



OFFICE OF THE  
DIRECTOR OF  
PUBLIC PROSECUTIONS  
NEW SOUTH WALES

# Annual Report

1999–2000



## 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

Our stakeholders include the NSW Parliament, the Judiciary, Magistracy and Courts, Police, victims, witnesses, accused persons and others in the criminal justice system.

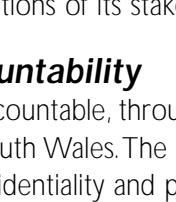
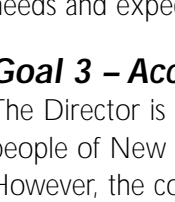


## OUR GOALS



### ***Goal 1 – Achievement of Justice***

The prosecutor's role is specialised and demanding. It is to assist the court to arrive at the truth and to do justice between the community and the accused, according to law and the dictates of fairness. Prosecutors are not entitled to act as if representing private interests in litigation but must act independently and in the public interest.



### ***Goal 2 – High Quality Service***

The Office is committed to providing the highest quality prosecution service and has an obligation to structure the delivery of that service in a way that is responsive to the needs and expectations of its stakeholders.



### ***Goal 3 – Accountability***

The Director is accountable, through the Attorney General, to Parliament and to the people of New South Wales. The basis on which decisions are made will be stated. However, the confidentiality and privacy of individuals will be respected.



### ***Goal 4 – Our Staff***

The Office will assist in identifying and developing opportunities for all staff to improve their individual skills and abilities and to enhance their employment and general working conditions and professional satisfaction.



### ***Goal 5 – Improvements in the Criminal Justice System***

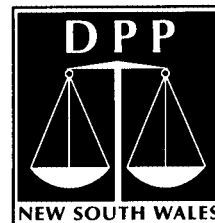
The Office is a crucial part of the criminal justice system. It strives to work co-operatively with others in finding new and constructive ways of improving that system.



# ODPP New South Wales

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**DIRECTOR'S CHAMBERS**



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

Dear Attorney

**1999 – 2000 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 2000.

Yours faithfully

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

NR Cowdery QC  
Director of Public Prosecutions

30 October 2000

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# Director's Overview

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## **DIRECTOR'S OVERVIEW**

Elsewhere in this report are contained detailed descriptions of the work we have done in the year under review. It is a testament to my officers – legal and administrative – that so much has been able to be achieved with so little and I pay tribute to them. I wish I could do more for them; but there are limitations imposed in the public sector and the ability to reward outstanding performance is extremely limited.

The extent to which we have fulfilled our Business Initiatives is truly remarkable. Unfinished work will be tackled in the future with the same enthusiasm and results.

This is my sixth Director's Overview. Throughout the time that I have occupied this position the prosecution of serious offences in this State has been conducted in a consistently professional and creditable way. Of course, occasionally something goes wrong. Such is the case in any system that relies upon human application and judgment. But such events have been few (and I know, because they end up on my desk). The vast bulk of cases proceeds smoothly and efficiently and passes unnoticed by all who are not personally involved. It is to those latter people – the ones who make these things happen in this way – that we should all be grateful. They include my officers working in conjunction with officers from the other agencies involved in criminal justice.

Part of the reason why we are able to be so effective is the heed we pay to the way things are done elsewhere. We are not slow in adopting and adapting ideas from other prosecuting agencies in Australia and worldwide when we think they will help. An example of such initiatives is the Witness Assistance Service, borrowed from Canada. To that end we keep in contact with our colleagues everywhere who, I know, also borrow ideas from us. In that way we can also assess whether or not a suggestion that has been tried elsewhere may in fact be appropriate for our circumstances. We also maintain continuing good relations with our adversaries: the Legal Aid Commission, the Bar Association and the Law Society. The achievement of justice in our criminal prosecution process must be a cooperative effort between prosecution and defence.

An exciting development in the world of the criminal law is the establishment of the International Criminal Court following the Rome Conference in

June-July 1998. It is particularly pleasing to report that a senior ODPP lawyer, Ms H J Brady, following lengthy involvement in the process with the NGO Coalition, is now working as a member of the Australian Delegation and has contributed significantly to the development of the Rules of Procedure and Evidence for the court. Ms Brady is one of many trailblazing Australian individuals who contribute to international initiatives far beyond the expectation that might arise from Australia's population size and location (and often against the expectations that might arise from consideration of official federal government policy and practice). I thank the (NSW) Attorney General for the continuing support that he has given to Ms Brady's involvement and to the involvement of this Office in other international programs. It is important work that reflects favourably on the State.

We host a steady stream of prosecutors and judges from other countries and continue to take part in training programs overseas. This Office is widely recognised as a leader in many respects.

### ***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.

### ***Senior Staff***

- Mr R D Ellis, Deputy Senior Crown Prosecutor, was appointed Deputy Director on 18 November.
- The other Deputy Director is Mr A M Blackmore.

### ***Crown Prosecutors***

- Mr P M Winch continued on secondment as Acting Public Defender until his resignation as Crown Prosecutor and appointment as Public Defender on 21 October.
- Mr J P Booth continued on secondment as Acting Public Defender.
- Mr D R Thompson QC retired as Deputy Senior Crown Prosecutor on 5 October.
- Mr J N Bowers was appointed Crown Prosecutor on 7 October.

- Ms S L Bowers was appointed Acting Crown Prosecutor on 7 October and Crown Prosecutor on 4 November.
- Ms E A Wilkins was appointed Acting Crown Prosecutor on 7 October and Crown Prosecutor on 24 January.
- Ms N F Noman was appointed Acting Crown Prosecutor on 4 November.
- Mr L L Lungo continued as Acting Crown Prosecutor until appointment as Crown Prosecutor on 2 December.
- Mr K N Magnus continued as Acting Crown Prosecutor.
- Messrs P V Conlon and J L A Bennett were appointed Deputy Senior Crown Prosecutors on 30 November.
- Mr E J Moberley and Ms V J Lydiard were appointed Acting Crown Prosecutors on 2 December and 24 January respectively.
- Mr J C Semmler retired as Crown Prosecutor on 21 January.
- Mr M W Sherring was appointed Acting Crown Prosecutor on 24 January.
- M J L A Bennett was seconded to the National Crime Authority on 17 April.
- Ms H McL Wilson continued as Acting Crown Prosecutor.
- The Annual Crown Prosecutors' Conference for 2000 (in conjunction with the Australian Association of Crown Prosecutors) was held at Bowral in April.

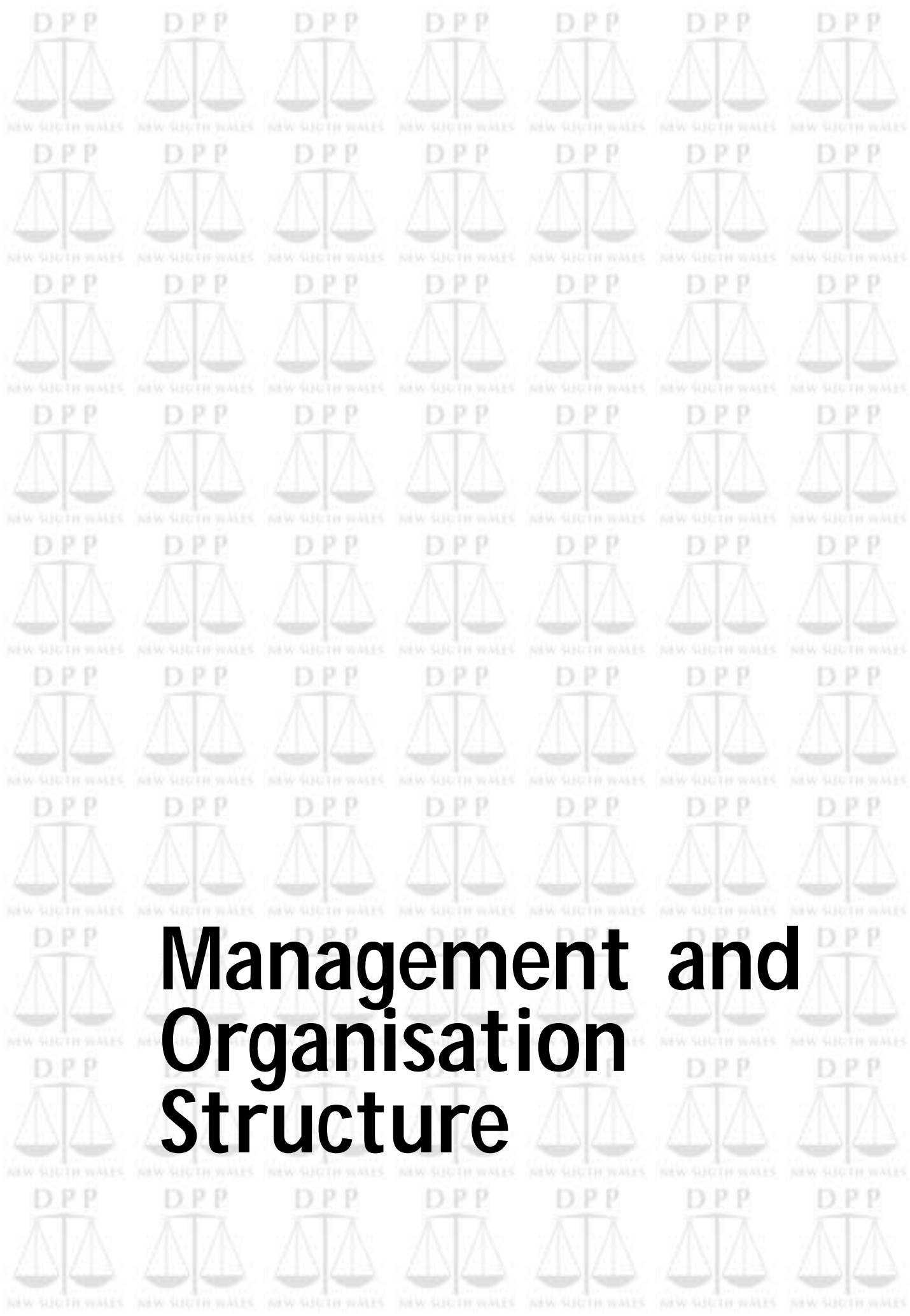
### **Travel**

- I have continued to visit regional offices and to share that pleasurable duty with the Deputy Directors.
- I have participated in various interstate conferences and meetings on a range of subjects connected with the criminal law.
- In September I attended a meeting of the Presidents of Law Associations of Asia (POLA) in Tokyo (in my capacity as Co-Chairman of the Human Rights Institute of the International Bar Association) and travelled on to the Annual Conference of the International Association of

Prosecutors (IAP). There I spoke and participated in business sessions and in the General Meeting of the Association I was elected President for three years.

- In October I attended a Heads of Prosecuting Agencies Conference (HOPAC) in Fiji. This is a biennial conference, principally for heads of agencies in Commonwealth countries.
- In November I attended a meeting of the Secretariat of the IAP in Bangkok, hosted by the Thai Attorney General.
- In April, in my IBA capacity, I addressed the UN Human Rights Commission in Geneva and spoke at an International Law Congress in Cyprus. I then attended a meeting of the IAP Executive Committee in Vienna.
- In May I attended IBA meetings in Versailles, visited the IAP Secretariat in The Hague and conducted a workshop for prosecutors in Addis Ababa.
- In June I was a member of an Australian delegation of lawyers who conducted a seminar for prosecutors in China under the auspices of the Human Rights and Equal Opportunity Commission. I also spoke at the Annual Conference of the Canadian Federal Prosecution Service in Quebec.
- The Conference of Australian Directors of Public Prosecutions (CADs) met during the HOPAC meeting in Fiji in October and in Brisbane in April.





# Management and Organisation Structure

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## 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.

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

*Manages the resources of the Solicitor's Office statewide.*

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## Management and Organisation Structure

### 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.*



# Achievements

## Business Initiative

### 1. Child Sexual Assault Prosecutions

**Objective:**

*Continually review standards for child sexual assault prosecutions*

**Performance Indicator:**

*Increased public confidence*

**Linked to:**

*Corporate Goals: 1, 2 & 5*

## Achievements

- 1.1 Police Royal Commission recommendation 88 that the Witness Assistance Service (WAS) be available in all child sexual assault cases has been implemented. The Witness Assistance Service has set up a child witness waiting room at the Downing Centre Court complex.
- 1.2 The Assistant Solicitor (Sydney) monitors all advice provided to police by ODPP lawyers in relation to the laying of charges in child sexual assault matters. The Assistant Solicitor also monitors all referrals under the Pre-Trial Diversion of Offenders Program.
- 1.3 Bi-monthly meetings of the Sexual Assault Review Committee are conducted. Prior to these meetings feedback is sought from every group head and regional managing lawyer on all issues connected with child sexual assault. There is a particular emphasis on adherence to the strategies for preparing indictable matters (which include the referral of all CSA matters to WAS and the holding of a conference between the lawyer and the WAS Officer prior to the conference with the victim).
- 1.4 The Child Sexual Assault Manual has been revised and updated and is available electronically. The 2000 Draft 'Inter Agency Guidelines For Child Protection Intervention' has been revised and released for comment. The Research Unit has summarised all NSW Court of Criminal Appeal decisions and High Court decisions relevant to child sexual assault and published the summaries electronically and in hard copy. All judgments are available electronically. The Research Unit is currently reviewing the section of the Sentencing Manual relating to child sexual assault.
- 1.5 The Assistant Solicitor (Sydney) and the Sexual Assault Liaison Officer have provided legal training for the Joint Police/Department of Community Services Child Abuse Investigation Teams (JIT) and Joint Investigation Responses (JIR). The Office is represented on the JIT/JIR Steering and Evaluation Committees.
- 1.6 The ODPP is a member of the Cabinet Office Senior Officers Group on Child Protection and the Cabinet Office Committee on Electronic Recording of Children's Evidence.
- 1.7 Regional sexual assault forums are facilitated by the ODPP aimed at enhancing liaison with sexual assault services and counsellors (which assists in effective referral of sexual assault victims).
- 1.8 The case preparation strategy continues to improve the screening process and brief preparation, and to meet our obligations under the Victim Rights Act 1996. The strategy requires early contact with police, victims and witnesses.
- 1.9 See also the role of the Witness Assistance Service in sexual assault matters outlined in Business Initiative 8 of this Report.

## Business Initiative

### 2. Cost Measurement

#### Objective:

*Measure costs associated with all work undertaken by the Office*

#### Performance Indicators:

*A clear and reliable picture of how Office costs are generated. Improved operational efficiency.*

*A sound basis for assessing comparative operational performance.*

#### Linked to:

*Corporate Goal: 1*

## Achievements

- 2.1. The ODPP has engaged in benchmarking with other Public Prosecutions Offices in Australia. A detailed comparison was undertaken with the Victorian Office of Public Prosecutions in relation to the prosecution of child sexual assault matters. The processes of both Offices were found to be very similar. The next step is to research the ways in which both our Offices are seeking to overcome the similar problems faced.
- 2.2. Benchmarking has been undertaken with the Western Australian ODPP in relation to methods of measuring levels of victim satisfaction. "Customer satisfaction" is one of the performance indicators for the ODPP. This Office and the WA ODPP are the two Public Prosecutions Offices in Australia that have a process in place for measuring victim satisfaction.
- 2.3. The ODPP CASES computer system (our case management system) will be upgraded during the course of the next two financial years. The upgraded system will enable the ODPP to measure costs associated with work undertaken by the Office, including cost of court days serviced.

#### Court Days Served

Region	Days In Court	
	1998-99	1999-00
Sydney	5364	5945
Sydney West	2557	2541
Country	2493	2588
State	10414	11074

#### Results

Percentages of "guilty", "not guilty" and "not guilty by direction" verdicts in the District Court in 1999-2000.

Region	Verdict		
	Guilty%	Not Guilty%	Not Guilty By Direction%
Sydney	49.6	40.5	9.9
Sydney West	45.4	44.5	10.1
Country	38.0	53.2	8.9
State	43.7	46.7	9.5

#### Timeliness

Median delay of trial matters from committal to completion for trial matters completed in 1999-2000.

Region	Median Delays in Days
Sydney	378.7
Sydney West	322.5
Country	314.6
State Average	338.6

## Business Initiative

## Achievements

### 2. Cost Measurement (Continued)

#### Customer Satisfaction

This Office has undertaken comprehensive victim and witness satisfaction surveys biennially. The next survey will be conducted later in 2000. The following table shows the percentages of respondents who rated the overall level of service provided by the ODPP as "good".

On asking respondents in the 1998 survey to rate the overall level of service provided by the Office, the satisfaction rates were slightly lower than those in the 1996 survey, but still higher than in the 1994 survey.

The figures are for the last three surveys.

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

## Business Initiative

### 3. Crown Prosecutors as Advisers

**Objective:**

*Higher quality service through improved use of legal skills and resources*

**Performance Indicators:**

*Improved communication between Crown Prosecutors and lawyers. Professional development of lawyers. Improved quality of prosecutions.*

**Linked to:**

*Corporate Goals: 2 & 4*

## Achievements

- 3.1 There are a number of areas in the Office where designated Crown Prosecutors work closely with Lawyers and provide regular advice and support (for example CCA, Advising, Regional Offices). The Deputy Directors work closely with solicitors in the Advising Unit in the presentation of High Court and Court of Appeal matters. In guideline judgment matters in the Court of Criminal Appeal a team approach is adopted by the Deputy Senior Crown Prosecutors, Crown Prosecutors and solicitors from the Research Unit and Court of Criminal Appeal Unit.
- 3.2 Crown Prosecutors regularly participate in Advocacy Institute workshops and the provision of continued legal education and other professional training. This year a new series of advocacy workshops has been developed in the areas of sentencing, legal argument and expert witnesses in collaboration with the Australian Advocacy Institute. These workshops will be piloted, using Crown Prosecutors and other Barristers as instructors later this year.



## Business Initiative

### 4. More Efficient Delivery of Corporate Services

**Objective:**

*Improved efficiency in the delivery of corporate services to the Office*

**Performance Indicators:**

*Efficiency and effectiveness.  
Improved productivity.*

**Linked to:**

*Corporate Goal: 1*

## Achievements

- 4.1 The restructuring of the Financial Services and Personnel Services Branches has provided a more sophisticated approach to financial management as well as the multi-skilling of staff. It also reflects the productivity improvements arising from the implementation of the SUN financial system, including the roll-out to cost centres.
- 4.2 The Office is implementing an in-house payroll system (CHRISPAY) in the 2000–01 financial year. This initiative will eliminate the duplication of functions in the processing of salaries and align the personnel and salary functions more closely.
- 4.3 The strategies described in Business Initiative 9 incorporate the introduction of internal electronic service delivery to further improve access by staff and managers to financial and personal information and services. By the end of the 2000–01 financial year these services will include the electronic processing of a wide range of leave and salary functions.

## Business Initiative

### 5. Performance Management

**Objective:**

*Provide clear direction and feedback to staff on performance*

**Performance Indicators:**

*Improved quality of work through: Higher level of job satisfaction and morale; Better career development; Increased cost effectiveness; More effective communication; Clear goals and targets; Individual accountability.*

**Linked to:**

*Corporate Goals: 2 & 4*

## Achievements

- 5.1 The Office's Performance Management System has been reviewed. A revised system has been piloted in a number of selected areas of the Office throughout the 1999–2000 financial year with appropriate training provided for all those involved. The outcome of the pilot program and revised documents trialed during the pilot program are currently being assessed.
- 5.2 The Office will continue discussions with representatives of the Public Service Association in an effort to further progress this issue.

## Business Initiative

### 6. Accountability to Stakeholders

**Objective:**

*Develop and promote a stakeholder focus*

**Performance Indicators:**

*Public confidence. Continual improvement of Office processes. Recognition of the Office's achievements.*

**Linked to:**

*Corporate Goals: 1, 2 & 5*

## Achievements

### 6.1 Trial Outcomes

Verdicts:	District Court
Guilty	43.7%
Not Guilty	46.7%
By Direction	9.5%
Trials disposal by pleas of guilty:	45.9%
Trials Adjourned:	District Court
Vacated by Crown Application	10.8%
Vacated Defence Application	32.4%
Trial Not Reached	29.6%
Trial Aborted	6.6%
Hung Jury	6.7%
Other	13.9%

### Development of a Case Preparation Strategy

6.2 The Justices Amendment (Committals) Act 1996 has resulted in relatively few witnesses now being called in committal proceedings. This has minimised inconvenience and distress to victims and witnesses and has sped up the committal process. However, in the absence of witnesses being called at committal, it is now more than ever essential that prosecutors communicate with witnesses to ascertain all relevant information.

### Review of Prosecution Policy and Guidelines

6.3 The conduct of prosecutions is becoming ever more complex and the corporate experience of the Office has revealed further aspects of the prosecution process in respect of which prosecutors require guidance, others in the criminal process need to be advised and the community needs to be informed. These factors make it desirable to keep the Director's Prosecution Policy and Guidelines under continuing review and to revise and republish them as required. A review of the Policy and Guidelines is in progress and a new addition will be published during the next financial year.

### Feedback from Victims

6.4 The Office conducts a comprehensive victim and witness satisfaction survey biennially. The next survey will be conducted during the next reporting period. The most recent survey seems to indicate an increased level of awareness and demand for our WAS services. However with our limited resources we are finding it increasingly difficult to meet this demand.

**6.  
Accountability  
to Stakeholders  
(Continued)****Liaison with Police**

- 6.5 The following have been initiated or promoted by the Police – DPP Liaison Standing Committee during the year:
- A. The negotiation of a Memorandum of Association between the Office of the Director of Public Prosecutions and the Police Service was commenced. It is proposed that the numerous protocols previously settled by the Standing Committee will be annexed to the Memorandum of Association.
  - B. Work also began on a Complaints Protocol to apply between both organisations for complaint handling where the complaint is neither an allegation of criminal or corrupt conduct – they being the subject of existing procedures.
  - C. A system of cautioning, charging and processing offenders during the period of the Olympic Games has been co-ordinated through a Standing Committee sub-group.
  - D. The Standing Committee met with a representative of the Ombudsman's Office to consider the introduction of a process for dealing with cases where the Police Service is of the view that advice given by the Office of the Director of Public Prosecutions should not be followed, where the subject of the advice is a police officer.
  - E. A review has been undertaken into procedures to apply to the video recording of the execution of search warrants.

