transparency in briefing practices, a briefing protocol was drafted and released that contemplates both EAGP and non-EAGP work. Specialised training has also been conducted for those included on the list.

This year, 128 trials were identified as being suitable for solicitors on this list, an increase from 98 in the last reporting period. Accused persons entered guilty pleas in 46 of those matters. Thirty trials ran to verdict, which provided developmental experience to the solicitors involved. Of those matters that ran to verdict, 57% resulted in guilty verdicts. Many D-List trials resolve in a late guilty plea.

It is anticipated that there will be less suitable matters to be briefed to D-List solicitors in the future. This is due to the EAGP reform that encourages early resolution and continuity of representation and to changes to the Table Offences in the *Criminal Procedure Act 1996* that have reduced the number of simpler trials considered appropriate for this group of advocates.

Royal Commission prosecutions						
	2009/2010	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019
Sentenced after trial				1	1	8
Sentenced after plea of guilty (Local Court)				2	1	1
Sentenced after plea of guilty (District Court)		1	2	7	2	9
Offender deceased				1	1	
No further proceedings directed						2
Permanent stay of proceedings granted		1		1		1
Dismissed / Verdict not guilty	1		1	1		
Returned to Police				1		
Warrant issued				1		
Total	1	2	3	15	5	21

R v Peter Higgins

Historical clergy child sexual abuse

The offender was a Patrician Brother and teacher at a school in Liverpool. In 1974 the victim was a student in the offender's year 5 class. The offender sexually assaulted the victim on a number of occasions. It was the Crown case the school Principal, another Patrician Brother, saw the offender assaulting the victim and actively concealed the offending.

The victim's mother reported the abuse to the church in about 2005 after the victim disclosed the assaults. The victim was paid an ex gratia payment from the Catholic Church as the result of their internal investigation. The victim believed the payment prevented him from reporting the matter to police.

In 2014, the victim and his mother gave evidence in a closed session of the Royal Commission into Institutional Responses to Child Sexual Abuse. The offender was charged in 2016. The school Principal (co-accused) was also charged with concealing a serious offence.

The offender was found guilty of three counts of sexual assault by a jury at the Campbelltown District Court in April 2019.

The co-accused died in September 2017 before he could stand trial.

Targeted Assistance Group

This year saw the largest expansion of the Targeted Assistance Group (TAG) since its inception, with extra positions to assist the metropolitan and regional offices meet the additional court demands. TAG provided 287 weeks of support across all ten offices as well as the Drug Courts at Parramatta and Toronto.

TAG provided relief in the more remote offices, where there have been delays in filling positions or attracting suitably experienced staff to those locations. TAG has also been able to assist in the Sydney office by taking carriage of long trials that have been transferred from regional areas.

This year also saw the introduction of fortnightly team meetings via audio-visual link to promote connectedness and a collegiate culture for team members who are predominantly geographically isolated from one another. Other technology based solutions are in development to digitize the TAG roster and provide useful links and resources to further support a virtual team environment.

Panel of Non-Salaried Crown Prosecutors

In October 2018, the ODPP sought expressions of interest from the private bar to be included on a panel of barristers to be briefed for the Crown in matters that could not be briefed in house due to additional sittings. A selection panel chaired by the Senior Crown Prosecutor, and which included Mr Ian Temby QC as an independent member, considered the applications and approved a list of 55 barristers. A number of previous Crown Prosecutors were included on the list.

Generally, only those barristers on the approved list are briefed on behalf of the Crown. Some private barristers have been briefed in circuit sittings at regional venues and others have accepted a retainer from the Director for a period of time. In a small number of matters private barristers who did not express an interest have been briefed to ensure the ODPP can service all additional sittings.

The ODPP remains committed to the principles of the Equitable Briefing Policy developed by the Law Council. The Policy was adopted by this Office in 2016 and all efforts are being made to contribute to the ultimate aim of briefing women in at least 30 per cent of all matters by 2020.

This year, the ODPP briefed women in 27% of matters that were briefed to the private bar.

Multimedia Support Unit

The Multimedia Support Unit (MSU), comprising three digital technicians, is based in Sydney and forms part of the Administrative Services Team. Changes in the collection of digital material and police investigation methods has resulted in an increase in electronic evidence in many prosecution briefs. The MSU has centralised the editing, conversion and enhancement of all digital material. Changes in the Multimedia Workspace application has made significant improvements to workflows and reduced the average time taken to process requests from 187 minutes to 81 minutes. More pre-emptive requests from staff have resulted in efficient turnaround times and have been particularly important in the preparation of matters listed in the Child Sexual Offence Evidence Program.

During this year, the MSU received 5,335 requests, 25% up on the previous year. Most requests were made by solicitors from the Sydney office (2,475) followed by Newcastle (640) and Parramatta (536).

Unsurprisingly and consistent with the previous year, the highest number of requests were for edits of the digital evidence in child sexual assault matters (1,635). The MSU continues to assess software and hardware requirements that may improve technical approaches to processing requests.

Challenges

While the ODPP successfully implemented the EAGP reform, the Office continued to service and operate within the 'legacy' system. In effect, staff operated within two separate systems with different legislation, procedures, time pressures and requirements. As at June 2019, 70% of all current trials listed are pre EAGP legacy matters.

Additional sittings

Seven additional judges were appointed to the NSW District Court in February 2019, resulting in an additional 56 weeks of sittings across a range of venues between February and July 2019. In total, the District Court sat 11,807 days in the criminal jurisdiction during the financial year. This is an increase of 3.3% on the previous year. The number of sitting days has increased year on year for the past five years. The ODPP now services 28% more District Court sitting days than in 2014/2015.

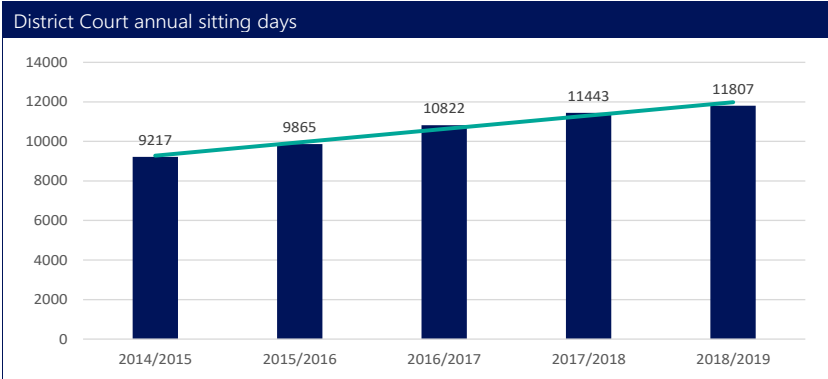
The additional sittings were targeted to some regional venues. Of note, Newcastle ODPP serviced 140 more days, an increase of 14%, Wollongong serviced 9.2% more sittings days and Gosford and Lismore each saw an increase of 8.2% sitting days in the past year. The Wollongong office has experienced an increase of 152% in sitting days since 2014/2015.

District Court case management

The District Court continues to introduce new initiatives and Practice Notes in efforts to increase the efficiency of the parties. This creates greater time pressures for both the Crown and the defence representatives.

Readiness Hearings for trials listed before the Sydney District Court are conducted weekly before the Chief Judge of the District Court, six weeks before the trial date. The parties are expected to provide details of the issues for the trial, accurate estimates, details of witnesses to be called and technology required. In September 2018 Practice Note 12 was amended to apply to all trials listed for six days or more. It is often a challenge to have trial solicitors available and fully prepared at the time of the Readiness Hearings due to other work commitments.

Practice Note 15 commenced on 30 July 2018 and requires the Crown to have prepared and filed sentence documents a week prior to the sentence date, again reducing the timeframes for preparation of such matters.



Increase in trial complexity and length

The increase in sittings weeks was matched by an increase in the length of trials across the State. All offices, except Gosford and Wagga Wagga, experienced an increase. The average District Court trial completed in 2018/2019 took 9.1 days. In the previous period the average was 8.5 days. The average length of trials heard in the Sydney District Court was 11.7 days. During the last period, 74 lengthy trials sat for an average of 22.6 days.

Criminal Justice Visas

Globalisation and the mobility of people have increased the number of matters in which the accused person and/or victims and witnesses are from overseas. Many victims and witnesses can give evidence via audio visual link (AVL) or computer applications that allow the witness to remain in their home country instead of returning to Australia. However, in those instances where the accused is detained or unable to travel or the witness is required to give evidence in person, the DPP issues certificates to have them remain in the country or alternatively return to Australia, depending on their visa arrangements.

Between 1 July 2018 and 30 June 2019, the Director issued 65 Criminal Justice Stay Certificates to have a person remain in Australia and 15 Criminal Justice Entry Certificates to allow a person to return to Australia, for the purposes of a criminal prosecution in NSW.

CASES project

The ODPP initiated a project to replace the existing core matter management business platform, Criminal Advocacy Search and Enquiry System (CASES), in 2017.

Funding for this project was obtained from the Justice Cluster Reform envelope administered by the Department of Justice. In December 2017, through the NSW government procurement process, Appian Software Switzerland LLC was selected by the ODPP CASES Replacement Project Steering Committee as the vendor for the project.

On completion of the discovery phase and an assessment of the requirements and details from the initial planning stages of the project, it was determined additional capital and recurrent funding was required to meet the extended duration of the project and increased vendor and related costs due to the functional complexity of the requirements.

The ODPP business case for additional funding was declined. Consequently, the ODPP could not proceed with this project and is considering options to mitigate the risks associated with extending the life of the current system. A further bid for funding will be made in late 2019.

Confiscation of Proceeds of Crime

The ODPP is empowered, pursuant to the *Confiscation of Proceeds of Crime Act 1989* (CoPoCA), to apply for the forfeiture of 'tainted' property or funds 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 sentence. In practice, the ODPP makes applications at the same time as the sentence proceedings. The most common types of property forfeited are cash and motor vehicles.

CoPoCA applications - Number, type or order and success rate					
	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019
Number of Orders Applied for (FO, PPO and DPO)	318	372	433	482	638
Number of Orders Granted	303	360	414	468	626
Number of Forfeiture Orders (FO)	297	346	396	440	594
Number of Pecuniary Penalty Orders (PPO)	1	2	2	6	8
Number of Drug Proceeds Orders (DPO)	5	12	16	22	21
Percentage of matters where application was successful	95%	97%	96%	97%	98%
Total estimated value of property confiscated (millions)	\$1.5	\$3.7	\$3.4	\$6.2	\$5.7

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 the required amount.

Matters where costs awarded against ODPP					
	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019
<i>Criminal Procedure Act 1986</i>	31	48	37	17	24
<i>Costs in Criminal Cases Act 1967</i>	12	6	17	24	21
Mosely Orders	4	1	3	3	5
<i>Crimes (Appeal and Review) Act 2001</i>	0	0	0	1	1
CoPoCA	0	0	0	0	0
Total number of orders	47	55	57	45	51
Total value of orders made	\$50,3210	\$72,6540	\$63,4057	\$46,6739	\$93,9503
Number of matters registered by ODPP in period	17385	18280	19021	18167	17466
Number of costs awarded where fault of prosecution	9	9	17	7	6
Percentage of matters where costs orders were made due to the conduct of the prosecution	0.05%	0.05%	0.09%	0.04%	0.03%

Matters where costs were awarded on adjournment					
	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019
Mosely Orders	4	1	3	3	5
Adjournment because full brief not served - <i>Criminal Procedure Act 1986</i>	12	11	2	5	1
<i>Criminal Procedure Act 1986</i> - other adjournments	0	0	0	0	6
Other costs orders	31	43	52	37	39
Total	47	55	57	45	51

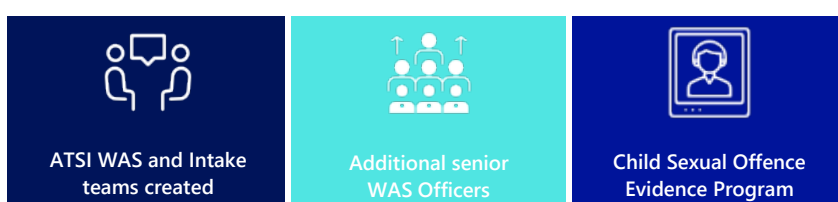
Goal 2

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



The Witness Assistance Service (WAS) is an established part of the ODPP and works closely with legal staff and Crown Prosecutors to assist victims and witnesses involved in the prosecution of criminal offences. The Service is staffed by Witness Assistance Officers who are social workers, psychologists and counsellors based in each of the ODPP offices. The Service assists victims and witnesses of violent or sexual crime and vulnerable witnesses.

WAS has developed a range of services to meet the broader needs of victims and witnesses. These include the provision of information about the criminal justice process, victims' rights and crisis counselling; assessment and referral to other agencies; the preparation of witnesses; and liaison with ODPP solicitors.

WAS Officers aim to reduce re-traumatisation and work to ensure that victims and witness can give their best evidence.

Staffing and service delivery

In August 2018, a new WAS Management structure came into effect. The aims of the restructure were to enhance service delivery, improve oversight and provide support to WAS Officers. Twelve new Senior WAS positions were created to oversee ten WAS locational teams, a new Aboriginal and Torres Strait Islander team and a centralised State-wide intake team located in Sydney.

The development of a dedicated Aboriginal and Torres Strait Islander team has improved coordination of support to our Aboriginal and Torres Strait Islander victims and provided the opportunity for our Aboriginal and Torres Strait Islander staff to receive culturally appropriate supervision from an identified senior officer. The number of Aboriginal WAS Officer positions has increased from three to seven.

The new centralised intake team has streamlined registrations and ensures that all victims eligible for a WAS service are contacted early in the prosecution process and receive appropriate information relevant to their matter.

The introduction and implementation of the Early Appropriate Guilty Plea reform provided for the expansion in the number of WAS Officers and resulted in the creation of several new positions at the Dubbo, Gosford, Lismore, Newcastle, Parramatta, Sydney and Wagga Wagga offices.

Interagency activities and networks

WAS values the relationship with external services and has continued its 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, among others.

The Service works in close partnership with court support agencies to ensure that comprehensive support is provided to victims and witnesses. These agencies include:

- Victims and Witnesses of Crime Court Support
- Homicide Victims' Support Group
- Mission Australia
- SAMSN (Survivors & Mates Support Network)
- Victims of Crime Assistance League.

WAS has been part of several taskforce and interagency networks including the Sexual Assault Review Committee, Victims of Crime Interagency Group and the Domestic Violence Reforms Consultation Group.

Child Sexual Offence Evidence Program

WAS also assists child victims and witnesses through the prosecution process in matters in the Child Sexual Offence Evidence Program. The introduction of Witness Intermediaries to the court process through the Program has proven to be of enormous benefit to child sexual offence complainants and to child witnesses.

Other vulnerable witnesses can also benefit from the assistance of a Witness Intermediary. WAS Officers now routinely seek the allocation of a Witness Intermediary

to matters that do not fall within the Program due to their geographical location or to the age of the victim. Witness Intermediaries are also sought for vulnerable victims of domestic violence and complainants with a cognitive impairment or a physical barrier to communication. Where it is thought that the victim and the court would benefit from an assessment of the victim's communication and other needs, a Witness Intermediary is engaged to prepare a report.

WAS sessions at the Solicitors Conference

The Solicitors Conference in August 2018 provided the opportunity for training for WAS by experts in the fields of autism and working with bereaved families.

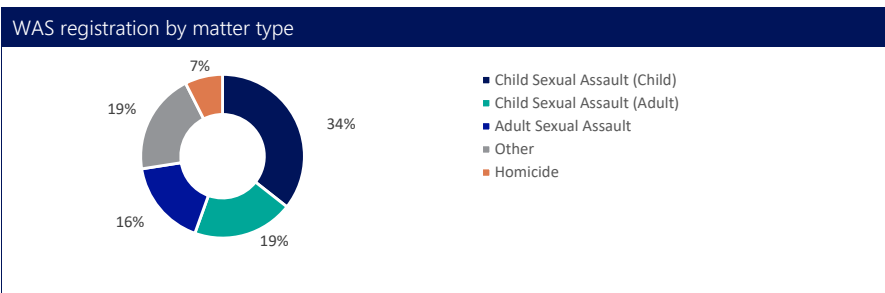
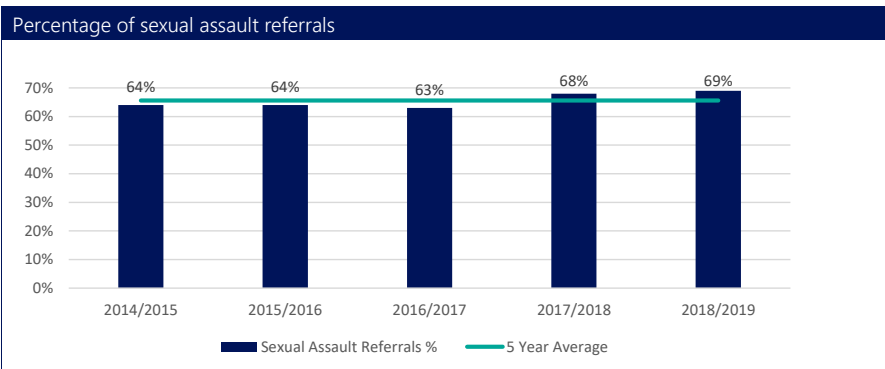
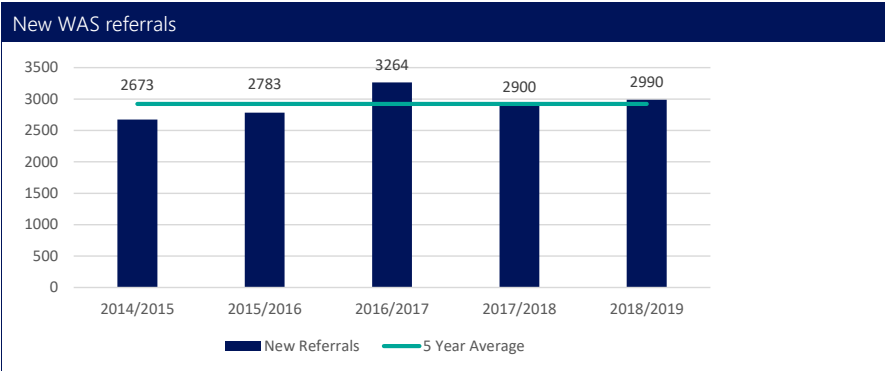
Dr Liz Pellicano, Professor of Educational Studies at Macquarie University, presented a lecture to the State-wide team on 'Autism and the Justice System'. Dr Pellicano was previously the Director of the Centre for Research in Autism and Education and Professor of Autism Education at University College London. She trained as a developmental and educational psychologist at the University of Western Australia, where she completed her PhD on the cognitive profile of autistic children.

