



OFFICE OF THE
DIRECTOR OF
PUBLIC PROSECUTIONS
NEW SOUTH WALES

Annual Report

2000–2001



THE OFFICE

The ODPP was established by the Director of Public Prosecutions Act, 1986 ("the DPP Act") and commenced operation on 13 July, 1987. The creation of a Director of Public Prosecutions changed the administration of criminal justice in New South Wales. The day to day control of criminal prosecutions passed from the hands of the Attorney General to the Director of Public Prosecutions.

There now exists a separate and independent prosecution service which forms part of the criminal justice system in New South Wales. That independence is a substantial safeguard against corruption and interference in the criminal justice system.

Functions

The functions of the Director are specified in the DPP Act and include:-

- Prosecution of all committal proceedings and some summary proceedings before the Local Courts.
- Prosecution of indictable offences in the District and Supreme Courts.
- Conduct of District Court, Court of Criminal Appeal and High Court appeals on behalf of the Crown; and
- Conduct of related proceedings in the Supreme Court and Court of Appeal.

The Director has the same functions as the Attorney General in relation to:-

- Finding a bill of indictment, or determining that no bill of indictment be found, in respect of an indictable offence, in circumstances where the person concerned has been committed for trial;
- Directing that no further proceeding be taken against a person who has been committed for trial or sentence; and
- Finding a bill of indictment in respect of an indictable offence, in circumstances where the person concerned has not been committed for trial.

Section 21 of the DPP Act provides that the Director may appear in person or may be represented by a counsel or solicitor in any proceedings which are carried on by the Director.

The functions of the Solicitor for Public Prosecutions are prescribed in section 23 of the DPP Act. These are:

- (a) to act as solicitor for the Director in the exercise of the Director's functions; and
- (b) to instruct the Crown Prosecutors and other counsel on behalf of the Director.

The functions of Crown Prosecutors are set out in section 5 of the Crown Prosecutors Act 1986. They include:

- (a) to conduct, and appear as counsel in, proceedings on behalf of the Director;
- (b) to find a bill of indictment in respect of an indictable offence;
- (c) to advise the Director in respect of any matter referred for advice by the Director;
- (d) to carry out such other functions of counsel as the Director approves.

Structure Components

The organisation comprises the following components:-

1. The Director, two Deputy Directors and their legal and administrative support staff.

The Director and Deputy Directors are statutory appointees under the DPP Act.

2. The Crown Prosecutors, each being a statutory office holder appointed under the Crown Prosecutors Act 1986, and their administrative support staff.
3. The Solicitor for Public Prosecutions and the solicitors and administrative support staff employed in the Solicitor's Office.

The Solicitor is a statutory appointee under the DPP Act.

4. The Corporate Services Division.

The relationship between the Director of Public Prosecutions, the Crown Prosecutors and the Solicitor, is analogous to that which exists between client, counsel and solicitor in the private sector. The Corporate Services Division provides administrative services to the other three groupings in the ODPP.



OUR ROLE

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

OUR VISION

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

OUR STAKEHOLDERS

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

OUR VALUES

Independence

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

Service

The timely and cost efficient conduct of prosecutors.

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

Highest Professional Ethics

Manifest integrity, fairness and objectivity.

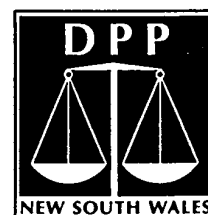
Management Excellence

Continual improvement.

Encouraging individual initiative and innovation.

ODPP New South Wales

DIRECTOR'S CHAMBERS



Mr R J Debus MP
Attorney General
Level 25
59-61 Goulburn Street
Sydney NSW 2000

Dear Attorney

2000–2001 Annual Report

Pursuant to section 34 of the Director of Public Prosecutions Act 1986 and in compliance with the Annual Reports (Departments) Act 1985 and the Public Finance and Audit Act 1983, I am pleased to forward to you, for laying before both Houses of Parliament, my Office's report and financial statements for the year ending 30 June 2001

Yours faithfully

A handwritten signature in black ink, appearing to read 'NR Cowdery'.

NR Cowdery QC
Director of Public Prosecutions

26th October 2001

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Director's Overview

DIRECTOR'S OVERVIEW

It is a pleasure once again to report on the operations of the Office throughout the year. I pay tribute to all officers for their professionalism and for their commitment to meeting the many challenges we face. The dedication of staff – those in the front line and those supporting them – to the task of bringing criminal justice to the community of New South Wales is reflected in many ways, not least in the levels of unpaid overtime worked and the extent of accrued leave owing. The community has every reason to be well satisfied with their achievements.

I sometimes wonder who reads these Annual Reports and for what purpose. I suspect the readership is small and that justice is not done by many to the labours of those who put so much effort into ensuring that an accurate and complete picture of the Office's operations is presented. Those who wish to know the information contained within these pages would do well simply to look (rather than make time-consuming requests for parts of it to be extracted and reproduced in different forms).

In a further attempt to bring factual information to members of the public, so as to enable them better to understand what the criminal justice system is, how it works and what it is capable of doing, I published a book: "Getting Justice Wrong: myths, media and crime" (Allen & Unwin, 2001, \$19.95). All royalties go to the Office and will be used as seed money for the establishment of a staff benevolent fund to assist ODPP staff members in times of crisis.

Those who read last year's Overview will have noted the report on the activities of Ms H J Brady in the processes leading to the establishment of the International Criminal Court. Ms Brady has now moved to the ICTY in The Hague as an Appeals Counsel, joining many other Australians (including others who have passed through this Office) working there in various capacities. She remains a member of the Australian delegation to the ICC. Well done! Australian lawyers have a great deal to contribute internationally and many have made their marks working in international agencies of various kinds.

A personal highlight of the year for me was to present former President Nelson Mandela of South Africa with the International Association of Prosecutors Medal of Honour in Johannesburg on 31 August. In his acceptance speech Mr Mandela

(himself no stranger to prosecutors) said:

"The challenge for the modern prosecutor is to become a lawyer for the people. It is your duty to build an effective relationship with the community and to ensure that the rights of victims are protected. It is your duty to prosecute fairly and effectively according to the rule of law; and to act in a principled way without fear, favour or prejudice. It is your duty to build a prosecution service that is an effective deterrent to crime and is known to demonstrate great compassion and sensitivity to the people it serves...

They who enforce the law must not merely obey it. They have an obligation to set an example which those whom they protect can follow. Treasure the sacred trust and great authority conferred on you by the will of the people. Care for victims of crime and guard against your own attitudes and values. Recognise and resist racism, sexism and cultural and other forms of discrimination which deny equal access to justice. Above all, claim your victories and promote the interests of your profession. It is a noble one."

Independence and Accountability

No new Prosecution Guidelines were issued in this year. 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 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.

An occasion arose during the year for the Attorney General to consider in what circumstances he might review a prosecution decision by the Director. After proper independent advice, he accepted that first he would have to determine whether the decision should be reviewed at all. Such a determination would only be made if the decision were affected by fraud, bias or corruption, or if significant fresh evidence had been produced and not considered by the Director, or if the decision was unreasonable in the sense described in *Associated Provincial Picture Houses Limited v Wednesbury Corporation (1948) 1 KB 223*. A determination might also be made where the Director may have made a series of decisions when affected by incompetence or incapacity. If having thus determined that a decision should be reviewed, the decision would then be evaluated in accordance with

the available evidence, the law and the DPP's Prosecution Policy and Guidelines and matters referred to therein; but bearing in mind that it was a discretionary decision that was being reviewed.

Indications of this kind are important and helpful in maintaining consistency of approach and upholding public confidence in the prosecution process.

On the other hand, there was an unhelpful recurrence of debate in Parliament about the establishment of a Parliamentary Joint Committee to oversee the Office (a proposal that, wisely, is opposed by the present Government). This has become almost an annual event, although the 2001 version went much further than its predecessors. There are the soundest reasons in principle and practice why such a development is unwarranted and would be wholly inappropriate and destructive of the independence of prosecutorial decision making by the Office. There are also sound reasons why any appropriateness of such a mechanism to other agencies (as it applies in different forms to the Ombudsman and ICAC, who have investigative and/or compulsive powers) does not apply to this Office.

Unfortunately, another, less direct, mooted interference with the independence of the Office was consideration by the Government of the establishment of a Board of Management "to oversee the management of the Office" and to "provide expert management and strategic planning advice to the Director". No request has been made for such a body, no need for it has been demonstrated and the initial suggestion of its composition was ludicrous (and quickly qualified by the Attorney General, whose Department appears to have been responsible for the proposal). It is hoped that the Government will see the wisdom of not imposing yet another needless layer of administrative bureaucracy over the Office.

[The issues of independence and accountability have since been well described and discussed in "Independence and Accountability of the Director of Public Prosecutions: A Comparative Survey" – NSW Parliamentary Library Research Service, Briefing Paper No 9/2001.]

Senior Staff

Messrs A M Blackmore and R D Ellis continued in office as Deputy Directors.

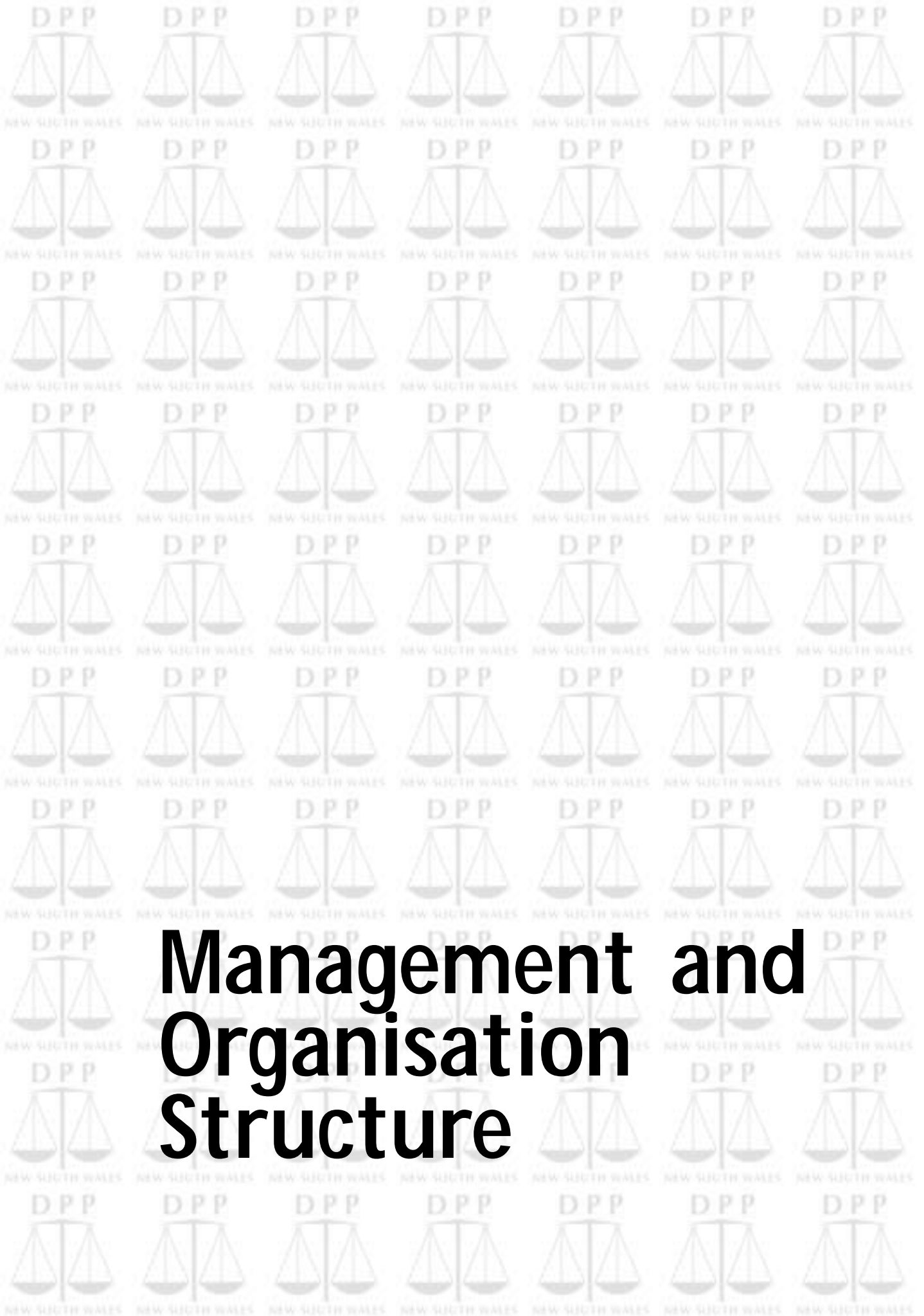
Crown Prosecutors

- Mr J P Booth continued on secondment as Acting Public Defender.
- Ms V J Lydiard and Mr M W Sherring continued as Acting Crown Prosecutors.
- Mr K N Magnus continued as Acting Crown Prosecutor until appointment as Crown Prosecutor on 14 September.
- Mr R D Cogswell SC resigned as Deputy Senior Crown Prosecutor on 15 October in order to take up office as Crown Advocate.
- Messrs K L McKay and F A Veltro were appointed Acting Crown Prosecutors on 3 October and 23 October respectively.
- Mr D C Frearson continued as Acting Deputy Senior Crown Prosecutor until appointment as Deputy Senior Crown Prosecutor on 14 November.
- Mr L M B Lamprati was appointed Acting Deputy Senior Crown Prosecutor on 14 November.
- Mr G H Fatches was appointed Acting Crown Prosecutor on 14 November.
- Ms C A Davenport resigned as Crown Prosecutor on 26 January.
- Mr K N Govind resigned as Crown Prosecutor on 31 January.
- Ms H M Wilson, Ms N F Noman and Mr E J Moberley continued as Acting Crown Prosecutors until their appointments as Crown Prosecutors on 8 February.
- Ms T A Bright and Mr D P Degnan were appointed Acting Crown Prosecutors on 8 February.
- Ms P J Hock, Crown Prosecutor, was appointed a Judge of the District Court of NSW on 7 May.
- The Annual Crown Prosecutors' Conference was not held this year, attention being given to the International Association of Prosecutors 6th Annual Conference in Sydney, 2–7 September 2001.

Travel

- The Deputy Directors and I have continued to visit regional offices.
- I have participated in various NSW and interstate conferences and meetings on a range of matters connected with the criminal law.
- The Conference of Australian Directors of Public Prosecutions (CADs) met informally during the IAP conference in Cape Town in September and during the HOPAC conference in Edinburgh in May and formally in Canberra in April.
- In July I took part in the conduct of a workshop for prosecutors, police, magistrates, prison officials and the Bar on human rights issues in the criminal prosecution process in Belize, Central America.
- In September I attended the Annual Conference of the International Association of Prosecutors (of which I am President) in Cape Town, South Africa where I spoke and took part in business sessions.
- In September I also attended the Biennial Conference of the International Bar Association in Amsterdam, The Netherlands where I participated in the human rights and criminal law programs.
- In October, in my IAP capacity, I attended and addressed the 8th World Conference of the Asia Crime Prevention Foundation in Beijing, China.
- In May I attended the biennial Heads Of Prosecution Agencies Conference (HOPAC) in Edinburgh, Scotland; chaired the semiannual meeting of the Executive Committee of the IAP in Copenhagen, Denmark; addressed the annual conference of the Danish Prosecution Service in Kolding, Denmark; participated in each day's events of the International Law Congress in Dublin, Ireland; and addressed the Irish National Prosecutors' Annual Conference in Dublin.

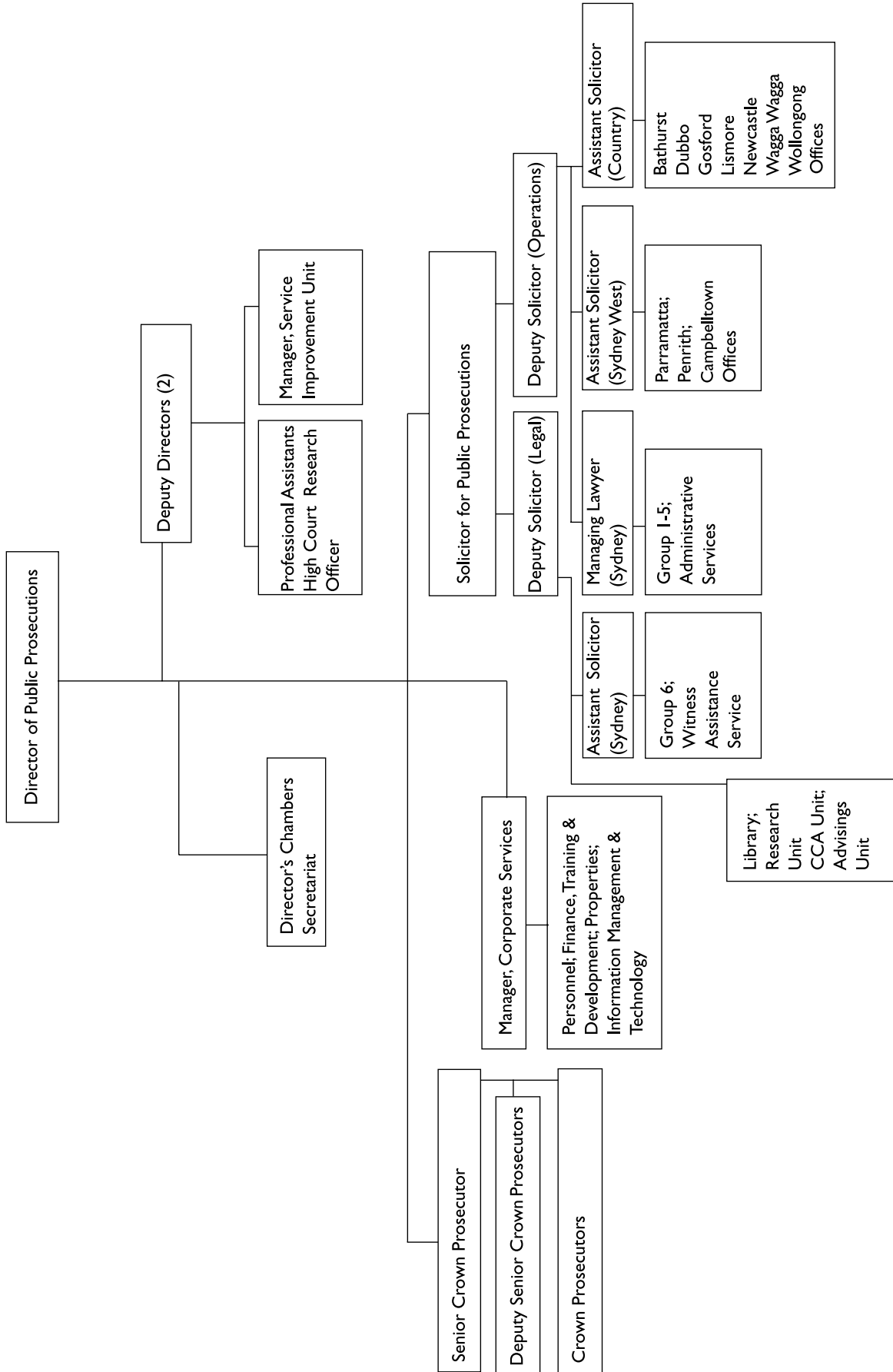
As in previous years, a large proportion of the costs associated with my official overseas travel was not paid by the taxpayer. In the Legislative Assembly on 5 April Mr Hartcher, MP was reported as saying that my overseas trips in 1999–2000 (see Appendix 27 to the last Annual Report – official visits encompassing 11 countries) cost “the taxpayer more than three-quarters of a million dollars”. In fact, the cost to the taxpayer was less than \$30,000 (less than 4% of the stated figure).



Management and Organisation Structure

Organisational Structure of the office of the Director of Public Prosecutions in NSW

Table 1



Nicholas Cowdery QC

BA, LL.B

Director of Public Prosecutions

Appointed Director of Public Prosecutions in 1994. He was admitted as a barrister in NSW in 1971 and practised as a Public Defender in Papua New Guinea from 1971 to 1975 when he commenced private practice at the Sydney bar. He took silk in 1987 and practised in many Australian jurisdictions. He was an Associate (Acting) Judge of the District Court of New South Wales for periods in 1988, 1989 and 1990. He is President of the International Association of Prosecutors.

Martin Blackmore

B.Leg.S, LL.M

Deputy Director of Public Prosecutions

Practised as a solicitor from 1981 and as a barrister in private practice from 1984 principally in criminal law, company law, taxation and administrative law. Appointed a Crown Prosecutor in 1991 and a Deputy Senior Crown Prosecutor in 1997. Appointed as Deputy Director of Public Prosecutions in 1997. Joint author of LBC's "Criminal Law (NSW)".

Provides advice to the Director of Public Prosecutions; appears in the High Court and other appellate courts; reviews recommendations by Crown Prosecutors on various matters; assists in the management of the Office and performs the Director's functions as delegated.

Roy Ellis

B.Leg.S

Deputy Director of Public Prosecutions

Member of Clerk of Petty Sessions Office from 1973 to 1979. Member of Clerk of the Peace Office from 1979 to 1984. Admitted to the Bar in 1981. Appointed a Crown Prosecutor in 1984 and a Deputy Senior Crown Prosecutor for the Northern Territory in 1986. Appointed a Crown Prosecutor in 1987 and a Deputy Senior Crown Prosecutor for New South Wales in 1997. Appointed as Deputy Director of Public Prosecutions in 1999. Practised exclusively in criminal law for 21 years.

Provides advice to the Director of Public Prosecutions; appears in the High Court and other appellate courts; reviews recommendations by Crown Prosecutors on various matters; assists in the management of the Office and performs the Director's functions as delegated.

Steve O'Connor

Dip Law (BAB), Dip CRIM

Solicitor for Public Prosecutions

Admitted as lawyer in 1978. He was a member of the Public Trust Office from 1973 before joining the Clerk of the Peace in 1983. After the creation of the Office of the Director of Public Prosecutions in 1987, appointed to the position of Assistant Solicitor, and then Deputy Solicitor for Public Prosecutions. In 1988, appointed as the Solicitor for Public Prosecutions. Seconded to the Legal Aid Commission in 1992. Appointed an Acting Magistrate in 1999.

Acts as a solicitor in the conduct of prosecutions on behalf of the Director.

Manages the resources of the Solicitor's Office statewide.

Patrick McMahon

Grad Certif in Management, AFAIM

Manager, Corporate Services

Employed in the NSW Police Service for over 25 years in a variety of administrative and management positions culminating in the position of Regional Manager, Support Services (South). Joined NSW Fisheries as Director, Corporate Services in 1992 and commenced with the Office of the Director of Public Prosecutions as Change and Improvement Manager in 1996. Appointed as Manager, Corporate Services in February 1999.

Responsible for personnel, training and development, financial management, information technology, change and improvement and property functions of the Office. Co-ordinates corporate planning, statutory reporting and implementation of sector-wide management initiatives.

Mark Tedeschi QC

MA, LL.B

Senior Crown Prosecutor

Was previously a private barrister and a lecturer in law. He has been a Crown Prosecutor since 1983, a Queen's Council since 1988, and Senior Crown Prosecutor since 1997. He is the author of a book on international trade law and of numerous articles on business law, environmental law, social welfare law, mental health law and criminal law as well as articles on photography and genealogy. His photographs are part of the permanent collection of the Art Gallery of NSW and the State Library. He is the President of the Australian Association of Crown Prosecutors.

Prosecutes major trials in the Supreme and District Courts. Responsible for the allocation of trials to Crown Prosecutors and private Barristers and for the management of the Crown Prosecutors and Support Staff.

Management Board and Committees

The following committees are established to augment strategic and operational management of the Office:

Executive Board

The Board was established in December 1999. It comprises the Director as chair, the Senior Crown Prosecutor, Solicitor for Public Prosecutions and the Manager, Corporate Services. The Deputy Directors of Public Prosecutions attend ex-officio. The Board meets monthly, or more frequently as required, and deals with:

- Strategic management and management improvement
- Monitoring the Office's budgetary performance
- Reviewing progress against the Corporate Plan
- Identifying and initiating change and improvement in the wider criminal justice system.

Management Committee

This Committee comprises all members of the Executive Board as well as the Deputy Solicitors (Legal and Operations), the Assistant Solicitor (Sydney) and the Assistant Solicitors (Sydney West and Country).

The Committee meets monthly. Its primary function is to discuss operational and management issues as well as being a forum for sharing information on the activities, challenges and initiatives of the various functional areas of the Office.

Audit Committee

This Committee is chaired by a Deputy Director of Public Prosecutions with the Solicitor for Public Prosecutions, Senior Crown Prosecutor, Manager Corporate Services and Manager, Service Improvement Unit as members. Representatives of the Audit Office of NSW and of the internal audit provider attend meetings by invitation.

The Audit Committee monitors the internal audit function across all areas of the Office's operations, ensuring that probity and accountability issues are addressed.

Information on the revised composition of the Audit Committee will be published in the Office's 2000–01 Annual Report.

Information Management and Technology Steering Committee

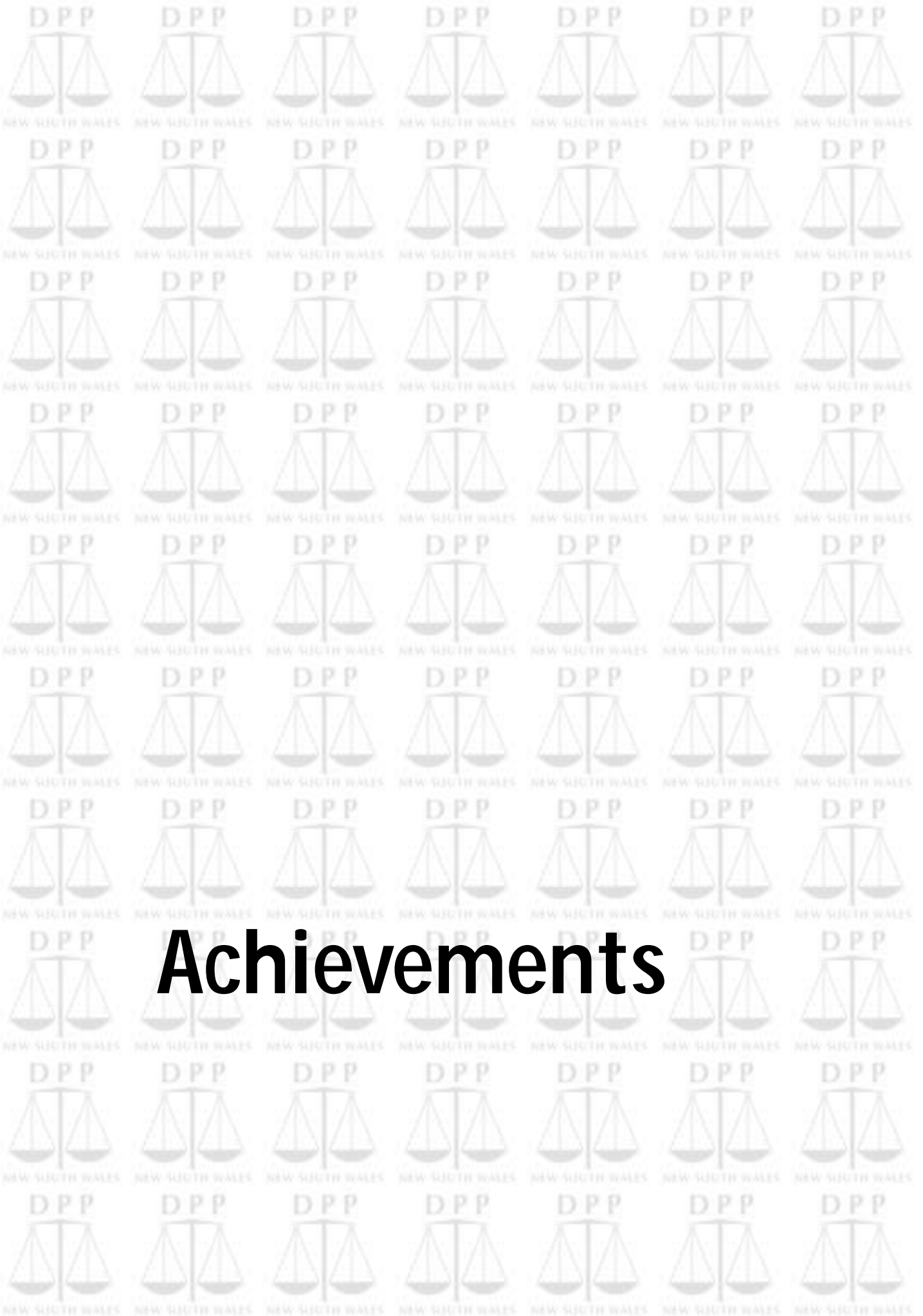
The IM&T Steering Committee (IM&TSC) is the management body convened to ensure and promote effective use and management of information and technology; to guide the selection, development and implementation of information and technology projects; and, to assure the strategic and cost effective use of information and systems to support ODPP activities.