**Liaison with other Investigative Agencies**

- 6.6 Liaison meetings involving the Ombudsman, the Police Integrity Commission and Crime Agencies and the Managing Lawyer of the ODPP unit responsible for prosecution of police officers and public officials occur regularly. In addition regular discussions are undertaken with the Forensic Services Group, NSW Police Service and the Division of Analytical Laboratories of the Health Department regarding matters of mutual interest.

**Review of Trial Adjournments**

- 6.7 The ODPP participated as a member of the Strategic Quality Team established by the Director General of the Attorney General's Department to examine case processing in the District Court. The Strategic Quality Team comprised representatives of various stakeholders in the operations of the District Court in its criminal jurisdiction. The objective of the team was to find ways of streamlining the listing of indictable matters in the District Court so as to ensure a greater degree of certainty about which matters will proceed to trial. In May 2000 the Strategic Quality Team produced its report, making nineteen recommendations for improvement.

**6.  
Accountability  
to Stakeholders  
(Continued)****Participation in Stakeholder Committees****6.8 External Committees:**

- Cabinet Office Senior Officers Group on Child Protection (continually reviews child protection in NSW)
- Victims Advisory Board under the Victims Rights Act
- Working Party on Diversionary Programs for Adult Offenders
- Victims of Crime Inter-agency Forum (worked on projects such as the "Your Day in Court" video and the draft Court Support Standards)
- Apprehended Violence Legal Issues Co-ordination Committee (reviews problems associated with apprehended violence orders)
- Committee on Intellectual Disability in the Criminal Justice System.
- Project Reference Group – Inter-agency Guidelines for Domestic Violence (developed guidelines for frontline workers)
- Quality team established to examine case processing
- Joint Investigation Teams Evaluation Committee
- Drug Court Trial Working Group
- Pre-trial Disclosure Working Party
- Criminal Law Committee of the Law Society of NSW
- Government Lawyers Committee of the Law Society of NSW
- Review Committee on Sexual Assault Prosecutions
- Attorney General's Committals Review Committee (to monitor the impact of new committals legislation)
- Criminal Listing Review Committee (reviewing listings in the District Court)
- Local Court Users Fora
- Police – DPP Prosecution Liaison Standing Committee
- Prosecution Liaison Groups
- Working party reviewing the Drug Misuse and Trafficking Act
- Working party reviewing the Search Warrants Act
- Olympics Court Operations Review Committee

## 7. Implement Quality Program

**Objective:**

*Develop and implement a process for continual improvement with the involvement of all staff*

**Performance Indicators:**

*Individual ownership of the organisation's goals. Some degree of control by staff over the way work is done. Improved service to stakeholders.*

**Linked to:**

*Corporate Goals: 2, 4 & 5*

### **Work Process Reform Group**

7.1 A work process reform group has been established with broad representation, including union representatives. A key role of this group has been to identify and advise on possible impacts associated with the implementation of new technology. Some of the matters considered by the group have been:

- (1) Video Conferencing;
- (2) E Mail Pilots with External Agencies;
- (3) Use of Laptops in remote locations.

### **New Structure for Lawyers**

7.2 On 20 July 1999 the Public Service Association formally agreed to a new salary structure for lawyers. The new structure reflects the substantial changes in work and practices throughout the Office since our enterprise agreement was first negotiated. The main changes in work practices have arisen as a result of:

- changes to committal procedures;
- the increased jurisdiction of the Local Court;
- the increasing commitment of resources to meet the needs of victims and witnesses;
- our commitment to continuity in prosecutions, and
- the increased number of solicitors undertaking trial work.

7.3 The new five-level structure better accommodates the present and anticipated future needs of the Office. Staff now have greater individual ownership of the Office's goals (as described in the key accountabilities of the new position descriptions). They have a greater degree of control over the way work is done (enhanced with increased delegations); and, an improved service is provided to stakeholders (eg through increased continuity of prosecutors involved in matters).

7.4 The restructure resulted in new position descriptions for most of the solicitors' positions within the Office. Sixty five new level 2 positions throughout the Office were filled by competitive selection.

### **New Legal Delegations**

7.5 As a part of the improved restructure referred, legal delegations from the Director have now been issued to specific positions rather than to individual lawyers. In addition, greater flexibility has been achieved by expanding some of the delegations. The new delegations are consolidated into one document.

7.6 All lawyers holding legal delegations have undertaken intensive training by way of practical workshops in relation to case screening. The aim of the training has been to promote a consistent approach across the State in the application of the ODPP Prosecution Policy and Guidelines.

## Business Initiative

### 8. Witness Services

**Objective:**

*Improve services to witnesses and victims*

**Performance Indicators:**

*Greater sense of confidence in witnesses. Efficiency in the use of lawyers' time. More professional witness service. Greater attention to child and other vulnerable witnesses.*

**Linked to:**

*Corporate Goals: 1, 2, 3, & 5*

## Achievements

### Development of a Case Preparation Strategy

- 8.1 Negotiations with police continue through the Police – DPP Prosecution Liaison Standing Committee to bring about changes to police information management and brief handling.
- 8.2 Refer also to Business Initiative 1.

### The Witness Assistance Service

- 8.3 A significant initiative within the ODPP has been the establishment of the Witness Assistance Service (WAS). The WAS is a specialist unit within the ODPP and provides information, court preparation and familiarisation, referral and support for victims of violent crimes and vulnerable witnesses.
- 8.4 WAS officers are now appointed in head office and in each of the ten ODPP regional offices. There are thirteen WAS officer positions in the ODPP, with the manager of the WAS and three positions at Sydney head office and one position in each ODPP regional office. Some positions are job-shared. The officers are qualified professionals, with degrees in social work, psychology or social science, and experience in areas related to victims of crime and the helping professions.
- 8.5 A professional partnership has been successfully established between prosecutors and the WAS, working to the benefit of victims and witnesses, and assisting the ODPP in meeting the aims of the Victims Rights Act 1996.
- 8.6 The WAS has also made a significant contribution to ODPP inter-agency co-operation and co-ordination, through involvement in inter-agency committees, participation in conferences and in training sessions for sexual assault workers, volunteer counsellors and joint investigation task force training. The WAS has also been involved in activities to promote public awareness of its services.

### Feedback from Witnesses

- 8.7 The Office is working hard on improving the service to witnesses. This includes the early involvement of the Witness Assistance Service in providing support for those victims and witnesses with special needs, together with further training for staff in relation to quality service issues.

The Office "Guarantee of Service" nominates a Service Relations Officer to be the point of contact for any complaints or suggestions. A senior executive undertakes the role of Service Relations Officer and that officer's telephone number is publicised in the pamphlets sent to all victims and witnesses.

The case preparation strategy, referred to in Business Initiative No. 1, is designed to meet the aims of the Victims Rights Act in addressing the concerns and needs of victims.

## Business Initiative

### 8. Witness Services (Continued)

## Achievements

### Addressing the Special Needs of Aboriginal People

- 8.8 The ODPP appointed an Aboriginal Project Liaison Officer for a period of twenty months, between January 1998 and October 1999. The role of this officer was raising awareness, and addressing the needs, of aboriginal victims and witnesses, and to contribute to improved service delivery to these people. The Project Officer undertook a number of initiatives, including:
- Initiatives to address domestic violence and sexual assault within aboriginal communities. The Project Officer and other ODPP officers conducted a series of aboriginal victims "Access to Criminal Justice" workshops throughout New South Wales. The workshops aimed to equip aboriginal people with a better understanding of the legal system, and a better capacity to support aboriginal prosecution witnesses. This, in turn, may improve court outcomes in cases involving aboriginal witnesses.
  - The ODPP wrote to the Judicial Commission concerning the inclusion of directions relating to aboriginal witnesses in the Criminal Trial Courts Bench Book, and inclusion of material relating to aboriginal witnesses in the Commission's Education Program for judicial officers.
  - The Project Officer made recommendations in relation to the employment of permanent aboriginal support officers within the ODPP and for improving the recruitment of aboriginals to the public sector.
- 8.9 The steps taken to continually review the standards for child sexual assault prosecutions have been outlined in Business Initiative No. 1 of this report.



## Business Initiative

### 9. Use of Technology

**Objective:**

*Increase efficiency in the prosecution process through the better use of technology*

**Performance Indicators:**

*Greater efficiency. Culture of co-operation in gathering useful precedents. Increased user skills.*

**Linked to:**

*Corporate Goal: 1*

## Achievements

The following action is now being taken:

### 9.1 Access to Database of Criminal Appeal Registry

Negotiations between the ODPP and the Registry of the Supreme Court, have resulted in the Court granting access to its appeal database to all officers of the ODPP Court of Criminal Appeal Unit. It is expected that this access will significantly enhance the efficiency of both the Registry and the ODPP unit.

### 9.2 "ERIC" (Electronic Referral of Indictable Cases)

This project will enable police to automatically make notifications of matters to the ODPP by way of a link between COPS and CASES. A feasibility study has been done by consultants for the IDITC.

In New South Wales the split responsibility for the prosecution of criminal offences against adults is shared. Indictable offences are the responsibility of the Office of the Director of Public Prosecutions and summary offences are the responsibility of the Police Prosecuting Branch of the NSW Police Service. Both of these organisations maintain their own separate computer systems, the Police Service using the COPS system and the ODPP using the CASES system.

A project is under way to link these two systems electronically so that when a person is charged with an indictable crime, an immediate notification is sent from the COPS system of the Police Service, to the CASES system of the ODPP.

This project has been delayed by the need for the Police Service to prepare for the security arrangements associated with the Olympics in Sydney, and for the changes required to the COPS system for Year 2000 compliance.

However this year the Office has been able to establish a permanent link with the Police Service and final testing is underway. It is expected that this project will now go live early in the new financial year.

### 9.3 Compatibility of investigation and litigation support systems between Police and ODPP

- Computerised Criminal Histories

As part of the "ERIC" project (see 9.2 above) the Police Service has agreed that when notifying the ODPP of new indictable matters electronically, the electronic notification will include the defendants' criminal histories. This will generally remove the need for such material to be sought manually from individual police and is expected to result in significant savings in time for both organisations.

**9.**  
**Use Of**  
**Technology**  
*(Continued)*

- Electronic Delivery of Police Briefs

The ODPP has been liaising with the Police Service to agree on procedures for standardised briefs. The Police Service report envisages "that in the not too distant future witnesses' statements will be captured within COPS and brief handling will be facilitated by an electronic forwarding of statements to the ODPP". Through the implementation of e-mail to all staff within the ODPP and the completion of the ERIC project an infrastructure will be in place for the ODPP to implement this initiative.

We are keeping a close eye on developments so that this can be co-ordinated with, and compliment, the ERIC project – see (B) above.

- Electronic Provision of Crime Scene Photos

The ODPP meets regularly with representatives of the Forensic Services Group and DAL. We are informed that the Police Service is considering taking crime scene photos using digital imagery cameras. They anticipate giving the ODPP such photos electronically (perhaps on disk). Again, we will keep a close eye on this, as it will facilitate the use of electronic courtrooms – see (B) above. Additionally, it may be able to be integrated into a system for the electronic delivery of police briefs – see above.

#### **9.4 Information Technology Upgrade**

- New PC's and Software

During this reporting period all ODPP users have been provided with access to new technology. This comprises new PCs and new Office productivity software such as MS Office.

- Internet Access and ODPP Web site

Internet access to a variety of selected sites of relevance to the work of the ODPP has been provided to all officers. Library staff and Research staff will, on a continuing basis, monitor the Internet, and recommend to the I.T. Steering Committee, that access be provided to further relevant sites.

In addition ODPP Lawyers and Crown Prosecutors access the legal resource Butterworth's On-Line via the Internet.

The Office will have its own presence on the World Wide Web ([www.odpp.nsw.gov.au](http://www.odpp.nsw.gov.au)). Stakeholders and members of the public will be able to access the ODPP Home Page.

- Intranet and New Research System

The ODPP has implemented an Intranet called DPPNET, which is a private Internet accessible to ODPP officers only. The DPPNET uses an Internet-type interface and enables users to access information on ODPP policies and procedures. It will also

## 9. Use Of Technology (Continued)

be a place where ODPP users can exchange information on matters generally affecting the Office using a special ODPP discussion board facility.

The DPPNET was developed to provide a framework for the ODDP's new Research system. A new design was developed and launched in November 1999. The new system is user friendly and more comprehensive than its predecessor. It includes a component on the most recent High Court, Court of Criminal Appeal and Court of Appeal judgments, the most recent legislation updates and a component summarising all significant decisions on the Evidence Act 1995.

- Other Information and Research Resources

The Library has acquired, and is in the process of implementing, the Future Information Retrieval and Storage Technology (F.I.R.S.T.) Library and Information Management System. This system enables all ODPP officers to access the library's catalogue, judgements index and other databases at their desktops.

The Judicial Commission and the ODPP have completed negotiations pursuant to which ODPP staff are permitted to access the Judicial Commission's research system, which contains valuable information relating to sentencing (including sentencing statistics), CCA case summaries and legislation. The ODPP has subscribed to the LawNow version of NSW legislation as part of its agreement with the Judicial Commission. This is a comprehensive database of NSW legislation. The Butterworths Criminal Practice and Procedure, and a number of other important Butterworths publications, and the LBC Criminal Law Library, are now available to all ODPP officers electronically from their desktops.

### 9.5 Cases

Although the Office's case tracking system CASES remains robust and still meets the needs of the organisation, it is written using a now obsolete software. A project has been initiated to migrate CASES to a new database management system and operating system. In response to a business case prepared by the Office the Treasury has approved capital funding for CASES to be upgraded and migrated to the new operating system. Through the State Contracts Control Board the Office has issued a request for quotation under Panel Contract ITS 2036 and is now in the process of evaluating the responses. It is expected that an order will be issued early in the new financial year and that this project should be completed in September 2001.

## Business Initiative

### 9. Use Of Technology *(Continued)*

## Achievements

- Witness Assistance Service System (WASS)

As part of our Year 2000 Rectification Work the WAS system was re-written using a graphical user interface (GUI) and has been migrated to a new database. The Witness Assistance Service System is now easier to use and more accurate as well as being easier and cheaper to maintain.

## Business Initiative

### 10. Revolutionise the Criminal Justice Process by the Use of Technology

**Objective:**

*Measure costs associated with all work undertaken by the Office*

**Performance Indicators:**

*A clear and reliable picture of how Office costs are generated. Improved operational efficiency.  
A sound basis for assessing comparative operational performance.*

**Linked to:**

*Corporate Goal: 1*

## Achievements

### 10.1 Video Link & Electronic Courtrooms

The Office has participated in a joint justice agencies committee which developed a business case in support of the introduction of video conferencing for justice agencies. The Treasury has approved this business case and advanced capital funds for the video conferencing project to proceed. The Office with other justice agencies is now participating in a project co-ordinated by the Department of Public Works and Services to implement a pilot video conferencing project between selected courts, prisons, ODPP offices and other justice facilities. Proposed ODPP sites for the introduction of video conferencing are the Head Office at 265 Castlereagh Street, Sydney and the regional office at Newcastle.

The Police – DPP Liaison Prosecution Standing Committee has been promoting the introduction of video-link for some time, particularly in respect of expert evidence. The Attorney General's Department has set up a pilot "electronic courtroom", which has included video conferencing facilities.

The Office is anxious to support and participate in projects to improve productivity in the courtroom through the use of technology. However, in doing so we are restricted to some extent by the need for this change to be implemented by the 'owners' of the courtroom, ie. the Attorney General's Department.

The Attorney General's Department has now permanently installed video recording equipment and the technology to obtain evidence from witnesses remotely using videoconferencing in selected court rooms in the CBD. An issue of potential concern with this technology is that the Department proposes to videotape the evidence of all witnesses given in this Court. This innovation potentially introduces a new dynamic into what may occur in appellate proceedings. It is possible that a trial where the evidence of witnesses has been videotaped will be the subject of an appeal. It is also possible that if the videotape exists, it will be the subject of argument in that appellate court. Technology that was appropriate for a Royal Commission may not be so in a criminal trial unless it has been altered or adapted to reflect the differences that occur between the jurisdictions.

See Business Initiative 9.

## Business Initiative

### 11. Improve Court Listing Systems

**Objective:**

*Develop solutions, in partnership with stakeholders, to streamline and improve court listing systems to deliver more trial date certainty*

**Performance Indicators:**

*Increased public confidence. More cost effective and efficient court system. Increased victim/witness satisfaction. Office ready to proceed as per notice of readiness. Earlier disclosure by defence of issues in dispute. Realistic estimates of case duration.*

**Linked to:**

*Corporate Goals: 1, 2, 3 & 5*

## Achievements

**Not reached trials**

- 11.1 The Office has worked with the District Court in seeking to overcome the problem of trials being not reached due to overlisting. A reduction in the listing formula for trials in Sydney and Sydney West has virtually eliminated the instances of trials being not reached in these areas. Proposals to reduce the number of trials not reached in the country have not been so successful. This is mainly due to problems associated with the application of the relevant listing formula at various country centres.
- 11.2 This Office was represented on a Strategic Quality Team established by the Director General of the Attorney General's Department to examine case processing in the District Court. The objective of the team was to find ways of streamlining the listing of indictable matters in the NSW District Court so as to ensure a greater degree of certainty about which matters will proceed to trial. The committee recommended strategies to reduce the number of not reached trials in the country. It is hoped that the recommendations will be adopted.

**Centralised Committals**

- 11.3 The centralised committal project commenced in Sydney in April 1998. In February 1999 it was extended to Sydney West. The involvement of the Legal Aid Commission in committals continues to be successful in reducing the number of matters committed for trial. Many more pleas of guilty are being identified prior to committal and matters are being dealt with summarily where appropriate. In his introduction to the 1999 annual review of the District Court, the Chief Judge stated:
- 'The remarkable achievements in the criminal business of the Court are a testament to the co-operation between this Court, the Magistrates' Court, the Legal Aid Commission and the Office of the Director of Public Prosecutions...solicitors in the Offices of the Director of Public Prosecutions and the Legal Aid Commission have been extremely responsible and sensible in the way they have gone about the performance of their duties in the committal process.'
- 11.4 The centralised committals project was extended to Lismore in October 1999, Wollongong in November 1999 and Newcastle in January 2000.

**New Time Standards for Trial Listing**

- 11.5 There has been a major reduction in the criminal trial caseload before the District Court, mainly as a result of the centralised committals project. Since January 2000 new trials before the District Court in Sydney and Sydney West are being listed within 3 months of committal.

## Business Initiative

## Achievements

### 12. Law Reform

**Objective:**

*Initiate and drive law reform to improve the criminal justice process*

**Performance Indicator:**

*Significant improvements to the criminal justice system*

**Linked to:**

*Corporate Goals: 1, 3 & 5*

### Suggestions for Law Reform

- 12.1 The ODPP makes formal submissions on all significant discussion papers/issue papers published by the Law Reform Commission, Attorney General's Department, Office of Children and Young People and the Model Criminal Code Officers' Committee in relation to the Criminal Justice System. We also make submissions to the Attorney General's Department's Criminal Law Review Division in relation to its proposed legislation and amendments to existing legislation, and deficiencies in existing legislation identified by our officers in the course of practice.
- 12.2 The Director meets regularly with other Directors of Public Prosecutions and with the CEOs of Legal Aid, Heads of Jurisdiction and the Commissioner of Police to discuss matters of common concern, including law reform.
- 12.3 The Office is represented on a large number of external committees. The committees in which the ODPP participates are listed under Business Initiative 6 "Accountability to Stakeholders". The ODPP therefore has continuing and direct input into reform throughout the criminal justice system.

### Drug Court Pilot Program

- 12.4 The ODPP is a member of the Inter-agency Working Party which implemented the Premier's decision to pilot a Drug Court at Parramatta for a period of two years. This pilot commenced in early 1999. The Cabinet Committee on Justice has approved the Drug Court accepting new entrants into the program until 30 June 2001, at the current intake level. The ODPP will continue its commitment to the pilot with two of its senior lawyers seconded to the Court during this financial year and the next financial year.
- 12.5 On 4 April 2000 the first two participants graduated from the Drug Court Program after an extensive rehabilitation program. On 4 April 2000 the NSW Bureau of Crime Statistics and Research released its interim evaluation of the Court. The evaluation found that re-offending rates suggested that the Court was proving successful in reducing the criminal activity of participants while they were on the program.

### Sentencing Guidelines

- 12.6 In the first guideline judgment matter of R v Jurisic, the Chief Justice indicated that the Court of Criminal Appeal would rely upon the Director of Public Prosecutions to identify and bring to its attention appropriate vehicles for promulgation of future guideline judgments. The Chief Justice said that the Court intended to deliver guideline judgments to ensure consistency in sentencing practice in trial courts in New South Wales.

## Business Initiative

### 12. Law Reform *(Continued)*

## Achievements

The Director made applications for guideline judgments in the matters of R v Jurisic (1998) 45 NSWLR 209, R v Henry [1999] NSW CCA 111 and R v Ponfield [1999] NSW CCA 435. This year, in the matter of R v Ponfield, the Court declined to fix a starting point or to fix an appropriate range for break, enter and steal offences. Instead, the Court indicated the factors which should be taken into account in aggravation and in mitigation of such an offence.

On 12 May 2000 the Director sought a guideline judgment in relation to the discount applicable to an offender who enters a plea of guilty at the earliest available opportunity. In R v Ramos and Ors, the Crown argued for a discount of between 25% and 33% of the sentence, or alternately, for a graduated discount, the size of which would depend upon the timeliness of the entry of the guilty plea. The Crown advocated that the Court should specify the discount given. Both the Attorney General and the Public Defender appeared and made submissions in relation to the Crown's application. The Court has reserved its decision. It is anticipated that this judgment will have a significant impact on the processing of criminal matters in NSW and will also have an impact in other Australian jurisdictions.

