



Office of the Director of Public Prosecutions



Annual Report 2020/2021

Letter of transmittal



Director's Chambers

Our Reference

Your Reference

22 October 2021

Hon Mark Speakman SC MP
Attorney General
GPO Box 5341
SYDNEY NSW 2001

Dear Attorney General,

2020-2021 Annual Report

I am pleased to forward to you the 34th 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 2020-2021.

This report has been prepared in accordance with section 34 of the *Director of Public Prosecutions Act 1996* and in compliance with the guidelines from the *Annual Reports (Departments) Act 1985*, *Annual Reports (Departments) Regulation 2015* and the *Public Finance and Audit Act 1983*.

Yours faithfully

A handwritten signature in black ink, appearing to read "S. Dowling".

Sally Dowling SC
Director of Public Prosecutions

Office of the Director of Public Prosecutions

175 Liverpool Street
Sydney NSW 2000
Locked Bag A8
Sydney South NSW 1232
DX 11525 Sydney Downtown

Phone 02 9285 8888
Fax 02 9285 8601
TTY 02 9285 8646
odpp.nsw.gov.au

ABN 27 445 689 335

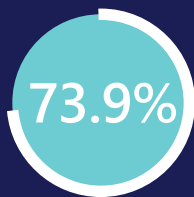
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Highlights of the year

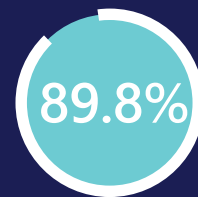
A Dynamic Prosecution Service Recognised for its Excellence and Leadership



Early Resolution



Clearance rate for District Court trials over 5 years



Finding of Guilt



Excellence Awards presented to 2 managers; 2 teams & 5 staff



Efficient management of ODPD response to COVID-19



21 staff 10 Year Award
22 staff 20 Year Award
11 staff 30 Year Award



11 Crown Prosecutors appointed, 64% internal promotions



Clearance rate for Local Court committals over 5 years



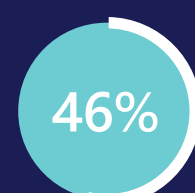
22 Solicitor Advocates appointed, 86% internal promotions



Revised Prosecution Guidelines published



1117 court days saved by participation in District Court Special Call Overs



Equitable Briefing

Lloyd Babb SC

Director of Public Prosecutions

Friday 16 July 2021 will see the end of the tenure of New South Wales' third Director of Public Prosecutions, Lloyd Babb SC. During Mr Babb's tenure the Office saw a significant increase in staff, including Solicitor Advocates and Crown Prosecutors, expansion of the Office's budget and the appointment of ODPP staff to external committees and judicial positions.

In 2011/2012 Activity Based Costing was instituted across the Office. This allowed the recording of time to accurately reflect the various types of work being done by staff and Crown Prosecutors.

In 2013 the Trial Developmental List ('the D-List') was introduced to provide solicitors in the Office an opportunity to appear in appropriate trials in the District Court. The D-List has been hugely successful and continues to provide opportunities for mentoring and advocacy development within the Office.

The Office also underwent significant change with the introduction of the Multimedia Unit, the ICAC Unit (now the Public Sector Prosecution Unit) and the Office's Wellbeing Taskforce.

The Director's commitment to maintaining a healthy work life balance was well known. In addition to playing on the Office's basketball team, he often participated in yoga classes with other staff and was an advocate for the Fitness Passport program which was first offered to staff in 2017 and continues to be part of the Office's Healthy Lifestyles program.

Developing a long-term plan for the organisation was always a priority for the Director and, in 2015, the Office committed to a four-year strategic plan with the vision of the Office being a *Dynamic prosecution service recognised for its excellence and leadership*. The plan's commitments included

commencement of the Burwood Pilot and the Child Sexual Offence Evidence Pilot as well as implementing internal processes such as Professional Development Plans and Signature Behaviours. Subsequently, training programs were increased by 50% and professional development continued to be a focus of the Director throughout his time in the role.

In 2016 and 2017 the planning commenced for one of the biggest changes to the criminal justice system that would take place during Mr Babb's tenure: the introduction of Early Appropriate Guilty Pleas (EAGP) reform. EAGP brought with it large-scale change across the organisation, including a redesign of the workforce with the expansion of Managing Solicitors and revised Legal Delegations.

The Director's commitment to the EAGP reform was exemplified by the *Building Momentum* roadshows held in April 2018 across all offices, regular all staff videos and the focus on EAGP training at the ODPP Solicitor's Conference and Mid-Year Workshops. In addition, the Witness Assistance Service was restructured and the Diversity and Inclusion Group was formed.

