

Office of the Director of Public Prosecutions

Annual Report
2017/2018



ODPP
New South Wales

Letter of Transmittal

OUR REFERENCE

DIRECTOR'S CHAMBERS



ODPP
New South Wales

YOUR REFERENCE

DATE

1 August 2018

Letter of Transmittal

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

Dear Attorney

2017-2018 Annual Report

I am pleased to forward to you the 31st Annual Report for the Office of the Director of Public Prosecutions (ODPP) for presentation to Parliament. This report encompasses the ODPP's financial statements and performance review for the financial period 2017-2018.

This report has been prepared in accordance to section 34 of the *Director of Public Prosecutions Act 1986* and in compliance with the guidelines from the *Annual Reports (Departments) Act 1985*, *Annual Reports (Departments) Regulation 2015* and the *Public Finance and Audit Act 1983*.

Yours faithfully

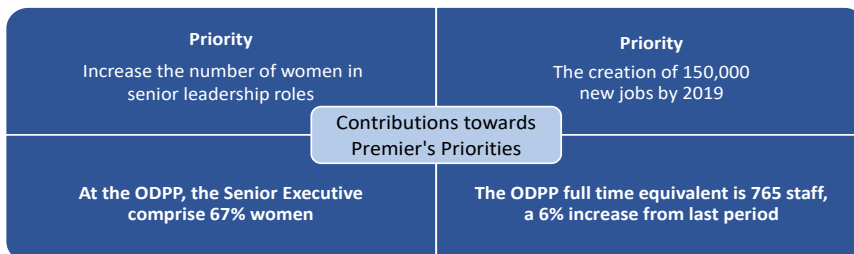
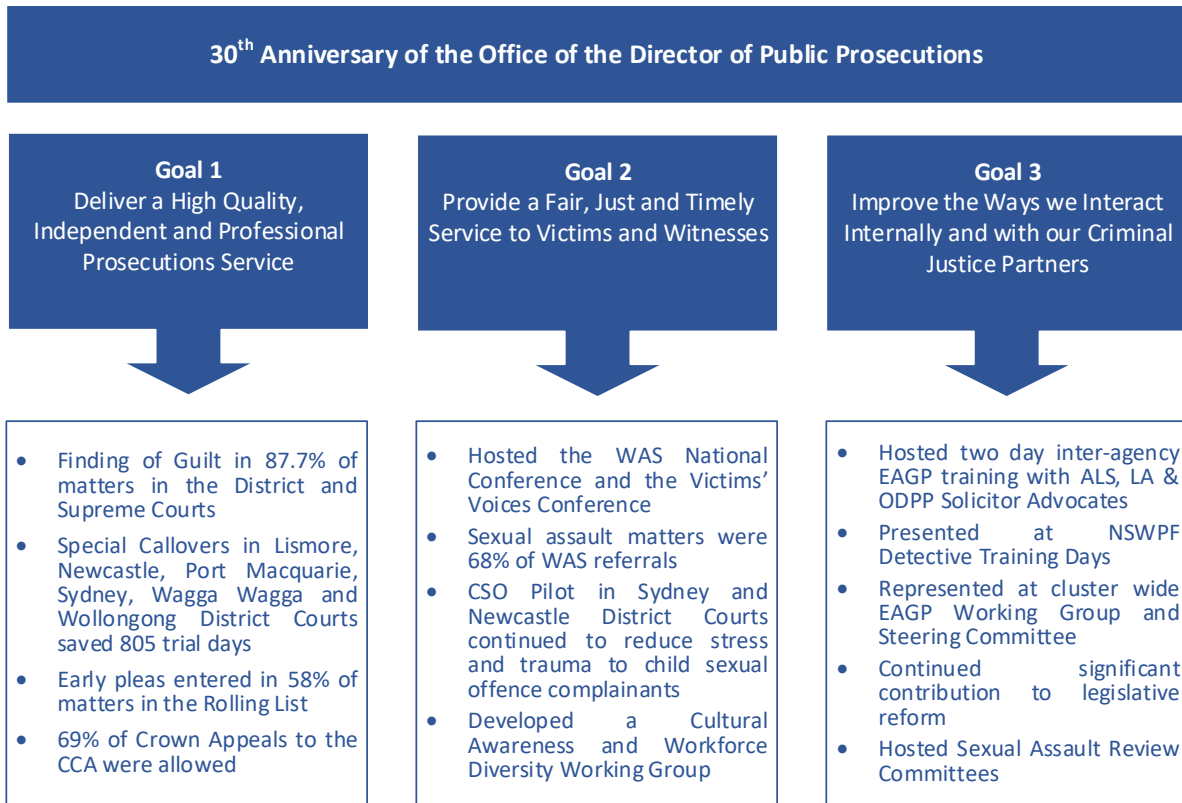
A handwritten signature in black ink, appearing to read 'Lloyd Babb'.

Lloyd Babb SC
Director of Public Prosecutions

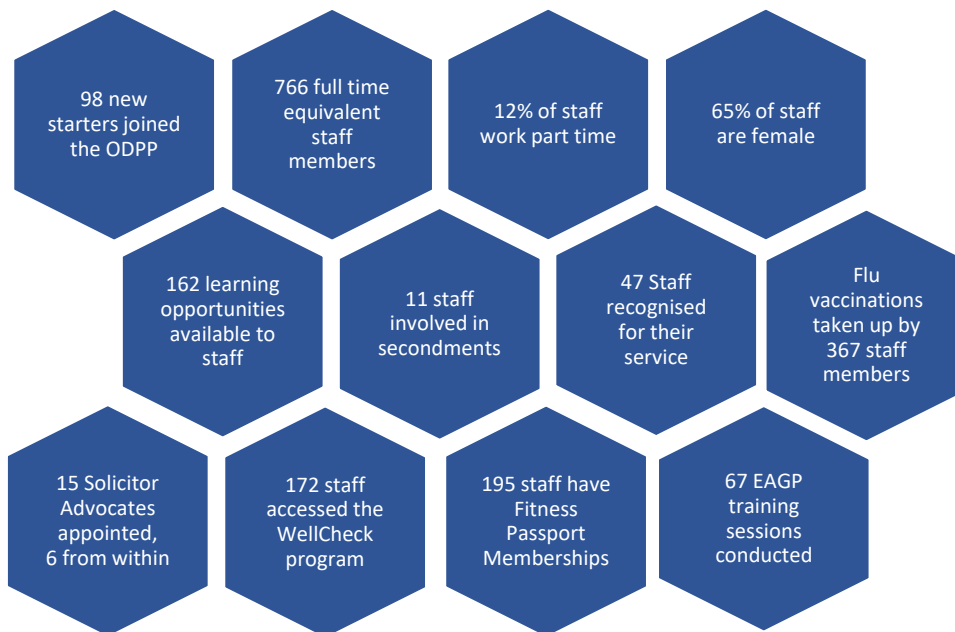
Contents

Highlights of the Year	2	Goal 4: Develop, Recognise and Celebrate the Knowledge, Skills and Commitment of our People	58
The Office and the Criminal Justice System	5	Our People	59
Report of the Director of Public Prosecutions	10	Appendices	57
Report of the Solicitor for Public Prosecutions	12	Appendix A: Productivity Statistics	64
Report of the Senior Crown Prosecutor	14	Appendix B: Key Provisions of the DPP Act	74
The Early Appropriate Guilty Plea Reform	16	Appendix C: Delegations	76
Goal 1: Deliver a High Quality Independent and Professional Prosecution Service	20	Appendix D: Independence and Accountability	77
Overview and Highlights	21	Appendix E: Internal Committees	78
Operations	24	Appendix F: Risk Management and Insurance Activities	80
Initiatives	32	Appendix G: Internal Audit and Risk Management Attestation	82
Legal	34	Appendix H: Digital Information Security Attestation	84
Confiscation of Proceeds of Crime	40	Appendix I: Procurement, Corporate Governance and Financial Accountability	85
Costs Awarded against the ODP	41	Appendix J: Chief Executive Officer Statement of Performance	86
Goal 2: Provide a Fair, Just and Timely Service to Victims and Witnesses	42	Appendix K: Chief Executive Service and Senior Executive Service	87
Witness Assistance Service	43	Appendix L: Overseas Travel	88
Statutory Compliance and Engagement	47	Appendix M: Consultants	89
Goal 3: Improve the Ways we Interact Internally and with our Criminal Justice Partners	50	Appendix N: Accounts Payment Performance	90
Law Reform	51	Appendix O: Financial Accounts	91
Innovations in Criminal Prosecutions	53	Appendix P: Glossary	125
Requests and Disclosure of Information	55	Appendix Q: ODPP Locations	126
Committees	46		

Highlights of the Year



Goal 4
Develop, Recognise and Celebrate the Knowledge, Skills and Commitment of our People



Peter McGrath SC appointed Deputy Director of Public Prosecutions	Huw Baker SC appointed Acting Deputy Director of Public Prosecutions
Appointments	
Chris Maxwell QC appointed Senior Crown Prosecutor	13 Crown Prosecutor appointments, 6 from within the Solicitor's Office
Craig Hyland, Solicitor for Public Prosecutions awarded the Director's Management Excellence Award	Libby Stratford, Director Corporate Services awarded the Director's Management Excellence Award
Awards	
Gabrielle Steedman and Kristin Bryan awarded the 2018 Graduate School of Government Deloitte Prize	The Learning & Development Team awarded the Director's Service Excellence Team Award

OUR VISION

A DYNAMIC
PROSECUTION SERVICE
RECOGNISED FOR
ITS EXCELLENCE AND
LEADERSHIP

The Office and the Criminal Justice System

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

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

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

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

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

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

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

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

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

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

ODPP Executive

Lloyd Babb SC BA MA LLB
Director of Public Prosecutions

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

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

Appointed Deputy Director of Public Prosecutions in May 2016. In 1994 appointed Summer Clerk at the ODPP. Appointed solicitor in 1996 and Trial Advocate in 2002. In 2005 appointed Crown Prosecutor. Prosecuted a wide range of trial matters, with a particular focus on child sexual assault trials. Appointed Deputy Senior Public Defender in 2014. Appeared in the Rolling List Court, the Supreme Court and the Court of Criminal Appeal. Appointed Senior Counsel in September 2016. Appeared for the Crown in numerous homicide trials, the Court of Criminal Appeal and the High Court. Member of the Bar Council, the Criminal Law Committee and the Professional Conduct Committee of the Bar Association of NSW. Member of the First Nations Committee. President of the Australian Association of Crown Prosecutors (the AACP).

Keith Alder B Leg S
Deputy Director of
Public Prosecutions
(November 2011 – December 2017)

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

Peter McGrath SC BA LLB
Deputy Director of
Public Prosecutions

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

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

Appointed Acting Deputy Director of Public Prosecutions in March 2018. Commenced with the ODPP in 1993 as Legal Clerk. Appointed a solicitor and then Trial Advocate. Appointed Crown Prosecutor in 2005. Appeared in complex jury trials in the District and the Supreme Courts and as Junior Counsel in the Supreme Court, Court of Criminal Appeal and High Court. Appointed Senior Counsel in September 2017. Prior to his appointment as Acting Deputy Director, appeared in the Supreme Court and the Court of Criminal Appeal.

**Gina O'Rourke SC BA LLB
Acting Deputy Director of
Public Prosecutions
(May 2017 to January 2018)**

Appointed as Acting Deputy Director of Public Prosecutions in May 2017. Appointed a NSW Crown Prosecutor in 2002. Appointed Senior Counsel in 2015 and Deputy Senior Crown Prosecutor in February 2016. Worked for the Northern Territory DPP as a Crown Prosecutor between 1994 and 1999. Appointed as Judge of the District Court in January 2018.

**Christopher Maxwell QC
Senior Crown Prosecutor**

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

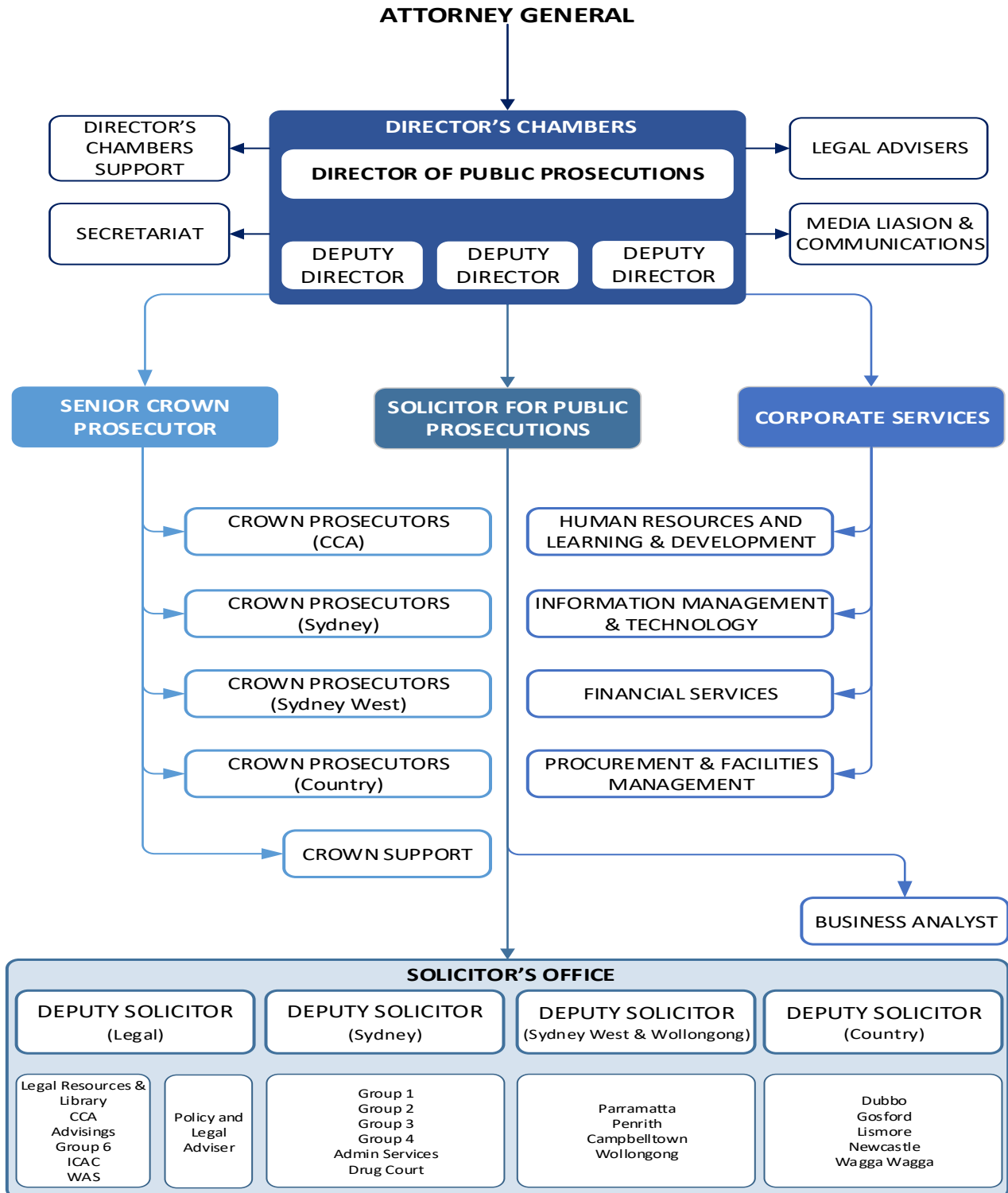
**Craig Hyland BJURIS LLB GDPA
Solicitor for Public Prosecutions**

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

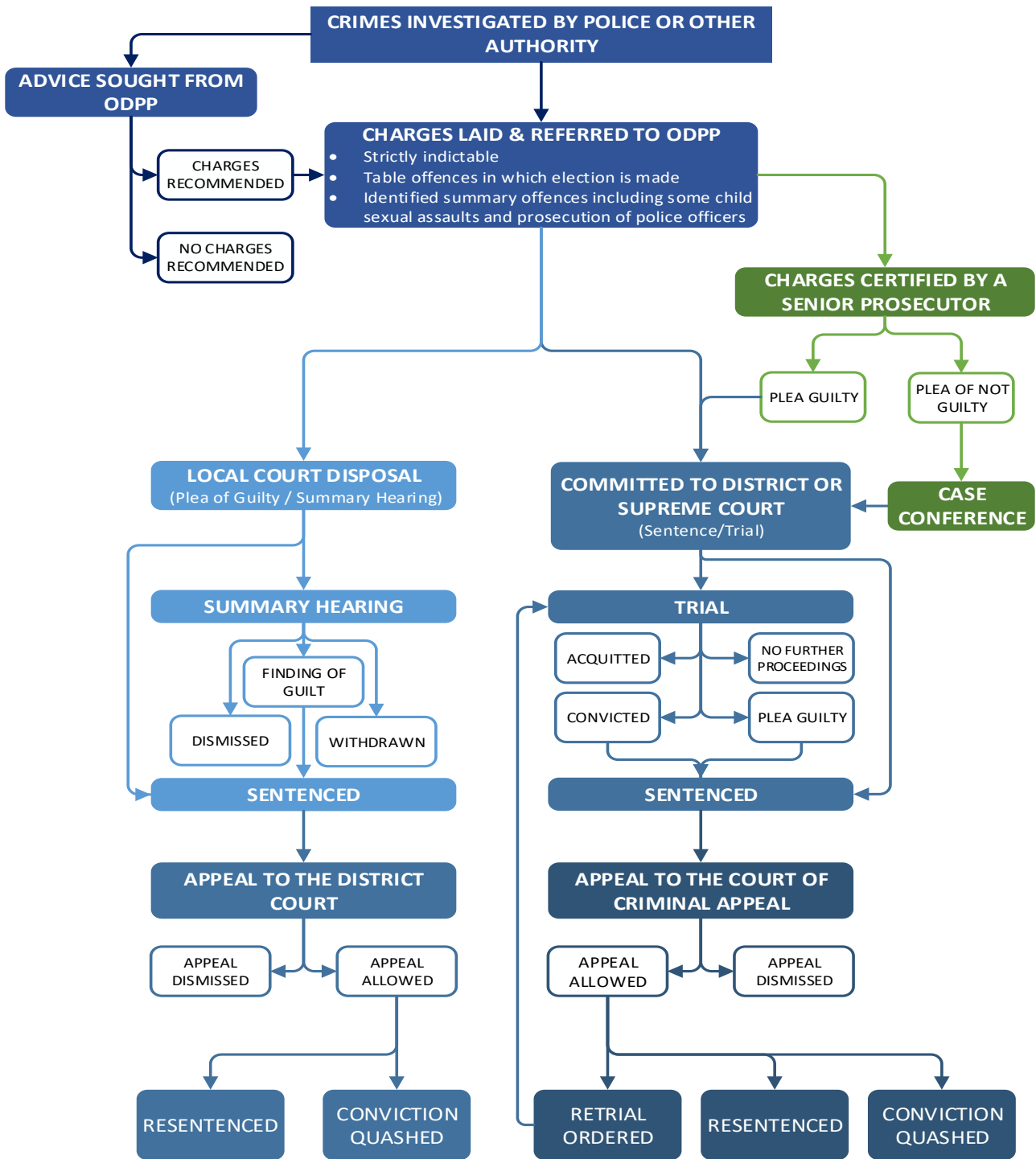
**Elizabeth Stratford BCom,
MPA, FCPA, GAICD
Director, Corporate
Services and CFO
(October 2015 to March 2018)**

Appointed Director Corporate Services and CFO in October 2015. Appointed a Fellow of the CPA Australia in 2012 and a Graduate of the Australian Institute of Company Directors in 2013. Appointed as Executive Director, Chief Financial Officer, Department of Justice in March 2018.

ODPP NSW Organisational Structure



Outline of the Prosecution Process



■ New processes as a result of the Early Appropriate Guilty Plea Reform

Report of the Director of Public Prosecutions



Introduction

I lead an Office that is staffed by excellent officers and prosecutors. At the heart of the ODPP are the people, the prosecution solicitors, legal support staff, the Witness Assistance Service and those in Corporate Services, who work hard as one team to provide a fair, just and timely prosecution service for the benefit of the broader New South Wales community.

Performance

By measuring and reporting on our performance, we build public confidence that we are achieving our first goal of delivering a high quality, independent and professional prosecution service.

Our performance is consistently high as demonstrated by our results for 2017/2018. Across all matters 87.7% concluded with a finding of guilt. Early resolution in the form of a guilty plea finalised in the Local Court or committal for sentence was achieved in two thirds of all matters prosecuted, with only one third of matters committed for trial to the District or Supreme Court.

My Office has sought to be proactive in reducing the number of late guilty pleas. An example of the advantages of proactive early engagement are the Special Callovers, where I sent a Deputy Director of Public Prosecutions to negotiate directly with defence counsel. Special Callovers were held at Lismore, Newcastle, Port Macquarie, Sydney, Wagga Wagga and Wollongong District Courts with many targeted matters resolved by guilty plea and therefore not proceeding to trial. This resulted in approximately 805 days of court sitting time being saved.

Another example is the Rolling List Court, a joint initiative of the District Court of NSW, the ODPP, Public Defenders and Legal Aid NSW. This is a dedicated court with the same prosecution teams (Crown Prosecutor and ODPP solicitor) and defence teams (Public Defender and Legal Aid NSW solicitor) appearing before the same Judge each week in order to efficiently dispose of matters. The Crown Prosecutor and Public Defender enter into discussions soon after a matter has been committed for trial in an attempt to negotiate a guilty plea or to narrow the issues for trial. Matters are not listed for trial until those discussions have taken place. This has provided good outcomes. The Bureau of Crime Statistics and Research (BOCSAR) has undertaken an independent review of the Rolling List Court and published a report in January 2018 concluding that in the Rolling List Court 58% of matters resulted in early resolution with a guilty plea compared to 22% in the control courts.

Criminal sitting days of the District Court increased by 621 days on last year. This placed extra pressure on the resources of the Office. The increased sitting weeks and the high performance of the District Court continues to be supported by the work of the Crown Prosecutors and the staff of the ODPP.

Senior Appointments

In April 2018, Peter McGrath SC was appointed Deputy Director, replacing Keith Alder who retired. Mr McGrath SC had at the time of appointment been the Deputy Senior Public Defender. In March 2018, Huw Baker SC was appointed Acting Deputy Director, replacing Gina O'Rourke SC who was appointed a judge of the District Court.

This year also saw the appointment of a new Senior Crown Prosecutor for New South Wales. Christopher Maxwell QC was appointed in March 2018, after acting in the role in 2017.

Business Improvement

The past year was an exciting time of planning and development, culminating in the commencement of the *Justice Legislation (Committals and Guilty Pleas) Act 2017*, known as Early Appropriate Guilty Pleas (EAGP) on 30 April 2018. The implementation of EAGP required review and comment on draft legislation, development of new internal standard operating procedures, review and amendment of my delegations and the Office's workforce structure. The process was greatly assisted by the internal EAGP Implementation Team consisting of staff and Crown Prosecutors who devoted their time and expertise to the reform over many months. I thank the Implementation Team and all the staff in the ODPP for their commitment and dedication to the change process.

Recognising Outstanding Contributions

At the 2017 Solicitors' Conference, the Solicitor for Public Prosecutions, Craig Hyland and the then Director, Corporate Services and CFO, Elizabeth Stratford were presented with Director's Management Excellence Award.

The University of Sydney jointly awarded Gabrielle Steedman and Kristin Bryan, Managing Solicitors, the 2018 Graduate School of Government Deloitte Prize for the work-based project they completed as part of their Master of Public Administration studies. Gabi and Kristin prepared

a detailed proposal in relation to restructuring the ODPP.

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

Looking Forward

The year ahead will see a continued focus on the implementation of the EAGP change process.

Our priorities for the year ahead include:

- increasing our identification of cases with potential for early resolution
- strengthening our engagement and collaboration with investigative agencies to inform and drive more effective investigation and prosecution outcomes
- increasing the early involvement of senior prosecutors in the settling of the appropriate charge(s)
- maintaining continuity of involvement of the prosecutors who settle the charge in the criminal case conference and trial if no plea of guilty is forthcoming
- improving our digital capability through our intranet and case management system.

The initiatives, projects and case studies detailed in this Annual Report demonstrate that we continue to perform well in an environment where we have a high volume of complex criminal cases.

I am proud of our achievements and the good progress made during 2017/2018. These achievements are a result of the dedication and commitment of our talented staff and the Crown Prosecutors of this State.



Lloyd Babb SC
Director of Public Prosecutions

Report of the Solicitor for Public Prosecutions

With the implementation of the Early Appropriate Guilty Plea (EAGP) reform the last twelve months has been one of significant change for the ODPP. The extent of those changes, canvassed in detail later in this report, have significantly impacted our organisational structure and our processes; and externally our interaction with stakeholders in the criminal justice system. While undergoing extensive preparatory work for the realisation of EAGP we have maintained the five year trend to achieve yet another year of excellent results in the prosecution of serious indictable crime. The anticipation and acceptance of change while maintaining this momentum is a testament to the dedication and hard work of all Crown Prosecutors and staff.

Results

For the fifth year in a row the upward trend has continued with a finding of guilt in 87.7% of matters prosecuted by way of a plea of guilty or a verdict of guilty in the District and Supreme Courts. Early resolution was achieved in 66% of matters through Local Court finalisation or committal for sentence, with 29% of matters being finalised in the Local Court, 37% being committed for sentence to the District Court and only 33% being committed for trial to the District Court. Although there were fewer District Court trial registrations than the previous year, the number of trials completed was 1821, an increase over the previous period.

Demand during the year for the service offered by the Witness Assistance Unit continued the upward five year trend, which spiked in the previous reporting period, with 2900 referrals, 68% of which related to sexual assault matters.

Initiatives

Successful funded initiatives aimed at reducing the District Court backlog including additional sitting days, Special Callovers and the Rolling List Court, continued throughout the reporting year with increased demand on ODPP resources. Of note, the ODPP serviced additional sitting days at targeted venues resulting in an increase in the number of sitting days of 18.5% in Sydney, 27.8% in Sydney West and Wollongong and 53% in Country venues. This was an increase over the previous year of 621 sitting days with the largest increase being in country NSW of 357 days. In total during the year, the ODPP serviced 11443 sitting days in the District Court.

Special Callovers were effective in the resolution of identified matters in the District Court at Lismore, Newcastle, Port Macquarie, Sydney, Wagga Wagga and Wollongong freeing up an estimated 805 days of court sitting time, shortening delays and enabling more appropriate allocation of Court, prosecution and defence resources for matters that proceed to trial.

During the year the Bureau of Crime Statistics and Research conducted an assessment of the Rolling List Court pilot reporting in January 2018 that the case management approach of a dedicated court, and prosecution and defence teams resulted in the earlier resolution in 58% of matters compared to 22% in the general list; and led to a reduction in the delay from committal to trial by 100 days.