- 12.7 The Director is presently giving consideration to an application for a guideline judgment in relation to the discount appropriate for an offender who provides assistance to authorities.



## Business Initiative

### 13. People Management And Development

**Objective:**

*To give staff the opportunity to develop and perform in a safe, equitable and ethical environment*

**Performance Indicators:**

*Opportunities for staff to increase knowledge and skills. Flexible working conditions equitably applied to all. An ethical and corruption-free workplace. The health, safety and physical security of staff.*

**Linked to:**

*Corporate Goals: 2, 3 & 4*

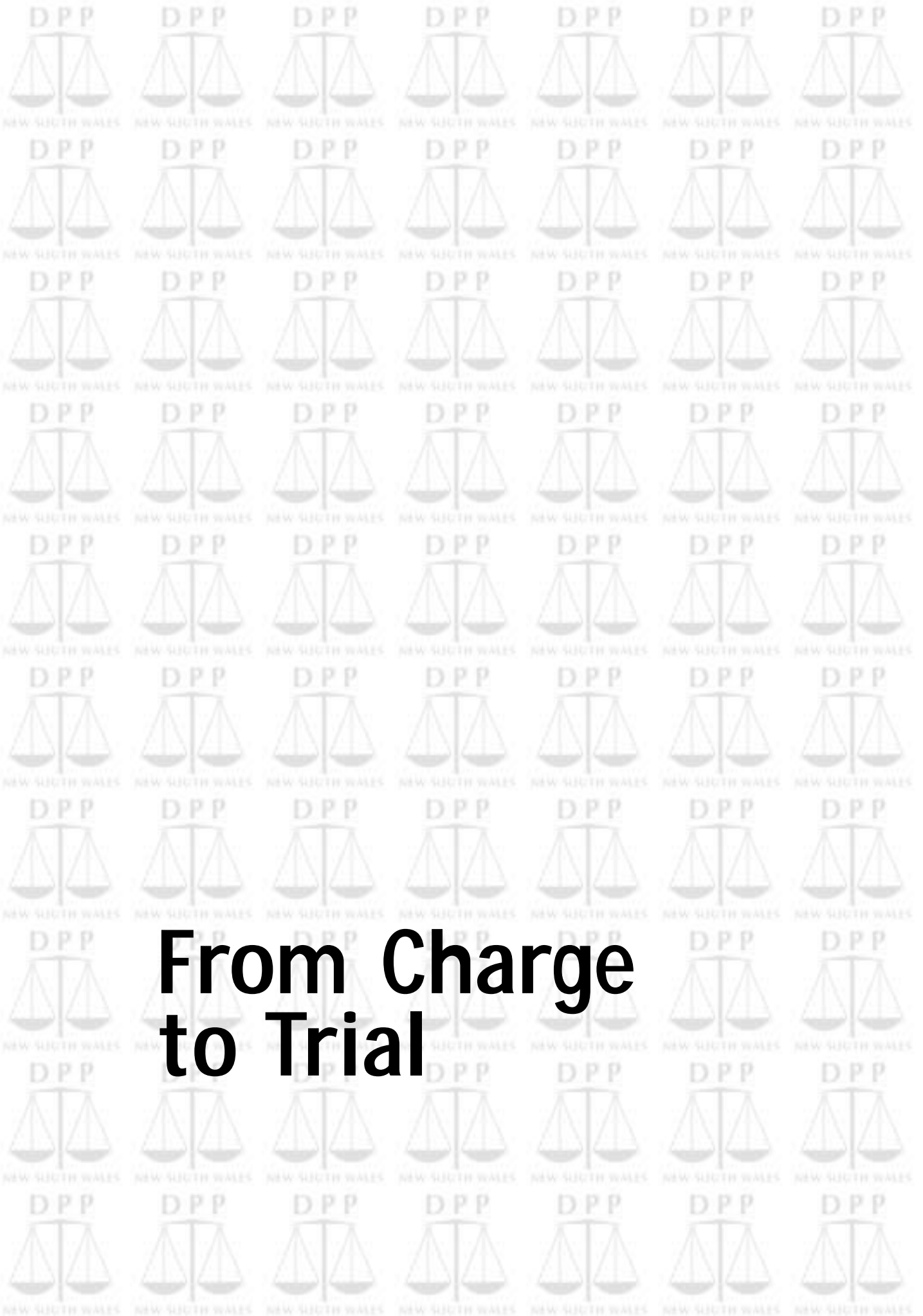
## Achievements

- 13.1 Following negotiations with the Public Service Association of NSW the Office's Enterprise Agreement was varied by administrative action. The variation is to the grading structure for Prosecution Officers (Lawyer) and the consolidation of the salary and allowance for Trial Advocates. This provides a more appropriate structure for these employees and eliminates time consuming and ineffective practices that were associated with competency-based progression.
- 13.2 The grading structure for administrative staff is being reviewed as this report goes to print. Negotiations with the PSA are proceeding well and a mutually agreeable outcome is expected in the near future.
- 13.3 The Office is progressively introducing internal electronic service delivery to further improve access by staff and managers to financial and personal information and services. By the end of the 2000–01 financial year these services will include the electronic processing of a wide range of leave and salary functions.
- 13.4 Coordinated strategies have been devised for data protection and disclosure. A Privacy Code of Practice and Privacy Management Plan was developed in response to the new privacy legislation.
- 13.5 We will be revising our Code of Conduct during 2000–01.
- 13.6 ODPP lawyers participated in secondments to related agencies such as the Police Service, ICAC, Criminal Law Review Division, the ACT Director of Public Prosecutions and in exchanges with Canadian prosecutors. They attended and addressed conferences on issues of concern to the criminal justice system, and participated in inter-agency workshops and training programs, including management and performance measurement training.
- 13.7 In conjunction with the Australian Advocacy Institute, the ODPP is developing three new training courses relating to sentencing skills, legal argument and expert evidence, which will be piloted in the next financial year.

# Acronyms

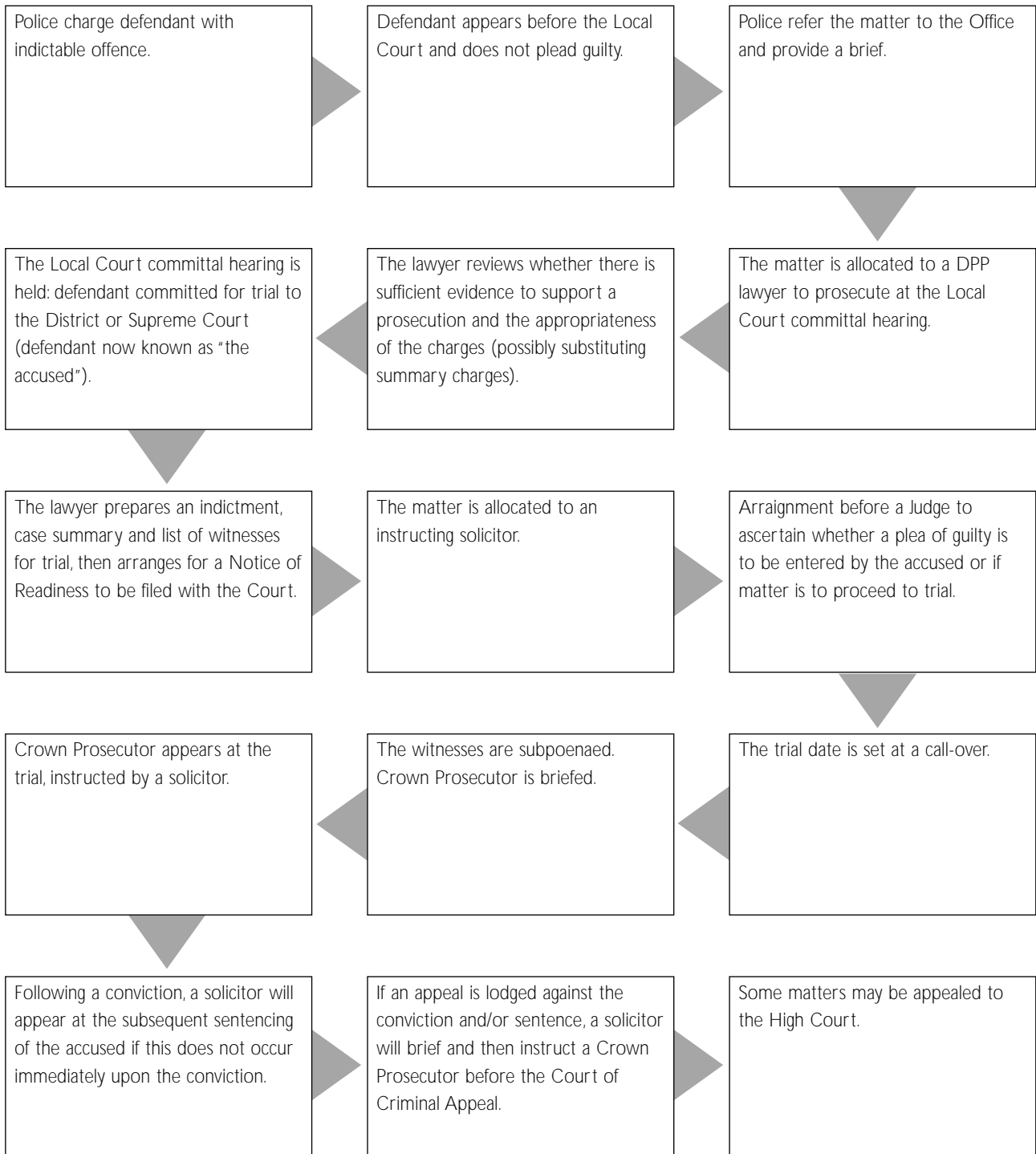
## Glossary Of Acronyms

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



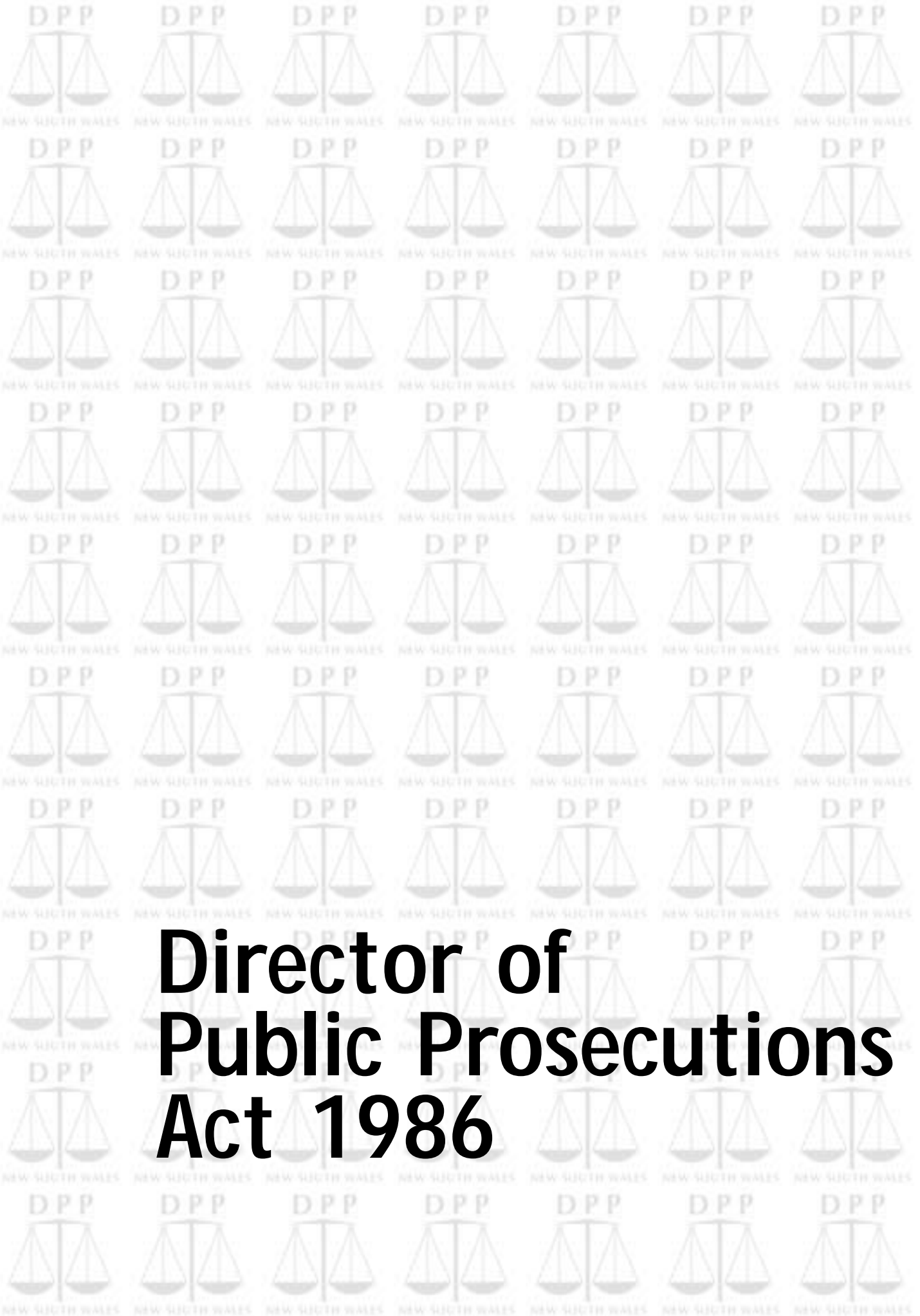
# From Charge to Trial

## 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

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## **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**

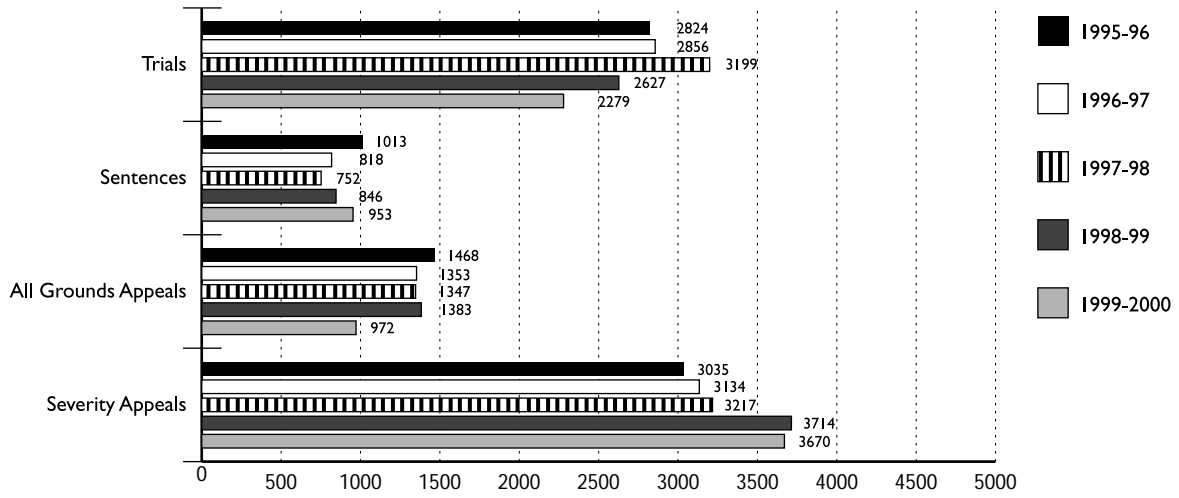
If the Director considers it desirable in the interests of justice that the Director should not exercise certain functions in relation to a particular case, the Director may request the Attorney General to exercise the Attorney General’s corresponding functions.



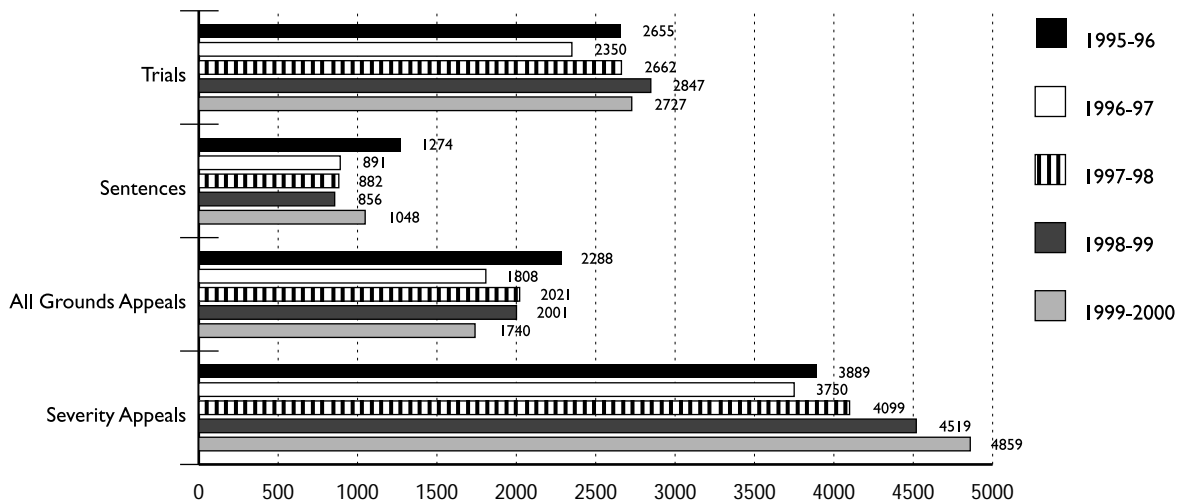
# Appendix 1

## District Court – State Summary

### District Court Matters Received – State



### District Court Matters Completed – State

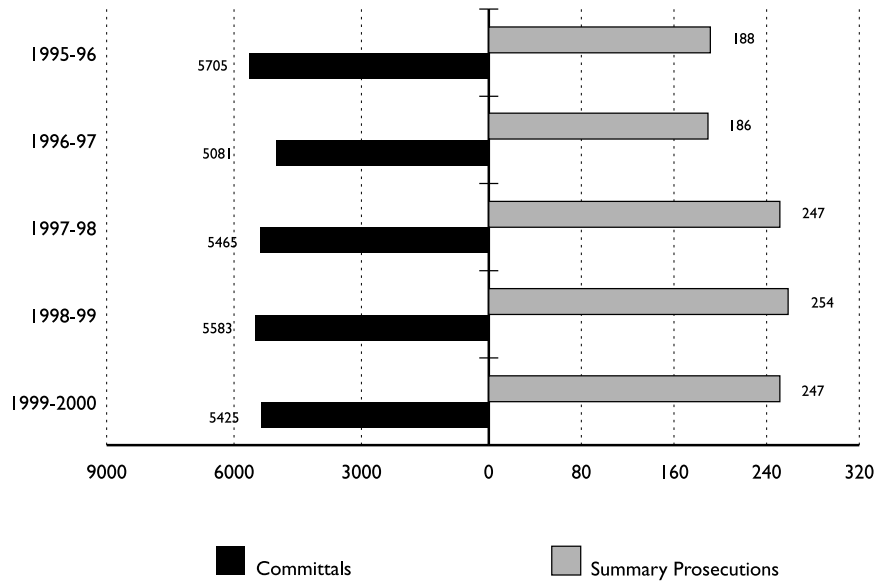




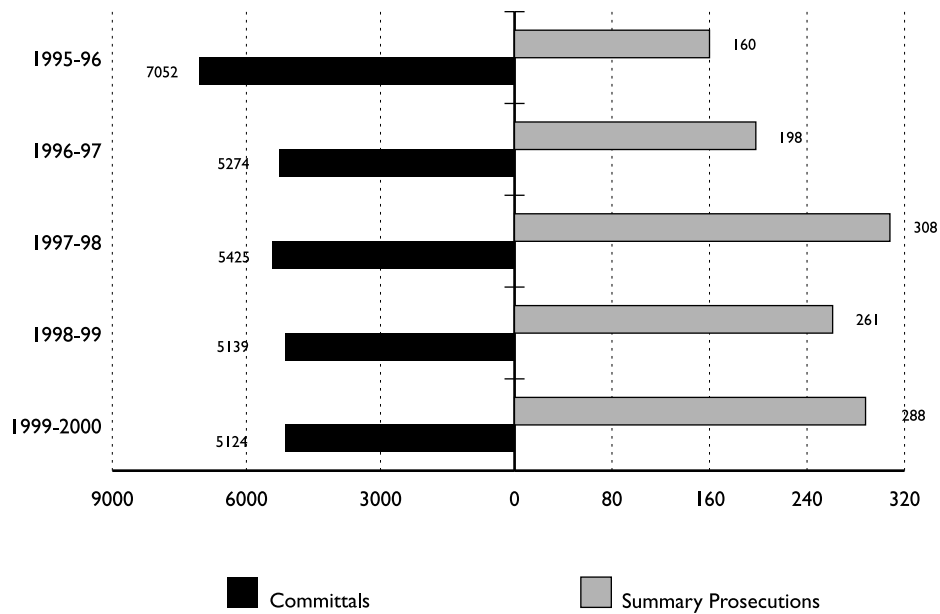
# Appendix 2

## Local Court – State Summary

### Local Court Matters Received – State



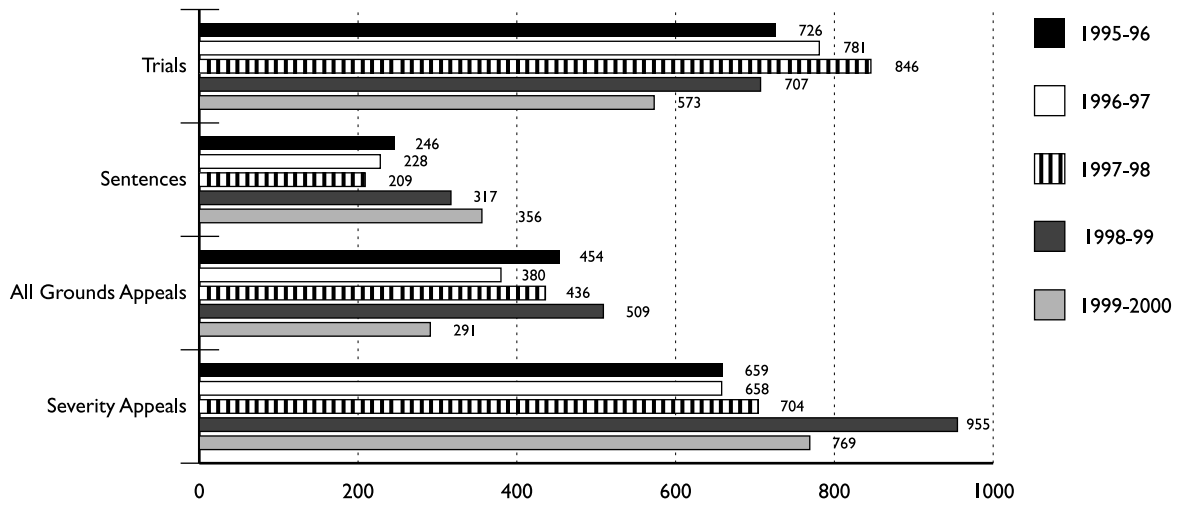
### Local Court Matters Completed – State