In March 2020 the declaration of the COVID-19 pandemic changed the criminal justice system in fundamental ways. Practically overnight, courts and offices like the ODPP had to accommodate physical distancing by instituting flexible working arrangements and the use of audio visual links in almost all communication. Shortly thereafter, all criminal trials were suspended and the Office began to navigate its way through one of the most challenging yet productive periods of our history. The way in which the ODPP dealt with and continued to deal with the challenges of the COVID-19 pandemic is a testament to leadership and resilience of the organisation.

Despite such significant upheaval, updated Prosecution Guidelines were released on 29 March 2021, together with the Victims' Right of Review Policy. The new Guidelines, in their plain English format, were designed to be comprehensive yet accessible to all ODPP stakeholders.

The ODPP staff acknowledges the decade of hard work and innovative ideas that Mr Babb brought to the Office in his ten year tenure as Director. We are grateful for both his dedication to staff and Crown Prosecutors and for his service to the criminal justice system and the people of New South Wales.

Report of the Solicitor for Public Prosecutions

On 16 July 2021, Lloyd Babb SC will complete his ten-year term as Director of Public Prosecutions. The past ten years have marked significant development and growth for the Office of the Director of Public Prosecutions (ODPP) including a new strategic direction, substantial increase in organisational size and budget and the successful implementation of the *Justice Legislation (Committals and Guilty Pleas) Act 2017* (EAGP). The ODPP is indebted to the leadership and commitment of Mr Babb in both organisational and criminal justice reform and for his dedication to the people of New South Wales in ensuring an independent and professional prosecution service, throughout a period of significant change, and more recently, the disruption to the criminal justice system as a result of the global pandemic.

COVID-19

The challenges to the administration of criminal justice continued this year as the courts and agencies of the criminal justice cluster responded to the coronavirus pandemic and the intermittent application of Public Health Orders (PHOs). The ODPP team of key executives, the Central Recovery Team, continued to proactively manage the ODPP's response to the restrictions on gatherings and movement and the changes to court practices and procedures through internal policies and guidance to staff.

The delivery of criminal prosecutions through a hybrid of in person and digital proceedings continued with evidence taken through the expanded use of pre-recorded hearings of victims and witnesses; increased incidence of judge alone trials; and the extensive use of audio visual links in the presentation of matters before the courts.

To ensure the continuance of essential services to the courts and the safety of ODPP staff, the *ODPP Business Service Delivery Continuity Plan* which was initially

activated in March 2020, continued to operate during the financial year. The *External Visitor Policy* continued to ensure visitor and staff compliance with PHOs in relation to social distancing, mask wearing, spatial requirements and QR Code usage to mitigate any potential risk of infection. Non-essential face to face meetings were conducted digitally and the ODPP continued to actively promote the use of virtual communication channels for staff meetings and witness conferences.

The *Flexible Working Policy* introduced in March 2021 continued during that part of the year not subject to stay at home orders, formalising the flexible working arrangements introduced in response to the pandemic.

Results

Despite the challenges, the results for the year herald the ODPP's ability to continue its service delivery in difficult circumstances. The historical upward trend continued with a finding of guilt in 90% of matters (which was slightly higher than last year); early resolution was achieved in 74% of matters (being either finalised in the Local Court or committed for sentence to a higher court); 38% of matters resolved in the Local Court; with 36% committed for sentence; and 25% committed for trial. The percentage of matters committed for trial was on par with last year and 12% less than in the 2017/2018 year, in part demonstrating the success of the Early Appropriate Guilty Plea reform implemented in April 2018.

Despite the pandemic, the high rate of completion of matters through the courts continued; with a 90% clearance rate in the Local Court; 93% and 101% in the District Court for sentences and trials respectively; and in the Supreme Court, 90% for sentences and 96% for trials. Overall, despite the pandemic there was an increase in sitting days across all courts of 6.4%.

Continued legislative activity including the commencement of numerous Acts and Regulations over the year and involvement in submissions concerning law reform have added to the dynamic environment within which the ODPP operates.

The Witness Assistance Unit continued to provide its services, at times remotely, during the year to more victims and witnesses than in the previous three years, with 3023 referrals, 76% of which related to sexual assault matters. Aboriginal and Torres Strait Islander victims accounted for 15% of all victims registered.

Although staff turnover during the year was only 8% in comparison with 11% last year, 145 new staff were recruited. I congratulate the 7 staff appointed as Crown Prosecutors and 19 staff are similarly to be congratulated on being promoted to Solicitor Advocate.

Achievements

On 7 March 2021 the ODPP joined the Hunter Drug Court (operating from the Toronto Local Court) in celebrating its tenth anniversary. Over the ten-year period, 635 offenders participated in the Hunter Drug Court program with 60% of those offenders graduating. As a result of the stay at home orders, the number of offenders participating in Drug Court programs at Sydney and Parramatta decreased during the year when the ballots for entry were suspended. The overall success of the Drug Court has however resulted in the announcement during the year that a second regional Drug Court at Dubbo will be established in 2022.