A further initiative, unrelated to the reduction of backlog, is the Child Sexual Offence Evidence Pilot which continued throughout the year. The pilot commenced in March 2016 with the aim of reducing the stress and trauma for child sexual assault

complainants and witnesses in the trial process. This is achieved through pre-recorded evidence and an assessment by a Witness Intermediary who assists the child communicate when giving evidence. The pilot is currently being independently evaluated. To date, 155 matters have entered the pilot with 187 complainants and 94 child witnesses taking part, or scheduled to take part, in pre-recorded hearings.

Strategic Plan

The focus of Strategic Planning activities for the year was the implementation of significant change to our organisational structure and the way we work as a consequence of the *Justice Legislation (Committals and Guilty Pleas) Act 2017*, known as Early Appropriate Guilty Pleas (EAGP). EAGP required review and comment on the draft legislation; review and amendment of internal standard operating procedures and delegations, workforce structure and organisational redesign and information management technology all of which were managed through an extensive change process. Consequently it has been a year of major transformation for the ODPP and bringing our staff with us has been an important part of this journey. Through the change process the Director and I were privileged to visit every office during the year and engage with our employees who are, and continue to be, a key part of what we do.

The transition was managed internally by an EAGP Implementation Team who worked in a collaborative project environment for many months. I would like to take this opportunity to thank all those staff and Crown Prosecutors who devoted their time and expertise to the implementation of this reform and their extensive engagement with

the Office through the change process to ensure that the way we deliver criminal justice outcomes will see us at the vanguard of criminal justice prosecutions.

The strategies undertaken since the ODPP embarked on its current Strategic Plan in 2015 have prepared the Office to deliver on the principles of EAGP through continuity, quality standards, victim and stakeholder engagement and staff education and recognition. Two initiatives worthy of mention are the Priority Matters Initiative which adopted best practice strategies in relation to identified offence types with early involvement of senior prosecutors and continuity; and the Burwood Pilot which, in addition to those strategies, was structured as a small collaborative prosecution team who also focussed on stakeholder engagement. Learnings from these two initiatives were instrumental in the EAGP Implementation Team's work.

Thirty Years

The ODPP has achieved notable results this year while undergoing the most significant change process since its inception 30 years ago. The year has been one of transformation and bringing our staff with us has been an important part of this journey. Where we are now is a tribute to all staff, Crown Prosecutors, the Solicitor's Executive and Corporate Services. We have a challenging year ahead with the added expectation of delivering on EAGP; I have every confidence that the ODPP will be able to meet that expectation.

Craig Hyland
Solicitor for Public Prosecutions

Report of the Senior Crown Prosecutor

The first NSW Crown Prosecutor was appointed in 1830. Today, the Crown Prosecutors of NSW make up the largest 'floor' of criminal barristers in the State. They are Counsel who, as Statutory Office holders under the *Crown Prosecutors Act 1986*, appear in criminal proceedings on behalf of the DPP, instructed by solicitors employed by his Office; find bills of indictment in respect of indictable offences; advise the Director in respect of many and varied aspects of criminal law and procedure; and carry out such other functions of counsel when briefed to do so by the DPP. Experience has shown that the use of independent Crown Prosecutors produces the most efficient professional service to the people of NSW.

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

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

This talent has been recognised over the years when Crown Prosecutors have been seconded to such organisations as the Police Integrity Commission, the Independent Commission Against Corruption and the Public Defenders. They have also been called upon to work in international humanitarian

law arenas, including the Solomon Islands, Afghanistan and the former Yugoslavia. In addition, there are a significant number of former Crown Prosecutors who are Judges of the Supreme and District Courts.

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

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

There are 109 Crown Prosecutors for the State of NSW.

There were 25 new appointments of Acting Crown Prosecutors in the year.

There are 34 female Crown Prosecutors, with four being Senior Counsel.

The following Crown Prosecutors took up appointments in the year ended 30 June 2018:

- Gina O'Rourke SC appointed as a District Court Judge on 30 January 2018

- Maria Cinque SC seconded to the NSW Crime Commission as Acting Deputy Commissioner on 22 January 2018
- Peter Thompson appointed as Local Court Magistrate on 5 February 2018.

The legislative changes necessary for the implementation of the Early Appropriate Guilty Pleas reform (EAGP) commenced on 30 April 2018. Local Court Magistrates will no longer determine whether indictable matters should proceed to trial in the District or Supreme Courts. Under the new legislative regime, it will be the Crown Prosecutors, who, upon receipt of a brief of evidence from the Police, will certify the charges which are to proceed to trial.

After Charge Certification, Crown Prosecutors will play an active role in Case Conferences mandated under the new legislation, aimed at facilitating appropriate guilty pleas and negotiating agreed facts.

Of course, Crown Prosecutors will continue their traditional role of prosecuting trials and appeals on behalf of the Director in superior courts.

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

Chris Maxwell QC
Senior Crown Prosecutor

The Early Appropriate Guilty Plea Reform

Background

In May 2017, the NSW Attorney General announced the Government's intention to act on the recommendations outlined in the December 2014 NSW Law Reform Commission (NSWLRC) Report 141, 'Encouraging Early Guilty Pleas'. In its study, the NSWLRC identified that 66% of all late guilty pleas occurred on the first day of trial. The majority of these matters involved a guilty plea being entered to different charges than what the accused was committed on. The report identified various obstacles to guilty pleas being entered at an early stage and made a number of recommendations aimed at overcoming these.

On 18 October 2017, the *Justice Legislation (Committals and Guilty Pleas) Act 2017* was passed by Parliament. The legislation introduced a new regime, known as the Early Appropriate Guilty Plea (EAGP) reform, which introduced key changes to both committal and sentencing proceedings in NSW. The new regime is the most significant development in the criminal justice system in NSW since the ODPP's inception.

The five major elements of the EAGP reform are:

- early disclosure of a simplified brief of evidence by Police
- charge certification by a senior prosecutor in the Local Court
- mandatory criminal case conferencing
- case management
- statutory sentencing discounts.

EAGP Implementation Team and Project

In August 2017 the ODPP established a dedicated internal team to assist in preparing and transitioning the Office to a new way of working. The EAGP Implementation Team comprised a number of staff at various levels from different offices. The Team included Crown Prosecutors, Managing Solicitors, solicitors and legal support staff from Sydney, Sydney West & Wollongong and the Country. The Team was assisted in the project by a variety of specialist external contractors.

The EAGP Implementation Team worked in a collaborative project-based environment. The project consisted of five work streams each tasked with considering the impact of the reform on the Office and recommending appropriate solutions for approval by an ODPP EAGP Steering Committee. The streams of work included:

- **Legislation** - reviewing the draft legislation and regulations
- **Process Design** – reviewing and amending internal delegations, Standard Operating Procedures and internal working practices
- **Workforce Design** – reviewing and amending the structure of the organisation
- **Change Management, Communication and Training** - managing the transition
- **Information Technology** – reviewing and adapting operating systems.

Throughout the project, members of the EAGP Implementation Team and the Solicitor's Executive attended

interagency meetings and represented the Office in Justice Cluster Working Groups. In particular, the ODPP worked together with the NSW Police Force in settling a Memorandum of Understanding (MOU) between the Commissioner of Police and the Director of Public Prosecutions on the form and content of the simplified brief of evidence and the transfer of appearances under the reform. In addition, the EAGP Implementation Team worked closely with Legal Aid in preparing a joint Best Practice Guide to Mandatory Case Conferencing.

Internally, the EAGP Implementation Team conducted consultative face to face workshops and staff surveys to ensure broader representation and input was provided in important decisions such as the workforce restructure and to obtain feedback on the expected operational impact of the EAGP reform. The Director and Solicitor for Public Prosecutions participated in a series of roadshows across all Office locations to raise awareness of the changes and respond to any queries at a local level.

The work of the EAGP Implementation Team concluded in late June 2018. Its key achievements included:

- input into drafting of the final legislation and the release of interagency agreements
- preparation of Standard Operating Procedures, internal templates and updating of ODPP Legal Delegations
- training of staff at all levels and all locations (via face to face and e-learning)
- release of a new Workforce Structure featuring teams with smaller spans of managerial oversight

- modification of the existing ODPP case management system and IT systems to accommodate new outcomes and processes.

Workforce Redesign

The EAGP reform presented a unique opportunity for the Office to review and redesign its existing workforce structure. In September 2017, the Director of Public Prosecutions invited all staff to contribute their views as to the future structure of the Office in an online survey Planning our Workforce Design. More than 250 staff (approximately one third of the Office) representing various locations, positions, length of service, age and gender responded to the survey. Its key finding was the support expressed for a move to smaller team-based workgroups.

After further consultation and feedback from staff and the Public Sector Union, and upon final consideration by the EAGP Steering Committee, the new Office workforce structure was released in May 2018. Two key components of the redesign included the introduction of smaller workgroups for legal staff and an increase in senior staff including Senior Solicitors, Managing Solicitors, Deputy Solicitors and Crown Prosecutors. The titles of some of the legal and support roles were amended to better reflect their positions. The workforce redesign aims were multifaceted and included:

- helping the Office improve its overall efficiency
- further improving the Office's service delivery
- creating a benefit for the whole of the organisation
- better implementation of the EAGP reform.

To complement the small workgroup arrangements introduced by the Solicitor's Office, in the second half of 2018, the Crown Prosecutors' Chambers in Sydney will be reorganised into groups and aligned to the Solicitor's workgroups in Sydney.

The workforce redesign also included a restructure of the Witness Assistance Service (WAS) which involved the creation of ten new roles aimed at:

- improving the ODPP's service delivery to victims and witnesses across the State
- improving efficiency and effectiveness of the WAS intake team
- enhancing the service to ATSI communities with a new dedicated WAS Officer.

Recruitment and Accommodation

As a result of the reform, the ODPP received funding for additional staff to accommodate the front end focus of the EAGP process, the seniorisation of the workforce from having Solicitor Advocates and Crown Prosecutors involved in the proceedings at an earlier stage and more Managing Solicitors with a smaller span on control.

In the first half of 2018, the Office conducted a number of large scale recruitments to fill positions created under the new workforce structure. The majority of this recruitment action was finalised by June 2018 with new staff to come on board incrementally in the latter half of 2018. The increase in staff required the creation of additional office space at a number of locations.

All the offices in Sydney West & Wollongong are at capacity and unable to accommodate additional staff in the new structure. Capital works are planned for each location in the next period to provide the much needed space. Additional space is likely to be sought for the Penrith and Wollongong offices. The Office is working closely with Property NSW in this regard.

Capital works at the Parramatta office were scheduled to commence at the end of this reporting period however are now to occur in the next period. These works will result in an additional five offices and a reconfigured training and break out area.

EAGP Commencement

The EAGP reform commenced on 30 April 2018 and applies to matters in which committal proceedings were initiated on or after that date. The main changes introduced as a result of the reform include:

- Police Prosecutors to appear in committal matters until the EAGP brief has been served on the ODPP
- contents of an EAGP brief are not required to be in admissible form
- charges to be certified by a senior prosecutor prior to committal
- mandatory case conferences to occur prior to committal where an accused is pleading not guilty
- Magistrates no longer responsible for the committal decision
- legislated sentencing discounts fixed to the timing of the plea.

From an internal perspective, the EAGP reform resulted in the Office implementing a number of workflow changes, including:

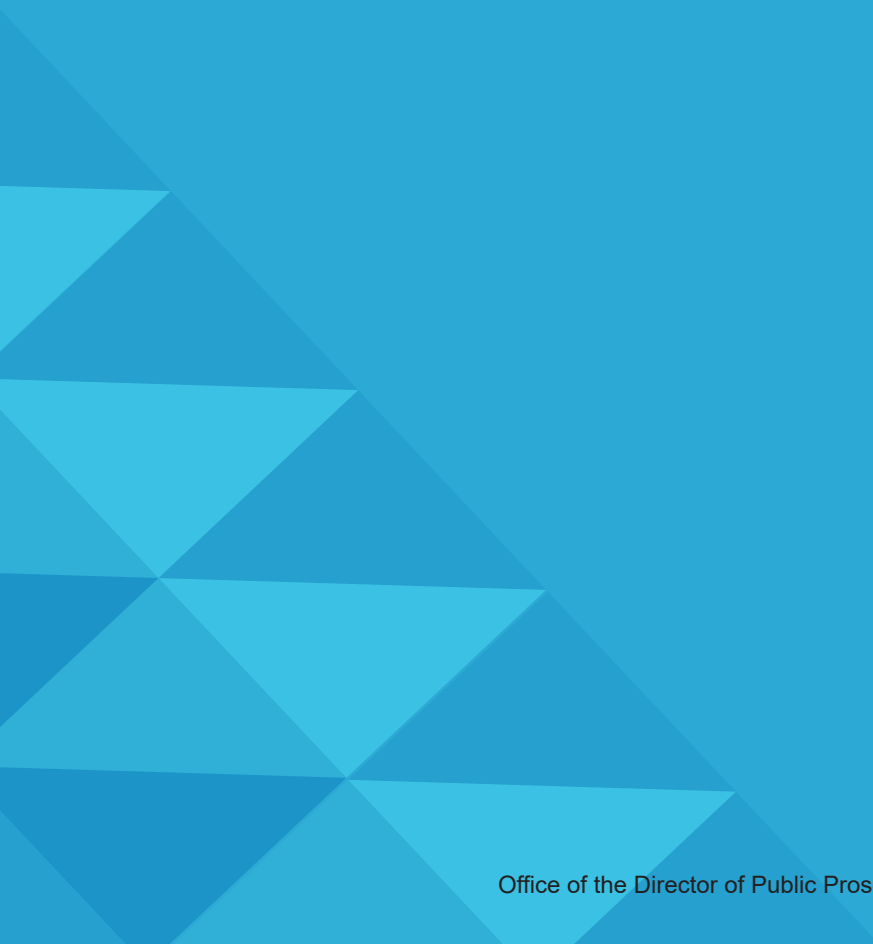
- extension of vertical practices to solicitors across the Office to provide better continuity for victims and improve internal efficiencies
- Solicitor Advocates and Crown Prosecutors being briefed in matters in the Local Court in order to charge certify and conduct case conferences.

From a continuity perspective, the experience gained through the Office's Priority Matters Initiative (PMI) was instructive in the decision to move to vertical practices office-wide. Under vertical practices, solicitors maintain carriage of a prosecution from commencement to conclusion.

The PMI was introduced in November 2015 and involved identifying matters requiring priority attention and allocating these to a team comprised of a solicitor, trial solicitor and WAS Officer at an early stage in the proceedings. The aims of the PMI were to ensure better victim contact, to resolve matters more quickly and where feasible, maintain continuity of the team throughout. Lessons learnt from the PMI helped inform the project team as to appropriate resourcing levels under the EAGP workforce structure.

EAGP in Action

Between 30 April 2018 and 30 June 2018, the ODPP registered 773 EAGP matters. The first of the EAGP briefs was served on the Office during that time. The remaining key aspects of the reform will start impacting the Office from July 2018 (Charge Certification) and September 2018 (Case Conferencing).



GOAL 1

DELIVER A HIGH
QUALITY, INDEPENDENT
AND PROFESSIONAL
PROSECUTION SERVICE

Strategies

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

Overview

The ODPP has its Head Office in Sydney and offices at Campbelltown, Dubbo, Gosford, Lismore, Newcastle, Parramatta, Penrith, Wagga Wagga and Wollongong.

Crown Prosecutors, Solicitor Advocates, solicitors, legal support staff and Witness Assistance Officers work from each of these locations. In addition, there are separately located Drug Court Groups, comprising solicitors and legal support staff who service courts at Sydney, Toronto and Parramatta.

The operations of the Office are managed regionally, with a Deputy Solicitor responsible for each region (Sydney, Country and Sydney West

& Wollongong). The Legal Division (Court of Criminal Appeal, Advising, Library and Research, Independent Commission Against Corruption (ICAC) Referral Group and Group 6) is managed by the Deputy Solicitor (Legal), who is also responsible for the Witness Assistance Service (WAS).

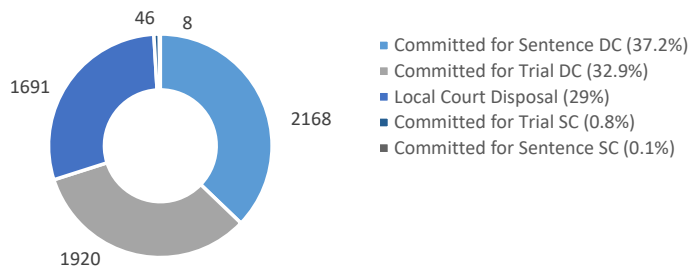
The Office is supported by a Corporate Services Division comprising Human Resources, including Learning & Development, Information Management & Technology, Financial Services and Procurement & Facilities Management.

Highlights

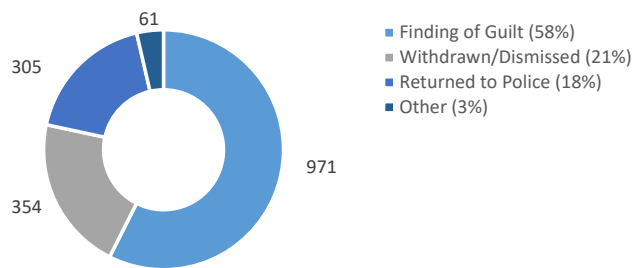
Local Court Outcomes

The ODPP completed 5833 committal matters in the Local Court in the year. Of those, 29% were finalised in the Local Court, 70.1% were committed to the District Court and the remainder committed to the Supreme Court.

Local Court Outcomes



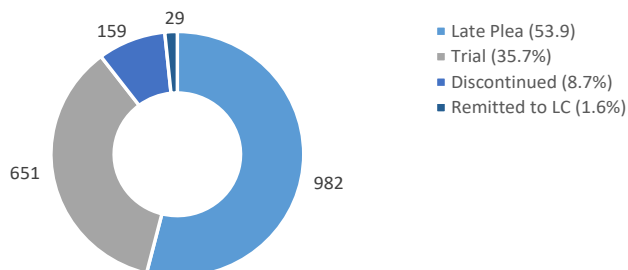
Local Court Disposal



District Court Trial Outcomes

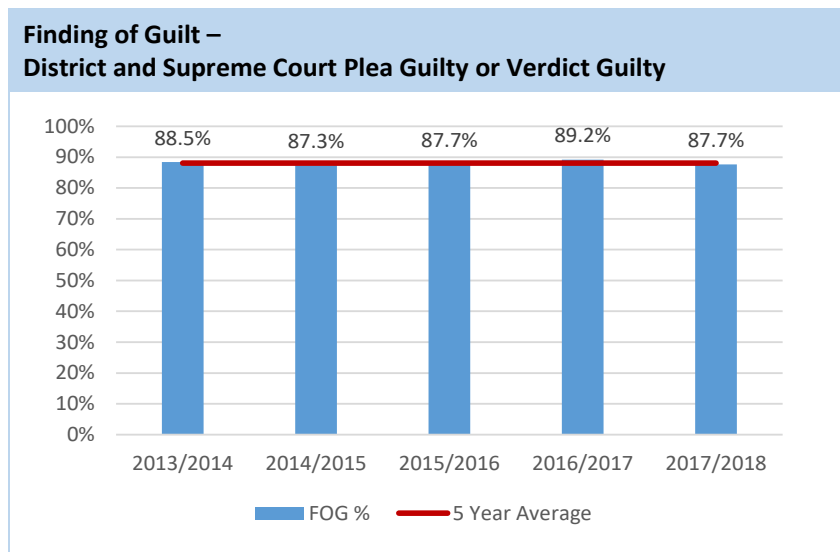
This year 1821 matters committed to the District Court for trial were completed, with 53.9% of those matters resolved by way of plea. Trials were held in 35.7% of matters, 8.7% of matters were discontinued and 1.6% were remitted to the Local Court.

District Court Trial Outcomes



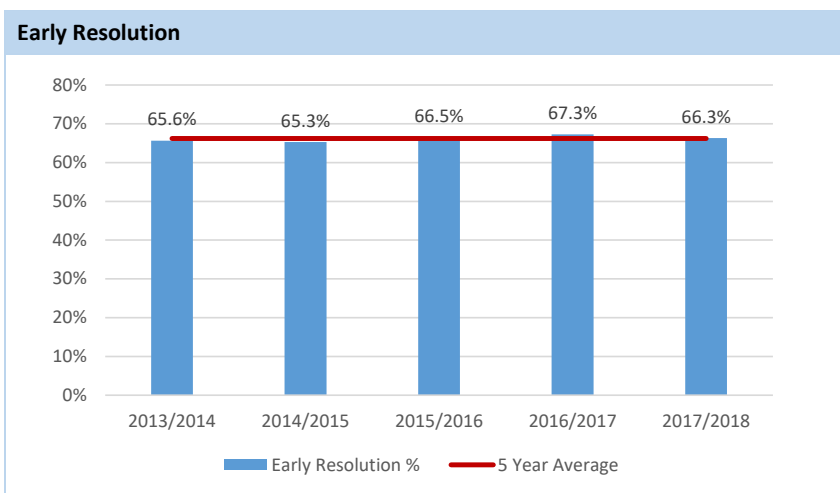
Finding of Guilt

This year, 87.7% of matters in the District and Supreme Courts resolved in a finding of guilt, either by a plea or verdict of guilty.



Early Resolution

This year, 66.3% of matters were resolved by way of early resolution: either finalised in the Local Court or committed for sentence to a higher court.



Operations

The year presented the ODPP with a number of challenges internally and externally. While preparing for the implementation of the EAGP reform, including developing standard operating procedures and extensive staff training, Operations staff were also at the forefront of responding to the external initiatives implemented to address the backlog of criminal matters before the District Court.

Those initiatives included additional court sitting days for trials and sentences, Special Callovers in venues across the State and the amendments to District Court Practice Note 12 that resulted in more trials being listed for case management through Readiness Hearings. The realignment of court committal boundaries in November 2017 has also presented challenges managing work allocations between Sydney and Parramatta offices.

This year also saw an increase in matters being briefed to Crown Prosecutors and Solicitor Advocates at an early stage of the prosecution. A practice that will prepare the Office to respond to the EAGP reform, which commenced on 30 April 2018, a major focus of the reform being the early involvement of senior prosecutors who will maintain continuity of matters.

Workload

Supreme Court

In the past year the Supreme Court sitting in **Sydney** finalised 41 matters. Pleas of guilty were entered in 19 matters and a further 21 matters resulted in a guilty verdict. The average length of trials was 26.5 days. This included one trial that ran for more than 80 days and two trials that ran for more than 60 days.

The Supreme Court sat in **regional** venues in 16 murder trials this year.

Venues included Bega, Broken Hill, Lismore (three trials), Newcastle (six), Wagga Wagga and Wollongong (three). Six trials resulted in guilty verdicts, three accused pleaded guilty, three were found not guilty, one accused was found not guilty by reason of mental illness and three other trials were aborted or vacated. The average length of those trials, including those matters where the accused pleaded guilty on the first day, was 12.7 days. The longest trial ran for 45 days at the Lismore Supreme Court.

District Court Trials

In **Sydney**, trial registrations remained stable with only a small increase of 16 trials (3%) from the previous year (548 to 566). However, substantial resources were expended as a result of an increase in the complexity of trials and in the number of trials with multiple accused and charges. Trials with a duration of longer than ten days increased by 16% on the previous year (107 compared with 92 trials). The average duration of trials that ran to verdict in Sydney was 11.3 days. Overall, this resulted in a decrease of 51 trials (9.9%) completed in comparison with the previous year.

In **Sydney West & Wollongong**, trial registrations were steady with 17 more matters (2%) received in the reporting period than the previous year. Workload was shared more evenly during the year by moving work from Campbelltown and Penrith to Parramatta. In 2016/2017, 640 trials were finalised compared with 609 in 2017/2018, a variance of 4%.

District Court trial figures varied across the **Country** offices this year. A total of 580 trial matters were registered, a drop of 19% on the previous year. Some 629 trials were completed, an increase of 9%. The number of pending trials across all Country

venues at the end of 2017/2018 was 536 compared with 573 matters from the previous year, a 6.5% reduction indicating significant inroads into the backlog in the Country.

Overall as at 30 June 2018, the ODPP had carriage of 1574 matters listed for trial in the District Court. This is a 3% decrease from the previous year's total of 1627 trials.

District Court Sentences

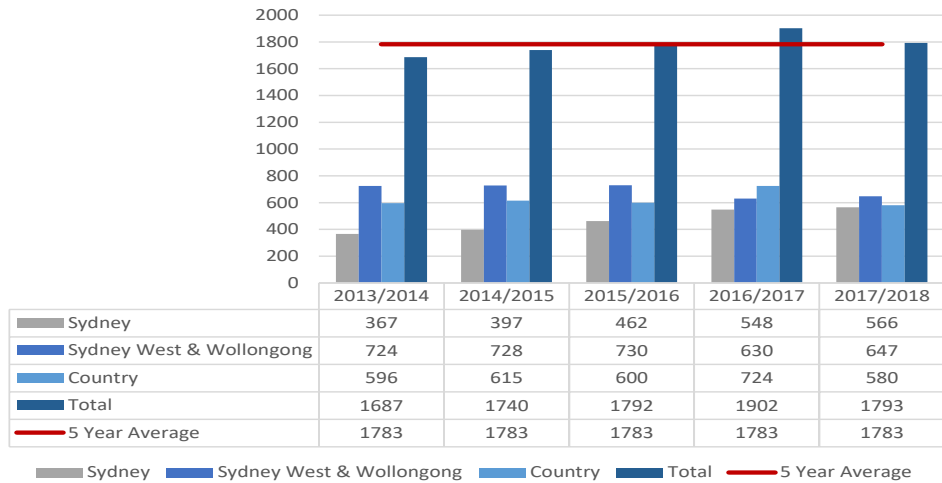
As a consequence of an increase in Local Court registrations and proactive plea negotiations, there has been a significant increase in the matters committed for sentence over the past five years. In 2013/2014, a total of 1725 sentence matters were registered. In 2017/2018 that number was 2095, an increase of 21%.

This increase has been particularly significant in **Sydney** where there has been a 62% increase in sentence registrations over that five year period. Changes to the committal boundaries for Sydney District Court saw Burwood Local Court matters commit to Sydney instead of Parramatta, which has contributed to the increase in Sydney sentence matters and the decrease in **Sydney West & Wollongong** figures. As a result, an additional 50 days of court sittings were listed solely for sentence matters in Sydney in the reporting period. It is anticipated further additional sittings will be listed in Sydney in the next year to further address this sentence backlog.

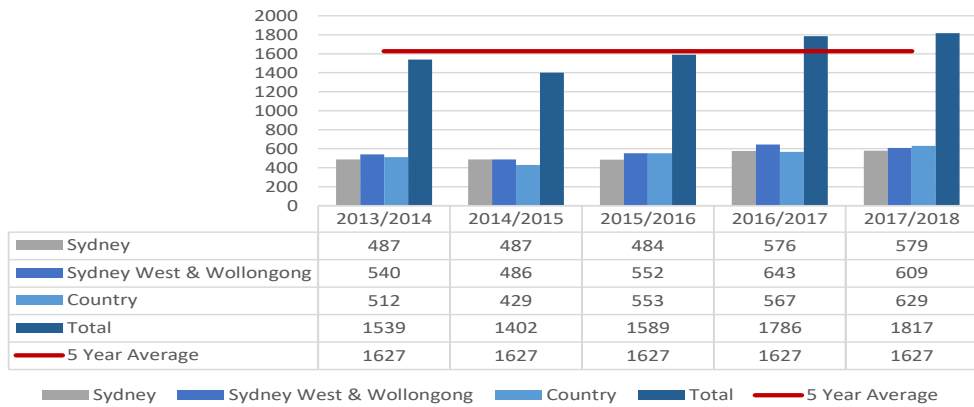
Country has experienced a smaller but still significant increase of 26% over the same time period.