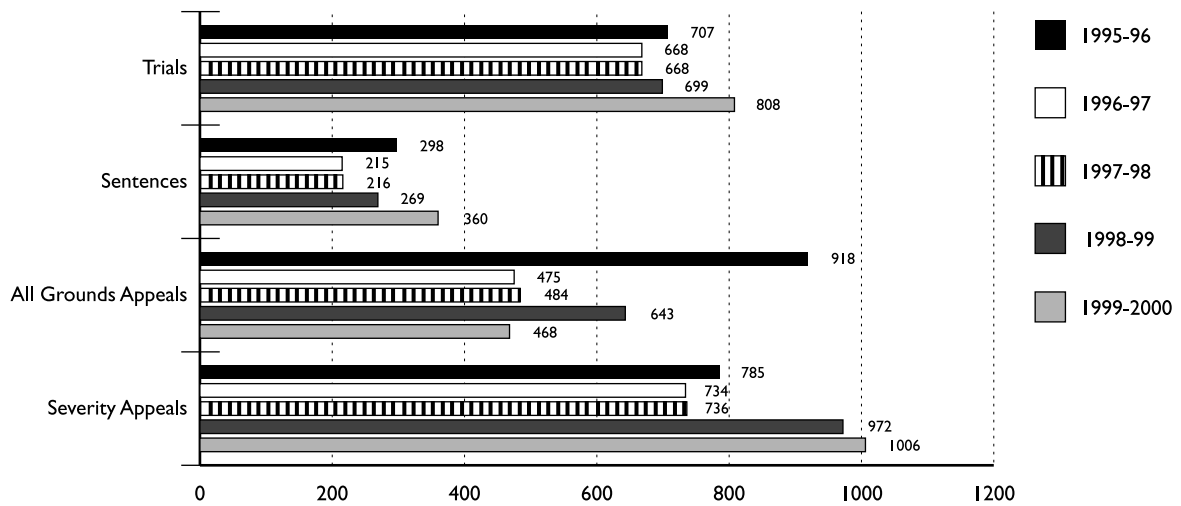
# Appendix 3

## District Court – Sydney Summary

### District Court Matters Received – Sydney



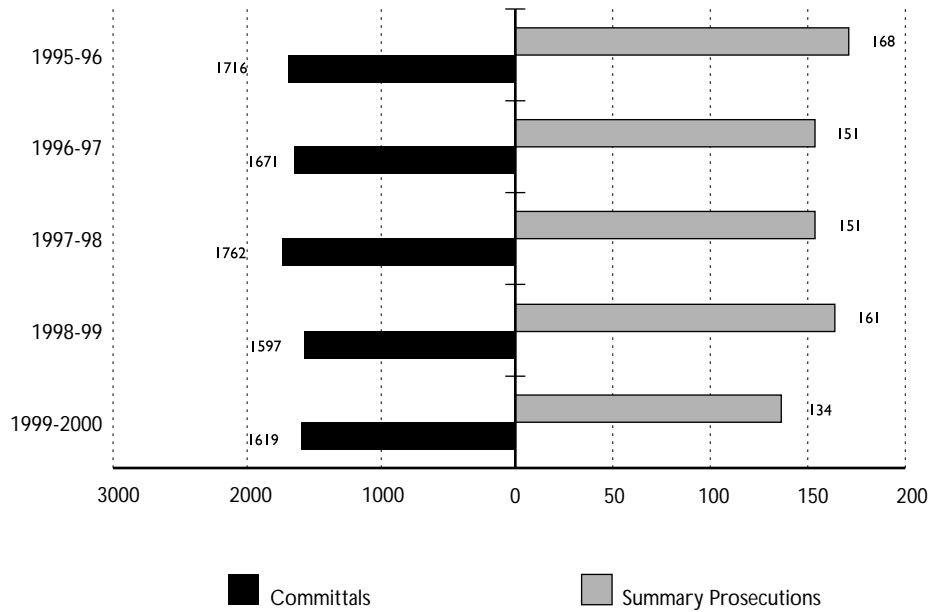
### District Court Matters Completed – Sydney



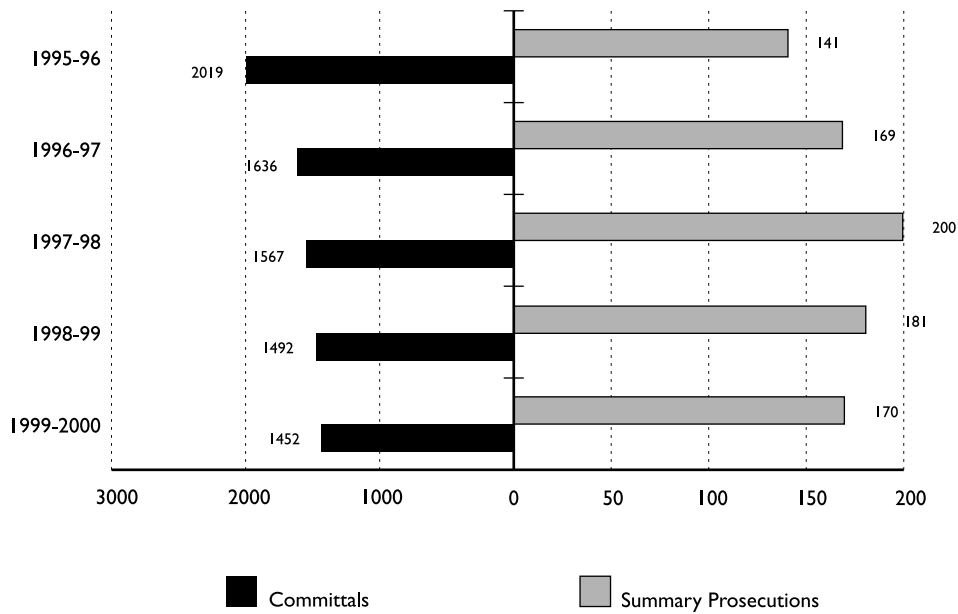
# Appendix 4

## Local Court – Sydney Summary

### Local Court Matters Received – Sydney



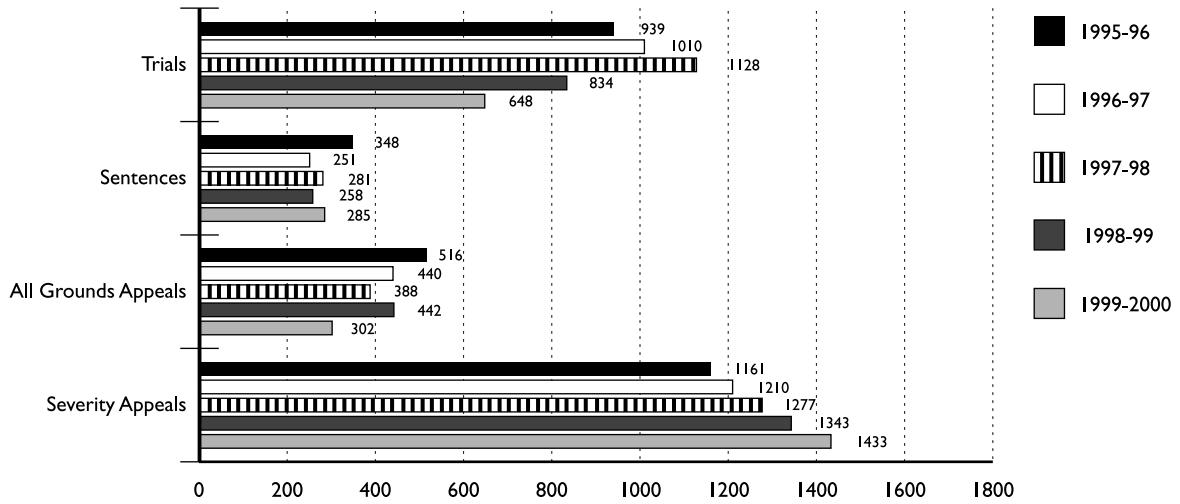
### Local Court Matters Completed – Sydney



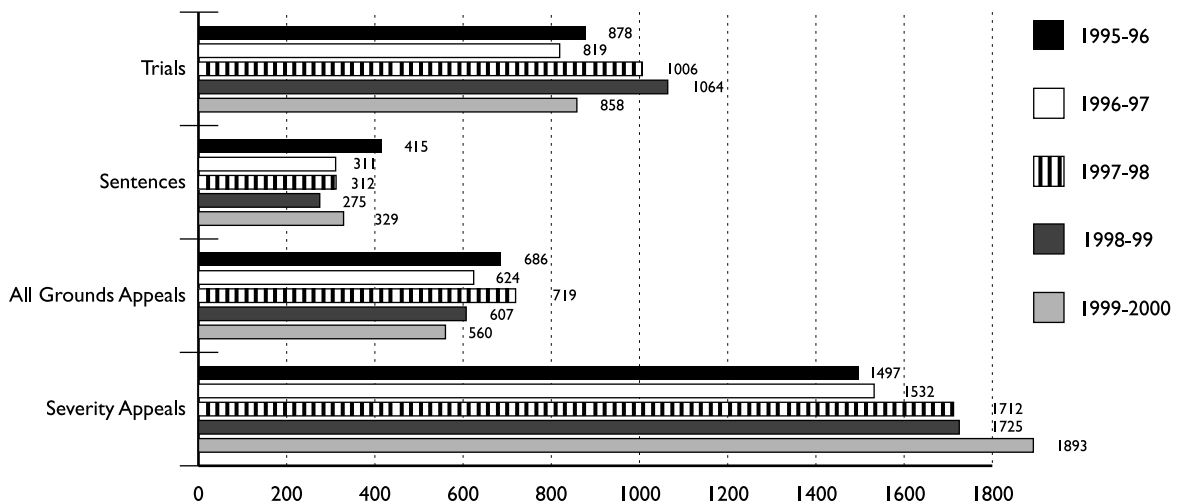
# Appendix 5

## District Court – Sydney West Summary

### District Court Matters Received – Sydney West



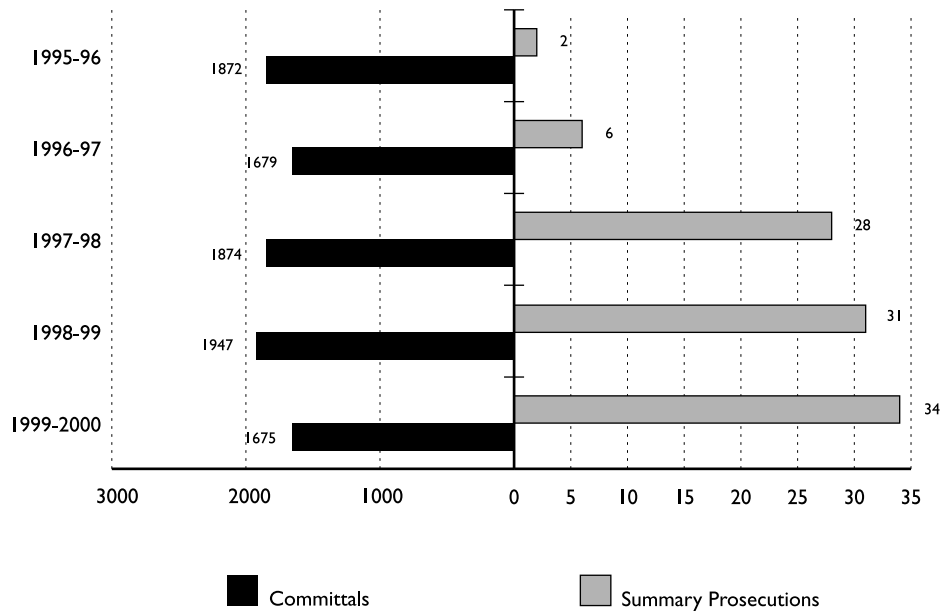
### District Court Matters Completed – Sydney West



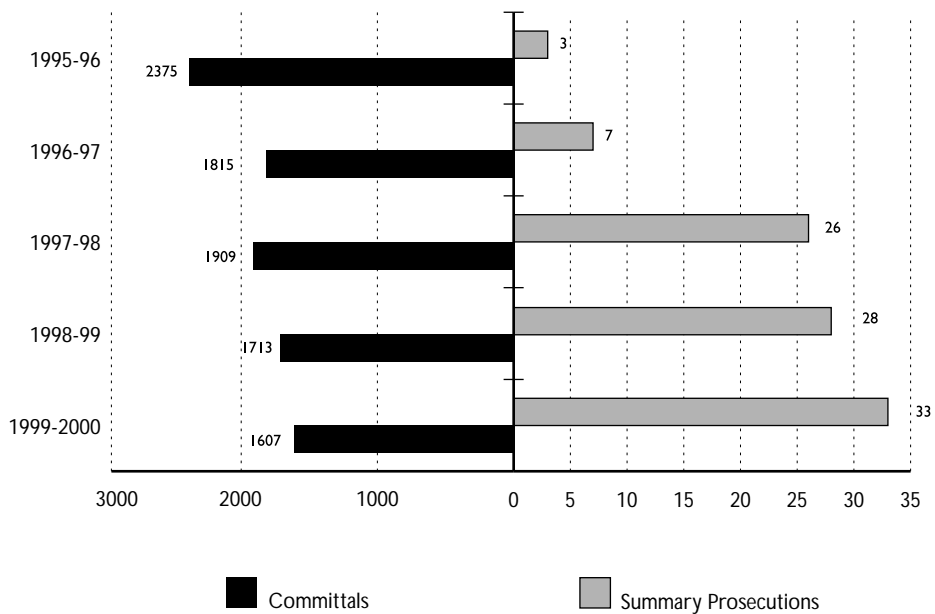
# Appendix 6

## Local Court – Sydney West Summary

### Local Court Matters Received – Sydney West



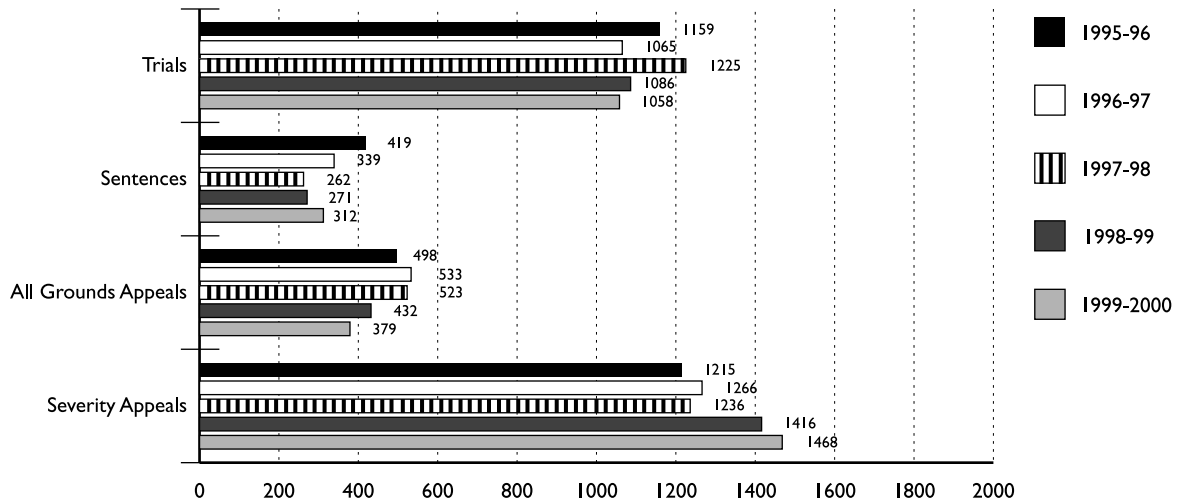
### Local Court Matters Completed – Sydney West



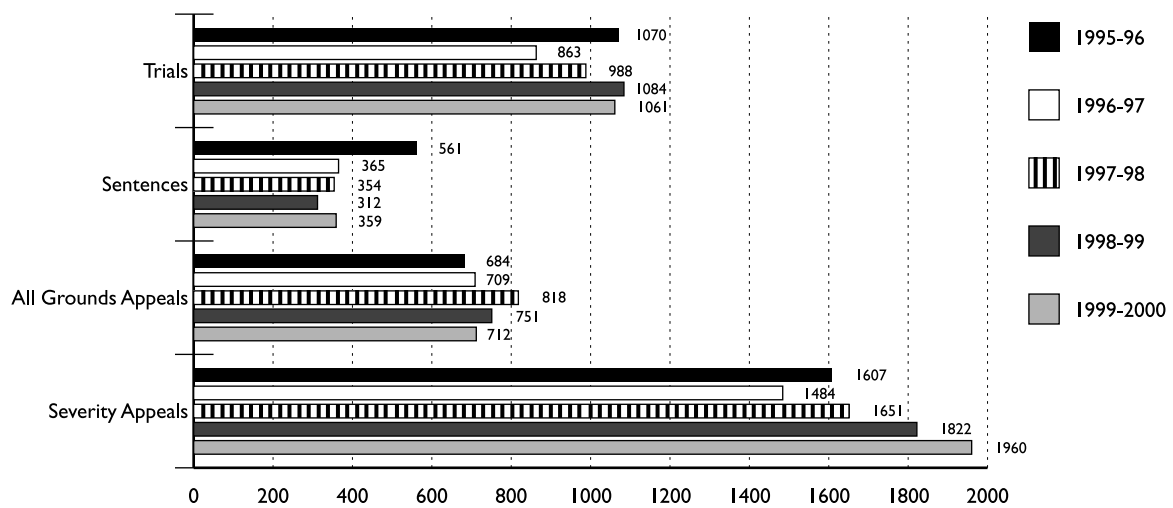
# Appendix 7

## District Court – Country Summary

### District Court Matters Received – Country



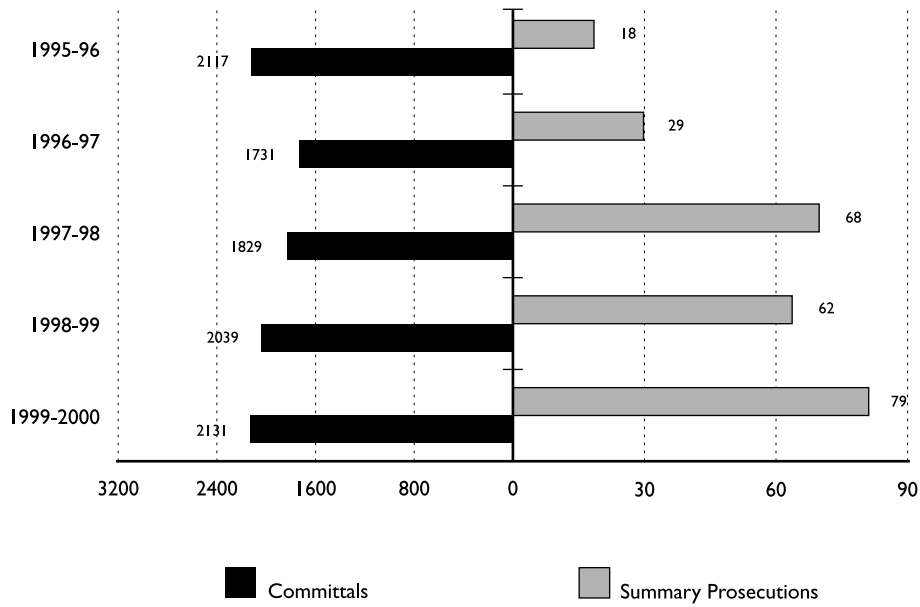
### District Court Matters Completed – Country