Adults and children with autism form a vulnerable group within the criminal justice system. It is therefore crucial that those working in the legal profession understand the issues and challenges of providing best evidence and the supports and adjustments required.

Dr Jane Mowll is Senior Lecturer and Convenor of Social Work at the University of NSW. Dr Mowll delivered a presentation on 'Supporting Families following Bereavement in Violent Deaths'. Her research interests focus on the grief experience of bereaved individuals and families. Dr Mowll's lecture focused on the psychological consequences and cultural understandings of sudden and violent losses, including complicated and prolonged grief and resilience factors for grief and mental health. Dr Mowll presented her research and experience of forensic and coronial processes including viewing the body and viewing crime scene photographs and other evidentiary material.

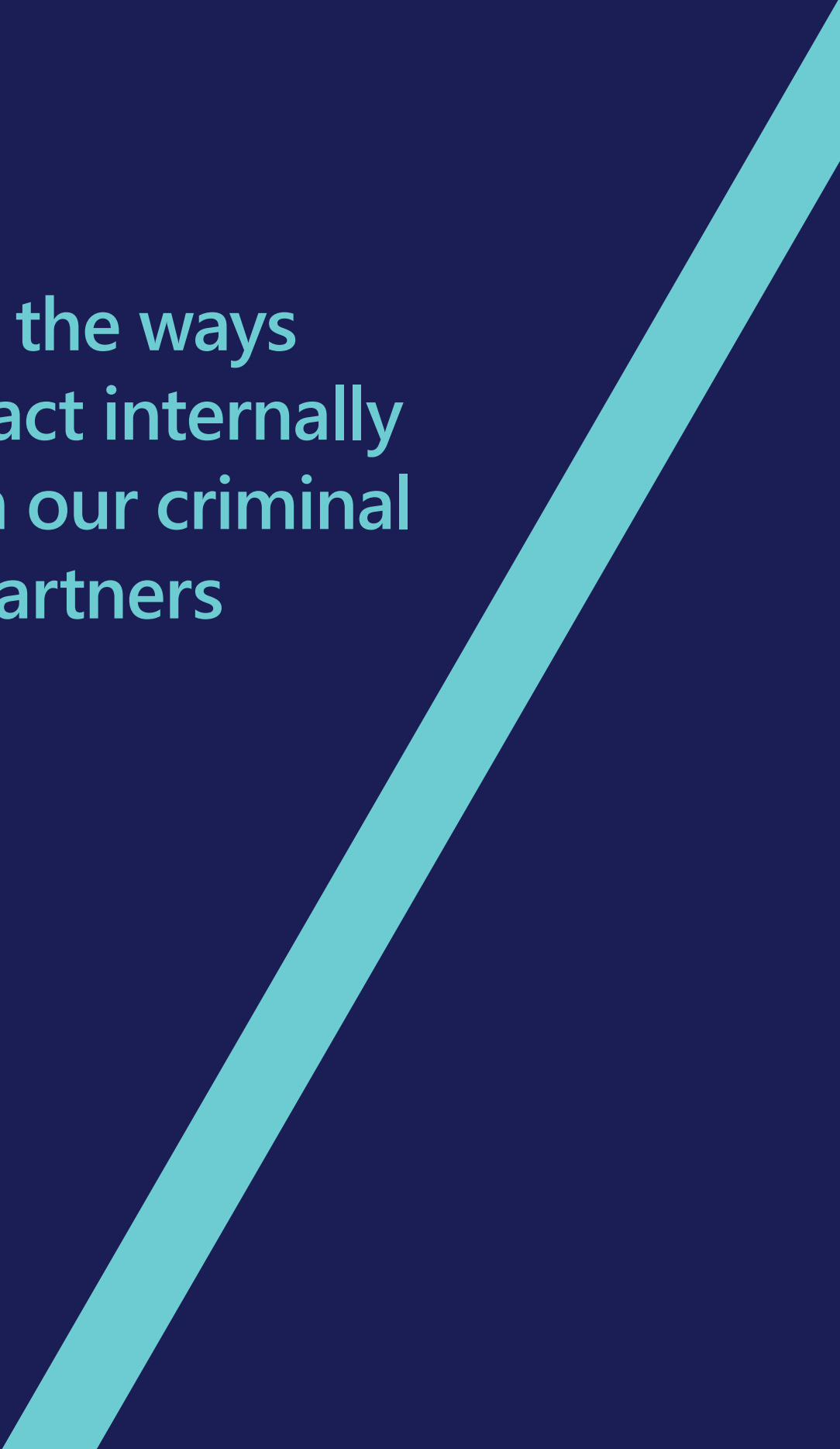
WAS workload

During the reporting period, there were 2,990 new referrals to WAS, of which 69% related to sexual assault. Identified Aboriginal and Torres Strait Islander victims accounted for 13% of all victims registered.



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
- Work with our criminal justice partners to maximise efficiency and innovation
- Engage with government in law and policy reform

Law Reform

This year the ODPP has worked towards the implementation of a number of legislative amendments that impact on the Office's day to day work. For example:

- significant changes to sentencing commenced on 24 September 2018 with the amendments to the *Crimes (Sentencing Procedure) Act 1999*. These amendments included new types of sentencing orders: conditional release orders, community corrections orders and modified intensive corrections orders
- the *Criminal Legislation (Child Sexual Abuse) Act 2018* commenced on 31 August and 1 December 2018. This Act introduced changes as recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse. These included: introducing a similar age defence and an offence of Failure to Report and retrospectively repealing the limitation period in s78 *Crimes Act 1900*; and introducing changes modernising and restructuring Division 10 of Part 3 of the *Crimes Act 1900*, including the new offences of 'sexual touching' and 'committing sexual acts'
- the *Crimes Legislation Amendment (Victims) Act 2018* extended protections to vulnerable witnesses, including in child sexual abuse prosecutions where the accused is a young person. It expanded the entitlement to make a Victim Impact Statement (VIS) for various offences and allowed victims who are currently entitled to give evidence in a trial in closed court or by closed circuit television (CCTV) to read their VIS in a closed court or via CCTV. It also extended protections

when giving evidence to vulnerable victims and vulnerable persons who are sexual offence/tendency witnesses

- the *Mental Health (Forensic Provisions) Amendment (Victims) Act 2018* gave victims a stronger voice in forensic mental health proceedings and implemented recommendations made by the Honourable Anthony Whealy QC in his review of the Mental Health Tribunal in respect of forensic patients.

This year the ODPP made submissions to:

NSW Law Reform Commission

- Consent in relation to sexual offences
- Open Justice Review

The NSW Sentencing Council

- Review of sentencing for murder and manslaughter
- Consultation Paper on Repeat Traffic Offenders
- Review of penalties for fire offences

Legislative Council's Law and Justice Standing Committee

- *Crimes Appeal and Review Act (Double Jeopardy) Amendment 2019*

Department of Justice

- Consultation on proposals to implement NSW LRC Commission Report 140: Criminal Appeals
- Consultation on strangulation offences in NSW
- Terrorism (Police Powers) Amendment (Statutory Review) Bill 2018
- Digital Evidence Reforms
- Justice Miscellaneous Bill (No 3) of 2018
- Justice Miscellaneous Bill (No 1) of 2019.

Other inquiries

- the Special Commission of Inquiry into the Drug 'Ice'
- Council of Attorney Generals - admissibility of tendency and coincidence evidence
- Department of Family and Community Services – neglect offences.

This year the Office participated in many interagency committees, court user groups and working parties, with the aim of progressing the reform of criminal law and implementing new legislation. The interagency fora included:

- Audio Visual Links (AVL) Governance Board
- AVL Steering Committee
- Bail Act Monitoring Group
- Body Worn Video Implementation Committee
- Child Sexual Offence Evidence Program Implementation and Monitoring Group
- Data Analytics Steering Committee
- District Court Backlog Senior Officers Group
- Domestic Violence Review Committee
- EAGP Steering Committee
- EAGP Working Group
- Law Society of NSW Criminal Law and Childrens Law Committees
- Local Court Rule Committee
- ODPP/Police Liaison Group Meetings (both Parent and Regional meetings)
- Sentencing and Parole Reform Steering Committee
- Sexual Assault Review Committee
- Victims Advisory Board.



International visitors

Papua New Guinea

In January 2019 the ODPP hosted a contingent of nine prosecutors from Papua New Guinea (PNG). The visit was sponsored by the Australian Department of Foreign Affairs and Trade. The prosecutors were primarily from the Family and Sexual Violence Unit (FSVU) of the PNG Office of Public Prosecutions and included the Deputy Public Prosecutor Mr Paul Tusais, four solicitors and a victim liaison officer from the FSVU, two police prosecutors and an Australian adviser. An extensive program was devised for the group that included meeting with the NSW Director of Public Prosecutions, attending sessions with NSW Crown Prosecutors, Managing Solicitors, a senior legal support officer, the Manager of the Witness Assistance Service and the Senior Policy Advisor. Topics discussed ranged from the conduct of jury trials, the preparation and presentation of child and adult sexual assault prosecutions, the Child Sexual Offence Evidence Program, the structure and compliance with the Prosecution Guidelines and the NSW ODPP legal delegations.

The group visited and observed matters proceeding in the Supreme Court, the Downing Centre District Court as well as the Parramatta Justice Precinct.

Meetings were arranged with senior officers from the NSW Police Child Sexual Abuse and Sex Crimes Squad and the Child Exploitation Internet Unit to discuss the latest criminal investigation techniques. The prosecutors also visited the Forensic and Analytical Science Service Laboratory at Lidcombe, Sydney, to observe the extraction and analysis of forensic evidence as PNG has very limited scientific facilities.

Singapore

In February 2019 the Office hosted three staff from the Attorney General's Chambers, Singapore. Two State Counsel, accommodated within the Office for six months obtained exposure to a variety of criminal matters, jurisdictions and procedures. The prosecutors were hosted by two prosecution groups within the Sydney office. They observed Local and District Court proceedings in Sydney and also spent time with staff in our Newcastle and Wagga Wagga offices. Meetings were arranged with the Independent Commission Against Corruption, NSW Police Force and the Coroner's Court.

A Deputy Manager (Administration) was with the ODPP for six weeks, hosted by the Administrative Services Team in the Sydney office. The Administrative Manager took meetings in relation to the administrative and case management functions of the ODPP and discussed the change management initiatives for implementation of the EAGP reform. She also accompanied her colleagues to observe court proceedings and met with other senior administrative managers within the office.

The group also met with the ODPP Witness Assistance Service and observed proceedings at the Drug Court.

The hosting of prosecution staff from the Attorney General's Chambers has now become an annual occurrence and we look forward to welcoming our Singaporean colleagues again in 2020.

Interaction

National Executives meeting

The Office hosted the prosecution services National Executives Meeting on 21 and 22 March 2019 in its Sydney office. Executives from prosecution services across Australia meet annually to discuss relevant issues, new initiatives and emerging trends in criminal prosecutions. Attendees included representatives from the Commonwealth Director of Public Prosecutions and State prosecution services of Western Australia, South Australia, Victoria, Queensland, Tasmania, Australian Capital Territory and Northern Territory. The firm contracted to provide the prosecution services in Auckland, New Zealand, was also represented at the meeting.

Issues discussed included initiatives for providing better services and support for victims and witnesses, collective responses to the Royal Commission into Institutional Responses to Child Sexual Abuse, better practice management systems including the capacity to reduce paper, managing budget constraints and issues of vicarious trauma and providing effective care for staff.

Community Engagement Project

The Community Engagement Project was commenced during 2019 to develop strategies to better engage with external stakeholders and the general community in a meaningful way. Policies are currently being developed to promote these objectives.

As part of community engagement, ODPP solicitors and Human Resources staff participated in Career Fairs in March and April 2019 at the Universities of NSW, Notre Dame and Western Sydney as well as the large Sydney Law Career Fair hosted by the Law Society at Darling Harbour.

Training conducted by ODPP solicitors

The EAGP reform and changes to process created some training issues for NSW Police Force officers. To ensure officers were aware of the changes and their obligations under the legislation, many of the ODPP Managing Solicitors conducted training at Local Area Commands. In addition, a one-hour training session was recorded for distribution to police units State-wide. The training focussed on brief compliance issues, the charge certification process and case conferencing with the opportunity to ask questions. The training was both informative and practical and was well received.

In addition, senior lawyers at the ODPP regularly conduct training for police officers at their dedicated training programs held at the Goulburn Police Academy and at the training unit at Hurstville. Presentations included 90-minute sessions on interviewing suspects, sexual assault prosecutions and the role of the DPP.

As part of the EAGP reform, the ODPP, in conjunction with the NSW Police Force and partner agencies, is continually looking at ways to improve the content of briefs of evidence so that more expert forensic-related material is available within the EAGP timeframes. Such material, with its focus on scientific procedures and tests, can only be prepared by experts qualified in their field and takes an enormous amount of time and effort to get to a trial-ready stage. As such, extensive consultation and cross-agency training has been ongoing for a number of months with the aim of creating a number of 'short-form' evidentiary reports that, while retaining established scientific rigour, are presented in a form suitable to the EAGP process. Areas of expertise covered to date include post-mortem, clandestine drug laboratories and ballistics.

Requests and disclosure of information

Privacy and personal information

In 2018/2019 the ODPP did not receive any applications for access or amendment to personal information and received one privacy internal review under s53 of the *Privacy and Personal Information Protection Act 1998*.

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

Public Interest Disclosure

The ODPP has a Public Interest Disclosure Policy in place. There were no disclosures made in 2018/2019 under this Policy.

Government Information (Public Access) Act 2009

Agency Name

Office of the Director of Public Prosecutions

Principal Department

Solicitor's Executive

Reporting Period

2018/2019

Obligations under the Government Information (Public Access) Act 2009

Review of proactive release program – Clause 7(a)

Under section 7 of the *Government Information (Public Access) Act 2009* (NSW), 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. Because of this review, the ODPP Publication Guide has been prepared and placed on the website. The Guide details ODPP publications that are available upon request.

Number of access applications received – Clause 7(b)

During the reporting period, our agency received two 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 Act.

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

During the reporting period, our agency granted one application in full to a member of the public and one in part to a private sector business.

There were 15 invalid applications, which were requests for excluded information of the agency (s43 of the Act). Fourteen of those applications were made by a legal representative on behalf of a member of the public.

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 that required other public interest considerations against disclosure, as listed in the table to s14 of the Act.

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

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).

Obligations under the Terrorism (High Risk Offenders) Act 2017

The primary objective of the *Terrorism (High Risk Offenders) Act 2017* is to provide for the extended supervision and continuing detention of offenders who pose an unacceptable risk of committing serious terrorism offences. The NSW Attorney General may pursuant to s58 of the Act, request information regarding an offender.

During the reporting period the ODPP received and processed 16 requests for information under this section.

Committees

Executive Board

The Executive Board comprises the Director (Chair), three Deputy Directors, Senior Crown Prosecutor, Solicitor for Public Prosecutions, Director Finance and Facilities and Chief Finance Officer, Director Human Resources 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 and
- provide periodic reports on its operations to the Attorney General and report to the Attorney General upon request on any matter relating to the exercise of its functions, or, after consultation with the Attorney General, on any matters it considers appropriate.

Management Committee

The Management Committee comprises the Director (Chair), three Deputy Directors, Senior Crown Prosecutor, Solicitor for Public Prosecutions, five Deputy Solicitors (Operations and Legal), Director Finance and Facilities and Chief Finance Officer, Director Human Resources and Director Information Management and Technology (IM&T). 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, Facilities, 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 and
- to serve as a forum for discussion by senior management of any matter affecting the operations of the ODPP, including the activities, challenges and initiatives of the various areas within the Office.

Audit and Risk Committee

The Audit and Risk Committee, established in accordance with Treasury Policy TPP 15-03, Internal Audit and Risk Management Policy for the NSW Public Sector, comprises three independent members selected from the Prequalification Scheme, Audit and Risk Committee Independent Chairs and Members. The Committee's primary objective is to provide independent assistance to the Director by monitoring, reviewing and providing advice on the ODPP's governance processes; risk management and control frameworks; and its external accountability obligations.

The Committee held six meetings during the year. Representatives of the Audit Office of NSW, the Deputy Director of Public Prosecutions in his capacity as the Chief Audit Executive, the Deputy Solicitor for Public Prosecutions (Sydney) in her capacity as Chief Risk Officer, and the Director, Finance and Facilities and Chief Finance Officer attended the meetings.

In addition, the Director, Human Resources, the Director, Information Management and Technology, the Financial Accountant and the Wellbeing Coordinator attended the meetings by invitation. The Committee is supported by a secretariat comprising the Executive Assistant to Deputy Directors and the Audit and Risk Project Officer.

The Audit and Risk Committee Charter and the Internal Audit Charter have been reviewed and endorsed by the Committee and signed by the Director. In compliance with its Charter and obligations, the Committee's review and advice includes consideration of the following areas:

- risk management
- endorsement of internal audit plans cognisant of risk assessments
- implementation of internal and external audit recommendations
- financial performance and financial statements
- governance and business continuity frameworks
- workplace, health and safety matters
- information management and technology
- emerging statutory requirements and policies and procedures.