Note: the figures referred to within the Operations report exclude matters prosecuted by the Legal Division.

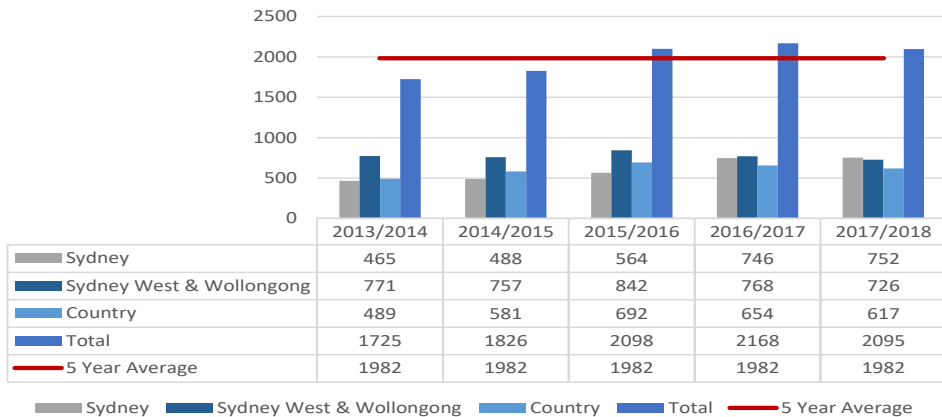
District Court Trial Registrations



District Court Trial Completions



District Court Sentence Registrations

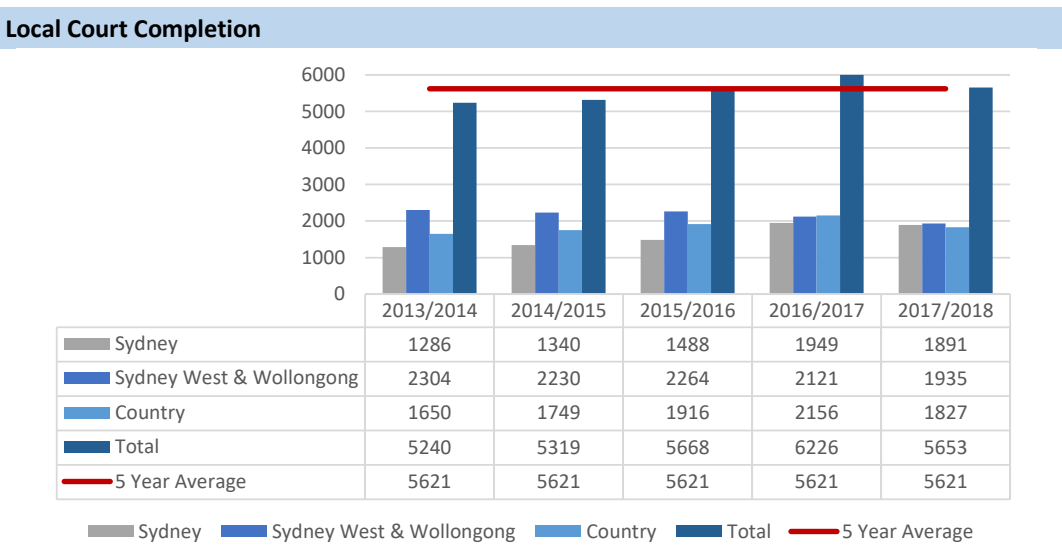
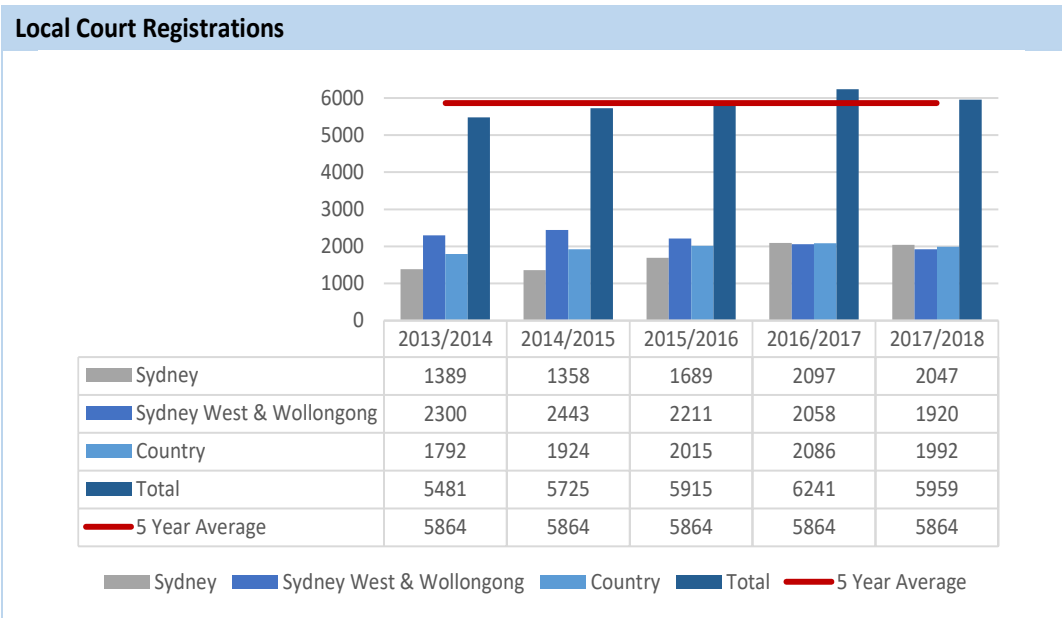


Local Court Committals

There were 282 fewer Local Court registrations across all offices last year than the previous year. However, the decrease was from a spike in workload in 2016/2017.

Local Court registrations have been trending upward, as reflected in the graph below. In 2013/2014 the ODPP received 5481 Local Court registrations, in 2017/2018 that figure was 5959, a total of 478 more matters or an 8.2% increase.

In the same five year period, the number of Local Court matters completed by either Local Court disposal or committal to a higher court has also increased by 8% (5240 compared to 5653).



District Court Initiatives

Additional Sitting Days

As a result of an increase in District Court Judges, over recent years, additional sitting days have been scheduled at targeted venues in order to address the backlog of criminal matters in the District Court.

In **Sydney** during the reporting period there were 189 additional sitting days compared to the previous year. This included 50 days of Short Matters courts.

Sydney West & Wollongong courts recorded 75 additional sitting days. In particular, sitting days in the courts

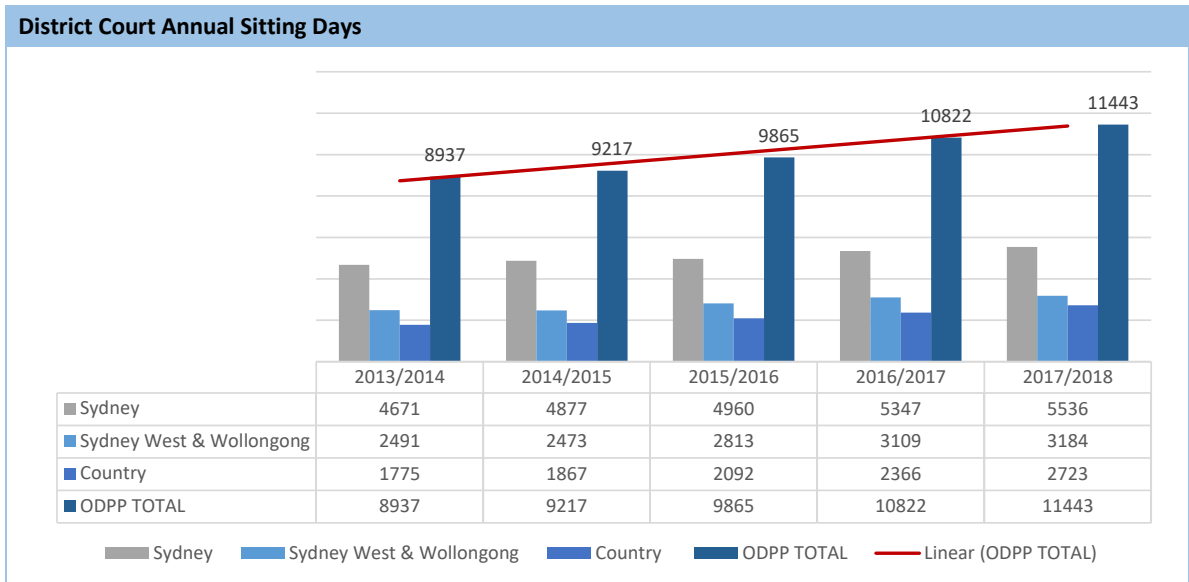
serviced by the Wollongong office increased by almost 20%. It was noted in the last Annual Report that an additional court was expected to commence at Parramatta from January 2018. This did not eventuate but a ninth court did regularly sit in Short Matters and was serviced by the lawyers from the Parramatta office.

At **Country** venues the sittings days rose from 2366 days last year to 723 days, an increase of 357 days (15%).

There has been an increase in special fixtures being listed outside the metropolitan area. Previously larger trials in regional centres would routinely be transferred to Sydney. During the year, six specially fixed trials were listed in regional centres:

Albury, Armidale (two), Coffs Harbour, Gosford and Newcastle District Courts. They accounted for 401 sittings days during the reporting period. Although special fixtures require additional resources, often these matters involve large numbers of witnesses and vulnerable victims and witnesses who are assisted by giving their evidence and being supported locally instead of travelling to Sydney.

Since 2013/2014 there has been a significant increase in sittings days to be serviced by the ODPP across all venues. Figures show an overall increase of more than 18.5% in **Sydney**, 27.8% in **Sydney West & Wollongong** and 53.4% in **Country** venues.



Special Callovers

Special Callovers are to facilitate the earlier resolution of matters. This is achieved by listing a number of pre-identified trials before a designated Judge at a selected venue, usually over the course of a week. A Deputy Director and a number of Public Defenders review the matters and engage in discussions to resolve the matters if possible prior to the trial listing or in some instances, before the matter has been allocated a trial date.

The benefits of the callovers are that matters are resolved earlier and time is freed up in the court diary to list matters that will run to trial, shortening the delays and contributing to the reduction in the backlog of trials. Resources that would have been expended on trial preparation by both the prosecution and the defence can be redirected to more appropriate matters. Early pleas also facilitate a better use of other resources including those of the Court Registry, Police and Corrective Services. Victims and witnesses are spared the stress of preparing for a trial and the necessity of giving evidence. The accused also benefits from their matter being resolved in a shorter timeframe.

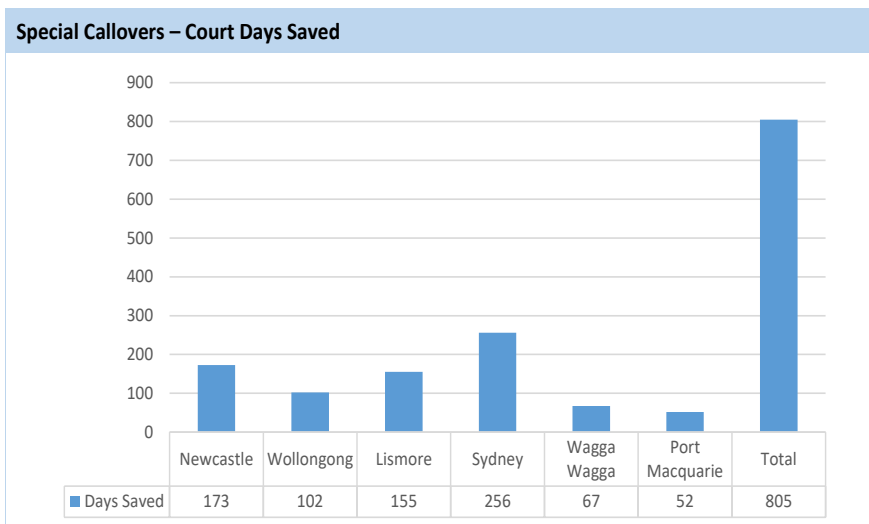
Savings in other costs associated with the conduct of trials include payment of jurors and witness expenses.

Special Callovers were conducted in a number of venues during the reporting period.

In **Newcastle**, a Special Callover was conducted during the week of 17 July 2017. Trial matters listed involved a total of 127 accused persons, of whom 52, or 41% of the accused, entered pleas of guilty and were sentenced. The callover saved an estimated 173 court days.

A Special Callover was conducted at **Wollongong** District Court in the week commencing 7 August 2017. This resulted in 27 accused persons entering guilty pleas, saving an estimated 102 court days. Significantly, the results included five matters involving domestic violence and one sexual assault matter.

A total of 66 matters involving 76 accused were listed at the **Lismore** Special Callover during the week of 6 November 2017. Of those matters, 31 were resolved, saving an estimated 155 court days.



In **Sydney**, the Special Callover commenced on 27 November 2017 and sat eight days over a two week period. Of the 67 trial matters listed, 31 trials were resolved, saving an estimated 256 court days. Further Special Callovers will be listed in Sydney next year.

The Special Callover conducted in **Wagga Wagga** in April 2018 included matters listed for trial at Albury, Griffith and Wagga Wagga District Courts. Of the 63 matters listed, 27 were resolved and removed from the trial diary, saving an estimated 67 court days.

Matters from Port Macquarie and Taree District Courts were listed at the **Port Macquarie** Special Callover in the week commencing 14 May 2018. Pleas of guilty were entered in ten matters from the 38 listed. An estimated 52 court days were saved as a result.

Overall, approximately 805 court days were saved and reallocated to other trials.

Readiness Hearings

Readiness Hearings are a case management initiative, again targeting the District Court trial backlog. They were introduced by District Court Criminal Practice Note 12, which initially applied to trials with an estimated duration of six weeks or more. The Readiness Hearings are conducted before the Chief Judge of the District Court six weeks prior to the trial date to case manage the conduct of the matter including by attempting to identify the issues for trial. The Court may direct the parties to participate in pre-trial discussions. The intention is to ensure matters are ready to proceed on the day of trial and will be conducted in an efficient manner.

The initiative was assessed by the Court as producing positive outcomes and as a result, Practice Note 12 was amended in July 2017 to include trials with an estimated duration of greater than three weeks. The Practice Note was further amended in November 2017 to incorporate trials with an estimated duration of two weeks or more. It is expected the Practice Note will be again amended in late 2018 to apply to all trials with an estimated duration of six days or more, capturing a much larger pool of matters. It is anticipated the majority of **Sydney** District Court trials will be listed for a Readiness Hearing as a consequence.

Readiness Hearings create additional challenges for this Office to ensure Crown Prosecutors are briefed early and have sufficient time to prepare and be available to participate six weeks prior to the commencement of the trial.

This reporting year, 267 trials were case managed through Readiness Hearings in the District Court in **Sydney**, 139 trials across **Country** venues and 48 trials in **Sydney West & Wollongong**.

R v RONALD EDWARD MEDICH

At about 6.25pm on 3 September 2009 the deceased, Michael McGurk, was shot dead outside his home in Cremorne, Sydney. It was the Crown case that the offender participated in a joint criminal enterprise with other co offenders to murder the deceased and to later intimidate the deceased's wife, Kimberley McGurk.

Some years prior to the deceased's murder, the offender developed a business relationship with the deceased and together they become involved in many joint business ventures. Their relationship soured and by March 2009, the offender and deceased launched a number of court cases against each other in the Federal and Supreme Courts. Both claimed they had been cheated out of a significant amount of money by the other. At the time of the murder, these court cases were unresolved, ongoing and were costing each party a substantial amount of money.

Motive was a significant factor in the Crown case. The Crown case was that due to the offender's losses in court, his mounting legal bills, the deceased's unrelenting financial pursuit of him and the humiliation Medich felt at all of this, in early 2009 he turned to his close associate, Lucky Gattellari. Medich directed Gattellari to organise and finance the murder of the deceased and the subsequent intimidation of the deceased's wife thereafter in the hope that it would lead to her paying millions of dollars he claimed he was owed by the deceased.

The matter proceeded to trial in early 2018 for the second time, after the jury in the first trial was unable to reach a verdict. The trial ran for three months and the offender was convicted of murder and the intimidation of the deceased's wife. The prosecution team spent more than 6500 hours in achieving a conviction.

The offender was sentenced on 21 June 2018 to 36 years' imprisonment, with a non-parole period of 27 years in respect of the murder and 4 years and 6 months imprisonment in respect of the intimidation. The total sentence imposed was 39 years' imprisonment. A Notice of Intention to Appeal the Conviction and Sentence has been filed.

R v FANTAKIS & ORS

Following an extensive police investigation, Elefterios 'Terry' Fantakis was charged in 2013 with the murder of his neighbour Sam Karmas on 11 August 2011 in Punchbowl. Fantakis' acquaintances, Andrew Woods and Derek Cheong, were also charged as accessories after the fact to murder.

The brief prepared by the NSW Police Force is one of the largest briefs to have ever been served on the ODPP.

The body of Sam Karmas has never been located. The Crown relied on a circumstantial case, evidence of which included listening/telephone intercept material, the writings and diary entries of Mr Fantakis and a range of experts, including a handwriting and soil expert.

The Crown alleged that during the police investigation Mr Fantakis and Mr Woods had acted together to intimidate the Police Officer in Charge. The Crown led this evidence against Mr Fantakis and Mr Woods as evidence of consciousness of guilt and also to show the nefarious relationship between the two co-accused. Both accused are facing charges related to the intimidation of the Police Officer. Those matters have remained with Police Prosecutors.

The three accused faced trial at Sydney Supreme Court in February 2018. The trial continued over three months, resulting in the conviction of Mr Fantakis and Mr Woods. Mr Cheong was acquitted. More than 3500 hours of work were recorded against this matter by members of the prosecution team.

Both offenders are due to be sentenced in November 2018 before her Honour Justice Helen Wilson.

R v EVANS & ORS

In the early hours of 28 April 2014 three masked intruders (Ryan Evans, Kurt Sinclair and Sam Franklin) armed with rope, tape and a pick handle forced their way into a rural residence located at Medway, in the Southern Highlands. They knew the occupants were wealthy and they had carefully planned a home invasion. Asleep inside the residence were parents (a 50 year old male and 49 year old female), their 20 year old daughter and her 20 year old boyfriend. Two of these intruders immediately entered the bedroom of the parents and the father was beaten to the head rendering him immediately unconscious. The remaining occupants of the house were all bound by their hands and feet and pillow cases were placed over their heads. Demands were made for property, cash and firearms. The intruders ransacked the house before leaving. The mother managed to untie herself and contact emergency services. The 20 year old man suffered a wound to his head, a fractured skull and bruising to the brain. This caused him post traumatic amnesia and he needed to redevelop everyday skills such as walking and eating. He still suffers ongoing difficulties and impairments.

After this first home invasion, Ryan Evans and Kurt Sinclair planned another home invasion on an elderly couple who resided on a Pig Farm at Badgerys Creek, western Sydney. They knew the rural residence contained a safe filled with business takings. In the early hours of 30 May 2014 they armed themselves with a pick handle and bindings and forced entry. The male occupant of the home, a 69 year old man, called out to his partner, a 67 year old woman, awaking her from her sleep. As she opened the bedroom door a masked intruder came at her. She was knocked to the ground and beaten with a weapon to the head and body. She suffered a large head wound and multiple fractures. The male occupant of the home was bound and killed after being beaten repeatedly to the head.

After an extensive investigation by the NSW Police Force, the Homicide Squad arrested the three offenders.

Sam Franklin pleaded guilty early and assisted the prosecution. He was sentenced to an aggregate sentence of 14 years with a non-parole period of 8 years and 5 months after admitting guilt to an offence of specially aggravated break and enter and multiple offences of detain in company.

Kurt Sinclair and Ryan Evans were committed for trial. Kurt Sinclair ultimately admitted his guilt on the first day of trial and assisted the prosecution. He was sentenced to an aggregate sentence of 30 years' imprisonment with a non-parole period of 22 years and 6 months for the offence of murder, two counts of specially aggravated break and enter and multiple counts of detain in company.

Ryan Evans went to trial. Kurt Sinclair and Sam Franklin each gave evidence against him. On 30 May 2017 the jury found him guilty of murder, two counts of specially aggravated break and enter and multiple detain offences. On 10 November 2017, in the Supreme Court, Justice R A Hulme sentenced Ryan Evans to an aggregate term of 48 years' imprisonment with a non-parole period of 36 years. He found the murder 'very close to' the worst case category.

Initiatives

The Attorney General Mark Speakman SC observed the 'spectacular results of the Rolling List show what can be achieved with earlier and better management of cases by prosecution and defence agencies. Guilty pleas are being entered sooner and in greater numbers while cases are proceeding to trial faster, reducing stress and uncertainty for victims, witnesses and defendants.'

Rolling List Court

The Rolling List Court was a joint initiative of the ODPP, Public Defenders and Legal Aid NSW that, with the endorsement of the Chief Judge, commenced as a pilot at the Sydney District Court in April 2015. His Honour Judge McClintock presides over the Rolling List Court that is serviced by two dedicated prosecution teams (each with a Crown Prosecutor and ODPP solicitor) and two defence teams (each with a Public Defender and a Legal Aid NSW solicitor each). By entering into early plea discussions, the Crown and defence endeavour to resolve matters or at least narrow issues for trial in an effort to better case manage matters.

The Bureau of Crime Statistics and Research (BOCSAR) conducted an assessment of the Pilot. Its final report was released on 9 January 2018. The report was overwhelmingly positive on a number of different criteria including a conclusion that early pleas were entered in 58% of Rolling List trial matters compared to 22% in the general list. The delay between committal and finalisation was 100 days fewer in the Rolling List than the general list.

The report concluded the '... new case management approach trialled in the NSW District Criminal Court has led to a remarkable drop in delay and a big increase in early guilty pleas.'

Following the positive results shown in the evaluation, the Rolling List Court has continued to operate at Sydney District Court since the official

completion of the Pilot. The model is expected to continue until mid 2019. Its future will be determined after an assessment of the impact of the EAGP reform on the District Court backlog.

Targeted Assistance Group (TAG)

The TAG is a team of experienced solicitors who are able to provide short term assistance to ODPP offices across the State.

TAG has been expanded in recent years to service the additional District Courts and the increase in Special Callovers that have been gazetted by the Chief Judge of the District Court as measures to address the District Court backlog. The rostering of short term assistance to ODPP offices to service the extra courts has proved to be an effective use of limited resources.

Relief is also provided by TAG solicitors for periods when staff are on leave or workloads are high to ensure the Office meets its commitments and deadlines during those times and a high level of professionalism can be maintained.

A number of former ODPP solicitors have been employed on short term contracts in TAG during the year due to vacancies on the team and an increase in court sittings across the State.

This year, TAG provided 348 weeks of staff relief across all offices including at the Drug Courts at Parramatta and Toronto.

Priority Matters

The Priority Matters Initiative, adopted best practice strategies in relation to certain categories of offences. The Initiative targeted matters involving death, matters involving a prescribed sexual offence against a child and matters deemed by the Office to be of special interest. They generally attract significant media interest or include the prosecution of high profile individuals or are matters that inherently generate notoriety. Core elements of the Initiative were the early involvement of senior prosecutors and maintaining continuity of carriage to improve the experience of the complainant and facilitate greater certainty of the approach to the prosecution and the charges.

The Office registered 439 Priority Committal Matters and 252 Priority Summary Prosecutions this year. Matters involving a prescribed sexual offence against a child accounted for 77% of these, with 19% involving death.

The Office's experience with the Initiative has been a positive one and has reinforced its perception that maintaining continuity of carriage of the prosecutor improves efficiency and time to justice. This year, Priority Matters that achieved and maintained continuity in the Local Court were committed for trial 36 days faster than matters that did not achieve continuity. These matters were committed for sentence 40 days faster and, where finalised in the Local Court, 20 days earlier. Those that were committed for trial were also more likely to be ran as

a trial than resolved by way of a late plea, with 50% of matters achieving full continuity throughout the prosecution running to trial compared to 36% of trial matters generally.

Elements of the Priority Matters Initiative were replicated in the Office's implementation of the EAGP reform. The Initiative demonstrated the positive impact continuity and, through it, charge certainty can have on promoting swifter and more certain outcomes in the criminal justice system.

Burwood Pilot

The Burwood Pilot commenced in March 2016. The Pilot implemented best practice strategies in allocating and briefing matters, victim and stakeholder engagement and streamlining work processes for more efficient prosecutions. The Pilot involved a small team and aimed at achieving a culture of proactive and robust screening of matters and negotiations with defence for early resolution of appropriate matters.

The focus of the Pilot was:

- early allocation of matters
- involvement of Solicitor Advocates and Crown Prosecutors earlier in the process for mentoring and advice
- better relationships with police and Legal Aid NSW
- increased contact with victims
- quicker progress and earlier resolution of matters in the Local Court
- improved support for legal staff and administrative processes.

The Burwood Pilot strategies were fundamental to the EAGP Implementation Team in the development and implementation of improved processes and procedures under the EAGP reform.

Child Sexual Offence Evidence Pilot

The Child Sexual Offence Evidence Pilot began in March 2016. The Pilot operates in the Sydney and Newcastle District Courts.

The Pilot is designed to reduce the stress and trauma of participating in the trial process for child sexual offence complainants and child witnesses who will give evidence for the prosecution. The Pilot does this in two ways. The child's evidence, including their cross-examination, is pre-recorded without a jury being present and well before the remainder of the trial begins. This pre-recorded evidence is then played at the later trial in lieu of the child attending. Secondly, the child is assessed by a Witness Intermediary who prepares a report on the child's communication needs and then, based on the recommendations made in the report, assists the child to communicate when giving evidence at the pre-recorded hearing.

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

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

The Pilot is constantly monitored, and its operation improved, by the Pilot Implementation and Monitoring Group, which meets regularly. Since its inception, there have been a number of legislative and practical changes to the Pilot, all designed to better the children's experience of the court system. An independent assessment and evaluation process has been undertaken and is currently being finalised. It will be considered by Cabinet later this year.

As of 30 June 2018, 155 matters had entered the Pilot; 82 in Sydney and 73 in Newcastle. In total, 191 pre recorded hearings had been completed; 95 in Sydney and 96 in Newcastle. In total, 187 complainants and 94 child witnesses had either taken part in a pre recorded hearing or were scheduled to do so.

Additionally, the NSW Police Force had used Witness Intermediaries to assist at the police interview stage 1465 times, as at 30 June 2018. Whilst not all of these matters will enter the Pilot (as some will proceed through courts outside Pilot catchment areas), the use of Witness Intermediaries at this stage enables police to conduct the best interviews possible with child complainants and child witnesses.