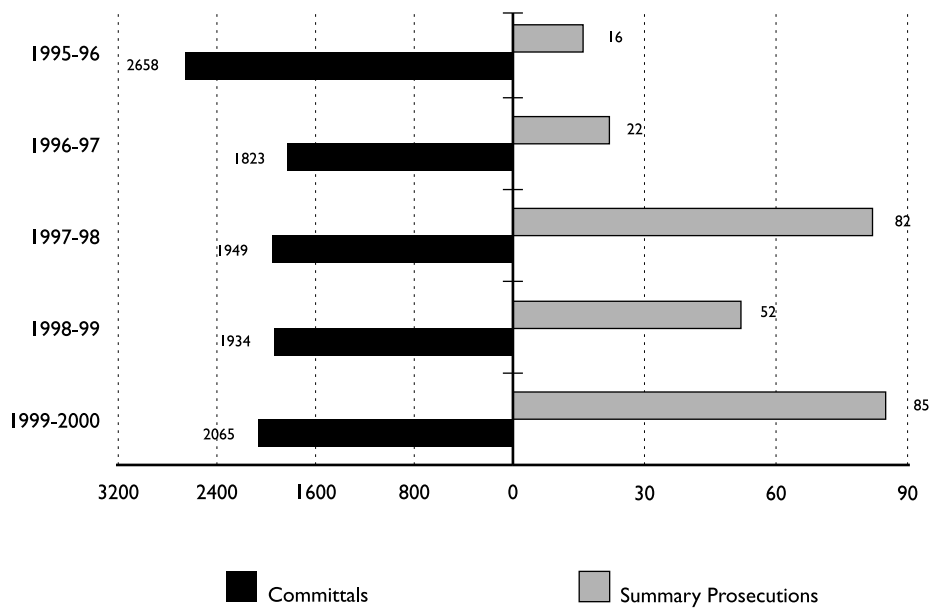
# Appendix 8

## Local Court – Country Summary

### Local Court Matters Received – Country



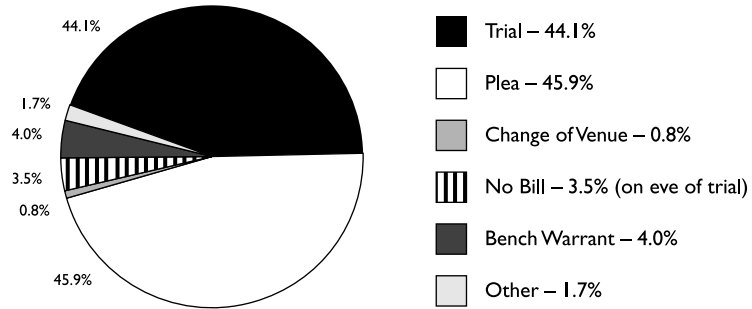
### Local Court Matters Completed – Country



# Appendix 9

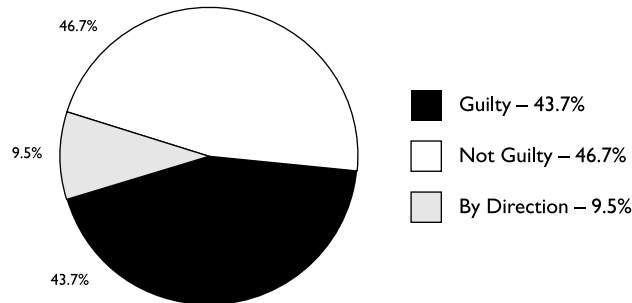
## District Court – Trial Statistics

### Disposal of Trials Listed

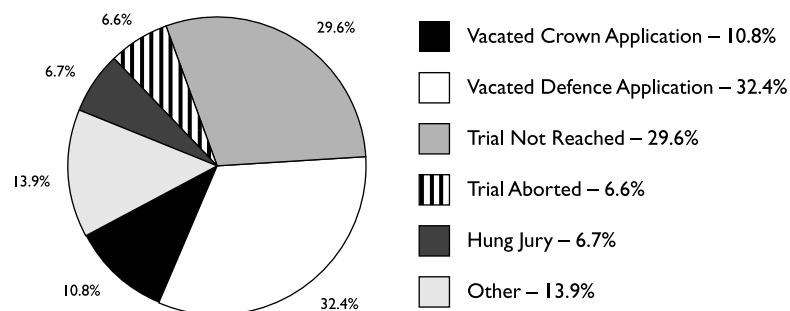


Trial Verdicts Comparison	1996-97	1997-98	1998-99	1999-2000
Guilty	42.8%	44.6%	42.8%	43.7%
Not Guilty	49.5%	45.3%	43.9%	46.7%
By Direction	7.7%	10.1%	13.3%	9.5%

### Trial Verdicts



### Trials Adjourned

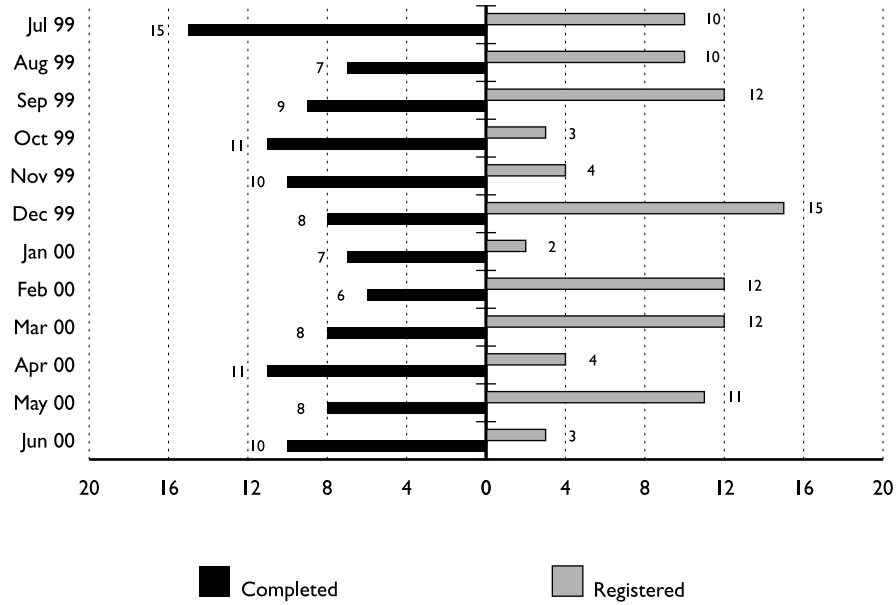




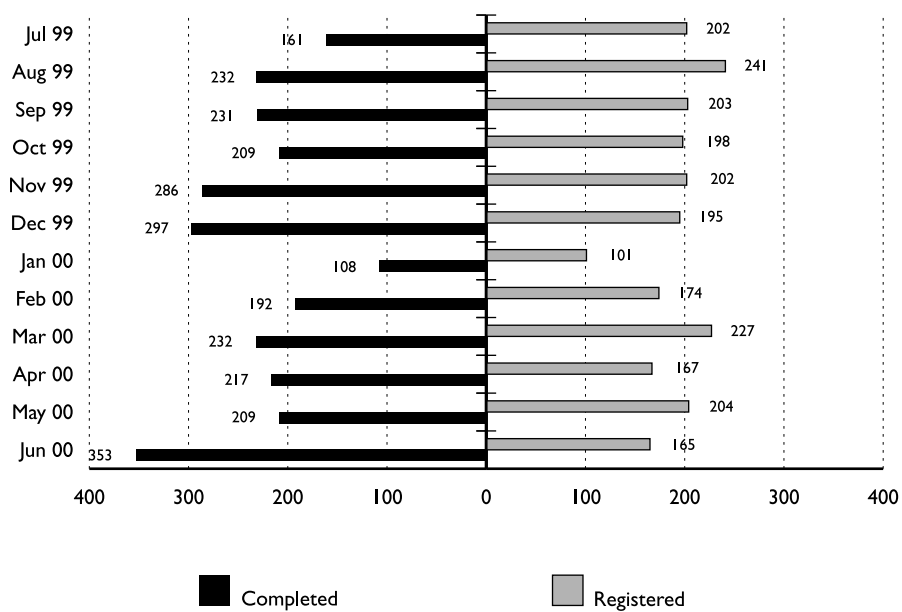
# Appendix 10

## Trials Registered and Completed

### Supreme Court Trials Registered and Completed in 1999–2000



### District Court Trials Registered and Completed in 1999–2000



# Appendix 11

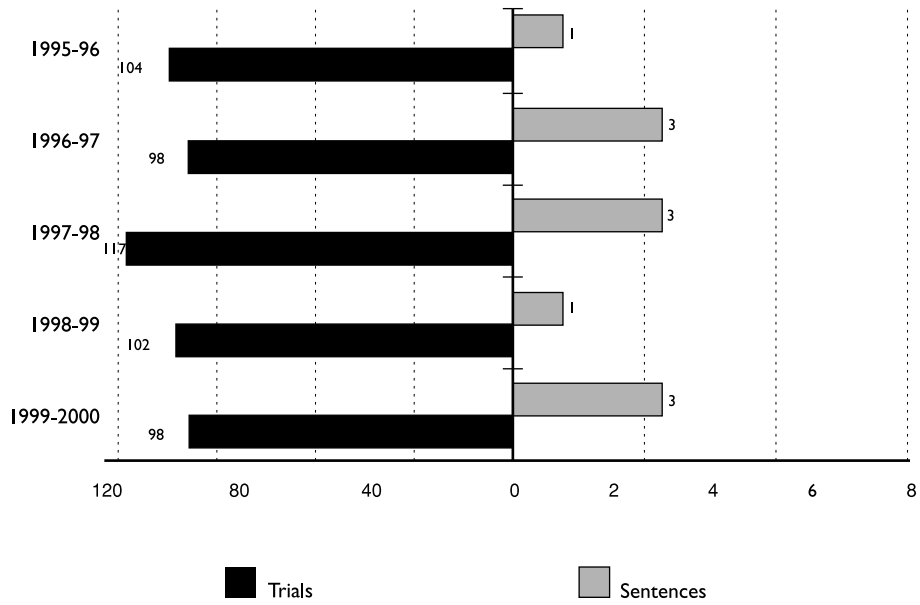
## Local Court Committals – JULY 1999 to JUNE 2000

Regional Office	Registrations	Disposals						Total	On Hand at End of June, 2000
		Committed for Trial	Committed for Sentence	Summarily Convicted	Discharged	Discont	Other		
Sydney Registrations	1619								
Group 1		110	82	60	13	23	61	349	192
Group 2		121	78	59	28	16	61	363	198
Group 3		107	87	60	30	20	55	359	189
Group 4		109	65	57	6	13	42	292	195
Group 5		0	0	0	0	0	0	0	4
Group 6		32	7	7	11	5	1	63	59
Admin Services		4	2	2	1	0	17	26	17
<b>Sydney</b>	<b>1619</b>	<b>483</b>	<b>321</b>	<b>245</b>	<b>89</b>	<b>77</b>	<b>237</b>	<b>1452</b>	<b>854</b>
Parramatta	517	190	101	100	15	26	79	511	244
Liverpool	414	148	69	89	22	33	32	393	171
Penrith	530	142	81	129	32	28	91	503	263
Campbelltown	214	68	40	48	6	9	29	200	130
<b>Sydney West</b>	<b>1675</b>	<b>548</b>	<b>291</b>	<b>366</b>	<b>75</b>	<b>96</b>	<b>231</b>	<b>1607</b>	<b>808</b>
Newcastle	547	238	77	84	27	44	81	551	194
Lismore	504	185	45	46	18	26	41	361	161
Dubbo	294	128	25	43	35	8	51	290	115
Gosford	123	55	35	17	6	11	9	133	33
Wagga	236	100	25	53	9	22	26	235	97
Wollongong	427	192	117	46	23	81	36	495	131
<b>Country</b>	<b>2131</b>	<b>898</b>	<b>324</b>	<b>289</b>	<b>118</b>	<b>192</b>	<b>244</b>	<b>2065</b>	<b>731</b>
<b>State Totals</b>	<b>5425</b>	<b>1929</b>	<b>936</b>	<b>900</b>	<b>282</b>	<b>365</b>	<b>712</b>	<b>5124</b>	<b>2393</b>

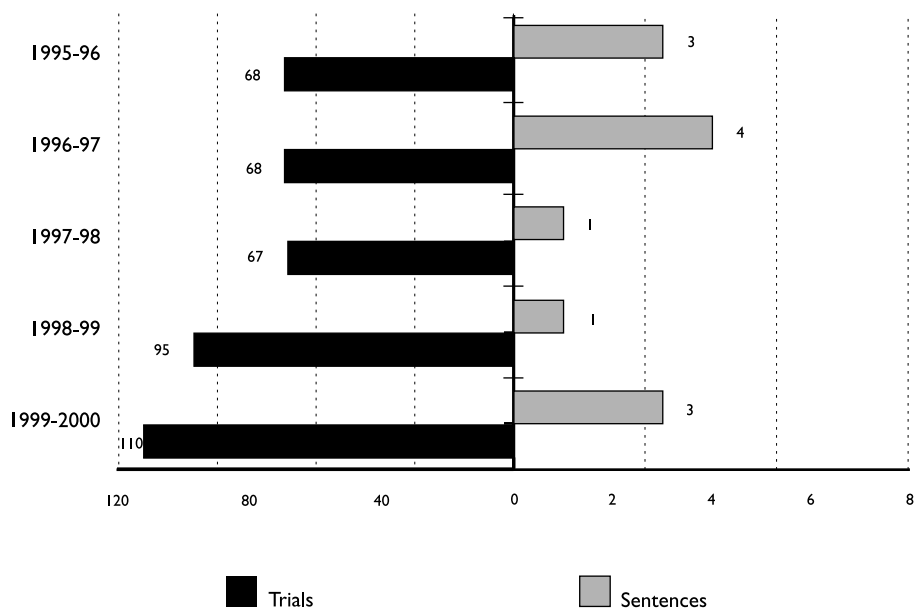
# Appendix 12

## Supreme Court – State Summary

### Supreme Court Matters Received – State



### Supreme Court Matters Completed – State



## Appendix 13

### Court of Criminal Appeal and High Court

#### Appeals to the Court of Criminal Appeal by the Accused

	1997-98	1998-99	1999-2000
Judgments delivered			
Appeals against conviction (including conviction and sentence)	151	125	144
Appeals against sentence only	164	146	239
Appeals against interlocutory judgment or order (s 5F)*	13	25	20
Stated Cases from the District Court (s 5B)	6	1	6
Summary dismissal hearings*	108	85	72
Successful appeals against conviction	43	57	63
Successful appeals against sentence only	47	60	98
Appeals abandoned	180	163	169
# <b>Interlocutory:</b> interim, temporary or provisional, pending final judgment or determination			
* <b>Summary dismissal hearings:</b> refers to appeals that are dismissed without a hearing on the merits—either because they are incompetent (wrong jurisdiction) or where, despite reminders by the CCA Registrar, the Appellant fails to pursue the appeal.			

#### Appeals to the Court of Criminal by the Crown (against sentence)

Matters considered for appeal	141	137	127
Directed that an appeal be lodged	52	62	60
Directed there be no appeal	89	75	67
Appeals abandoned	6	4	8
Judgments delivered	48	42	63
Appeals allowed	31	25	30

#### Appeals to the High Court

Applications for special leave to appeal to the High Court by the accused	20	27	33
Applications for special leave to appeal to the High Court by the Crown	0	1	1

## 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.

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.
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 achievements of the Office, in particular Goals 3 and 4. 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.
- 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 – 1999-2000**

Electricity	Head Office	714,305 kWh
	Sydney West	142,350 kWh
	Country	301,125 Kwh
Gas	Country Wagga-Wagga	NIL
Petrol	Head Office	30,000 litres
	Sydney West	22,000 litres
	Country	89,000 litres

#### **Green House Gas Equivalent**

Electricity	Head Office	189,719 tCO <sub>2</sub>
	Sydney West	37,808 tCO <sub>2</sub>
	Country	82,369 tCO <sub>2</sub>
Gas	Country Wagga-Wagga	NIL tCO <sub>2</sub>
Petrol	Head Office	1,980 tCO <sub>2</sub>
	Sydney West	1,452 tCO <sub>2</sub>
	Country	5939 tCO <sub>2</sub>

#### **Energy Utilisation Index (E.U.I) 1999-2000**

Electricity	Head Office	1999-00	113 kWh
	Sydney West	1999-00	59kWh
	Country	1999-00	110 kWh
Gas	Country		
	Wagga-Wagga	1999-00	NIL Mj
Petrol	Head Office	1999-00	2,727 litres
	Sydney West	1999-00	2,444 litres
	Country	1999-00	4,285 litres

## Appendix 14 Continued

### Government Energy Management Plan (GEMP)

#### **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.

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

### Legislative change

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

The **Evidence (Audio and Audio Visual Links) Act 1998** legislated 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 **Evidence (Audio and Audio Visual Links) Amendment Act 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 was not a participant in the uniform scheme.

#### **Crimes Amendment (Apprehended Violence) Act 1999 No.88**

The main change affected by this Act is the creation of two types of Apprehended Violence Orders (AVO). An AVO means either an *Apprehended Violence Domestic Violence Order (ADVO)* or an *Apprehended Personal Violence Order (APVO)*. ADVOs are AVOs involving persons in a *domestic relationship*. APVOs cover all other AVO matters. The distinction was drawn by Parliament to recognise the difference in the nature and level of violence in domestic and non-domestic matters.

#### **Drug Summit Legislative Response Act 1999 No.67**

This Act inserted a new Part 2A (ss.36A-36S) into the **Drug Misuse and Trafficking Act** to allow the licensing and use of a single medically supervised injecting centre for the self-administration of prohibited drugs for a trial period of 18 months. The trial period is to start on a date to be fixed by proclamation.

#### **New Sentencing Legislation**

Several procedural provisions in the **Crimes Act 1900** and **Justices Act 1902** were moved to the **Criminal Procedure Act 1986** by the **Crimes**

## Appendix 15 Continued

### Legislative change

#### Legislation Amendment (Sentencing) Act 1999.

Several Acts which governed the law of sentencing were repealed in 2000 including the **Sentencing Act 1989**, **Periodic Detention of Prisoners Act 1981**, **Community Services Order Act 1979** and **Home Detention Act 1996**. Parliament consolidated sentencing law into two key Acts: the **Crimes (Sentencing Procedure) Act 1999 No.92** and the **Crimes (Administration of Sentences) Act 1999 No.93**. Significant changes to sentencing law were also introduced by the **Crimes (Sentencing Procedure) Act 1999**:

- A court that imposes a sentence of imprisonment of six months or less must give reasons for its decision to impose imprisonment and not some lesser punishment.
- A court that imposes a sentence of imprisonment must determine the total sentence first, and then determine the non-parole period of the sentence. The non-parole period is still the minimum period which the prisoner must serve. Section 44 alters the way in which a court imposes a sentence of imprisonment. The court is still required to set a minimum period which the prisoner must serve and three-quarters of the term must be spent in detention unless there are special circumstances.
- Courts now have a further sentencing option of imposing a suspended sentence. Section 12 of the Act empowers a court to impose a sentence of imprisonment and then suspend its operation by releasing the offender on a good behaviour bond. The offender may be liable to detention if conditions of the bond are breached. A suspended sentence may only apply to sentences of not more than 2 years imprisonment.
- The term "good behaviour bond" is given statutory recognition in the Act, replacing use of the term "recognizance". A good behaviour bond must not exceed 5 years. This extends the time limit set by the Local Court under s.556A of the **Crimes Act 1900** from 3 years to 5 years, and sets a limit on bonds generally.
- The Supreme Court or District Court may make a victim impact statement available to the prosecutor, offender or any other person on such conditions, but must include conditions preventing the offender from retaining copies of the statement as it considers appropriate. The provision aims to address concerns that victim

impact statements have been used by offenders to embarrass or intimidate their victims.

### New Traffic Legislation

The **Traffic Act 1909** was repealed by the **Road Transport Legislation Amendment Act 1999**. Three Acts largely reproduce the existing traffic law with some relatively minor modifications: **Road Transport (General) Act 1999 No. 18**; **Road Transport (Safety and Traffic Management) Act 1999 No.20** and the **Road Transport (Driver Licensing) Act 1998 No. 99**.

### Criminal Procedure Amendment (Sexual Assault Communications Privilege) Act 1999 No.48

This Act amended the **Criminal Procedure Act 1986** to insert a new Part 13 and to re-enact the substantive provisions of Division 1B of Part 3.10 of the **Evidence Act 1995**. The Act ensures that the privilege extends to the production of documents whether required by subpoena or any other procedure. Previously the Court of Criminal Appeal had held that the Division 1B of the **Evidence Act** did not apply to the production of documents. The Act also widened the definition of "counselling communication" and broadened the definition of "protected confider".

### Crimes and Courts Legislation Amendment Act 1999 No. 91

This Act amended the **Summary Offences Act 1988** to prohibit a person from operating a vehicle or vessel in a public place in such a manner as to harass or intimidate another person or in such a manner as would be likely to cause a person of reasonable firmness to fear for his or her personal safety. The Act also extends the operation of prostitution offences to the prospective clients of prostitutes and includes soliciting from a motor vehicle in the offence of "soliciting".

## Appendix 16

### Significant Judicial Decisions

#### **1. AB v The Queen [1999] HCA 46 High Court, 9 September 1999**

The High Court examined the principles governing the exercise of sentencing discretion in relation to an accused who was extradited from the United States on child sexual assault charges. He later made disclosure to authorities in Australia and waived certain rights under the Commonwealth Extradition Act in relation to a large number of additional offences which had not previously been the subject of charges.

#### **2. Wu v The Queen [1999] HCA 52 High Court, 30 September 1999**

The High Court examined the practical operation of s.22 of the Jury Act, 1997 (NSW) which permits a trial judge to continue with a criminal trial notwithstanding that a member of the jury dies or is discharged by the court during the course of the trial. The judgment provides valuable guidance on the factors to be taken into account by a trial judge in determining whether a juror should be discharged for illness or "for any other reason" and, if so, whether the trial should continue before the remaining jurors.

#### **3. The Queen v Puckeridge [1999] HCA 68 High Court, 21 December 1999**

The respondent was convicted by a jury of murder. The Crown successfully appealed to the High Court against the decision of the Court of Criminal Appeal to acquit the respondent. Some years prior to the attack which immediately preceded her death the victim had suffered a cerebral aneurism. A forensic pathologist gave evidence that there were three possible explanations for the victim's death but one such explanation, namely spontaneous rupture of the aneurism, was "extremely unlikely". The Court of Criminal Appeal, in quashing the conviction and entering a verdict of acquittal, held that the Crown had not excluded the reasonable possibility that the respondent's actions did not cause her death. In setting aside the judgment of the CCA the High Court reaffirmed the tests for prima facie case enunciated in the Court's earlier decisions in *May v O'Sullivan* and *R v Plomp*.