During the year, an enterprise wide risk assessment was undertaken and as a result, the Risk Management Register was refined. The subsequent Register was supported by the Audit and Risk Committee and informed the development of the Internal Audit Plan, which covers a three-year period, although remaining flexible to encompass any identified emerging risks. The Internal Audit Plan was endorsed by the Audit and Risk Committee and progress regarding the Internal Audit Plan has commenced. Further, during the year the Audit and Risk Committee endorsed the Fraud and Corruption Control Policy.

The Internal Audit and Risk Management Attestation for the 2018/2019 financial year is Appendix G of this Annual Report.

Information Management Technology Committee

The Information Management Technology Committee (IMTC) is a sub-committee of the ODPP Management Committee and comprises the Director Information Management and Technology as Chair; Solicitor for Public Prosecutions, Director Finance and Facilities and Chief Finance Officer, Deputy Solicitor (Legal), Deputy Solicitor (Sydney), a nominated Crown Prosecutor representative and IM&T Information Security Officer. Minutes of proceedings are kept and published on the ODPP intranet.

The IMTC has the overall responsibility to promote and ensure effective management of information, technology and information security across the ODPP.


The Committee meets quarterly and is the management body convened to:

- assist with the development of corporate and technology strategies and plans to promote and ensure security and the 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
- provide advice and recommendations on significant information and communication technology issues
- approve ODPP wide information security policies, guidelines and procedures and ensure that these are adopted within the ODPP

- ensure all critical operational and security issues reported through the Incident Report process are resolved in a timely manner and avoid recurrence and
- provide senior management support for the development, implementation, ongoing 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
- Develop and implement a mentoring program
- Coach staff in how to manage and lead

Our People

Our People

	<ul style="list-style-type: none"> • 845 equivalent full time staff - 10% increase • 172 new employees
	<ul style="list-style-type: none"> • 67% of staff are female • 11% of staff are working part time • 5% of new starters are under the age of 25 • the average age of new starters was 32

Recruitment and retention of quality staff

	<ul style="list-style-type: none"> • Staff turnover for 2018/2019 was 9.21% in comparison with 10.05% in 2017/2018
	<ul style="list-style-type: none"> • 14 new Crown Prosecutors were appointed during the year; eight promotions from within the Solicitor's Office • 12 Solicitor Advocates were appointed during the year; eight promotions from within the Solicitor's Office
	<ul style="list-style-type: none"> • The Office had a total of 108 statutory appointed staff as at 30 June 2019

Staff numbers

Staff numbers	30 June 2015	30 June 2016	30 June 2017	30 June 2018	30 June 2019
Statutory appointed and Senior Executive	85	100	104	108	118
Solicitors	341	370	389	420	454
Legal support staff	203	211	226	237	273
Total	629	681	719	765	845

Recruitment statistics*	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019
Senior Executive	0	2	0	0	1
Statutory appointments	1	1	0	2	1
Crown Prosecutors	3	11	5	7	6
Solicitors	38	44	54	26	58
Legal support staff**	45	61	61	59	105
Total	87	119	127	98	172

* As per the Workforce Profile, all new starters within the financial year (excludes internal promotions)

** Includes Witness Assistance Officers and Legal Develop Program Graduates

Learning and Development

The ODPP Signature Behaviour, 'Never Stop Learning', continues to underpin the importance of our people adopting and maintaining a commitment to ongoing learning and development. This has been achieved throughout the year in a range of ways, including, but not limited to:

- provision of regular developmental opportunities such as continuing legal education, advocacy and other professional development workshops
- support to attend external training and undertake formal tertiary studies
- an increasing focus on Aboriginal cultural awareness through a series of one day workshops across the State
- continued development of online learning content including SAP, time recording and introduction to CASES (the ODPP's case management system).

The Learning and Development team has continued to support legislative and law reform changes related to the EAGP reform through the provision of education using eLearning and classroom-based solutions. The team has also enhanced the quality and availability of recordings of continuing legal education sessions and these are available to all staff to view at their own convenience.

Professional development

The key events held during the year were the:

- Professional Development Workshops in August 2018, which covered topics including Sentencing Reforms, the Director's Client Legal Privilege, Expert Evidence of Counter Intuitive Behaviour in Child Sexual Assault Complainants and Supporting Families Following Bereavement in Violent Deaths
- Solicitors Conference held in December 2018 included the topics A new approach to Child Abuse

Cases, Best Practice and a Trauma Informed Approach to Prosecuting Historical/Institutional Sexual Abuse and Tendency Evidence Update in light of Bauer and McPhillamy

- Crown Prosecutors Conference held in April 2019, which covered topics including Prosecutorial Discretion, Memory on Trial and Tendency Where are we Now.

Aboriginal cultural awareness

One of the new programs Learning and Development invested in throughout the year was the provision of Aboriginal cultural awareness workshops for staff across the State. The workshops were one of the key strategies identified in the ODPP Reconciliation Action Plan (RAP) under the action of 'engage employees in Aboriginal and Torres Strait Islander cultural learning and development to increase understanding and appreciation of cultures, histories and achievements'.

Learning and Development category	Sessions	Attendees*	Hours
Aboriginal cultural awareness	22	278	2,289
Advocacy	2	31	279
Continuing Legal Education	28	869	2,887
Corporate/Induction	30	550	2,285
Early Appropriate Guilty Plea	5	77	164
External	38	74	701
Management development	6	72	538
Professional development	15	641	6,588
Total	146	2,592	15,731
* Attendee figures include multiple attendance at learning activities including the mid year Professional Development Workshops, end of year Solicitors Conference and the Crown Prosecutors Conference			

Studies assistance	
Number of studies assistance participants	40
Total study leave days taken	107
Total study assistance reimbursement	\$36,623

Induction

Learning and Development continued to provide Induction Programs for new administrative and legal starters throughout the year. The Induction Program is continually reviewed to ensure the content is current and relevant and provides new starters with a solid understanding of key policies, procedures and guidelines as well as their personal responsibilities as a staff member.

The Professional Development Solicitor coordinated and facilitated two Crown Prosecutor Inductions, 'Prosecuting for the Crown: Principles and Practice', with presentations on a wide range of topics covering Office policies, procedures and structure, Corporate Services, legal issues,

advocacy tips, the role of the ODPP Witness Assistance Service, including best practice for conferencing victims and witnesses and wellbeing and resilience. The Crown Prosecutor Inductions will continue to be delivered as new Crown Prosecutors are appointed.

Onboarding practices are currently under review with a major project commencing in the new financial year to address the use of technology, process improvement, development of new content and timeliness of onboarding activities.

Corporate Initiatives

A program aimed at legal support and administrative officers was developed and implemented in June 2019 with

41 people attending the first two day session. The focus of the program is on building personal and professional effectiveness among staff. Further sessions are planned in the next financial year.

The ODPP again hosted an International Women's Day celebration in Sydney and invited all regional offices to attend via audio visual link. The theme for this year was 'Better the balance, better the world'. Our guest speaker, Maya Pelaka of Juggle Strategies, spoke about the opportunities available that help to create a more balanced environment for individuals and workplaces.



Health and wellbeing

Following the success of the inaugural WellCheck program for the ODPP, for the first time we had meaningful representative information about the overall wellbeing of our staff, what their collective concerns are and what management techniques they employed to maintain their mental health. Three priority action areas were identified as a result.

The first, and by far the most common, theme was concern about vicarious trauma at work. While it was widely identified as an issue, there was little understanding of exactly what vicarious trauma was, how it could be identified and what steps could be taken to manage it. To address these concerns, the Office worked with a specialist provider to develop a Vicarious Trauma Workshop specifically for the ODPP. The workshop was delivered at each ODPP location and had total attendance figures of more than 250 staff members. A specific targeted session for Crown Prosecutors is planned for September 2019.

The next theme identified related to mindfulness as a management technique. Information around this topic was provided as part of the Vicarious Trauma Workshops and was followed up with a promotion of easily accessible mindfulness resources across the Office.

The support available from and for managers within the organisation was identified as a recurring concern. Since the WellChecks were completed, the EAGP implementation has resulted in Managing Solicitors being responsible for fewer staff members, which is expected to allow them greater opportunity to provide individual support and be more aware of wellbeing issues among their staff. A new ODPP Management and Leadership Development Program will commence in

October 2019 and the program will include a specific module for all managers on the topic of mental health first aid.

Healthy Lifestyles Program

The Healthy Lifestyles Program continued to have strong participation. The flu vaccination initiative was taken up by 349 staff members across all offices.

The Fitness Passport program remains very popular, with 301 staff having ongoing memberships. The social aspect of the program is also well developed with 241 family members also engaged. This is an important consideration as there is strong evidence that if their family is also engaged in regular exercise participants are more likely to keep to their exercise plans.

Workers compensation

The Office continues to work on preventative and early intervention strategies to effectively manage workers compensation claims.

In comparison to 2017/2018, the Office's new workers compensation claims decreased from four to two this year.

Workplace support

Average sick leave for the Office for this year was 5.34 days compared to 6.10 days last year.

The Office continues to ensure that injured workers are returned to work as soon as they are deemed medically fit to resume duties and has maintained its 100% record with respect to managing injured workers within statutory timeframes during the reporting period.

Awards for Excellence

Mel Graczol, Deputy Solicitor for Public Prosecutions and Paige Madden, Managing Solicitor, were awarded the Director's Service Excellence Management Award for the individual contributions of leadership, innovation, collaboration and mentoring.

Kathryn Legas and Alison Gill were awarded the Director's Service Excellence Team Award for their dedication and hard work in the preparation of Standard Operating Procedures and delivery of training to legal support offices State wide following the introduction of the EAGP reform.

Paul Marr, Hamish Fitzhardinge, Rebecca Foenander, Tara Ehsman and Brittany Palmer from the Newcastle office ('the Coleman Prosecution Team') were awarded the Director's Service Excellence Team Award for their professionalism, dedication, teamwork, legal skill, commitment and extra effort in the conduct of a 12-month trial involving 95 sexual assault complainants.

Individual Director's Service Excellence Awards were presented to the following staff:

- Tanya Smith, Acting Deputy Director of Public Prosecutions for her consistently high level of performance and integrity
- Lou Lungo, Crown Prosecutor for his dedication to a complex murder trial and his many years of effort and performance
- Felicity Martin, Solicitor for her professionalism in managing a large and complex vertical practice
- Jackie Eastburn, Senior Project Manager, for her interpretation and analysis of data and her dedication to the production of the Annual Report

- Krishna Blackley-Stocker, solicitor, for his exceptional performance, high quality work and analytical support crucial to the implementation of the EAGP reform.

Appointments to the Bench

In the year, Deputy Director Kara Shead SC, Deputy Senior Crown Prosecutor Nanette Williams and Crown Prosecutor Sharon Harris were appointed as Judges of the District Court.

Crown Prosecutor appointments

During the year, 14 Crown Prosecutors were appointed; eight (57%) promotions from within the Solicitor's Office.

Solicitor Advocate appointments

This year, 12 Solicitor Advocates were appointed; eight (66%) internal promotions.



John Hennessey Legal Scholarship

Sarah Love, formerly an ODPP solicitor at the Parramatta Drug Court, was awarded the John Hennessey Legal Scholarship by the NSW Law Society. The John Hennessey Legal Scholarship is awarded to a public sector solicitor to undertake a research project into legal systems in another jurisdiction or further study. The scholarship enabled Sarah to travel to the United States of America to conduct a comparative assessment of three American Drug Courts with the NSW model.

Secondments

The Office continues to actively promote, support and encourage staff to participate in secondment opportunities where available. During the year, 11 staff were involved in secondments across the public sector including Legal Aid NSW and the Department of Justice. 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.

Statutory Compliance

	<ul style="list-style-type: none"> • 67% of ODPP staff are female • 70% of ODPP's Public Sector Executive are female • 65% of all managers are female
	<ul style="list-style-type: none"> • 1.14% of ODPP staff identify as Aboriginal or Torres Strait Islander • Inaugural Reconciliation Action Plan launched • 4.1% of ODPP staff reported having a disability

Diversity and inclusion

In this period, the ODPP continued to work towards becoming a diverse and inclusive organisation.

The ODPP Diversity and Inclusion Working Group (the Working Group) met throughout the year and welcomed new members following an expression of interest. The Working Group has driven several key initiatives to promote diversity and inclusion at the ODPP.

The ODPP continues to meet its commitment to the Multicultural Policies and Services Program (MPSP) by providing high quality accessible services to the people of NSW. In line with the MPSP, the Office's key strategies were informed by the four identified focus areas: Service Delivery, Planning, Leadership and Engagement. One example of a leadership strategy was to add a mandatory goal in the performance plans of all Senior Executives at the ODPP requiring that they role model and actively promote the ODPP's commitment to diversity and inclusion.

The ODPP is pleased to report the following achievements from the Working Group from this period:

Reconciliation Action Plan

The Working Group successfully delivered the Office's inaugural Reconciliation Action Plan (RAP). The RAP was endorsed by Reconciliation Australia and contains three primary categories of goals and action items; Relationships, Respect and Opportunities. The implementation of the RAP is a significant step in the ODPP's path towards reconciliation. An artwork was commissioned and painted by Aboriginal man Luke Penrith to support the RAP. The painting is named Lore, Culture, Language and is a story depicting the intertwining journey of customary lore and mainstream law. The painting has been duplicated with permission and is proudly displayed in each office together with a plaque acknowledging the artist.

Aboriginal Cultural Awareness training

Another achievement delivered pursuant to the RAP was the roll out of the Aboriginal Cultural Awareness training program. A total of 278 staff attended the workshops, which were delivered by two external facilitators at each office under the RAP action of 'engage employees in Aboriginal and Torres Strait Islander cultural learning and development to increase understanding and appreciation of cultures, histories and achievements'. The program received overwhelmingly positive feedback with staff requesting

further education and strategies to assist them to build better relationships with Aboriginal and Torres Strait Islander communities. Learning and Development are working with the Working Group to develop ongoing learning opportunities.

Culturally significant events

We celebrated National Reconciliation Week in the Sydney office week by holding a morning tea that was catered for by a Supply Nation provider. We also had the privilege of being welcomed to country by Brendan Kirin. This event was live streamed to the other offices who held simultaneous morning teas.

The Dubbo office also hosted an event to commemorate the unveiling of the statue of William 'Bill' Ferguson. Mr Ferguson was an Aboriginal rights activist in the central west region of NSW. The event was held at an Aboriginal owned and operated venue on the main street of Dubbo. The event was attended by representatives of Legal Aid NSW, the Aboriginal Legal Service and the NSW Police Force. A Welcome to Country was delivered by the granddaughter of Mr Ferguson, Aunty Narelle, and a short speech was given by a member of the Working Group about the significance of Mr Ferguson to the history of Aboriginal activism in Australia. NAIDOC week was also recognised with an intranet article

containing links to local events for staff to be involved in. Posters were also displayed in all ODPP offices throughout the State.

International Women's Day event

The Office hosted an International Women's Day celebration again this year. The event was led by Deputy Director Tanya Smith and gold coin donations were sought from attendees to support the charity 'Share the Dignity'. Share the Dignity was started in 2015 and collects thousands of personal hygiene products every year for women experiencing homelessness and poverty. It also funds funerals for victims of domestic violence and campaigns for justice for women in Australia. The keynote speech was delivered by Maja Peleka who is one of the co-founders and Directors of Juggle Strategies and focused primarily on achieving flexibility in the workplace. This address was broadcast to all regional offices who held simultaneous events.

Diversity and Inclusion intranet page

During the year an intranet page dedicated to Diversity and Inclusion was developed. This page contains a calendar with various cultural events and occasions. The page also contains links to relevant policies, the RAP and image of the artwork.

Supply Nation

The Office prioritised the use of Supply Nation organisations with 15 separate engagements of Aboriginal and Torres Strait Islander suppliers.

NSW Women Lawyers Achievement Awards

This year the ODPP actively promoted the NSW Women Lawyers Achievement Awards, which recognise and celebrate the achievements of outstanding women

lawyers, mentors and firms that have achieved excellence in their area of practice. Two solicitors from the ODPP were nominated and were finalists for these awards.

Learning and Development

The ODPP's eLearning content guidelines have now been designed to ensure that any staff with a vision impairment are able to access the content of any learning modules produced.

Induction training throughout the year included information on the ODPP's policies on Dignity and Respect in the Workplace and Workplace Relations (Building a Harassment Free Workplace).

Witness Assistance Service

WAS recognises the unique needs of Aboriginal and Torres Strait Islanders victims and witnesses within the legal system. Culturally appropriate service and support is achieved through the provision of Aboriginal Witness Assistance Officers across NSW. During the year an Aboriginal and Torres Strait Islander WAS team was created in the organisation in recognition of this specialised area.

All witnesses and victims are entitled to access free interpreter services and the Office consistently ensures that these entitlements are met. Victims and witnesses with disability are an important group prioritised by WAS, which continues to provide case management services to those with identified disabilities. 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 disability are given every opportunity available.

Next period

In the next reporting period, the key strategy will be the implementation of a formal Disability and Inclusion Action Plan (DIAP). The DIAP will build on existing strategies developed under the Disability Policy Framework and bring them together in one plan. The Working Group will be responsible for the development and implementation of the DIAP. The key objectives are to ensure compliance with the Disability Inclusion Act 2014, provide a framework for ensuring accessibility and inclusion for our stakeholders and to be an organisation that supports the employment of people with disability in line with the priorities of the NSW Public Service Commission. .

Consumer response

The ODPP has comprehensive, published written policies for decision making and consultation with victims and police, including the Charter of Victims' Rights, Prosecution Guideline 19 and s35A of the Crimes (Sentencing Procedure) Act 1999. A Complaints Policy, the formal procedure for handling complaints, is published on the ODPP's website.