Multimedia Support Unit

This year the Digital Evidence Processing Unit changed its name to Multimedia Support Unit to better reflect the nature of the work it performs.

The Multimedia Support Unit has centralised the editing, conversion and enhancement of all digital material for prosecutions. The three technicians in the Unit, based in Sydney, processed 4151 requests last year.

Legal

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

Group 6

Group 6 prosecute serving police officers, provides pre-charging advice to the NSW Police Force, the Independent Commission Against Corruption, the Law Enforcement Conduct Commission as well as prosecuting those matters at court, and conducts complex and high profile prosecutions across the State.

Witness Assistance Service

The Witness Assistance Service (WAS) provides information, referral, assessment and case management of victims of violent and or sexual crime and vulnerable witnesses involved in prosecutions, to meet the obligations in the NSW Charter of Victims' Rights. In August 2017, the WAS hosted the Witness Assistance Service National Conference. In conjunction, the ODPP hosted the Victims' Voices Conference. These conferences were attended by 300 people from agencies involved in witness assistance and prosecutions from around Australia. Highlights of the conferences included Chair of the Royal Commission into Institutional Responses to Child Sexual Abuse, the Hon Justice Peter McCellan AM, speaking about the Royal Commission and a number of victim survivors who gave accounts of their experiences of the NSW criminal justice system.

Further detail of WAS activities are provided under Goal 2.

Legal Resources and Library Assistance

The Legal Resources and Library work together to provide the internet based legal resource known as the DPPdia. Significant progress was made during the year in populating the DPPdia, particularly in the area of sentencing.

ICAC Referral Group

The Independent Commission Against Corruption (ICAC) Referral Group was formed in 2013. The Group is a team of seven solicitors and one legal support officer who consider possible charges arising from investigations by the ICAC. To date there have been 14 referrals to the Group.

High Court

This year there were 16 completed Applications for Special Leave, one by the Crown and 15 filed by an offender. Two applications by offenders were granted Special Leave. The first was Lane (*Lane v The Queen* [2018] HCA 28). The appeal was heard on 16 May 18 and judgment delivered 20 June 18 allowing the appeal and ordering a retrial. The second was DL (No 2). The appeal was heard on 11 May 2018 and judgment delivered on 8 August 2018 allowing the appeal and remitting the matter to the Court of Criminal Appeal.

Court of Criminal Appeal Unit

The Court of Criminal Appeal (CCA) is the State's highest criminal court. All indictable appeals relating to convictions and sentences in the State's higher courts are heard by the CCA. Appeals take place before

a panel of three Judges, although sometimes a panel of five Judges will decide significant or important matters. An appeal from the CCA goes to the High Court of Australia.

The CCA Unit conducted 253 appeals this year. The CCA sits throughout the year at the Queens Square court complex in Sydney. The bulk of the work are appeals from convicted persons against their convictions and or against the sentence that was imposed on them by the lower courts, which collectively account for 86% of appeals heard by the CCA this year.

Interlocutory appeals (known as 5F appeals) can be brought by either the Crown or the defence and are often heard expeditiously by the CCA so that the issue can be settled and the trial proceed in the lower court without delay.

Crown appeals are rarer and usually concern appeals against the leniency of a sentence or an appeal against acquittal on a question of law alone which can occur after a Judge alone trial (s107 *Crimes (Appeal and Review) Act* 2001). This year the CCA considered 26 such appeals from the Crown, allowing 69% of them.

The CCA Unit is comprised of 15 solicitors and seven legal support staff who work closely with a group of nine CCA Crowns (led by Deputy Senior Crown Prosecutor Sally Dowling SC) who specialise in appellate litigation. The specialised work of the CCA Unit and the CCA Crowns is important as it helps to shape binding laws and principles that must be applied in the lower courts.

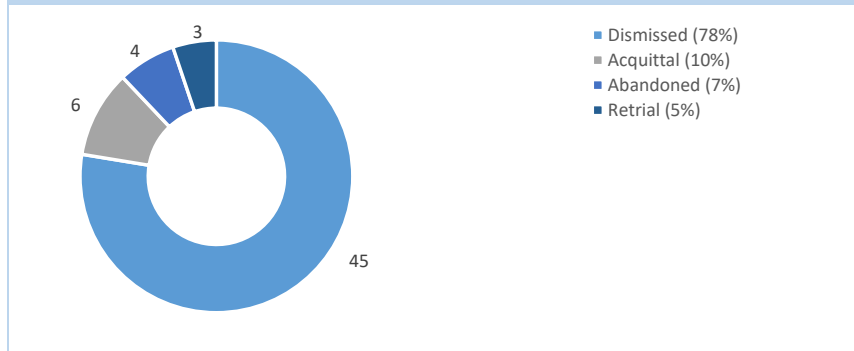
R v WILSON

A significant matter involving Group 6 during the year was the prosecution of Archbishop Philip Wilson for concealing a serious indictable offence. Archbishop Wilson concealed the sexual abuse of a child by Catholic priest, Father James Fletcher. Father Fletcher was convicted in 2004 of numerous child sexual offences. The prosecution case against Archbishop Wilson was that having been told by a child in 1976 that he had been sexually abused by Father Fletcher, by the time of Father Fletcher's conviction in 2004 Archbishop Wilson knew that Father Fletcher had committed a serious indictable offence and that he failed to report the matter to police.

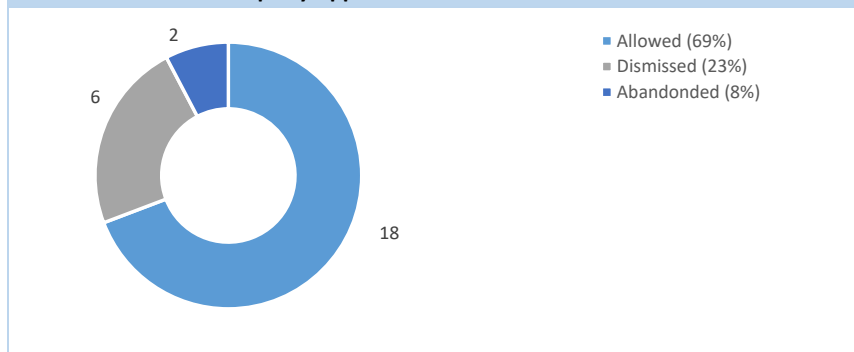
Following six days of hearing at Newcastle Local Court which involved calling three of the victims of Father Fletcher, on 22 May 2018 Archbishop Wilson was convicted of concealing a serious indictable offence. He is due to be sentenced on 14 August 2018. Archbishop Wilson is the most senior Catholic in the world to be convicted of concealing child sex abuse. The prosecution team consisted of two Crown Prosecutors and an ODPP solicitor.

CCA Highlights

Results of Conviction and Sentence Appeals



Results of Crown Inadequacy Appeals



Advisings Group

The Advisings Group conducts appellate litigation arising from criminal proceedings in the Supreme Court, Court of Appeal, Court of

Criminal Appeal and High Court. The Group also provides legal advice and representation to the Director in relation to a range of specialised matters. This year the Advisings Group were involved in a number

of significant judgments including *IL v The Queen* [2017] HCA 27; *DPP v Jones* [2017] NSWCCA 164; *Barr (a pseudonym) v DPP* [2018] NSWCA 47 and *DPP v Shaba* [2018] NSWSC 811.

IL v THE QUEEN [2017] HCA 27

Joint criminal enterprise - liability for 'constructive murder' or manslaughter

The appellant IL was party to a joint criminal enterprise with the deceased to manufacture a large commercial quantity of methyl amphetamine. During the manufacturing process there was an explosion that killed the deceased. The appellant was tried on an indictment including counts of manufacture large commercial quantity of prohibited drug (count 1) and murder, and in the alternative, manslaughter (count 2).

The Crown case on count 2 was that the appellant was guilty of 'constructive' murder or alternatively manslaughter pursuant to s18(1) Crimes Act 1900, because the act which caused the deceased's death was committed in the course of a joint criminal enterprise to commit an offence punishable by imprisonment for life (being the manufacture of the large commercial quantity of a prohibited drug). Although the Crown could not exclude the possibility that it was the deceased who had caused the explosion, the Crown argued that as a participant in the joint criminal enterprise the appellant was criminally liable for all acts committed in the course of that enterprise, including the act causing the explosion. The appellant was convicted of count 1. The trial Judge directed verdicts of acquittal in respect of the charges of murder and manslaughter. On appeal by the Crown, the Court of Criminal Appeal (CCA) held that the trial Judge was incorrect to direct the verdicts of acquittal.

By majority however the High Court allowed IL's appeal against the CCA's decision and reinstated the verdicts of acquittal of both murder and manslaughter. Three of the Justices did so on the basis that s18(1) Crimes Act 1900 is not engaged if a person kills him or herself. Two of the Justices did so on the basis that criminal liability cannot be attributed to one participant of a joint criminal enterprise for an act committed by another in carrying out the enterprise unless the act is, or is part of, the actus reus of a crime. That is, if the deceased caused the explosion, the act was not the actus reus of the crime of murder or manslaughter.

DPP (NSW) v JONES [2017] NSWCCA 164

Local Court's jurisdiction to deal with a breach of a good behaviour bond imposed by the District Court on appeal

The respondent was convicted in the Local Court and sentenced to terms of imprisonment. On appeal to the District Court his convictions were confirmed but the sentences set aside and in lieu he was directed to enter a good behaviour bond. In imposing that bond, his Honour Judge Armitage, directed that any breach be reported to him personally for further direction.

The respondent did subsequently breach the bond but was then brought before a Local Court Magistrate rather than the District Court. The Magistrate re-sentenced the respondent to a term of imprisonment and the respondent appealed that sentence to the District Court. That appeal came before his Honour Judge Colefax, who stated a case to the Court of Criminal Appeal (CCA) under s5B Criminal Appeal Act 1912 posing several questions, including as to whether the Local Court had jurisdiction to deal with the breach of the bond.

The CCA answered the questions by determining that the Local Court did have jurisdiction to deal with the breach of the bond, holding that the District Court when exercising its appellate jurisdiction was of 'like jurisdiction' to the Local Court within the meaning of s98(1)(b) Crimes (Sentencing Procedure) Act 1999. Further, his Honour Judge Armitage's direction that any breach of the bond be reported to him did not deprive any other court of its statutory power to deal with the respondent for a breach of the bond.

BARR (a pseudonym) v DPP (NSW) [2018] NSWCA 47

Reasonable notice for the purposes of a detention application under s50 of the Bail Act 2013

In this matter, the Court of Appeal (CA) dismissed a summons seeking judicial review of a District Court decision to refuse bail for an offender who pleaded guilty to offences on the day before trial. He was on bail until the plea. After the plea was entered, the Crown made an oral detention application (s50 Bail Act 2013 (the Act)), which was granted on the basis that the applicant had failed to discharge his onus to show cause as to why detention was unjustified (s16A of the Act).

The applicant's argument in the CA was that he was not given reasonable notice of the detention application (s50(5)).

It was held (by majority) that the question posed by s50(5) of the Act is not whether the accused person was given reasonable notice but whether the court is satisfied that such notice was given. The applicant failed to identify a sufficient basis for the CA to infer that the Judge had failed to form the requisite state of satisfaction in this case.

The majority further held that where an accused is charged with a 'show cause offence', both Divisions 1A and 2 of the Act, being the 'show cause requirement' and the 'unacceptable risk test' respectively, must be satisfied for an accused to be granted bail. Each of those Divisions has distinct tests.

A threshold issue was also addressed: whether the CA had jurisdiction to hear and determine the summons. The majority considered the availability of review for jurisdictional error where there existed an alternative right to a de novo hearing (as exists under s75 of the Act). Without deciding that issue, the majority determined that the CA would not, in the exercise of its discretion, exercise any power the Court had to grant relief for jurisdictional error where a more efficient and convenient alternative remedy existed in the form of a de novo bail application to the Supreme Court.

The Court also addressed the construction of the Act in relation to subsequent applications. The Full Court held that s74 of the Act which prohibits multiple release or detention applications to the same court does not apply where the first detention application was made to the Local Court and the second to the District Court.

DPP (NSW) v SHABA [2018] NSWSC 811

Search of person subject to a Firearms Prohibition Order pursuant to s74A Firearms Act 1996 – Meaning of 'reasonably required'

The respondent was driving when he was stopped by police for a random breath test. During that process Police ascertained that he was the subject of a Firearms Prohibition Order (FPO), which prohibited him from acquiring, possessing or using firearms, firearm parts or ammunition. Police then exercised the power under s74A Firearms Act 1996 (the Act) to search the car. Section 74A permits such a search if it is 'reasonably required' in order to determine whether a person has possessed, acquired or used firearms, firearm parts or ammunition in breach of an FPO (being an offence under s74 of the Act). The search revealed 447.2 g of cannabis and the respondent was arrested and charged with drug offences.

The charges were dismissed in the Local Court following a finding that the evidence of the discovery of the drugs had been unlawfully obtained. In so holding, the Magistrate found that in order for a search to be 'reasonably required' within the meaning of s74A the Police Officer who conducts it must hold a reasonable suspicion that the person searched has committed an offence under s74.

On appeal by the DPP, the Supreme Court set aside that dismissal and remitted the matter for hearing before the Local Court. The Supreme Court held that the term 'reasonably required' in s74A does not require that the officer conducting the search hold any suspicion or belief that the person searched is in possession of firearms, firearm parts or ammunition in breach of s74. Rather, the search power under s74A may be exercised whenever 'reasonably required' in order to determine whether an offence under s74 has been committed, irrespective of any objective indication that that might be so.

PARENTE v R [2017] NSWCCA 284

Sentencing principle for drug supply offences reviewed by five Judge bench

A five Judge bench was constituted as a result of the appeal in Robertson v R [2017] NSWCCA 205 in which the Court expressed doubts about the long-standing principle in R v Clark (unreported, NSWCCA, 15 March 1990) that for drug dealing, to a substantial degree, a non-custodial sentence will be appropriate only in exceptional circumstances.

Parente, a solicitor, pleaded guilty to three drug supply offences. The sentencing Judge found that his drug supply activities were at the lower end of the scale and in imposing an aggregate sentence of 4 years' imprisonment found that the offender had not shown exceptional circumstances.

The Court of Criminal Appeal (CCA) held the 'principle' in Clark was incompatible with the judicial sentencing discretion and should no longer be applied. It found that the 'principle' does not have legislative support and is inconsistent with the exercise of judicial sentencing discretion, as held by the High Court which requires an 'instinctive synthesis' of all relevant factors to arrive at a single result taking due account of all of those factors. As such it was an 'unlegislated judicially created constraint on sentencing discretion' (to quote Simpson JA in Robertson). Sentencing for drug supply should proceed on general statutory and common law principles that have occurred since the time of Clark.

Nonetheless, the CCA held that courts need to be mindful of the importance of general deterrence and the protection of the community, the maximum penalty and any standard non-parole period as legislative guideposts, sentencing practices in light of the serious social implications of drug dealing and any possible alternative to full-time imprisonment that may be available in the individual case.

Despite the error of applying Clark, the CCA re-exercised its sentencing discretion and did not reduce the sentence of full-time imprisonment.

DAY v R [2017] NSWCCA 192

Proving knowledge of lack of consent in sexual assault trials

The offender was convicted following a trial on one count of sexual intercourse without consent under s61I of the Crimes Act 1900.

The case considered the history of s61HA Crimes Act 1900 which addresses consent and the state of mind of an offender that needs to be proved beyond reasonable doubt in sexual assault trials.

The complainant was a guest at a baby shower at the unit of the offender's partner. She went to sleep in the spare bedroom of the unit that evening and awoke to find the offender had penetrated her vagina with his penis. The applicant told police that he had mistakenly gone into the wrong bedroom and that he believed it was his partner in the bed. He denied penetrating the complainant and said he had consumed a substantial amount of alcohol.

The Court of Criminal Appeal (CCA) considered the provisions of s61HA which stood in the way of the offender relying upon his state of self-induced intoxication. The Court noted that in considering whether or not the offender had knowledge of consent, was reckless as to consent and whether he had no reasonable grounds to believe that the complainant consented, the offender was to be taken to be sober.

A ground of appeal concerning belief of consent on reasonable grounds was considered by the CCA. The Court referred to s61HA(3)(d), which required the jury to consider any steps taken by the (sober) offender to ascertain whether the complainant had consented. It held that the offender took no steps to ascertain whether the woman in the bed, even if it was (his own partner), consented to having intercourse with him.

The CCA emphasised the need for an offender to take steps to ascertain whether or not the victim is consenting (whether or not she is unconscious, asleep or the offender's partner).

Confiscation of Proceeds of Crime

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

Applications under CoPoCA must be made within six months of the sentence. In practice, the ODPP makes applications at the same time as the sentencing proceedings. The most common types of property forfeited are cash and motor vehicles.

CoPoCA Applications - Number, Type or Order and Success Rate					
	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
Number of Orders Applied for (FO, PPO & DPO)	295	318	372	433	482
Number of Orders Granted	274	303	360	414	468
Number of Forfeiture Orders (FO)	271	297	346	396	440
Number of Pecuniary Penalty Orders (PPO)	1	1	2	2	6
Number of Drug Proceeds Orders (DPO)	2	5	12	16	22
Percentage of matters where application was successful	93%	95%	97%	96%	97%
Total estimated value of property confiscated (millions)	\$1.0	\$1.5	\$3.7	\$3.4	\$6.2

Costs Awarded against the ODPP

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

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

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

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

Matters where costs awarded against ODPP					
	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
<i>Criminal Procedure Act 1986</i>	64	31	48	37	17
<i>Costs in Criminal Cases Act 1967</i>	13	12	6	17	24
Mosely Orders	3	4	1	3	3
<i>Crimes (Appeal & Review) Act 2001</i>	1	0	0	0	1
CoPoCA	0	0	0	0	0
Total number of orders	81	47	55	57	45
Total Value of orders made	\$1104884	\$503210	\$726540	\$634057	\$466739
Number of matters registered by ODPP in period	16346	17385	18280	19021	18167
Number of costs awarded where fault of prosecution	12	9	9	17	7
Percentage of matters where costs orders were made due to the conduct of the prosecution	0.07%	0.05%	0.05%	0.09%	0.04%

Matters where costs were awarded on adjournment					
	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
Mosely Orders	2	4	1	3	3
Adjournment because full brief not served - <i>Criminal Procedure Act 1986</i>	8	12	11	2	5
<i>Criminal Procedure Act 1986</i> - other adjournments	0	0	0	0	0
Other costs orders	35	31	43	52	37
Total	45	47	55	57	45

GOAL 2

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

Strategies

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

Witness Assistance Service

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

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

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

Staffing and Service Delivery

The introduction and implementation of the EAGP reform provided for the expansion in the number of WAS Officers and resulted in the creation of a number of new positions in Dubbo, Gosford, Lismore, Newcastle, Parramatta, Sydney and Wagga Wagga. The number of Aboriginal

WAS Officer positions increased from three to six.

This year the ODPP commenced a review of the WAS management structure to enhance service delivery, improve oversight and provide support to WAS Officers in regional locations. The review resulted in the creation of additional Senior Witness Assistance Officer positions and a centralised State-wide intake team based in Sydney.

Interagency Activities and Networks

WAS values the relationship with external services and has continued its partnership with key agencies including Victims Services, NSW Police Force, Family and Community Services, sexual assault counselling services, Education Centre Against Violence and Multicultural Services Australia, amongst others.

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

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

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

Child Sexual Offence Evidence Pilot

WAS also assists child victims and witnesses through the prosecution process in matters in the Child Sexual Offence Evidence Pilot.

The introduction of Witness Intermediaries to the court process through the Child Sexual Offence Evidence Pilot has proven to be of enormous benefit to child sexual offence complainants and to child witnesses. These children, particularly where they are complainants, are among the most vulnerable of all witnesses, but they are not the only vulnerable witnesses the ODPP's WAS Officers support through the court process. Nor are they the only witnesses who would benefit from the assistance of a Witness Intermediary.

As such, WAS officers now routinely seek that Witness Intermediaries be allocated to 'out-of-pilot' matters, that is, matters that do not fall within the Pilot due to their geographical location or the age of the victim or the nature of the charges. These matters, though, are matters in which the victims or complainants are particularly vulnerable due to their young age, a cognitive impairment, a physical barrier to communication or because of the nature of the charges. Where it is thought that the victim and the court would benefit from an assessment of the victim's communication and other needs, a Witness Intermediary is engaged to prepare a report.

These 'out-of-pilot' matters provide valuable experience to the Pilot's Witness Intermediary panel and to members of the legal profession and Bench who may not otherwise have the chance to participate in the Pilot. They also assist a variety of vulnerable victims and complainants to have their experiences heard.

The Pilot is currently being evaluated by a team of researchers from the University of New South Wales and the University of Sydney to assess the effectiveness of the program and the viability of expansion. An important part of the evaluation is feedback from those who have had experience with the Pilot. Staff from WAS were invited to provide feedback via a survey and to participate in a focus group held in May 2018.

WAS National Conference Victims' Voices Conference

In August 2017, the Witness Assistance Service National Conference was hosted by this Office and included representatives from WAS New South Wales (NSW), Victoria (VIC), South Australia (SA), Western Australia (WA), Northern Territory (NT), Tasmania (TAS) and the Commonwealth. The National Conference is held every two years and is an opportunity for WAS nationally to share research and practice to enhance victim service delivery.

Highlights from the conference included:

- a forum on the Child Sexual Offence Evidence Pilot; panellists included a specialist child sexual

assault Judicial Officer, a defence Counsel, a Witness Intermediary and a NSW Deputy Director of Public Prosecutions

- WAS SA presentation on the Family Violence Research Project
- WA and NT WAS presentation on Child Witnesses in Remote Aboriginal Communities
- *The Challenges of Working with Multiple Victims in Historical Child Sexual Assault Prosecutions* presentation by WAS NSW
- presentation from the Clinical team at the Royal Commission into Institutional Responses to Child Sexual Abuse, *A Trauma Informed Approach to Supporting Witnesses in public hearings at the Royal Commission*
- reflections on working with families that have experienced a homicide and working from a position of trauma informed care within the criminal justice system, presented by WAS NSW.

Presentations were of an exceptional standard and feedback from participants reflected this.

This year the conference included, on a second day, the Victims' Voices Conference: Making Stronger Connections. Conference attendees included the NSW Director of Public Prosecutions, NSW ODPP staff, prosecution staff from all over Australia, allied stakeholders including victims and community advocacy and support groups, the NSW Victims Commissioner and Victims Services staff, Witness Assistance Officers, staff from the Mental Health Review Tribunal and solicitors.

The conference was hosted by the journalist and broadcaster, Julie McCrossin who is renowned for her commitment to social justice.

Conference aims included building on the work of the Royal Commission into Institutional Responses to Child Sexual Abuse by identifying ways to improve the ODPP's relationship and communication with victims of crime. The conference heard from victims, to understand their experiences of the NSW criminal justice system and explored requested changes and improvements to victim engagement.

The keynote address was given by the Hon Justice McClellan AM, Chair Royal Commission into Institutional Responses to Child Sexual Abuse. He spoke about victims' experiences of giving evidence and the vulnerability of child witnesses. He noted the introduction of special measures for vulnerable victims such as the use of closed circuit television (CCTV) and the NSW Child Sexual Offence Evidence Pilot and the use of Witness Intermediaries. The opening address was given by the Director of Public Prosecutions (NSW). A series of panel discussions were held, which included Aboriginal participants, reflecting the diversity of our community. The conference heard first hand from victims of their experiences with the ODPP and the criminal justice system. There was high praise for ATSI WAS Officers as being integral to the prosecution, in supporting Aboriginal victims, building bridges and cultural awareness. Suggestions for improvements to the criminal justice system included more indigenous representation on juries.

Panel discussion topics included:

- *How Do We Improve Victims' Experience of the Criminal Justice System: Practical Suggestions from the Front-line*
- *How Do We Improve our Connection and Communication with Victims.*

Discussions centred on mental health, experiences of victims of forensic patients, domestic violence, families of homicide victims and victims of historical child sexual assault.

There was an inter-jurisdictional panel with high level representatives from the ACT, NT and NSW.

The NT spoke about the Restorative Justice Youth Pre-sentence Program from NT Jesuit Social Services. A presentation from the NT ODPP on Communication and Cultural Challenges and Solutions was a highlight. A NT Senior Crown Prosecutor and the Aboriginal Support Coordinator spoke about their work with remote indigenous communities. Challenges noted included the high number of languages amongst our Aboriginal communities and therefore the need for interpreters; the difficulties with an elder being a perpetrator; the distrust Aboriginal communities have of government agencies, police and welfare agencies which stems from the experiences from the Stolen Generations; and the need for cultural intermediaries.

Themes that emerged from the Conference included the:

- need for better communication with victims, for the communication to start early in the process to increase understanding of the criminal justice systems and manage expectations

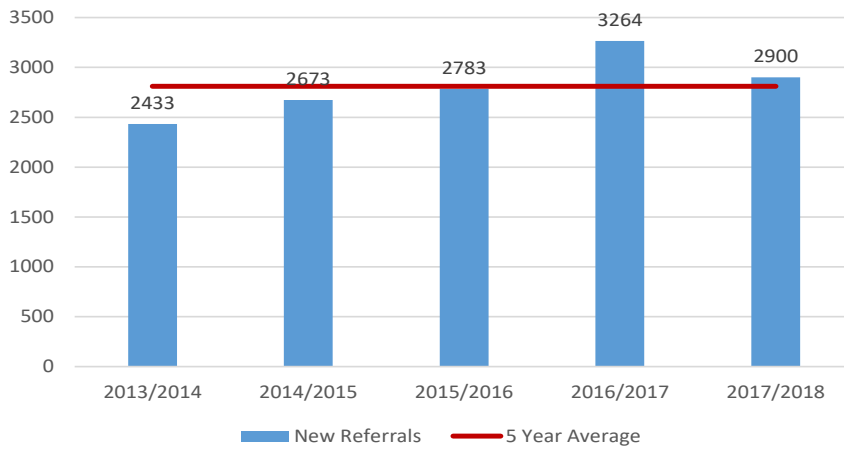
- importance of collaboration between agencies and within agencies
- increased cultural awareness and empathy
- importance of the WAS role
- need to build on the momentum of the conference.

Overall, the conference was an outstanding success. Conference feedback was overwhelmingly positive from within the NSW ODPP and from other criminal justice agencies.

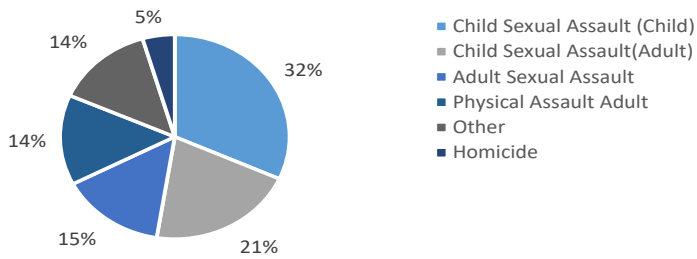
WAS Workload

This year there were 2900 new WAS referrals, 68% of which related to sexual assault. WAS continues to prioritise service to victims of sexual assault. Identified ATSI client contact accounted for 12.7%, consistent with last year.