#### **4. RPS v The Queen [2000] HCA 3 High Court 3 February 2000**

In this matter the High Court examined the construction and application of s.20(2) of the Evidence Act, 1995 which permits a judge or any party (other than a prosecutor) to comment on the failure of a defendant to give evidence, provided that the comment does not suggest that the defendant failed to give evidence because the defendant was, or believed he or she was, guilty of the offence. It was held that the direction approved by the Court in *Weissensteiner v The Queen* 178 CLR 217 should not usually be given in sexual assault cases where the Crown case relies upon direct evidence of the accused's guilt

#### **5. Cassell v The Queen [2000] HCA 8 High Court 10 February 2000**

The High Court examined in detail the legislative requirements for the conduct of valid hearings by the N.S.W. Independent Commission Against Corruption, and in particular the conduct of such hearings by an Assistant Commissioner appointed under the Act.

#### **6. Chandler v DPP and Drug Court of NSW [2000] NSW CA 125 Court of Appeal 17 May 2000**

In this matter the NSW Court of Appeal examined the provisions of the Drug Court Act, 1998 which govern the eligibility of offenders to be included in the Court's program. In particular, consideration was given to the meaning of the expression "person charged with offence involving violent conduct". It was held that a defendant, charged with two offences under s.52A of the Crimes Act of causing death and grievous bodily harm through dangerous driving following the ingestion of drugs, was not eligible to participate in the program as each offence "involved violent conduct".



## Appendix 16 Continued

### **7. DPP v West [2000] NSW CA 103 Court of Appeal**

The Court of Appeal carried out a detailed examination of subdivision 6A of Division 2 of the Justices Act dealing with the requirements for the service of briefs of evidence in summary matters and resolved a number of legal and practical difficulties which resulted from an earlier first instance judgement. The Court of Appeal's judgment avoided the need for legislative amendment.

### **8. R v Ponfield and Others [1999] NSWCCA 435 Court of Criminal Appeal 16 December 1999**

The Director of Public Prosecutions sought a guideline judgment in connection with the penalties imposed for the offence of break enter and steal (S.112 Crimes Act). In the same matter the Attorney General also made application for a guideline pursuant to Part 8 of the Criminal Procedure Act. The DPP submitted that the factors of prevalence, excessive leniency and inconsistency of sentencing warranted the promulgation of a guideline judgment. The Court of Criminal Appeal determined that a judgment which indicated relevant sentencing considerations without establishing a starting point or developing a range of penalty was appropriate. The Court held that a guideline judgment expressed in quantitative terms was not appropriate with respect to the offence principally due to the great diversity of circumstances in which the offence is committed.

### **9. R v Kalache [2000] NSWCCA 2 Court of Criminal Appeal 4 February 2000**

On a Crown Appeal against the inadequacy of sentence imposed for a number of counts of supplying not less than a commercial quantity of methylamphetamine, the Court of Criminal Appeal considered the issue of whether, and if so to what extent, confiscation orders made under the Criminal Assets Recovery Act, 1900 should be taken into account in assessing an appropriate level of sentence. The Court indicated that confiscation orders and sentences of imprisonment are to be seen as complementary sanctions; they are not sanctions that an astute offender can juggle in order to use one against the other.

## Appendix 17

### Chief Executive Service and Senior Executive Service

Number of CES/SES positions Level:	Total CES/SES 30 June 1998	Total CES/SES 30 June 1999	Total CES/SES 30 June 2000
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	4	3	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 1998	30 June 1999	30 June 2000
Statutory Appointed & SES	84	82	85
Lawyers	234	249	256
Administrative & Clerical Staff	190	191	190
Total	508	522	531

Recruitment Statistics	1997/98	1998/99	1999/2000
Senior Executive Service	1	0	0
Statutory Appointments	1	0	1
Crown Prosecutors	4	4	5
Prosecution Officer (Lawyers)	31	43	35
Prosecution Officer (Administrative)	73	56	60
Ministerial	0	0	0
Summer Clerks	9	2	0
Career Start Traineeships	0	0	0
Total	119	105	101

## Appendix 18

### Publications

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

#### **Prosecution Policy and Guidelines**

This 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 library by telephoning (02) 9285 8912.

#### **Advance Notes**

Advance Notes are law reports reporting judgments from the Court of Criminal Appeal, and in some cases from the District, Supreme and High Courts. They are issued throughout the year. Advance Notes are available to practitioners through the Bar Association or the Law Society Library. Copies are also available for use at the Legal Information Access Centre at the State Library.

#### **Annual Reports**

The Office has published Annual Reports every year since the 1987-88 issue. The 1999-2000 Annual Report will also be available on the internet as from late 2000, [www.odpp.nsw.gov.au](http://www.odpp.nsw.gov.au)

#### **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 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 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 Office's Witness Assistance Service

#### **Corporate Plan**

The Office's 1997-2000 Corporate Plan contains the Office's goals, objectives and implementation strategies, which will guide the operations of the Office until 2000. Copies of the Plan can be obtained by contacting the Executive Assistant, Corporate Services on (02) 9285 8770.

#### **Equal Employment Opportunity (EEO) – Annual Report**

The Office's EEO Annual Report provides details of the 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 Manager, Personnel Services on (02) 9285 8867.

#### **Ethnic Affairs Priorities Statement**

This Statement describes the four principles of cultural diversity and the initiatives undertaken by the Office of the Director of Public Prosecutions to give effect to these principles. The Statement is available from the Deputy Solicitor (Legal) by telephoning (02) 9285 8733.

#### **Statement and Summary of Affairs June 1999 and Summary of Affairs December 1999**

These documents provide details of the Office's administration of the Freedom of Information (FOI) Act. Copies of the Statements and Summaries are available from the Freedom of Information Coordinator on (02) 9285 8733.

#### **Guidelines and Policy on Visitor Access**

This document has been prepared to ensure the safety of staff. It ensures a convenient meeting time is arranged between both parties and ensures the appropriate officer is available. Access to this document can be obtained by contacting the Executive Assistant, Corporate Services on (02) 9285 8870.

#### **Disability Plan**

The Office's Disability 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

## Appendix 18 Continued

contacting the Executive Assistant, Corporate Services on (02) 9285 8870.

### **About the DPP**

This brochure contains information about the role of the DPP in the prosecution process, the Courts, Crown witnesses and the Witness Assistance Service. Members of the public can obtain copies from the Office's Witness Assistance Service. This publication was produced during this reporting year.

### **Evidence Act Cases 1995-1999**

This publication comprises 195 summaries (in 348 pages) of almost every Court of Criminal Appeal decision on the Evidence Act 1995, all High Court cases and a selection of Supreme Court and Court of Appeal cases. The publication costs \$75.00 and is available from the Office's Research Unit on telephone (02) 9285 8761. This publication was produced during this reporting year.

## Appendix 19

### **1999–2000 EEO Achievements**

A new position of Employee Assistance Officer has been created within the Personnel Services Branch. This position has responsibility for a range of HR activities with a major focus on employment equity.

The resignation of the Aboriginal Liaison Project Officer in late 1999 resulted in 0% representation of Aboriginal persons across the Office. The Employee Assistance Officer has identified opportunities for Aboriginal legal students to join the Office as participants of the National Indigenous Cadetship Project.

The Office has been providing opportunities for law graduates to undertake the practical component of the College of Law's professional program. This program has been highly successful in assisting law graduates to meet the requirements for admission as a legal practitioner and, during the reporting period, two placements were identified for persons with a disability.

The Office continues to support the Work Training Scheme administered by the Commonwealth Department of Health and Family Services. The scheme is aimed at assisting people with disabilities to gain confidence, to become familiar with industrial or commercial disciplines and working conditions, and to gradually become adjusted to employment through job practice.

At 30 June the Office's workforce comprised 319 women (62%) and 196 (38%) men. These figures show a 3% variance in the ratio of women to men over the previous reporting period.

## Appendix 20

### Government's Action Plan for Women

The Office of the Director of Public Prosecutions' achievements to date have been:

#### **The Establishment of a Witness Assistance Service:**

##### **Description –**

The Witness Assistance Service (WAS) is a Statewide initiative with the Manager of and 3 positions at Sydney Head Office and one position in each of 10 regional DPP offices. The Service provides information, referral and support for victims of violent crimes and vulnerable witnesses. WAS prioritises certain criminal matters that are prosecuted by the ODPP. Women are often the victims in these matters.

Priority matters include:

- Child sexual assault (child and adult complainants)
- Adult sexual assault
- Matters involving death including homicide and manslaughter
- Serious physical assault/grievous bodily harm/malicious wounding
- Domestic violence matters (including any of the above as well as all ground appeals)

Priority is also given to certain vulnerable and special needs groups:

- Children and young people (and their carers)
- People with disabilities (intellectual, psychiatric, physical, sensory disabilities)
- Elderly and frail aged
- People experiencing severe trauma in relation to being a victim
- Aboriginal and Torres Strait Islander people
- People who experience cultural or language barriers

Services provided by WAS for women affected by violent crimes which are being prosecuted by the DPP include:

- Information about rights, entitlements, the legal process, services available
- Assessment
- Referral
- Liaison with lawyers

- Advocacy re special needs/circumstances
- Support during conferences if required
- Court preparation
- Court familiarisation
- Coordination of court support
- Crisis counselling in relation to the legal process
- Debriefing re legal process and outcomes

##### **Purpose –**

- One of the aims is to reduce violence against women and improve responses to women who are victims of violent crime. Successful prosecution is of course not just about punishment of offenders but also preventing crime from happening to others, rehabilitation of the victims and forced rehabilitation of offenders.
- DPP experience in dealing with victims and witnesses.

#### **The Establishment of a Sexual Assault Review Committee:**

##### **Description –**

The Office's Sexual Assault Review Committee (SARC) which is a policy initiative of the DPP meets bi-monthly to discuss issues relating to the investigation and conduct of sexual assault prosecutions. Its membership comprises representatives from DPP, Health, Judicial Commission, Police, Pre-Trial Diversion of Offenders Program and DoCS.

##### **Purpose –**

To recommend improvements to minimise trauma for victims of sexual assault and ensure the recognition of their concerns are reflected in the preparation and conduct of court proceedings;

To promote best practice and develop minimum standards of legal professionals;

To recommend and monitor training for prosecutors;

To make recommendations as to appropriate management, procedural and structural processes within the DPP;

To liaise with other agencies and assist in attaining a more co-ordinated approach;

To monitor investigations/proceedings relating to

## Appendix 20 Continued

### Government's Action Plan for Women

sexual assault allegations and review individual sexual assault prosecutions.

#### **Training Conducted by the ODPP:**

##### ***Description –***

- Inservice training for DPP staff on sexual assault, child sexual assault, domestic violence etc (provided by external service providers)
- Training for NSW Health Sexual Assault Service New Workers – February 2000
- Community education on court preparation for SA Victims (RPA Sexual Assault Service court preparation information day for sexual assault victims) late 1999.
- Witness Assistance Service Manager currently co-facilitates Charter of Victims Rights Workshops for Government Departments around NSW. These workshops are coordinated by the Victims of Crime Bureau and represent an interagency initiative and response by the Victims of Crime Bureau, Police and DPP. The Charter of Victims Rights legislated under the Charter of Victims Rights Act (1996) is very relevant for women who are victims of violence.
- Sexual Assault Regional Liaison Forums – coordinated by the Witness Assistance Service officers. These forums include DPP lawyers, Crown Prosecutors and sexual assault workers.

##### ***Purpose –***

- Training DPP staff and community education relating to violence against women and liaison with sexual assault workers.
- Greater understanding of the impact of sexual assault on women and through community education and liaison an understanding of the role of the DPP and sexual assault services.

The promotion of the Office as an equitable, safe and responsive workplace is evidenced by its commitment to work and family issues and high representation of women in legal and managerial positions.

## 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
< \$26,276	2	100%	50%	50%		50%	100%		
\$26,276 – \$38,582	131	80%	12%	88%		46%	28%	9%	4%
\$38,583 – \$48,823	96	75%	27%	73%		24%	14%	4%	1.4%
\$48,824 – \$63,137	96	73%	44%	56%		17%	6%	7%	4.3%
> \$63,137 (non SES)	184	78%	58%	42%		26%	16%	6%	2.2%
SES	6	83%	67%	33%				20%	
<b>TOTAL</b>	<b>515</b>	<b>77%</b>	<b>38%</b>	<b>62%</b>		<b>29%</b>	<b>17%</b>	<b>7%</b>	<b>2.8%</b>
Estimated Subgroup Totals		397	196	319		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	395	78%	43%	57%		29%	18%	7%	2.9%
Part-Time	43	86%	7%	93%		27%	14%	5%	
Temporary Full-Time	60	65%	30%	70%		33%	18%	8%	5.1%
Part-Time	11	55%	9%	91%		50%	17%		
Contract SES	6	83%	67%	33%				20%	
Contract Non SES									
Casual									
<b>TOTAL</b>	<b>515</b>	<b>77%</b>	<b>38%</b>	<b>62%</b>		<b>29%</b>	<b>17%</b>	<b>7%</b>	<b>2.8%</b>
Estimated Subgroup Totals		397	196	319		151	90	35	15

Notes:

- Table 1 does not include casual staff.
- 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 1999-2000 reporting period the Office's motor vehicle claims for the year ending 30 June 2000 numbered twelve which is five less than in 1998-1999. Despite this drop in claims, payments increased by \$5,000 over the 1998-1999 figure.

In the 1999-2000 reporting period, the Office's Workers' Compensation claims reported after four quarters numbered twenty. This number is two more than the reported number in 1998-1999 and five more than the number reported in 1997-1998. The value of claim payments after the four quarters to 30 June 2000 totalled \$69,000.

Security of premises and personal safety of staff remains high on the Office's agenda. The Office's minimum security standards apply whenever staff or visitors are within Office premises.

## Appendix 23

### **Occupational Health and Safety**

The Office's first Occupational Health and Safety Committee was established and met for the first time in February 2000. The Committee membership comprises three management representatives and six employee nominees representing the interests of the Sydney office, the Sydney West offices and country regions.

The Committee has reviewed the Office's occupational health and safety policies and has undertaken inspections of all Office workplaces. Action has been put in train to remedy the risks identified.

Training in ergonomics and workplace set up was conducted for Committee members and management. The focus of this training was to equip managers with sufficient knowledge to be able to identify and rectify poor work practices and to ensure that staff are provided with appropriate instruction and equipment at entry on duty. Similar courses are now being organised for interested staff.

A new Accident/Incident Report form has been introduced into the Office to encourage staff to not only register accidents and injuries but also to report "near misses". The additional information gathered will assist the Office to develop strategies for the prevention of workplace injury.



## Appendix 24

### Freedom of Information Act

#### Name of Agency

Office of the Director of Public Prosecutions (ODPP).

#### Period

1 July 1999 to 30 June 2000.

#### 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 this Appendix.

#### Applications and Other Details

In the period 1 July 1999 to 30 June 2000 the ODPP received two applications under the FOI Act for access to documents. The documents requested in both applications received were determined to be exempt because the documents related to the prosecuting function of the ODPP. The applicants were advised accordingly.

During the reporting period:

- No Ministerial Certificates were issued.
- Both applications were processed within 21 days.
- No requests under the FOI Act required formal consultation.
- No request for internal review was received.
- 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 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	
	1998-99	1999-00	1998-99	1999-00	1998-99	1999-00
Number	10	2	1	0	11	2
Complete	10	2	1	0	11	2
Transferred Out	0	0	0	0	0	0
Total Processed	10	2	1	0	11	2
Results*						
Granted in Full	0	0	0	0	0	0
Granted in Part	1	0	0	0	1	0
Refused	9	2	1	0	10	2
Completed	10	2	1	0	11	2

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

## Appendix 24 Continued

### Office of The Director of Public Prosecutions

#### Summary of Affairs as at 30 June 2000

##### Freedom of Information Act 1989 section 14

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

The prosecution policy of the Office of Director of Publications (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 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.

It is anticipated that the Prosecution Policy and Guidelines will be published on the ODPP web site by the end of the year 2000.

The ODPP has published for its officers four 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. 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 and are not available to members of the public. These documents are exempt documents under the Act in that they contain matter relating to the prosecuting function of the ODPP, in respect of which the ODPP is exempt from the Act, pursuant to sections 6 and 9 and Schedule 2.

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 2000.

A copy of the Statement can be obtained 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.

The Statement is available at no charge.

## Appendix 25

### Consumer Response

The main qualitative measure of customer satisfaction is the victim and witness surveys conducted biennially. The next survey is due to be undertaken during the next financial year.

It is also proposed to incorporate a provision for customer response in the DPP website to be introduced next financial year. Victims and witnesses will be invited to provide feedback as to the level of service they received from this Office and suggestions for improvements, via our website.

The Office's Guarantee of Service nominates a Service Relations Officer as a point of contact for suggestions and complaints. The Deputy Solicitor for Public Prosecutions (Operations) undertakes the role of Service Relations Officer. The role and telephone number of the Service Relations Officer is publicised in pamphlets sent to all victims and witnesses.

This year the Service Relations Officer received 2 complaints from victims and 1 complaint from a witness. The basis of each of the complaints was a lack of information about the progress of a case. In each instance the complainant was given an update in relation to their matter and contact restored between them and the solicitor in charge of the case.

It is clear that the degree of customer satisfaction is based on the level of communication between the solicitor with carriage of case, and the victim and witnesses. The office strives to continually improve this standard of communication.

This year the Director received numerous letters praising the work of solicitors, Crown Prosecutors and Witness Assistance Officers.

## Appendix 26

### Internal Audit

The ODPP Audit Committee consists of:

Manager, Corporate Services (Chair)

Solicitor for Public Prosecutions

Deputy Solicitor (Legal)

Deputy Solicitor (Operations)

Change and Improvement Manager

The Committee establishes the audit plan for the forthcoming year, meets to review audit reports and monitors management responses to those reports. The Office's internal auditors and representatives of the NSW Audit Office attend meetings by invitation. The Committee reports to the Director of Public Prosecutions.

The following internal audits were carried out in 1999-2000:

- Leave Recording and Processing at Liverpool Office
- Senior Executive Salary Packages
- Operational Compliance Review of Dubbo and Wagga Wagga Offices
- Review of Recruitment Processes
- Staff salaries

The Office has identified the potential for public funds to be wasted within the process of approval and payment of Witness Expenses. An internal review was considered however, as the process is performed across 3 separate agencies, namely the ODPP, Local Courts and the Police Service, the Director strongly supported an independent review by the Audit Office.

To achieve this, the Director raised the matter at the Criminal Justice System Chief Executive Officers Standing Committee and was assured this issue would receive appropriate attention. This matter is yet to be finalised.

## Appendix 27

### Overseas Visits

#### Mr N Cowdery QC

#### Director of Public Prosecutions

SEPTEMBER 1999

#### Visit to Tokyo, Japan and Beijing, China

The Director attended and participated in a meeting of Presidents of Law Associations of Asia (POLA) in Tokyo, accompanying the President of the International Bar Association (IBA). He is Co-Chairman of the IBA's Human Rights Institute (HRI) and spoke in that capacity. The IBA paid the costs of this attendance.

He then attended and participated in the Fourth Annual Conference and General Meeting of the International Association of Prosecutors (IAP) in Beijing. The Director was a member of the Executive Committee and at the General Meeting of the Association was elected President for a term of three years. He attended meetings of the Executive Committee and made presentations during the conference.

The Office met the Director's return airfare, accommodation, conference registration fees, attendance on duty and travelling allowance.

The ODPP benefited from the Director's attendance at the business sessions of the conference and from discussions with prosecutors from elsewhere about matters of mutual professional interest. The Director was able to seek out and apply different and better procedures in the conduct of prosecutions in NSW. The Office benefits also from the recognition by international agencies of the ODPP's concern to continually improve the standard of prosecutions in this State and of the initiatives it takes in this regard. A valuable message is sent at functions such as these to a wide international audience about the state of criminal justice in NSW. The ODPP is often consulted by international agencies. These benefits are also derived from the Director's involvement in other international fora.

OCTOBER 1999

#### Visit to Fiji

The Director attended the biennial meeting of the Heads of Prosecuting Agencies Conference (HOPAC) in Fiji, hosted by the Fijian DPP. This is a valuable recurring event, enabling frank discussion between agency heads about policy and practice in the conduct of prosecution systems of a like nature. Cooperation between agencies on matters of mutual interest is also greatly enhanced by face to

## Appendix 27 Continued

### Overseas Visits

face contact between those concerned at the highest levels.

The Office met the Director's return airfare, accommodation, attendance on duty and travelling allowance.

#### NOVEMBER 1999

##### Visit to Bangkok, Thailand

The Thai Attorney General hosted a meeting of the Secretariat of the IAP, attended by the Director (at his own expense, but with the Office meeting attendance on duty and travelling allowance). It was essential that, having been newly elected President of the IAP, the Director began to be involved as soon as possible in the ongoing business of the Association. Bangkok was a convenient central location for members from widely spread countries.

#### APRIL 2000

##### Visit to Geneva, Switzerland, Cyprus and Vienna, Austria

The Director attended a session of the UN Commission on Human Rights, which he addressed in his IBA capacity. He then addressed an International Law Congress in Cyprus at the invitation of the organisers. He then presided over a meeting of the Executive Committee of the IAP in Vienna, in conjunction with attendance at the Tenth UN Congress on the Prevention of Crime and Treatment of Offenders.

The International Law Congress and the IBA met the bulk of the costs of this travel, with the Office providing attendance on duty and travelling allowance in Cyprus and Vienna and 3 nights accommodation in Vienna.

#### MAY 2000

##### Visit to Versailles, France, The Hague, The Netherlands and Addis Ababa, Ethiopia

The Director attended IBA Council and Committee meetings in Versailles (being a member of the IBA Council, Co-Chairman of the HRI, member of the Council of the Section on Legal Practice and an officer of the Criminal Law Committee).

He then visited the Secretariat of the IAP in The Hague, The Netherlands and worked with members of the Secretariat.

He then travelled to Addis Ababa, Ethiopia where, with the Chief Advocate General of the Court of Appeal of Amsterdam, he presented a seminar for prosecutors at the invitation of the Ministry of Justice.

The IBA and the IAP met the costs of this travel, with the Office providing attendance on duty and travelling allowance in The Hague and Addis Ababa.