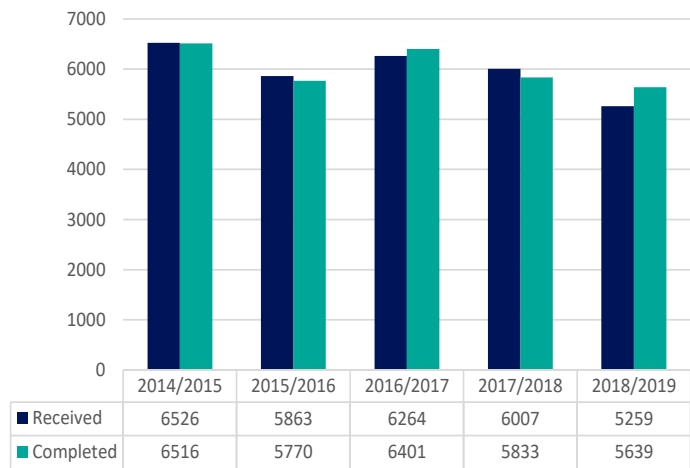
A record is kept of all complaints made to the Office. During the year 16 complaints were received. Of those, seven related to the conduct of a member of staff, eight related to a failure to communicate information and one related to the outcome of proceedings. All complaints received were dealt with internally in accordance with the Complaints Policy and responses sent to those who made complaints. One complaint resulted in ODPP solicitors being reminded to review the recordings of '000' calls to ensure the addresses of witness are not inadvertently disclosed. During the reporting period it was not necessary to amend any procedures.

Appendix

Appendix A

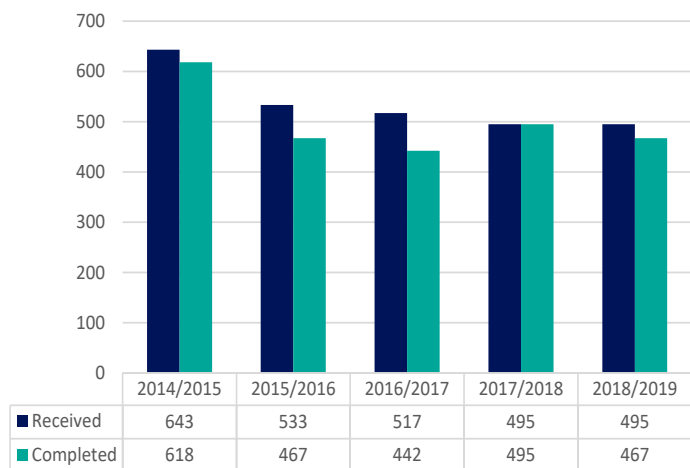
Productivity statistics

Number of Local Court matters received and completed*

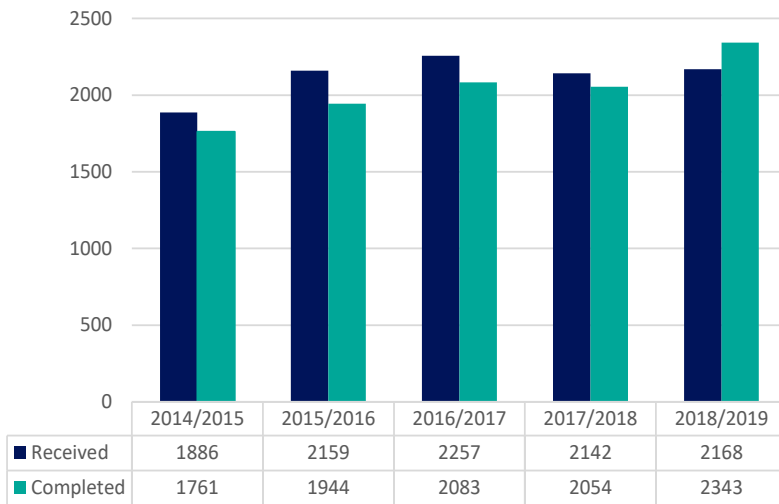


* includes both EAGP and legacy committal matters

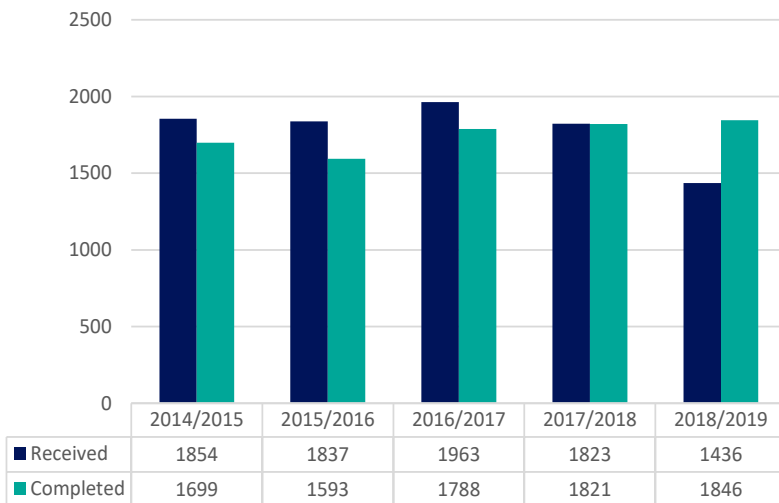
Number of Local Court summary matters received and completed

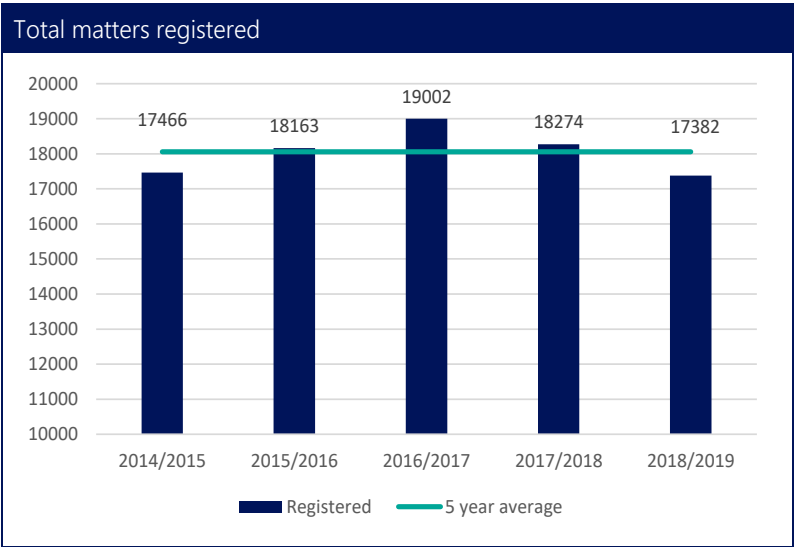
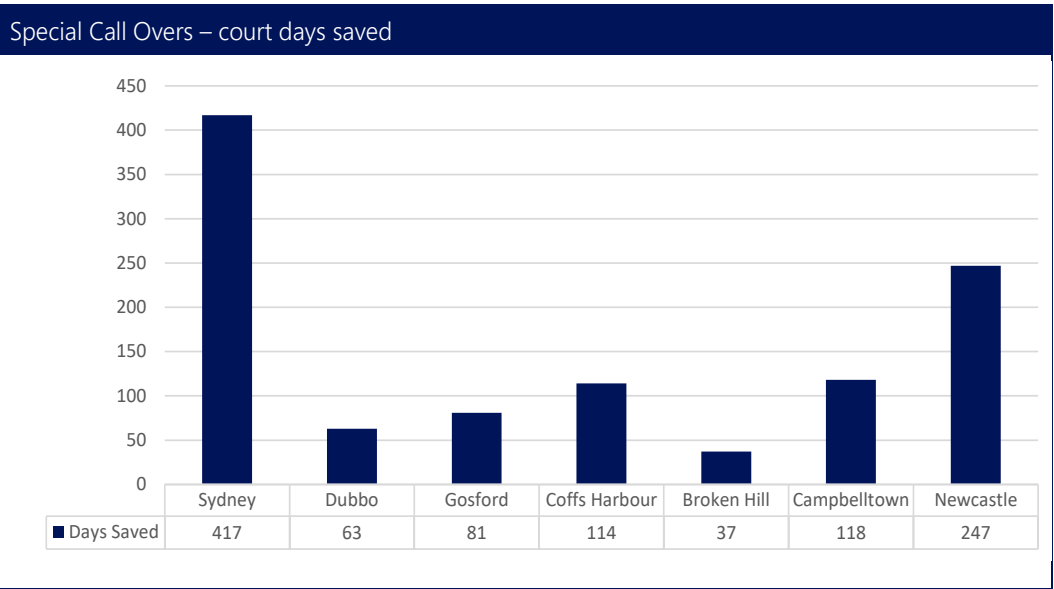


Number of District Court sentences received and completed

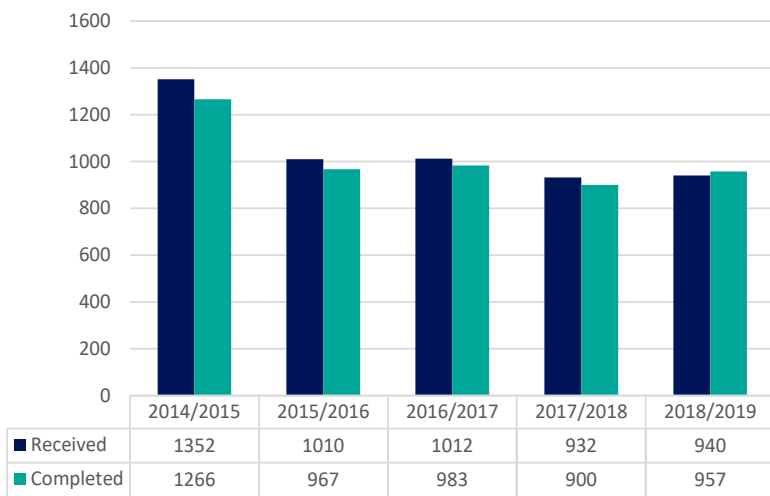


Number of District Court trials received and completed

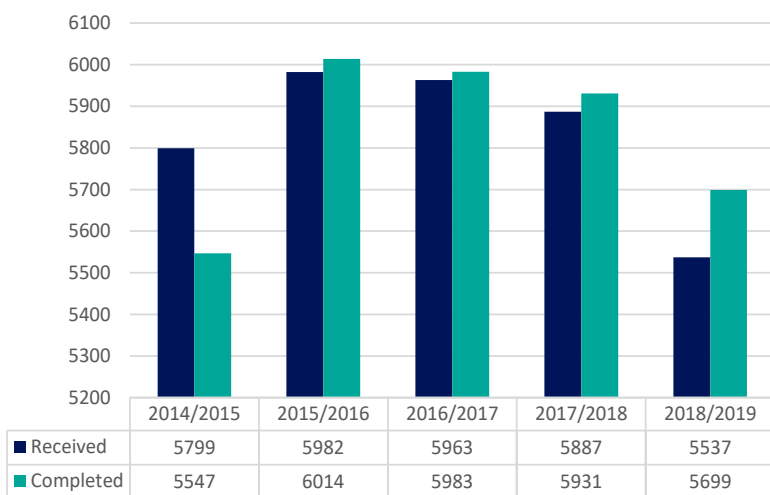




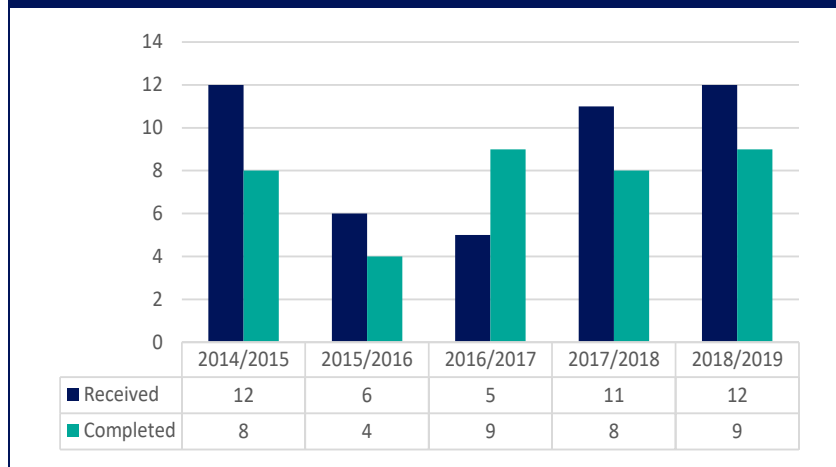
Number of District Court conviction appeals received and completed



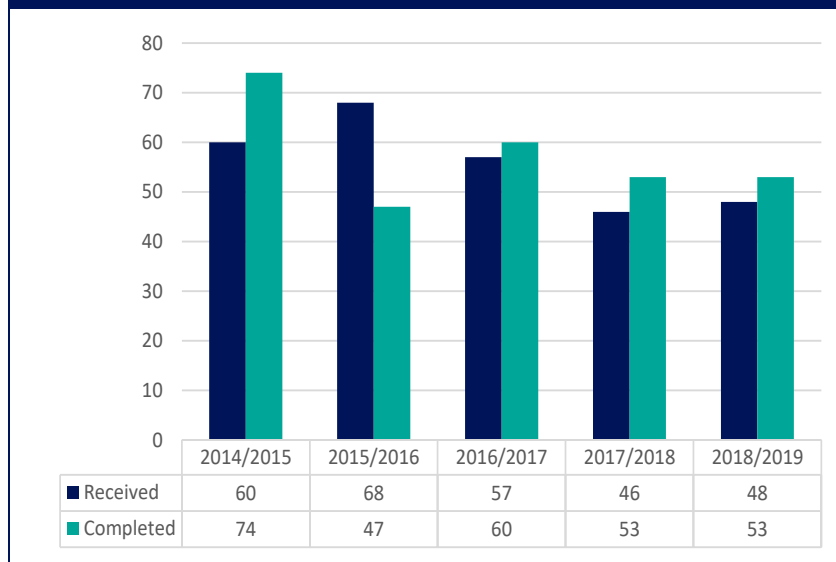
Number of District Court severity appeals received and completed



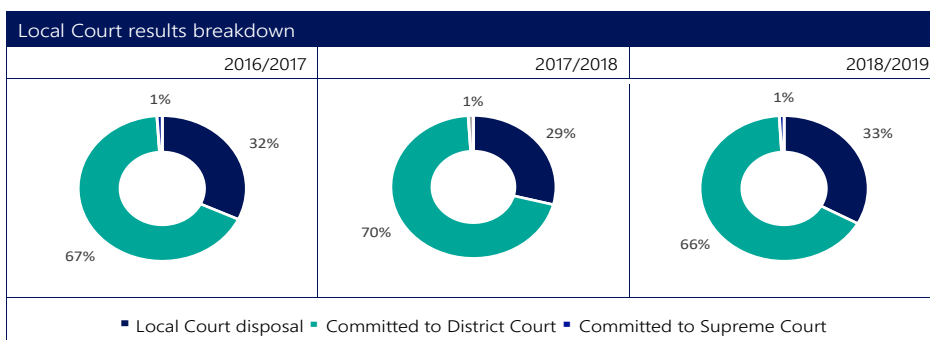
Number of Supreme Court sentences received and completed



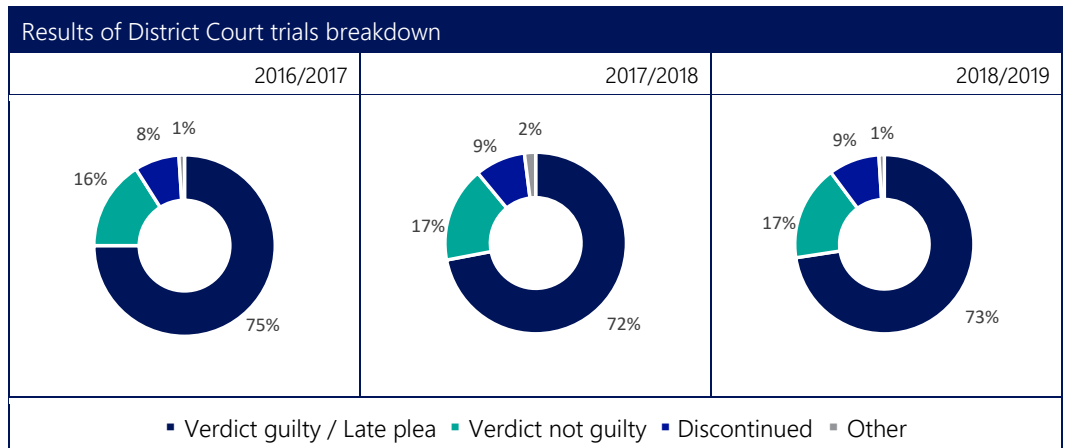
Number of Supreme Court trials received and completed