The Committee consists of the Chief Information Officer (currently the Deputy Solicitor Operations) as chair, Solicitor for Public Prosecutions, Manager Corporate Services, Deputy Solicitor (Legal), Assistant Solicitor (Country), Manager, Information Management & Technology Services, Managing Lawyer (Sydney) and the Assistant Manager (Services) as Executive Officer.

The Committee meets monthly.

ODPP Internal Committees/Steering Groups

Committee Steering Group	ODPP Representative	
Information Management & Technology Steering Committee	Craig Smith (Chair) Graham Bailey Patrick McMahon Patrick Quill Mark Tedeschi QC	Hop Nguyen Robyn Gray Stephen O'Connor Michael Sands
Executive Board	Nicholas Cowdery QC Roy Ellis Stephen O'Connor	Martin Blackmore Patrick McMahon Mark Tedeschi QC
Management Committee	Nicholas Cowdery QC Roy Ellis Stephen O'Connor Craig Smith Philip Dart Claire Giroto	Martin Blackmore Patrick McMahon Mark Tedeschi QC Robyn Gray Graham Bailey
PSA/Management Committee	Graham Bailey David Curran Patrick McMahon Stephen Spencer	Jill Clark Andrew Dziedzic Craig Smith
Crowns Committee	Mark Tedeschi Peter Dare Dan Howard David Frearson	Greg Smith Priscilla Adey Merv Grogan Mark Macadam (alternate: Peter Barnett)
Crown Prosecutors' Conference Committee	Priscilla Adey Frank Veltro	Peter Miller Mark Tedeschi QC
Occupational Health and Safety Committee	Head Office: Keith Holder Jenny Dwyer Sydney West: Micheal Frost Peter Wood Country: Roger Hyman Maud Bonomini Employer Members: Philip Dart Susan Maxwell Peter Bridge	Proxy Members Andrew Dziedzic Diana Weston David Degnan Jim Hughes Graeme Roxby David O'Neil
Audit Committee	Martin Blackmore/Roy Ellis Stephen O'Connor Mark Tedeschi QC Patrick McMahon Jeff Shaw	



Achievements

1. Corporate Goal: Timely and Cost Efficient Conduct of Prosecutions

Key Result Areas

All Indictable prosecutions

Outcomes Sought

- Increased public confidence
- Improvements in stakeholder satisfaction

Strategy

Continually review, evaluate and improve standards for indictable prosecutions

Report

- The Office has a strategy for preparing defended indictable matters that focuses on early screening, victim contact and an improved standard of brief preparation.
- The Centralised Committal Project continues to be a very successful means of reducing the number of matters committed for trial by facilitating pre-committal negotiations with the defence. This has reduced trial delays, with significant benefits to all stakeholders.
- There has been a very significant increase in the number (and %) of matters committed for sentence this year.
- Through CASES, court diaries, regular contact with the Registrars, callover appearances and their own computerised allocations lists, managers continually monitor and review appeals lodged, including the requirements set and the timeframes imposed by the appeal courts.

Performance Indicator

- Prosecution Outcomes
 - Time for disposal of matters
 - Prompt plea negotiation
- Cost per court day serviced

Report

- The Office is generally able to accept a trial date in the District Court within 3 months of committal. This means that matters are being prepared and dealt with more efficiently.
- In Sydney, plea negotiation prior to arraignment has achieved a 30% plea rate before the District Court.
- The allocation of an experienced Crown Prosecutor to undertake the screening of, and appearance at, the arraignment of Supreme Court trials has resulted in prompt plea negotiations and matters being dealt with more efficiently.
- All requirements imposed by the High Court, Court of Appeal and Court of Criminal Appeal were met within the prescribed timeframes. The statistics for appeals dealt with during 2000/01 (see Appendix 13) indicate an increase in the number of appeals disposed of by both the High Court and the CCA, as a result of increases in the number of sittings this year.
- Cost per court day serviced – \$4,968.

Timeliness

Median delay of trial matters from Committal to completion for trial matters completed.

Region	Median Delays in Days 2000–01
Sydney	302.5
Sydney West	256.6
Country	349.5
State Average	302.9

2. Corporate Goal: High Quality Service

Key Result Areas

Witness Services

Outcomes Sought

- *Greater sense of confidence in witnesses*
- *Efficiency in the use of lawyers' time*
- *Greater attention to child and other vulnerable witnesses*

Strategy

Improve services to victims and witnesses

Report

- The Office's Witness Assistance Service (WAS) has developed a Best Practice Referral Flow Chart outlining a process for referral of matters involving victims of violent crime.
- The aim of the process is to facilitate early referrals to the WAS, which in turn facilitates a case management approach to supporting victims of violent crime through the legal process. At an early stage, victims are sent a letter and pamphlet informing victims how to make contact with the DPP, and how to seek information about the prosecution process. These strategies provide more timely information to victims about the legal process and their role in it. Victims who make contact with the WAS can also access information about services and remedies available to them.
- The process is a two-tiered multi-disciplinary referral system enabling WAS and DPP lawyers to more easily identify victims and witnesses who could benefit by having access to our services. The first tier involves pro-active identification by WAS Officers of priority criminal matters coming to the DPP at the Local Court charge stage. At the second tier, DPP solicitors and Crown Prosecutors and external agencies are encouraged to screen matters and make relevant referrals to the WAS.
- The DPP website also contains extensive information for victims and witnesses, as well as links to other sites of relevance to them.
- Aboriginal WAS officer appointed. The position of Sexual Assault Liaison officer was evaluated and a lawyer appointed to that position.

Performance Indicator

- Level of stakeholder satisfaction
- Time standards for advisings achieved

Report

- The Office undertakes a biennial survey of victims and witnesses to gauge the level of satisfaction with our services and to seek feedback with the aim of improving service delivery. The results of the 2000 survey are outlined on page 61, 55% of respondents rated the level of service as 'good' or 'very good'. This is the highest approval rating achieved since the surveys were introduced in 1994.
- All advisings were provided to the referring agency within the timeframe required to meet the statutory requirements applicable to the relevant offence/s. The Office continually monitors advisings on hand to ensure this result. Prosecutors and external agencies are encouraged to screen matters and make relevant referrals to the WAS.

3. Corporate Goal: Accountability

3.1 Key Result Areas

Workload Measurement

Outcomes Sought

- *Reliable data on how Office costs are generated.*
- *A sound basis for comparing operational performance and allocating resources.*

Strategy

Measure costs and time associated with all prosecution functions undertaken by the Office

Report

The Office's primary operational system (CASES) is being upgraded in 2001-02. The first stage commenced in 2000-01. This upgrade will incorporate the facility for gathering comprehensive management information including activity costs.

Performance Indicator

- Resources allocated according to workload
- Valid comparison of operational activity throughout the Office

Report

Workload is present assessed on both the basis of the extent of Court sittings to be serviced and on caseload. Resources are allocated accordingly. Additional resources have been allocated to country Offices to address the additional country District Court sittings and high case loads. Workload and resource allocation are continually monitored and adjustments made where necessary.

3.2 Key Result Areas

Accountability to Stakeholders

Outcomes Sought

- *Public confidence in the prosecution process.*
- *Recognition of the Office's achievements.*
- *Disability and Privacy Management Plans developed and implemented.*

Strategy

Promote a stakeholder focus

Report

- The Office has utilised the ODPP website to increase its accountability to stakeholders by making relevant DPP policies, guidelines and plans readily accessible and by providing a means for victims and witnesses to provide direct feedback on the services provided.
- The Office is represented on the Victims Advisory Board which includes Victims Support Groups.
- Links have been created from the Victims of Crime website to the Office's website.

In June 2001 the Police-DPP Prosecution Liaison Standing Committee held its third Future Directions Conference to identify and address the demands that will be met by both organisations over the next two years. The issues that were identified include:

- Disclosure
- Technology
- Brief preparation
- Joint training and awareness
- External influences

3.2 Key Result Areas (Cont)

Another consideration of the Future Directions Conference is the future role of Prosecution Liaison Groups. These Groups are a regionalised forum for police and DPP personnel to meet on a regular basis to address issues that may be impacting on the prosecution process. In addition victims' representatives and support agencies are invited to participate in these discussions.

Another major area of liaison with the Police Service has centred around the development of electronic communication (see Corporate Goal 4). The availability of an electronic brief will be of particular significance to our future relationship with the Police Service and this has been a major focal point for planning undertaken during the year.

Performance Indicator	Report
<ul style="list-style-type: none">• Basis for decisions stated• Compliance with statutory reporting requirements• Participation in inter-agency fora• Responsible financial management	<ul style="list-style-type: none">• The basis for decisions stated where appropriate.• All reports provided to central agencies within the statutory timeframes.• The Office has been involved in the development of a Standards Resource Kit for the Charter of Victims Rights. We have also co-facilitated a number of Charter of Victims Rights Fora around NSW, along with representatives of the NSW Police Service, Victims of Crime Bureau and the Department of Corrective Services.• The WAS Manager was a member of the working party that developed the Standards for Providing Court Support Services for Victims of Crime.• The Office was represented on the inter-departmental committee managing electronically recorded statements of child witnesses.• We chair an inter-departmental and community committee reviewing sexual assault prosecutions.• Appendix 36 Contains a list of the inter agency committees and similar groups in the criminal justice system on which the DPP is represented at a senior level. The other agencies represented on these committees include our major stakeholders; eg. the Police Service, other investigative agencies, the Courts, Legal Aid Commission, NSW Law Society, Bar Association and the Attorney General's Department.• Progress reported on strategies implemented under the Office Disability Action Plan.• Financial reporting processes were improved.• Budget performance is monitored monthly by Executive Board.

4. Corporate Goal: Staff Development and Support

4.1 Key Result Areas

Efficient delivery of corporate services

Outcomes Sought

- *More cost efficient service to officers of the ODPP.*
- *Electronic access to staff records and transactions.*

Strategy

Continually review, evaluate and improve systems, policies and procedures to support the executive, managers and all staff

Report

- Service standards revised and published on ODPP Intranet.
- Project management procedures for accommodation reviewed and improved, incorporating closer client consultation and input.
- Input sought from line managers on the provision of management information relating to the training and development of staff.

Performance Indicator

- Electronic self-service (ESS) implemented
- Accurate and timely budget advice and reports
- Improved access to management information systems
- Corporate services provided in accordance with Branch Service Standards

Report

- A strategy for the introduction of ESS is being prepared for 2001-02.
- Strategies were implemented for improved financial reporting.
- Internal computerised payroll implemented.
- Corporate Services Branches providing services according to published service standards.
- A strategy being developed for expansion of SUN Financials to incorporate cost centre access. This will provide the facility for raising local purchase orders, generating commitment information and providing a range of financial information online.

4.2 Key Result Areas

People management and development

Outcomes Sought

- *All staff provided with opportunities to equip them with the skills and knowledge to achieve effective performance.*
- *Flexible conditions of service are continually developed and applied equitably and fairly.*

Strategy

Provide staff with the opportunity to develop and perform their functions in a safe, equitable and ethical environment

Report

In consultation with PSA, the policy and procedures on Staff Personal Achievement and Development Plans was reviewed, with a strong emphasis on identifying and documenting personal and professional development opportunities.

Performance Indicator

- Training and development strategy implemented
- Investment in technology per employee
- Staff provided with accommodation in accordance with Office standards

Report

- Training and development strategy being reviewed to better service Office needs.
- The average value of investment in technology per employee is \$3,460 per annum.
- All office fitouts and refurbishments were completed in accordance with ODPP accommodation standards.
- All management plans reflect the importance of equity strategies.
- Staff turnover 15.5% for the year¹.

- Staff provided with appropriate facilities and equipment, within budgetary constraints
- Staff turnover
- Equity strategies integrated into all management plans
- Administrative re structure implemented.
- Employee Assistance program promoted and utilised.
- Secondments and exchanges with other criminal justice agencies promoted and encouraged.
- DPP intranet enhanced to include electronic precedents, pro-forma, procedures, Evidence Act Cases 2000 and procedure Manuals.

5. Corporate Goal: Improvements in the Criminal Justice System

5.1 Key Result Areas

Revolutionise the Criminal Justice Process by the use of Technology

Outcomes Sought

- *Achievement of justice*
- *Speedy resolution of matters*
- *Massive reduction in costs to the system*
- *Improved witness reliability and satisfaction*

Strategy

Radically reduce the duration of the criminal justice process from charge to conclusion

Report

- The Office is actively seeking to accelerate information sharing within the criminal justice process through the use of technology.
- The Office IM&T Strategic Plan for 2000-2003 focuses on using information and communications technology to improve business processes and access to information.
- A major initiative to revolutionise the criminal justice process is the e-briefs planning project. This project will facilitate full and early disclosure and improved information sharing between justice agencies.

Performance Indicator

Inter-agency initiatives implemented

Report

- The office sought to involve the Reporting Services Bureau in a pilot of the provision of electronic transcript to the Court of Criminal Appeal (CCA) Unit.
- The Office concluded a memorandum of Understanding with the Victims Compensation tribunal and the ICAC, and revised its MOU with the Police Integrity Commission.
- The Office formalised its agreed procedures with the police Service in relation to Extradition and provision of ERISP audio and video tapes.

5.2 Key Result Areas

Use of technology

Outcomes Sought

- *Efficient use of available resources*
- *Culture of co-operation in gathering useful precedents*
- *Increased skills throughout the Office*

Strategy

Increase efficiency in the prosecution process through the use of technology

Report

- The Office strategy for the use of technology is focussed on 3 key issues:
 1. Delivering process efficiencies to allow staff to concentrate on the intellectual component of case preparation.

5.2 Key Result Areas Cont.

2. Provide stringent document control to ensure full and prompt disclosure.
 3. Provide immediate and wide access to information and resources to support case preparation and decision making.
- A senior executive from the operations area of the Office has been appointed as the Chief Information Officer. This ensures that technology supports the business needs of the Office.

Performance Indicator

More effective use of technology

Report

- Refer to Appendix 20. Report of the Chief Information Officer in relation to project information.
- Staff are making increased use of email and internet/intranet facilities for their business needs.

5.3 Key Result Areas

Improve Court Listing Systems

Outcomes Sought

- *Increased public confidence*
- *A more cost effective and efficient criminal justice system*
- *Increased victim/witness satisfaction*
- *Prosecution ready to proceed within time standards set*
- *Earlier disclosure by defence of issues in dispute*
- *Improve Court Listing Systems*
- *Realistic estimates of case duration*

Strategy

Develop solutions, in partnership with stakeholders, to streamline and improve court listing systems

Report

- The Office continues to work with stakeholders in an effort to improve court listing systems.
- Major developments have been:
- centralised committals;
 - centralised arraignments at the Sydney West District Court;
 - implementation of recommendations of the Strategic Quality Team on case processing in the District Court;
 - Supreme Court arraignments list;
 - use of video link;
 - application of time standards in the District Court; and,
 - open ended committal hearings.

Performance Indicator

- More effective use of prosecutions resources
- Increased victim/witness satisfaction
- Extent of trials not reached

Report

- Achievements such as centralising committals, centralising arraignments, reducing the number of matters not reached and hearing date certainty have allowed for the more effective use of resources by all stakeholders.
- There has been an increase in victim/witness satisfaction (see Goal 2).

- Remarkably, there were no trials not reached before the Sydney District Court this year (compared with 19 last year). There were 44 trials not reached in Sydney West (56 last year), and 257 trials not reached in the Country (304 last year).

5.4 Key Result Areas

Law Reform

Outcomes Sought

Significant improvements to the criminal justice system

Strategy

Initiate and contribute to law reform to improve the criminal justice process

Report

- On the application of the DPP, the Court of Criminal Appeal delivered a guideline judgment in August 2000 in relation to the principles applicable to a discount for an early plea. By seeking from the Court a clear statement of the relevant principles, the DPP sought to encourage consistency of approach, to heighten awareness in the profession and to encourage offenders to enter a plea at an earlier stage of the process, to maximise the benefits to all stakeholders. The DPP has provided advice to the Attorney in relation to a number of other potential applications for guideline judgments.
- The DPP continued to participate in the Drug Court team at the Parramatta Drug Court pilot program. We appeared in the High Court in February 2001 in a test case relating to whether a particular offence rendered the offender ineligible for the Court. We also applied to the Court of Appeal in a test case, to clarify the meaning of the eligibility section of the Drug Court Act.
- The DPP participates in the Senior Officers Groups which are now formulating proposals for the Attorney as to how the diversionary approaches being trialed in the Drug Court and the Magistrate's Early Referral into Treatment scheme (MERIT), can best be extended to other parts of NSW. The DPP participated in the group which set up the Circle Sentencing pilot program and the committee that published a Discussion Paper on Community Justice Conferencing for Adult Offenders in May 2001.
- The DPP was a member of the inter-agency group which revised and republished the Inter-agency Guidelines for Child Protection Intervention in December 2000 and is a member of a group working on guidelines for the videotaping of children's evidence by the Joint Investigations Teams. Appendix 36 contains a list of the inter-agency groups on which the DPP is represented.
- The DPP provided significant input on the pre trial disclosure legislation which is to commence later this year. The Office has also made recommendations to the Attorney or his Department for the reform of the Crimes Act, the Criminal Procedure Act, the Justices Act, the Search Warrants Act, the Drug Misuse and Trafficking Act, the Pre Trial Diversion of Offenders Act and the sentencing legislation.

Performance Indicator

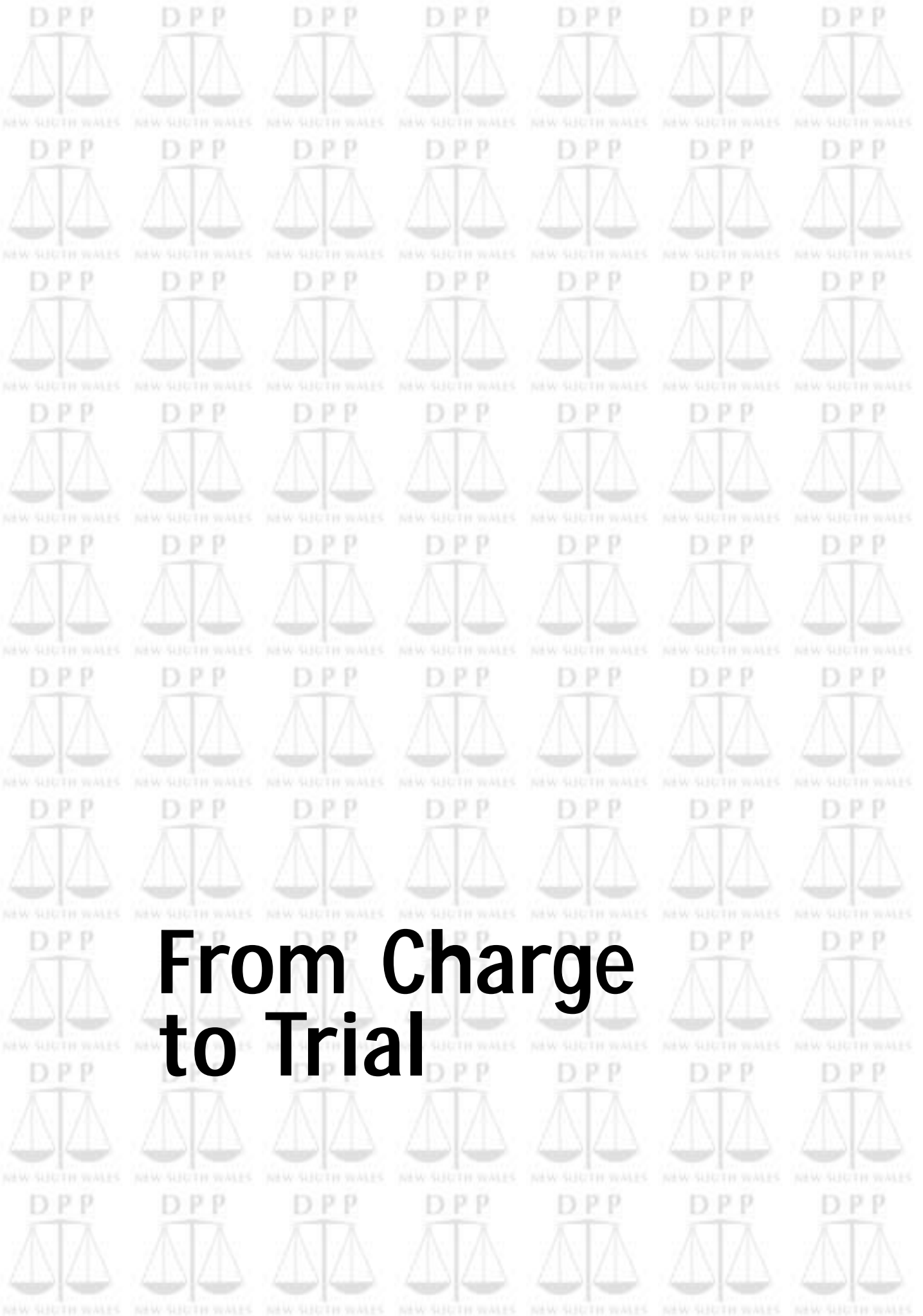
- Submissions adopted
- Quality of briefs improved through co-operation with investigative agencies

Report

The DPP has provided comment to the Attorney on some significant changes to the criminal law and on proposals for change published by the various Law Reform Commissions or Senate Inquiries.

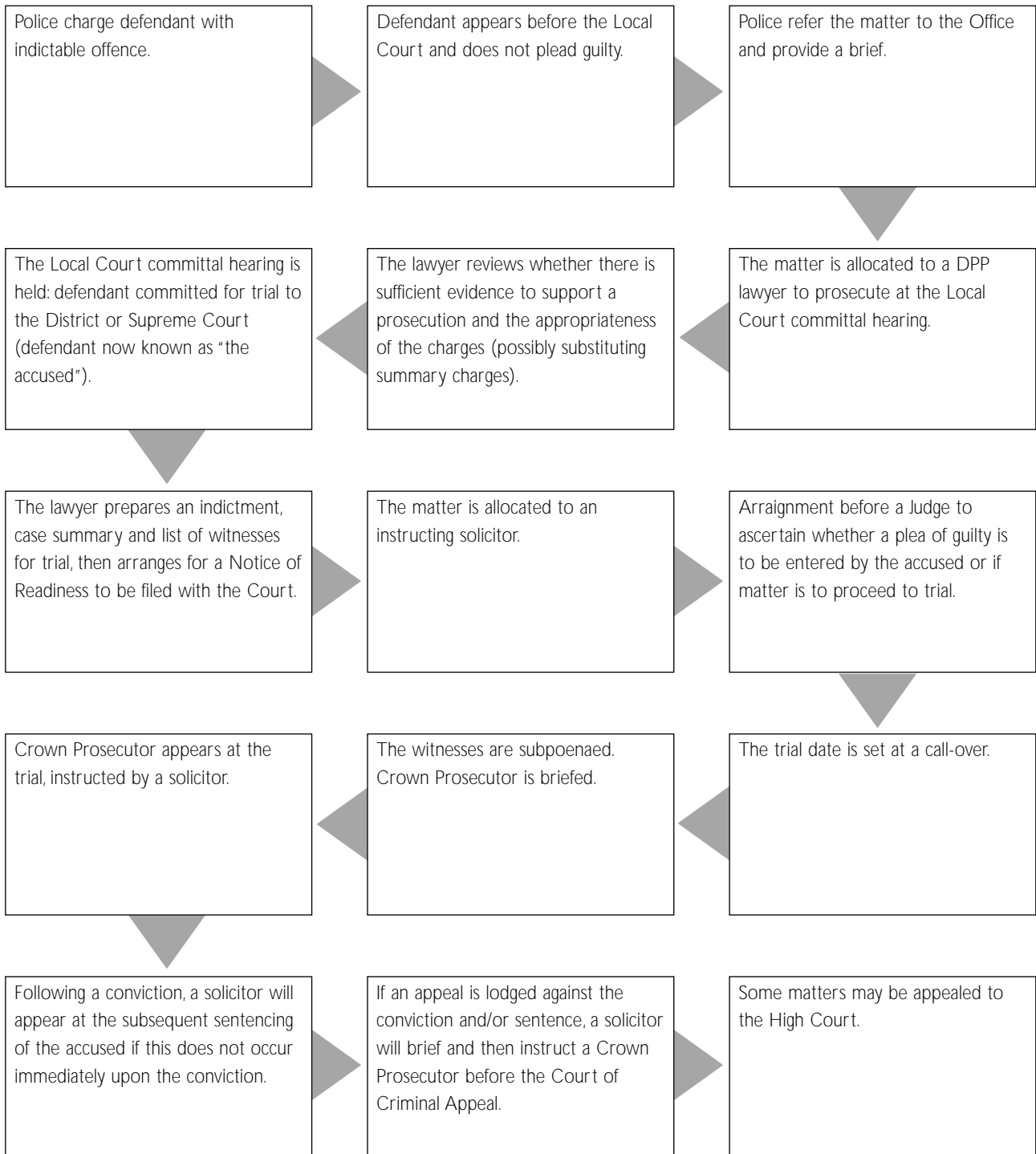
Glossary Of Acronyms

Acronym	Definition
•ABC	Activity Based Costing
•AIJA	Australian Institute of Judicial Administration
•BOCSAR	Bureau of Crime Statistics and Research
•CASES	Computerised Case Tracking System
•CCA	Court of Criminal Appeal
•COCOG	Council on the Cost of Government
•COPS	Computerised Operating Policing System
•CSA	Child Sexual Assault
•DAL	Division of Analytical Laboratories
•EAP	Employee Assistance Program
•ERIC	Electronic Referral of Indictable Cases
•FIRST	Future Information Retrieval & Storage Technology Library Management System
•GSA	Guided Self Assessment
•ICAC	Independent Commission Against Corruption
•IDITC	Interdepartmental Information Technology Committee
•JIR	Joint Investigation Responses
•JIT	Joint Police/Department of Community Services Child Abuse Investigation Teams
•MCLE	Mandatory Criminal Law Education
•ODPP	Office of the Director of Public Prosecutions (NSW)
•SALO	Sexual Assault Liaison Officer
•WAS	Witness Assistance Service



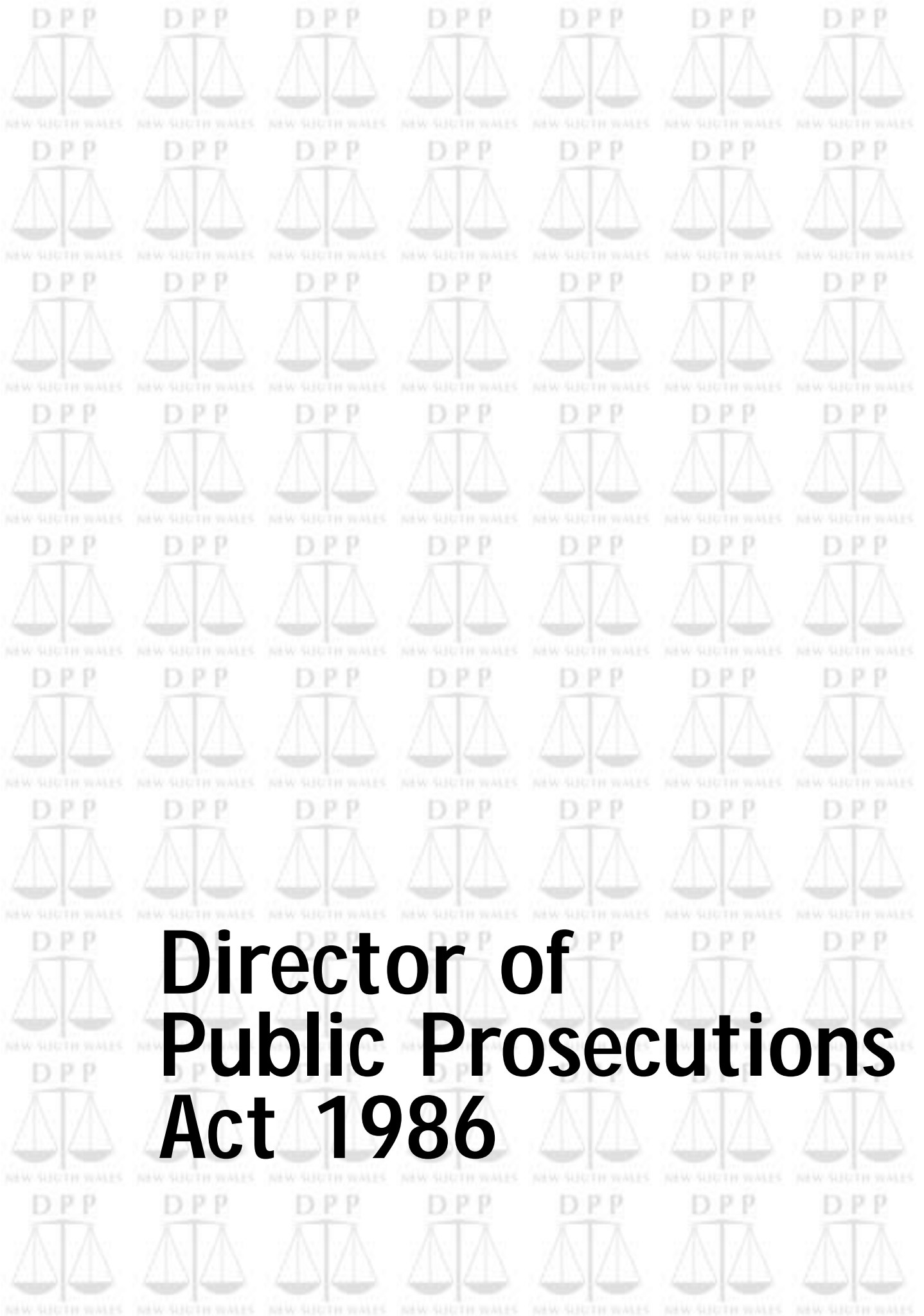
From Charge to Trial

An Outline of a Typical Defended Matter



Not all matters proceed all the way to trial:

- the defendant may be discharged in the Local Court;
- the defendant may, depending on the seriousness of the charge/s, be dealt with summarily in the Local Court;
- the defendant may plead guilty in the Local Court to the indictable charge/s and, again depending on their seriousness, be committed for sentence to the District or Supreme Court;
- after committal for trial the accused may enter a plea of guilty (at arraignment or at any time up to and including the trial); or
- the Director can at any stage, discontinue proceedings.