#### JUNE 2000

##### Visit to Zhengzhou, China

The Director and **Crown Prosecutor, Mr G Lerve**, were members of a group of five Australian lawyers who presented a seminar for prosecutors under the auspices of the Human Rights and Equal Opportunity Commission, funded by AusAID and the Chinese government. The Office provided attendance on duty.

##### Visit to Quebec, Canada

Also in June the Director was among senior representatives of nine foreign jurisdictions who addressed the Annual Conference of the Canadian Federal Prosecution Service in Quebec, Canada.

The Office met the Director's return airfare, attendance on duty and travelling allowance.

#### Mr M Fox

##### Crown Prosecutor

27 JUNE – 2 JULY 1999

##### Visit to Bali

Mr Fox attended the Biennial Conference of the Criminal Lawyers' Association of the Northern Territory. All sessions of the Conference were of relevance to the functions of the ODPP.

Mr Fox met his own travel expenses. The Office met the conference registration fees, accommodation and attendance on duty.

#### Mr L Attard and Ms J Dwyer

##### Crown Prosecutors

8 – 12 JULY 1999

##### Visit to Malta

Mr Attard and Ms Dwyer attended the Annual Conference of the International Society for the Reform of Criminal Law (ISRCL). The Conference included sessions of significant relevance to the functions of the ODPP and to the practices of the Crown Prosecutors.

Mr Attard and Ms Dwyer met their own travel expenses. The Office met conference registration fees, accommodation for Ms Dwyer and attendance on duty.

## Appendix 27 Continued

### Overseas Visits

#### **Mr M Tedeschi QC**

**Senior Crown Prosecutor**

#### **Mr G Lerve, Ms P Adey, Mr D Howard and Ms A Seeto**

**Crown Prosecutors**

#### **Mr M Stollery**

**Prosecution Officer (Lawyer)**

5 – 10 SEPTEMBER 1999

Visit to Beijing, China

The abovementioned Crown Prosecutors and Lawyer attended the International Association of Prosecutors (IAP) Fourth Annual Conference and General Meeting.

While making valuable contributions to the conference, the participants also gained useful experience from the proceedings of the conference, which was directly relevant to the work of the ODPP.

The Australian support for the Association in Beijing and otherwise was influential in Sydney being successful in its bid to hold the Conference in 2001. That will bring many benefits to NSW.

Messrs Tedeschi QC, Lerve, Howard and Stollery and Ms Adey and Ms Seeto met their own travel expenses. The Office met the conference registration fees, accommodation and attendance on duty for these officers.

#### **Mr D Howard**

**Crown Prosecutor**

DECEMBER 1999

Visit to Fiji

Crown Prosecutor Mr D Howard accompanied retired Deputy Senior Crown Prosecutor Mr D Thompson QC in training workshops for Fijian and Pacific Island prosecutors in Fiji. The ODPP had competed successfully for a contract to deliver the service for The Hawthorn Consulting Group, funded by AusAID. The Office derived an overall financial benefit from the provision of this training.

#### **Ms J Pheils**

**Prosecution Officer (Lawyer)**

30 MAY – 3 JUNE 2000

Visit to San Francisco

Ms Pheils has been the senior ODPP lawyer working in the NSW Drug Court Trial. She attended the annual (American) National Association of Drug

Court Professionals Conference.

Ms Pheils met her own travelling expenses.

Conference registration fees, accommodation and attendance on duty were met by the Office.

#### **Ms H Brady**

**Prosecution Officer (Lawyer)**

JULY/AUGUST 1999, NOVEMBER/DECEMBER

1999,

MARCH 2000 and JUNE 2000

Visits to New York

Ms Brady, as a member of the Australian delegation to the International Criminal Court (NSW representative), attended the United Nations Preparatory Commission sessions and again contributed significantly to the conduct of the proceedings.

5 – 8 APRIL 2000

Visit to Constance, Germany

Ms Brady, with a member of the German delegation to the ICC, prepared and delivered a presentation to a conference on the International Criminal Court, on aspects of the ICC's Rules of Procedure and Evidence.

10 – 17 APRIL 2000

Visit to Vienna, Austria

Ms Brady attended the 10th United Nations Crime Congress on the Prevention of Crime and Treatment of Offenders and prepared and delivered a presentation on 'Implementation of the Rome Statute : How will national institutions such as police, the judiciary and immigration officials cooperate with the Court?'

The Office met all Ms Brady's travel and associated costs relating to her attendance at the abovementioned sessions on duty.

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

## Appendix 28

### Consultants

Consultancies where cost exceeded \$30,000.00	1
<i>Consultant:</i>	
Peter Symonds	\$59,414.00
<i>Detail:</i>	
Media Relations Consultant	
Consultancies costing less than \$30,000.00	6
Total number of consultancies	7
<hr/>	
Total Cost	\$90,103.00
<hr/>	

## Appendix 29

### System Reviews And Program Evaluations

1. Workload Measurement and Costing – The Office has taken the initial steps towards the implementation of workload measurement and costing. The criteria for measurement have been developed and the basic specifications for the capture of data have been established. This project links directly to the upgrade of the CASES and a far more detailed set of specifications will be developed in tandem with the CASES specifications.

The Office intends to capture data and produce relevant management reports to make accurate decisions concerning resourcing and funding with the minimum impact on the workload of staff.

2. Payroll Implementation – The Office is currently implementing an in-house payroll system and will begin processing its own payroll in November 2000. This system will lead to reduced costs, more effective controls, and more effective systems/processes resulting in a much improved service to staff. It is also proposed to implement Kiosking for staff within the 2000/2001 financial year. The proposal will allow staff direct access to their personal details and read only access to some leave types. The software will allow the Office to develop electronic processing of leave and allowance applications removing the need for continuous paper trails.

## Appendix 30

### Implementation of Year 2000 Rectification Plan

In co-ordination with other NSW Government agencies under the overall supervision of the Office of Information Technology the Office during 1999-2000 completed the project commenced in the previous year to make all existing IT systems Year 2000 compliant or to replace any systems which could not be made Year 2000 compliant, by October 5th 1999.

In addition the Office developed and implemented a Year 2000 Contingency Plan to provide for the continuity of prosecutions services in the event any of the Office's service providers suffered a major Year 2000 failure.

The Office's Year 2000 Rectification Program was completed in October 1999. In accordance with Government directions, the Year 2000 Rectification Program was independently audited by the Internal Audit Bureau, which issued an unqualified Certificate of Compliance at the conclusion of that audit.

ODPP staff monitored all ODPP systems as the old century was completed and the new century commenced, and were able to confirm that all systems had passed into the new century with no adverse affects.

It is also pleasing to report that the Year 2000 Rectification Project was completed on time and within budget.

## Appendix 31

### 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.

## Appendix 31 Continued

- 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

### **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 32

### Ethnic Affairs Priorities Report

During 1998 the Office of the Director of Public Prosecutions (ODPP) developed its Ethnic Affairs Priorities Statement. The ODPP is required to provide a report in each annual report of its progress in implementing the EAPS and key ethnic affairs strategies proposed for next year.

During 1999/00, the ODPP continued to implement the measures set out in its EAPS. In particular, the ODPP offered externally provided interpreting services to prosecution witnesses involved in conferences with ODPP lawyers. It remained the policy of the ODPP to deal with all witnesses and accused having proper regard to, and respect for, their ethnic origin, culture, religion and language. 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.

Training courses dealing with issues relevant to victims and witnesses continued to be regularly run this year. All training programs conducted by the ODPP had regard to cultural diversity. Two new courses were introduced, namely interviewing skills, and dealing with people with hearing disabilities. It is proposed to continue these initiatives next year.

The ODPP now has a Witness Assistance Service officer (a psychologist or social worker) in each of its offices. A new office has just opened at Bathurst and a WAS officer will be assigned to Bathurst next year. The interpreter service number is prominently displayed on all Witness Assistance Service brochures published by the ODPP. A telephone typewriter for the hearing impaired was introduced on a toll-free basis. It is proposed to continue this next year.

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 18. The ODPP continued to promote the Employee Assistance Program.

The Director and Crown Prosecutors provided training to prosecutors in China, Fiji and Ethiopia this year. Prosecutors from Burma, Vietnam, China, Thailand, Indonesia, Japan and Mauritius visited the ODPP this year for briefings or training by ODPP officers. Prosecutors from China and Canada worked

in the ODPP this year. Next year a Dutch prosecutor will spend sixteen months with the ODPP. ODPP prosecutors conducted three further workshops, each of one week's duration for Vietnamese Procurators. This initiative will continue next year.

No formal agreement between the Ethnic Affairs 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 interpreting services and translated materials).

## Appendix 33

### **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 34

### **Disability Action Plan**

#### **Introduction**

The Office of the Director of Public Prosecutions is committed to fully meeting its obligations under State and Commonwealth anti-discrimination legislation. These laws require all organisations to eliminate discriminatory practices which may prevent people with a disability from having full and equal access to their services.

The development of the Office's Disability Action Plan 2000 – 2002 (DAP) 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 Disability Action Plan identifies the Office's responsibilities, objectives and goals in relation to people with a disability. It also provides a program of actions and initiatives which will better accommodate the needs of people with disabilities.

#### **Developing and Implementing the DAP**

The Office's Disability Action Plan has been drafted in close consultation with staff at all levels, our stakeholders and appropriate external agencies. Similarly, the implementation process will also be consultative, allowing people with a disability and their representative organisations to provide direct feedback into the decision-making process.

To ensure that we take an integrated approach to service planning and delivery, the Disability Action Plan will be incorporated into the Office's Corporate Plan and individual cost centres' Business Plans. This will ensure that the strategies and actions detailed in the Disability Action Plan become a part of our every-day activities.

The Disability Action Plan will be published on the Office's intranet and in other accessible formats to allow access to each and every member of the Office.

The implementation of the Disability Action Plan will be monitored and evaluated to enable the Office to learn from our experiences and build on our achievements.

The Disability Action Plan will be reviewed annually with the progress against targets published in our annual report and a copy submitted to the Aging and Disability Department.

## Appendix 34 Continued

### **Disability Action Plan**

#### **The Disability Action Plan and Legislation**

The Office's obligations to address equality of access for people with a disability are contained in three pieces of legislation:

- Commonwealth *Disability Discrimination Act* 1992;
- New South Wales *Anti-Discrimination Act* 1997: and
- New South Wales *Disability Services Act* 1993.

#### **The Disability Action Plan**

##### **Objectives and Goals**

The Office's vision – a criminal prosecution system that is accepted by the community as being equitable and acting in the public interest – means that we have a responsibility to reasonably accommodate the needs of people with a disability. The Office aims to meet this responsibility through the effective implementation of the Disability Action Plan.

##### **The Disability Action Plan – Our Objectives**

The objectives of the Disability Action Plan are to ensure that:

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

##### **The Disability Action Plan – Our Goals**

The goals of the Disability Action Plan are to:

- establish accessible and non-discriminatory services throughout the New South Wales criminal prosecution system for people with a disability;
- provide employment and career opportunities for people with a disability, or the opportunity to be a service provider to the Office, consistent with Equal Opportunity principles and practice; and
- ensure that our disability-specific services are of a high quality and are accessible to all persons with a disability irrespective of age and family circumstances.

##### **Implementation**

The Solicitor for Public Prosecutions and the Manager Corporate Services, through their managers, are responsible for implementing the Plan.

##### **Evaluation Procedures**

The Office will make use of a full range of evaluation techniques and procedures, appropriate to the particular strategy being evaluated.

##### **Involving other Agencies and the Community**

As managers proceed to implement the Plan, they may establish local forums to address both the implementation and evaluation of the Plan, providing for relevant agencies of State and Local governments to participate as well as representatives of the community and of people with a disability.

##### **Reporting and Accountability**

Managers will report on their actions to implement the Plan by 30 June 2000, and thereafter every six months. These results will be made available to the Director. All annual reviews of implementation progress in summary form will be included in the Office's Annual Reports. Six monthly evaluation reports will not necessarily be published.

## Appendix 35

### Waste Reduction and Purchasing Plan and Recycling

The environment is critical to our future; it is everyone's responsibility. 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. The Office has introduced initiatives to help reduce, re-use and recycle waste. With Federal and State Government, Local Council and community awareness widening in respect of Waste Reduction, the implementation of Waste Reduction methods has been achieved with relative ease and widespread acceptance. It appears everyone is co-operating. The ODPP has a CBD location and 10 Regional Offices (3 Greater Sydney and 7 Country).

The ODPP is subject to requirements to achieve waste reduction and have a purchasing policy in place, as it is regarded as an "Appendix 2" Agency, within the NSW Government's Waste Reduction and Purchasing Policy Guidelines.

#### 1.1 Waste Reduction and Recycling

##### 1.1.1 Identification of Wastes

The ODPP identified by an inspection of waste receptacles, that the following types of wastes were being disposed of at the ODPP's premises.

- Aluminium cans
- Polystyrene cups
- Food wrapping, i.e. paper, foil, plastic, paper cups
- Plastic utensils
- 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

##### 1.1.2 Identification of Recycled Products:

The following items are being recycled:

- General office paper
- Photocopy paper
- Computer paper
- Letterheads
- Envelopes
- Packaging and Cardboard
- Telephone Directories
- Magazines
- Promotional/Advertising bulletins
- Newspapers
- Folders, binders
- Computer discs
- Photocopy machines (as trade-ins)
- Facsimile machines (as trade-ins)
- Furniture, desks, filing cabinets, etc. (disposed of by tender, auction, to other Departs due to updating, damaged or no longer required)

##### Development of Strategies to Reduce Waste and Recycle

The Office has adopted already established strategies or developed our own strategies to ensure the reduction of waste and recycling within the Office.

The Office concentrated on the following wastes when implementing these strategies:

Paper wastes, Equipment, Furniture, Electricity and Water.

Each of the wastes and the strategies for avoidance and recycling are detailed below:

*Paper Wastes* – Reduce the general consumption of paper by purchasing photocopy machines that offer double-sided copying, reduced size copying, book copying; ensuring clear and concise instructions and training in the use of copying machines and printers; ensure copier paper trays have adequate supplies so correct paper is used. Multi-destination envelopes are supplied to staff for use and re-use, avoiding the one-off situation. Attempts are made to eliminate single memorandums and circulars by including the information in multi-information bulletins. These

## Appendix 35 Continued

### Waste Reduction and Purchasing Plan and Recycling

bulletins are issued in limited numbers to reduce copying. Distribution slips are added to these bulletins to reduce copying. All suitable paper wastes are separated from rubbish and removed from the premises for recycling. Used folders and binders are conveniently stored and made available to staff to re-use. The Office is making full use of the Internet and Intranet (DPPnet) which is consistent with the Government's view that agencies should communicate and otherwise do business with each other and internally electronically.

*Equipment* – Current strategies are to purchase copiers and facsimile machines that can be traded-in at the expiry of their serviceable life.

*Furniture* – Furniture is re-used where possible; forwarded to Regional Offices if needed; sold by auction or tender; or transferred to other Government Departments.

*Electricity* – Security Guards turn off all lights and equipment (copiers, printers, etc.) each night; photocopiers have power reduce buttons; airconditioning plant is fitted with timers to limit operation only to business hours. Timed after hours air conditioning is available on demand. Movement detectors are used to turn on lights in infrequently used areas.

*Water* – Men's urinals are flushed automatically only after use; vast concrete areas are cleaned by sweeping not utilising hoses; showers are fitted with water saving heads; hydra boil or mini boil hot water units are installed to eliminate water wastage from the use of kettles, etc.

#### 1.1.3 Proposed Strategies

Although the types of recyclable products are limited in this organisation, apart from the ones mentioned above, this Office is very keen to continue to identify new methods and items to recycle to reduce waste. The projects the Office is currently investigating are identified below:

Support has been given by the adjoining building management to place *aluminium cans and glass receptacles* in the arcade joining the buildings. This will not only encourage staff to recycle, but will foster a community spirit by providing shoppers in the arcade access to facilities to recycle aluminium cans, glass, etc.

*Buy Recycled Paper Products:* As prices remain higher for such products and quality of the paper is below

that of new paper, the Office has not purchased recycled copying/printing paper because of the effect such paper has on the performance of the copiers. The Office, however, has investigated the purchase of other recycled products such as envelopes, note pads, writing pads, etc. which can be successfully adopted for use and provide an acceptable quality and fall within the Office's financial restraints.

*Reduce Printers:* The Office's Information Technology Strategic Plan implementation has seen the reduction of printers from approximately 120 to approximately 40. This has had a marked effect on electricity usage and consumables.

### 1.2 Purchasing/Leasing

1.2.1 In line with Proposed Strategies above, the Office is leasing computer hardware to eliminate the huge capital expenditure in this area; eliminate using and maintaining old technology and having to support such technology in toner products, maintenance, etc. and eliminating the need to dispose of such outdated technology when replaced.

The initiative of leasing computer hardware is flowing on to other items of Capital Equipment, mainly photocopiers. Leasing equipment enables the Office to enjoy newer, more reliable machines, while reducing costs of consumables and maintenance because machines are "turned over" more regularly.

1.2.2 From within Schedule "B", the following products are purchased in-contract and in accordance with the Office's Procurement Policy.

- Photocopy paper
- General office stationery
- Computer paper, generally the same paper as used in copiers
- Photocopiers
- Printers
- Facsimile Machines
- Toner cartridges (supplied under maintenance agreements in most instances)

The abovementioned product types are consumed during normal office activities.

## Appendix 35 Continued

### Waste Reduction and Purchasing Plan and Recycling

1.2.3 The estimated annual quantities of Schedule "B" products recycled is set out below:

Item	Percentage (%) Recycled
Photocopy Paper	85%
General Office Stationery	85%
Computer Paper	85%
Photocopiers	100%
Facsimile Machines	100%
Toner Cartridges (copiers)	100%
Toner Cartridges (printers)	100%

## Appendix 36

### Some Cases dealt with during the Year

#### **R – v – NIKOLIC – Murder**

Nikolic was the owner of a take-away food store at Wilmot in the Western suburbs of Sydney. The deceased approached him in his shop and threatened to throw him into the deep fryer if he did not give him money. He gave him \$20 and the deceased left, vowing to return. Nikolic contacted Police who told him he was entitled to defend himself. The deceased returned shortly afterwards and threatened Nikolic, demanding more money. Nikolic produced a gun and shot the deceased twice. He died from one of his wounds 7 weeks later. The events were witnessed by a 12-year-old child. Nikolic claimed he acted in self-defence and genuine fear for his safety.

A jury in the Supreme Court found Nikolic Not Guilty, in October, 1999.

#### **HENNIGER – Threaten Judicial officer**

Henniger had Family Law proceedings pending at Campbelltown Court. He had attended the Local Court on a number of prior occasions with no apparent reason for doing so. He was asked to leave the Courtroom by the presiding Magistrate, after again being seen in the back of the Courtroom, apparently intoxicated. Whilst being escorted from the room he threatened to shoot the Magistrate. Around a week later another Magistrate encountered him on the steps of the CourtHouse and was told words to the effect of "You are next on the list after...".

Henniger pleaded Guilty in the District Court in March, 2000 and had his sentence deferred upon entering a Good Behaviour bond for 12 months.

#### **DO – Manslaughter**

This matter arose from a truck driven by Do losing control, after driving at high speed and hitting a roundabout in Mona Vale Road, Ingleside. The truck was loaded with soil and weighed around 20 tonne. The truck became airborne, landed and continued at high speed until crossing to the wrong side of the road and hitting another vehicle. The truck continued on with this vehicle dragging under it, killing the occupant. It continued through a brick fence, garage then the lounge-room and bedroom of a house. A deceased 13-year-old girl, an occupant of the house, was found in the house wreckage, near the front of the truck.

## Appendix 36 Continued

### **Some Cases dealt with during the Year**

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.

#### **“W” – A Child – Manslaughter**

An 11-year-old boy faced a trial for Manslaughter before a Judge and jury in the Supreme Court in November, 1999. This followed an Ex-Officio indictment being found by the Director after the Senior Childrens Court Magistrate discharged the boy in committal proceedings. That discharge attracted considerable publicity. The proceedings arose from the child, then aged 10 years throwing a 6-year-old child into the Georges River at Macquarie Fields, where he drowned.