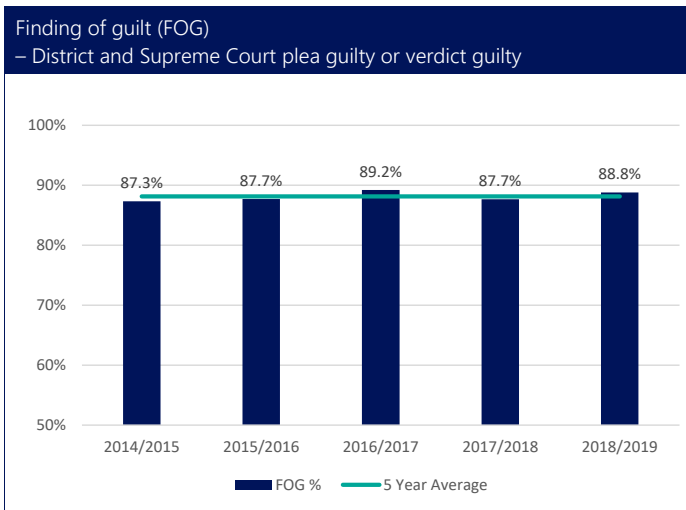
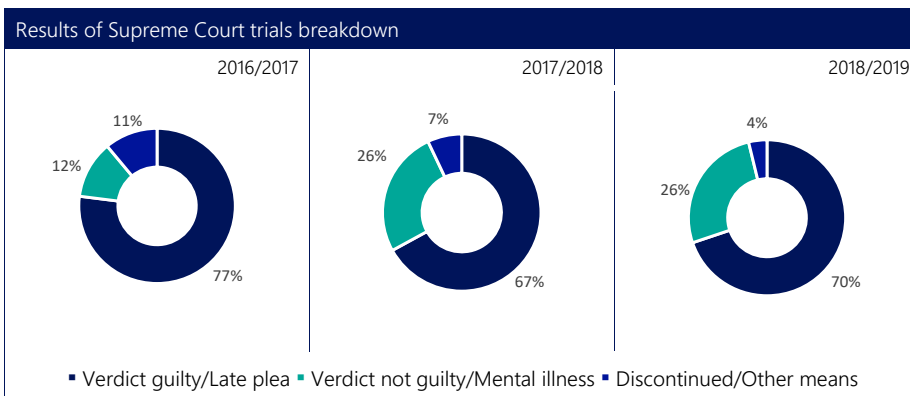
Local Court results		No	%
Local Court disposal	Plea of guilty	984	17.4%
	Withdrawn	237	4.2%
	Sentenced following summary hearing	25	0.4%
	Returned to Police	527	9.3%
	Dismissed by the Local Court	68	1.2%
	Referred to the Drug Court	41	0.7%
	Sub total	1882	33.4%
Committed to the District Court	Sentence	2178	38.6%
	Trial	1520	27.0%
	Sub total	3698	65.6%
Committed to the Supreme Court	Sentence	12	0.2%
	Trial	47	0.8%
	Sub total	59	1.0%
Total		5639	100%



Results of District Court trials		No	%
Late plea		993	53.8%
Trial	Verdict guilty	347	18.8%
	Verdict not guilty	308	16.7%
	Verdict by direction	10	0.5%
Discontinued		170	9.2%
Other		18	1.0%
Total		1846	100%

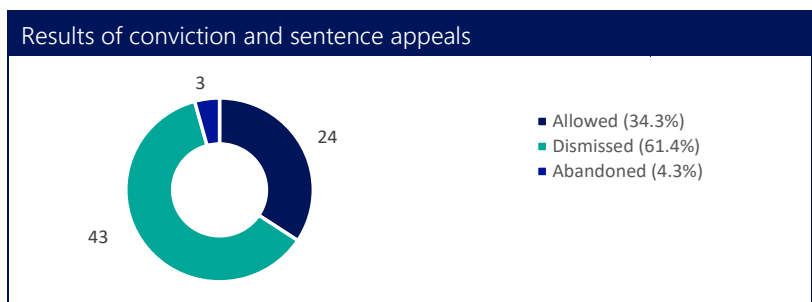


Results of Supreme Court trials		No	%
Late plea		11	20.8%
Trial	Verdict guilty	26	49.1%
	Verdict not guilty	13	24.5%
	Verdict by direction	1	1.9%
Discontinued		2	3.8%
Total		53	100%

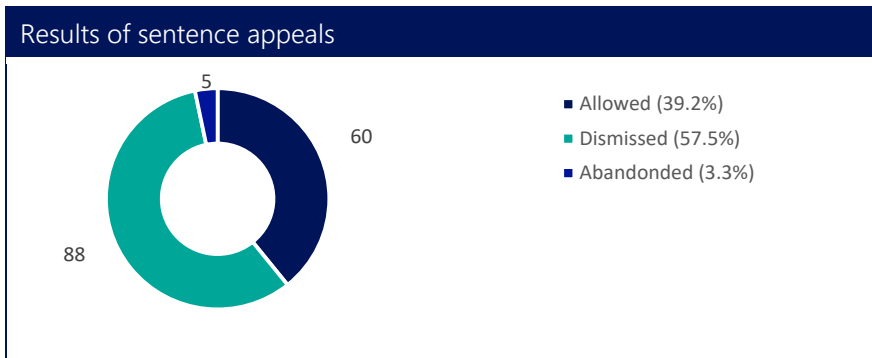


Completed Court of Criminal Appeal matters		No
Crown s5F appeals		2
Defence s5F appeals		4
Crown inadequacy appeals		27
Defence conviction and sentence appeals		70
Defence sentence appeals		153
Total		256

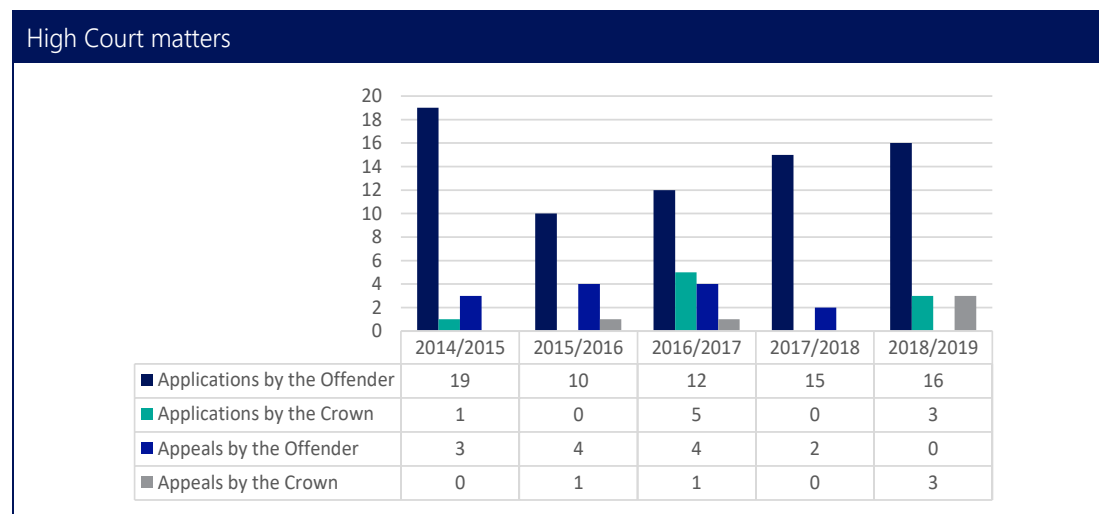
Results of conviction and sentence appeals			No
Allowed	Retrial		9
	Remitted to the District Court		3
	Acquittal		7
	Sentence varied		5
Abandoned			3
Dismissed			43
Total			70



Results of sentence appeals		No
Abandoned		5
Allowed		60
Dismissed		88
		153



High Court Special Leave Applications and appeals					
	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019
Completed Applications for Special Leave to Appeal					
Applications by the offender	19	10	12	16	16
Applications by the Crown	1	0	5	0	3
Hearings conducted after grant of Special Leave					
Appeals by the offender	3	4	4	2	0
Appeals by the Crown	0	1	1	0	3



Appendix B

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 2018 to 30 June 2019 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 District Court and Supreme 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: s7(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: s7(2).

s8 Instituting Other Proceedings

The Director can institute and conduct committal proceedings for indictable offences, proceedings for summary offences 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 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 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 C

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 66EA(1), *Crime Act 1900* (Persistent sexual abuse of a child) x 7 (now repealed)
- Section 66EA(1), *Crimes Act 1900* (Adult maintain unlawful relationship with child) x 57
- Section 66F(2), *Crimes Act 1900* (Sexual intercourse with person with cognitive impairment by person responsible for care) x 4
- Section 66F(2)/s344, *Crimes Act 1900* (Attempted sexual intercourse with person with cognitive impairment by person responsible for care) x 2
- Section 66F(3), *Crimes Act 1900* (sexual intercourse by taking advantage of person with cognitive impairment) x 18
- Section 66F(4), *Crimes Act 1900* (Attempt offence under s66F(2) or s66F(3)) x 1 (now repealed)
- Section 66F(6), *Crimes Act 1900* x 6
- Section 61M(1), *Crimes Act 1900* (Aggravated indecent assault) x 4
- Section 61O(1A), *Crimes Act 1900* (Aggravated incite act of indecency) x 2
- Section 78A, *Crimes Act 1900* (Incest) x 12
- Section 78B, *Crimes Act 1900* (Attempted incest) x 1
- Section 91H(2), *Crimes Act 1900* (Production, dissemination or possession of child abuse material) x 4
- Section 91P(1), *Crimes Act 1900* (Record intimate image without consent) x 1
- Section 327, *Crimes Act 1900* (Perjury) x 6
- Section 328, *Crimes Act 1900* (Aggravated perjury) x 1
- Section 7, *Surveillance Devices Act 2007* (Installation, use and maintenance of listening devices) x 9
- Section 8, *Surveillance Devices Act 2007* (Installation, use and maintenance of optical surveillance devices) x 2
- Section 9, *Surveillance Devices Act 2007* (Installation, use and maintenance of tracking devices) x 5
- Section 11, *Surveillance Devices Act 2007* (Communication or publication of private conversations or recordings of activities) x 1
- Section 12, *Surveillance Devices Act 2007* (Possession of record of private conversation or activity) x 1.

Appendix D

Independence and accountability

No guideline under section 26 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 section 27. No request has been made to the Attorney General pursuant to section 29.

Appendix E

Internal Committees

Committee	ODPP Representatives	
Executive Board	Lloyd Babb SC (<i>Chair</i>) Peter McGrath SC Huw Baker SC Kara Shead SC (last meeting 13 December 2018) Tanya Smith (first meeting 21 February 2019)	Chris Maxwell QC Craig Hyland Sandra Jones (first meeting 13 December 2018) Nigel Richardson Kenneth Dixon (<i>Independent</i>) Robyn Gray (<i>Independent</i>)
Management Committee	Lloyd Babb SC (<i>Chair</i>) Peter McGrath SC Huw Baker SC Kara Shead SC (last meeting 13 December 2018) Tanya Smith (first meeting 21 February 2019) Chris Maxwell QC David Scully (<i>alt Craig Everson</i>) (first meeting 13 December 2018)	Craig Hyland Johanna Pheils Sashi Govind Paula McNamara Melinda Graczol Janine Lacy Nigel Richardson Brendan Oldham Sandra Jones (first meeting 13 December 2018)
Audit and Risk Committee	Ian Gillespie (<i>Independent Chairperson</i>) (8 October 2018 – 7 October 2021) Alexander Smith AM (<i>Independent member</i>) (8 October 2018 – 7 October 2021) Robyn Gray (<i>Independent member</i>) (1 February 2018 – 31 January 2021)	Peter McGrath SC (<i>Chief Audit Executive</i>) (from 3 April 2018) Sashi Govind (<i>Chief Risk Officer</i>) (from 19 May 2016)
Information Management Technology Committee	Brendan Oldham (<i>Chair</i>) Sashi Govind Sandra Jones (first meeting 2 May 2019)	Tarik Abdulhak (<i>alt Alex Morris</i>) Craig Hyland Johanna Pheils Rajiv Nandan
Crown Prosecutors Management Committee (last meeting 22 November 2018)	Chris Maxwell QC (<i>Chair</i>) Ellen Hile Craig Everson Lee Carr SC Sally Dowling SC Richard Herps Ken McKay Mark Hobart SC	Neil Adams SC Frank Veltro Darren Robinson (<i>alt Rod Howe</i>) Paul Kerr Michael Fox (<i>alt Kate Ratcliffe</i>) Brett Hatfield

Committee	ODPP Representatives	
Deputy Senior Crown Prosecutors Meeting (first meeting 27 June 2019)	Chris Maxwell QC (<i>Chair</i>) Craig Everson Ken McKay Mark Hobart SC Richard Herps John Bowers Patrick Barrett Helen Roberts Neil Adams SC	Phil Hogan David Scully Frank Veltro Lee Carr SC Maria Cinque SC Brendan Campbell Carla Tomadini Yasmin Sevilgen
PSA / Management Joint Consultative Committee	ODPP Representatives Nigel Richardson (<i>Chair</i>) Craig Hyland Sashi Govind Sandra Jones (first meeting 27 February 2019)	ODPP PSA Representatives Fiona Horder Susan Ayre Rhonda Dodd PSA Industrial Officers Monika Wunderlin Bart McKenzie (last meeting 29 August 2018) Glenn Duncan (first meeting 27 February 2019)

Appendix F

Internal Audit and Risk Management Attestation

OUR REFERENCE

DIRECTOR'S CHAMBERS



ODPP
New South Wales

YOUR REFERENCE

DATE

3 October 2019

Internal Audit and Risk Management Attestation for the 2018-2019 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	Compliant
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

175 Liverpool Street Sydney NSW 2000, Locked Bag A8 Sydney South NSW 1232, DX 11525 Sydney Downtown
Telephone: (02) 9285 8888 Facsimile: (02) 9285 8601 TTY: (02) 9285 8646
www.odpp.nsw.gov.au

Membership

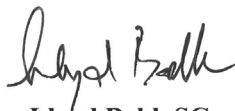
The chair and members of the Audit and Risk Committee are:

- Ian Gillespie, Independent Chairperson (8 October 2018 – 7 October 2021)
- Alexander Smith, Independent Member (8 October 2018 – 7 October 2021)
- Robyn Gray, Independent Member (1 February 2018 – 1 February 2021)
- Sashi Govind, Chief Risk Officer (from 19 May 2016)

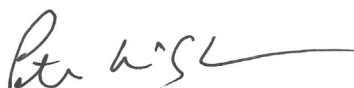
I, Lloyd Babb SC advise that the internal audit and risk management processes for the Office of the Director of Public Prosecutions depart from the following core requirements set out in the *Internal Audit and Risk Management Policy for the NSW Public Sector*.

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)
Peter McGrath SC
Deputy Director of Public Prosecutions

Appendix G

Risk management and insurance activities

Risk management

The Office's Audit and Risk Committee Charter and the Internal Audit Charter were reviewed and endorsed by the ODPP's Audit and Risk Committee and signed by the Director. The Committee provides independent assistance to the Director by monitoring, reviewing and providing advice on the ODPP's governance processes; risk management and control frameworks; and its external accountability obligations.

The Audit and Risk and Internal Audit Charters comply with the Internal Audit and Risk Management Policy for the NSW Public Sector Policy TPP 15-03.

Insurance activities

Motor vehicles

The Office's 2018/2019 motor vehicle claims totalled 19, representing an average damage/loss net cost in claim payments of \$4,382. This was a decrease of four claims and an increase in the average net damage/loss of \$2,021 per claim compared to the 2017/2018 financial year.

Property

In 2018/2019, there was one property claim finalised for the ODPP in the amount of \$70,430. In the previous financial year there were three property claims for the Office, totalling \$4,562.

Miscellaneous

The Office had no miscellaneous claims in the 2018/2019 reporting year.

Appendix H

Cyber Security Policy Attestation

Cyber Security Annual Attestation Statement for the 2018-2019 Financial Year for Office of the Director of Public Prosecutions, NSW

I, Lloyd Babb SC, am of the opinion that Office of the Director of Public Prosecutions NSW have managed cyber security risks in a manner consistent with the mandatory requirements set out in the NSW Government Cyber Security Policy.

Risks to the information and systems of Office of the Director of Public Prosecutions NSW have been assessed and are managed.

Governance is in place to manage the cyber-security maturity and initiatives of Office of the Director of Public Prosecutions NSW.

The cyber incident response and security processes are incorporated within the ODPP IT Disaster Recovery and Business Continuity Plan which has been tested during the reporting period.

An independent audit-certification (ISO27001) of the Agency's Information Security Management Systems (ISMS) was undertaken by SAI Global and found to be adequate.



Lloyd Babb SC
Director of Public Prosecutions

22/8/19

Appendix I

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 2018 to 30 June 2019*
Position and Level: Director of Public Prosecutions
Remuneration: \$470,040 pa (salary plus allowance as at 30 June 2019)

* Peter McGrath SC was appointed as Acting Director of Public Prosecutions from 27 May 2019 while Lloyd Babb SC took a leave of absence.

Senior Executive Performance Statement

Nil to report.

Appendix J

Chief Executive Service and Senior Executive Service

SES Band	30 June 2018					30 June 2019				
	Total Number	Male	Female	Average Remuneration	% of Total Employee Related Expenditure	Total Number	Male	Female	Average Remuneration	% of Total Employee Related Expenditure
Band 1	9	3	6	219,891	1.96	10	3	7	228,712	2.04
Band 2	-	-	-	-	-	-	-	-	-	-
Band 3	-	-	-	-	-	-	-	-	-	-
Band 4	-	-	-	-	-	-	-	-	-	-

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

Appendix K

Overseas travel

There was no overseas travel during the year ended 30 June 2019.

Appendix L

Consultants

There were no consultant engagements during the year ended 30 June 2019.

Appendix M

Accounts payment performance

1 July 2018 to 30 June 2019

Ageing of accounts payable at the end of each quarter					
Quarter	Current (within due date) \$	<30 days overdue \$	30-60 days overdue \$	60-90 days overdue \$	> 90 days overdue \$
September					
All suppliers	711,336	-	-	-	-
Small business suppliers	502	-	-	-	-
December					
All suppliers	473,100	31,620	-	-	-
Small business suppliers	15,465	3,630	-	-	-
March					
All suppliers	646,869	-	-	-	-
Small business suppliers	5,044	-	-	-	-
June					
All suppliers	27,436	27,436	-	-	-
Small business suppliers	-	-	-	-	-

Details of accounts due for payment				
	September	December	March	June
Number of accounts due for payment				
All suppliers	2,044	1,870	1,705	1,940
Small business suppliers	12	119	80	117
Number of accounts paid on time				
All suppliers	1,962	1,802	1,579	1,822
Small business suppliers	11	102	57	88
Actual percentage of accounts paid on time (based on number of occasion)				
All suppliers	96%	96%	93%	94%
Small business suppliers	92%	86%	71%	75%
Dollar amount of accounts due for payment				
All suppliers	\$9,422,667	\$8,007,177	\$7,878,353	\$8,817,289
Small business suppliers	\$60,318	\$552,217	\$378,500	\$753,996
Dollar amount of accounts paid on time				
All suppliers	\$9,263,478	\$7,835,480	\$7,329,989	\$8,461,451
Small business suppliers	\$59,895	\$482,340	\$255,236	\$550,915
Actual percentage of accounts paid on time (based on dollar amount of accounts)				
All suppliers	98%	98%	93%	96%
Small business suppliers	99%	87%	67%	73%
Number of payments for interest on overdue accounts				
All suppliers	-	-	-	-
Small business suppliers	-	-	-	-
Interest paid on late accounts				
All suppliers	-	-	-	-
Small business suppliers	-	-	-	-

Small business payment terms changed effective 1 December 2018 from 30 to 20 days after receipt of a correctly rendered invoice.