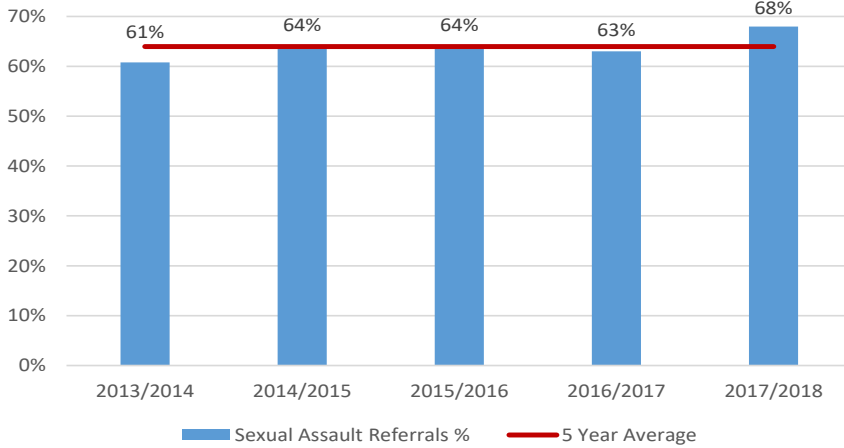
New WAS Referrals



WAS Registration by Matter Type



Percentage of Sexual Assault Referrals



Statutory Compliance and Engagement

Disability Action Inclusion Plan

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

The key objectives are to ensure that:

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

Victims and witnesses with a disability are an important group prioritised by the Witness Assistance Service (WAS) and account for more than 14% of service delivery this year. WAS continues to provide case management services to victims and witnesses with identified disabilities. This includes intellectual and cognitive disabilities, acquired brain injury, physical disabilities, sensory disabilities and mental illness.

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

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

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

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

- Department of Ageing, Disability and Home Care NSW (FACS)
- Diversity Services, Department of Justice NSW
- Victims Services NSW
- Intellectual Disability Rights Service – Criminal Justice Support Network.

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

Ethnic Affairs Priority Statement

The ODPP continues to meet its commitment to the community and the Ethnic Affairs Priority Statement. All staff endeavour to ensure that members of the community are afforded every respect when dealing with the ODPP.

The Witness Assistance Service (WAS) recognises the unique needs of Aboriginal and Torres Strait Islanders victims and witnesses within the legal system. Culturally appropriate service and support is achieved through the provision of Aboriginal Witness Assistance Officers across NSW.

A number of victims and witnesses experience cultural and language barriers. All witnesses and victims are entitled to access free interpreter services and the Office consistently ensures that these entitlements are met. Victims and witnesses are able to use interpreters and translation services when giving evidence and writing Victim Impact Statements.

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

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

Multicultural Policies and Services

The ODPP continues to focus on ensuring that the appropriate access to relevant information and services are available to all members of the community. During the year the following outcomes were achieved in line with the Multicultural NSW reporting themes:

- 45.5% of new appointments to senior statutory Crown Prosecutor roles were women
- % of the ODPP's Public Sector Senior Executive group are women
- 63% of all new starters in the ODPP in the year were women.

The ODPP sponsored the attendance of four staff at the Public Sector Women in Leadership Conference held in Sydney over two days. The Office hosted an International Women's Day (IWD) event. Jane Needham SC was the keynote speaker at the IWD event and reflected on gender parity and other challenges in the legal profession for women. This address was broadcast to all regional offices.

In this reporting period, priority was given to exploring the Office's interaction with Aboriginal and Torres Strait Islander people. The Cultural Awareness and Workforce Diversity Working Group (the Working Group) met throughout this reporting period and have developed the Office's inaugural Reconciliation Action Plan (RAP). The RAP has been submitted to Reconciliation Australia for endorsement and is expected to be published in the next period. The Working Group also released a Welcome to Country and Acknowledgement of Country Protocol. This protocol provides information and guidelines for Welcome to Country and Acknowledgement of Country practices and briefly explains the significance of these ceremonies. The Office also piloted an extensive Aboriginal Cultural Awareness training program and after positive feedback, the training will be rolled out across the Office in the next reporting year.

In November 2017, the Director of Public Prosecutions and a number of members of the Executive attended the NSW Public Sector Aboriginal Policy and Employment Symposium presented by the Public Service Commission. The keynote speaker was Stan Grant, a Wiradjuri man who currently works as the Indigenous Affairs Editor for the Australian Broadcasting Corporation and special advisor to the Prime Minister on Indigenous constitutional recognition.

Mr Grant delivered an inspiring speech recounting aspects of his life and examining the complex concept of identity for Indigenous Australians. There was also an interesting and thought provoking panel discussion around Aboriginal employment in NSW where each of the panel members shared their experiences and advice for NSW Public Sector employers. Learnings from this seminar will be used to inform future initiatives and implementation of the Reconciliation Action Plan.

Also in November 2017, the Office sponsored three staff members from the Working Group to attend the 12th National Indigenous Legal Conference held in Adelaide this year. The topics included the over representation of Indigenous offenders in the criminal justice system, the continued removal of Indigenous children, issues surrounding Indigenous female prisoners and the Indigenous Natural Law system of governance.

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

Consumer Response

The ODPP's WAS improves engagement and communication between the ODPP and victims and witnesses. As noted, the Service assists victims and witnesses of violent or sexual crime and vulnerable witnesses.

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

Office. Last year, 26 complaints were received. The conduct of a member of staff was raised in 12 complaints, eight related to the outcome of proceedings, two related to delay in providing advice, one requested reasons for an ODPP decision and one related to the Charter of Victims' Rights. All complaints received were dealt with internally and responses sent to those who made complaints. During the reporting period it was not necessary to amend any procedures.

GOAL 3

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

Strategies

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

Law Reform

This year the ODPP has worked towards the implementation of two significant legislative amendments that impact on the Office's day to day work, namely the *Justice Legislation Amendment (Committals and Guilty Pleas) Act 2017* which commenced on 30 April 2018 and amendments to the Crimes (Sentencing Procedure) Act which are to commence on 24 September 2018.

In early 2018 submissions were made to the Department of Justice on Strengthening Child Sexual Abuse Laws. The submission included support for the recommendations made by the Royal Commission into Institutional Child Sexual Abuse, concerning legislative reform.

The *Criminal Legislation (Child Sexual Abuse) Act 2018* was assented to on 27 June 2018. This Act implements changes relating to sexual assault law and procedure.

Other submissions made by the ODPP this year included:

- the Sentencing Council's review of Victim Impact Statements
- the Legislative Council's Law and Justice Standing Committee on Special Care offences

- the Department of Justice on the impact of the decision in *R v Tran* and section 18 of the *Evidence Act 1995*, *Bail Act 2013* review and two Crimes Miscellaneous Amendments Bills.

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

The Office participates in many interagency forums including:

- AVL Governance Board
- AVL Steering Committee
- Bail Act Monitoring Group
- Body Worn Video Implementation Committee
- Child Sexual Offence Evidence Pilot Implementation and Monitoring Group
- Data Analytics Steering Committee
- District Court Backlog Senior Officer's Group

- Domestic Violence Review Committee
- EAGP Steering Committee
- EAGP Working Group
- Police Liaison Group Meetings
- Sentencing and Parole Reform Steering Committee Sexual Assault Review Committee
- Victims Advisory Board
- Law Society of NSW Criminal Law and Children's Law Committees.

Innovation in Criminal Prosecutions

Legal Resources and Library

The Legal Resources and Library team continued to assist with research enquiries from solicitors and Crown Prosecutors within the ODPP this year. The DPPdia, a dedicated ODPP intranet knowledge base, has been significantly enhanced to provide information in a logical and accessible way.

Pages have relevant legislation noted at section levels, prompts and links to relevant considerations, appellate case law, Criminal Trial Bench Book on issues or offence and other relevant resources.

The Appeals News and Precedents site was launched on the Legal Resources homepage. The site is continuously updated with summaries and links to the latest relevant case law from the High Court and Court of Criminal Appeal (including interlocutory judgments) as well as important judgments from the Court of Appeal and the Supreme and District Courts. While there has been significant back capturing of decisions delivered prior to the site's inception, it is planned that more judgments on specific topics may be added in the coming year.

A continuing project is the rationalising of old Research Flyers. A significant number have been updated and content merged into specific topic pages or archived depending on their relevance.

A new DPPdia page, Legal Research Tools and Tips, collates primary research tools across the intranet and in JIRS, including information about what they cover and links to refreshed practical how-to guides. The Legal Resources and Library team has

continued to facilitate training in relation to the main external research platforms of LexisNexis and Jade BarNet used by the ODPP.

Significant progress was made during the year on populating the Sentencing Principles page on the DPPdia. The references to judgments have now been linked to NSW Caselaw. CCA solicitors have assisted in the preparation of sentence schedules in relation to appeals to develop comprehensive schedules. Prompts on specific offence pages have been included where sentencing courts may need to order that an offence be noted as a domestic violence offence in a criminal history, to make an Apprehended Violence Order or give a warning to an offender under the High Risk/Terrorism offender legislative provisions.

Library staff continue to note publications and articles of interest and periodically produce a current awareness document.

ODPP Trial Kit

The Office continues to develop better resources for staff. In October 2017 the ODPP Trial Kit was released.

The resource was developed to bring some of the most important information into one place to guide ODPP solicitors and to alert solicitors on potential issues, legal and administrative requirements and policies. The Kit provides practical tips as well as contact details for important stakeholders. It contains references and links to the relevant material on the intranet. A number of checklists including a table of notices under the Evidence Act 1995 and the Criminal Procedure Act 1986, with noted requirements and time standards are included for easy reference.

The information covers all aspects of instructing in a trial including before, during and after trial.

The Kit is located on the ODPP intranet and is regularly updated.

Audio Visual Links Consolidation Project

This year saw the planned closure of the Audio Visual Links (AVL) Consolidation Project, led by the Department of Justice. The ODPP had been a keen participant in the project for a number of years alongside Legal Aid NSW, Corrective Services, the NSW Police Force, Courts and Tribunal Services and others within the criminal justice system. The project delivered audio visual capabilities to the ten ODPP offices, including six locations that previously did not have AVL facilities. Additionally, all staff now have access to software to enable AVL sessions within the criminal justice system from their laptops.

The installation of AVL suites and the availability of AVL software will enable staff to more easily conference remote victims and witnesses, particularly those who reside overseas, greatly improving the user experience. The use of AVL to conduct conferences with witnesses in custody not only saves time and avoids costs but provides security for staff.

The increased use of AVL in courts allows victims and witnesses, including Police Officers and medical practitioners to remain in their home towns, stations or hospitals and participate in conferences or give evidence in Local, District or Supreme Courts.

There is also a saving in travel expenses and avoids long waiting times spent at court. Police Officers and doctors are able to continue with their normal duties in their local area once they have completed their evidence.

The NSW ODPP AVL facilities have also been used by victims and witnesses required in other jurisdictions to give evidence in remote places such as the in Northern Territory and Queensland.

The AVL Consolidation Project also delivered JUSTConnect, a web-based system enabling video conferencing collaboration, coordination and connection across the justice cluster. JUSTConnect will be instrumental in the scheduling of EAGP Case Conferences.

The ODPP was granted funding to update and republish a range of victim and witness pamphlets. Pamphlets, giving an overview of the Witness Assistance Service, were published for the first time in languages other than English: Arabic, Italian, Vietnamese and simplified and traditional Chinese.

CASES Project

In January 2017 the ODPP initiated a project to replace the existing core matter management business platform, Criminal Advocacy Search and Enquiry System (CASES). Funding for this project was obtained from the Justice Cluster Reform envelope administered by the Department of Justice. A number of software firms tendered their proposals for the new system. These were assessed on how they would be able to provide the functionality currently available and improve or provide new functionality.

In December 2017 one of these vendors was selected to undertake further work to better understand the ODPP's requirements for the new system. This was presented to the ODPP at the end of March 2018. Ongoing work has been undertaken by ODPP staff and contractors to review and finalise the requirements for the new system. This project has involved ODPP staff from various locations, roles and levels to ensure that extensive operational knowledge and experience of staff is reflected in the new system. Successful integration with internal HR systems, document storage and email as well as external justice cluster systems such as COPS (NSW Police Force system) and JusticeLink (NSW Courts and Tribunal's case management system) is key to the new system. Considerable time has been dedicated to detail these requirements and user stories. The ability to access and use existing information for operational or strategic purposes is essential for the smooth transition to a new system that will enable staff to continue with their work and the ODPP to make successful submissions for resources.

The ODPP has already introduced a number of measures to mitigate the risks entailed in such a large and complex project. Corporate solicitors have been engaged to prepare the contract for the work to be undertaken. The ODPP's Audit and Risk Committee continues to monitor all measures and provide advice. The Director and the Senior Executive meet regularly to ensure the project will deliver on the objective of a new system that allows staff to work more easily and efficiently to provide the best possible prosecution service into the future.

International Visitors

United States of America

In July 2017, a post-graduate law student, interested in practising as a prosecutor in her native California, paid her own passage to Australia to spend a month in the Office.

She was assigned to assist the prosecution in a homicide matter and was able to provide administrative support to the prosecution, while learning the practices and processes of a vastly differently jurisdiction.

Singapore

Four visitors, two solicitors and two administrative managers, from the Attorney-General's Chambers, Singapore, made the balance of the Office's international visitors this year.

The solicitors stayed for six weeks and were allocated to Supreme Court prosecutions for the bulk of their stay. They met with Managing Solicitors and spent time at the Drug Court, the Supreme Court Bails Court and at the Newcastle office to observe new methods of recording victims' evidence.

The administrative managers stayed for two weeks. While they spent some time observing our solicitors in court, their main area of interest was our administrative practices. They were welcomed by Corporate Services, spending time in Human Resources and Financial Services. They met with staff who were devising the new procedures required by the EAGP reform and ODPP representatives from the project team developing a new case management system.

All four visitors met with the ODPP EAGP project team to discuss the implementation of the new legislation.

Requests and Disclosure of Information

Privacy and Personal Information

In 2017/2018 the ODPP did not receive any requests for access or amendment to personal information or privacy internal reviews under s53 of the *Privacy and Personal Information Protection Act 1998* (PPIP Act).

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

Public Interest Disclosure

The ODPP has a Public Interest Disclosure Policy in place. There were no disclosures made in 2017/2018 under this Policy.

Government Information (Public Access) Act 2009 NSW

Agency Name

Office of the Director of Public Prosecutions

Principal Department

Solicitor's Executive

Reporting Period

2017/2018

Obligations under the GIPA Act

Review of proactive release program – Clause 7(a)

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

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

As a result of this review the ODPP Publication Guide has been prepared and placed on the website. The Guide details ODPP publications that are available upon request.

Number of access applications received – Clause 7(b)

During the reporting period, our agency received one formal access applications (including withdrawn applications but not invalid applications).

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

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

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

During the reporting period, our agency granted one application in part to a member of the legal profession. 12 applications for access were refused in full by members of the public (six) and members of the public (other) (six).

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

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

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

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

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

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

Committees

Executive Board

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

The Board's role is to:

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

Management Committee

The Management Committee comprises the Director (Chair), three Deputy Directors, Senior Crown Prosecutor, Solicitor for Public Prosecutions, Director Corporate Services, Director Human Resources, Director Information Management

& Technology and Deputy Solicitors (Sydney, Legal, Country and Sydney West & Wollongong). The Committee meets monthly and minutes of proceedings are kept.

Its primary functions are:

- to report, discuss and resolve upon action on operational and management issues affecting the ODPP, including, but not limited to, workload and resource allocation
- to consider monthly Financial, Human Resources, Information Management and Technology, Crown and Solicitor's Office Reports and to initiate action where activity related funding and resourcing issues are identified
- to discuss issues affecting major policy decisions and other matters requiring referral to the ODPP Executive Board
- to serve as a forum for discussion by senior management of any matter affecting the operations of the ODPP, including the activities, challenges and initiatives of the various areas within the Office.

Audit and Risk Committee

The Audit and Risk Committee, in accordance with Treasury Policy TPP 15-03, comprises three independent members who have been selected from the panel of pre-qualified individuals maintained by the Department of Finance, Services and Innovation. Representatives of the Audit Office of NSW, the Deputy Director in his capacity as the Chief Audit Executive, the Chief Risk Officer (currently the Deputy Solicitor Sydney) and the Director Corporate Services attend meetings by invitation. Minutes of proceedings are kept.

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

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

Information Management Technology Committee

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

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

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

- assist with the development of corporate and technology strategies and plans to promote and ensure security and the effective use of information and technology in support of the ODPP Digital Working Strategy
- establish and approve information management and technology projects, endorse funding

proposals and provide support for allocation of resources for approved projects

- provide advice and recommendations on significant ICT issues approve ODPP wide information security policies, guidelines and procedures and ensure that these are adopted within the ODPP
- approve ODPP wide information security policies, guidelines and procedures and ensure that these are adopted within the ODPP
- ensure all critical operational and security issues reported through the Incident Report process are resolved in a timely manner and avoid recurrence
- provide senior management support for the development, implementation, on-going operations and continuous improvement of an operational Information Security Management System.

GOAL 4

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

Strategies

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

Our People

Highlights

- 765 full-time equivalent staff
- 65% of all employees are female
- 12% of staff are working part time
- 6% of new starters are under the age of 25
- 33 years was the average age of new starters

Recruitment and Retention of Quality Staff

- Staff turnover for 2017/2018 was 10.05% in comparison with 8.75% in 2016/2017
- 13 new Crown Prosecutors were appointed during the year, six of these were promotions from within the Office
- 15 Solicitor Advocates were appointed during the year, six of these were promotions from within the Office
- the Office had a total of 99 statutory appointed staff as at 30 June 2018.

Staff Numbers

Staff Numbers	30 June 2014	30 June 2015	30 June 2016	30 June 2017	30 June 2018
Statutory Appointed and Senior Executive	85	85	100	104	108
Solicitors	323	341	370	389	420
Legal Support Staff	203	203	211	226	237
Total	611	629	681	719	765

Recruitment Statistics*					
	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
Senior Executive	0	0	2	0	0
Statutory Appointments	1	1	1	0	2
Crown Prosecutors	0	3	11	5	7
Solicitors	16	38	44	54	26
Legal Support Staff**	35	45	61	61	59
Total	52	87	119	127	98
* As per the Workforce Profile, all new starters within the financial year (excludes internal promotions)					
** Includes 4 Witness Assistance Officers					

Learning & Development

The ODPP continues to ensure that our people are provided the opportunity to build, develop and stretch their capabilities so that they are best placed to meet current and future needs. Never Stop Learning is the signature behaviour that underpins the learning activities provided to our staff.

Over the past 12 months there has been an ongoing focus on the

performance development program with a full year cycle having been completed. Additionally, there has been investment in supporting staff through the legislative and law reform changes of the EAGP reform.

The Learning & Development Team underwent a change in staffing with the permanent appointment of a Manager, the return of a Senior Learning & Development Consultant from maternity leave and the extension of the Professional Development

Solicitor for a further 12 months. The Learning Management System continues to expand with additional eLearning modules and online content hosted. This is particularly important for those solicitors unable to attend Mandatory Continuing Legal Education (MCLE) sessions as they can view the content in their own time.

Learning and Development Category	Sessions	Attendees*	Hours
Professional Development	41	1059	7969
Continuing Legal Education	13	267	302
Advocacy	5	138	512
Early Appropriate Guilty Plea	67	981	5476
Corporate/Induction	11	146	357
Management Development**	2	10	13
External	23	36	270
Total	162	2637	1899
* Attendee figures include multiple attendance at various learning activities including the Professional Development Workshops and Conferences			
** Additional management development training was provided as part of the EAGP			

Studies Assistance	
Number of studies assistance participants	48
Total study leave days taken	134
Total study assistance reimbursement	\$40635

Professional Development

Several events were held throughout the year, including the Witness Assistance Service National Conference and Victims' Voices Conference, Professional Development Workshops and Solicitors' Conference. Thirteen MCLE sessions were held that covered a diverse range of topics, for example:

- *What Every Prosecutor should know about memory of child sexual abuse*
- *Ethics for ODPP Solicitors and Witness Memory: Psychological and Legal Perspectives.*

Early Appropriate Guilty Plea (EAGP)

As indicated in the above table, 67 in-house training sessions were conducted to prepare staff for the implementation of the EAGP reform. These training sessions were prepared and delivered by members of the EAGP Implementation Team with support from Learning & Development. The training covered a range of topics including an Overview of the EAGP Legislation, Transitioning to the EAGP, Workforce Structure, Charge Certification and Case Conferencing. Staff attending the training included Crown Prosecutors, solicitors, WAS Officers and legal support staff. Face to face training sessions were supplemented by e-learning modules and smaller consultative workshops. Legal support staff on the EAGP Implementation Team also delivered on-site training at a number of ODPP offices across the State. To further assist staff in maximising the opportunities brought about as part of the EAGP reform, Learning & Development facilitated training

sessions on Job Application and Interview Skills, Customer Service and Developing Manager Capabilities. On 19 and 21 June 2018, the ODPP hosted two days of interagency EAGP training which was delivered to Solicitor Advocates from the ODPP, Aboriginal Legal Service and Legal Aid.

Induction

Learning & Development continues to provide and review the Induction Program to enable our new people to be as effective as they can be when they first start. Additionally, a Crown Prosecutor Induction Prosecuting for the Crown: Principles and Practice was delivered for the first time and will continue as new Crown Prosecutors are appointed.

Trial Development List

The Trial Development List (D-List) initiative is in its seventh year and continues to provide an excellent developmental opportunity for solicitors to conduct short and less complex trials in the District Court with the assistance and support of mentors who include the Director, Deputy Directors and Crown Prosecutors.

This year, 98 trials were identified as being suitable for solicitors on this list. Although accused persons pleaded guilty in 48 of the trials, 19 ran to verdict. Of the trials that ran, 52.6% returned a guilty verdict. The one-on-one mentoring and advocacy in jury trials have continued to add to the development of solicitors' trial advocacy skills.

This year was also the beginning of targeted trial advocacy training and peer mentoring groups. The large cohort of D-List solicitors was placed in smaller groups to achieve a balance of new and experienced solicitors with

the aim of fostering shared knowledge and learning.

D-List Training Days encompassed peer networking, introduction to processes involved in jury trials and courtroom etiquette presented by Deputy Directors, Judges and Crown Prosecutors. It provided solicitors with an opportunity to ask questions about running trials and the level of preparation required whilst working under the guidance of their mentors.

Workforce Diversity and Cultural Awareness

A Working Group has been established to develop strategies to address issues around cultural diversity and in the first instance, Aboriginal Cultural Awareness. As part of the strategy, a workshop, Introduction to Aboriginal Cultural Awareness, was delivered in the Sydney and Wagga Wagga offices and will be delivered across all locations in the coming 12 months.

Corporate Initiatives

The ODPP hosted an International Women's Day Celebration in Sydney with Jane Needham SC as the keynote speaker and broadcast it to all other offices.

Ongoing SAP training (face-to-face and online) was provided for both managers and staff to ensure they are familiar with and able to use the system.

Health and Wellbeing

This year the Office introduced the new WellCheck program which provided all staff with the opportunity to participate in a one-on-one wellbeing check with a trained psychologist at each of our offices. The feedback

was overwhelmingly positive from attendees, with 172 staff accessing the service. The provider has delivered a confidential thematic summary report that will inform wellbeing training and initiatives for next year.

The training and awareness sessions conducted as part of the Wellbeing Program were:

- Rachel Speering from the UK Bar presented on the *Dynamic Resilience Program*, which provides support and ensures staff have the opportunity to address concerns, particularly those relating to trauma exposure
- Robyn Bradey presented at inductions *Smart, Cool, Well: A Guide for New Staff* which provides all new staff with strategies for managing challenging workloads, difficult situations and to look after their personal wellbeing
- a meditation program *Faster Deeper Bliss* is being introduced into the ODPP as a result of a presentation given by Tom Cronin, Founder of The Stillness Project.

Healthy Lifestyles Program

The Healthy Lifestyles Program continued to have strong participation. The flu vaccination initiative was taken up by 367 staff members across all offices.

The Fitness Passport program remains very popular, with 195 staff having ongoing memberships.

Physical Health Checks were made available at all offices and were taken up by 161 staff members. The results demonstrated improving health levels among participants.

Workers Compensation

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

In comparison to 2016/2017, the Office new workers compensation claims increased from three to four this year.

Workplace Support

Average Sick Leave for the Office for this year was 6.10 days compared to 7.17 days last year.

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

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

Awards for Service and Excellence

We are proud of the 47 dedicated staff who this year became eligible for recognition for their service to the Office.

Eighteen staff became eligible for the 10 Year Service Award, 13 staff for the 20 Year Service Award and 16 staff for the 30 Year Service Award which was introduced during this reporting period.

Craig Hyland, Solicitor for Public Prosecutions and Elizabeth Stratford, former Director Corporate Services and CFO were awarded the Director's Management Excellence Award for

their work in relation to the EAGP reform.

The Learning & Development were awarded the Director's Service Excellence Team Award for their team approach to improving learning and development and for their excellent delivery of HOPAC and SAP training.

Appointments to the Bench

In the year, Acting Deputy Director Gina O'Rourke SC was appointed as a Judge of the District Court. Crown Prosecutor Peter Thompson was appointed as a Magistrate.

Crown Prosecutor Appointments

During the year, 13 Crown Prosecutors were appointed; of these, six (46%) were promotional opportunities from within the Solicitor's Office.