Director of Public Prosecutions Act 1986

Important Provisions

Section 4(3)

“The Director is responsible to the Attorney General for the due exercise of the Director’s functions, but nothing in this subsection affects or derogates from the authority of the Director in respect of the preparation, institution and conduct of any proceedings.”

Section 7(1)

The principal function and responsibilities of the Director are:

- to institute and conduct prosecutions in the District and Supreme Courts;
- to institute and conduct appeals in any court;
- to conduct, as respondent appeals, in any court.

Section 7(2)

The Director has the same functions as the Attorney General in relation to:

- finding bills of indictment;
- determining that no bill be found;
- directing no further proceedings;
- finding ex officio indictments.

Section 8

Power is also given to the Director to institute and conduct proceedings of either a committal or summary nature in the Local Court.

Section 9

The Director can take over prosecutions commenced by any person.

Section 11

The power to give consent to various prosecutions has been delegated to the Director.

Section 13

The Director can furnish guidelines to Crown Prosecutors and officers within the ODPP.

Section 14

Guidelines can also be issued to the Commissioner of Police in respect to the prosecution of offences.

Section 15

An amendment to the DPP Act, 1986 eliminates the requirement to reproduce the Director’s Guidelines

each year. However, new guidelines prepared during the reporting year must be published.

Section 19

The Director requests the Attorney General to grant indemnities and give undertakings from time to time.

Section 24

Appointment to prosecute Commonwealth offences is provided for by this Section.

Section 25

Consultation with the Attorney General is provided for.

Section 26

The Attorney General may furnish guidelines to the Director.

Section 27

The Attorney General shall notify the Director whenever the Attorney General exercises any of the following functions:

finding a bill of indictment, or determining that no bill of indictment be found, in respect of an indictable offence, in circumstances where the person concerned has been committed for trial; directing that no further proceedings be taken against a person who has been committed for trial or sentence; finding a bill of indictment in respect of an indictable offence, in circumstances where the person concerned has not been committed for trial; appealing under s5D of the Criminal Appeal Act 1912 to the Court of Criminal Appeal against a sentence.

The Director shall include in Annual Reports information as to the notifications received by the Director from the Attorney General under this section during the period to which the report relates.

Section 29

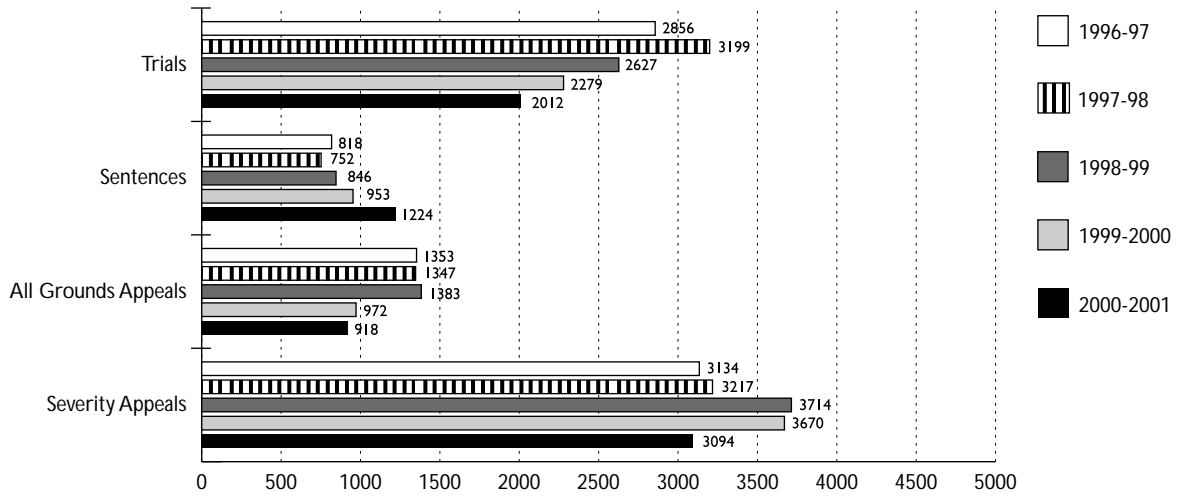
If the Director considers it desirable in the interests of justice that the Director should not exercise certain functions in relation to a particular case, the Director may request the Attorney General to exercise the Attorney General’s corresponding functions.



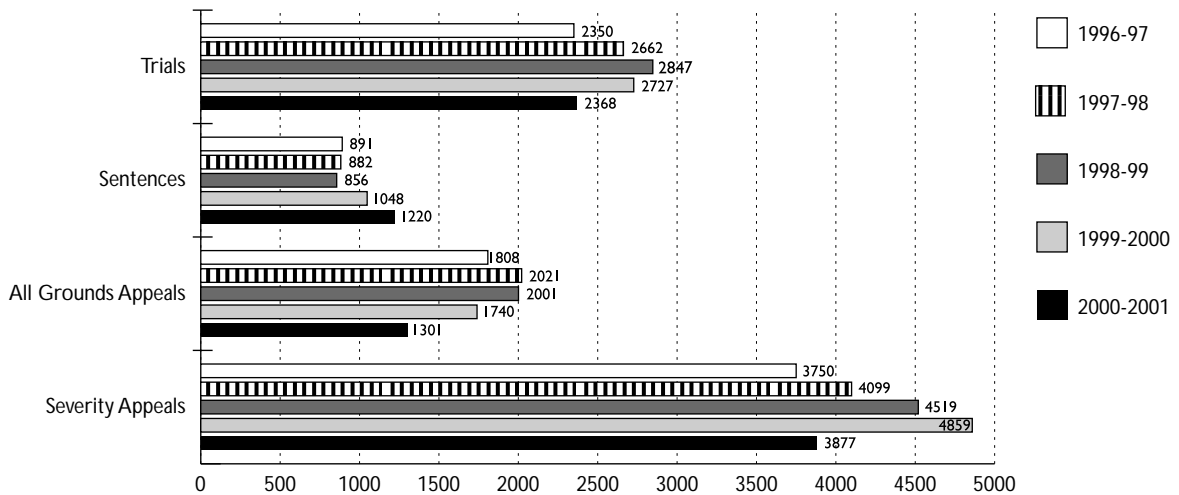
Appendix 1

District Court – State Summary

District Court Matters Received – State



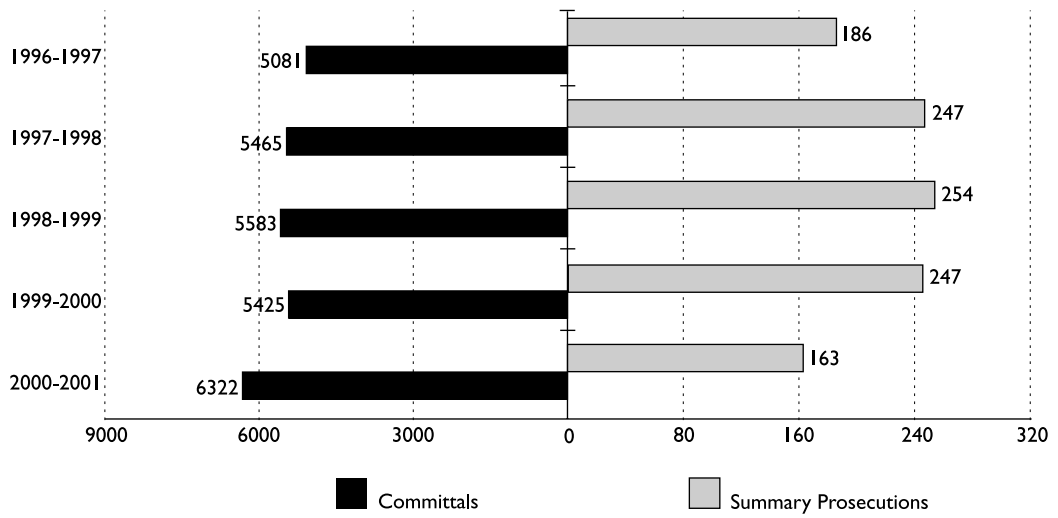
District Court Matters Completed – State



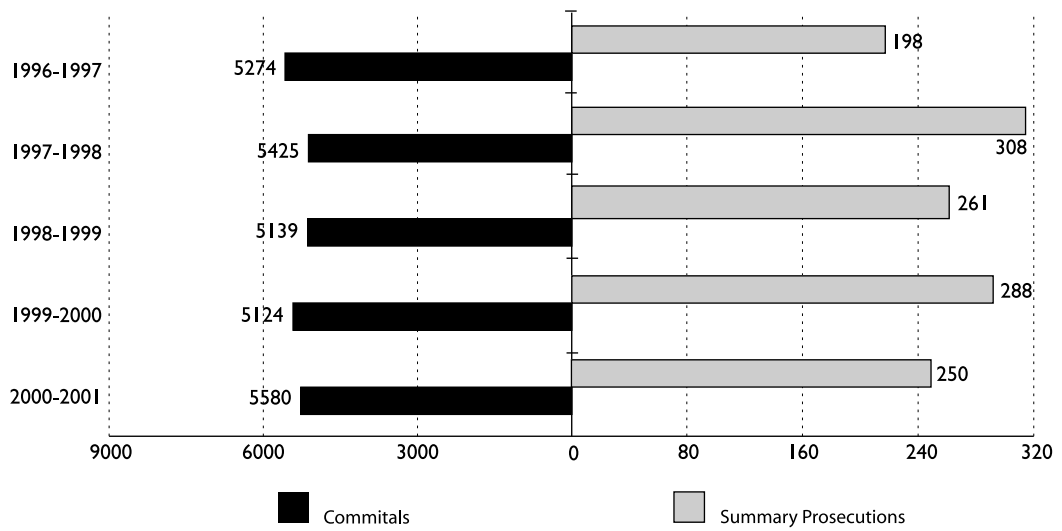
Appendix 2

Local Court – State Summary

Local Court Matters Received – State



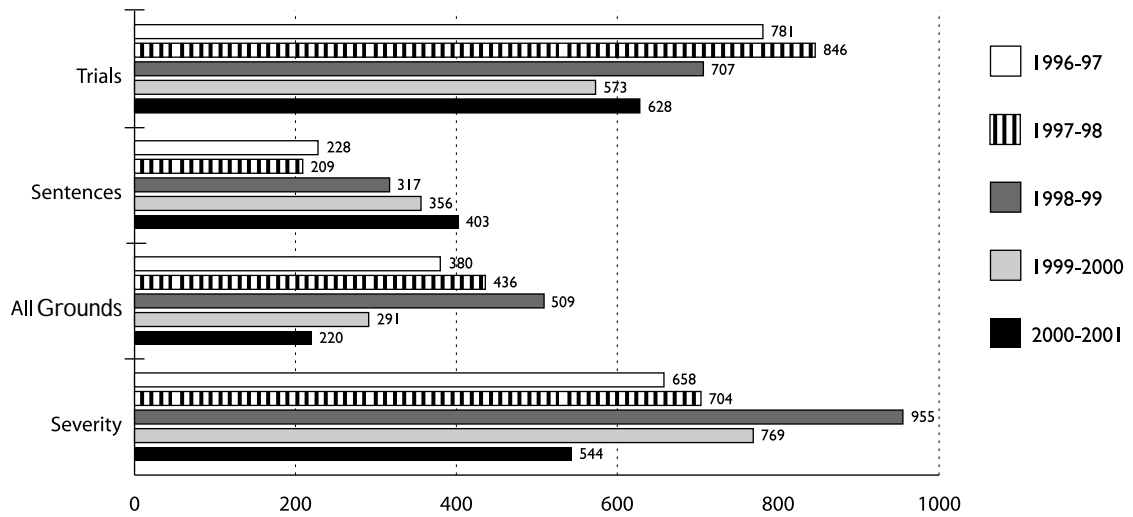
Local Court Matters Completed – State



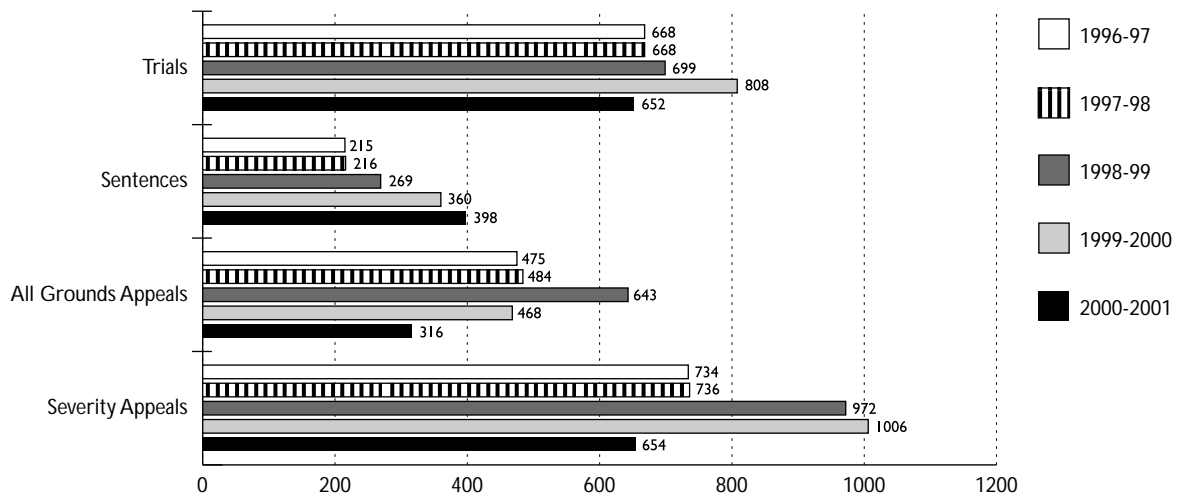
Appendix 3

District Court – Sydney Summary

District Court Matters Received – Sydney



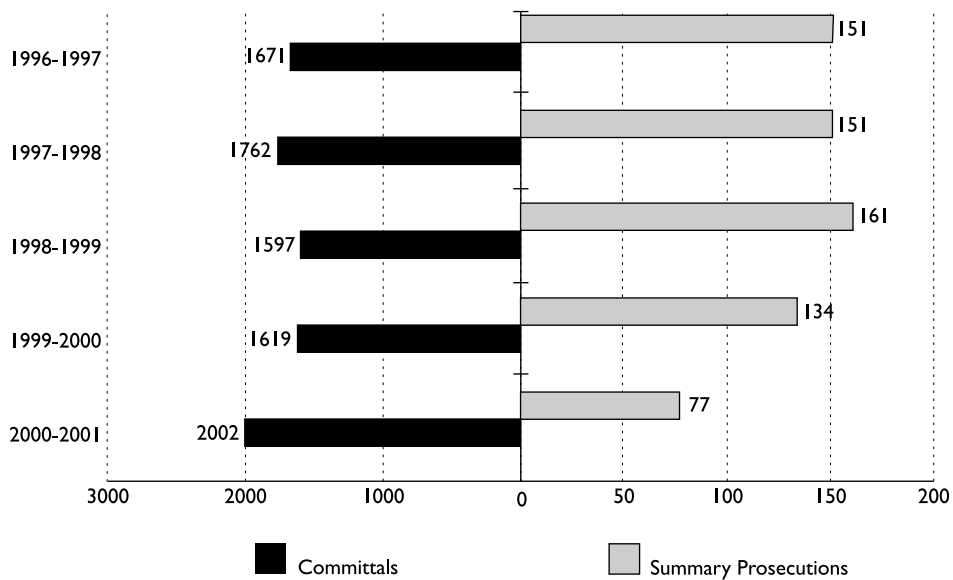
District Court Matters Completed – Sydney



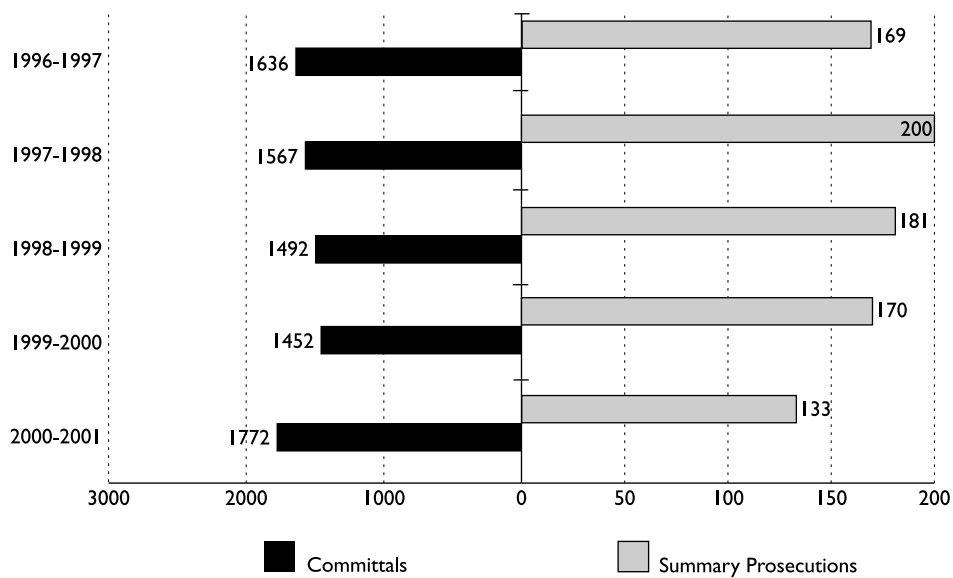
Appendix 4

Local Court – Sydney Summary

Local Court Matters Received – Sydney



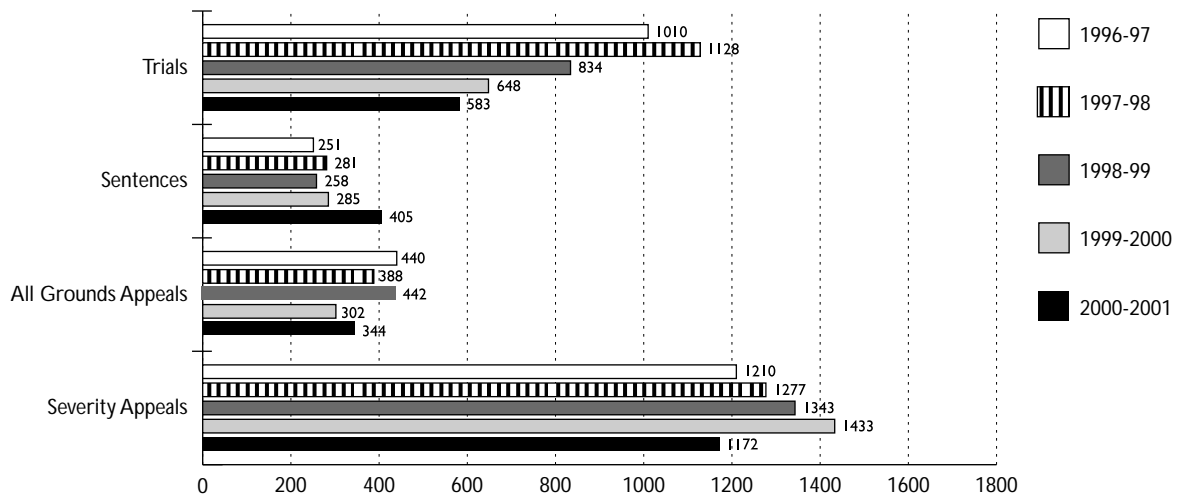
Local Court Matters Completed – Sydney



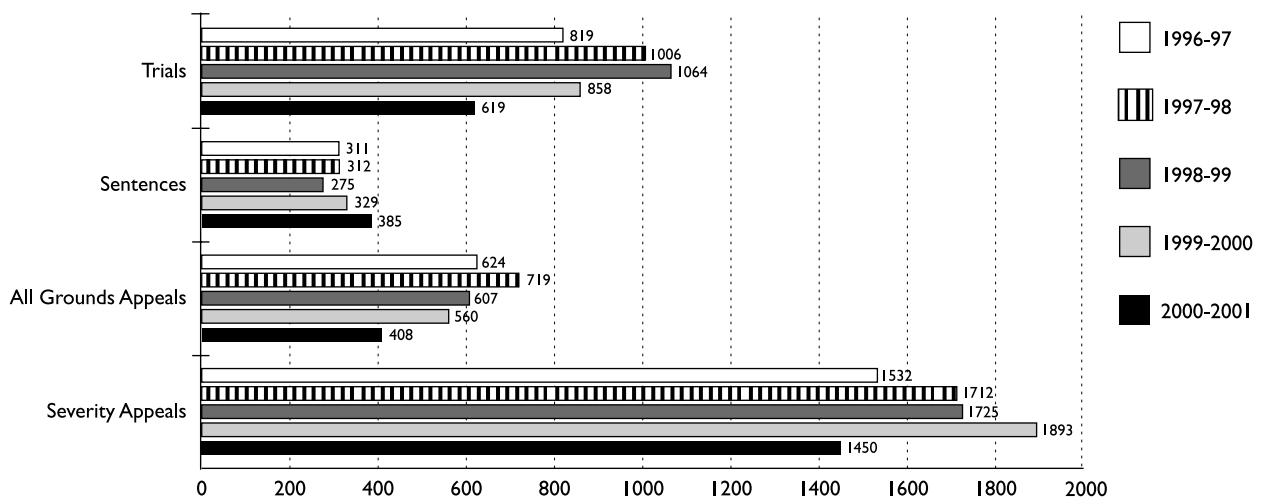
Appendix 5

District Court – Sydney West Summary

District Court Matters Received – Sydney West



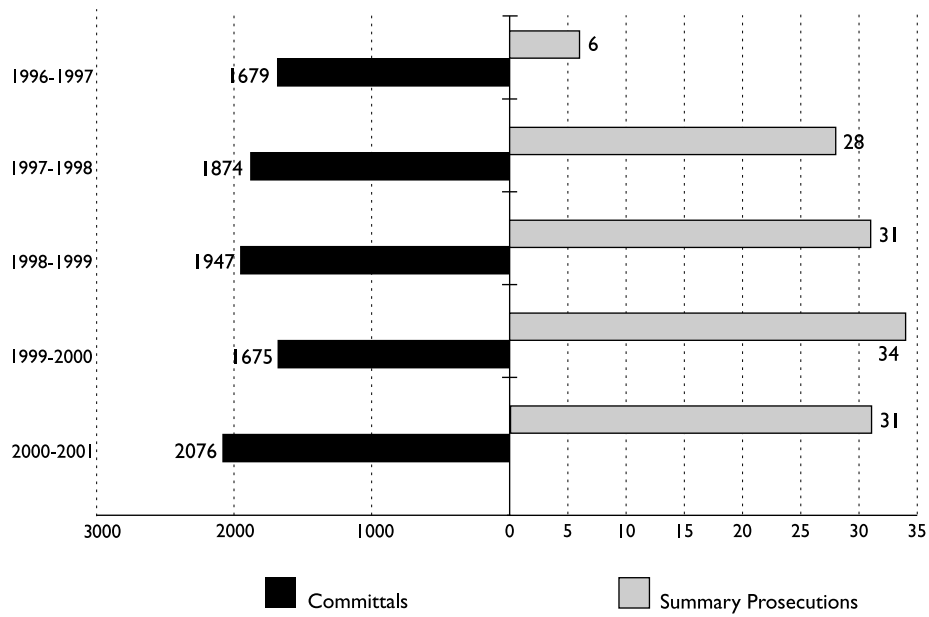
District Court Matters Completed – Sydney West



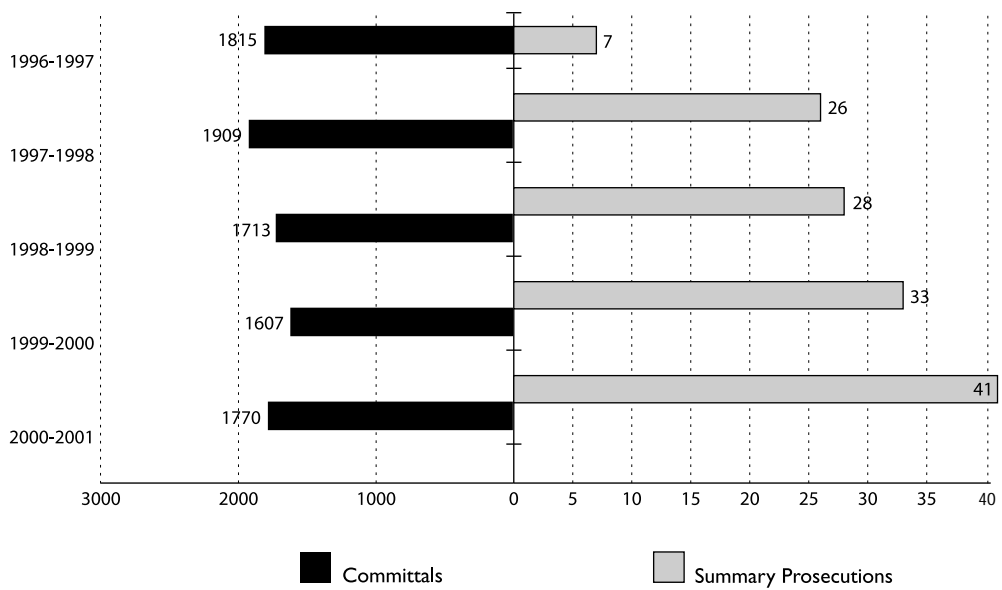
Appendix 6

Local Court – Sydney West Summary

Local Court Matters Received – Sydney West



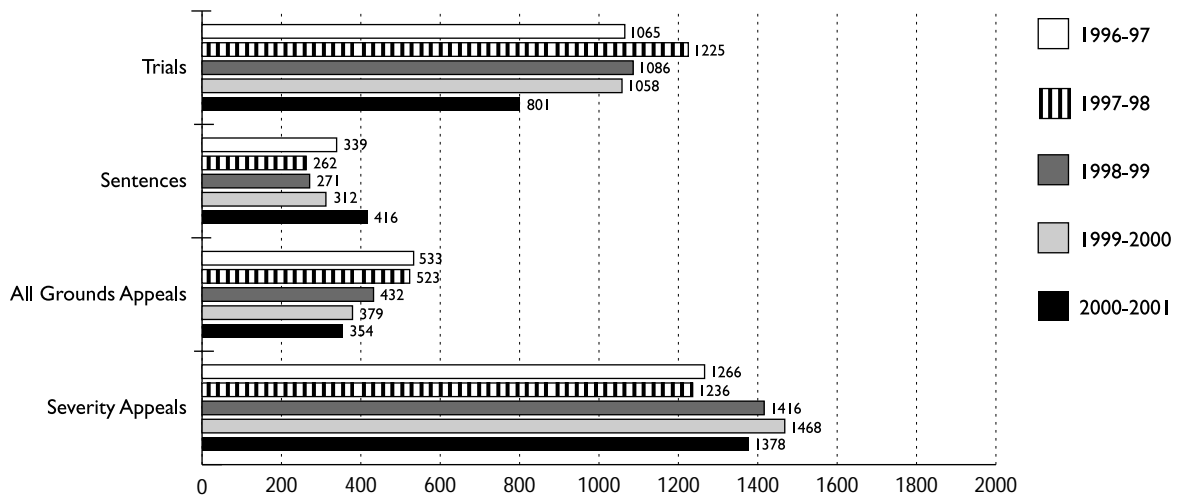
Local Court Matters Completed – Sydney West