Reasons for accounts not paid on time



Appendix N

Financial accounts

Office of the Director of Public Prosecutions

**Financial Statements
for the year ended 30 June 2019**

**Office of the Director of Public Prosecutions
Statement by Director for the year ended 30 June 2019**

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 (Act)*, and *Public Finance and Audit Regulation 2015* and Treasurer's Directions issued under the Act;
- (b) the statements exhibit a true and fair view of the financial position as at 30 June 2019 and financial performance of the Office for the year then ended; 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
11 September 2019



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 Office of the Director of Public Prosecutions (the Office), which comprise the Statement of Comprehensive Income for the year ended 30 June 2019, the Statement of Financial Position as at 30 June 2019, the Statement of Changes in Equity and the Statement of Cash Flows, for the year then ended, notes comprising a Statement 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 2019, 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 the standards are 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 requirements of the:

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

I have 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 Auditor-General from providing non-audit services.

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

Other Information

The Office's annual report for the year ended 30 June 2019 includes other information in addition to the financial statements and my Independent Auditor's Report thereon. The Director of the Office (the Director) is responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the Statement by the Director.

My opinion on the financial statements does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

The Director's Responsibilities for the Financial Statements

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 is responsible for assessing the Office's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting except where the Office's operations will cease as a result of an administrative restructure.

Auditor's Responsibilities 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 description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar4.pdf. 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
- about any other information which may have been hyperlinked to/from the financial statements.

A handwritten signature in black ink, appearing to read 'CHarper', with a long horizontal flourish extending to the right.

Chris Harper
Director, Financial Audit Services
Delegate of the Auditor-General for New South Wales

16 September 2019
SYDNEY

Office of the Director of Public Prosecutions
Statement of Comprehensive Income for the year ended 30 June 2019

	Notes	Budget 2019 \$'000	Actual 2019 \$'000	Actual 2018 \$'000
Continuing operations				
Expenses excluding losses				
Employee-related expenses	2(a)	128,358	133,086	117,963
Operating expenses	2(b)	25,049	26,221	25,375
Depreciation and amortisation	2(c)	4,568	4,005	3,824
Other expenses	2(d)	<u>3,535</u>	<u>4,031</u>	<u>4,060</u>
Total expenses excluding losses		<u>161,510</u>	<u>167,343</u>	<u>151,222</u>
Revenue				
Appropriation	3(a)	125,546	125,909	125,153
Sale of goods and services	3(b)	85	-	46
Grants and other contributions	3(c)	31,217	29,718	19,422
Acceptance by the Crown Entity of employee benefits and other liabilities	3(d)	6,508	9,840	5,661
Other income	3(e)	<u>36</u>	<u>177</u>	<u>175</u>
Total revenue		<u>163,392</u>	<u>165,644</u>	<u>150,457</u>
Operating result		<u>1,882</u>	<u>(1,699)</u>	<u>(765)</u>
Gains / (losses) on disposal	4	5	(6)	(2)
Impairment loss on non-financial assets	5	<u>-</u>	<u>(1,484)</u>	<u>-</u>
Net result from continuing operations		<u>1,887</u>	<u>(3,189)</u>	<u>(767)</u>
Net result		<u>1,887</u>	<u>(3,189)</u>	<u>(767)</u>
Other comprehensive income		<u>-</u>	<u>-</u>	<u>-</u>
Total other comprehensive income		<u>-</u>	<u>-</u>	<u>-</u>
TOTAL COMPREHENSIVE INCOME		<u>1,887</u>	<u>(3,189)</u>	<u>(767)</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 2019**

	Notes	Budget 2019 \$'000	Actual 2019 \$'000	Actual 2018 \$'000
ASSETS				
Current assets				
Cash and cash equivalents	7	3,047	3,302	1,256
Receivables	8	<u>3,069</u>	<u>3,218</u>	<u>3,955</u>
Total current assets		<u>6,116</u>	<u>6,520</u>	<u>5,211</u>
Non-current assets				
Plant and equipment	9	6,938	8,589	9,337
Intangible assets	10	<u>4,876</u>	<u>992</u>	<u>2,597</u>
Total non-current assets		<u>11,814</u>	<u>9,581</u>	<u>11,934</u>
Total assets		<u>17,930</u>	<u>16,101</u>	<u>17,145</u>
LIABILITIES				
Current liabilities				
Payables	11	1,929	1,714	2,687
Provisions	12	12,692	14,562	13,487
Other current liabilities	13	<u>155</u>	<u>1,862</u>	-
Total current liabilities		<u>14,776</u>	<u>18,138</u>	<u>16,174</u>
Non-current liabilities				
Provisions	12	2,768	3,460	3,279
Other non-current liabilities	13	<u>520</u>	-	-
Total non-current liabilities		<u>3,288</u>	<u>3,460</u>	<u>3,279</u>
Total liabilities		<u>18,064</u>	<u>21,598</u>	<u>19,453</u>
Net liabilities		<u>(134)</u>	<u>(5,497)</u>	<u>(2,308)</u>
EQUITY				
Accumulated funds		<u>(134)</u>	<u>(5,497)</u>	<u>(2,308)</u>
Total equity		<u>(134)</u>	<u>(5,497)</u>	<u>(2,308)</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 2019**

	Accumulated Funds	Total
	\$'000	\$'000
Balance at 1 July 2018	(2,308)	(2,308)
Net result for the year	(3,189)	(3,189)
Total comprehensive income for the year	(3,189)	(3,189)
Balance at 30 June 2019	(5,497)	(5,497)

	Accumulated Funds	Total
Balance at 1 July 2017	(1,541)	(1,541)
Net result for the year	(767)	(767)
Total comprehensive income for the year	(767)	(767)
Balance at 30 June 2018	(2,308)	(2,308)

**Office of the Director of Public Prosecutions
Statement of Cash Flows for the year ended 30 June 2019**

	Notes	Budget 2019 \$'000	Actual 2019 \$'000	Actual 2018 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES				
Payments				
Employee related		(121,897)	(122,391)	(108,766)
Suppliers for goods and services		<u>(30,463)</u>	<u>(34,291)</u>	<u>(35,170)</u>
Total payments		<u>(152,360)</u>	<u>(156,682)</u>	<u>(143,936)</u>
Receipts				
Appropriations (excluding equity appropriations)		125,546	127,771	125,153
Sale of goods and services		85	116	350
Grants and other contributions		31,217	30,655	17,194
Other		<u>2,366</u>	<u>3,273</u>	<u>3,177</u>
Total receipts		<u>159,214</u>	<u>161,815</u>	<u>145,874</u>
NET CASH FLOWS FROM OPERATING ACTIVITIES	17	<u>6,854</u>	<u>5,133</u>	<u>1,938</u>
CASH FLOWS FROM INVESTING ACTIVITIES				
Proceeds from sale of plant and equipment		5	-	-
Purchase of plant and equipment		(1,898)	(2,349)	(1,269)
Purchase of intangible assets		<u>(3,380)</u>	<u>(738)</u>	<u>(1,579)</u>
NET CASH FLOWS FROM INVESTING ACTIVITIES		<u>(5,273)</u>	<u>(3,087)</u>	<u>(2,848)</u>
NET INCREASE (DECREASE) IN CASH AND CASH EQUIVALENTS		1,581	2,046	(910)
Opening cash and cash equivalents		<u>1,466</u>	<u>1,256</u>	<u>2,166</u>
CLOSING CASH AND CASH EQUIVALENTS	7	<u>3,047</u>	<u>3,302</u>	<u>1,256</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 2019**

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Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019

1 Statement 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 2019 have been authorised for issue by the Director on 11 September 2019.

(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
- Treasurer's Directions issued under the Act.

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 date of audit opinion.

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, which is the Office's presentation and functional currency.

(c) Statement of compliance

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

(d) Accounting for the Goods and Services Tax

Income, expenses and assets are recognised net of the amount of goods and service tax (GST), except that the:

- amount of GST incurred by the Office as a purchaser that is not recoverable from the Australian Taxation Office (ATO) 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.

(e) 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.

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

(i) Effective for the first time in 2018-19

The accounting policies applied in 2018-19 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 2018-19. The adoption of these standards has not caused any material adjustments to the reported financial position, performance, or cash flows of the Office.

**Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019**

1 Statement of Significant Accounting Policies (cont'd)

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

(i) Effective for the first time in 2018-19 (cont'd)

• *AASB 9 Financial Instruments*

The Office has adopted *AASB 9 Financial Instruments* (AASB 9), which resulted in changes in accounting policies in respect of recognition, classification and measurement of financial assets and financial liabilities; derecognition of financial instruments; impairment of financial assets and hedge accounting. AASB 9 also significantly amends other standards dealing with financial instruments such as the revised *AASB 7 Financial Instruments: Disclosures* (AASB 7R).

The Office applied AASB 9 retrospectively but has not restated the comparative information which is reported under *AASB 139 Financial Instruments: Recognition and Measurement* (AASB 139). Any differences arising from the adoption of AASB 9 have been recognised directly in accumulated funds and other components of equity.

(a) Classification and measurement of financial instruments

On 1 July 2018 (the date of initial application of AASB 9), the Office's management has assessed which business models apply to the financial assets held by the Office and has classified its financial instruments into the appropriate AASB 9 categories.

The assessment of the Office's business model was made as of the date of initial application, 1 July 2018. The assessment of whether contractual cash flows on debt instruments are solely comprised of principal was made based on the facts and circumstances as at the initial recognition of the assets.

The classification and measurement requirements of AASB 9 did not have any impact on the accumulated funds. The Office continued measuring at fair value, all financial assets previously held at fair value under AASB 139.

The following are the changes in the classification of the Office's financial assets:

- Trade receivables and other financial assets classified as 'Loans and receivables' under AASB 139 as at 30 June 2018 which are held to collect contractual cash flows representing solely payments of principal. At 1 July 2018, these are classified and measured as debt instruments at amortised cost.
- The Office has not designated any financial liabilities at fair value through profit or loss. There are no changes in the classification and measurement for the Office's financial liabilities.

In summary, upon the adoption of AASB 9, the Office had no required or elected reclassifications as at 1 July 2018.

(b) Impairment

The adoption of AASB 9 has changed the Office's accounting for impairment losses for financial assets by replacing AASB 139's incurred loss approach with a forward-looking expected credit loss (ECL) approach. AASB 9 requires the Office to recognise an allowance for ECLs for all debt instruments not held at fair value through profit or loss. There is no material impact on the Office of adopting the new impairment model.

(ii) Issued but not yet effective

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

Certain new accounting standards and interpretations have been published that are not mandatory for 30 June 2019 reporting periods.



Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019

1 Statement of Significant Accounting Policies (cont'd)

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

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

- *AASB 15 Revenue from Contracts with Customers, AASB 2014-5 Amendments to Australian Accounting Standards arising from AASB 15 and AASB 1058 Income of Not-for-Profits*
 - AASB 15 *Revenue from Contracts with Customers* (AASB 15) is effective for reporting periods commencing on or after 1 January 2019. AASB 15 establishes a five-step model to account for revenue arising from contracts with customers. Revenue is recognised when control of goods or services is transferred to the customer at amounts that reflect the consideration to which the Office expects to be entitled in exchange for transferring the goods or services to the customer. Under AASB 118 *Revenue* (AASB 118), revenue recognition is currently based on when risk and rewards are transferred.
 - AASB 1058 *Income of Not-for Profits* (AASB 1058) is effective for reporting periods commencing on or after 1 January 2019 and will replace most of the existing requirements in AASB 1004 *Contributions* (AASB 1004). The scope of AASB 1004 is now limited mainly to parliamentary appropriations, administrative arrangements and contributions by owners. Under AASB 1058, the Office will need to determine whether a transaction is for consideration received below fair value principally to enable the Office to further its objectives (accounted for under AASB 1058) or a revenue contract with a customer (accounted for under AASB 15).
 - The standards will result in the identification of separate performance obligations that will not change the timing of recognition for some revenues, including revenues relating to sales of goods and services and specific purpose grants and subsidies.
 - Under AASB 1058, the Office will recognise as liabilities, obligations for funding received where there is an obligation to construct recognisable non-financial assets controlled by the Office. The Office assessed there is no impact of AASB 1058 because all funding is spent in the year in which it is received.
 - The Office will adopt AASB 15 and AASB 1058 on 1 July 2019 through application of the full retrospective transition approach. Recognition and measurement principles of the new standards will be applied for the current year and comparative year as though AASB 15 and AASB 1058 had always applied.
 - The impact on balances resulting from the adoption of AASB 15 and AASB 1058 has been assessed by the Office as not being significant.

**Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019**

1 Statement of Significant Accounting Policies (cont'd)

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

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

- **AASB 16 Leases**
 - AASB 16 *Leases* (AASB 16) is effective from reporting periods commencing on or after 1 January 2019.
 - For lessees, AASB 16 will result in most leases being recognised on the Statement of Financial Position, as the distinction between operating and finance leases is largely removed. Under the new standard, an asset (the right to use the leased item) and a financial liability to pay rentals are recognised at the commencement of the lease. The only exceptions are short-term and low-value leases. AASB 16 will therefore increase assets and liabilities reported on the Statement of Financial Position. It will also increase depreciation and interest expenses and reduce operating lease rental expenses on the Statement of Comprehensive Income. Expenses recognised in the earlier years of the lease term will be higher as the interest charges will be calculated on a larger lease liability balance. Existing finance leases are not expected to be significantly impacted by transition to AASB 16.
 - The Office will adopt AASB 16 on 1 July 2019 through application of the partial retrospective approach, where only the current year is adjusted as though AASB 16 had always applied. Comparative information will not be restated. The Office will also adopt the practical expedient whereby the fair value of the right-of-use asset will be the same as the lease liability at 1 July 2019.
 - Based on the impact assessments the Office has undertaken on currently available information, the Office estimates additional lease liabilities of \$36.172 million and right-of-use assets of \$36.172 million will be recognised as at 1 July 2019 for leases in which the Office is a lessee. Most operating lease expenses will be replaced by depreciation of the right-of-use asset and interest on the lease liability. The impact on the Statement of Comprehensive Income is a net increase of \$0.455 million in expenses comprising \$0.700 million in interest expenses on lease liabilities and \$9.220 million in depreciation on right-of-use assets offset by rent expenses reduction of \$9.465 million.
- **AASB 2018-8 Amendments to Australian Accounting Standards - Right-of-use Assets of Not-for-Profit Entities**
 - This standard is effective for reporting periods commencing on or after 1 January 2019.
 - This standard provides a temporary option for not-for-profit entities to not apply the fair value initial measurement requirements for right-of-use assets arising under leases with significantly below-market terms and conditions principally to enable the entity to further its objectives.
 - The expected impact of AASB 2018-8 on the Office is not significant.
- **AASB 2018-3 Amendment to Australian Accounting Standards - Reduced Disclosure Requirements**
 - This standard is effective for reporting periods commencing on or after 1 January 2019.
 - This standard makes amendments to AASB 16 and AASB 1058 to establish reduced disclosure requirements for entities preparing general purpose financial statements under Australian Accounting Standards – Reduced Disclosure Requirements.
 - The adoption of this standard will have no impact on the financial statements of the Office.

**Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019**

1 Statement of Significant Accounting Policies (cont'd)

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

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

- *AASB 2018-7 Amendment to Australian Accounting Standards – Definition of Material*
 - This standard is effective for reporting periods commencing on or after 1 January 2020.
 - This Standard clarifies the definition of "material" and its application by improving the wording and aligning the definition across AASB Standards and other publications. The amendment also includes some supporting requirements in AASB 101 in the definition to give it more prominence, and clarifies the explanation accompanying the definition of "material".
 - The adoption of this standard will have no impact on the financial statements of the Office.

**Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019**

2 Expenses Excluding Losses

	2019	2018
	\$'000	\$'000
(a) Employee related expenses		
Salaries and wages (including annual leave)*	105,466	95,517
Superannuation - defined benefit plans	1,563	1,774
Superannuation - defined contribution plans	8,807	7,914
Long service leave	8,681	4,029
Workers' compensation insurance	334	251
Payroll tax and fringe benefit tax	6,566	6,043
On-cost on long service leave	355	68
Temporary staff	1,314	2,367
	<u>133,086</u>	<u>117,963</u>

* No employee related costs have been capitalised in plant and equipment or intangible assets accounts. (2018: \$0.201 million)

	2019	2018
	\$'000	\$'000
(b) Operating expenses include the following:		
Auditor's remuneration - audit of the financial statements	63	55
Cleaning	517	545
Consultants	-	140
Insurance	844	648
Motor vehicle expenses	188	195
Operating lease rental expense - minimum lease payments	9,028	8,564
Telephone	1,000	955
Stores and equipment	1,354	1,162
Training	380	341
Travel	2,052	2,013
Other expenses	1,197	1,001
Outgoings	1,438	1,131
Books and online services	614	617
Fees - private barristers	4,391	5,452
Fees - practising certificates	431	401
Fees - security	280	277
Gas and electricity	428	356
Postage	168	172
Maintenance*	1,848	1,350
	<u>26,221</u>	<u>25,375</u>
<i>* Reconciliation - Total maintenance</i>		
Maintenance expense - contracted labour and other (non-employee related), as above	1,848	1,350
Employee related maintenance expense included in Note 2(a)	600	457
Total maintenance expenses included in Note 2(a) + 2(b)	<u>2,448</u>	<u>1,807</u>

Recognition and Measurement

Maintenance expense

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

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.