#### **ROBINSON – Murder**

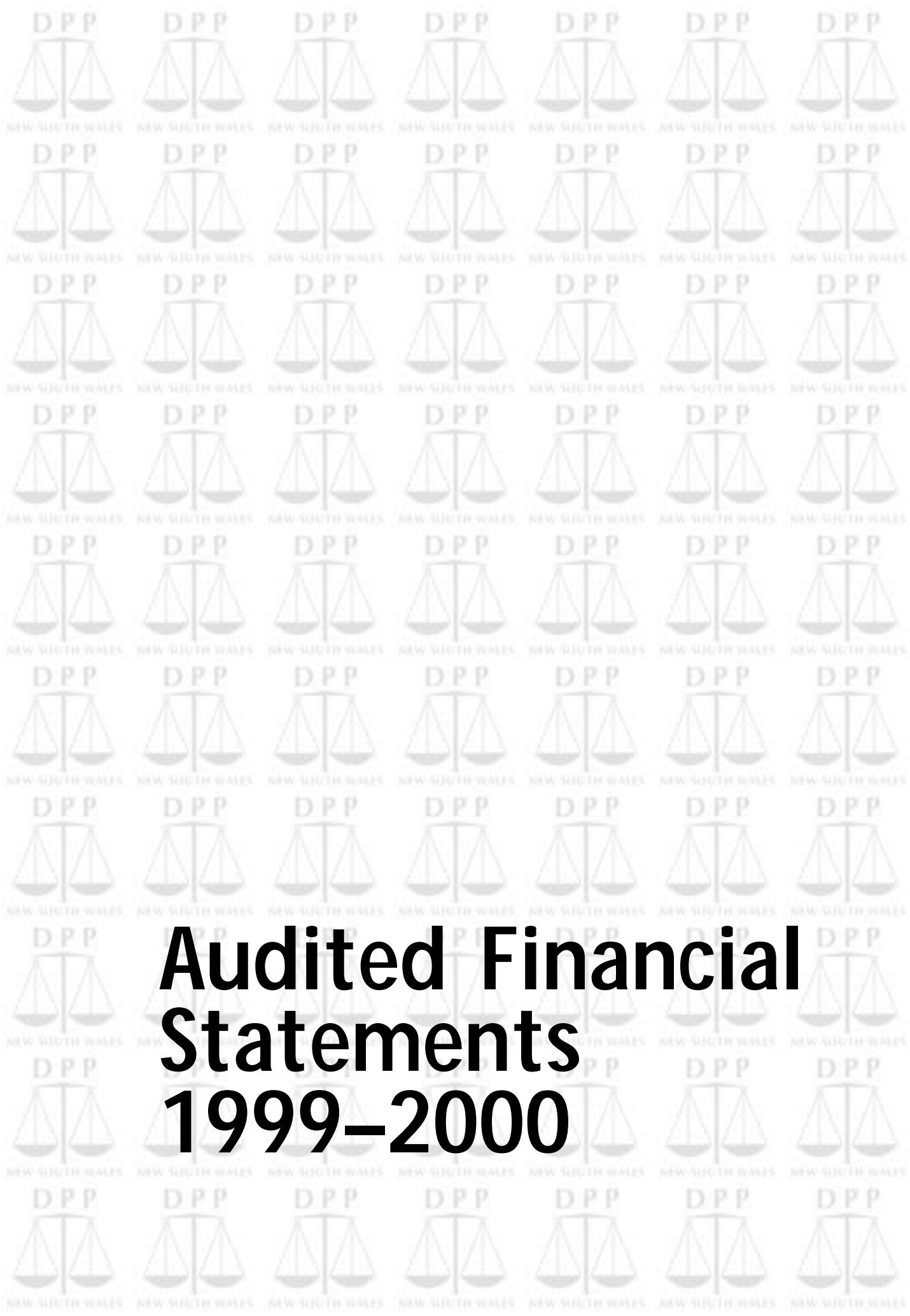
The deceased was found curled up in the corner of his cell at Junee Correctional Centre. He was suffering serious head injuries. He was a former schoolteacher who had recently been convicted and gaoled on child sexual assault offences. This had become known to other prisoners from material stolen from his cell. Two inmates approached the cell after the deceased went in, one entered the cell and assaulted him, causing his death. The entry of the inmates was recorded on video camera. Robinson later boasted about bashing the deceased to other inmates.

Robinson was found Guilty by a Jury in April 2000 and sentenced to 22 years imprisonment, with a non-parole period of 15 years.

#### **OFFER – Murder, attempted murder**

During 1996 Offer became involved in insurance fraud with other persons. This fraud was uncovered and he was charged by police with various charges. In early 1997 the wife of one of the witnesses was shot in the head by a crossbow bolt, causing serious injuries. In September 1997 another witness against the accused was shot in the head at close range in the doorway of his home by a 9mm revolver. He died at the scene. The prosecution was to present a complex and lengthy case. Offer changed his Plea to Guilty after the prosecution revealed the full picture of the case in a lengthy opening address to the jury in April, 2000.

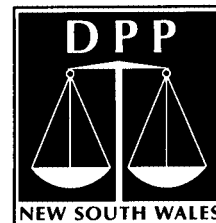
Offer was sentenced to 34 years imprisonment on the murder charge with a non-parole period of 25 years. The other charge was sentenced to a 10 year concurrent term. The presiding Judge noted the offences were of the “very highest criminality” and committed for a “reprehensible motive” however refused a prosecution application for a life sentence. Offer was given some discount for his Plea of Guilty.



# Audited Financial Statements 1999–2000



## DIRECTOR'S CHAMBERS



### Year Ended 30 June 2000 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 (General) Regulation 1995 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'.

N R Cowdery QC

Director of Public Prosecutions

7 December 2000



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 2000. The Director is responsible for the financial report consisting of the accompanying statement of financial position, operating statement, 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.

In addition, other legislative and policy requirements, which could have an impact on the Office of the Director of Public Prosecutions' financial report, have been reviewed on a cyclical basis. For this year, the requirements examined comprised compliance with:

- core business activities being in accordance with the *Director of Public Prosecutions Act 1986*;
- key provisions of Part 2 of the *Public Sector Management Act 1988* and Parts 2 to 6 of the *Public Sector Management (General) Regulation 1996*; and
- the Premier's Department SES Guidelines in respect of the Director's contract.

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 as at 30 June 2000 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  
11 December 2000

# Operating Statement for the Year Ended 30 June 2000

	Notes	Actual 2000 \$'000	Budget 2000 \$'000	Actual 1999 \$'000
<b>Expenses</b>				
Operating expenses				
Employee related	2(a)	43,700	44,197	40,649
Other operating expenses	2(b)	9,320	9,268	8,209
Maintenance	2(c)	563	82	548
Depreciation	2(d)	1,167	1,700	1,323
Other expenses	2(e)	3,088	2,925	2,882
<b>Total Expenses</b>		<b>57,838</b>	<b>58,172</b>	<b>53,611</b>
Less:				
<b>Retained Revenue</b>				
Sale of goods and services	3(a)	120	84	253
Investment income	3(b)	96	125	58
Grants and contributions	3(c)	–	–	33
Other revenue	3(d)	59	21	3
<b>Total Retained Revenue</b>		<b>275</b>	<b>230</b>	<b>347</b>
<b>Gain/(loss) on sale of non-current assets</b>	4	<b>(46)</b>	<b>10</b>	<b>(490)</b>
<b>NET COST OF SERVICES</b>	18	<b>57,609</b>	<b>57,932</b>	<b>53,754</b>
<b>Government Contributions</b>				
Recurrent appropriation	5	50,055	52,107	46,142
Capital appropriation	5	900	900	1,349
Acceptance by the Crown Entity of employee entitlements and other liabilities	7	5,105	4,622	5,411
<b>Total Government Contributions</b>		<b>56,060</b>	<b>57,629</b>	<b>52,902</b>
<b>SURPLUS/(DEFICIT) FOR THE YEAR</b>		<b>(1,549)</b>	<b>(303)</b>	<b>(852)</b>

The accompanying notes form part of these statements.

## Statement of Financial Position as at 30 June 2000

	Notes	Actual 2000 \$'000	Budget 2000 \$'000	Actual 1999 \$'000
<b>ASSETS</b>				
<b>Current Assets</b>				
Cash	17	2,600	2,144	1,076
Receivables	9	1,063	789	865
<b>Total Current Assets</b>		<b>3,663</b>	<b>2,933</b>	<b>1,941</b>
<b>Non-Current Assets</b>				
Plant and Equipment	10	6,263	5,450	6,035
<b>Total Non-Current Assets</b>		<b>6,263</b>	<b>5,450</b>	<b>6,035</b>
<b>Total Assets</b>		<b>9,926</b>	<b>8,383</b>	<b>7,976</b>
<b>LIABILITIES</b>				
<b>Current Liabilities</b>				
Accounts payable	11	1,296	1,525	518
Employee entitlements	12	4,410	3,524	3,761
Other	13	2,132	–	60
<b>Total Liabilities</b>		<b>7,838</b>	<b>5,049</b>	<b>4,339</b>
<b>Net Assets</b>		<b>2,088</b>	<b>3,334</b>	<b>3,637</b>
<b>EQUITY</b>				
Reserves	14	1,563	1,563	1,563
Accumulated funds		525	1,771	2,074
<b>Total Equity</b>		<b>2,088</b>	<b>3,334</b>	<b>3,637</b>

The accompanying notes form part of these statements

# Statement of Cash Flows for the Year Ended 30 June 2000

	Notes	Actual 2000 \$'000	Budget 2000 \$'000	Actual 1999 \$'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
<b>Payments</b>				
Employee related		(38,881)	(39,137)	(35,954)
Other		(12,457)	(12,590)	(11,851)
<b>Total Payments</b>		<b>(51,338)</b>	<b>(51,727)</b>	<b>(47,805)</b>
<b>Receipts</b>				
Sale of goods and services		158	84	25
Interest Received		55	25	84
Other		21	197	36
<b>Total Receipts</b>		<b>234</b>	<b>306</b>	<b>145</b>
<b>Cash Flows from Government</b>				
Recurrent appropriation		52,107	52,107	46,142
Capital appropriation		900	900	1,349
Cash reimbursements from the Crown Entity		911	587	791
<b>Net Cash Flows from Government</b>		<b>53,918</b>	<b>53,594</b>	<b>48,282</b>
<b>NET CASH FLOWS FROM OPERATING ACTIVITIES</b>	18	<b>2,814</b>	<b>2,173</b>	<b>622</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
Proceeds from sale of plant and equipment		(14)	10	4
Purchases of plant and equipment		(1,304)	(1,115)	(1,611)
<b>NET CASH FLOWS FROM INVESTING ACTIVITIES</b>		<b>(1,290)</b>	<b>(1,105)</b>	<b>(1,607)</b>
<b>NET INCREASE / (DECREASE) IN CASH</b>		<b>1,524</b>	<b>1,068</b>	<b>(985)</b>
Opening cash and cash equivalents		1,076	1,076	2,061
<b>CLOSING CASH AND CASH EQUIVALENTS</b>	17	<b>2,600</b>	<b>2,144</b>	<b>1,076</b>

The accompanying notes form part of these statements.

## Program Statement –

### Expenses and Revenues for the Year Ended 30 June 2000

	Program 1	
	2000 \$'000	1999 \$'000
<b>ADMINISTERED REVENUES</b>		
<b>Administered Revenues</b>		
Consolidated Fund		
– Other	28	25
<b>Total Administered Revenues</b>	<b>28</b>	<b>25</b>

Refer to Note 8 for the name and purpose of Program 1

## Summary of Compliance with Financial Directives

	2000				1999			
	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
<b>ORIGINAL BUDGET</b>								
<b>APPROPRIATION/EXPENDITURE</b>								
• Appropriation Act	47,460	47,460	900	900	43,679	43,622	900	900
• Additional Appropriations					787	–	355	340
• s21A PF&AA – special appropriation								
• s24 PF&AA – transfers of functions between departments								
• s26 PF&AA – Commonwealth specific purpose payments	47,460	47,460	900	900	44,466	43,622	1,255	1,240
<b>OTHER APPROPRIATIONS/EXPENDITURE</b>								
• Treasurer's Advance	4,332	2,280	–	–	1,197	1,194	–	–
• Section 22 – expenditure for certain works and services	315	315			1,326	1,326	109	109
• Transfers from another agency (section 28 of the Appropriation Act)	4,647	2,595	–	–	2,523	2,520	109	109
Total Appropriations Expenditure/Net Claim on Consolidated Fund (includes transfer payments)	52,107	50,055	900	900	46,989	46,142	1,364	1,349
Amount drawn down against Appropriation		52,107		900		46,142		1,349
Liability to Consolidated Fund*		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

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# Notes to and Forming Part of the Financial Statements

## 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.

### (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 Department has control of the good or right to receive, it is probable that the economic benefits will flow to the department 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

From this financial year there is a change in accounting policy for the recognition of parliamentary appropriations. Parliamentary appropriations 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 effect of this change for the year ending 30 June 2000 is that \$2.052M which is the amount owing to the Consolidated Fund (excluding any liability in respect of transfer payments), is accounted for as a current liability and not as a revenue as previously. 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

It is impracticable to restate the comparatives of this change in accounting policy, as agencies were not required to determine any final amount owed to the Consolidated Fund for the year ending 30 June 1999.

## **(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 agency 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) Acquisitions of Assets**

The cost method of accounting is used for the initial recording of all acquisitions of assets controlled by the Office. 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.

## **(h) Plant & Equipment**

Plant and equipment costing \$5,000 and above individually are capitalised.

# Notes to and Forming Part of the Financial Statements

## **(i) 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 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) 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. 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

## **(k) Leased Assets**

A distinction is made between finance leases which effectively transfer from the lessor to the lessee substantially all the risks and benefits incidental to ownership of the leased assets, and operating leases under which the lessor effectively retains all such risks and benefits.

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

## **(l) Cash**

Cash comprises cash on hand and bank balances within the Treasury Banking System. Interest is earned on daily bank balances at the monthly average NSW Treasury Corporation (TCorp) 11 am unofficial cash rate adjusted for a management fee to Treasury. The weighted average effective interest rate for 1999/00 was 4.25% computed on a monthly basis.

## **(m) 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.

## **(n) Bank Overdraft**

The Department does not have any bank overdraft facility.

## **(o) Trade Creditors and Accruals**

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.

## Notes to and Forming Part of the Financial Statements

	2000 \$'000	1999 \$'000
<b>2 EXPENSES</b>		
(a) Employee related expenses comprise the following specific items:		
Salaries and wages (including Recreation Leave)	35,986	32,684
Superannuation	3,749	3,490
Long service leave	1,356	1,921
Workers' compensation Insurance	243	84
Payroll tax and fringe benefit tax	2,366	2,470
	43,700	40,649
(b) Other operating expenses		
Auditor's remuneration	30	26
Bad and doubtful debts	1	-
Operating lease rental expense – minimum lease payments	3,472	3,628
Insurance	79	47
Operating lease computer network expense	462	-
Books	309	260
Cleaning	147	142
Consultants	93	175
Fees – Private Barristers	450	377
Fees – Practising Certificates	161	159
Fees – Security	138	130
Gas & Electricity	126	115
Motor Vehicles	313	269
Postal	107	106
Courier	26	30
Printing	122	136
Stores	470	406
Telephones	774	639
Training	341	237
Travel	866	877
Other	833	450
	9,320	8,209
(c) Maintenance		
Repairs and maintenance	563	548
	563	548
(d) Depreciation		
Computer Equipment	477	399
General Plant and Equipment	494	747
Library Collection	196	177
	1,167	1,323
(e) Other expenses		
Allowances to Witnesses	3,071	2,821
Ex-gratia payments	3	8
Maintenance Costs of Non Australian Citizens	14	53
	3,088	2,882

# Notes to and Forming Part of the Financial Statements

	2000 \$'000	1999 \$'000
<b>3 REVENUES</b>		
(a) Sale of goods	12	1
Rendering of services		
Commissions – Miscellaneous Deductions	5	7
Costs Awarded	36	7
Oncosts – Officers on loan	37	226
Appearance Fees	5	7
Training fees	25	5
	108	252
Total sale of goods and rendering of services	120	253
(b) Investment Income		
Interest	96	58
	96	58
(c) Grants and contributions		
ERIC Project	–	33
	–	33
(d) Other revenue	8	3
Head Office Refurbishment	51	–
	59	3

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

Gain/(Loss) on disposal of plant and equipment		
Proceeds from sale	14	4
Written down value of assets sold	(60)	(494)
Net gain/(loss) on disposal of plant and equipment	(46)	(490)

## 5 APPROPRIATIONS

### Recurrent appropriations

Total recurrent drawdowns from Treasury (per Summary of Compliance)	52,107	46,142
Less: Liability to Consolidated Fund (per Summary of Compliance)	2,052	–
Total	50,055	46,142

### Comprising:

Recurrent appropriations (per Operating Statement)	50,055	46,142
Total	50,055	46,142

### Capital appropriations

Total capital drawdowns from Treasury (per Summary of Compliance)	900	1,349
Total	900	1,349

### Comprising:

Capital appropriations (per Operating Statement)	900	1,349
Total	900	1,349

# Notes to and Forming Part of the Financial Statements

	2000 \$'000	1999 \$'000
<b>6 ABNORMAL ITEMS</b>		
Loss on sale of non-current assets	–	(490)

## 7 ACCEPTANCE BY THE CROWN ENTITY OF EMPLOYEE ENTITLEMENTS AND OTHER LIABILITIES

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

Superannuation	3,519	3,266
Long Service Leave	1,357	1,921
Payroll Tax	229	224
	5,105	5,411

## 8 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.

## 9 CURRENT ASSETS – RECEIVABLES

Prepayments	621	498
Interest	65	25
Long Service Leave and Superannuation	34	32
Revenue	221	271
Advances	96	39
GST Refundable	26	–
	1,063	865

## 10 NON CURRENT ASSETS – PLANT AND EQUIPMENT

<b>Plant and Equipment</b>		
At Cost	14,460	14,052
At Valuation	2,285	2,313
	16,745	16,365
Accumulated Depreciation at Cost	9,862	9,867
Accumulated Depreciation at Valuation	620	463
	10,482	10,330
Written Down Value as at 30 June	6,263	6,035

Management considers the written down value to approximate market value as at 30 June 2000.

(a) At the 30th June 1996 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:

- 97 items of computer equipment consisting of personal computers & printers
- 10 items of office equipment
- 4 item of software
- 15 items of furniture and fittings

# Notes to and Forming Part of the Financial Statements

	2000 \$'000	1999 \$'000
<b>11 CURRENT LIABILITIES – ACCOUNTS PAYABLE</b>		
Creditors	152	3
Accruals	1,144	515
	1,296	518

## 12 CURRENT LIABILITIES – EMPLOYEE ENTITLEMENTS

Recreation leave	2,685	2,435
Accrued salaries and wages	859	520
Payroll Tax oncosts for recreation leave and long service leave	866	806
Aggregate employee entitlements	4,410	3,761

## 13 CURRENT LIABILITIES – OTHER

Liability to Consolidated Fund	2,052	–
Deferred Income	80	60
	2,132	60

A 4 month rent free period was provided to our Newcastle Office in 1999/2000. This amount has been amortised in the financial statements for the period of the lease.

## 14 CHANGES IN EQUITY

	Accumulated Funds		Asset Revaluation		Total Equity	
	2000 \$'000	1999 \$'000	2000 \$'000	1999 \$'000	2000 \$'000	1999 \$'000
Balance at the beginning of the financial year	2,074	2,926	1,563	1,563	3,637	4,489
Surplus/(deficit) for the year	(1,549)	(852)	–	–	(1,549)	(852)
Balance at the end of the financial year	525	2,074	1,563	1,563	2,088	3,637

	2000 \$'000	1999 \$'000
<b>15 COMMITMENTS FOR EXPENDITURE</b>		
<b>Operating Lease Commitments</b>		
Future non-cancellable operating lease rentals not provided for and payable		
Not later than one year	4,552	2,503
Later than one year and not later than 5 years	13,317	3,013
Later than 5 years	10,097	238
Total (including GST)	27,966	5,754

Non cancellable leases relate to commitments for accommodation for Head Office and the 11 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 \$2.200M that are expected to be recoverable from the ATO.

# Notes to and Forming Part of the Financial Statements

## 16 Budget Review

### **Net Cost of Services**

The actual net cost of services was marginally lower than budget by \$0.323M. This was mainly attributable to lower than anticipated depreciation costs and long service leave taken by employees.

### **Assets and Liabilities**

Current assets of \$3.663M were \$0.730M higher than budget due to additional funding received from Treasury. Prepayments (rental costs, conference fees) were also higher than expected.

Liabilities were also higher than budgeted due to the recognition for the Office's Liability to Consolidated Fund (\$2.052M) in the accounts for the first time.

### **Cash Flows**

Closing cash of \$2.600M as at 30 June 2000 was higher than budgeted target due to an additional funding allocation received mid May 2000 of \$1.756M from Treasury. These funds were not fully expended at year end.

## 17 CASH AND CASH EQUIVALENTS

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

Cash at the end of the financial year as shown in the Statement of Cash Flows is reconciled to the related items in the Statement of Financial Position as follows:

	2000 \$'000	1999 \$'000
Cash on hand and cash at bank	2,600	1,076
Closing Cash and Cash Equivalents (per Statement of Cash Flows)	2,600	1,076

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

Net cash used on operating activities	2,814	622
Cash flows from Government	(53,918)	(48,282)
Acceptance by the Crown Entity of employee entitlements and other liabilities	(4,194)	(4,620)
Depreciation	(1,167)	(1,323)
Increase in provisions	(649)	(465)
Increase/(decrease) in accounts payable	(678)	634
Increase in prepayments and other assets	249	230
Net loss on sale of plant and equipment	(46)	(490)
Increase in deferred income	(20)	(60)
Net cost of services	(57,609)	(53,754)

## 19 CONTINGENT LIABILITIES

Possible claims arising from litigation	105	180
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The Office may be liable for amounts not exceeding \$50,000 relating to matters which are the subject of litigation.

The Office may be liable for compensation payments arising from claims not exceeding \$55,000 for which there is complete insurance cover with the Treasury Managed Fund.

## END OF AUDITED FINANCIAL STATEMENTS

# Account Payment Performance

## 1 July 1999 to 30 June 2000

To facilitate comparison against actual performance, an internal target level of 90% was set for the financial year 1999/2000.

	Previous Years		
	1999/2000	1998/99	1997/98
<b>Aging of Accounts Paid during 1999/2000:</b>			
Current (ie. within due date)	\$12,429,186	\$12,624,082.34	\$12,180,143.91
Less than 30 and 60 days overdue	\$3,323,180	\$346,724.06	\$268,859.99
Between 30 and 60 days overdue	\$455,873	\$45,756.27	\$44,740.43
Between 60 and 90 days overdue	\$92,954	\$17,084.81	\$21,573.03
More than 90 days overdue	\$157,593	\$14,207.15	\$5,465.75
<b>Accounts Paid on time:</b>			
Percentage of accounts paid on time	76%	96.75%	97.28%
Total of accounts paid on time	\$12,429,186	\$12,624,082.34	\$12,180,143.91
Total of accounts paid	\$16,458,787	\$13,047,854.63	\$12,520,783.11

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:

- Change over from CBA to SUN.
- Invoices received late from DPP Cost Centres.
- Invoices under review.

### 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 1999-00 . . . . .	500
Total Number of copies of Annual Report printed in 1998-99 . . . . .	500
Cost in 1998-99. . . . .	\$13,500
Cost in 1999-00. . . . .	\$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) 6884 1530  
Facsimile: (02) 6882 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:7721

### 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

### DX:8210

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

## Penrith

Level 3, Neale Court  
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