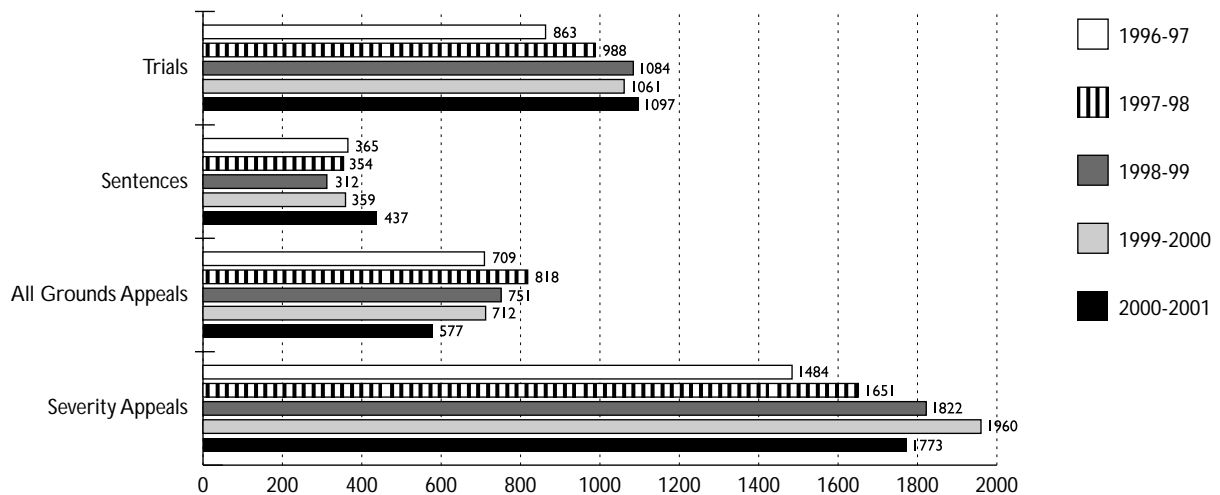
Appendix 7

District Court – Country Summary

District Court Matters Received – Country



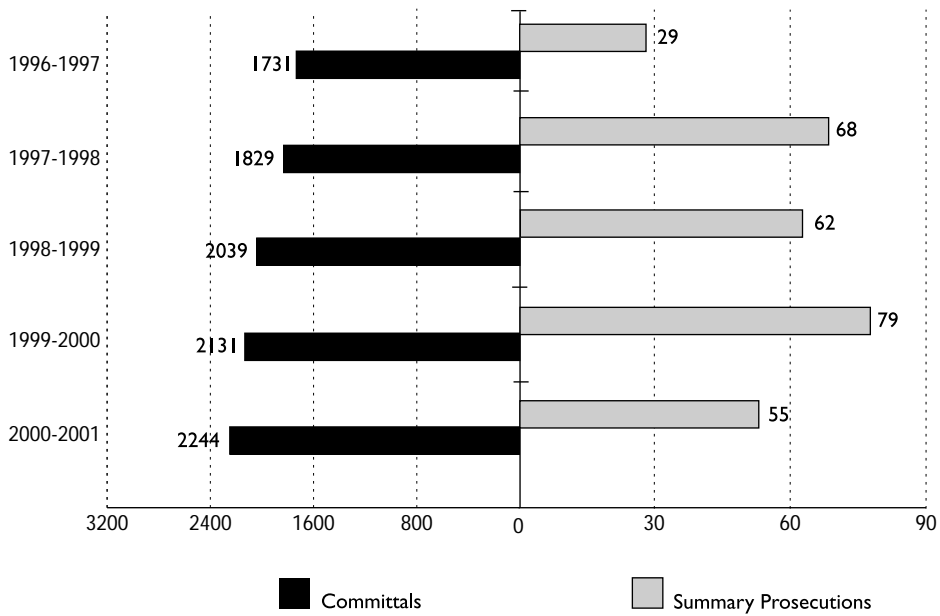
District Court Matters Completed – Country



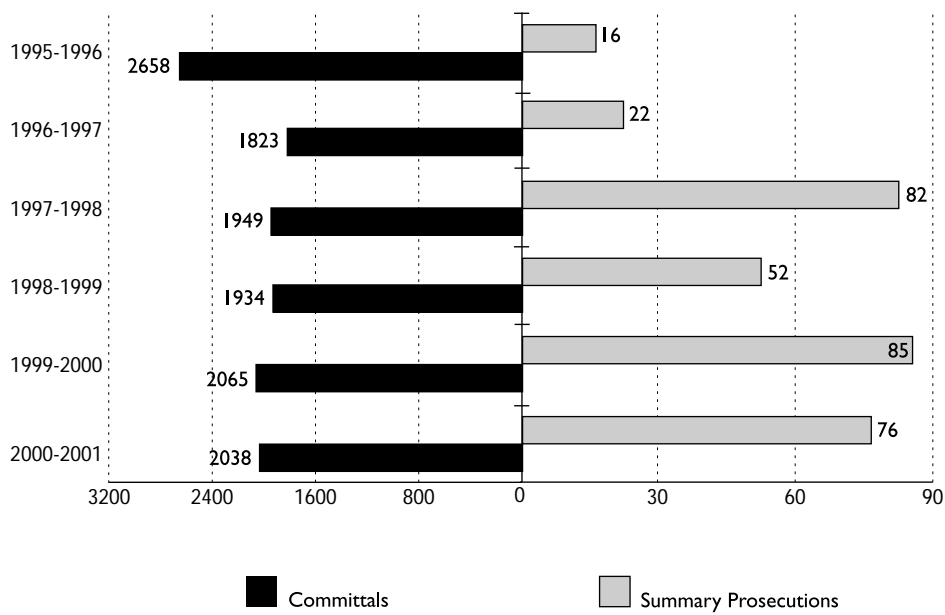
Appendix 8

Local Court – Country Summary

Local Court Matters Received – Country



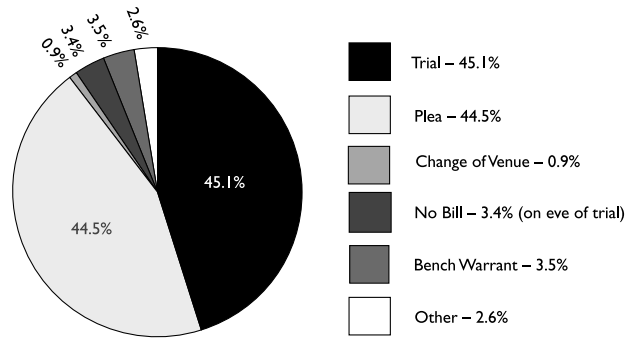
Local Court Matters Completed – Country



Appendix 9

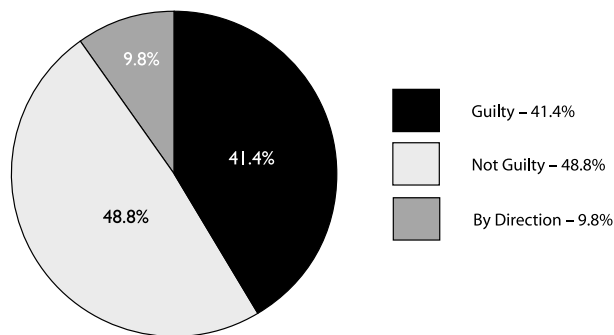
District Court – Trial Statistics

Disposal of Trials Listed

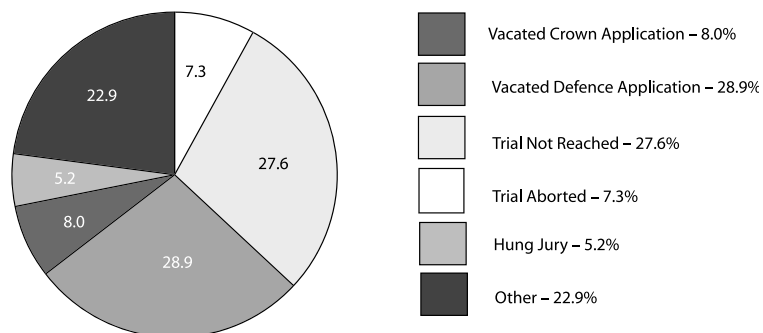


Trial Verdicts Comparison	1997–98	1998–99	1999–2000	2000–2001
Guilty	44.6%	42.8%	43.7%	41.4%
Not Guilty	45.3%	43.9%	46.7%	48.8%
By Direction	10.1%	13.3%	9.5%	9.8%

Trial Verdicts



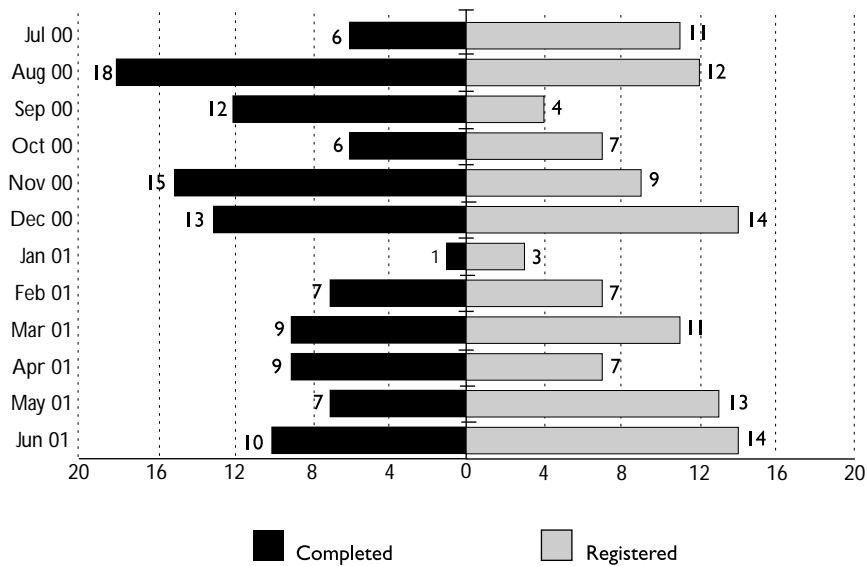
Trials Adjourned



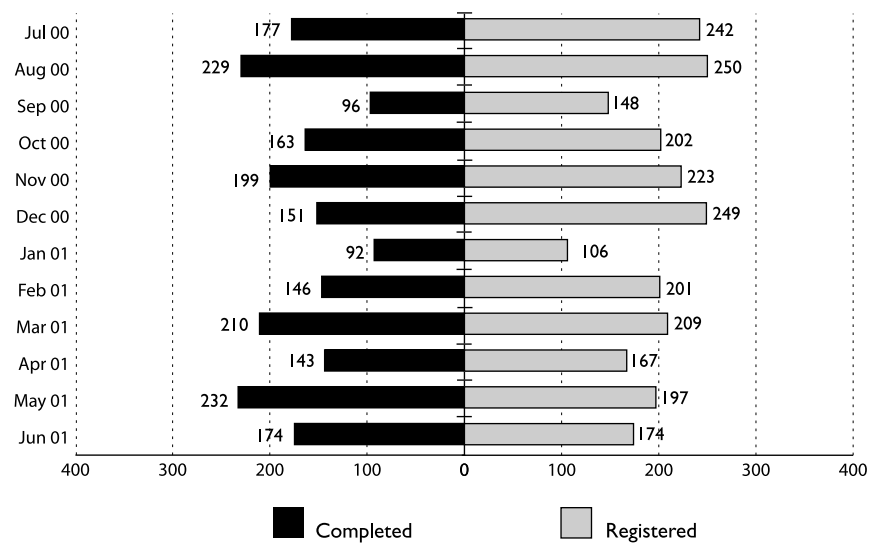
Appendix 10

Trials Registered and Completed

Supreme Court Trials Registered and Completed in 1999–2000



District Court Trials Registered and Completed in 1999–2000



Appendix 11

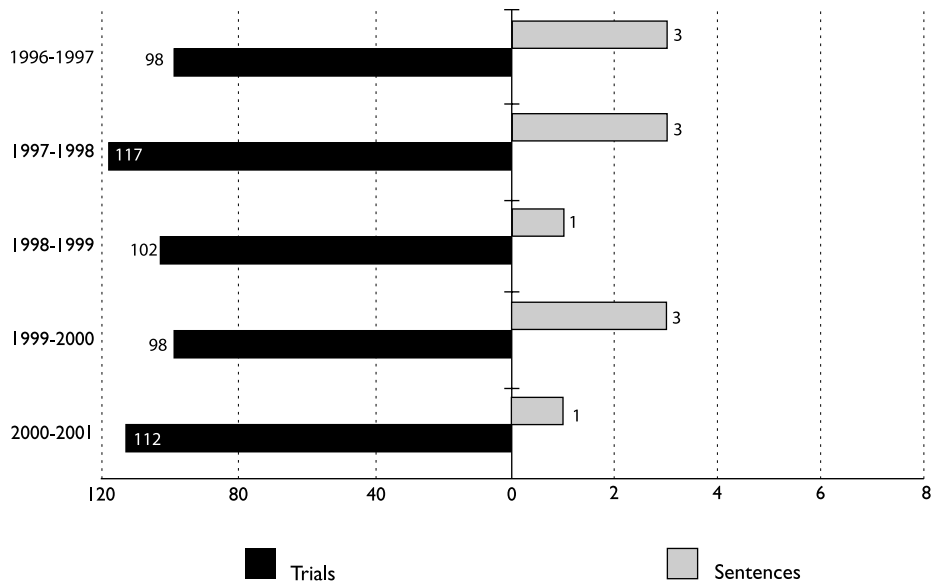
Local Court Committals – July 2000 to June 2001

Regional Office	Registrations	Disposals						Total	On hand at End of June 2001
		Committed for Trial	Committed for Sentence	Summarily Convicted	Discharged	Discont	Other		
Sydney Registrations	2002								
Group 1		124	102	72	13	24	80	415	218
Group 2		120	118	62	25	12	62	399	213
Group 3		143	115	59	20	43	93	473	228
Group 4		118	98	62	17	10	65	370	231
Group 5		0	0	0	0	0	0	0	3
Group 6		10	7	24	11	12	3	67	98
Admin Services		2	1	2	2	0	41	48	68
Sydney	2002	517	441	281	88	101	344	1772	1059
Parramatta	581	156	162	104	22	34	87	565	289
Liverpool	66	28	21	13	2	5	5	74	0
Penrith	623	138	92	110	32	30	123	525	366
Campbelltown	806	169	142	109	14	39	133	606	451
Sydney West	2076	491	417	336	70	108	348	1770	1106
Newcastle	576	165	106	106	23	64	95	559	223
Lismore	399	123	63	86	12	33	61	378	173
Dubbo	276	68	17	45	25	11	60	226	132
Gosford	192	55	60	25	3	20	22	185	82
Wagga	325	87	34	50	8	17	21	217	146
Wollongong	476	138	114	43	41	48	89	473	138
Bathurst	0	0	0	0	0	0	0	0	39
Country	2244	636	394	355	112	193	348	2038	933
State Totals	6322	1644	1252	972	270	402	1040	5580	3098

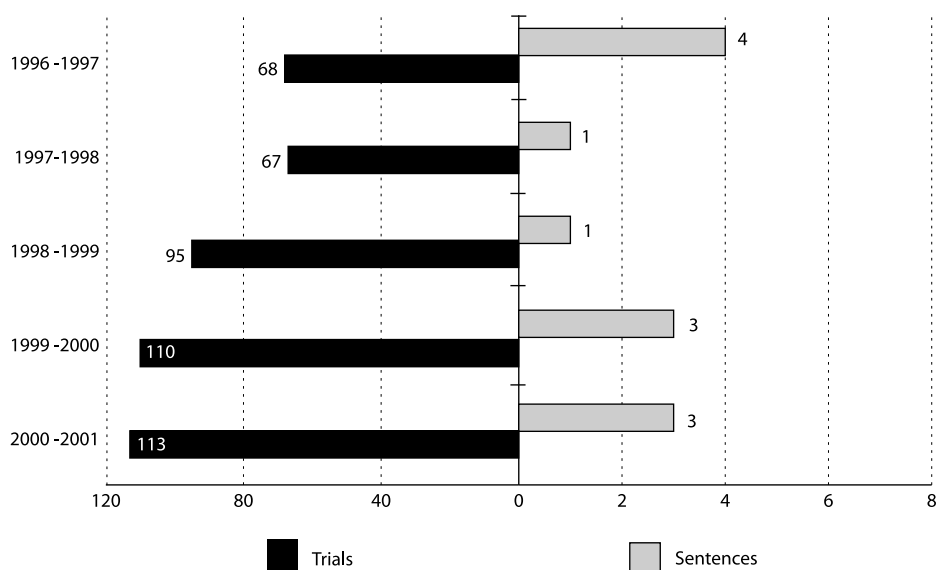
Appendix 12

Supreme Court – State Summary

Supreme Court Matters Received – State



Supreme Court Matters Completed – State



Appendix 13

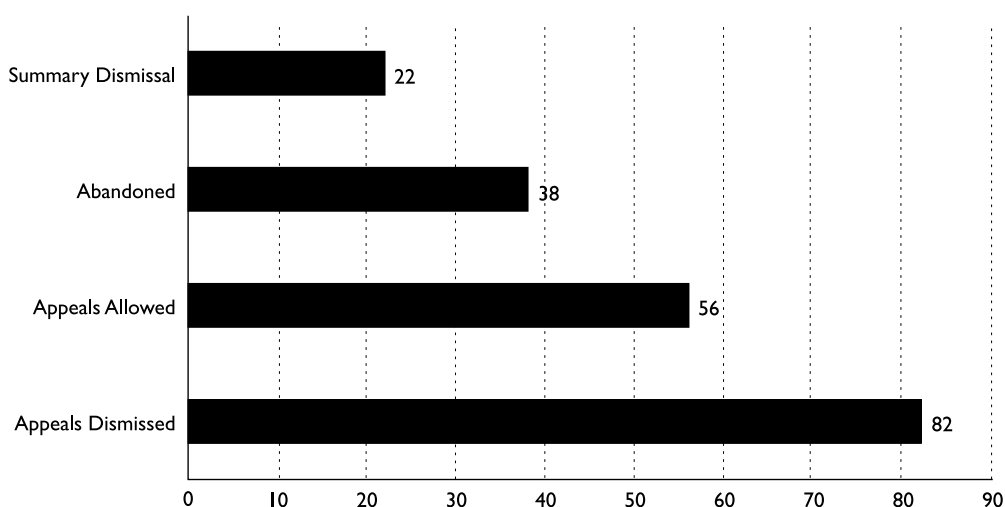
Court of Criminal Appeal and High Court

	1997-1998	1998-1999	1999-2000	2000-2001
A. Appeals by Prisoners finalised				
Conviction and sentence appeals	151	125	144	168
Sentence appeals	164	146	239	386
Summary dismissals	108	85	72	75
Appeals abandoned	180	163	169	178
TOTAL	603	519	624	807
Total successful prisoner appeals against conviction	43	57	63	56
Total successful prisoner appeals against sentence	47	60	98	85
B. Crown Appeals finalised				
Abandoned	6	4	8	7
Allowed	31	25	30	25
Dismissed	17	17	33	29
TOTAL	54	46	71	61
C. Appeals against interlocutory judgments or orders (s.5F appeals)				
	13	25	20	27
D. Stated cases from the District Court				
	6	1	6	3
E. Total of all appeals finalised				
	676	591	721	898

Statistics for High Court matters finalised

	1997-1998	1998-1999	1999-2000	2000-2001
Applications for special leave by the accused	20	27	33	39
Applications for special leave by the Crown	0	1	1	1
Total Applications	20	28	34	40

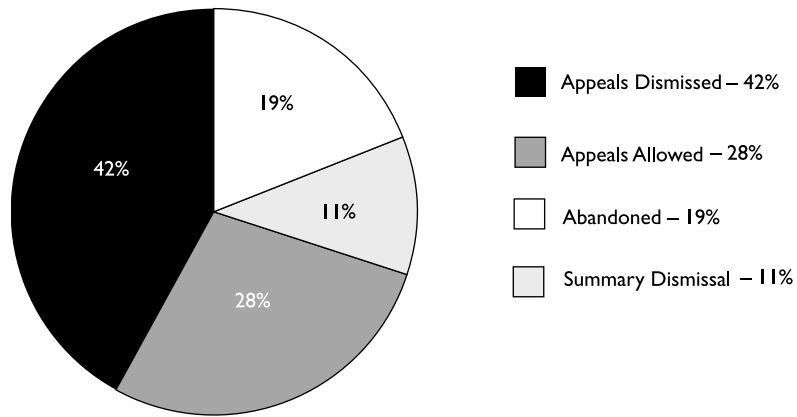
Conviction and sentence appeals finalised in 200/01 in Court of Criminal Appeal – Break down by numbers



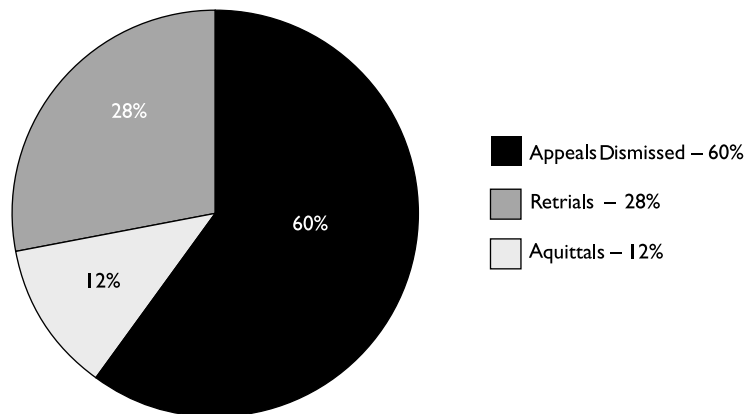
Appendix 13 Continued

Court of Criminal Appeal and High Court

Conviction and sentence appeals finalised in 2000/01 in Court of Criminal Appeal – Break down by percentage



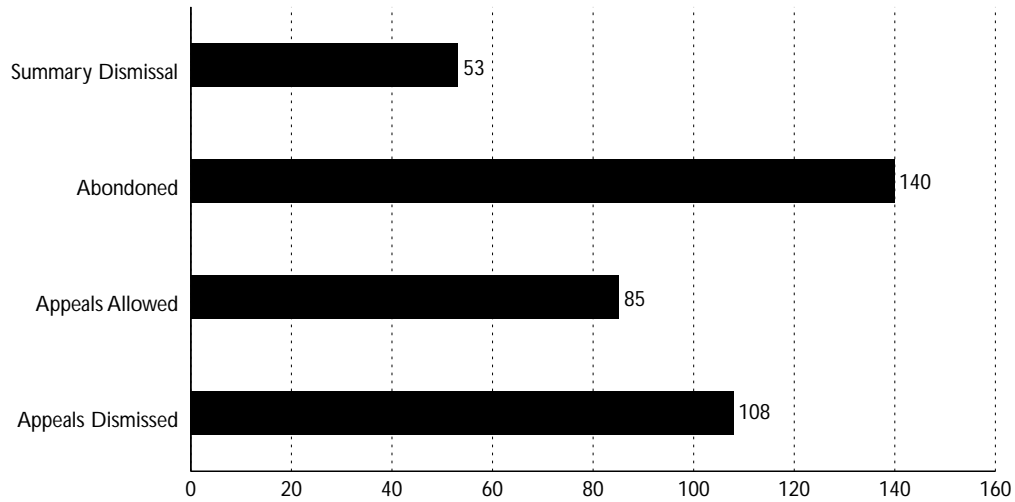
Results of finalised Conviction and Sentence appeals in 2000/01 in Court of Criminal Appeal – Break down by percentage



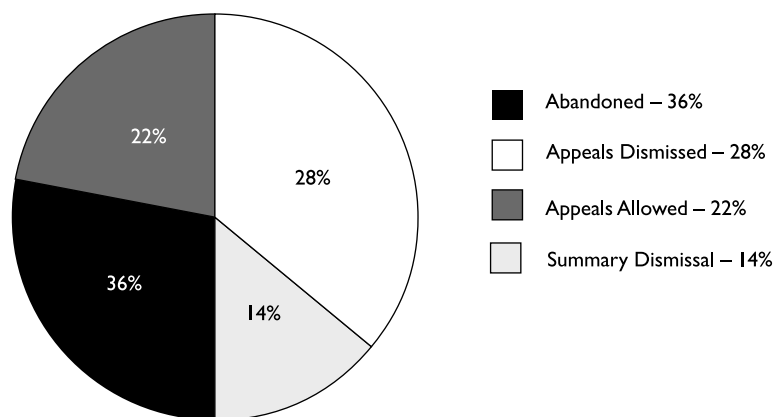
Appendix 13 Continued

Court of Criminal Appeal and High Court

Sentence appeals finalised in Court of Criminal Appeal in 2000/01- Break down by number



Sentence appeals finalised in 2000/01 in Court of Criminal Appeal-break down by percentage



Appendix 14

Government Energy Management Plan (GEMP)

The Office of the Director of Public Prosecutions (ODPP) is committed to the development and implementation of energy management practices to effectively minimise and control the amount of energy used in undertaking its corporate objectives.

By this commitment, the ODPP continues to:

- Attempt to minimise energy wastage
- Attempt to utilise energy more efficiently
- Buy energy at the most economical price
- Purchase energy efficient equipment
- Make staff aware of the Office's commitment and opportunities for their involvement in implementing energy management practices
- Monitor energy usage to ensure improvement is realised where possible.
- Use refurbishments to improve energy management by implementing energy management methodology.
- Utilise the expertise of the Department of Public Works and Services (DPW&S) in the refurbishment process to maximise energy management technology applicable.

The ODPP's Manager, Corporate Services, has the overall responsibility for the energy management of the Office with the day to day GEMP – related tasks being the responsibility of the Manager, Properties and Services.

The ODPP's Goals under the GEMP which are ongoing include:

1. Assisting the Government to achieve a reduction of the statewide total energy consumption for government buildings of 15% and 25% of the 1995 level for the years 2001 and 2005 respectively.
2. Where appropriate and cost effective, upgrade to energy efficient facilities within Head Office and Regional Offices particularly when the opportunity exists for example during a total refurbishment. The forthcoming Head office refurbishment will only allow minimal opportunities because of the physical layout of the building. This has been recognised by the DPW&S.
3. Purchase electricity within Government contracts to ensure the minimum 5% Green power content is obtained.

4. Continue to purchase equipment which complies with SEDAs energy star rating requirements.
5. Achieve savings in vehicle fleet use by the acquisition of fuel efficient diesel or gas powered vehicles.
6. Increase staff awareness of energy management.

The achievement of these goals directly relates to the Corporate Plan goals of the Office, in particular providing a cost efficient service. Refer to Page 1 of this Report.

To demonstrate its commitment to energy management practices the ODPP has undertaken the following initiatives:

- Government contracts for the purchase of energy and equipment are utilised.
- Procedures are in place within ODPP premises for a lights off and equipment off policy at close of business.
- In the H.O. refurbishment, sensor lights will be used to control the lighting of infrequently used space e.g. meeting rooms and conference room. Individual switching in offices will be implemented.
- Equipment is placed in energy save mode, where available, when not in use.
- Motor vehicles are leased within Government contract and maintained to ensure efficient operation including tyre pressure, use of diesel and LPG.