Solicitor Advocate Appointments

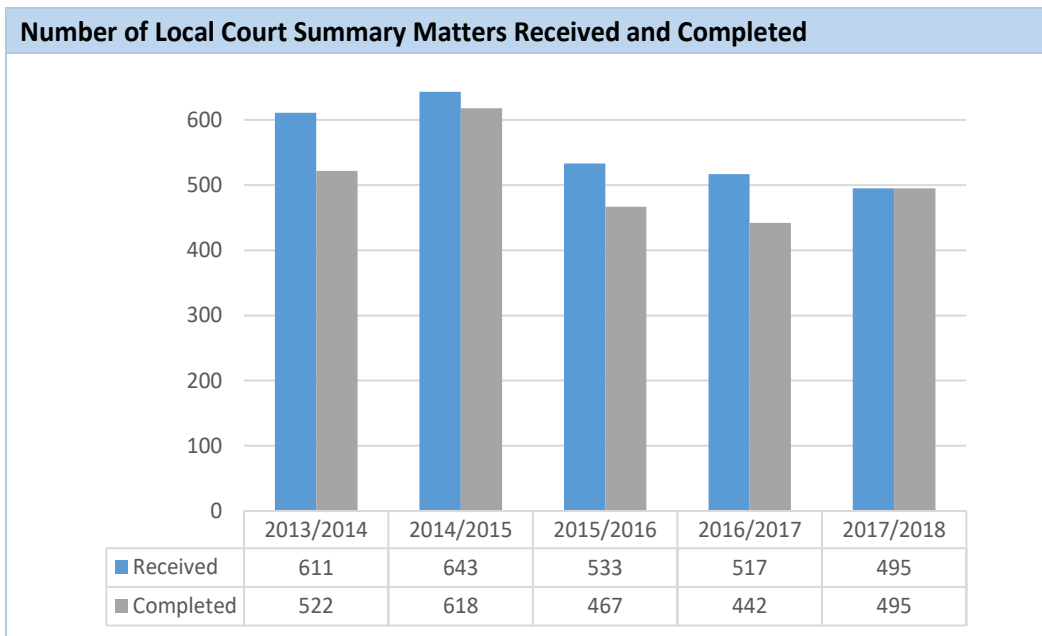
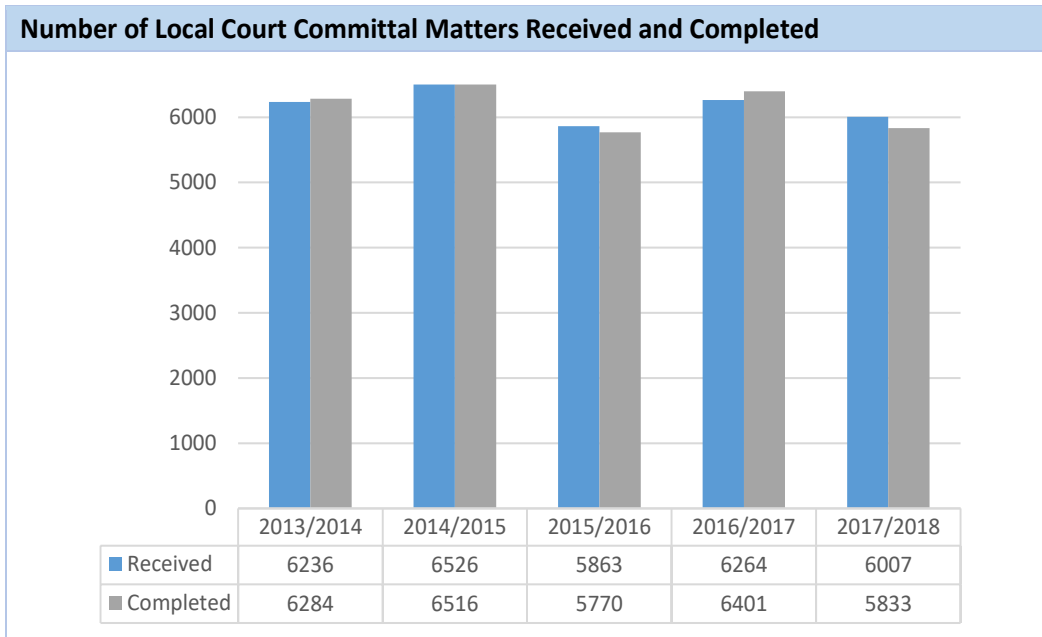
This year, 15 Solicitor Advocates were appointed, 11 of those were internal promotions.

Secondments

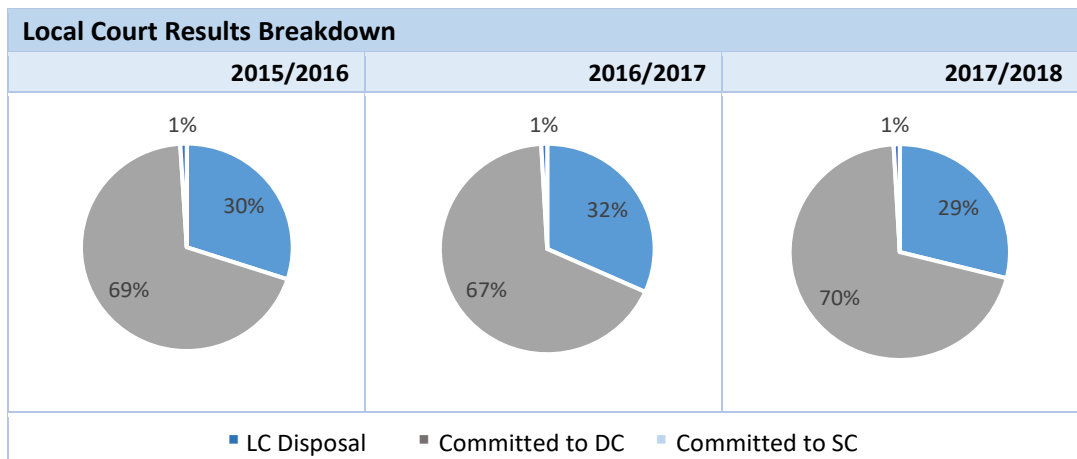
The Office continues actively promote, support and encourage staff to participate in secondment opportunities where available. During the year, 11 staff were involved in secondments across the public sector. The benefits of the different perspectives and experiences have allowed these staff to develop capabilities, skills and knowledge that can be shared more broadly upon their return through internal training and mentoring sessions.

Appendices

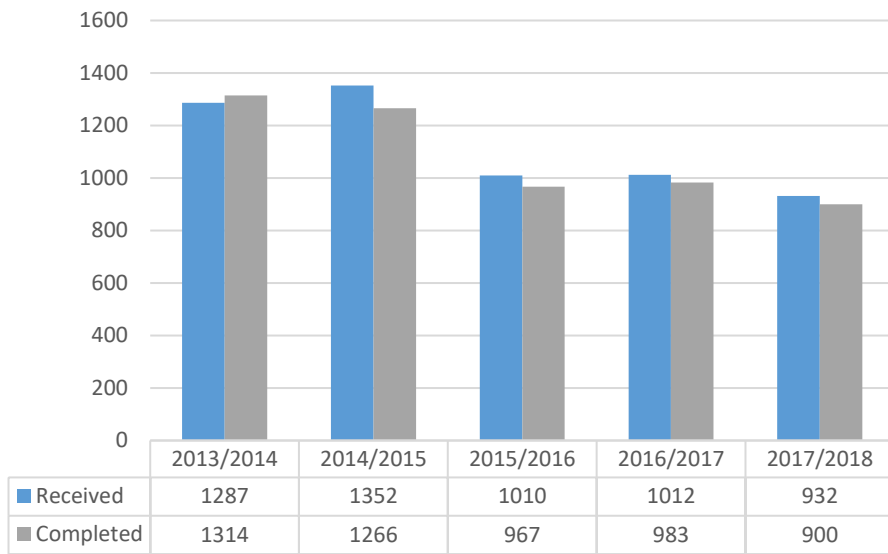
Appendix A: Productivity Statistics



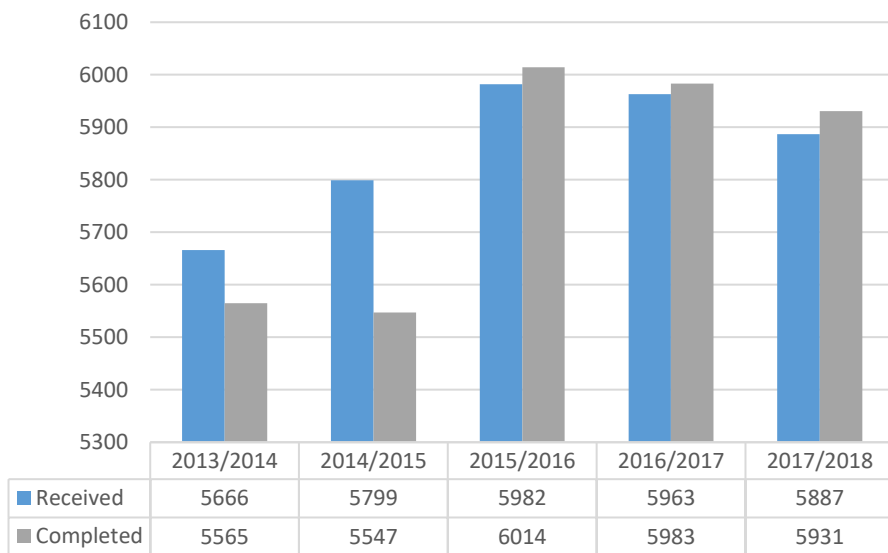
Local Court Results		No	%
Local Court Disposal	Plea of Guilty	927	15.9%
	Withdrawn	272	4.7%
	Sentenced following Summary Hearing	44	0.7%
	Returned to Police	305	5.2%
	Dismissed by the Local Court	82	1.4%
	Referred to the Drug Court	39	0.6%
	Subject Deceased	18	0.3%
	Form 1	4	0.1%
	Sub Total	1691	28.9%
Committed to the District Court	Sentence	1920	33.0%
	Trial	2168	37.1%
	Sub Total	4088	70.1%
Committed to the Supreme Court	Sentence	46	0.8%
	Trial	8	0.1%
	Sub Total	54	0.9%
Total		5833	100%



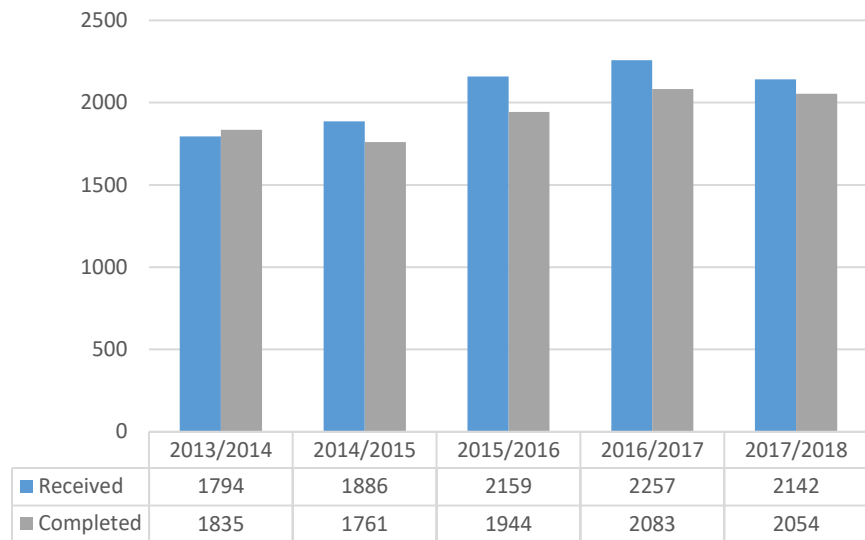
Number of District Court All Grounds Appeals Received and Completed



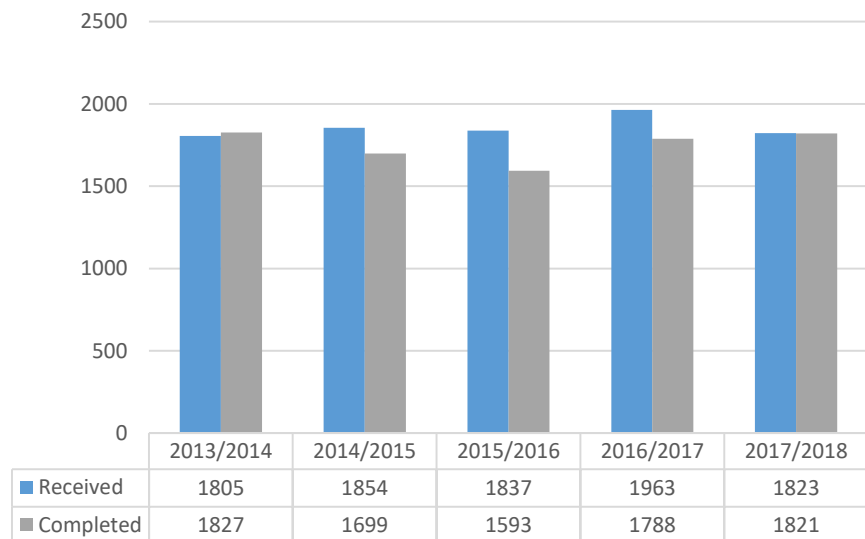
Number of District Court Severity Appeals Received and Completed



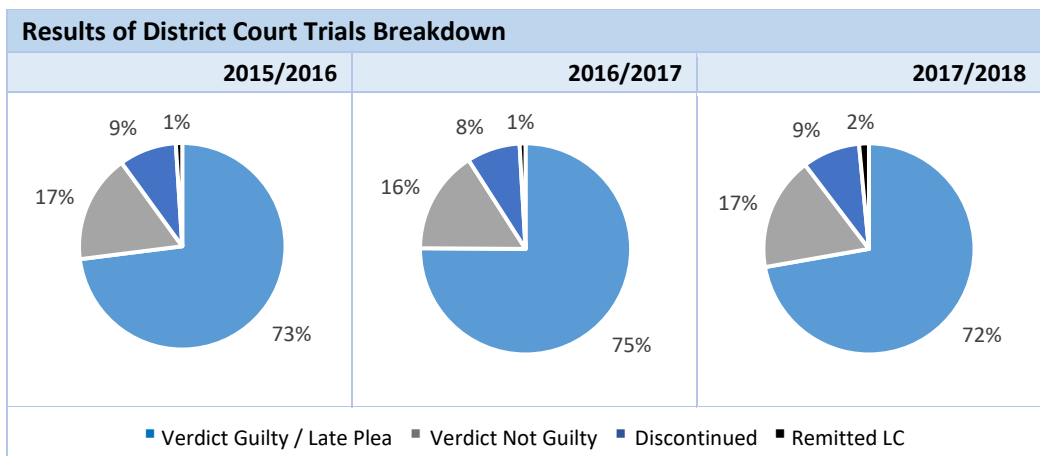
Number of District Court Sentences Received and Completed



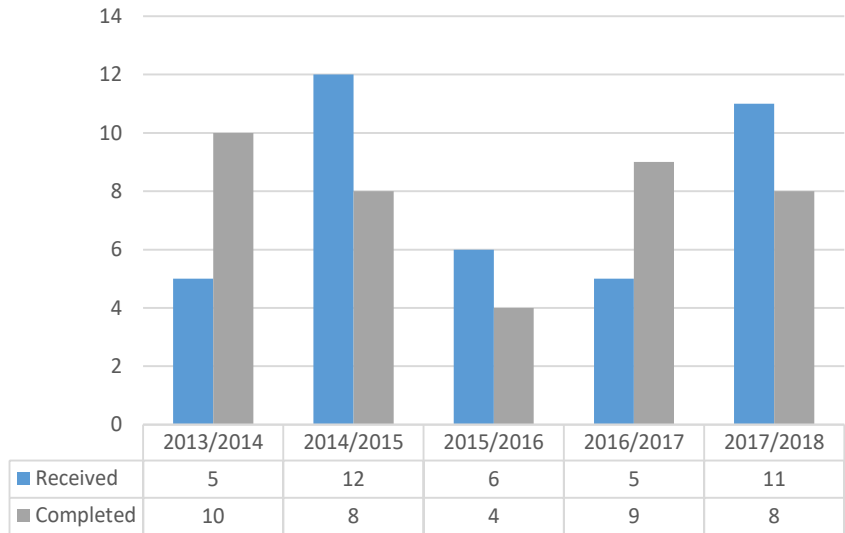
Number of District Court Trials Received and Completed



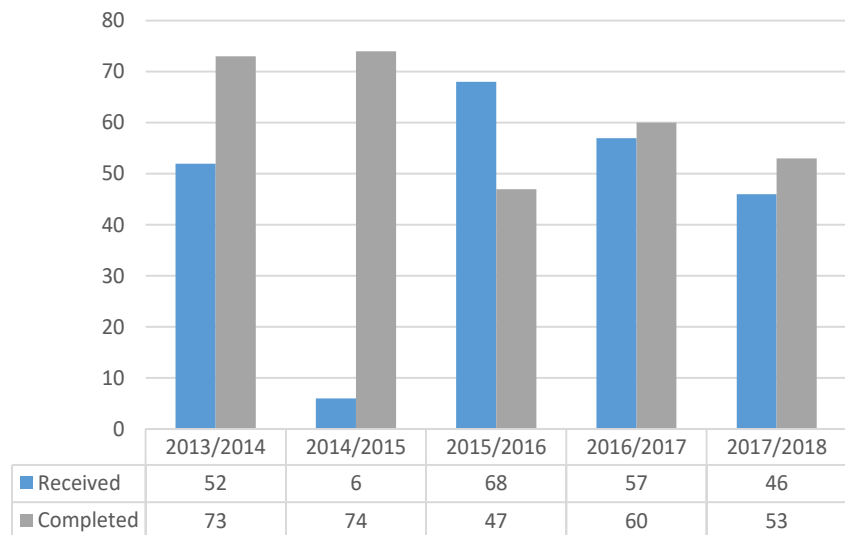
Results of District Court Trials		No	%
Late Plea		982	53.9%
Trial	Verdict Guilty	328	18.12%
	Verdict Not Guilty	315	17.34%
	Verdict by Direction	8	0.44%
Discontinued		159	8.7%
Remitted to the Local Court		29	1.6%
Total		1821	100%



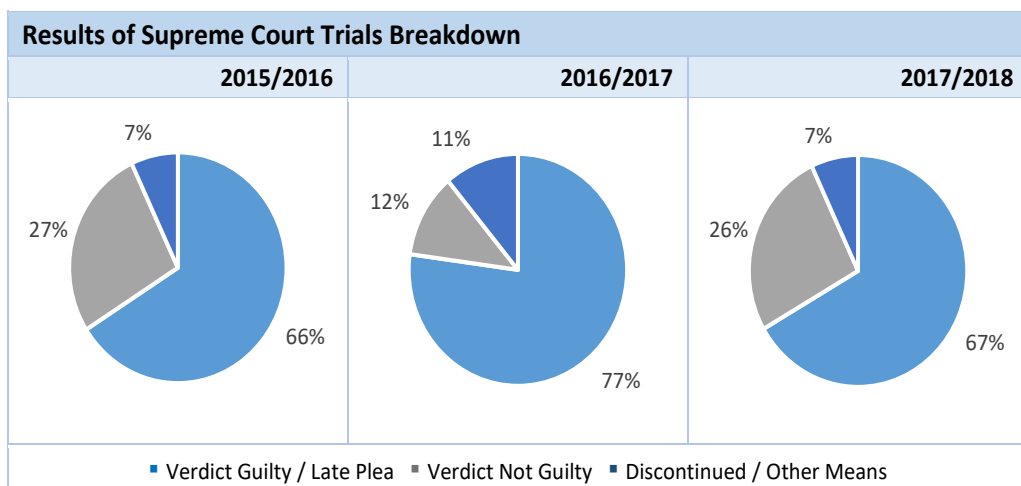
Number of Supreme Court Sentences Received and Completed



Number of Supreme Court Trials Received and Completed

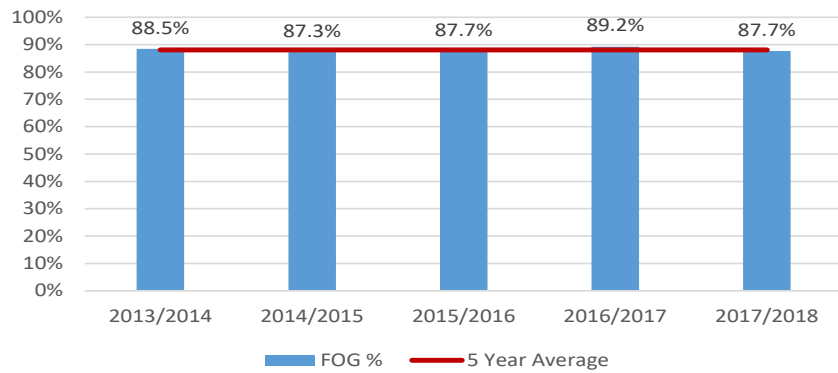


Results of Supreme Court Trials		No	%
Late Plea		8	15.1%
Trial	Verdict Guilty	27	51.0%
	Verdict Not Guilty	14	26.5%
Discontinued		1	1.8%
Other Means		3	5.6%
Total		53	100%



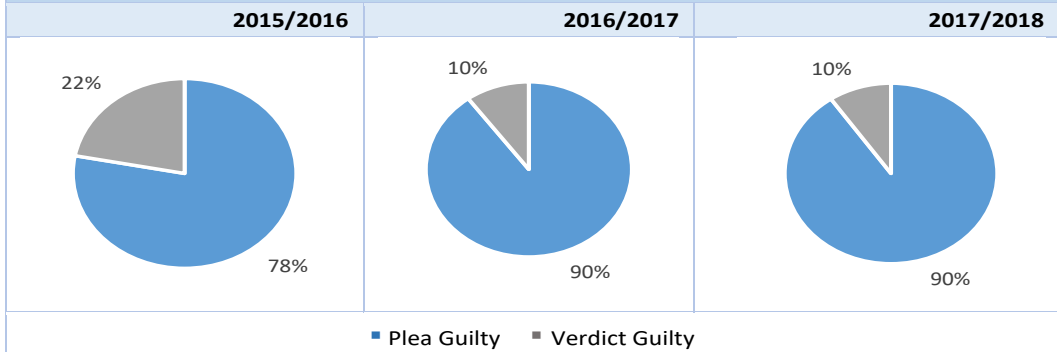
Finding of Guilt (FOG)

District and Supreme Court Plea Guilty or Verdict Guilty



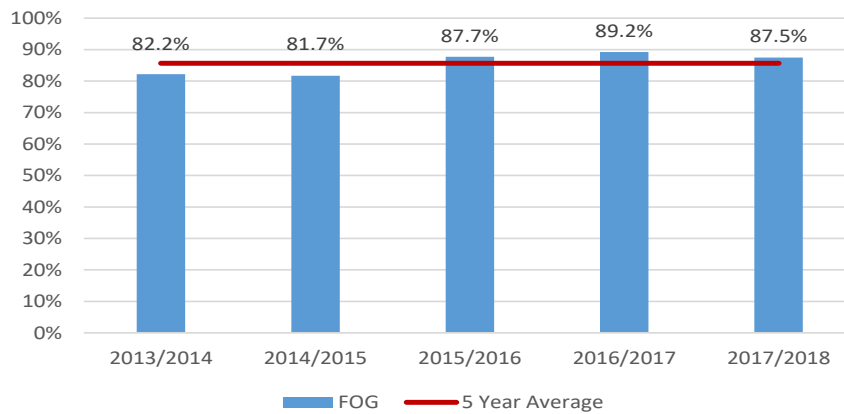
Finding of Guilt

District and Supreme Court Plea Guilty and Verdict Guilty Breakdown



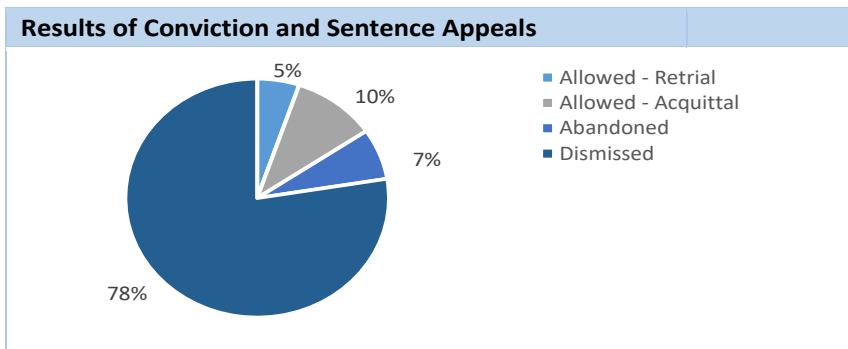
Overall Finding of Guilt

Local, District and Supreme Courts

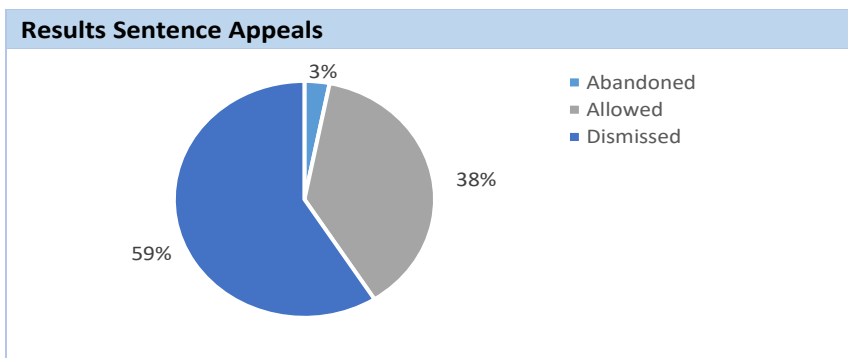


Completed Court of Criminal Appeal Matters		No
Crown 5F Appeals		8
Crown Inadequacy Appeals		26
Defence Conviction and Sentence Appeals		58
Defence Sentence Appeals		161
Total		253

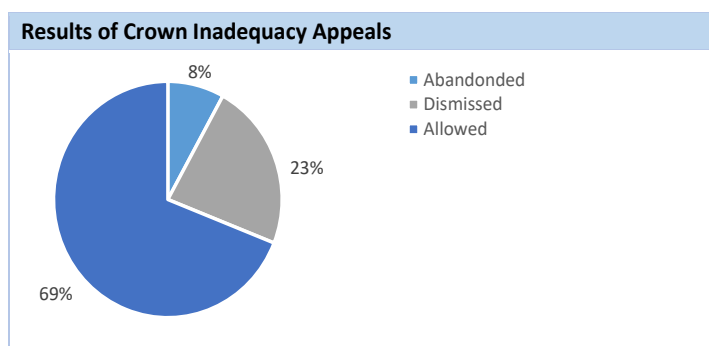
Results of Conviction and Sentence Appeals		No
Allowed	Retrial	3
	Acquittal	6
Abandoned		4
Dismissed		45
Total		58



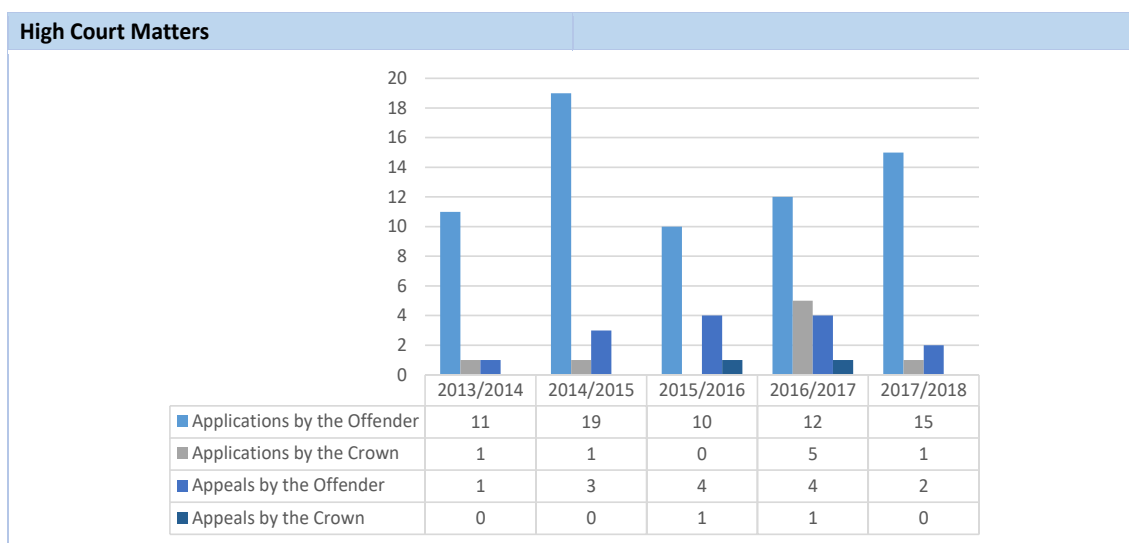
Results of Sentence Appeals		No
Abandoned		5
Allowed		61
Dismissed		95
Total		161



Results of Crown Inadequacy Appeals	No
Abandoned	2
Dismissed	6
Allowed	18
Total	26



High Court Special Leave Applications and Appeals	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
Completed Applications for Special Leave to Appeal					
Applications by the Offender	11	19	10	12	16
Applications by the Crown	1	1	0	5	0
Hearings Conducted after Grant of Special Leave					
Appeals by the Offender	1	3	4	4	2
Appeals by the Crown	0	0	1	1	0



Appendix B:

Key Provisions of the DPP Act

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

For the period 1 July 2016 to 30 June 2017 there were no significant amendments made to the Act.

s4 Director

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

s7 Principal Functions

The principal functions of the Director are to: (a) institute and conduct prosecutions for indictable offences in the Supreme Court and District Court; (b) conduct appeals in any court for any such prosecution and (c) conduct, as the responding party, any appeal in any court for any such prosecution: s7(1). The Director has the same functions as the Attorney General in relation to: (a) finding a bill of indictment or determining that no bill of indictment be found for an indictable offence where the person charged has been committed for trial; (b) directing that no further proceedings be taken against a person committed for trial or sentence; and (c) finding an ex officio indictment where the person has not been committed for trial: s7(2).

s8 Instituting other Proceedings

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

s11 Consents

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

s12 Coroners

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

s13 Guidelines to Crown Prosecutors by Director

The Director can provide written guidelines to the Deputy Directors, the Solicitor for Public Prosecutions and Crown Prosecutors concerning the prosecution of offences, but Guidelines are not issued in relation to particular cases.

s14 Recommendations and Guidelines to Police by Director

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

s15 Provisions relating to Guidelines

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

s15A Disclosures by Law Enforcement Officers

Police have a duty to disclose, to the Director, all relevant material obtained during an investigation that might reasonably be expected to assist the prosecution or defence case.

s18 Request for assistance from Police by Director

The Director may request police assistance in investigating a matter that the Director may institute or take over.

s19 Indemnities and Undertakings

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

s24 Offences under Commonwealth Laws

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

s25 Consultation

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

s26 Guidelines by Attorney General

The Attorney General may provide guidelines to the Director but not in relation to a particular case. Guidelines furnished are required to be published in the Government Gazette and laid before both Houses of Parliament.

s27 Attorney General to notify Director of bills and no bills

The Attorney General is obliged to notify the Director whenever the Attorney exercises any of the following functions: (a) finding a bill of indictment, or determining that no bill of indictment be found for an indictable offence where the person concerned has been committed for trial; (b) directing that no further proceedings be taken against a person committed for trial or sentence; (c) finding a bill of indictment for an indictable offence where the person has not been committed for trial; and (d) appealing under s5D of the *Criminal Appeal Act* 1912 to the Court of Criminal Appeal against a sentence. The Director is required to include in the Annual Report, information on notifications received from the Attorney General under this section during the period to which the report relates.

s29 Director may make request to Attorney General

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

s30 Attorney General's powers not affected

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

s33 Delegation

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

Appendix C: Delegations

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

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

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

Appendix D: Independence and Accountability

No guideline under s26 of the *Director of Public Prosecutions Act 1986* has been received from the Attorney General, nor has notice been received from him of the exercise by him of any of the functions described in s27. No requests have been made to the Attorney General pursuant to s29.