The Child Sexual Offence Evidence Pilot continued throughout the year. The pilot commenced in March 2016 to reduce 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 to communicate when giving evidence.

During the year, 95 matters entered the pilot with 115 complainants and child witnesses taking part in pre-recorded hearings. The pilot is anticipated to conclude in 2022.

On 29 March 2021 revised *Prosecution Guidelines* were published following an extensive review and consideration of submissions from across the criminal justice system. The revised guidelines followed developments in legislation, case law and policies and procedures over recent years. Updated *Legal Delegations* were also published in March 2021 finalising the implementation of EAGP in the ODPP.

In addition, to the new Guidelines and Delegations, the ODPP Standard Operating Procedures (SOPs) introduced in April 2018 to cover all aspects of EAGP operations (from registration through to brief receipt, file allocation, charge screening and certification and briefing) were substantially overhauled in 2020. A new set of internal SOPs were published in September 2020.

At the same time as the revised Prosecution Guidelines were published, the ODPP published a *Victims' Right of Review Policy* which was formulated in response to Recommendation 41 of the Criminal Justice Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse.

Acknowledgements

It has been another difficult and challenging year for the ODPP in the context of the changing PHOs and responding to the various stages of the pandemic.

I thank the Director of Public Prosecutions, Lloyd Babb SC and his Deputy Directors, the Senior Crown Prosecutor, Christopher Maxwell QC, and all Crown Prosecutors for their commitment to the ODPP and their guidance to all. I also thank the Directors of Finance & Facilities, Human Resources and Information Management &

Technology and staff in Corporate Services and the Director's Chambers for their hard work and dedication.

And finally, I thank my team of Executives, and all staff in the Solicitor's Office, for their tireless efforts over the year to ensure the continuance of service delivery to the people of New South Wales.

Craig Hyland
Solicitor for Public Prosecutions



Report of the Senior Crown Prosecutor

The first NSW Crown Prosecutor was appointed in 1830. Today, the Crown Prosecutors of NSW make up the largest 'floor' of criminal barristers in the State. They are counsel who, as Statutory Office holders under the *Crown Prosecutors Act 1986*, appear in criminal proceedings on behalf of the Director of Public Prosecutions instructed by solicitors employed by the Solicitor's Office. In addition, they 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 other functions of counsel when briefed to do so by the Director.

The majority 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 summary hearings and committal proceedings.

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

The quality of their performance has been recognised over the years when Crown Prosecutors have been seconded to such organisations as the former Police Integrity Commission, the Independent Commission Against Corruption and the Public Defenders Chambers. 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 Magistrates of the Local Court and Judges of the District and Supreme Courts.

Crown Prosecutors, like all other barristers, are required to hold a current practising certificate issued by the NSW Bar Association. As members of the Association, Crown Prosecutors contribute to its collegiate life. They participate in continuing professional development programs as advocacy coaches in the Bar Practice Course and sit on the Council's various committees, including the Professional Conduct Committee. In 2020/2021 two Crown Prosecutors were elected to the Bar Council, the executive arm of that body.

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

There are 107 Crown Prosecutors in NSW. There are 36 women Crown Prosecutors (33.6%). Within the Crown Prosecutors, 14 have been selected as Deputy Senior Crown Prosecutors who appear in the most serious matters prosecuted by the ODPP. They also manage and mentor those more junior to them. Six of those Deputy Senior Crown Prosecutors are women (42.8%).

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

The following Crown Prosecutors took up appointments during the year:

- Acting Deputy Director Tanya Smith SC appointed as Judge of the District Court on 29 March 2021
- Crown Prosecutor Justin Peach appointed as Local Court Magistrate on 1 March 2021
- Crown Prosecutor Kirralee Tennant appointed as Local Court Magistrate on 3 May 2021
- Crown Prosecutor Gareth Christofi appointed as Local Court Magistrate on 15 June 2021
- Deputy Senior Crown Prosecutor Frank Veltro SC appointed Senior Counsel on 4 October 2020 and Acting Deputy Director on 5 May 2021
- Deputy Senior Crown Prosecutor Ken McKay SC appointed Senior Counsel on 4 October 2020
- Acting Deputy Senior Crown Prosecutor Helen Roberts as Deputy Director in March 2020 to August 2020 and Deputy Senior Crown Prosecutor on 15 December 2020
- Acting Deputy Senior Crown Prosecutor Belinda Baker as Deputy Senior Crown Prosecutor on 15 December 2020
- Crown Prosecutor Christopher Taylor appointed as Acting Deputy Senior Crown Prosecutor on 18 January 2021
- Crown Prosecutor Georgia Turner appointed as Acting Deputy Senior Crown Prosecutor on 6 April 2021.