Annual Energy Consumption – 2000–2001

Electricity	Head Office	703,708 kWh
	Sydney West	153,528 kWh
	Country	250,318 Kwh
Petrol	Head Office	25,573 litres
	Sydney West	9269 litres
	Country	72,934 litres

Green House Gas Equivalent

Electricity	Head Office	186,905 tCO ₂
	Sydney West	40,777 tCO ₂
	Country	66,484 tCO ₂
Petrol	Head Office	1754 tCO ₂
	Sydney West	612 tCO ₂
	Country	4814 tCO ₂

Appendix 14 Continued

Government Energy Management Plan (GEMP)

Energy Utilisation Index (E.U.I) 2000–2001

Electricity	Head Office	112 kWh
	Sydney West	65 kWh
	Country	74 kWh
Petrol	Head Office	2416 litres
	Sydney West	927 litres
	Country	1519 litres

Future Direction

The ODPP is limited in the methods of energy management but is prepared to participate in the challenge of conserving natural resources and reducing costs. The Office does not have a great deal of opportunity in this regard in that we utilise the basic power sources but it is our intention to manage our energy use by buying appropriate in-contract sources of power, equipment, and implementing sound energy management practices and recording methods. The ODPP is committed to assist the Government in attaining its energy management goals. Energy saving methods (individual switching of offices) will be implemented in the Head Office refurbishment. Although a small contribution, the ODPP is very limited in its energy conservation practices.

The ODPP will continue its efforts to reduce energy consumption which will realise savings for the Office together with achieving a reduction in the effects on the environment.

Appendix 15

Significant Legislative Change

During the period 1 July 2000 to 30 June 2001 a number of significant changes were made to the operation of the criminal law either by the introduction of new legislation or through enacting substantial amendments to existing legislation. A number of these are summarised below.

Criminal Procedure Amendment (Pre-trial Disclosure) Act 2001 (No 7)

The Criminal Procedure Amendment (Pre-trial Disclosure) Act was assented to on 18 April 2001 and advice from the Attorney General's Department indicates that its provisions are expected to commence in September 2001. The Act amends a number of related statutes including the **Criminal Procedure Act 1986**, the **Director of Public Prosecutions Act 1986** and the **Crimes (Sentencing Procedure) Act 1999**.

The Act introduces a new regime whereby superior courts, on a case by case basis, can impose pre-trial disclosure requirements on both the prosecution and the defence in matters involving complex criminal trials. At present in NSW, pre-trial disclosure is regulated by a combination of common law rules, legislation, prosecution guidelines, Bar Association and Law Society rules and Supreme Court practice directions. Sanctions for non-compliance with pre-trial disclosure requirements are set out and include, for example, the exclusion of evidence, dispensing with formal proof and the making of comments to the jury on the failure of a party to comply with the legislation's requirements.

The legislation also contains other significant procedural provisions including —

- (a) a requirement that a prosecutor present an indictment within four weeks of committal for trial;
- (b) prohibition on the prosecutor amending an indictment that has been presented without the leave of the court or the consent of the accused;
- (c) a general duty of disclosure by investigating police officers to the Director of Public Prosecutions in matters being conducted by the Director; and

Appendix 15 Continued

Significant Legislative Change

(d) a discretion for a sentencing court to reduce the sentence imposed on a convicted person having regard to the degree of pre-trial disclosure made by the defense.

Evidence (Audio and Audio Visual Links) Amendment Act 2000 (No 16)

The **Evidence (Audio and Audio Visual Links) Amendment Act 2000** which commenced on 1 July 2000, amended the **Evidence (Audio and Audio Visual Links) Act** to enable, amongst other things, the giving of evidence by audio link and audio visual link from overseas locations in proceedings before New South Wales courts.

An earlier piece of legislation, the Evidence (Audio and Audio Visual Links) Act 1998 provided for the participation of New South Wales in an interstate scheme for taking or receiving evidence and making or receiving submissions by audio and audio visual link from other states participating in the scheme.

The amending legislation passed in the year 2000 extends the scope of the scheme to places not covered by the original proposal, including places outside Australia; places within New South Wales, other than the place where the court or tribunal is sitting; and places in any state which is not a participant in the scheme.

The amending Act does not prescribe a process for giving evidence by audio or audio visual link. Rather, it simply facilitates that process by granting New South Wales courts a statutory discretion to direct the taking of evidence by audio or audio visual link from a person who is present at one of the nominated places.

The provisions in the amending Act do not rely on the co-operation of authorities at overseas or interstate locations. A location outside New South Wales is deemed to be part of the New South Wales court for the purpose of conducting the proceedings and, accordingly, New South Wales laws of evidence, procedure, contempt and perjury apply

Crimes (Forensic Procedures) Act 2000 (No 59)

The Crimes (Forensic Procedures) Act 2000, most of which commenced on 1 January 2001, is a substantial piece of legislation which allows the conduct of forensic procedures on certain persons and provides for the creation of a national DNA database. The legislation also made related

amendments to the Justices Act 1902 and Crimes Act 1900. The principal objects of the Act are as follows —

- (a) to create a regime for carrying out forensic procedures on persons suspected of having committed certain offences, persons convicted of serious indictable offences and persons who volunteer to undergo forensic procedures, and
- (b) to provide for the storage, use and destruction of material derived from those procedures, and
- (c) to make provision for a national DNA database which contains information derived from the carrying out of such forensic procedures.

Under the legislation, if a suspect is not under arrest or charged with a "prescribed offence" (an indictable offence, or any other offence prescribed by the Regulations) and he or she does not consent to the taking of a forensic sample (such as a buccal or mouth swab), the police may apply to a Magistrate or other authorised Justice for an order authorising a forensic procedure. Before a Magistrate can order a forensic procedure he or she must be satisfied of certain matters which include, among other things, the existence of reasonable grounds for believing that the suspect committed a prescribed offence, and reasonable grounds to believe that the forensic procedure might produce evidence tending to confirm or disprove that the suspect committed the relevant offence.

This legislation has already been amended on a number of occasions and its operational effectiveness is currently being reviewed by the NSW Government.

Child Protection (Offenders Registration) Act 2000 (No 42)

The **Child Protection (Offenders Registration) Act 2000** received assent on 15 September 2000 although its substantive provisions are yet to commence operation. The primary objective of the Act is to enable police to monitor persons convicted of certain offences, particularly those committed against children. The Act enables information about registrable offenders to be maintained by police on a register of offenders although it does not allow for community notification of registrable offenders, nor for members of the community to access the register.

The Act creates a statutory duty on a sentencing

Appendix 15 Continued

Significant Legislative Change

court to give a registrable offender written notice of their reporting obligations, and to inform the Commissioner of Police and supervising authorities of the fact of the sentence.

The statute imposes reporting obligations on registrable offenders, requiring them to keep the Commissioner of Police informed about changes to certain relevant personal information. Offences are created for failure to comply with these obligations.

During the parliamentary debates which accompanied the passage of this legislation through Parliament, it was contemplated that the Act would be monitored by the Ombudsman for the first two years of its operation.

Firearms Amendment (Trafficking) Act 2001 (No 24)

The **Firearms Amendment (Trafficking) Act 2001** was assented to on 19 June 2001 and commenced in full on 1 July 2001. It enhances police powers to investigate trafficking in illegal firearms and significantly increases sentences able to be imposed for firearms offences. The legislation also modifies the **Firearms Act 1996** to more tightly regulate the supply, purchase and sale of firearms and the registration of firearm frames and firearm receivers. It also targets the organisers of firearms trafficking in a manner similar to that of the **Drug Misuse and Trafficking Act**, particularly with respect to the selling of firearms on an ongoing basis.

Appendix 16

Significant Judicial Decisions

HIGH COURT

Azzopardi v The Queen [2001] HCA 25 High Court – 3 May 2001

In this case, decided by the High Court together with *Davis v The Queen* [2001] HCA 25, the Court re-examined its earlier recent judgment in *RPS v The Queen* (2000) 199 CLR 620. Both *Azzopardi* and *Davis* relate to the significance of the failure of an accused person to deny or explain evidence relied on by the prosecution. The principal issue in both cases was whether section 20(2) of the Evidence Act or the common law prevent a judge informing the jury, that in assessing prosecution evidence, they may take into account that the accused has not denied or explained evidence about matters within his or her personal knowledge. It was held by the Court that cases in which a judge may comment on the failure of an accused to offer an explanation will be rare and will occur where the evidence is capable of explanation by disclosure of additional facts known only to the accused. A comment will never be warranted merely because the accused has failed to contradict some aspect of the prosecution case.

Ryan v The Queen [2001] HCA 21 High Court – 3 May 2001

The appellant had pleaded guilty to 14 charges, including 9 counts of indecent assault. The appellant was a priest who had abused his position of trust by sexually assaulting young boys over a period of 20 years. A large number of the offences became known to the police only because the appellant disclosed them. At first instance it was accepted that, except for the offences, the appellant was a person of unblemished character and reputation. However, that unblemished character was, in the view of the sentencing judge, something expected of a priest and, as such, did not entitle him to any discount in sentence. It was held that the sentencing judge had erred in this regard. The Court held that the appellant was entitled to have evidence of good character, otherwise than in relation to facts proven or inherent in his conviction, taken into account and given appropriate weight on the question of sentence.

Appendix 16 Continued

Significant Judicial Decisions

Stanoevski v The Queen [2001] HCA 4 High Court – 8 February 2001

The appellant, a solicitor, was convicted of the common law offence of conspiracy to cheat and defraud. The alleged victim was an insurance company. The Crown alleged that the appellant had asked a friend and business acquaintance to arrange for someone to “steal” her car in order that she could claim on the insurance policy. Given that the appellant was a solicitor, on one view, her character was always going to loom large in her defence. The trial judge ruled that if good character evidence was raised by the accused, the Crown would be permitted to cross-examine the accused about an alleged forgery of documents in family law proceedings. The alleged forgery had been the subject of an investigation and report by an investigator appointed by the Law Society. The accused testified and intentionally raised her character. The Crown was then permitted to cross-examine the accused on character pursuant to section 112 of the Evidence Act. The cross-examination was wide-ranging and included cross-examination on the contents of the report by the investigator. The Court allowed the appeal, quashed the conviction and ordered a new trial. The Court did so primarily by reason of the failure of the trial judge to advert to section 192(2) of the Evidence Act which sets out the factors to be taken into consideration by a trial judge in granting leave to be cross-examined under section 112. The case contains a useful analysis of the factors to be taken into consideration by a trial judge in granting leave to be cross-examined under section 112.

Crampton v The Queen [2000] HCA 60 High Court – 23 November 2000

The appellant was a school teacher who taught children with learning disabilities. The two complainants were his pupils in a special class for slow learners. The Crown case alleged that the offences were committed in 1978. No complaint was made until 1997. In allowing the appeal the Court made detailed observations on the need for trial judges to give Longman directions in a way which is appropriately adapted to the circumstances of each individual case. The majority said — “The denial to an accused of the forensic weapons that reasonable

contemporaneity provides, constitutes a significant disadvantage which a judge must recognise and to which an unmistakable and firm voice must be given by appropriate directions.”

NSW COURT OF APPEAL AND COURT OF CRIMINAL APPEAL

DPP v Attallah [2001] NSWCA 171 Court of Appeal – 14 June 2001

In this matter the Court of Appeal examined in detail the obligation on witnesses appearing before ICAC to give truthful evidence, the circumstances in which false or misleading answers in a material particular can provide an appropriate basis for prosecution pursuant to section 87 of the ICAC Act, and the basis upon which admissions by a witness might be excluded from evidence in any such prosecution.

DPP v Sinton [2001] NSWCA 179 Court of Appeal – 15 June 2001

In this matter, which involved the prosecution of a police officer for the related offence of “negligent driving” following his acquittal at trial on charges of “dangerous driving causing death and grievous bodily harm,” the Court of Appeal resolved several important issues concerning the procedural steps to be undertaken by the prosecuting authority in the conduct of related summary or back-up charges pursuant to Part 10 of the Criminal Procedure Act, 1986.

R v Thomson; R v Houlton [2000] NSWCCA 309

NSWCCA – 17 August 2000

Thompson and Houlton is a “guideline judgment” promulgated by the NSW Court of Criminal Appeal on the issue of the discount applicable on sentence to a guilty plea.

Under section 22 of the Crimes (Sentencing Procedure) Act 1999 a sentencing judge must take into account the fact that an offender has pleaded guilty and when the offender pleaded guilty or indicated an intention to so plead. This section reflects the longstanding practice of providing a sentence discount for a guilty plea.

In May 2000 the Director Crown made application to the CCA to promulgate a guideline judgment on

Appendix 16 Continued

Significant Judicial Decisions

the giving of a discount for a plea of guilty in relation to NSW offences. The application was supported by the Attorney General and the Senior Public Defender. Thomson and Houlton were both respondents to Crown appeals heard at the same time as the application for the guideline judgment.

The court adopted a guideline designed to ensure that offenders, and those who advise them, are aware that in NSW a discount for a plea of guilty is given on a systematic basis and that the earlier the plea, the greater the benefit. It was considered that achieving the objective of encouraging early guilty pleas would best be served if sentencing judges adopted the practice of quantifying the discount and relating the quantification to the timing of the plea. The court therefore issued a guideline judgment which encourages sentencing judges to follow this practice.

In the course of the judgment, and in addition to providing the guidelines below, the court explored the statutory obligation under s 22 of the Crimes (Sentencing Procedure) Act, the obligation of sentencing judges to expressly refer to the fact that consideration has been given to the plea of guilty, the relevance of the strength of the Crown case and the appropriate discount range for the utilitarian component of a guilty plea

In summary the guidelines applicable to a sentence discount for a guilty plea are as follows —

- (i) A sentencing judge should explicitly state that a plea of guilty has been taken into account. Failure to do so will generally be taken to indicate that the plea was not given weight.
- (ii) Sentencing judges are encouraged to quantify the effect of the plea on the sentence in so far as they believe it appropriate to do so. This effect can encompass any or all of the matters to which the plea may be relevant - contrition, witness vulnerability and utilitarian value - but particular encouragement is given to the quantification of the last mentioned matter. Where other matters are regarded as appropriate to be quantified in a particular case, eg assistance to authorities, a single combined quantification will often be appropriate.
- (iii) The utilitarian value of a plea to the criminal justice system should generally be assessed in the range of 10–25 percent discount on sentence. the primary consideration determining where in

the range a particular case should fall, is the timing of the plea. What is to be regarded as an early plea will vary according to the circumstances of the case and is a matter for determination by the sentencing judge.

- (iv) In some cases the plea, in combination with other relevant factors, will change the nature of the sentence imposed. In some cases a plea will not lead to any discount.

MHH [2001] NSWCCA 161 NSWCCA – 18 April 2001

The decision of MHH concerned an appeal against the severity of a sentence imposed on a juvenile for an aggravated armed robbery contrary to s 97 (2) of the Crimes Act. The sentence imposed was three years, with a two year non-parole period to be served in a detention centre. The appellant argued firstly that the sentencing judge made a patent error of law in not referring to s 6 of the Children's (Criminal Proceedings) Act and secondly that the judge erred in finding that the principles in the guideline judgment of R v Henry (1999) 46 NSWLR 346 which relates to armed robbery, apply to children. In dismissing the appeal, the court held that the guideline judgment of Henry could be applied to offenders under the age of 18 years. In reaching this decision, the bench declined to follow R v Sua which held R v Henry to be inapplicable to the sentencing of children. The correct starting point was not, the court remarked, the relevant subjective circumstances of the case but rather the gravity of the objective facts of the offence.

R v Serratore [2001] NSWCCA 123 NSW CCA – 6 April 2001

This case involved an appeal by Serratore against his conviction for murder under s 18 of the Crimes Act 1900 (NSW). The appellant had a relationship with the deceased which had been characterised by intermittent violence. It was the Crown case that he either murdered the deceased himself, aided or abetted another person who caused the death or procured another person to kill her. An important issue on appeal was whether evidence of conversations between the appellant and a friend, which concerned Serratore's relationship with the deceased and took place up to five months before the homicide, were admissible as evidence of intention under s 72 of the Evidence Act.

Appendix 16 Continued

Significant Judicial Decisions

In finding that the conversations were admissible as evidence to prove the appellant's intention, the court stated that "evidence of the conduct of the accused, which is part of a series of connected events, to prove the state of mind of the accused, is admissible to prove intention providing it is relevant": R v O'Leary (1946) 73 CLR 566; R v Adam (1999) 106 A Crim R 510. In the context of an intermittently violent relationship, the conversations of November 1994, February 1995 and the murder were regarded as part of a continuum. On this basis, the CCA held that the trial judge had correctly admitted evidence of conversations between the appellant and a witness (whom he had asked to help him kill the deceased) five months prior to her death, as evidence of intention.

An application to the High Court of Australia, for special leave to appeal this decision, has been made.

R v Dragan RADICH [2001] NSWCCA 174 NSWCCA – 29 May 2001

This case concerned the appropriate procedures to be followed where there is a failure to comply with s 51A of the Justices Act at the time the original sentence is imposed. Radich was charged with breaking and entering a dwelling and stealing property to the value of \$38,000 including jewellery and cash. At sentence in the District court under s 51A Justices Act, the appellant adhered to his plea of guilty, but denied stealing the property particularised in the charge. Instead, he admitted only to the theft of a drill which he sold for \$40. Notwithstanding the appellant's dispute of the facts, he appealed to the CCA on severity of sentence only and not against conviction.

In allowing the appeal, the court held that since the appellant had declined to appeal against his conviction, the conviction itself must stand, as the CCA does not have the power, of its own motion, to set aside a conviction. However, as the theft of the drill was not part of the indictment, the Crown had failed to establish the essential facts in the indictment necessary to obtain a conviction. In addition, the court held that as the sentencing options available under s 51A after a plea of guilty were not followed, the appellant's sentence should be set aside and a new sentence imposed.

HMB [2000] NSWCCA 554 NSWCCA – 4 July 2000

The case of HMB dealt with the issue of whether the identification of an accused made some months after the event was properly admitted at trial. The case also concerned whether the trial judge's direction to the jury was correct, given that a witness had made a mistake regarding the identification of the appellant on a previous occasion. The appellant had been convicted of the robbery of a service station during which he used violence. Sixteen weeks after the robbery, the console operator at the service station identified the appellant from a video containing 11 numbered photographs, including one of the appellant taken after arrest. The CCA held that the trial judge made no error in admitting evidence of identification, notwithstanding the time lapse between the offence and the identification of the appellant from a video. The court further held that the trial judge made no error in not directing the jury concerning the fact that honest mistakes can be made. It was agreed by all parties to the trial that the console operator was an honest witness and when the trial judge stated "It is an honest mistake and mistakes can be made" the judge was doing no more than repeating what counsel on both sides had already agreed upon.

R v Frank Petrinovic [2001] NSWCCA 118 NSWCCA – 2 April 2001

The case of Petrinovic concerned an appeal against the severity of a sentence of 27 years imprisonment, with a 20 year non-parole period, imposed for murder. The appellant and a co-offender had planned to rob a bottle shop armed with a revolver. During the robbery the victim, who struggled with the appellant, received fatal injuries. The court held that the fact that the appellant was addicted to heroin, and was affected by it at the time of the crime, was not a mitigating circumstance. The CCA stated that the court supports judges who recognise that armed robberies, conducted to feed drug habits, warrant heavy sentences. Relevant to the court's decision not to review the length of the sentence was the fact that the appellant's criminal history contained multiple offences of armed robbery which showed a continuing disobedience of the law. The fact that the appellant had no intention to kill the victim was less relevant than the fact that the robbery was committed with a loaded gun.

Appendix 16 Continued

Significant Judicial Decisions

R v Vikash Goundar [2001] NSWCCA 198 NSWCCA – 14 May 2001

The case of Goundar concerned a successful Crown appeal against the leniency of a sentence imposed on the respondent for aiding and abetting an armed robbery. Two co-offenders were involved in the offence, both of whom were sentenced prior to the respondent. The Crown submitted that the sentence of 18 months, with a non-parole period of seven months, was manifestly inadequate to the point of disclosing error. Specifically, the Crown argued that the trial judge failed to give sufficient weight to the objective seriousness of the offence and that there was a lack of reasonable proportionality between the weight given to the objective gravity of the crime and the subjective features of the respondent.

In allowing the appeal, quashing the sentence and imposing a new sentence, the court held that an error of law had been shown to exist which warranted judicial intervention. One error made was that the sentencing judge erroneously considered the guideline judgment of *R v Henry* (1999) 46 NSWLR 346 (concerning armed robbery) to have no relevance to the case of an aider and an abetter. The objective criminality of the respondent was significant and while the respondent did not personally offer any threat of violence, he clearly contemplated the use of, or threatened use of, the machete to discourage any resistance to the robbery. A second error made by the sentencing judge was the lack of reasonable proportionality between the respondent's criminality and the objective circumstances of the case. The respondent entered an early plea of guilty and was of a young age, but the court took the view that the gravity of the crime should not have permitted the offender's youth to be regarded as a "cloak of convenience."

R v Darren Tahu Hura [2001] NSWCCA 61 CCA – 16 March 2001

In *R v Hura* the issue on appeal was whether the court had jurisdiction to allow an application from an accused to withdraw a guilty plea, after the plea had been entered and a finding of guilt made. At trial, the judge found that he had no jurisdiction to allow the application to withdraw the guilty plea because there had been an acceptance of the plea and in addition the court had acted upon it so as to constitute an

implicit finding of guilt. The appellant appealed against this decision arguing that there had been no finding of guilt by the judge sufficient to bring into operation s 91 of the Criminal Procedure Act and that a miscarriage of justice had occurred by reason of the appellant having entered the guilty plea.

In dismissing the appeal, and remitting the matter to the District Court for sentence, the court confirmed the finding of the trial judge as correct. The CCA stated that there need not be express words such as "I convict the accused" for there to be a conviction and finding of guilt sufficient to invoke s 91 of the Criminal Procedure Act. The court remarked that a plea of guilty does not of itself, amount to a conviction, rather a conviction arises where there has been an acceptance of criminal responsibility by the court. In addition to this finding the court held that there was no reason to doubt the integrity of the plea entered and considered that it represented a genuine recognition of guilt by the appellant.

Appendix 17

Chief Executive Service and Senior Executive Service

Number of CES/SES positions Level:	Total CES/SES 30 June 1999	Total CES/SES 30 June 2000	Total CES/SES 30 June 2001
SES Level 1	3	3	3
SES Level 2	3	3	3
SES Level 3	–	–	–
SES Level 4	–	–	–
SES Level 5	–	–	–
SES Level 6	–	–	–
Statutory Appointments Under the DPP Act	3	4	4
Number of positions filled by women	3	2	2

* The Director of Public Prosecutions, Deputy Directors of Public Prosecutions and Solicitor for Public Prosecutions are statutory appointees, appointed under the Director of Public Prosecutions Act 1986.

CEO Statement of Performance

Name:	Nicholas Cowdery QC
Position and level:	Director of Public Prosecutions The Director of Public Prosecutions is a statutory appointment under Section 4 of the Director of Public Prosecutions Act 1986
Period in position:	Full year
Comment:	The Director is not appointed under the Public Sector Management Act 1988. The Director is responsible to Parliament and there is no annual performance review under the Public Sector Management Act

Staff Numbers	30 June 1999	30 June 2000	30 June 2001
Statutory Appointed & SES	82	85	85
Lawyers	249	256	268
Administrative & Clerical Staff	191	190	189
Total	522	531	542

Recruitment Statistics	1998/99	1999/2000	2000/01
Senior Executive Service	0	0	0
Statutory Appointments	0	1	0
Crown Prosecutors	4	5	5
Prosecution Officer (Lawyers)	43	35	30
Prosecution Officer (Administrative)	56	60	75
Summer Clerks	2	0	0
Total	105	101	110

Appendix 18

Publications

The following publications are available to the public and are produced by the Office of the Director of Public Prosecutions.

Prosecution Policy and Guidelines

The booklet sets out the prosecution policy and prosecution guidelines of the Director of Public Prosecutions. It is available free of charge from the Office's head office library by telephoning (02) 9285 8912 and on the ODPP website (www.odpp.nsw.gov.au/)

Advance Notes

Advance Notes are summaries of judgments of the Court of Criminal Appeal, and the District, Supreme and High Courts. Advance Notes are available to practitioners through the Bar Association Library or the Law Society Library, and the Legal Information Access Centre at the State Library. The Notes are also published on the website of the Judicial Commission of NSW.

An annual subscription to the Advance Notes can be purchased from the ODPP for \$400 by contacting the Principal Research Lawyer on telephone (02) 9285 8754.

Evidence Act Cases Summaries 1995–1999 and Evidence Act Cases Summaries 2000

These publications contain summaries of almost every Court of Criminal Appeal decision on the Evidence Act 1995, summaries of all High Court cases relating to the Act and summaries of a selection of significant Supreme Court and Court of Appeal Evidence Act cases. The publication costs \$75 and is available from the ODPP Research Unit on telephone (02) 9285 8761. It is also available on the website of the Judicial Commission of New South Wales.

Annual Reports

The Office has published Annual Reports every year since the 1987–88 issue.

Copies of the reports can be obtained from the head office Library by telephoning (02) 9285 8912. The 1988–99 and 1999–00 Annual Reports are also available on the ODPP website (www.odpp.nsw.gov.au/)

About the DPP

This brochure contains information about the role of the DPP in the prosecution process. Members of the public can obtain copies from the ODPP website, the Office's Witness Assistance Service (02) 9285 8945 or any regional office.

Being a Witness

This pamphlet has been prepared to provide prosecution witnesses with information about their role in the prosecution process, how to prepare for court, and the role of the Office of the Director of Public Prosecutions. Copies are issued to witnesses by this Office. Members of the public can obtain copies from the ODPP website, the Office's Witness Assistance Service (02) 9285 8945 or any regional office.

Your Rights as a Victim

This pamphlet has been prepared to inform victims of the Office's policy concerning their rights. It also gives information on who to contact if those rights have not been observed. Copies are issued to victims of crime in matters prosecuted by the Office. Members of the public can obtain copies from the ODPP website, the Office's Witness Assistance Service or any regional office.

Information for Court Support Persons

This pamphlet was prepared for persons providing court support for victims of crime. It provides information on the role of support persons and appropriate behaviour in court. Members of the public can obtain copies from the ODPP website or the Office's Witness Assistance Service.

Corporate Plan

The Office's 2000–2003 Corporate Plan contains the Office's goals, objectives and implementation strategies. Copies of the Plan can be obtained from the ODPP website or from the head office Library by telephoning (02) 9285 8912.

Equal Employment Opportunity (EEO) – Annual Report

The Office's EEO Annual Report provides details of progress made towards the implementation of the EEO Management Plan detailing objectives and strategies being implemented. Copies of the EEO Annual Report can be obtained by contacting the Personnel Manager on (02) 9285 8611.

Appendix 18 Continued

Publications

Community Relations and Principles of Multiculturalism Report

This Report describes the four principles of multiculturalism report set out in s.3 of the Act and the initiatives undertaken by the ODPP to give effect to these principles. The Report is available from the Deputy Solicitor (Legal) on (02) 9285 8733.

Statement and Summary of Affairs June 2001 and Summary of Affairs December 2000 –Freedom of Information Act 1989

These reports provide details of the Office's administration of the Freedom of Information Act. Copies of the Statements and Summaries are available from the ODPP website or from the Executive Assistant to the Solicitor for Public Prosecutions on (02) 9285 8733.

Disability Action Plan

The Office's Disability Action Plan addresses the areas of access, employment and disability-specific services. The plan enables the Office to provide appropriate services to staff and members of the community. Copies of the Disability Plan may be obtained by contacting the Manager, Service Improvement Unit on (02) 9285 8874.

Appendix 19

2000–2001 EEO Achievements

This year the EEO statistics were produced as part of the NSW Public Sector Workforce Profile and for the first time the Office's 74 Crown Prosecutors have been included. This accounts for the reduction in the number of women earning salaries above \$64,400 (non SES) from 42% to 33% and the increase in the number of men in the same salary band from 58% to 67%. A number of strategies for increasing the number of Aboriginal people employed by Office were considered during the reporting period with one position of Witness Assistance Officer being filled by an Aboriginal woman. The Office has also identified funding to offer a law internship to an Aboriginal or Torres Strait Islander student during the next reporting period.

An all-staff survey aimed at identifying the extent of harassment was conducted in consultation with the Occupational Health and Safety Committee. Only 12.8% of staff responded to the survey.

Approximately half of the respondents indicated that they had experienced some form of harassment. However, the information provided did not identify trends across the organisation or within particular work locations.