Appendix E:

Internal Committees

Committee	ODPP Representatives	
Audit and Risk Committee	Alexander Smith AM (<i>Chair/Independent</i>) Carolyn Walsh (<i>Independent</i>) (last meeting 15 March 2018) Ian Gillespie (<i>Independent</i>) Robyn Gray (<i>Independent</i>) (first meeting 15 March 2018) Sashi Govind (<i>Invitee</i>) (<i>Chief Risk Officer</i>)	Keith Alder (<i>Invitee</i>) (<i>Chief Audit Executive</i>) (last meeting 11 December 2017) Peter McGrath SC (<i>Invitee</i>) (<i>Chief Audit Executive</i>) (first meeting 20 April 2018) Elizabeth Stratford (<i>Invitee</i>) (last meeting 15 March 2018)
Business Analytics and Reporting Committee	Lloyd Babb SC (<i>Chair</i>) Kara Shead SC Chris Maxwell QC	Craig Hyland Mauro Santos Otero
Crown Prosecutors Management Committee	Chris Maxwell QC (<i>Chair</i>) Bridget O’Kane Craig Everson Lee Carr Sally Dowling SC Richard Herps Ken McKay Mark Hobart SC Neil Adams	Frank Veltro Darren Robinson (<i>alt Michael Clarke and alt Rod Howe</i>) Paul Kerr Michael Fox (<i>alt Kate Ratcliffe</i>) Nanette Williams Jo Smith Brett Hatfield
Executive Board	Lloyd Babb SC (<i>Chair</i>) Keith Alder (last meeting 26 October 2017) Kara Shead SC Peter McGrath SC (first meeting 26 April 2018) Huw Baker SC (first meeting 26 April 2018)	Mark Tedeschi AM QC (last meeting 15 February 2018) Chris Maxwell QC Elizabeth Stratford (last meeting 14 December 2017) Craig Hyland Kenneth Dixon (<i>Independent</i>) Robyn Gray (<i>Independent</i>)
Information Management Technology Committee	Brendan Oldham (<i>Chair</i>) Sashi Govind Elizabeth Stratford (last meeting 28 November 2017)	Alex Morris Craig Hyland Johanna Pheils Rajiv Nandan
Management Committee	Lloyd Babb SC (<i>Chair</i>) Keith Alder (last meeting 14 December 2017) Kara Shead SC Mark Tedeschi AM QC (last meeting 15 February 2018) Elizabeth Stratford (last meeting 14 December 2017) Peter McGrath SC (first meeting 26 April 2018)	Huw Baker SC (first meeting 22 March 2018) Craig Hyland Johanna Pheils Sashi Govind Paula McNamara Nigel Richardson Brendan Oldham Chris Maxwell QC Melinda Graczol

<p>PSA / Management Joint Consultative Committee</p>	<p>ODPP Representatives Nigel Richardson (<i>Chair</i>) Craig Hyland Sashi Govind Elizabeth Stratford (last meeting 27 September 2017)</p>	<p>ODPP PSA Representatives Fiona Horder Susan Ayre Linda Barrs Amanda Kerr (first meeting 27 September 2017) PSA Industrial Officer Monika Wunderlin Bart McKenzie</p>
<p>Workplace Wellbeing Taskforce</p>	<p>Lloyd Babb SC (<i>Chair</i>) Nigel Richardson Nanette Williams Sharon Wills Susan Ayre Bea Woolford</p>	<p>Andrew Horowitz Julie Booth Michael Reville Keith Dawson</p>

Appendix F: Risk Management and Insurance Activities

Risk Management

The Office's Quality Assurance Framework and Internal Audit plans were endorsed by the ODPP Audit and Risk Committee. The Committee monitored the implementation of internal audits to ensure that audits undertaken were consistent with the approved program and that the programs progressed satisfactorily.

The Audit and Risk and Internal Audit Charters were reviewed and updated and comply with the Internal Audit and Risk Management Policy TPP 15-03.

The Criminal Advocacy Search and Enquiry System (CASES) Project, a review and upgrade for future case management requirements and the Early Appropriate Guilty Plea reform implementation formed the major risk management activity for the ODPP this year.

The Business Continuity Plan was revised to a more agile multipurpose document designed to be delivered digitally and in hard copy for ease of dissemination. A staff awareness program was endorsed to ensure related staff responsibilities were well understood across the Office.

The Information Security Management System audits ensured that information security policies, process and controls are in place. The standard covered a number of information security domains ranging from physical security to operational controls. The audits confirmed that the ODPP's risk assessments and risk treatment process are well defined and security incidents are well managed and corrective action taken accordingly.

Insurance Activities

Motor Vehicles

The Office's 2017/2018 Motor Vehicle Claims totalled 23, representing an average damage/loss net cost in claim payments of \$2361. This was an increase of three claims and a decrease in the average net damage/loss of \$989 per claim compared to the 2016/2017 financial year.

Property

In 2017/2018, there were three property claims finalised for the Office in the amount of \$4562. In the previous financial year there was one property claim for the Office.

Miscellaneous

The Office had nil Miscellaneous Claims in the 2017/2018 reporting year.

Credit Card Certification

During the 2017/2018 financial year, credit card use within ODPP was in accordance with Premier & Cabinet Memoranda, Treasury's directions and award conditions for travel related expenses.

Credit Card Use

Credit card use within ODPP is largely limited to claimable work related travel expenses and expenditure for minor purchases where the use of credit card is a more efficient means of payment.

Monitoring Credit Card Use

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

- officers are issued with a credit card monthly statement to verify and certify that all expenses were incurred for official purposes
- acquittals are examined and authorised by officers with appropriate financial delegation
- as a minimum, annual reviews of usage levels and appropriateness of credit card limits are conducted.

Appendix G: Internal Audit and Risk Management Attestation

OUR REFERENCE

DIRECTOR'S CHAMBERS



ODPP
New South Wales

YOUR REFERENCE

DATE

21 August 2018

**Internal Audit and Risk Management Attestation for the
2017-2018 Financial Year for the Office of the Director of Public Prosecutions**

I, Lloyd Babb SC am of the opinion that the Office of the Director of Public Prosecutions has internal audit and risk management processes in operation that are, excluding the exceptions or transitional arrangements described below, compliant with the eight (8) core requirements set out in the *Internal Audit and Risk Management Policy for the NSW Public Sector*, specifically:

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

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

Membership

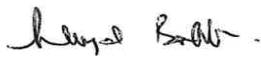
The chair and members of the Audit and Risk Committee are:

- Alexander Smith, Independent Chairperson (8 October 2013 – 7 October 2018)
- Carolyn Walsh, Independent Member (7 January 2013 – 15 March 2018)
- Ian Gillespie, Independent Member (6 June 2016 – 6 June 2019)
- Robyn Gray, Independent Member (1 February 2018 – 1 February 2021)
- Sashi Govind, Chief Risk Officer (from 19 May 2016)

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

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

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



Lloyd Babb SC
Director of Public Prosecutions



Department Contact Officer/ Chief Executive Officer (Audit and Risk)
Peter McGrath SC
Deputy Director of Public Prosecutions

Appendix H: Digital Information Security Attestation

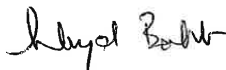
Digital Information Security Annual Attestation Statement for the 2017-2018 Financial Year for Office of the Director of Public Prosecutions

I, Lloyd Babb SC, am of the opinion that Office of the Director of Public Prosecutions had an Information Security Management System in place during the 2017-2018 financial year that is consistent with the Core Requirements set out in the *NSW Government Digital Information Security Policy*.

The controls in place to mitigate identified risks to the digital information and digital information systems of Office of the Director of Public Prosecutions are adequate.

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

The Office of the Director of Public Prosecutions has maintained certified compliance with *ISO 27001 Information technology - Security techniques - Information security management systems - Requirements* by an Accredited Third Party during the 2017-2018 financial year.



Lloyd Babb SC 19/7/18
Director of Public Prosecutions

Appendix I: Procurement, Corporate Governance and Financial Accountability

Accountability and Efficiency

The Office submitted all Statutory Reports within prescribed timeframes:

- 2017/2018 Annual Financial Statements were finalised and submitted to the Auditor-General on 23 July 2018
- Fringe Benefit Tax (FBT) 2017/2018 Annual Return was submitted on the due date of 18 May 2018
- Business Activity Statement (BAS) Monthly Returns were submitted by monthly due dates.

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

Appendix J: Chief Executive Officer Statement of Performance

The Director of Public Prosecutions is a statutory appointment under Section 4 of the *Director of Public Prosecutions Act 1986*. The Director is responsible to Parliament and there is no annual performance review under the *Government Sector Employment Act 2013*.

Lloyd Babb SC

Period in Position: 1 July 2017 to 30 June 2018

Position and Level: Director of Public Prosecutions

Remuneration: \$459,030 pa (salary plus allowance as at 30 June 2018)

Senior Executive Performance Statement

Nil to report.

Appendix K: Chief Executive Service and Senior Executive Service

SES Band	30 June 2017					30 June 2018				
	Total Number	Male	Female	Average Remuneration	% of Total Employee Related Expenditure	Total Number	Male	Female	Average Remuneration	% of Total Employee Related Expenditure
Band 1	10	3	7	218,581	2.27	9	3	6	219,891	1.96
Band 2	-	-	-	-	-	-	-	-	-	-
Band 3	-	-	-	-	-	-	-	-	-	-
Band 4	-	-	-	-	-	-	-	-	-	-

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

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

Appendix L: Overseas Travel

Staff Member	Dates, Places and Travel Details	Reason for Travel and Expenses Details (\$AUS)	Total Cost
Lloyd Babb SC	International Association of Prosecutors (IAP) Conference 10-14 September 2017 Beijing, China	IAP Conference Airfares \$5069 Conference Registration \$2943 Incidentals \$175	\$8187
Lloyd Babb SC	45 th Executive Committee Meeting of the IAP 9-11 April 2018 Baku, Azerbaijan	45 th Executive Committee Meeting of the IAP Accommodation \$842 Airfares \$7316	\$8158

Appendix M: Consultants

Engagements greater than \$50,000			
Consultant	Category	Name of project and purpose	Cost ex GST
KPMG	Finance and Accounting	Update Funding Model	\$136,364

Engagements less than \$50,000		
Categories	Total No. of Engagements	Cost ex GST
Management Services	One	\$3,800
Total consultancies each engagements costing less than \$50,000		\$3,800

Appendix N:

Accounts Payment Performance

1 July 2016 to 30 June 2017

Ageing of accounts payable at the end of each quarter					
Quarter	Current (within due date) \$	<30 days overdue \$	30-60 days overdue \$	60-90 days overdue \$	> 90 days overdue \$
September					
All suppliers	1,006,735	15,018	2,030	4,000	500
Small business suppliers	-	-	-	-	-
December					
All suppliers	915,485	62,990	593	-	2,735
Small business suppliers	-	-	-	-	-
March					
All suppliers	743,793	22,465	4,167	-	880
Small business suppliers	-	-	-	-	-
June					
All suppliers	702,104	-	-	-	-
Small business suppliers	-	-	-	-	-

Details of accounts due for payment				
	September	December	March	June
Number of accounts due for payment				
All suppliers	1,740	1,973	1,938	2,323
Small business suppliers	7	12	6	14
Number of accounts paid on time				
All suppliers	1,689	1,875	1,861	2,2201
Small business suppliers	7	12	6	13
Actual percentage of accounts paid on time (based on number of occasion)				
All suppliers	97%	95%	96%	95%
Small business suppliers	100%	100%	100%	93%
Dollar amount of accounts due for payment				
All suppliers	\$9,221,521	\$9,689,274	\$8,669,483	\$11,560,031
Small business suppliers	\$21,903	\$35,455	\$52,038	\$35,139
Dollar amount of accounts paid on time				
All suppliers	\$8,965,113	\$9,420,252	\$8,517,089	\$11,326,283
Small business suppliers	\$1,903	\$35,455	\$52,038	\$34,919
Number of payments for interest on overdue accounts				
All suppliers	-	-	-	-
Small business suppliers	-	-	-	-
Interest paid on late accounts				
All suppliers	-	-	-	-
Small business suppliers	-	-	-	-
Reasons for accounts not paid on time				
Suppliers' invoices were not received within Financial Services Unit for payment				

Appendix O: Financial Accounts

Office of the Director of Public Prosecutions

**Financial statements
for the year ended 30 June 2018**

**Office of the Director of Public Prosecutions
Statement by Director for the year ended 30 June 2018**

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

- (a) the accompanying financial statements have been prepared in accordance with applicable Australian Accounting Standards (which include Australian Accounting Interpretations), the requirements of the *Public Finance and Audit Act 1983*, and *Public Finance and Audit Regulation 2015* and Financial Reporting Directions mandated by the Treasurer;
- (b) the statements exhibit a true and fair view of the financial position as at 30 June 2018 and financial performance of the Office for the year then ended; and
- (c) I am not aware of any circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.



Kara Shead SC
Acting Director of Public Prosecutions

Sydney
13 September 2018



INDEPENDENT AUDITOR'S REPORT

Office of the Director of Public Prosecutions

To Members of the New South Wales Parliament

Opinion

I have audited the accompanying financial statements of the Office of the Director of Public Prosecutions (the Office), which comprise the Statement of Comprehensive Income for the year ended 30 June 2018, the Statement of Financial Position as at 30 June 2018, the Statement of Changes in Equity and the Statement of Cash Flows for the year then ended, notes comprising a Statement of Significant Accounting Policies and other explanatory information.

In my opinion, the financial statements:

- give a true and fair view of the financial position of the Office as at 30 June 2018, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- are in accordance with section 45E of the *Public Finance and Audit Act 1983* (PF&A Act) and the Public Finance and Audit Regulation 2015.

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

Basis for Opinion

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

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

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

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

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of public sector agencies
- precluding the Auditor-General from providing non-audit services.

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

Other Information

Other information comprises the information included in the Office's annual report for the year ended 30 June 2018, other than the financial statements and my Independent Auditor's Report thereon. The Director of the Office (the Director) is responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the Statement by the Director.

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

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

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

I have nothing to report in this regard.

The Director's Responsibilities for the Financial Statements

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

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

Auditor's Responsibilities for the Audit of the Financial Statements

My objectives are to:

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

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

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar4.pdf. The description forms part of my auditor's report.

My opinion does *not* provide assurance:

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

A handwritten signature in black ink, appearing to read 'C Harper', with a long, sweeping horizontal stroke extending to the right.

Chris Harper
Director, Financial Audit Services

18 September 2018
SYDNEY

Office of the Director of Public Prosecutions
Statement of comprehensive income for the year ended 30 June 2018

	Actual 2018 \$'000	Budget 2018 \$'000	Actual 2017 \$'000
Notes			
Continuing Operations			
Expenses excluding losses			
Employee related expenses	2(a) 117,963	116,979	107,949
Operating expenses	2(b) 25,375	23,682	22,886
Depreciation and amortisation	2(c) 3,824	4,297	3,383
Other expenses	2(d) 4,060	3,467	3,830
Total expenses excluding losses	<u>151,222</u>	<u>148,425</u>	<u>138,048</u>
Revenue			
Appropriation	3(a) 125,153	126,983	127,237
Sale of goods and services	3(b) 46	84	9
Grants and other contributions	3(c) 19,422	15,301	4,398
Acceptance by the Crown Entity of employee benefits and other liabilities	3(d) 5,661	6,481	5,000
Other income	3(e) 175	36	433
Total revenue	<u>150,457</u>	<u>148,885</u>	<u>137,077</u>
Operating result	<u>(765)</u>	<u>460</u>	<u>(971)</u>
Gains / (losses) on disposal	4 <u>(2)</u>	<u>5</u>	<u>(10)</u>
Net result	<u>(767)</u>	<u>465</u>	<u>(981)</u>
Other comprehensive income	<u>-</u>	<u>-</u>	<u>-</u>
Total other comprehensive income	<u>-</u>	<u>-</u>	<u>-</u>
TOTAL COMPREHENSIVE INCOME	<u>(767)</u>	<u>465</u>	<u>(981)</u>

The accompanying notes form part of these financial statements.

**Office of the Director of Public Prosecutions
Statement of financial position as at 30 June 2018**

	Notes	Actual 2018 \$'000	Budget 2018 \$'000	Actual 2017 \$'000
ASSETS				
Current assets				
Cash and cash equivalents	6	1,256	1,585	2,166
Receivables	7	<u>3,955</u>	<u>2,399</u>	<u>1,848</u>
Total current assets		<u>5,211</u>	<u>3,984</u>	<u>4,014</u>
Non-current assets				
Plant and equipment	8	9,337	8,190	10,336
Intangible assets	9	<u>2,597</u>	<u>4,186</u>	<u>1,891</u>
Total non-current assets		<u>11,934</u>	<u>12,376</u>	<u>12,227</u>
Total assets		<u>17,145</u>	<u>16,360</u>	<u>16,241</u>
LIABILITIES				
Current liabilities				
Payables	10	2,687	1,564	1,856
Provisions	11	13,487	11,138	12,605
Other current liabilities		<u>-</u>	<u>551</u>	<u>-</u>
Total current liabilities		<u>16,174</u>	<u>13,253</u>	<u>14,461</u>
Non-current liabilities				
Provisions	11	3,279	3,144	3,321
Other non-current liabilities		<u>-</u>	<u>193</u>	<u>-</u>
Total non-current liabilities		<u>3,279</u>	<u>3,337</u>	<u>3,321</u>
Total liabilities		<u>19,453</u>	<u>16,590</u>	<u>17,782</u>
Net assets		<u>(2,308)</u>	<u>(230)</u>	<u>(1,541)</u>
EQUITY				
Accumulated funds		<u>(2,308)</u>	<u>(230)</u>	<u>(1,541)</u>
Total equity		<u>(2,308)</u>	<u>(230)</u>	<u>(1,541)</u>

The accompanying notes form part of these financial statements.

**Office of the Director of Public Prosecutions
Statement of changes in equity for the year ended 30 June 2018**

	Accumulated Funds	Total
	\$'000	\$'000
Balance at 1 July 2017	(1,541)	(1,541)
Net result for the year	<u>(767)</u>	<u>(767)</u>
Total comprehensive income for the year	(767)	(767)
Balance at 30 June 2018	<u>(2,308)</u>	<u>(2,308)</u>

	Accumulated Funds	Total
Balance at 1 July 2016	(560)	(560)
Net result for the year	<u>(981)</u>	<u>(981)</u>
Total comprehensive income for the year	(981)	(981)
Balance at 30 June 2017	<u>(1,541)</u>	<u>(1,541)</u>

**Office of the Director of Public Prosecutions
Statement of cash flows for the year ended 30 June 2018**

	Actual 2018 \$'000	Budget 2018 \$'000	Actual 2017 \$'000
Notes			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee related	(108,766)	(105,880)	(100,666)
Suppliers for goods and services	<u>(35,170)</u>	<u>(34,687)</u>	<u>(30,546)</u>
Total payments	<u>(143,936)</u>	<u>(140,567)</u>	<u>(131,212)</u>
Receipts			
Appropriations (excluding equity appropriations) (Transfers to the Crown Entity)	125,153	126,983	127,237
Sale of goods and services	350	84	10
Grants and other contributions	17,194	15,301	4,251
Other	<u>3,177</u>	<u>2,466</u>	<u>2,855</u>
Total receipts	<u>145,874</u>	<u>144,834</u>	<u>134,260</u>
NET CASH FLOWS FROM OPERATING ACTIVITIES	15 <u>1,938</u>	<u>4,267</u>	<u>3,048</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Proceeds from sale of plant and equipment	-	5	-
Purchase of plant and equipment	(1,269)	(2,219)	(2,880)
Purchase of intangible assets	<u>(1,579)</u>	<u>(2,400)</u>	<u>(354)</u>
NET CASH FLOWS FROM INVESTING ACTIVITIES	<u>(2,848)</u>	<u>(4,614)</u>	<u>(3,234)</u>
CASH FLOWS FROM FINANCING ACTIVITIES			
NET CASH FLOWS FROM FINANCING ACTIVITIES	<u>-</u>	<u>-</u>	<u>-</u>
NET INCREASE (DECREASE) IN CASH AND CASH EQUIVALENTS	(910)	(347)	(186)
Opening cash and cash equivalents	<u>2,166</u>	<u>1,932</u>	<u>2,352</u>
CLOSING CASH AND CASH EQUIVALENTS	6 <u>1,256</u>	<u>1,585</u>	<u>2,166</u>

The accompanying notes form part of these financial statements.

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2018

Index to the notes to the financial statements

1	Statement of Significant Accounting Policies
2	Expenses Excluding Losses
3	Revenue
4	Gains / (Losses) on Disposal
5	Program Group Statements
6	Current Assets - Cash and Cash Equivalents
7	Current Assets - Receivables
8	Plant and Equipment
9	Non-Current Assets - Intangible Assets
10	Current Liabilities - Payables
11	Current / Non-Current Liabilities - Provisions
12	Commitments
13	Contingent Liabilities and Contingent Assets
14	Budget Review
15	Reconciliation of Net Cash Flows from Operating Activities to Net Result
16	Financial Instruments
17	Related Party Disclosures
18	Events after the Reporting Period

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2018

1 Statement of Significant Accounting Policies

(a) Reporting entity

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

These financial statements for the year ended 30 June 2018 have been authorised for issue by the Acting Director on 13 September 2018.

(b) Basis of preparation

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

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

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

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

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

All amounts are rounded to the nearest one thousand dollars and are expressed in Australian currency, which is the Office's presentation and functional currency.

(c) Statement of compliance

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

(d) Accounting for the Goods and Services Tax

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

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

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

(e) Comparative information

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

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

(i) Effective for the first time in 2017-18

The accounting policies applied in 2017-18 are consistent with those of the previous financial year except as a result of the following new or revised Australian Accounting Standards that have been applied for the first time in 2017-18. The adoption of these standards has not caused any material adjustments to the reported financial position, performance, or cash flows of the Office.

**Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2018**

1 Statement of Significant Accounting Policies (cont'd)

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

(i) Effective for the first time in 2017-18 (cont'd)

- *AASB 2016-2 Amendments to Australian Accounting Standards - Disclosure Initiative: Amendment to AASB 107*

The amendments to AASB 107 *Statement of Cash Flows* are part of the IASB's Disclosure Initiative and help users of financial statements better understand changes in an entity's debt. The amendments require entities to provide disclosures about changes in their liabilities arising from financing activities, including both changes arising from cash flows and non-cash changes (such as foreign exchange gains or losses).