Operating leases

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.



Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019

2 Expenses Excluding Losses (cont'd)

	2019 \$'000	2018 \$'000
(c) Depreciation and amortisation expense		
Depreciation		
Plant and Equipment	2,228	1,880
Computer equipment	893	1,046
Library collection	25	25
Total Depreciation	3,146	2,951
Amortisation		
Intangible assets	859	873
	4,005	3,824

Refer to Note 9 and 10 for recognition and measurement policies on depreciation and amortisation.

	2019 \$'000	2018 \$'000
(d) Other expenses		
Allowances to witness	4,025	4,060
Living expenses of defendant non Australian citizens	6	-
	4,031	4,060

Witness expenses are paid to witnesses who attend conferences with the Office and courts 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 courts.

3 Revenue

Recognition and Measurement

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.

(a) Appropriations and transfers to the Crown Entity

	2019 \$'000		2018 \$'000	
Summary of Compliance	Appropriation	Expenditure	Appropriation	Expenditure
Original Budget per Appropriation Act	125,546	123,263	126,983	125,153
Other Appropriations / Expenditure				
– Additional Appropriations	5,552	2,646	-	-
Total Appropriations / Expenditure / Net claim on Consolidated Funds (includes transfer payments)	131,098	125,909	126,983	125,153
Appropriation drawn down*		127,771		125,153
Liability for unspent appropriations drawn down (refer Note 13)		(1,862)		-
* Comprising:				
Appropriations (per Statement of Comprehensive Income)		125,909		125,153
		125,909		125,153

Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019

3 Revenue (cont'd)

(a) Appropriations and transfers to the Crown Entity (cont'd)

Appropriations		
Recurrent	124,038	123,265
Capital	<u>1,871</u>	<u>1,888</u>
	<u>125,909</u>	<u>125,153</u>

Notes:

1. The summary of compliance is based on the assumption that Consolidated Fund monies are spent first (except where otherwise identified or prescribed).
2. The 'Liability for unspent appropriations drawn down' represents the difference between the 'Amount drawn down against Appropriation' and the 'Expenditure / Net claim on Consolidated Fund'.

Recognition and Measurement

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.

2019	2018
\$'000	\$'000

(b) Sale of goods and services

Costs awarded	-	<u>46</u>
	<u>-</u>	<u>46</u>

Recognition and Measurement

Sale of goods

Revenue from sale of goods is recognised as revenue when the Office transfers the significant risks and rewards of ownership of the goods, usually on delivery of the goods.

2019	2018
\$'000	\$'000

(c) Grants and other contributions

Contribution from Budget Dependant agencies	<u>29,718</u>	<u>19,422</u>
	<u>29,718</u>	<u>19,422</u>

Grants were received from the Department of Justice for District Court Backlog Program \$1.558 million (2018: \$11.716 million), Early Appropriate Guilty Pleas Reform \$18.599 million (2018: \$6.403 million), Case Management System replacement project \$0.448 million (2018: \$0.888 million), Child Sexual Assault Reform \$0.514 million (2018: \$nil) and AVL assets transfer \$0.018 million (2018: \$0.415 million), and from Legal Aid NSW for District Court Backlog Program \$8.581 million (2018: \$nil).

Recognition and Measurement

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 the services would be purchased if not donated.



**Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019**

3 Revenue (cont'd)

	2019 \$'000	2018 \$'000
(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 entities:		
Superannuation - defined benefit	1,563	1,774
Long service leave provision	8,192	3,786
Payroll tax	<u>85</u>	<u>101</u>
	<u>9,840</u>	<u>5,661</u>

Long service leave valuations are subject to actuarial reviews. The increase at 30 June 2019 is driven primarily by the significant drop in the Commonwealth 10-year bond rate over the year, from 2.630% (2018) to 1.320% (2019).

	2019 \$'000	2018 \$'000
(e) Other income		
Miscellaneous Revenue	<u>177</u>	<u>175</u>
	<u>177</u>	<u>175</u>

4 Gains / (Losses) on Disposal

	2019 \$'000	2018 \$'000
Gain / (loss) on disposal of plant and equipment		
Written down value of assets disposed	<u>(6)</u>	<u>(2)</u>
Net gain / (loss) on disposal of plant and equipment	<u>(6)</u>	<u>(2)</u>

5 Impairment loss on non-financial assets

	2019 \$'000	2018 \$'000
Impairment loss on non-financial assets	<u>(1,484)</u>	<u>-</u>
	<u>(1,484)</u>	<u>-</u>

Recognition and Measurement

Impairment losses on non-financial assets

Impairment losses may arise on non-financial assets held by the Office from time to time. Accounting for impairment losses is dependent upon the individual asset (or group of assets) subject to impairment. Accounting Policies and events giving rise to impairment losses are disclosed in the following notes:

Plant and Equipment - Note 9

Intangible assets - Note 10

The Office had capitalised \$1.484 million as at 30 June 2019 in relation to an Intangible Asset in progress for an approved \$4.0 million project to replace its Case Management System. The amount capitalised as at 30 June 2018 was \$1.036 million and, based on ongoing funding, was assessed as not impaired at that time. As an outcome of the 2019-20 NSW Budget, ODPP has received advice in May 2019 that the funding for continuation of the project in 2019-20 has not been approved. As a result, the current carrying amount has been assessed as fully impaired as at 30 June 2019.

**6 Program Group Statements
for the year ended 30 June 2019**

	Program Group 1 Prosecutions* 2019 \$'000	Program Group 1 Prosecutions* 2018 \$'000	Program Group 2 Victim and Witness Assistance* 2019 \$'000	Program Group 2 Victim and Witness Assistance* 2018 \$'000	Not Attributable 2019 \$'000	Not Attributable 2018 \$'000	Total 2019 \$'000	Total 2018 \$'000
OFFICE'S EXPENSES AND INCOME								
Expenses excluding losses								
Employee related expenses	127,764	113,487	5,322	4,476	-	-	133,086	117,963
Operating expenses	25,181	24,470	1,040	905	-	-	26,221	25,375
Depreciation and amortisation	3,781	3,617	224	207	-	-	4,005	3,824
Other expenses	-	-	4,031	4,060	-	-	4,031	4,060
Total expenses excluding losses	156,726	141,574	10,617	9,648	-	-	167,343	151,222
Revenue**								
Appropriation	-	-	-	-	125,909	125,153	125,909	125,153
Sale of goods and services	-	46	-	-	-	-	-	46
Grants and other contributions	28,054	18,425	1,664	997	-	-	29,718	19,422
Acceptance by the Crown Entity of employee benefits and other liabilities	9,446	5,446	394	215	-	-	9,840	5,661
Other income	176	172	1	3	-	-	177	175
Total revenue	37,676	24,089	2,059	1,215	125,909	125,153	165,644	150,457
Operating results	(119,050)	(117,485)	(8,558)	(8,433)	125,909	125,153	(1,699)	(765)
Gains / (losses) on disposal	(6)	(2)	-	-	-	-	(6)	(2)
Impairment loss on non-financial assets	(1,401)	-	(83)	-	-	-	(1,484)	-
Net result from continuing operations	(120,457)	(117,487)	(8,641)	(8,433)	125,909	125,153	(3,189)	(767)
Other comprehensive income								
Total other comprehensive income	-	-	-	-	-	-	-	-
TOTAL COMPREHENSIVE INCOME	(120,457)	(117,487)	(8,641)	(8,433)	125,909	125,153	(3,189)	(767)

* The names and purposes of each program group are summarised below.

** Appropriations are made on an entity basis and not to individual program 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 2019

6 Program Group Statements
for the year ended 30 June 2019 (cont'd)

OFFICES ASSETS & LIABILITIES	Program Group 1 Prosecutions *		Program Group 2 Victim and Witness Assistance *		Not Attributable		Total	
	2019 \$'000	2018 \$'000	2019 \$'000	2018 \$'000	2019 \$'000	2018 \$'000	2019 \$'000	2018 \$'000
Current assets								
Cash and cash equivalents	3,165	1,203	137	53	-	-	3,302	1,256
Receivables	3,107	3,856	111	99	-	-	3,218	3,955
Total current assets	6,272	5,059	248	152			6,520	5,211
Non-current assets								
Plant and equipment	8,108	8,833	481	504	-	-	8,589	9,337
Intangible assets	936	2,457	56	140	-	-	992	2,597
Total non-current assets	9,044	11,290	537	644			9,581	11,934
TOTAL ASSETS	15,316	16,349	785	796			16,101	17,145
Current liabilities								
Payables	1,624	2,550	90	137	-	-	1,714	2,687
Provisions	14,008	13,002	554	485	-	-	14,562	13,487
Other	1,788	-	74	-	-	-	1,862	-
Total current liabilities	17,420	15,552	718	622			18,138	16,174
Non-current liabilities								
Provisions	3,317	3,150	143	129	-	-	3,460	3,279
Total non-current liabilities	3,317	3,150	143	129			3,460	3,279
TOTAL LIABILITIES	20,737	18,702	861	751			21,598	19,453
NET ASSETS	(5,421)	(2,353)	(76)	45			(5,497)	(2,308)

* The names and purposes of each program group are summarised below.

**Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019**

**6 Program Group Statements
for the year ended 30 June 2019 (cont'd)**

Program Group Descriptions

(a) Program Group 1 Prosecutions

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

Description: The program group covers the institution and conduct of prosecutions and related proceedings for indictable offences and summary 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) Program Group 2 Victim and Witness Assistance

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

Description: This program 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.

7 Current Assets - Cash and Cash Equivalents

	2019 \$'000	2018 \$'000
Cash at bank and on hand	3,297	1,251
Permanent witness advance	<u>5</u>	<u>5</u>
	<u>3,302</u>	<u>1,256</u>

For the purposes of the Statement of Cash Flows, cash and cash equivalents include cash at bank, cash on hand and witness advances floats 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:

	2019 \$'000	2018 \$'000
Cash and cash equivalents (per Statement of Financial Position)	<u>3,302</u>	<u>1,256</u>
Closing cash and cash equivalents (per Statement of Cash Flows)	<u>3,302</u>	<u>1,256</u>

Refer note 18 for details regarding credit risk, liquidity risk, and market risk arising from financial instruments.

8 Current Assets - Receivables

	2019 \$'000	2018 \$'000
Current Receivables		
Rendering of services	11	24
Grant revenue	858	1,813
Goods and Services Tax recoverable from the ATO	320	388
Prepayments	1,963	1,689
Advances	<u>66</u>	<u>41</u>
	<u>3,218</u>	<u>3,955</u>

Details regarding credit risk of trade debtors that are neither past due nor impaired, are disclosed in note 18.

Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019

8 Current Assets - Receivables (cont'd)

Recognition and Measurement

All 'regular way' purchases or sales of financial assets are recognised and derecognised on a trade date basis. Regular way purchases or sales are purchases or sales of financial assets that require delivery of assets within the time frame established by regulation or convention in the marketplace.

Receivables are initially recognised at fair value plus any directly attributable transaction costs. Trade receivables that do not contain a significant financing component are measured at the transaction price.

Subsequent measurement under AASB 9 (from 1 July 2018)

The Office holds receivables with the objective to collect the contractual cash flows and therefore measures them at amortised cost using the effective interest method, less any impairment. Changes are recognised in the net result for the year when impaired, derecognised or through the amortisation process.

Subsequent measurement under AASB 139 (for comparative period ended 30 June 2018)

Subsequent measurement is at amortised cost using the effective interest method, less any impairment. Changes are recognised in the net result for the year when impaired, derecognised or through the amortisation process.

Impairment under AASB 9 (From 1 July 2018)

The Office recognises an allowance for expected credit losses (ECLs) for all debt financial assets not held at fair value through profit or loss. ECLs are based on the difference between the contractual cash flow and the cash flows that the Office expects to receive, discounted at the original effective interest rate.

For trade receivables, the Office applies a simplified approach in calculating ECLs. The Office recognises a loss allowance based on lifetime ECLs at each reporting date. The Office has established a provision matrix based on its historical credit loss experience for trade receivables, adjusted for forward looking factors specific to the receivable.

Impairment under AASB 139 (for comparative period ended 30 June 2018)

Receivables are subject to an annual review for impairment. These 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.

The Office first assesses whether impairment exists individually for receivables that are individually significant, or collectively for those that are not individually significant. Further, receivables are assessed for impairment on a collective basis if they were assessed not to be impaired individually.

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, if objectively related to an event occurring after the impairment was recognised. Reversals of impairment losses cannot result in a carrying amount that exceeds what the carrying amount would have been had there not been an impairment loss.

9 Plant and Equipment

	Total \$'000
At 1 July 2018 - fair value	
Gross carrying amount	30,415
Accumulated depreciation	<u>(21,078)</u>
Net carrying amount	<u>9,337</u>
At 30 June 2019 - fair value	
Gross carrying amount	29,772
Accumulated depreciation	<u>(21,183)</u>
Net carrying amount	<u>8,589</u>

**Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019**

9 Plant and Equipment (cont'd)

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 2019	
Net carrying amount at beginning of year	9,337
Additions	2,404
Disposals	(6)
Depreciation expense	<u>(3,146)</u>
Net carrying amount at end of year	<u>8,589</u>
Total \$'000	
At 1 July 2017 - fair value	
Gross carrying amount	32,738
Accumulated depreciation	<u>(22,402)</u>
Net carrying amount	<u>10,336</u>
At 30 June 2018 - fair value	
Gross carrying amount	30,415
Accumulated depreciation	<u>(21,078)</u>
Net carrying amount	<u>9,337</u>

Reconciliation

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

	Total \$'000
Year ended 30 June 2018	
Net carrying amount at beginning of year	10,336
Additions	1,954
Disposals	(2)
Depreciation expense	<u>(2,951)</u>
Net carrying amount at end of year	<u>9,337</u>

Recognition and Measurement

Acquisition of plant and equipment

Plant and equipment are initially measured at cost and subsequently revalued 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 AAS.

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

Where payment for an asset is deferred beyond normal credit terms, its cost is the cash price equivalent; i.e. deferred payment amount is effectively discounted over the period of credit.

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

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.

**Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019**

9 Plant and Equipment (cont'd)

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.

Depreciation of plant and equipment

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.

	2019	2018
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
	10 years or lease period, whichever is shorter	
Office furniture and fittings		10 years
Library books	15 years	15 years

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 (TPP14-01). This policy adopts fair value in accordance with AASB 13, AASB 116 and AASB 140 *Investment Property*.

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

Fair value of plant and equipment is based on a market participants' perspective, using valuation techniques (market approach, cost approach, income approach) that maximise relevant observable inputs and minimise unobservable inputs.

Plant and equipment is limited to non-specialised assets with short useful lives which is measured at depreciated historical cost, which for these assets approximates fair value. The Office has assessed that any difference between fair value and depreciated historical cost is unlikely to be material. As a result, revaluation of the plant and equipment is not required.

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

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. Since plant and equipment is carried at fair value or an amount that approximates fair value, impairment can only arise in rare circumstances such as where the costs of disposal are material.

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 2019**

9 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.

After an impairment loss has been recognised, it is reversed only if there has been a change in the assumptions used to determine the asset's recoverable amount. The reversal is limited so that the carrying amount of the asset does not exceed its recoverable amount, nor exceed the carrying amount that would have been determined, net of depreciation, had no impairment loss been recognised for the asset in prior years. Such reversal is recognised in net result and is treated as a revaluation increase. However, to the extent that an impairment loss on the same class of asset was previously recognised in net result, a reversal of that impairment loss is also recognised in net result.

10 Non-Current Assets - Intangible Assets

	Total \$'000
At 1 July 2018	
Cost (gross carrying amount)	5,785
Accumulated amortisation	<u>(3,188)</u>
Net carrying amount	<u>2,597</u>
At 30 June 2019	
Cost (gross carrying amount)	5,039
Accumulated amortisation	<u>(4,047)</u>
Net carrying amount	<u>992</u>
Year ended 30 June 2019	
Net carrying amount at beginning of year	2,597
Additions	738
Impairment losses	(1,484)
Amortisation (recognised in "depreciation and amortisation")	<u>(859)</u>
Net carrying amount at end of year	<u>992</u>
Total \$'000	
At 1 July 2017	
Cost (gross carrying amount)	4,528
Accumulated amortisation	<u>(2,637)</u>
Net carrying amount	<u>1,891</u>
At 30 June 2018	
Cost (gross carrying amount)	5,785
Accumulated amortisation	<u>(3,188)</u>
Net carrying amount	<u>2,597</u>
Year ended 30 June 2018	
Net carrying amount at beginning of year	1,891
Additions	1,579
Amortisation (recognised in "depreciation and amortisation")	<u>(873)</u>
Net carrying amount at end of year	<u>2,597</u>

Recognition and Measurement

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.

Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019

10 Non-Current Assets - Intangible Assets (cont'd)

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'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.

11 Current Liabilities - Payables

	2019	2018
	\$'000	\$'000
Payables		
Accrued salaries, wages and on-costs	419	484
Creditors	27	720
Accruals	<u>1,268</u>	<u>1,483</u>
	<u>1,714</u>	<u>2,687</u>

Details regarding liquidity risk including a maturity analysis of the above payables, are disclosed in Note 18.

Recognition and measurement

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.

Payables are financial liabilities at amortised cost, initially measured at fair value, net of directly attributable transaction costs. These are subsequently measured at amortised cost using the effective interest method. Gains and losses are recognised net result when the liabilities are derecognised as well as through the amortisation process.