Appendix 20

Report of Chief Information Officer Main IM & T Projects During 2000–2001

PROJECT	DETAILS
CASES 2	<p>The Office's case tracking and case management system (CASES) is being migrated to new hardware and software to reduce its maintenance costs. CASES 2 will –</p> <ol style="list-style-type: none">1. Have a windows type look2. Enable the attachment of documents (eg e-mails and word documents)3. Facilitate workload measure and activity costing4. Link to other office data bases. <p>Due for implementation in November 2001.</p>
ERIC-mail	<p>ERIC-mail ERIC (Electronic Referral of Indictable Charges) links the ODPP CASES system to the Police Service's COPS system. Information flows one way from the Police to the ODPP. ERIC-mail is an enhancement to allow information to flow back from the ODPP to the Police, so that election decisions, requisitions and similar data can be sent to police by a secure electronic link.</p> <p>Due for implementation in October 2001.</p>
DPP-Net	<p>ODPP intranet system launched in August 2000, which provides on-line information to staff.</p>
DPP Website	<p>Interactive internet website for the ODPP launched in March 2001. www.odpp.nsw.gov.au</p>
Virtual Private Network	<p>Completed in May 2000, this network allows remote access to ODPP data bases by Crown Prosecutors and ODPP lawyers.</p>
Voice Recognition Software	<p>Voice recognition software installed for Crown Prosecutors and lawyers undertaking Court of Criminal Appeal work.</p>
Information Management Project	<p>Establishes a framework for information management which will be in accordance with the Department of Information Technology guidelines and will provide support for IM & T initiatives (including information sharing).</p>
Video-Conferencing Project	<p>This project is an initiative of all criminal justice agencies to link specified sites (principally a range of Courts and some other sites e.g. gaols, analytical laboratories, ODPP, Legal Aid Office), in an integrated video conferencing link.</p>

Appendix 21

EEO Statistics

Table 1

Percent of Total Staff by Level

LEVEL	Subgroup as Percent of Total Staff at each Level				Subgroup as Estimated Percent of Total Staff at each Level				
	TOTAL STAFF (Number)	Respondents	Men	Women	Aboriginal People & Torres Strait Islanders	People from Racial, Ethnic, Ethno-Religious Minority Groups	People Whose Language First Spoken as a Child was not English	People with a Disability	People with a Disability Requiring Work-related Adjustment
< \$26,802	2	50%		100%		50%	100%		
\$26,802 - \$39,354	97	85%	13%	87%		46%	28%	9%	4%
\$39,355 - \$49,799	141	85%	23%	77%		24%	14%	4%	1.4%
\$49,800 - \$64,400	109	83%	46%	54%		17%	6%	7%	4.3%
> \$64,400 (non SES)	255	73%	67%	33%		26%	16%	6%	2.2%
SES	5	100%	80%	20%				20%	
TOTAL	609	79%	44%	56%		29%	17%	7%	2.8%
Estimated Subgroup Totals		483	269	340		149	88	35	14

Table 2

Percent of Total Staff by Employment Basis

LEVEL	Subgroup as Percent of Total Staff at each Level				Subgroup as Estimated Percent of Total Staff at each Level				
	TOTAL STAFF (Number)	Respondents	Men	Women	Aboriginal People & Torres Strait Islanders	People from Racial, Ethnic, Ethno-Religious Minority Groups	People Whose Language First Spoken as a Child was not English	People with a Disability	People with a Disability Requiring Work-related Adjustment
Permanent Full-Time	461	80%	51%	49%		29%	18%	7%	2.9%
Part-Time	52	94%	6%	94%		27%	14%	5%	
Temporary Full-Time	76	70%	33%	67%		33%	18%	8%	5.1%
Part-Time	15	47%	20%	80%		50%	17%		
Contract SES	5	100%	80%	20%				20%	
Contract Non SES									
Casual									
TOTAL	609	79%	44%	56%		29%	17%	7%	2.8%
Estimated Subgroup Totals		483	269	340		151	90	35	15

Notes:

1. Table 1 does not include casual staff.

2. Figures for EEO groups other than women have been adjusted to compensate for the effects of non-response to the EEO data collection.

EEO statistics reported in years prior to 1998 may not be comparable due to a change in the method of estimating EEO group representation.

Appendix 22

Risk Management and Insurance

The Manager, Corporate Services has overall responsibility for risk management. The Manager, Personnel Services and Manager, Properties & Services are responsible for the day to day functions of risk management for Workers' Compensation and Motor Vehicles respectively.

In the 2000–2001 reporting period the Office's motor vehicle claims for the year ending 30 June 2001 numbered sixteen which is four more than in 1999–2000. As a result of this increase in claims, claim payments also increased by \$10,000 over the 1999–2000 figure.

In the 2000–2001 reporting period, the Office's Workers' Compensation claims reported after four quarters numbered fifteen. This number is five less than the reported number in 1999–2000 and three less than the number reported in 1998–1999. The value of claim payments after the four quarters to 30 June 2001 totalled \$20,000.

Security of premises and personal safety of staff remains high on the Office's agenda. Because of this the Office is undertaking, as this Report is being prepared, a review of all facets of security in the Office to ensure staff, equipment and documentation are afforded the highest security available. The Office's minimum security standards apply whenever staff or visitors are within Office premises.

Appendix 23

Occupational Health and Safety

Occupational health and safety has been a major consideration in the development of new accommodation standards for the Office. The wider use of modular furniture across the Office, a review of utility bench heights and the supply of new chairs are some of the strategies introduced.

A series of training courses in workplace safety have been conducted over the last 12 months with an emphasis on office ergonomics and manual handling. The increased use of technology within the Office and across the criminal justice system and the need to transport volumes of heavy files to and from court have identified occupational overuse injuries and back injuries as high risk factors.

The Occupational Health and Safety Committee identified that manual handling was an issue for lawyers travelling on circuit and the profile of the Office's motor vehicle fleet has been varied to include a greater number of station wagon sedans. This is to facilitate the stowing and removing of cases of files from vehicles. Laptops with remote access to the Office's research database and other electronic references are also being provided to reduce the need for paper resources to be transported on circuit.

The need to lift cases of files on to conveyor belts for x-ray purposes when entering courts presents another manual handling challenge. The Occupational Health and Safety Committee and management are considering options to minimise the potential for strains and back injuries whilst still ensuring that security measures are not compromised.

A draft policy on the handling of exhibits has been prepared and includes procedures for ensuring that staff do not come in direct contact with contaminated items. The recommended procedures require co-operation from other criminal justice agencies in the management of exhibits. Feedback on proposals has been sought from the NSW Police Service. It is anticipated that this policy will be finalised in the near future.

During the year a number of court security issues have been raised with the Sheriff and measures put in place to manage specific incidents. A wider review will be undertaken during the next financial year.

Appendix 24

Freedom of Information Act

Name of Agency

Office of the Director of Public Prosecutions (ODPP).

Period

1 July 2000 to 30 June 2001.

Contact

Freedom of Information Coordinator

Deputy Solicitor (Legal)

Telephone (02) 9285 8733

Summary

The ODPP is an agency under the Freedom of Information Act 1989 (FOI Act). Pursuant to section 9 and Schedule 2 of the FOI Act, the ODPP is exempt from the Act in relation to its prosecuting function. A copy of the ODPP Summary of Affairs as at 30 June 2000 under the FOI Act is included in the next Appendix.

Applications and Other Details

In the period 1 July 2000 to 30 June 2001 the ODPP received eight applications under the FOI Act for access to documents. The documents requested in six applications received were determined to be exempt because the documents related to the prosecuting function of the ODPP. The applicants were advised accordingly. In relation to two applications, some of the documents sought were provided, and access to the balance was denied on the basis that the documents were exempt documents related to the prosecuting function of the ODPP.

- No Ministerial Certificates were issued.
- All applications for access to documents were processed within 21 days.
- Three requests under the FOI Act for ODPP views pursuant to formal consultation were received from the Attorney General's Department.
- Three requests for internal review were received. All reviews were conducted by the Director within the period specified in the Act and in both cases the original determination was upheld.
- One application to the Administrative Decisions Tribunal for review was made and is pending as at the date of writing.
- No inquiry under the FOI Act was made by the Ombudsman.
- No request for the amendment or notation of records was received.
- The administration of the FOI Act has had no significant impact on the ODPP's activities, policies or procedures.
- No significant issues or problems have arisen in relation to the administration of the FOI Act within the ODPP.
- The cost of processing FOI requests was not significant and no processing costs were recovered during the reporting period.
- No matters concerning the administration of the FOI Act by the ODPP have been referred to the District Court.

	Personal		Other		Total	
	1999-00	2000-01	1999-00	2000-01	1999-00	2000-01
Number Received	2	8	0	0	2	8
Number Completed	2	8	1	0	2	8
Transferred Out	0	0	0	0	0	0
Total Processed	2	8	0	0	2	8
Results*						
Granted in Full	0	0	0	0	0	0
Granted in Part	0	2	0	0	0	2
Refused	2	6	0	0	2	6
Completed	2	8	0	0	2	8

* Note – See “Summary” section for explanation of results.

During the reporting period:

Appendix 24 Continued

Office of The Director of Public Prosecutions

Freedom Of Information Act 1989 Section 14

Summary of Affairs as at 30 June 2001

This Summary of Affairs was prepared pursuant to section 14(1)(b) and 14(3) of the Freedom of Information Act 1989 (the Act).

The prosecution policy of the Office of the Director of Public Prosecutions (ODPP) is set out in the "Prosecution Policy and Guidelines of the Director of Public Prosecutions", which was last issued in March 1998. A copy of the policy can be obtained from the ODPP web site, <http://www.odpp.nsw.gov.au/>

or from the ODPP Head Office Library at 265 Castlereagh Street, Sydney, by telephoning any member of the Library staff on (02) 9285 8912 between 9am and 5pm on weekdays.

The publication is available at no charge. The publication may be inspected by arrangement with a member of the Library staff at the ODPP Head Office at 265 Castlereagh Street, Sydney.

The ODPP has published to its officers four internal procedural manuals relating to the performance of its prosecuting functions, namely the Sentencing Manual, the Child Sexual Assault Manual, the Court of Criminal Appeal Guide and the Solicitors Manual, and a number of Research Flyers on significant aspects of the ODPP's practice. The Director of Public Prosecutions, the Deputy Directors and the Solicitor for Public Prosecutions also publish memoranda to ODPP officers and Crown prosecutors in relation to procedural matters relating to the performance of the ODPP's prosecuting functions. These documents are for internal use only (for training, operational and reference purposes), and are not available to members of the public, in the normal course, for inspection or for purchase. There are exemptions in the Act applicable to operational documents of this type.

The most recent Statement of Affairs of the ODPP published under section 14(1)(a) of the Freedom of Information Act was published as at 30 June 2001.

A copy of the Statement of Affairs and/or a copy of the Summary of Affairs can be obtained from the ODPP website (<http://www.odpp.nsw.gov.au>) or by telephoning the Executive Assistant to the Solicitor's Executive at the ODPP Head Office at 265 Castlereagh Street, Sydney on (02) 9285 8733

between 9am and 5pm on weekdays. In her absence a copy of the Statement and/or the Summary can be obtained by telephoning the Library on (02) 9285 8912 between 9am and 5pm on weekdays. The Statement and the Summary are available at no charge.

A copy of the Statement of Affairs and/or the Summary of Affairs may be inspected by arrangement with a member of the Library staff, at the ODPP Head office at 265 Castlereagh Street, Sydney.

Appendix 25

Witness Assistance Service Report

The Witness Assistance Service (WAS) has been part of the Office of the Director of Public Prosecutions since late 1993 when a pilot program was established. The WAS became a permanent service within the DPP in 1995 and has been enhanced over time so that there is now a Witness Assistance Officer in every DPP office. Qualified professionals, who have experience working with victims of crime and witness issues, staff the service.

The aim of WAS is to provide services to victims of violent crime, and vulnerable witnesses who are required to give evidence in matters prosecuted by the DPP, so that re-traumatisation through the legal process is minimised. The service is free and is made as accessible as possible for victims/witnesses. A range of services are available through WAS and these include:

- Information about the legal process, updates on the progress of the matter, services available, victims rights and witness entitlements
- Assessment of psycho-social situations, special needs and support needs,
- Liaison with solicitors and Crown Prosecutors,
- Referral for counselling, practical assistance and support
- Support during conferences with lawyers
- Court preparation and court familiarisation
- Coordination and / or provision of court support
- Crisis counselling related to the legal process
- Debriefing in relation to the legal process and outcomes,
- Post-court follow-up.

Service Enhancements

During the 2000–2001 period the service has been enhanced by the creation of a full-time permanent WAS Officer (Indigenous identified) position based in Sydney Head Office, and a WAS Officer position for the Bathurst DPP Office. In addition, the Sexual Assault Liaison Officer position was evaluated and upgraded to a Lawyer Level 3 position.

Resource Enhancements

Mobile phones have been provided to assist WAS officers maintain contact with their offices, to respond to emergency situations, and to enable

timely follow-up with victims and witnesses. Laptops have been acquired so that all WAS Officers who provide outreach services can access data base information and other information technology facilities. Each service has also had the resource base for supporting child witnesses enhanced.

Service Developments

Service developments have included the adoption of a best practice referral flow chart for ensuring a proactive approach to early referrals to the WAS. This is a two-tiered referral system, which enables WAS and DPP lawyers to more easily identify victims and witnesses who could benefit by having access to the services offered. The WAS has also been assisting the ODPP in developing a victim letter to be standardised across NSW and which will complement the proactive referral process.

Since the inception of the Witness Assistance Service Data Base System in 1995 there has been over 8,000 new registrations in a period of 6 years. The services provided by WAS in 2000 to 2001 are as follows:

Service Delivery 2000–2001

New WAS Registrations recorded during 2000-2001 totalled 1164 and the total hours of service delivery contacts were 11341.

Given the nature of the time period for matters to progress through the legal system, WAS involvement with matters is often over a considerable period from local court to post-appeal stages. Hence contact hours for clinical service delivery in the 2000 to 2001 period include services for both new registrations and older matters.

The Witness Assistance Service prioritises cases according to the nature of the matter. During this reporting period, 90.08% of contact hours have been spent delivering services in relation the priority categories of child sexual assault matters, adult sexual assault matters, matters involving death and all ground appeal (domestic violence) matters.

Appendix 25 Continued

Witness Assistance Service Report

Matter type by % of total service delivery contact hours.

Matter Type	% of total contact hours
Child Sexual Assault (Adult and Child)	48.86% (12.58% children)
Matters involving death (Homicide/Culp Driving)	19.23%
Adult Sexual Assault	15.28%
All Ground Appeals (DV)	6.69%
Adult Physical Assaults	5.14%
Robbery	2.32%
Other matter type	2.48%

Developments in Information Technology

The past year has seen developments in information technology for the service. Early referrals can now be accessed electronically. WAS has enjoyed using a consolidated version of the upgraded data base system which has facilitated case management and planning, and which supports monitoring and reporting processes. Information about WAS is also now available on the ODPP website.

Community Education, Training and Consultation

Information flow is a vital aspect of the services delivered by WAS. The WAS has provided education and training to a number of organisations and groups over the past year. These include NSW Health Sexual Assault Counsellors specialist training, Mission Australia's volunteer telephone counsellors and volunteer court support workers. WAS also provides individualised service orientation and court

familiarisation sessions for new workers from other agencies. WAS has provided information to organisations on request for displays, forums and victim information kits.

The service is often called upon to provide case consultation, as well as consultation on draft policy and procedure documents and information resources for various organisations. WAS has commented on reforms in a number of areas.

The WAS has provided a number of opportunities for student learning and field experience. These include long-term placements for social work, social work law, and master of forensic psychology students, and short-term orientation programs, and court familiarisation sessions for law students

and work experience students. WAS also provides familiarisation to the courts and remote witness facilities and CCTV for new child protection and sexual assault workers.

Statewide Operations and Standards

The WAS has regular bi-monthly Statewide meetings in Sydney which provide WAS Officers with opportunities for training, legislative up-dates, guest speakers from other organisations, peer supervision, joint project working groups, improvements in service delivery and standards across the State.

Guest speakers at Statewide meeting over the past year have included: Claire Vernon from Victim Services, Rhonda Greentree from Enough is Enough, Diana McConachy from NSW Police, Greg Pankhurst and Ross Murdoch from Mission Australia, Bruce Valentine from Department of Community Services, and Bruce Kelly and Siobhan Ryan from the Sheriff's Office.

Training and education for WAS staff over the past year has included: Working with People with an Intellectual Disability in the CJS, the Children and Young Persons (Care and Protection) Act (1998), Working with people who have suffered previous torture and trauma, Deaf Awareness, the NSW Jury System and the Juror Support Program, Victim Services and changes to the Victim Compensation legislation, Charter of Victims Rights Forums, and the Anne Graffam-Walker workshop on the Linguistic Aspects of Evidentiary Questioning of Children.

National Networking and Liaison

At a National level, four representatives from NSW WAS attended a two day National WAS Network meeting in Canberra in April 2001.

The NSW DPP is currently assisting the National WAS Network to have access to a secure e-mail discussion facility which will enhance cross-border cooperation, information sharing, and professional support.

WAS had three representatives attend the Victims of Crime Conference in Sydney during May 2001 and the Sexual Assault Liaison Officer and Assistant Solicitor (Sydney) recently attended the National Roundtable on Sexual Assault in Canberra. The Sexual Assault Liaison Officer also attended the Australian Institute of Criminology's 4th National Symposium on Crime in Australia "New Crimes or New Responses" held in Canberra in June.

Appendix 25 Continued

Witness Assistance Service Report Interagency Liaison

At an Interagency level, there has been representation on the Sexual Assault Review Committee and Victims of Crime Interagency meetings. WAS Officers have attended a number of regional Police Prosecution Liaison Group meetings.

The WAS Manager has been a member of the Reference Group for the development of a Standards Resource Kit for the Charter of Victims Rights and has co-facilitated a number of Charter of Victims Rights Forums around NSW, along with representatives of the NSW Police Service, Victims of Crime Bureau and the Department of Corrective Services.

The WAS Manager was a member of the working party that developed the Standards for Providing Court Support Services for Victims of Crime. The WAS Manager recently attended the strategic planning day for Homicide Victims Support Group.

The Sexual Assault Liaison Officer has represented the DPP on the Advisory Committee for the Pilot Program for Perpetrators of Domestic Violence, and the Intellectual Disabilities and the Criminal Justice System Committee. Forums for Sexual Assault and Child Protection workers are held at Head Office about twice a year to enhance interagency liaison with WAS and the DPP generally.

The ongoing priority for servicing victims of crime and witnesses, particularly those with special needs, will be to improve their access to the criminal justice system. This requires consolidation of the provision of services at the proactive end of service delivery and requires continuing interagency liaison and cooperation.

Appendix 26

Customer Satisfaction

This Office undertakes a comprehensive victim and witness satisfaction survey biennially, as the main qualitative measure of our service. The following table shows the percentage of respondents in the 2000 survey who rated the overall level of service provided by the ODPP as "good" or "very good."

On asking respondents in the 2000 survey to rate the overall level of service provided by the Office, the satisfaction rates were higher than those in the 1994, 1996 and 1998 surveys:

Region	1994%	1996%	1998%	2000%
Sydney	42	53	39	50
West	50	40	47	57.5
Country	32	52	45	56.9
State Average	41	48	44	55.2

It is clear from comments made by respondents that the defining issue in relation to satisfaction with the service provided by this Office is the level of communication received from the Office. Positive comments refer to our staff as "organised", "professional", "informative", "supportive", "helpful", "courteous" and "polite". Negative comments included "uncommunicative", "telephone calls not returned", "overall lack of communication and information", "no explanation of what was expected", "no contact".

The 2000 survey results indicate that case outcomes have no significant impact on service satisfaction levels.

Appendix 27

Internal Audit

In 2000/2001 the Director commissioned a review of the Internal Audit function and the composition of the Internal Audit Committee. The result will be a more operationally focused Committee and audit program that will better assist the Office in its future service delivery and strategic development.

The new Internal Audit Committee comprises:

Deputy Director (Chair)

Senior Crown Prosecutor

Solicitor for Public Prosecutions

Manager, Corporate services

Manager, Service Improvement Unit

The new Internal Audit Committee commissioned a comprehensive Risk Assessment of the Office. The primary objectives were to identify significant risks to the Office for management action and to derive a detailed three-year audit plan. An audit plan has been generated for the next three financial years which links to the risk assessment analysis. Audit resources have been directed towards specific areas such as monitoring of key prosecution process controls, IT controls, HR controls (including payroll) and Financial Controls.

The Committee meets to review audit reports and monitors management responses to those reports. The Office's internal audit providers and representatives of the NSW Audit Office attend meetings by invitation. The Committee reports to the Executive Board.

Appendix 28

Overseas Travel 2000-2001

N R Cowdery QC

1–5 July 2000

Visit to Director of Public Prosecutions, Belize, Central America advising and assisting his Office and conducting a workshop for prosecutors, police, magistrates, prison officials and the Bar on human rights issues in the criminal prosecution process.

Absent on duty; this visit was incorporated into a visit to Canada in June 2000 (to attend and speak at the annual conference of the Canadian Federal Prosecution Service) therefore no extra airfare was involved; accommodation was paid by the Attorney General of Belize; T/A \$772.32 was paid by the Office.

1–8 September 2000

Executive Committee meetings and 5th Annual Conference & General Meeting of the International Association of Prosecutors, Cape Town, South Africa. (The Director is President of the IAP)

Absent on duty; accommodation paid by the conference; conference registration (US\$500) paid by the Office; T/A \$810.89 paid by the Office.

16–22 September 2000

Biennial Conference of the International Bar Association, Amsterdam, The Netherlands. (The Director holds office in the IBA and addressed the conference in the criminal law program.)

Absent on duty; accommodation (\$2,784.76) paid by the Office; conference registration EP625 paid by the Office; T/A \$688.95 paid by the Office. 70% of airfare (Cape Town and Amsterdam) paid by the Office (\$4,790.38).

11–15 October 2000

8th World Conference of the Asia Crime Prevention Foundation, Beijing, China. (The Director addressed the conference.)

Absent on duty; airfare paid by the IAP; accommodation paid by Supreme People's Procuratorate; T/A \$976.40 paid by the Office

1–4 May 2001

Participation in biennial Heads of Prosecuting Agencies Conference (HOPAC), Edinburgh, Scotland.

6–7 May 2001

Chairing semi-annual meeting of Executive Committee of the International Association of Prosecutors, Copenhagen, Denmark. (The Director is President of the IAP)

Appendix 28 Continued

Overseas Travel 2000-2001

9 May 2001

Addressing annual conference of the Danish Prosecution Service, Kolding, Denmark

Danish Prosecution Service paid local travel costs and accommodation costs.

13–16 May 2001

Participation in each day's program of the International Law Congress, Dublin, Ireland. (The Director was a member of the Congress Advisory Panel and a keynote speaker.) ILC paid accommodation costs and registration fee.

19 May 2001

Addressing the 2nd Irish National Prosecutors' Conference, Dublin, Ireland. Irish DPP paid accommodation costs.

- For this trip in May, absent on duty; airfare (\$7,631) paid by the Office; accommodation in Edinburgh (\$1,424.97) and Copenhagen (\$918.50) only paid by the Office; travel allowance (\$4633.78) paid by the Office.

LAWYERS & OFFICERS

3–8 September 2000

Mr M Blackmore, Deputy Director

Mr M Macadam QC, Deputy Senior Crown Prosecutor

Mr P Miller, Mr D Howard, Mr G Lerve, Mr L Babb, Ms P Adey,

Mr P Calvert (not sponsored) – Crown Prosecutors

Michael Stollery, Prosecution Officer (Lawyer)

The abovementioned Crown Prosecutors and Lawyer attended the International Association of Prosecutors Annual Conference in Cape Town, South Africa.

The conference has particular relevance and is extremely valuable to the work of the Office. Some of those mentioned above are responsible for the local organisation of the Sydney conference in 2001. Clear benefits exist in having had those responsible attend the Cape Town conference.

The Office met the conference registration (USD500) and accommodation costs – with the exception of Mr Stollery – (6 nights, USD 145) and the officers attending were regarded as being on duty plus necessary travelling time.

The airfares were met by the officers concerned.

17–22 September 2000

Mr G Lerve, Crown Prosecutor

Mr Lerve attended the International Bar Association (IBA) Biennial Conference in Amsterdam. He has attended previous IBA Conferences and has involved himself in its criminal law programs.

The Office met the conference registration fee (EP625), accommodation (approx \$1,500) and attendance on duty. Airfares were met by Mr Lerve.

21–22 September 2000

Mr P Calvert, Crown Prosecutor

Mr Calvert attended the Scottish Criminology Conference, Equality and Crime in Edinburgh, Scotland which was relevant to the functions of the Office.

Registration fees were paid by the Office (EP199). Mr Calvert met all other costs concerned.

12–13 October 2000

Mr M Blackmore, Deputy Director

Mr Blackmore attended the US Symposium on Federal Sentencing Policy for Economic Crimes and New Technology Offences, in Washington DC. As well as attending the Symposium and gaining valuable information from its content, Mr Blackmore also arranged appointments which were of benefit to the Office.

The Office met the airfare (\$7,620.50) and accommodation costs (US\$496.14), as well as Mr Blackmore's attendance on duty

18–22 October 2000

Ms H Brady, Prosecution Officer (Lawyer)

Ms Brady attended and participated in the ICC Implementation Workshop, Pacific Islands Law Officers Meeting (PILOM) in Rarotonga, Cook Islands, hosted by the International Centre for Criminal Law Reform and Criminal Justice Policy (based in Vancouver, Canada), speaking on national implementation of the ICC and some constitutional issues.

The Office met a portion only of Ms Brady's airfare of \$2,811.40 – Can\$1,500 being paid by the Centre – and sustenance costs (\$151.85). Accommodation was paid by the Centre. Ms Brady attended on duty.

27 November–8 December 2000

Ms H Brady, Prosecution Officer (Lawyer)

Ms Brady was an important member of the Australian delegation to preparatory meetings for

Appendix 28 Continued

Overseas Travel 2000-2001

the international Criminal Court in New York. Mrs Brady had attended previous sessions of the Preparatory Commission and again contributed significantly to the conduct of proceedings.

The Office met Ms Brady's airfare (\$8,089.00), sustenance expenses (\$1,968.00) and accommodation costs (\$5,889.96), and regarded her attendance as on duty.

29 January–9 February 2001

Mr B Smith, Crown Prosecutor

Mr Smith visited Paris on attachment to the Prosecutors' Office at The Court of Appeal.

The Office regarded Mr Smith as being on duty and met accommodation costs (\$1,680). Airfares were met by the officer concerned.

Mr Smith gained valuable experience from his attachment. He observed different systems of criminal procedure at close quarters.

1–9 March 2001

Ms H Brady, Prosecution Officer (Lawyer)

Ms Brady attended as a member of the Australian Delegation to the United Nations 7th Session of the ICC Preparatory Commission held in New York to finalise, among other things, the draft text of the Relationship Agreement between the ICC and the UN.

The Office met part payment of Ms Brady's airfare (\$1,600) and sustenance expenses (up to \$1,230), and her attendance at the above mentioned session was regarded as on duty.

19–30 April 2001

(Total duty 8 days during this period)

Ms N Williams, Crown Prosecutor

22–24, 26 & 27 April 2001

Ms J Watson–Wood, Prosecution Officer (Lawyer)

The above mentioned Crown Prosecutor and Lawyer attended the Second Pan Europe Pacific Legal Conference held in Venice, Italy. The conference was relevant and of interest to the work of the Office. Ms Watson–Wood presented a paper on Prosecution of Police.

The Office paid the conference registration fees (\$695.00). Airfare costs were met by the officers. Attendance at the Conference was regarded as on duty.

All sponsorship by the Office for officers undertaking official overseas travel is only provided with the approval of the Attorney-General.

Appendix 29

System Reviews and Program Evaluations

Crown Briefing Review – The Manager, Service Improvement conducted a comprehensive review of the Crown Prosecutor briefing process, commencing with the receipt of the Police brief by the Office and concluding with the receipt of the completed brief by the Crown Prosecutor.

The review considered all operational areas within the Office and resulted in recommendations that are currently being evaluated or being implemented.

Appendix 30

Guarantee of Service

The Office's Role

The role of the Office of the Director of Public Prosecutions (ODPP) is to independently advise in, review, institute and conduct proceedings that relate to criminal offences and to improve and ensure the effectiveness of the Criminal Justice System.

The ODPP is responsible for the:

- prosecution of committal proceedings and some summary matters before the Local Courts;
- prosecution of indictable offences in the District and Supreme Courts; and
- conduct of appeals on behalf of the prosecution in the superior courts and the High Court.