(ii) Issued but not yet effective

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

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

- *AASB 9 Financial Instruments*
- *AASB 15, AASB 2014-5, AASB 2015-8 and 2016-3 Revenue from Contracts with Customers*
- *AASB 1058 Income of Not-for-Profit Entities*
- *AASB 17 Insurance Contracts*
- *AASB 1059 Service Concession Arrangements: Grantors*
- *AASB 2016-6 Amendments to Australian Accounting Standards - Applying AASB 9 with AASB 4 Insurance Contracts*
- *AASB 2016-7 Amendments to Australian Accounting Standards - Deferral of AASB 15 for Not-for-Profit Entities*
- *AASB 2016-8 Amendments to Australian Accounting Standards - Australian Implementation Guidance for Not-for-Profit Entities*
- *AASB 2017-3 Amendments to Australian Accounting Standards - Clarifications to AASB 4*
- *AASB 2017-5 Amendments to Australian Accounting Standards - Effective Date of Amendments to AASB 10 and AASB 128 and Editorial Corrections*
- *AASB 2017-6 Amendments to Australian Accounting Standards - Prepayment Features with Negative Compensation*
- *Interpretation 22 Foreign Currency Transactions and Advance Consideration*
- *AASB 16 Leases*

**Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2018**

1 Statement of Significant Accounting Policies (cont'd)

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

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

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

AASB 16 *Leases*. The possible impact of AASB16 based on preliminary assessments by the Office include;

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

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

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2018

2 Expenses Excluding Losses

	2018	2017
	\$'000	\$'000
(a) Employee related expenses		
Salaries and wages (including annual leave)*	95,517	88,939
Superannuation - defined benefit plans	1,774	2,002
Superannuation - defined contribution plans	7,914	7,033
Long service leave	4,029	2,862
Workers' compensation insurance	251	329
Payroll tax and fringe benefit tax	6,043	5,718
On-cost on long service leave	68	(17)
Temporary staff	2,367	1,083
	<u>117,963</u>	<u>107,949</u>

* Employee related costs that have been capitalised in intangible assets, and therefore excluded from the above; i.e. \$0.201 million (2017:\$0.82 million)

	2018	2017
	\$'000	\$'000
(b) Operating expenses include the following:		
Auditor's remuneration - audit of the financial statements	55	65
Cleaning	545	451
Consultants	140	-
Insurance	648	577
Motor vehicle expenses	195	191
Operating lease rental expense - minimum lease payments	8,564	8,484
Telephone	955	865
Stores and equipment	1,162	924
Training	341	257
Travel	2,013	1,730
Other expenses	1,001	678
Outgoings	1,131	988
Books and online services	617	627
Fees - private barristers	5,452	4,751
Fees - practising certificates	401	374
Fees - security	277	257
Gas and electricity	356	353
Postage	172	184
Maintenance*	1,350	1,130
	<u>25,375</u>	<u>22,886</u>
* <i>Reconciliation - Total maintenance</i>		
Maintenance expense - contracted labour and other (non-employee related), as above	1,350	1,130
Employee related maintenance expense included in Note 2(a)	457	440
Total maintenance expenses included in Note 2(a) + 2(b)	<u>1,807</u>	<u>1,570</u>

Recognition and Measurement

Maintenance expense

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

Insurance

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

Operating leases

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

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2018

2 Expenses Excluding Losses (cont'd)

	2018 \$'000	2017 \$'000
(c) Depreciation and amortisation expense		
Depreciation		
Plant and Equipment	1,880	1,852
Computer equipment	1,046	668
Library collection	25	24
Total Depreciation	2,951	2,544
Amortisation		
Intangible assets	873	839
	3,824	3,383

Refer to Note 8 and 9 for recognition and measurement policies on depreciation and amortisation.

	2018 \$'000	2017 \$'000
(d) Other expenses		
Allowances to witness	4,060	3,818
Living expenses of defendant non Australian citizens	-	12
	4,060	3,830

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

3 Revenue

(a) Appropriations and transfers to the Crown Entity

Summary of Compliance	2018 \$'000		2017 \$'000	
	Appropriation	Expenditure	Appropriation	Expenditure
Original Budget per Appropriation Act	126,983	125,153	128,237	127,237
Total Appropriations / Expenditure / Net claim on Consolidated Funds (includes transfer payments)	126,983	125,153	128,237	127,237
Appropriation drawn down		125,153		127,237
Liability to Consolidated Fund		-		-
Comprising:				
Appropriations (per statement of comprehensive income)		125,153		127,237
		125,153		127,237
Appropriations				
Recurrent		123,265		124,169
Capital		1,888		3,068
		125,153		127,237

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2018

3 Revenue (cont'd)

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

Notes:

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

Recognition and Measurement

Parliamentary appropriations and contributions

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

Appropriations are not recognised as income in the following circumstance:

- Unspent appropriations are recognised as liabilities rather than income, as the authority to spend the money lapses and the unspent amount must be repaid to the Consolidated Fund.

	2018	2017
	\$'000	\$'000

(b) Sale of goods and services

Costs awarded	<u>46</u>	<u>9</u>
	46	9

Recognition and Measurement

Sale of goods

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

	2018	2017
	\$'000	\$'000

(c) Grants and other contributions

Contribution from Budget Dependant agencies	<u>19,422</u>	<u>4,398</u>
	19,422	4,398

Grants were received from the Department of Justice for District Court Backlog Program \$11.716 million (2017: \$4.168 million), Early Appropriate Guilty Pleas Reform \$6.403 million (2017: \$0.148 million), CASES management project \$0.888 million (2017: \$0.148 million) and AVL assets transfer \$0.415 million (2017:\$nil).

Recognition and Measurement

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

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

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2018

3 Revenue (cont'd)

	2018	2017
	\$'000	\$'000

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

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

Superannuation - defined benefit	1,774	2,002
Long service leave	3,786	2,891
Payroll tax	<u>101</u>	<u>107</u>
	<u>5,661</u>	<u>5,000</u>

	2018	2017
	\$'000	\$'000

(e) Other income

Miscellaneous Revenue	<u>175</u>	<u>433</u>
	<u>175</u>	<u>433</u>

4 Gains / (Losses) on Disposal

	2018	2017
	\$'000	\$'000

Gain / (loss) on disposal of plant and equipment

Proceeds from disposal	-	-
Written down value of assets disposed	<u>(2)</u>	<u>(10)</u>
Net gain / (loss) on disposal of plant and equipment	<u>(2)</u>	<u>(10)</u>

Office of the Director of Public Prosecutions

Notes to the financial statements for the year ended 30 June 2018

5 Program Group Statements
for the year ended 30 June 2018

	Program Group 1 Prosecutions *		Program Group 2 Victim and Witness Assistance *		Not Attributable		Total	
	2018	2017	2018	2017	2018	2017	2018	2017
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
OFFICE'S EXPENSES AND INCOME								
Expenses excluding losses								
Employee related expenses	113,487	104,192	4,476	3,757	-	-	117,963	107,949
Other operating expenses	24,470	22,120	905	766	-	-	25,375	22,886
Depreciation and amortisation	3,617	3,207	207	176	-	-	3,824	3,383
Other expenses	-	-	4,060	3,830	-	-	4,060	3,830
Total expenses excluding losses	141,574	129,519	9,648	8,529			151,222	138,048
Revenue**								
Appropriation	-	-	-	-	125,153	127,237	125,153	127,237
Sale of goods and services	46	9	-	-	-	-	46	9
Grants and other contributions	18,425	4,398	997	-	-	-	19,422	4,398
Acceptance by the Crown Entity of employee benefits and other liabilities	5,446	4,825	215	175	-	-	5,661	5,000
Other income	172	421	3	12	-	-	175	433
Total revenue	24,089	9,653	1,215	187	125,153	127,237	150,457	137,077
Gains / (losses) on disposal	(2)	(10)	-	-	-	-	(2)	(10)
Net result	(117,487)	(119,876)	(8,433)	(8,342)	125,153	127,237	(767)	(981)
Other comprehensive income								
Total other comprehensive income								
TOTAL COMPREHENSIVE INCOME	(117,487)	(119,876)	(8,433)	(8,342)	125,153	127,237	(767)	(981)

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

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

Office of the Director of Public Prosecutions

Notes to the financial statements for the year ended 30 June 2018

5 Program Group Statements
for the year ended 30 June 2018 (cont'd)

OFFICE'S ASSETS & LIABILITIES	Program Group 1 Prosecutions *		Program Group 2 Victim and Witness Assistance *		Not Attributable		Total	
	2018 \$'000	2017 \$'000	2018 \$'000	2017 \$'000	2018 \$'000	2017 \$'000	2018 \$'000	2017 \$'000
Current assets								
Cash and cash equivalents	1,203	2,085	53	81	-	-	1,256	2,166
Receivables	3,856	1,776	99	72	-	-	3,955	1,848
Total current assets	5,059	3,861	152	153			5,211	4,014
Non-current assets								
Plant and equipment	8,833	9,799	504	537	-	-	9,337	10,336
Intangible assets	2,457	1,793	140	98	-	-	2,597	1,891
Total non-current assets	11,290	11,592	644	635			11,934	12,227
TOTAL ASSETS	16,349	15,453	796	788			17,145	16,241
Current liabilities								
Payables	2,550	1,767	137	89	-	-	2,687	1,856
Provisions	13,002	12,183	485	422	-	-	13,487	12,605
Total current liabilities	15,552	13,950	622	511			16,174	14,461
Non-current liabilities								
Provisions	3,150	3,201	129	120	-	-	3,279	3,321
Total non-current liabilities	3,150	3,201	129	120			3,279	3,321
TOTAL LIABILITIES	18,702	17,151	751	631			19,453	17,782
NET ASSETS	(2,353)	(1,698)	45	157			(2,308)	(1,541)

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

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2018

5 Program Group Statements
for the year ended 30 June 2018 (cont'd)

Program Group Descriptions

(a) Program Group 1 Prosecutions

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

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

(b) Program Group 2 Victim and Witness Assistance

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

Description: This program group covers the provision of information, referral and support services to victims of violent crimes and to vulnerable witnesses who give evidence in matters prosecuted by the Director of Public Prosecutions.

6 Current Assets - Cash and Cash Equivalents

	2018	2017
	\$'000	\$'000
Cash at bank and on hand	1,251	2,161
Permanent witness advance	<u>5</u>	<u>5</u>
	<u>1,256</u>	<u>2,166</u>

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

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

	2018	2017
	\$'000	\$'000
Cash and cash equivalents (per statement of financial position)	<u>1,256</u>	<u>2,166</u>
Closing cash and cash equivalents (per statement of cash flows)	<u>1,256</u>	<u>2,166</u>

Refer note 16 for details regarding credit risk, liquidity risk, and market risk arising from financial instruments.

7 Current Assets - Receivables

	2018	2017
	\$'000	\$'000
Current Receivables		
Rendering of services	24	153
Grant revenue	1,813	-
Goods and Services Tax recoverable from the ATO	388	343
Prepayments	1,689	1,293
Advances	<u>41</u>	<u>59</u>
	<u>3,955</u>	<u>1,848</u>

Details regarding credit risk of trade debtors that are neither past due nor impaired, are disclosed in note 16.

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2018

7 Current Assets - Receivables (cont'd)

Recognition and Measurement

Receivables, including trade receivables, prepayments etc. are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market.

Receivables are initially recognised at fair value plus any directly attributable transaction costs. Subsequent measurement is at amortised cost using the effective interest method, less any impairment. Changes are recognised in the net result for the year when impaired, derecognised or through the amortisation process.

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

Impairment

Receivables are subject to an annual review for impairment. These are considered to be impaired when there is objective evidence that, as a result of one or more events that occurred after the initial recognition of the financial asset, the estimated future cash flows have been affected.

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

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

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

8 Plant and Equipment

	Total \$'000
At 1 July 2017 - fair value	
Gross carrying amount	32,738
Accumulated depreciation	<u>(22,402)</u>
Net carrying amount	<u>10,336</u>
At 30 June 2018 - fair value	
Gross carrying amount	30,415
Accumulated depreciation	<u>(21,078)</u>
Net carrying amount	<u>9,337</u>

Reconciliation

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

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

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2018

8 Plant and Equipment (cont'd)

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

Reconciliation

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

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

Recognition and Measurement

Acquisition of plant and equipment

Plant and equipment are initially measured at cost and subsequently revalued at fair value less accumulated depreciation and impairment. Cost is the amount of cash or cash equivalents paid or the fair value of the other consideration given to acquire the asset at the time of its acquisition or construction or, where applicable, the amount attributed to that asset when initially recognised in accordance with the requirements of other AAS.

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

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

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

Capitalisation thresholds

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

Restoration costs

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

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2018

8 Plant and Equipment (cont'd)

Depreciation of plant and equipment

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

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

	2018	2017
Computer laptop	4 years	4 years
Computer servers	4 years	4 years
Computer equipment	4 years	4 years
Office equipment	5 years	5 years
Multifunction devices	5 years	5 years
PABX equipment	5 years	5 years
Office furniture and fittings	10 years	10 years
Library books	15 years	15 years

Revaluation of plant and equipment

Physical non-current assets are valued in accordance with the 'Valuation of Physical Non-Current Assets at Fair Value' Policy and Guidelines Paper (TPP14-01). This policy adopts fair value in accordance with AASB 13, AASB 116 and AASB 140 Investment Property.

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

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

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

Impairment of plant and equipment

As a not-for-profit entity with no cash generating units, impairment under AASB 136 Impairment of Assets is unlikely to arise. Since plant and equipment is carried at fair value or an amount that approximates fair value, impairment can only arise in rare circumstances such as where the costs of disposal are material.

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

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

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2018

9 Non-Current Assets - Intangible Assets

	Total \$'000
At 1 July 2017	
Cost (gross carrying amount)	4,528
Accumulated amortisation	<u>(2,637)</u>
Net carrying amount	<u>1,891</u>
At 30 June 2018	
Cost (gross carrying amount)	5,785
Accumulated amortisation	<u>(3,188)</u>
Net carrying amount	<u>2,597</u>
Year ended 30 June 2018	
Net carrying amount at beginning of year	1,891
Additions	1,579
Amortisation (recognised in "depreciation and amortisation")	<u>(873)</u>
Net carrying amount at end of year	<u>2,597</u>
	Total \$'000
At 1 July 2016	
Cost (gross carrying amount)	4,174
Accumulated amortisation	<u>(1,798)</u>
Net carrying amount	<u>2,376</u>
At 30 June 2017	
Cost (gross carrying amount)	4,528
Accumulated amortisation	<u>(2,637)</u>
Net carrying amount	<u>1,891</u>
Year ended 30 June 2017	
Net carrying amount at beginning of year	2,376
Additions	354
Amortisation (recognised in "depreciation and amortisation")	<u>(839)</u>
Net carrying amount at end of year	<u>1,891</u>

Recognition and Measurement

The Office recognises intangible assets only if it is probable that future economic benefits will flow to the Office and the cost of the asset can be measured reliably. Intangible assets are measured initially at cost. Where an asset is acquired at no or nominal cost, the cost is its fair value as at the date of acquisition. Following initial recognition, intangible assets are subsequently measured at fair value only if there is an active market. If there is no active market for the Office's intangible assets, the assets are carried at cost less any accumulated amortisation and impairment losses.

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

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

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

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

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

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2018

10 Current Liabilities - Payables

	2018 \$'000	2017 \$'000
Accrued salaries, wages and on-costs	484	443
Creditors	720	85
Accruals	<u>1,483</u>	<u>1,328</u>
	<u>2,687</u>	<u>1,856</u>

Details regarding liquidity risk including a maturity analysis of the above payables, are disclosed in Note 16.

Recognition and measurement

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

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

11 Current / Non-Current Liabilities - Provisions

	2018 \$'000	2017 \$'000
Current		
Employee benefits and related on-costs		
Annual leave	7,595	7,068
On-cost on annual leave and long service leave	3,835	3,519
Payroll tax on-cost for annual leave and long service leave	1,544	1,563
Fringe benefits tax	<u>4</u>	<u>-</u>
	12,978	12,150
Annual leave includes \$0.473 million expected to be taken after 12 months (2017: \$0.592 million).		
Other provisions		
Restoration costs	304	119
Rent adjustment reserve	115	154
Incentive	<u>90</u>	<u>182</u>
	<u>509</u>	<u>455</u>
Total provisions - current	<u>13,487</u>	<u>12,605</u>
	2018 \$'000	2017 \$'000
Non-current		
Employee benefits and related on-costs		
On-cost on long service leave	244	224
Payroll tax on-cost for long service leave	<u>134</u>	<u>136</u>
	<u>378</u>	<u>360</u>
Other provisions		
Restoration costs	2,433	2,360
Rent adjustment reserve	265	308
Incentive	<u>203</u>	<u>293</u>
	<u>2,901</u>	<u>2,961</u>
Total provisions - non-current	<u>3,279</u>	<u>3,321</u>

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2018

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

Aggregate employee benefits and related on-costs

Provisions - current	11,822	12,150
Provisions - non-current	389	360
Accrued salaries, wages and on-costs (note 10)	<u>484</u>	<u>443</u>
	<u>12,695</u>	<u>12,953</u>

Movements in provisions (other than employee benefits)

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

	Lease incentive	Restoration costs	Rent adjustment reserve	Total
	\$'000	\$'000	\$'000	\$'000
2018				
Carrying amount at the beginning of financial year	475	2,479	462	3,416
Additional provisions recognised	-	271	72	343
Amounts used	(182)	-	(154)	(336)
Unwinding / change in the discount rate	-	(13)	-	(13)
Carrying amount at end of financial year	<u>293</u>	<u>2,737</u>	<u>380</u>	<u>3,410</u>

Restoration costs refer to the present value of estimated cost of make good obligations (in accordance with AASB 137) that will arise when existing office accommodation leases expire. The provision is adjusted annually for unwinding and changes in discount rates. Any cost variations in make good expenses at the time of implementation will be recognised in the statement of comprehensive income.

Recognition and Measurement

Employee benefits and related on-costs

Salaries and wages, annual leave and sick leave

Salaries and wages (including non-monetary benefits) and paid sick leave that are expected to be settled wholly within 12 months after the end of the period in which the employees render the service are recognised and measured at the undiscounted amounts of the benefits.

Annual leave is not expected to be settled wholly before twelve months after the end of the annual reporting period in which the employees render the related service. As such, it is required to be measured at present value in accordance with AASB 119 Employee Benefits (although short-cut methods are permitted).

Actuarial advice obtained by Treasury has confirmed that using the nominal annual leave balance plus the annual leave entitlements accrued while taking annual leave (calculated using 7.9% of the nominal value of annual leave) can be used to approximate the present value of the annual leave liability. The Office has assessed the actuarial advice based on the Office's circumstances and has determined that the effect of discounting is immaterial to annual leave. All annual leave is classified as a current liability even where the Office does not expect to settle the liability within 12 months as the Office does not have an unconditional right to defer settlement.

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

Long service leave and superannuation

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

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

**Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2018**

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

Long service leave and superannuation (cont'd)

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

Consequential on-costs

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

Other provisions

Provisions are recognised when: the Office has a present legal or constructive obligation as a result of a past event; it is probable that an outflow of resources will be required to settle the obligation; and a reliable estimate can be made of the amount of the obligation. When the Office expects some or all of a provision to be reimbursed, for example, under an insurance contract, the reimbursement is recognised as a separate asset, but only when the reimbursement is virtually certain. The expense relating to a provision is presented net of any reimbursement in the statement of comprehensive income.

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

12 Commitments

	2018	2017
	\$'000	\$'000
Operating lease commitments		
Future minimum rentals payable under non-cancellable operating leases as at 30 June 2018 are, as follows:		
Within one year	9,476	9,452
Later than one year and not later than five years	22,230	29,391
Later than five years	<u>8,243</u>	<u>9,041</u>
Total (including GST)	<u>39,949</u>	<u>47,884</u>

The total "operating lease commitments" above includes input tax credit of \$3.632 million (30 June 2017: \$4.353 million) recoverable from the Australian Taxation Office.

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

13 Contingent Liabilities and Contingent Assets

The Office was not aware of any contingent assets or liabilities as at 30 June 2018 (\$nil in 2017) that may materially affect the future results of the Office.

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2018

14 Budget Review

Net result

The actual net result was lower than budget by \$1.232 million, primarily due to the following factors:

- \$0.593 million higher than budgeted protected witness expenses due to a continued increase in court sittings year on year
- \$0.830 million lower than budgeted Government appropriation due to Treasury approving these funds to be carried forward to financial year 2018-19
- \$0.862 million lower than budgeted capital grant for CASES software project due to Treasury approving these funds to be carried forward to financial year 2018-19.

Additional budget variance offsetting factors were:

- \$0.415 million non-cash capital grant received from the Department of Justice for the transfer of AVL assets
- \$0.473 million lower than budgeted depreciation due to a delay in capitalisation of assets
- \$0.101 million higher than expected revenue mainly due to receipt of TMF hindsight adjustment \$0.059 million, miscellaneous revenue \$0.080 million and costs awarded to ODPP \$0.046 million, offset by lower than budgeted sale of goods and services \$0.084 million
- \$0.072 million higher than expected capital revenue due to EAGP Implementation grant received from the Department of Justice.

Assets and liabilities

Total current assets were \$1.227 million higher than budget, this was mainly due to increased grant receivables of \$1.613 million and a reduced cash balance \$0.329 million due to increased creditor payments.

Total non-current assets were \$0.442 million lower than budget mainly due to the funding carry forward of office fit out \$0.830 million and CASES \$1.015 million offset by reduced depreciation \$0.473 million, AVL asset transfer from the Department of Justice \$0.415 million, increased make good assets \$0.271 million and increased capital expenditure from the Department of Justice EAGP grant \$0.072 million. The budget was \$0.175 million understated due to a lower 2016-17 fixed assets projection.

Total current liabilities were higher than budget by \$2.921 million, this was mainly due to an increase in payables \$1.123 million and increases in provisions and other current liabilities relating to employee leave liabilities and on cost \$1.798 million.

Total non-current liabilities were lower than budget by \$0.058 million, this was mainly due to an increased revaluation of the restoration provision \$0.494 million and reduction in lease incentive provision \$0.550 million.

Cash flows

The budget figures were based on the NSW Treasury PRIME report which is used for monthly reporting.

Net cash flows from operating activities were lower than budget by \$2.329 million, this was mainly due to reduced capital appropriation \$0.830 million, capital grant for CASES software \$0.862 million and higher than budgeted protected witness expenses \$0.593 million.

Net cash flows from investing activities were lower than budget by \$1.766 million due to decreased capital expenditure.

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2018

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

Reconciliation of cash flows from operating activities to the net result as reported in the statement of comprehensive income as follows:

	2018 \$'000	2017 \$'000
Net cash flow from operating activities	1,938	3,048
Depreciation and amortisation expense	(3,824)	(3,383)
Decrease / (increase) in provisions	(840)	(513)
Increase / (decrease) in prepayments and other assets	2,107	264
Decrease / (increase) in payables	(831)	(515)
Decrease / (increase) in other liabilities	-	93
Increase/(decrease) in assets	685	35
Net gain / (loss) on sale of plant and equipment	(2)	(10)
Net result	(767)	(981)

16 Financial Instruments

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

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

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

(a) Financial instrument categories

Class:	Note	Category	2018 \$'000 Carrying Amount	2017 \$'000 Carrying Amount
Financial Assets				
Cash and cash equivalents	6	N/A	1,256	2,166
Receivables ¹	7	Receivables (at amortised cost)	1,878	212
Financial Liabilities				
Payables ²	10	Financial liabilities (at amortised cost)	2,199	1,797

Notes

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

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

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

**Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2018**

16 Financial Instruments (cont'd)

(b) Derecognition of financial assets and financial liabilities

A financial asset is derecognised when the contractual rights to the cash flows from the financial asset expires; or if the entity transfers the financial asset:

- where substantially all the risks and rewards have been transferred; or
- where the Office has not transferred substantially all the risks and rewards, if the Office has not retained control.

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

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

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

(c) Offsetting financial instruments

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

(d) Financial risks

(i) Credit Risk

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

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

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

Cash and cash equivalents

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

Receivables - trade debtors

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

The Office's debtors are primarily other NSW government entities and credit risk is assessed as very low.

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

Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2018

16 Financial Instruments (cont'd)

(d) Financial risks (cont'd)

(ii) Liquidity risk

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

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

The liabilities are recognised for amounts due to be paid in the future for goods or services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in NSW TC 11/12. For small business suppliers, where terms are not specified, payment is made not later than 30 days from date of receipt of a correctly rendered invoice. For other suppliers, if trade terms are not specified, payment is made no later than the end of the month following the month in which an invoice or a statement is received. For small business suppliers, where payment is not made within the specified time period, simple interest must be paid automatically unless an existing contract specifies otherwise. For payments to other suppliers, the Office may automatically pay the supplier simple interest. No interest was paid during the year 2018 (2017: \$nil).

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

Maturity analysis and interest rate exposure of financial liabilities

	Interest Rate Exposure	\$'000 Maturity Dates	
		< 1 yr	1-5 yrs
2018			
Payables	<u>2,199</u>	<u>2,199</u>	<u>-</u>
	<u>2,199</u>	<u>2,199</u>	<u>-</u>
2017			
Payables	<u>1,797</u>	<u>1,797</u>	<u>-</u>
	<u>1,797</u>	<u>1,797</u>	<u>-</u>

Notes

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

(iii) Market risk

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

**Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2018**

16 Financial Instruments (cont'd)

(e) Fair value measurement

i. Fair value compared to carrying amount

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

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

ii. Fair value recognised in the statement of financial position

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

17 Related Party Disclosures

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

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

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

	2018	2017
	\$'000	\$'000
Short-term employee benefits:		
Salaries	2,817	2,227
Other monetary allowances	231	106
Other long-term employee benefits	179	76
Termination benefits	686	-
Total remuneration	<u>3,913</u>	<u>2,409</u>

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

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

**Office of the Director of Public Prosecutions
Notes to the financial statements for the year ended 30 June 2018**

17 Related Party Disclosures (cont'd)

These transactions include:

<u>Nature of transactions</u>	2018 \$'000	2017 \$'000		
	Transaction value	Net receivable/ (payable)	Transaction value	Net receivable/ (payable)
Long service leave and defined benefit superannuation assumed by Crown Entity	5,661	-	5,000	-
Appropriations Consolidated fund (and subsequent adjustments to appropriations)	125,153	-	127,237	-
Payments into the Treasury Managed Fund for workers' compensation insurance and other insurances	993	-	990	-
Grant revenue received from Department of Justice	19,422	1,813	4,398	148
Payments to Department of Justice for maintenance of ERP system and reimbursement of witness expenses	1,311	(266)	1,466	(114)
Payments to Department of Justice for subscriptions	646	-	582	-
Payments to NSW Police Force for security service and reimbursement of witness expenses	863	(51)	902	(59)
Payments to Property NSW for rent and outgoings.	10,007	-	8,484	-

18 Events after the Reporting Period

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

End of audited financial statements

Appendix P:

Glossary

AA	Accelerated Allocation
AVL	Audio Visual Link
CBD	Central Business District
CCA	Court of Criminal Appeal
CCTV	Closed Circuit Television
COPOCA	Confiscation of Proceeds of Crime Act
DC	District Court
DCB	District Court Backlog
MSU	Multi-Media Support Unit
DPO	Drug Proceeds Order
DPP	Director of Public Prosecutions
EAGP	Early Appropriate Guilty Plea
FO	Freezing Order
HC	High Court
ICAC	Independent Commission Against Corruption
IM&T	Information Management & Technology Branch
IMTC	Information Management and Technology Committee
KPI	Key Performance Indicators
LA NSW	Legal Aid New South Wales
LC	Local Court
ODPP	Office of the Director of Public Prosecutions
PMI	Priority Matter Initiative
PPO	Pecuniary Penalty Order
QC	Queens Counsel
SC	Senior Counsel
SC	Supreme Court
SI	Strictly Indictable
SOPs	Standard Operating Procedures
WAS	Witness Assistance Service

Appendix Q:

ODPP Locations

HEAD OFFICE

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

SYDNEY WEST OFFICES

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

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

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

REGIONAL OFFICES

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

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

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

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

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

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

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