12 Current / Non-Current Liabilities - Provisions

	2019	2018
	\$'000	\$'000
Current		
Employee benefits and related on-costs		
Annual leave	8,216	7,595
On-cost on annual leave and long service leave	4,372	3,835
Payroll tax on-cost for annual leave and long service leave	1,791	1,544
Fringe benefits tax	<u>22</u>	<u>4</u>
	<u>14,401</u>	<u>12,978</u>
Annual leave includes \$0.627 million expected to be taken after 12 months (2018: \$0.473 million).		
Other provisions		
Restoration costs	-	304
Rent adjustment reserve	89	115
Lease incentive	<u>72</u>	<u>90</u>
	<u>161</u>	<u>509</u>
Total provisions - current	<u>14,562</u>	<u>13,487</u>

**Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019**

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

	2019 \$'000	2018 \$'000
Non-current		
Employee benefits and related on-costs		
On-cost on long service leave	283	244
Payroll tax on-cost for long service leave	156	134
	439	378
Other provisions		
Restoration costs	2,709	2,433
Rent adjustment reserve	181	265
Lease incentive	131	203
	3,021	2,901
Total provisions - non-current	3,460	3,279
	2019	2018
	\$'000	\$'000
Aggregate employee benefits and related on-costs		
Provisions - current	14,401	12,978
Provisions - non-current	439	378
Accrued salaries, wages and on-costs (note 11)	419	484
	15,259	13,840

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 \$'000	Restoration costs \$'000	Rent adjustment reserve \$'000	Total \$'000
2019				
Carrying amount at 1 July 2018	293	2,737	380	3,410
Additional provisions recognised	-	35	14	49
Amounts used	(90)	(74)	(124)	(288)
Unwinding / change in the discount rate	-	11	-	11
Carrying amount at 30 June 2019	203	2,709	270	3,182

Restoration costs refer to the present value of estimated cost of make good obligations (in accordance with AASB 137) 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.

Recognition and Measurement

Employee benefits and related on-costs

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).

**Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019**

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

Actuarial advice obtained by Treasury has confirmed that using the 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 an 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.

Long service leave and superannuation

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

Long service leave is measured at 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 levels, 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 (i.e. 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.

Consequential on-costs

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

Other 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 an 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.

13 Current Liabilities - Other

	2019	2018
	\$'000	\$'000
Liability for unspent appropriations drawn down	1,862	-
	1,862	-

**Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019**

14 Commitments

	2019	2018
	\$'000	\$'000
Operating lease commitments		
Future minimum rentals payable under non-cancellable operating leases as at 30 June 2019 are, as follows:		
Within one year	10,251	9,476
Later than one year and not later than five years	16,377	22,230
Later than five years	7,160	8,243
Total (including GST)	33,788	39,949

The total "operating lease commitments" above includes input tax credit of \$3.072 million (30 June 2018: \$3.632 million) recoverable from the Australian Taxation Office.

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

15 Contingent Liabilities and Contingent Assets

The Office was not aware of any contingent assets or liabilities as at 30 June 2019 (\$nil in 2018) that may materially affect the future results of the Office.

16 Budget Review

The budgeted amounts are drawn from the original budgeted financial statements presented to Parliament in respect of the reporting period. Subsequent amendments to the original budget (e.g. adjustment for transfer of functions between entities as a result of Administrative Arrangements Orders) are not reflected in the budgeted amounts. Major variances between the original budgeted amounts and the actual amounts disclosed in the financial statements are explained below.

Net result

The actual net result is higher than budget by \$5.076 million, primarily due to the following factors:

- \$1.484 million impairment loss due to the Case Management System replacement project following withdrawal of funding (Note 5).
- \$2.933 million lower than budget capital revenue due to the Case Management System replacement project's unspent major capital grant revenue of \$2.433 million and unspent minor capital appropriation revenue of \$0.500 million.
- \$0.734 million higher than budget long service leave on-costs adjustment at 30 June 2019. These include the actuarial change and the payroll tax on-cost; \$0.488 million and \$0.246 million, respectively. The increase is driven primarily by the significant drop in the Commonwealth 10-year bond rate over the year, from 2.630% (2018) to 1.320% (2019).
- \$0.530 million higher than budget protected witness expenses due to continued increase in court sittings year on year.
- \$0.564 million lower than budget depreciation due to a delay in completion and capitalisation of assets.

Other budget variances not impacting on net result are:

- \$5.097 million recurrent appropriation and \$0.455 million capital appropriation related to additional District Court Judges
- \$0.514 million Department of Justice grant for the continuation of the Child Sexual Offence Evidence Pilot.
- \$0.558 million recurrent grant carry forward for the District Court Backlog.

**Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019**

16 Budget Review (cont'd)

- \$1.298 million Treasury efficiency dividend.
- \$4.017 million higher than budget long service leave liability valuation accepted by the Crown.

Assets and liabilities

Total current assets are \$0.404 million higher than budget. The increase is mainly due to an increase in cash against budget from \$3.047 million to \$3.302 million.

Total non-current assets are \$2.233 million lower than budget. Intangible assets were \$3.885 million less than budget primarily as a consequence of the discontinuation of the Case Management System replacement project. Plant and Equipment was \$1.650 million higher than budget as a result of additional capital expenditure including \$0.699 million additional capital funding by transfer of Department of Justice recurrent grant to capital grant and below budget depreciation of \$0.564 million.

Total current liabilities are \$3.362 million higher than budget. The increase is due to the \$1.862 million lapsed appropriation, and an increase in employee benefits and related on-costs. The increase in employee benefits and related on-costs is \$0.774 million in recreation leave and an increase in on-cost on long service leave of \$0.843 million. The increase in long service leave on-costs is primarily driven by the actuarial assessment of the liability at 30 June 2019.

Total non-current liabilities are higher than budget by \$0.172 million. The increase is mainly due to an increase in employee benefits and related on-costs.

Cash flows

Net cash flows from operating activities and investing activities are lower than budget by \$1.721 million and \$2.186 million, respectively. This is mainly due to unspent capital grant revenue of \$2.433 million for the Case Management System replacement project.

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

Reconciliation of cash flows from operating activities to the net result as reported in the Statement of Comprehensive Income as follows:

	2019 \$'000	2018 \$'000
Net cash flow from operating activities	5,133	1,938
Depreciation and amortisation expense	(4,005)	(3,824)
Non cash capital grant	18	415
Decrease / (increase) in provisions	(1,219)	(570)
Increase / (decrease) in prepayments and other assets	(737)	2,107
Decrease / (increase) in payables	973	(831)
Decrease / (increase) in other liabilities	(1,862)	-
Impairment losses on non-financial assets	(1,484)	-
Net gain / (loss) on sale of plant and equipment	(6)	(2)
Net result	(3,189)	(767)

**Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019**

18 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. Further quantitative and qualitative disclosures are included throughout these financial statements.

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 Office on a continuous basis.

(a) Financial instrument categories

(i) As at 30 June 2019 under AASB 9

Class:	Note	Category	Carrying Amount \$'000
Financial Assets			
Cash and cash equivalents	7	N/A	3,302
Receivables ¹	8	Amortised cost	935
Financial Liabilities			
Payables ²	11	Financial liabilities measured at amortised cost	1,627

Notes

¹ Excludes statutory receivables and prepayments (i.e. not within scope of AASB 7).

² Excludes statutory payables and unearned revenue (i.e. not within scope of AASB 7).



Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019

18 Financial Instruments (cont'd)

(a) Financial instrument categories (cont'd)

(ii) As at 30 June 2018 under AASB 139 (comparative period)

Class:	Note	Category	Carrying Amount \$'000
Financial Assets			
Cash and cash equivalents	7	N/A	1,256
Receivables ¹	8	Loans and receivables (at amortised cost)	1,878
Financial Liabilities			
Payables ²	11	Financial liabilities measured at amortised cost	2,199

Notes

¹ Excludes statutory receivables and prepayments (i.e. not within scope of AASB 7).

² Excludes statutory payables and unearned revenue (i.e. not within scope of AASB 7).

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.

(b) Derecognition of financial assets and financial liabilities

A financial asset (or, where applicable, a part of a financial asset or part of a group of similar financial assets) is derecognised when the contractual rights to the cash flows from the financial assets expire; or if the Office transfers its rights to receive cash flows from the asset or has assumed an obligation to pay the received cash flows in full without material delay to a third party under a 'pass-through' arrangement; and either:

- the Office has transferred substantially all the risks and rewards of the asset; or
- the Office has neither transferred nor retained substantially all the risks and rewards of the asset, but has transferred control.

When the Office has transferred its rights to receive cash flows from an asset or has entered into a pass-through arrangement, it evaluates if, and to what extent, it has retained the risks and rewards of ownership. 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.

(c) Offsetting financial instruments

Financial assets and financial liabilities are offset and the net amount is reported in the Statement of Financial Position if there is a currently enforceable legal right to offset the recognised amounts and there is an intention to settle on a net basis, or to realise the assets and settle the liabilities simultaneously.

**Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019**

18 Financial Instruments (cont'd)

(d) Financial risks

(i) Credit Risk

Credit risk arises when there is the possibility that the counterparty will default 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.

Accounting policy for impairment of trade debtors and other financial assets under AASB 9

Receivables - trade debtors

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.

The Office applies the AASB 9 simplified approach to measuring expected credit losses which uses a lifetime expected loss allowance for all trade debtors.

Trade debtors are written off when there is no reasonable expectation of recovery. Indicators that there is no reasonable expectation of recovery include, amongst others a failure to make contractual payments for a period of greater than 90 days past due.

The expected loss rates are based on historical observed loss rates. The historical loss rates are adjusted to reflect current and forward-looking information.

The Office is not materially exposed to concentrations of credit risk to a single trade debtor or group of debtors as at 30 June 2019. The Office's debtors are primarily other NSW Government entities and credit risk is assessed as very low.

There are no debtors which are currently past due or impaired.

(ii) 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 borrowings. 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.

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 2019 (2018: \$nil).

The table below summarises the maturity profile of the Office's financial liabilities based on contractual undiscounted payments, together with the interest rate exposure.



**Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019**

18 Financial Instruments (cont'd)

(d) Financial risks (cont'd)

(ii) Liquidity risk (cont'd)

Maturity analysis and interest rate exposure of financial liabilities

	Interest Rate Exposure	\$'000 Maturity Dates	
		< 1 yr	1-5 yrs
2019			
Payables	1,627	1,627	-
	<u>1,627</u>	<u>1,627</u>	<u>-</u>
	Interest Rate Exposure	\$'000 Maturity Dates	
	Non-interest bearing	< 1 yr	1-5 yrs
2018			
Payables	2,199	2,199	-
	<u>2,199</u>	<u>2,199</u>	<u>-</u>

Notes

1 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.

(iii) Market risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. The Office has no exposure to interest rate risk, other price risks, foreign currency risk and does not enter into commodity contracts.

(e) Fair value measurement

(i) Fair value compared to carrying amount

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.

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 the financial instruments.

(ii) Fair value recognised in the Statement of Financial Position

The Office does not hold financial and non-financial assets and liabilities that are valued at fair value using valuation techniques.

**Office of the Director of Public Prosecutions
Notes to the Financial Statements for the year ended 30 June 2019**

19 Related Party Disclosures

The Office has determined that for the purposes of AASB 124 *Related Parties Disclosures*, Key Management Personnel (KMP) comprise;

- Director of Public Prosecutions
- Senior Crown Prosecutor
- Three Deputy Directors of Public Prosecutions
- Solicitor for Public Prosecutions
- Three Directors Corporate Services

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

	2019	2018
	\$'000	\$'000
Short-term employee benefits:		
Salaries	3,107	2,817
Other monetary allowances	196	231
Other long-term employee benefits	259	179
Termination benefits	15	686
Total remuneration	<u>3,577</u>	<u>3,913</u>

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.

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 revenue/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)
- Employer contribution paid to defined benefit superannuation funds
- Payments into the Treasury Managed Fund for workers' compensation insurance and other insurances
- Grant revenue received from Department of Justice and Legal Aid NSW
- Payments to Department of Justice for maintenance of Enterprise Resource Planning (ERP) system and reimbursement of witness expenses
- Payments to NSW Police for security service and reimbursement of witness expenses
- Payments to Property NSW for rent and outgoings.

20 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 O

Glossary

Acronyms	
ATSI	Aboriginal and Torres Strait Islander
AVL	Audio visual link
CCA	Court of Criminal Appeal
CCTV	Closed-circuit television
COPOCA	Confiscation of Proceeds of Crime Act
DPO	Drug Proceeds Order
DPP	Director of Public Prosecutions (NSW)
EAGP	Early appropriate guilty plea
FO	Forfeiture orders
FOG	Finding of guilt
ICAC	Independent Commission Against Corruption
IM&T	Information Management and Technology
IMTC	Information Management Technology Committee
MSU	Multimedia Support Unit
ODPP	Office of the Director of Public Prosecutions
OIC	Officer in charge
PIPP	Privacy and Personal Information
PPO	Pecuniary Penalty Order
PSA	Public Service Association
QC	Queens Counsel
RAP	Reconciliation Action Plan
SC	Senior Counsel
SOPs	Standard Operating Procedures
VIS	Victim Impact Statement
WAS	Witness Assistance Service

Terminology	
Accused	A person charged with a crime; may also be referred to as the defendant or offender
Appeal	A challenge made to a court's decision, taken to a higher court
Brief of evidence	A collection of statements from witnesses, expert reports, photographs and other material obtained by an investigative agency and given to the ODPP
Case conference	A conference between a prosecutor and the accused's legal representative
Charge Certificate	A document that specifies the offences that are to be the subject of proceedings against the accused person
Crown Prosecutor	Counsel that conduct and prosecute the more serious matters on behalf of the Crown

Defence	Used to refer to the accused's legal response to the prosecution, a lawful excuse for doing something or the accused's legal team
Deputy Director	A Deputy Director of Public Prosecutions (NSW)
EAGP Brief	A simplified brief of evidence
Evidence	Material presented in court to prove or disprove a fact; it may be what a witness says or an exhibit
Investigative agency	A government agency that investigates crime, such as the NSW Police Force
Judge alone trial	A trial heard before a judge without a jury
Legal Development Program	Graduates employed to provide paralegal support to solicitors and advocates in the preparation of matters
Legal Support Officers	Provide high level administrative support to ODPP staff and Crown Prosecutors
No further proceedings	A direction to end the prosecution
Offender	A person who has been found guilty of a crime
Plea	The accused's answer to the charge: guilty or not guilty; can also refer to the fact that an accused has pleaded guilty
Prosecutor	An ODPP solicitor or a Crown Prosecutor, including a solicitor acting for the DPP and private counsel briefed by the DPP
Retrial	A new trial of the same case
Sentence	The penalty imposed by a Judge or Magistrate on an offender
Solicitor Advocate	Appear as advocates in less complex District Court trials and the more difficult Local Court prosecutions
Solicitor with carriage	The ODPP lawyer who is responsible for a particular case
Summary hearing	Similar to a trial, but heard before a magistrate in the Local Court or the Children's Court
Summary offence	An offence that cannot be dealt with on indictment
Trial	A hearing in a court where evidence is presented and a decision is made regarding guilt
Verdict	The decision of whether the accused is guilty or not guilty after a trial or hearing
Victim	A person who has suffered harm as a direct result of an act committed by another person in the course of a criminal offence
Victim Impact Statement	A statement by a victim that may be read or presented to a court before the offender is sentenced to describe the effects of the crime on the victim
Witness Assistance Service	A specialist service within the ODPP that provides assistance and support to victims and vulnerable witnesses in the criminal justice process
Witness	A person who attends court to give evidence

Appendix P

Office Locations

HEAD OFFICE		
Level 17, 175 Liverpool Street SYDNEY NSW 2000 Locked Bag A8, SYDNEY SOUTH NSW 1232 DX 11525 Sydney Downtown Telephone: 02 9285 8606 Facsimile: 02 9285 8600		
GREATER WESTERN SYDNEY		
Campbelltown Level 3, Centrecourt Building 101 Queen Street CAMPBELLTOWN NSW 2560 PO Box 1095 CAMPBELLTOWN NSW 2560 Telephone: 02 4629 2811 Facsimile: 02 4629 2800	Parramatta 4 George Street PARRAMATTA NSW 2150 PO Box 3696 PARRAMATTA NSW 2124 Telephone: 02 9891 9800 Facsimile: 02 9891 9866	Penrith Level 2, 295 High Street PENRITH NSW 2750 PO Box 781 Penrith Post Business Centre NSW 2750 Telephone: 02 4721 6100 Facsimile: 02 4721 4149
NORTHERN REGION		
Gosford Level 2, 107-109 Mann Street GOSFORD NSW 2250 PO Box 1987 GOSFORD NSW 2250 Telephone: 02 4337 1111 Facsimile: 02 4337 1133	Lismore Level 3, Credit Union Centre 101 Molesworth Street LISMORE NSW 2480 Po Box 558, LISMORE NSW 2480 Telephone: 02 6627 2222 Facsimile: 02 6627 2233	Newcastle Level 6, 317 Hunter Street NEWCASTLE NSW 2300 PO Box 779 NEWCASTLE NSW 2300 Telephone: (02) 4929 4399 Facsimile: (02) 4926 2119
SOUTHERN REGION		
Dubbo Ground Floor, 130 Brisbane Street DUBBO NSW 2830 PO Box 811, DUBBO NSW 2830 Telephone: 02 6881 3300 Facsimile: 02 6882 9401	Wagga Wagga Level 3, 43-45 Johnston Street WAGGA WAGGA NSW 2650 PO Box 124 WAGGA WAGGA NSW 2650 Telephone: 02 6925 8400 Facsimile: 02 6921 1086	Wollongong Level 2, 166 Keira Street WOLLONGONG NSW 2500 PO Box 606 WOLLONGONG EAST NSW 2520 Telephone: 02 4224 7111 Facsimile: 02 4224 7100
All offices are open Monday to Friday 9.00am to 5.00pm (excluding Public Holidays)		





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