Values and Commitments

The staff of the ODPP value and are committed to:

- The independent status of the Office.
- The achievement of justice.
- The highest standards of ethical and professional conduct.
- Responsiveness to the needs of those involved in the prosecution process especially victims and witnesses.
- Encouragement of and respect for diversity within the Office.
- Decision making based on merit, the public interest and the legitimate interests of others.
- Cohesiveness, flexibility and teamwork. Responsiveness to change. Co-operation with other agencies.

Co-Operation with Other Agencies

The Office plays a crucial role in the criminal justice system. However the achievement of many of our objectives depends not only on our efforts but on the willingness of other participants in the system to support them. We need to communicate and consult effectively with all participants in exploring ways of improving the criminal justice system.

Charter of Victims Rights

Prosecutors must have regard to the Charter of Victims Rights and implement it to the extent that it is relevant and practicable to do so.

- The victim should be consulted if consideration is being given to lessening or withdrawing the charges in the Local Court.
- The victim must be informed if a decision is taken not to prosecute the accused person. Reasons for not continuing to prosecute the accused person will usually be provided on written application.
- The victim can ask to be kept informed of the progress of the case by contacting the ODPP lawyer handling the case or the Witness Assistance Service.
- Information is provided about the victim's role in the prosecution process.
- The court must be informed of the victim's need for protection from the accused person when the court decides on bail.
- The victim should be informed about the accused persons bail conditions where they affect the victim or his or her family.
- The victim's home address and telephone number will be kept confidential wherever possible.
- A victim impact statement will be tendered if the victim desires it, and the legislation permits it, provided that the statement complies with the legislation.

The ODPP Witness Assistance Service

The ODPP Witness Assistance Service provides prosecution witnesses, including victims of crime, with support throughout the prosecution process. The Service helps victims to understand the criminal justice process and can also arrange counselling and other support services if requested. Our Witness Assistance staff can be contacted on:

- Sydney (02) 9285 8949
- TTY (02) 9285 8646
- Outside Sydney toll free 008 814 534

Appendix 30 Continued

Guarantee of Service

Standards of Service Delivery

Service standards are monitored regularly using feedback from other agencies, client surveys, internal quality reviews and internally generated statistics. Results are reported in the ODPP's Annual Report.

Suggestions and Complaints

The ODPP welcomes suggestions for improving services and the opportunity to address complaints. If you are involved in a prosecution case and are concerned about the service provided you should talk to the lawyer in charge of the case. Victims and witnesses are also welcome to contact the staff of the Witness Assistance Service. If you are still not satisfied and wish to lodge a complaint or have suggestions for service improvement please ring or write to the Service Relations Officer at the address shown below:

Service Relations Officer
Office of the Director of Public Prosecutions
Locked Bag A8
SYDNEY SOUTH NSW 1232
Telephone: (02) 9285 8738

Appendix 31

Director Of Public Prosecutions Policy and Guidelines

No new Guidelines were issued during the reporting period nor were any amendments made to the current Prosecution Policy and Guidelines as issued in March 1998.

Refer to the Publications appendix regarding the method to obtain a copy of the Policy and Guidelines.

Appendix 32

Disability Action Plan

The Office of the Director of Public Prosecutions NSW is committed to implementing the Disability Policy Framework and ensuring that any difficulties experienced by people with disabilities in gaining access to its services are identified and eliminated.

In accordance with Section 9 of the New South Wales Disability Services Act 1993 and the NSW Government Disability Policy Framework 1998, the Office has developed a Corporate Disability Action Plan to ensure the needs of people with disabilities are identified and met. The development of this Disability Action Plan 2000 – 2002 (DAP) forms a key component of the Office's Corporate Plan as part of our accountability to our stakeholders. It is a comprehensive step towards ensuring that our services, programs and facilities are as accessible to a person with a disability as they are to any other person.

The Office is proud to report a high level of achievement in most, and considerable progress in other, strategies identified in the DAP. The Plan, with progress reports on all strategies is published on the Office's website, the details of which are provided elsewhere in this report.

Appendix 33

Consultants 2000–2001

Consultant	Project	Paid (GST exclusive)
Peter Symonds Media Relations	Compilation of various business reports	\$46,583
Point Zero Pty Ltd	IM & T Strategic Plan & Business Case	\$40,000
Mercer Cullen Egan and Dell	Job evaluation	\$945
KPMG Consulting	GST implementation & FBT training	\$20,301
Frontier Software Pty Ltd	CHRIS payroll training & consulting	\$5,545
Grape Graphics	Concept design and technical implementation – DPP Web site	\$6,100
Systems Union Pty Ltd	SUN financial system consulting	\$1,244
Group GSA Pty Ltd	ODPP – Head Office Refurbishment	\$2,100
Muir and Muir Pty Ltd	ODPP Office Accommodation Manual	\$4,443
Price Waterhouse Coopers	GST Post Implementation Review	\$20,203
John Hunter Management Services	Financial Services Management Review	\$21,175
<hr/>		
TOTAL		\$168,639

Appendix 34

Waste Reduction and Purchasing Plan and Recycling

Key Reporting Areas

The Office of the Director of Public Prosecutions (ODPP) is committed to that responsibility by introducing waste reduction mechanisms and reviewing products purchased to ensure those products are recycled or low waste products, *if it is economically viable to do so within the Office's funding limitations and such purchase does not effect the short and/or long term operation of the Office.*

The ODPP is subject to requirements to achieve waste reduction and prepare a purchasing policy, as it is regarded as an "Appendix 2" Agency, within the NSW Government's Waste Reduction and Purchasing Policy Guidelines. The Office's first Waste Reduction and Purchasing Plan (WRAPP) was prepared and submitted in August 1998.

The following information reports on the progress of the ODPP's WRAPP and recycling endeavours.

1. Inclusion of WRAPP and Recycling Principles in Corporate Plans and Operational Policies and Practices:

The ODPP's Corporate Goal #3 'Accountability', 2000–2003 Corporate Plan, includes the effective management of waste and implementation of stringent purchasing policies to ensure the performance indicator ie. 'responsible financial management' is achieved.

2. Ensuring Contract Specifications Requiring the Purchase of Recycled Content Products Where Appropriate:

The ODPP relies on State Government contracts for all purchases of paper products. Photocopiers are purchased under State Government contract also and maintenance of such machines is provided by the manufacturer. Toner for the copiers, while being supplied in PET recyclable plastic bottles, it is not known of the content of recycled plastic in the 'filled' toner bottles.

3. Improving Waste Avoidance and Recycling Systems Across the Agency:

The ODPP vigorously encourages waste avoidance and recycling. Recycle Otto Bins and boxes are positioned in strategic positions in all H.O. and Regional Office locations. Cleaners have been given clear instructions on the separation of waste and

recyclable items. Staff have clearly labeled/identifiable waste bins and recycle bins near their desks, at copiers, at printers and in the kitchenettes. Staff have been provided with easy access to the WRAPP for the ODPP, with a copy being included on the Office's DPPnet.

The Office has also approached the adjoining building's building manager to secure approval for the installation of recycle bins in the arcade which joins 265 Castlereagh Street (ODPP's building) with 370 Pitt Street. This would provide for the recycling of plastic, aluminum and glass containers whereas at the present time these items are disposed to waste. Unfortunately because of the strata title owner arrangement in the 370 Pitt Street building, this proposal has not received favorable consideration and subsequently has not been put in-place. The ODPP intends to at least maintain current recycling strategies and take-up opportunities to improve these strategies.

4. Establishing Data Collection Systems to Report Agency Progress:

The ODPP uses simple methodology to provide data to enable accurate reporting.

Purchasing details:

- Are available from purchase order records and the financial management system.

Disposal details:

- Are available from contract information, collection invoices.

Identification of Waste:

- The ODPP has conducted 2 surveys since the submission of the initial WRAPP in 1998. The surveys were conducted each working day over a period of 2 weeks over 3 floors of the 265 Castlereagh Street building. Twenty-five waste bins (circular metal) and one garbage bin (kitchenette) on each floor provided the data.

There was on average 150g of true waste material (garbage) in each of the circular metal bins and 600g in the plastic garbage bins near the kitchenettes each day. The waste types included:

- Aluminum cans
- Polystyrene cups
- Food wrapping, ie. paper, foil, plastic, paper cups
- Plastic utensils

Appendix 34 Continued

Waste Reduction and Purchasing Plan and Recycling

- Plastic food containers
- Small amounts of suitable items to recycle, i.e. paper products
- Food scraps
- Fruit scraps
- Wooden coffee stirrers
- Tissues
- Serviettes
- Used batteries
- Used pens
- Paper clips, metal binders, pins, staples

The average waste amount *per floor over the two-week period equaled approximately 43.5 kilograms.*

5. Increasing the Range and Quantity of Recycled Content Materials Being Purchased:

- The ODPP has not in the past purchased recycled paper for copiers, printers etc due to the unstable nature of the paper and the lack of guarantee that the paper would stand the test of time.
- While this is still the case for copiers and printers etc on Operation floors, the Office is buying recycled paper for the copiers and printers that service the Corporate Services Division.
- If it is proven that recycled paper will not deteriorate and has a life equal to virgin paper, the ODPP will increase its use of recycled paper.

6. Raising Staff Awareness About the WRAPP and Best-Practice Management of Waste and Purchasing of Recycled Content Materials:

- The Office's WRAPP has been published on the DPPnet, the ODPP's internal website.
- Recycle paper boxes contain posters advertising recycling.
- Publicity material on the environmental benefits is placed on Office notice boards.
- The Office's purchasing plan includes the direction for all officers responsible for the purchasing of Office stores, stationery and consumable items to purchase recycled products where these items meet the operational requirements of the ODPP.

7. Barriers/Impediments to Implementing Further Recycling Practices Under the WRAPP:

- Archiving restrictions in respect of the long-term serviceability of recycled paper.
- Co-operation of adjoining building owners to install recycle bins (plastic, glass and aluminum) in the arcade between 265 Castlereagh Street and 370 Pitt Street.

The estimated annual quantities of Schedule "B" products recycled is detailed below:

Item	Percentage (%) Recycled
Photocopy Paper	95–100%
General Office Stationery	95–100%
Computer Paper	95–100%
Photocopiers	100%
Facsimile Machines	100%
Toner Cartridges (copiers and printers)	100%

Appendix 35

Community Relations and Principles of Multiculturalism Report

During 1998 the Office of the Director of Public Prosecutions (ODPP) developed its Ethnic Affairs Priorities Statement (EAPS). Since the passage of the Community Relations and Principles of Multiculturalism Act 2000, the EAPS Statement has been renamed the Community Relations and Principles of Multiculturalism Report. The ODPP is required to provide a report in each Annual Report of its progress in implementing the principles of multiculturalism set out in section 3 of the Act, and the key strategies proposed for the next year.

During 2000–01 the ODPP continued to implement the principles of multiculturalism set out in the Act. In particular, the ODPP offered externally provided interpreting services to prosecution witnesses involved in conferences with ODPP lawyers. No formal agreement between the Community Relations Commission and the ODPP has been entered into. However, the ODPP has always relied almost exclusively upon the Commission to supply its language services (both for interpreting services and translated materials).

It remained the policy of the ODPP in its conduct of criminal proceedings to deal with all witnesses and accused having proper regard to, and respect for, their different linguistic, religious, racial and ethnic backgrounds. In accordance with the Director's Prosecution Policy and Guidelines, the ODPP conducted criminal proceedings throughout the year in a way which did not discriminate against any group or individual on the basis of race, gender, culture, religion, language or ethnic origin.

All training programs conducted by the ODPP for its staff had regard to cultural diversity, and all training providers are required to adhere to the ODPP Code of Conduct, which requires respect for individual differences and non discriminatory behaviour. Training courses addressing methods of dealing with victims and witnesses sensitively continued to be run regularly this year; eg Conferencing and Interviewing Skills. It is proposed to continue these courses next year. An MCLE program for lawyers in relation to using interpreters effectively, is also planned. Diversity awareness will also be included as an essential skill in all ODPP performance management planning.

The ODPP Witness Assistance Service (WAS) provides a Statewide specialist service for witnesses and victims of crime in matters being prosecuted by the ODPP. The interpreter service number is prominently displayed on all WAS brochures published by the ODPP. All brochures are on the DPP website. Next year WAS plans to include with the letter sent to all victims in matters being prosecuted by the ODPP a sheet containing a paragraph in various languages advising how the recipient can contact the ODPP via the Telephone Interpreter Service.

The ODPP maintains its commitment to a culturally diverse workplace and to equal employment principles. The profile of the NSW population is reflected in its workforce. The ODPP's EEO achievements are separately listed in Appendix 19. The ODPP continued to promote and utilise the Employee Assistance Program.

The Director provided training to prosecutors in Belize this year. Prosecutors from several Provinces in China visited the ODPP this year for briefings and training by ODPP officers. From August 1999 to December 2000 an ODPP lawyer worked on secondment in the Manitoba Public Prosecutions Office in Canada. A Dutch prosecutor commenced a sixteen month internship with the ODPP in December 2000. These initiatives will continue next year.

Appendix 36

ODPP Representatives on External Committees/Steering Groups

Committee Steering Group	ODPP Representative
Advisory Committee to the DNA Laboratory	Nicholas Cowdery QC
Attorney General's Criminal Justice Forum	Nicholas Cowdery QC
Apprehended Violence Legal Issues Coordination Committee (reviews problems associated with apprehended violence orders)	Philip Dart
Cabinet Office Senior Officers Group on Child Protection (continually reviews child protection in NSW)	Philip Dart
Charter of Victims Rights Reference Group	Lee Purches
Child Protection (Offenders Registration) Imp. Committee	Philip Dart
Committee on Intellectual Disability in the Criminal Justice System	Amy Watts
Conference of Australian Directors of Public Prosecutions	Nicholas Cowdery QC
Criminal Justice System Chief Executive Officers' Standing Committee	Nicholas Cowdery QC
Criminal Law Committee of the Law Society of NSW	Robyn Gray
Criminal Law Accreditation Committee of the Law Society of NSW (Mr Favretto is also a member of the Specialist Accreditation Board of the NSW Law Society)	John Favretto (Chair)
Criminal Listing Review Committee (reviewing listings in the District Court)	Craig Smith Mark Tedeschi QC
Drug Court Trial Working Group Electronic Briefs Committee	Robyn Gray Stephen O'Connor
Government Lawyers Committee of the Law Society of NSW	Johanna Pheils
Heads of Prosecuting Agencies Conference	Nicholas Cowdery QC
ICPMR/DAL DNA Project Steering Committee	Nicholas Cowdery QC
Innocence Panel	Nicholas Cowdery QC
National DPP Executives Conference	Craig Smith
Inter-agency Exhibit Management Committee	Claire Girotto Steve O'Connor
Interdepartmental Committee on the Crimes (Forensic Procedures) Act 2000	Nicholas Cowdery QC
Interdepartmental Committee to review the Mental Health (Criminal Procedure) Act 1990	Craig Williams
Internal Affairs Liaison Group International Association of Prosecutors	Janis Watson-Wood Nicholas Cowdery QC
Joint Investigation Teams Evaluation Committee	Philip Dart
Local Court Rules Committee	Robyn Gray
Magistrates Early Referral Into Treatment (MERIT) – Regional Planning Group for South Western Sydney	Claire Girotto
National Institute of Forensic Sciences Advisory Panel	Nicholas Cowdery QC
National Sexual Assault Reform Committee	Nicholas Cowdery QC

Appendix 36 Continued

ODPP Representatives on External Committees/Steering Groups

Committee Steering Group	ODPP Representative
Ombudsman Liaison Group	Janis Watson-Wood
Police Forensic Services – DAL – DPP Committee	Mark Tedeschi QC
Police Integrity Commission Liaison Group	Janis Watson-Wood
Police–DPP Prosecution Liaison Standing Committee	Stephen O'Connor Mark Tedeschi QC
Pre-trial Disclosure Working Party	Robyn Gray
Project Reference Group – Interagency Guidelines for Domestic Violence	Philip Dart
Sexual Assault Review Committee	Philip Dart (Chair) Julie Lannen Stephen O'Connor Lee Purches Samantha Smith Vivien Swain Amy Watts
Supreme Court Users Group	Johanna Pheils
University of Sydney Institute of Criminology Advisory Committee	Nicholas Cowdery QC
Victims Advisory Board under the Victims Rights Act	Philip Dart
Victims of Crime Inter-agency Committee	Philip Dart Lee Purches
Working Party on Diversionary Programs for Adult Offenders	Philip Dart
Working party reviewing the Drug Misuse and Trafficking Act	Robyn Gray
Working party reviewing the Search Warrants Act	Craig Smith

State–Wide Prosecution Liaison Groups

Prosecution Liaison Group	ODPP Representative
Hunter	Cliff Fraser Janet Little David O'Neill Arnis Tillers
Northern	Col Culpitt Chris Smith
Southern	Peter Burns Alison Dunn
South-West	Rosemary Davidson Sue Maxwell
Sydney East	Geraldine Beattie Bob Heanes
Sydney North	Craig Hyland Michael Sands
Sydney South West	Judith Nelson Philippa Smith
Western	Chris Bailey Ron England Roger Hyman

Some Cases Dealt with During the Year

R v DE Valera – Murder of former Lord Mayor of Wollongong and of shopkeeper

The accused in this case attended the home of shopkeeper David O'Hearn at Albion Park Rail, beat him to death and then mutilated the body. Two weeks later he attended the home of former Lord Mayor of Wollongong Frank Arkell at West Wollongong and, similarly, beat him to death and mutilated the body. He stood trial in the Supreme Court and was convicted of the two murders. In sentencing the accused to two life sentences his Honour Justice Studdert described the offences as "gruesome in the extreme". The case attracted considerable media attention, both because of the nature of the offences, and because of the high profile of the victim Arkell.

R v Killick & Dudko – Prison escape in helicopter

The accused Killick was an inmate at Silverwater Correctional Centre. Dudko had been in a relationship with him. She took a helicopter joyflight from Bankstown airport and whilst in the air produced a firearm and forced the pilot to land within the grounds of the correctional centre. Killick boarded the helicopter and they flew off. They later forced the pilot to land in the Macquarie Park area and escaped, but were apprehended in a caravan park 6 weeks later. Killick pleaded guilty to this and other offences and was sentenced to a total of 28 years imprisonment, with a non parole period of 15 years. Dudko pleaded not guilty and was convicted at trial. She was sentenced to 10 years imprisonment, with a non parole period of 7 years.

R v Strahan – Threat to bomb court house

This accused had been involved in civil proceedings for hearing at Wellington Court House. He called the Police Service Communications Centre at Tamworth and informed police that there was a bomb at the back of the court house. Police attended and confirmed that a device had been placed under the LPG gas supply in the grounds of the Court House. The device was removed by experts some hours later. The accused pleaded guilty in the District Court to threatening to destroy property. He was placed on a bond to be of good behaviour for three years, with further conditions requiring probation supervision and medical

treatment. was found in the house wreckage, near the front of the truck.

Do was found Guilty after a District Court trial of Manslaughter charges in July 1999, in relation to the two deaths. He was Sentenced to 4 years imprisonment, with a minimum term to serve of 3 years. He was disqualified from driving for 5 years.

R v Eade – False testimony to Police Royal Commission

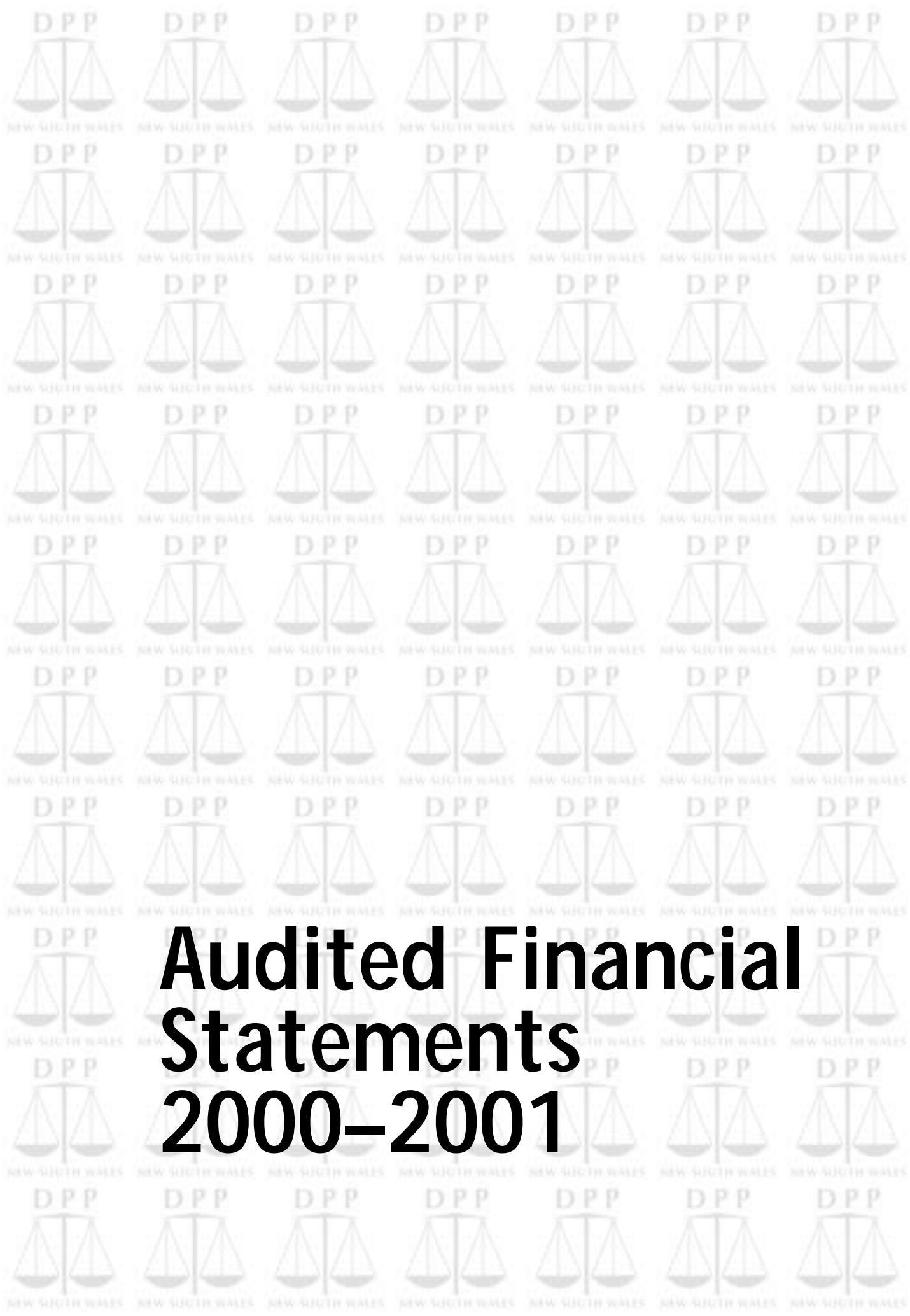
The accused in this case was the former head of the drug unit at Gosford. He was captured on video attending the home of a Police Royal Commission informant obtaining drugs and engaging in sexual activities. At the Police Royal Commission he denied ever having engaged in any form of corrupt or illegal conduct. This case attracted considerable media attention when excerpts from the videos were released and broadcast on television. The accused stood trial and was convicted in the District Court for giving false testimony to the Royal Commission and inciting the commission of an offence. He was sentenced to imprisonment for 21 months.

R v Fernando – Prison murder of co-offender in previous murder

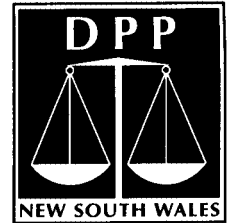
The accused and deceased in this case were serving sentences for the brutal sexual assault and murder of a nurse, Ms Sandra Hoare, at Walgett Hospital in 1994. There had ill-feeling between the two since the time of the investigation into that murder. In 1999 at Lithgow Correctional Centre the accused stabbed the deceased with a "shiv", resulting in his death. The accused pleaded guilty and was committed for sentence to the Supreme Court. He was sentenced to 30 years imprisonment, with a non-parole period of 22 years.

R v O'Loughlin – Forged aboriginal paintings

In this case the accused, an indigenous art wholesaler, was involved in the sale of a large number of aboriginal-style paintings attributed to a world-renowned aboriginal artist from the Northern Territory. The paintings were in fact forgeries and were identified as such when the artist saw them on display at an art gallery in Mascot. The accused pleaded guilty in the District Court to obtaining money by deception and was placed on a bond to be of good behaviour for three years.



Audited Financial Statements 2000–2001



Year Ended 30 June 2001

Statement by the Director

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

- (a) the accompanying financial statements have been prepared in accordance with the provisions of the Public Finance and Audit Act 1983, the Financial Reporting Code for Budget Dependent General Government Sector Agencies, the applicable clauses of the Public Finance and Audit Regulation 2000 and the Treasurer's Directions;
- (b) the statements exhibit a true and fair view of the financial position and transactions of the Office; and
- (c) there are no circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.

A handwritten signature in black ink, appearing to read 'N R Cowdery', with a stylized flourish at the end.

N R Cowdery QC
Director of Public Prosecutions

23rd August 2001



BOX 12 GPO
SYDNEY NSW 2001

INDEPENDENT AUDIT REPORT

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

To Members of the New South Wales Parliament and the Director of Public Prosecutions

Scope

I have audited the accounts of the Office of the Director of Public Prosecutions for the year ended 30 June 2001. The Director is responsible for the financial report consisting of the accompanying statement of financial position, statement of financial performance, statement of cash flows, program statement - expenses and revenues and summary of compliance with financial directives, together with the notes thereto and information contained therein. My responsibility is to express an opinion on the financial report to Members of the New South Wales Parliament and the Director based on my audit as required by sections 34 and 45F(1) of the *Public Finance and Audit Act 1983* (the Act). My responsibility does not extend to an assessment of the assumptions used in formulating budget figures disclosed in the financial report.

My audit has been conducted in accordance with the provisions of the Act and Australian Auditing Standards to provide reasonable assurance whether the financial report is free of material misstatement. My procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial report, and the evaluation of accounting policies and significant accounting estimates.

These procedures have been undertaken to form an opinion whether, in all material respects, the financial report is presented fairly in accordance with the requirements of the Act, Accounting Standards and other mandatory professional reporting requirements, in Australia, so as to present a view which is consistent with my understanding of the Office's financial position, the results of its operations and its cash flows.

The audit opinion expressed in this report has been formed on the above basis.

Audit Opinion

In my opinion, the financial report of the Office of the Director of Public Prosecutions complies with section 45E of the Act and presents fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements the financial position of the Office of the Director of Public Prosecutions as at 30 June 2001 and the results of its operations and its cash flows for the year then ended.

P.K. Brown

P K Brown, FCA
Principal Auditor
(duly authorised by the Auditor-General of New South Wales
under section 45F(1A) of the Act)

SYDNEY
24 August 2001

Statement of Financial Performance for the Year Ended 30 June 2001

	Notes	Actual 2001 \$'000	Budget 2001 \$'000	Actual 2000 \$'000
Expenses				
Operating expenses				
Employee related	2(a)	45,713	45,393	43,700
Other operating expenses	2(b)	9,970	9,976	9,320
Maintenance	2(c)	637	520	563
Depreciation	2(d)	955	2,430	1,167
Other expenses	2(e)	2,817	2,913	3,088
Total Expenses		60,092	61,232	57,838
Less:				
Retained Revenue				
Sale of goods and services	3(a)	108	167	120
Investment income	3(b)	140	129	96
Grants and contributions	3(c)	84	2,089	-
Other revenue	3(d)	71	42	59
Total Retained Revenue		403	2,427	275
Gain/(loss) on sale of non-current assets	4	1	5	(46)
NET COST OF SERVICES	18	59,688	58,800	57,609
Government Contributions				
Recurrent appropriation	5	52,488	52,466	50,055
Capital appropriation	5	1,949	4,648	900
Acceptance by the Crown Entity of employee entitlements and other liabilities	6	5,804	5,162	5,105
Total Government Contributions		60,241	62,276	56,060
SURPLUS/(DEFICIT) FOR THE YEAR		553	3,476	(1,549)

The accompanying notes form part of these statements.

Statement of Financial Position as at 30 June 2001

	Notes	Actual 2001 \$'000	Budget 2001 \$'000	Actual 2000 \$'000
ASSETS				
Current Assets				
Cash	17	182	300	2,600
Receivables	8	948	395	1,063
Inventories		2	–	
Other				
Total Current Assets		1,132	695	3,663
Non-Current Assets				
Plant and Equipment	9	6,107	11,709	6,263
Total Non-Current Assets		6,107	11,709	6,263
Total Assets		7,239	12,404	9,926
LIABILITIES				
Current Liabilities				
Payables	10	837	3,197	1,296
Employee entitlements and other provisions	11	4,708	3,559	4,410
Other	12	65	–	2,132
Total Liabilities		5,610	6,756	7,838
Net Assets		1,629	5,648	2,088
EQUITY				
Reserves	13	551	1,563	1,563
Accumulated funds		1,078	4,085	525
Total Equity		1,629	5,648	2,088

The accompanying notes form part of these statements

Statement of Cash Flows for the Year Ended 30 June 2001

	Notes	Actual 2001 \$'000	Budget 2001 \$'000	Actual 2000 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES				
Payments				
Employee related		(40,967)	(41,304)	(38,881)
Other		(13,813)	(13,458)	(12,457)
Total Payments		(54,777)	(54,762)	(51,338)
Receipts				
Sale of goods and services		281	167	158
Interest Received		157	129	55
Retained taxes, fees and fines				
Other		187	2,122	21
Total Receipts		625	2,418	234
Cash Flows from Government				
Recurrent appropriation		50,436	52,466	52,107
Capital appropriation		1,949	4,648	900
Cash reimbursements from the Crown Entity		1,209	800	911
Net Cash Flows from Government		53,594	57,914	53,918
NET CASH FLOWS FROM OPERATING ACTIVITIES	18	(558)	5,570	2,814
CASH FLOWS FROM INVESTING ACTIVITIES				
Proceeds from sale of plant and equipment		(1)	5	14
Purchases of plant and equipment		(1,861)	(6,678)	(1,304)
NET CASH FLOWS FROM INVESTING ACTIVITIES		(1,860)	(6,673)	(1,290)
NET INCREASE / (DECREASE) IN CASH		(2,418)	(1,103)	1,514
Opening cash and cash equivalents		2,600	2,144	1,076
CLOSING CASH AND CASH EQUIVALENTS	17	182	1,041	2,600

The accompanying notes form part of these statements.

Summary of Compliance with Financial Directives

	2001				2000			
	Recurrent Appropriation	Expenditure/ Net Claim on Consolidated Fund	Capital Appropriation	Expenditure/ Net Claim on Consolidated Fund	Recurrent Appropriation	Expenditure	Capital Appropriation	Expenditure
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
ORIGINAL BUDGET APPROPRIATION/EXPENDITURE								
• Appropriation Act Additional Appropriations	52,466	52,432	4,648	1,861	47,460	47,460	900	900
• s21A PF&AA – special appropriation								
• s24 PF&AA – transfers of functions between departments								
• s26 PF&AA – Commonwealth specific purpose payments	52,466	52,432	4,648	1,861	47,460	47,460	900	900
OTHER APPROPRIATIONS/ EXPENDITURE								
• Treasurer's Advance	56	56	–	–	4,332	2,280	–	–
• Section 22 – expenditure for certain works and services					315	315		
• Transfers from another agency (section 28 of the Appropriation Act)			–	–				
	56	56	–	–	4,647	2,595	–	–
Total Appropriations Expenditure/Net Claim on Consolidated Fund (includes transfer payments)	52,522	52,488	4,648	1,861	52,107	50,055	900	900
Amount drawn down against Appropriation		52,488		1,949		52,107		900
Liability to Consolidated Fund*		–		88		2,052		–

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

* The Liability to Consolidated Fund represents the difference between the Amount Drawdown against Appropriation and the Total Expenditure/Net Claim on Consolidated Fund

Notes To and Forming Part of the Financial Statements

Years Ending 30 June

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Notes To and Forming Part of the Financial Statements

Years Ending 30 June

1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(a) Reporting Entity

The Office of the Director of Public Prosecutions (the Office), as a reporting entity, comprises all the operating activities under the control of the Office.

The reporting entity is consolidated as part of the NSW Total State Sector and as part of the NSW Public Accounts.

(b) Basis of Accounting

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

- applicable Australian Accounting Standards;
- other authoritative pronouncements of the Australian Accounting Standards Board (AASB);
- Urgent Issue Group (UIG) Consensus Views;
- the requirements of the Public Finance and Audit Act and Regulations; and
- the Financial Reporting Directions published in the Financial Reporting Code for Budget Dependent General Government Sector Agencies or issued by the Treasurer under section 9(2)(n) of the Act.

Where there are inconsistencies between the above requirements, the legislative provisions have prevailed.

In the absence of a specific Accounting Standard, other authoritative pronouncement of the AASB or UIG Consensus View, the hierarchy of other pronouncements as outlined in AAS 6 "Accounting Policies" is considered.

Except for certain plant and equipment, which are recorded at valuation, the financial statements are prepared in accordance with the historical cost convention. All amounts are rounded to the nearest one thousand dollars and are expressed in Australian currency. The accounting policies adopted are consistent with those of the previous year.

(c) Administered Activities

The Office administers, but does not control, certain activities on behalf of the Crown Entity. It is accountable for the transactions relating to those administered activities but does not have the discretion, for example, to deploy the resources for the achievement of the Office's own objectives. Transactions and balances relating to the administered activities are not recognised as the Office's revenues, but are disclosed in the accompanying schedules as "Administered Revenues". The accrual basis of accounting and all applicable accounting standards have been adopted for the reporting of the administered activities.

(d) Revenue Recognition

Revenue is recognised when the Office has control of the good or right to receive, it is probable that the economic benefits will flow to the Office and the amount of revenue can be measured reliably. Additional comments regarding the accounting policies for the recognition of revenue are discussed below.

i) Parliamentary Appropriations and Contributions from Other Bodies

Parliamentary appropriations and contributions from other bodies (including grants and donations) are generally recognised as revenues when the agency obtains control over the assets comprising the appropriations/contributions. Control over the appropriations and contributions is normally obtained upon the receipt of cash.

An exception to the above is when appropriations are unspent at year-end. In this case, the authority to spend the money lapses and generally the unspent amount must be repaid to the Consolidated Fund in the following financial year.

As a result, unspent appropriations are now accounted for as liabilities rather than revenue. The liability is disclosed in Note 13 as part of "other current liabilities". The amount will be repaid and the liability will be extinguished next financial year.

Notes To and Forming Part of the Financial Statements

Years Ending 30 June

(ii) Sale of Goods and Services

Revenue from the sale of goods and services comprises revenue from the provision of products and services ie user charges. User charges are recognised as revenue when the Office obtains control of the assets that result from them.

(iii) Investment income

Interest revenue is recognised as it accrues.

e) Employee Entitlements

(i) Wages and Salaries, Annual Leave, Sick Leave and On-Costs

Liabilities for wages and salaries, annual leave and vesting sick leave are recognised and measured as the amount unpaid at the reporting date at current pay rates in respect of employees' services up to that date.

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 entitlements accrued in the future.

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

(ii) Long Service Leave and Superannuation

The Office's liabilities for long service leave and superannuation are assumed by the Crown Entity. The agency 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 Entitlements and other Liabilities".

Long service leave is measured on a nominal basis. The nominal method is based on the remuneration rates at year end for all employees with five or more years of service. It is considered that this measurement technique produces results not materially different from the estimate determined by using the present value basis of measurement.

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 (ie Basic Benefit and First State Super) is calculated as a percentage of the employees' salary. For other superannuation schemes (ie State Superannuation Scheme and State Authorities Superannuation Scheme), the expense is calculated as a multiple of the employees' superannuation contributions.

(f) Insurance

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

(g) Accounting for the Goods and Services Tax (GST)

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

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

(h) Acquisitions of Assets

The Cost is determined as the fair value of the assets given as consideration plus the costs incidental to the acquisition.

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

Fair value means the amount for which an asset could be exchanged between a knowledgeable, willing buyer and a knowledgeable, willing seller in an arm's length transaction.

Notes To and Forming Part of the Financial Statements

Years Ending 30 June

(i) Plant & Equipment

Plant and equipment costing \$5,000 and above individually are capitalised. Plant and equipment are valued based on the estimated written down replacement cost of the most appropriate modern equivalent replacement facility having a similar service potential to the existing asset.

Each class of physical non-current assets is revalued every 5 years. As a result of the size and nature of the agency's assets this revaluation is conducted over a 5 year period. The last such revaluation was completed on 30 June 1996.

When revaluing non-current assets by reference to current prices for assets newer than those being revalued (adjusted to reflect the present condition of the assets), the gross amount and the related accumulated depreciation is separately restated.

Conversely, where assets are revalued to market value, and not by reference to current prices for assets newer than those being revalued, any balances of accumulated depreciation existing at the revaluation date in respect of those assets are credited to the asset accounts to which they relate. The net asset accounts are increased or decreased by the revaluation increments or decrements.

The recoverable amount test has not been applied as the Office is a not-for-profit entity whose service potential is not related to the ability to generate net cash inflows.

(j) Revaluation of Physical Non-Current Assets

Plant and equipment are valued based on the estimated written down replacement cost of the most appropriate modern equivalent replacement facility having a similar service potential to the existing asset.

Each class of physical non-current assets is revalued every 5 years. As a result of the size and nature of the Office's assets this revaluation is conducted over a 5 year period. This year the Office's library assets were revalued and was based on an independent assessment.

In accordance with Treasury policy, the Office has applied the AAS38 "Revaluation of Non-Current Assets" transitional provisions for the public sector and has elected to apply the same revaluation basis as the preceding reporting period, while the relationship between fair value and the existing valuation basis in the NSW public sector is further examined. It is expected, however, that in most instances the current valuation methodology will approximate fair value.

When revaluing non-current assets by reference to current prices for assets newer than those being revalued (adjusted to reflect the present condition of the assets), the gross amount and the related accumulated depreciation is separately restated.

Conversely, where assets are revalued to market value, and not by reference to current prices for assets newer than those being revalued, any balances of accumulated depreciation existing at the revaluation date in respect of those assets are credited to the asset accounts to which they relate. The net asset accounts are increased or decreased by the revaluation increments or decrements.

The recoverable amount test has not been applied as the Office is a not-for-profit entity whose service potential is not related to the ability to generate net cash inflows.

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

Revaluation increments and decrements are offset against one another within a class of non-current assets, but not otherwise.

(k) Depreciation of Non-Current Physical Assets

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

All material separately identifiable component assets are recognised and depreciated over their shorter useful lives, including those components that in effect represent major periodic maintenance

Notes To and Forming Part of the Financial Statements

Years Ending 30 June

The estimated useful life to the entity for each class of asset is:

Office Equipment	7 years
Computer Equipment	4 years
Library Books	15 years
Furniture & Fittings	10 years
Software	4 years

(l) Maintenance and repairs

The costs of maintenance are charged as expenses as incurred, except where they relate to the replacement of a component of an asset, in which case the costs are capitalised and depreciated.

(m) Leased Assets

Operating lease payments are charged to the Statement of Financial Performance in the periods in which they are incurred.

(n) Inventories

The Office holds a small number of corporate wardrobe items for resale to staff at "cost recovery" price only. The inventories are stated at cost value.

(o) Bank Overdraft

The Department does not have any bank overdraft facility.

(p) Budgeted amounts

The budgeted amounts are drawn from the budgets as formulated at the beginning of the financial year and with any adjustments for the effects of additional appropriations, s 21A, s24 and/or s 26 of the Public Finance and Audit Act 1983.

The budgeted amounts in the Statement of Financial Performance and the Statement of Cash Flows are generally based on the amounts disclosed in the NSW Budget Papers (as adjusted above). However, in the Statement of Financial Position, the amounts vary from the Budget Papers, as the opening balances of the budgeted amounts are based on carried forward actual amounts, ie per the audited financial statements (rather than carried forward estimates).

(q) Lease Incentives

Lease incentives are recognised initially as liabilities and then reduced progressively over the term of the leases. The amount by which the liability is reduced on a pro-rata basis is credited against the total lease payment. Lease incentives include, but are not limited to, up-front cash payments to lessees, rent free periods or contributions to certain lessee costs such as the costs of relocating to the premises.

Notes To and Forming Part of the Financial Statements

Years Ending 30 June

2 EXPENSES

	2001 \$'000	2000 \$'000
(a) Employee related expenses comprise the following specific items:		
Salaries and wages (including Recreation Leave)	37,245	35,986
Superannuation	4,090	3,749
Long service leave	1,714	1,356
Workers' compensation Insurance	189	243
Payroll tax and fringe benefit tax	2,475	2,366
	45,713	43,700
(b) Other operating expenses		
Auditor's remuneration	32	30
Bad and doubtful debts	10	1
Operating lease rental expense – minimum lease payments	3,844	3,472
Insurance	91	9
Operating lease computer network expense	462	462
Books	282	309
Cleaning	165	147
Consultants	302	93
Fees – Private Barristers	456	450
Fees – Practising Certificates	166	161
Fees – Security	127	138
Gas & Electricity	133	26
Motor Vehicles	324	313
Postal	90	107
Courier	21	26
Printing	127	122
Stores	471	470
Telephones	772	774
Training	252	341
Travel*	970	866
Other	873	833
	9,970	9,320
(c) Maintenance		
Repairs and maintenance	637	563
	637	563
(d) Depreciation		
Computer Equipment	237	477
General Plant and Equipment	551	494
Library Collection	167	196
	955	1,167
(e) Other expenses		
Allowances to Witnesses	2,751	3,071
Ex-gratia payments	1	3
Maintenance Costs of Non Australian Citizens	65	14
	2,817	3,088

Notes To and Forming Part of the Financial Statements

Years Ending 30 June

3 REVENUES

	2001 \$'000	2000 \$'000
(a) Sales of goods and services	31	12
Rendering of services		
Commissions – Miscellaneous Deductions	5	5
Costs Awarded	34	36
Oncosts – Officers on loan	14	37
Appearance Fees	18	5
Training fees	6	25
Total sale of goods and rendering of services	108	120
(b) Investment Income		
Interest	140	96
	140	96
(c) Grants and contributions		
Video Conferencing	84	–
	84	–
(d) Other revenue		
Other revenue	47	8
Head Office Refurbishment	24	51
	71	59

4 GAIN/(LOSS) ON SALE OF NON-CURRENT ASSETS

Gain/(Loss) on disposal of plant and equipment		
Proceeds from sale	1	14
Written down value of assets sold	0	(60)
Net gain/(loss) on disposal of plant and equipment	1	(46)

5 APPROPRIATIONS

	2001 \$'000	2000 \$'000
Recurrent appropriations		
Total recurrent drawdowns from Treasury (per Summary of Compliance)	52,488	52,107
Less: Liability to Consolidated Fund (per Summary of Compliance)	–	2,052
Total	52,488	50,055
Comprising:		
Recurrent appropriations (per Statement of Financial Performance)	52,488	50,055
Total	52,488	50,055
Capital appropriations		
Total capital drawdowns from Treasury (per Summary of Compliance)		
Less: Liability to Consolidated Fund (per Summary of Compliance)	1,949	900
Comprising:		
Capital appropriations (per Statement of Financial Performance)	1,949	900
Total	1,949	900

Notes To and Forming Part of the Financial Statements

Years Ending 30 June

6 ACCEPTANCE BY THE CROWN ENTITY OF EMPLOYEE ENTITLEMENTS AND OTHER LIABILITIES

	2001 \$'000	2000 \$'000
The following liabilities and/or expenses have been assumed by the Crown Entity or other government agencies:		
Superannuation	3,842	3,519
Long Service Leave	1,714	1,357
Payroll Tax and Superannuation	248	229
	5,804	5,105

7 PROGRAMS/ACTIVITIES OF THE OFFICE

The Office operates on one program "26.1.1 Crown Representation in Criminal Prosecutions". The objective of the program is to provide the people of New South Wales with an independent, fair and just prosecution service.

8 CURRENT ASSETS – RECEIVABLES

All trade debtors are recognised as amounts receivable at balance date. Collectability of trade debtors is reviewed on an ongoing basis. Debts which are known to be uncollectable are written off. A provision for doubtful debts is raised when some doubt as to collection exists. The credit risk is the carrying amount (net of any provision for doubtful debts). No interest is earned on trade debtors. The carrying amount approximates net fair value. Sales are made on 30 day terms. Receivables are stated with the amount of GST included.

	2001 \$'000	2000 \$'000
Sale of Goods & Services	17	221
Prepayments	526	621
Interest	48	65
Lease Incentives	51	–
LSL & Super	11	34
Advances	58	96
GST Receivable	237	26
Total Current Assets – Receivables	948	1,063

Reconciliations

Reconciliations of the carrying amounts of each class of non-current receivables at the beginning and end of the current and previous financial year are set out below:

	Prepayments	Interest & Lease Incentives	LSL & Super	Sale of Goods & Services	Advances	GST Receivable	TOTAL
2001	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Carrying amount at start of year	621	65	34	221	96	26	1,063
New Recievables	4,561	192	2,968	250	1,633	2,234	11,838
Repayments	(4,656)	(159)	(2,991)	(454)	(1,670)	(2,023)	(11,0953)
Other movements							
Carrying amount at end of year	526	98	11	17	59	237	948

Notes To and Forming Part of the Financial Statements

Years Ending 30 June

8 CURRENT ASSETS – RECEIVABLES Cont.

	Prepayments	Interest & Lease Incentives	LSL & Super	Sale of Goods & Services	Advances	GST Receivable	TOTAL
2000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Carrying amount at start of year	498	25	32	271	39	–	865
New Receivables	3,897	556	3,059	324	731	26	8,593
Repayments	(3,774)	(516)	(3,057)	(374)	(674)	–	(8,395)
Other movements							
Carrying amount at end of year	621	65	34	221	96	26	1,063

CURRENT ASSETS – INVENTORIES

	2001 \$'000	2000 \$'000
Corporate Wardrobe At Cost	2	–
	2	–

9 NON CURRENT ASSETS – PLANT AND EQUIPMENT

	2001 \$'000	2000 \$'000
Plant and Equipment At Cost	15,364	14,460
At Valuation	1,045	2,285
	6,409	16,745
Accumulated Depreciation at Cost	10,302	9,862
Accumulated Depreciation at Valuation	–	620
	10,302	10,482
Total Plant and Equipment at Net Book Value	6,107	6,263

Reconciliations

Reconciliation of the carrying amounts of each class of property, plant and equipment at the beginning and end of the current and previous financial year are set out below.

	\$'000
2001	
Carrying amount at start of year	6,263
Additions	2,029
Disposals	(3)
Net revaluation decrement	1,012
Depreciation expense	(955)
Other movements	(215)
Carrying amount at end of year	6,107
	\$'000
2000	
Carrying amount at start of year	6,035
Additions	1,525
Disposals	(1,568)
Net revaluation decrement	
Depreciation expense	(1,167)
Other movements	1,438
Carrying amount at end of year	6,263

Notes To and Forming Part of the Financial Statements

Years Ending 30 June

Management considers the written down value to approximate market value as at 30 June 2001.

(a) At the 30th June 2001 a valuation of the library collection was carried out by the Office on a written down replacement cost basis in accordance with the Office's accounting policy.

b) The agency continues to derive service potential and economic benefits from the following fully depreciated assets:

- 62 items of computer equipment consisting of personal computers and printers
- 14 items of office equipment
- 16 items of software
- 15 items of furniture and fittings

10 CURRENT LIABILITIES – ACCOUNTS PAYABLE

The liabilities are recognised for amounts due to be paid in the future for goods or services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in Treasurer's Direction 219.01. 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. Treasurer's Direction 219.01 allows the Minister to award interest for late payment.

	2001 \$'000	2000 \$'000
Creditors	102	152
Accruals	735	1,144
	837	1,296

11 CURRENT LIABILITIES – EMPLOYEE ENTITLEMENTS

Recreation leave	2,936	2,685
Accrued salaries and wages	855	859
Payroll Tax oncosts for recreation leave and long service leave	917	866
Aggregate employee entitlements	4,708	4,410

12 CURRENT LIABILITIES – OTHER

Liability to Consolidated Fund	–	2,052
Deferred Income	65	80
	65	2,132

13 CHANGES IN EQUITY

	Accumulated Funds		Asset Revaluation		Total Equity	
	2001 \$'000	2000 \$'000	2001 \$'000	2000 \$'000	2001 \$'000	2000 \$'000
Balance at the beginning of the financial year	525	2,074	1,563	1,563	2,088	3,637
Surplus/(deficit) for the year	553	(1,549)			553	(1,549)
Decrement on revaluation of Plant and Equipment			(1,012)		(1,012)	
Balance at the end of the financial year	1,078	525	551	1,563	1,629	2,088

Asset Revaluation Reserve

The Asset revaluation reserve is used to record increments and decrements on the revaluation of non-current assets. This accord with the Office's policy on the "Revaluation of Physical Non-Current Assets".

Notes To and Forming Part of the Financial Statements

Years Ending 30 June

14 COMMITMENTS FOR EXPENDITURE

Operating Lease Commitments

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

Not later than one year	4,755	4,552
Later than one year and not later than 5 years	12,349	13,317
Later than 5 years	8,374	10,097
Total (including GST)	25,478	27,966

Non cancellable leases relate to commitments for accommodation for Head Office and the 10 regional offices throughout the State, lease of computer equipment and motor vehicles. Commitments for accommodation are based on current costs and are subject to future rent reviews.

Contingent Asset

The total "Operating Lease Commitments" above includes input tax credits of \$2.151M that are expected to be recoverable from the ATO.

15 CONTINGENT LIABILITIES

	2001 \$'000	2000 \$'000
Possible claims arising from litigation	350	105
	350	105

The Office may be liable for compensation payments arising from claims not exceeding \$350,000 for which there is complete insurance cover with the Treasury Managed Fund.

16 BUDGET REVIEW

Net Cost of Services

The actual net cost of services of \$59.688M was higher than budget by \$888,000. This was primarily due to significantly lower than anticipated depreciation costs and private sector contributions. This arose as a result of unanticipated delays in the Office's capital works program which was to be funded jointly from Consolidated Fund and private sector contributions.

Assets and Liabilities

Total assets of \$7.239M were lower than budget due to a combination of delays in the Office's capital works program and lower than anticipated cash balances. The lower cash balance was as a consequence of the unbudgeted for repayment to Consolidated Fund of \$2.052M during the 2000–2001 financial year. Prepayments were also higher than budget partly due to the recognition of the GST input tax credit for the first full year during the 2000–2001 financial year.

Liabilities were lower than the budget due to lower than anticipated amount of accounts payable which was attributable to the settlement of accounts on time.

Cash Flows

Closing cash balance of \$182,000 as at 30 June 2001 was lower than budget as the Office acquitted more creditors in 2000–2001 than expected.

Notes To and Forming Part of the Financial Statements

Years Ending 30 June

17 CASH AND CASH EQUIVALENTS

For the purposes of the Statement of Cash Flows, cash includes cash on hand and cash at bank within the Treasury Banking System.

Interest is earned on daily bank balances at the monthly average NSW Treasury Corporation (TCorp) 11am unofficial cash rate adjusted for a management fee to Treasury. The weighted average effective interest rate for 2000/01 was 4.88% (2000 – 4.25%) computed on a monthly basis. Cash assets recognised in the Statement of Financial Position are reconciled to cash at the end of the financial year as shown in the Statement of Cash Flows as follows:

	2001 \$'000	2000 \$'000
Cash on hand and cash at bank (per Statement of Financial Position)	182	2,600
Closing Cash and Cash Equivalents (per Statement of Cash Flows)	182	2,600

18 RECONCILIATION OF CASH FLOWS FROM OPERATING ACTIVITIES TO NET COST OF SERVICES

	2001 \$'000	2000 \$'000
Net cash used on operating activities	(558)	2,814
Cash flows from Government/Appropriations	(53,594)	(53,918)
Acceptance by the Crown Entity of employee entitlements and other liabilities	(4,595)	(4,194)
Depreciation	(955)	(1,167)
Increase/(decrease) in provisions	(296)	(649)
(Increase)/decrease in accounts payable	460	(678)
Increase/(decrease) in prepayments and other assets	(166)	249
Net loss/(gain) on sale of plant and equipment	1	(46)
(Increase)/Decrease in deferred income	15	(20)
Net cost of services	(59,688)	(57,609)

19 2000 SYDNEY OLYMPIC GAMES

	2001 \$'000	2000 \$'000
Staff seconded to other agencies on initiatives directly and specifically related to the Games: Number of staff seconded (EFT) 0.1		
Staff costs	4	–
	4	–

END OF AUDITED FINANCIAL STATEMENTS

Account Payment Performance

1 July 2000 to 30 June 2001

To facilitate comparison against actual performance, an internal target level of 90% was set for the financial year 2000/2001.

	Previous Years		
	2000/2001	1999/2000	1998/99
Aging of Accounts Paid during 2000/2001:			
Current (ie. within due date)	\$12,937,498	\$12,429,186	\$12,624,082.34
Less than 30 and 60 days overdue	\$2,848,941	\$3,323,180	\$346,724.06
Between 30 and 60 days overdue	\$416,148	\$455,873	\$45,756.27
Between 60 and 90 days overdue	\$90,256	\$92,954	\$17,084.81
More than 90 days overdue	\$154,381	\$157,593	\$14,207.15
Accounts Paid on time:			
Percentage of accounts paid on time	86%	76%	96.75%
Total of accounts paid on time	\$16,447,224	\$12,429,186	\$12,624,082.34
Total of accounts paid	\$19,124,679	\$16,458,787	\$13,047,854.63

There were no instances where interest was payable under Clause 2AB of the Public Finance and Audit Regulations resulting from the late payment of accounts.

Reasons for Accounts Not Paid on Time:

- Invoices received late from DPP Cost Centres.
- Invoices not reconciled.

Initiatives Implemented to Improve Payment Performance:

- Reminders are given to DPP Cost Centres by Financial Services.
- Continual review of accounting system to ensure the integrity of accounts payable area.
- Improved payment conditions with suppliers leading to a faster response time in the turnaround of payments.
- Revised and improved guidelines in the ordering of goods and services from clients.

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Total Number of copies of Annual Report printed in 1999–2000.	500
Cost in 2000–2001	\$17,460
Cost in 1999–2000	\$16,609

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Office of the Director of Public Prosecutions Locations

Head Office

265 Castlereagh Street
SYDNEY NSW 2000
Locked Bag A8
SYDNEY SOUTH NSW 1232
Telephone: (02) 9285 8611
Facsimile: (02) 9285 8600
DX:11525 Sydney Downtown

Regional Offices

Campbelltown

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

DX:5125

Dubbo

Ground Floor
130 Brisbane Street
PO Box 811
DUBBO NSW 2830
Telephone: (02) 6881 3300
Facsimile: (02) 6884 9370

DX:4019

Gosford

Level 2
107–109 Mann Street
P O Box 1987
GOSFORD NSW 2250
Telephone: (02) 4323 2655
Facsimile: (02) 4323 1471

DX:7221

Lismore

Level 3 Credit Union Centre
101 Molesworth Street
PO Box 558
LISMORE NSW 2480
Telephone: (02) 6627 2222
Facsimile: (02) 6627 2233

DX:7707

Bathurst

Level 2
State Government Office Block
140 William Street
PO Box 701
BATHURST NSW 2795
Telephone: (02) 6332 2555
Facsimile: (02) 6332 6800

Newcastle

Level 1
51–55 Bolton Street
PO Box 779
NEWCASTLE NSW 2300
Telephone: (02) 4929 4399
Facsimile: (02) 4926 2119

DX:7867

Parramatta

Level 3
146 Marsden Street
PARRAMATTA NSW 2150
PO Box 3696
PARRAMATTA NSW 2124
Telephone: (02) 9891 9800
Facsimile: (02) 9891 9866

DX:8210

Penrith

Level 3, Danallam House
311 High Street
PENRITH NSW 2750
PO Box 781
PENRITH POST BUSINESS CENTRE NSW 2750
Telephone: (02) 4721 6100
Facsimile: (02) 4721 4149

DX:8022

Wagga Wagga

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

Wollongong

Level 2, Centretown Plaza
128–134 Crown Street
WOLLONGONG NSW 2500
PO Box 606
WOLLONGONG EAST NSW 2520
Telephone: (02) 4224 7111
Facsimile: (02) 4224 7100

DX:27833
WOLLONGONG COURT

Note: Each Office is open Monday to Friday (excluding Public Holidays) from 9.00 a.m. to 5.00 p.m. Appointments may be arranged outside these hours if necessary.



OFFICE OF THE DIRECTOR OF
PUBLIC PROSECUTIONS
NEW SOUTH WALES