The COVID-19 pandemic has fundamentally changed the way criminal trials are now conducted in NSW. On two occasions in the last two years jury trials were temporarily suspended. The lock down imposed on 23 June 2021 brought even tougher restrictions than those imposed during the 2020 lock down, preventing personal appearances at court even when conducting trials.

Judge alone trials have been conducted entirely by audio visual link (AVL): with each stakeholder in a different location and on some occasions, in different regions of NSW. Hearings in the Court of Criminal Appeal continued to be listed as normal, despite the lock down. Similar to trials, all hearings in the Court of Criminal Appeal were heard by AVL. Crown Prosecutors have shown resilience and flexibility. They have swiftly adapted to being instructed by solicitors in different rooms by email or phone, to the use of electronic briefs and jury bundles and other last-minute changes in procedure due to the dynamic nature of COVID-19 restrictions. Their performance at this time is emblematic of the enduring efforts of all of the Crown Prosecutors in serving the people of New South Wales.

As a result of the two suspensions, there are approximately 1800 trials pending in the NSW District Court. This means the coming years will be difficult for Crown Prosecutors, with the workload significantly increased. Crown Prosecutors are committed to overcoming this backlog and continuing to serve the public interest by facilitating an efficient criminal justice system.

Christopher Maxwell QC
Senior Crown Prosecutor



Our Vision

A dynamic
prosecution service
recognised for its
excellence and
leadership

The Office and the criminal justice system

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

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

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

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

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

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

- trials and pleas of guilty in the District and Supreme Courts
- 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) presence in each office. WAS Officers provide information, support and assistance to victims of crime and witnesses in the matters we prosecute.

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

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



The ODPP Executive

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

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

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

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

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

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

Frank Veltro SC LLB **Acting Deputy Director of Public Prosecutions**

Appointed Acting Deputy Director of Public Prosecutions on 5 May 2021. Employed as a Solicitor with the ODPP from 1988-1992 before commencing an appointment as prosecuting counsel in Hong Kong where he appeared on behalf of the Crown in jury trials and conviction and sentence appeals in the Court of Criminal Appeal. Upon his return in 1997 he practiced at the Bar in NSW and was appointed in house counsel with the Commonwealth DPP in 1998. He was appointed a Crown Prosecutor in 2000, Deputy Senior Crown Prosecutor in 2019 and appointed as Senior Counsel on 30 September 2020. Prior to his appointment as Acting Deputy Director, was the Deputy Senior Crown Prosecutor for Sydney West and head of the Court of Criminal Appeal Unit. He is a member of the NSW Bar Association's Criminal Law Committee.

**Helen Roberts LLB (Hons) BSc
Acting Deputy Director of Public
Prosecutions
March 2020- August 2020**

Appointed Acting Deputy Director of Public Prosecutions in March 2020. Commenced with the ODPP as a Level 1 solicitor in the Advising Unit over 20 years ago. She then held positions as Solicitor Advocate with the NSW Crown Solicitor's Office; Deputy Coroner for the Northern Territory; and Crown Prosecutor with the NT ODPP, before returning to the NSW ODPP. Appointed Crown Prosecutor in July 2010 and ran trials in the District and Supreme Courts for over 10 years, before moving to specialise in appellate work. Appointed Acting Deputy Senior Crown Prosecutor in February 2019. Prior to her appointment as Acting Deputy Director, appointed Acting Deputy Senior Crown Prosecutor with responsibility for the CCA Unit.

**Tanya Smith SC LLB (First class Hons) BSC
Acting Deputy Director of Public
Prosecutions
August 2020–February 2021**

Appointed Acting Deputy Director of Public Prosecutions in January 2019. Has been with the ODPP for more than 20 years, starting as a solicitor at Parramatta in April 1998. Has been running trials for more than 14 years and was appointed Crown Prosecutor in January 2007. Was a Deputy Senior Crown Prosecutor for the last three years and has spent a number of years in the Court of Criminal Appeal Unit. Prior to being appointed Acting Deputy Director, was appearing in the Supreme Court and the Court of Criminal Appeal. Appointed Acting Senior Crown Prosecutor in February 2020. She then returned to her position as Acting Deputy Director before being appointed to the bench of the District Court of NSW in March 2021.

**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 (NSW) 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 30 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.



Overview

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

Director's Chambers and Secretariat

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

Crown Prosecutors Chambers

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

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

The Solicitor's Office

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

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

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

The Solicitor's Office also has several specialised groups located in Sydney, led by the Deputy Solicitor (Legal). Those are the Witness Assistance Service; the Public Sector Prosecutions Unit which prosecutes referrals from the Independent Commission Against Corruption (ICAC) and undertakes confiscation of assets arising from ICAC investigations; the Specialised Prosecutions Group, which prosecutes serving police

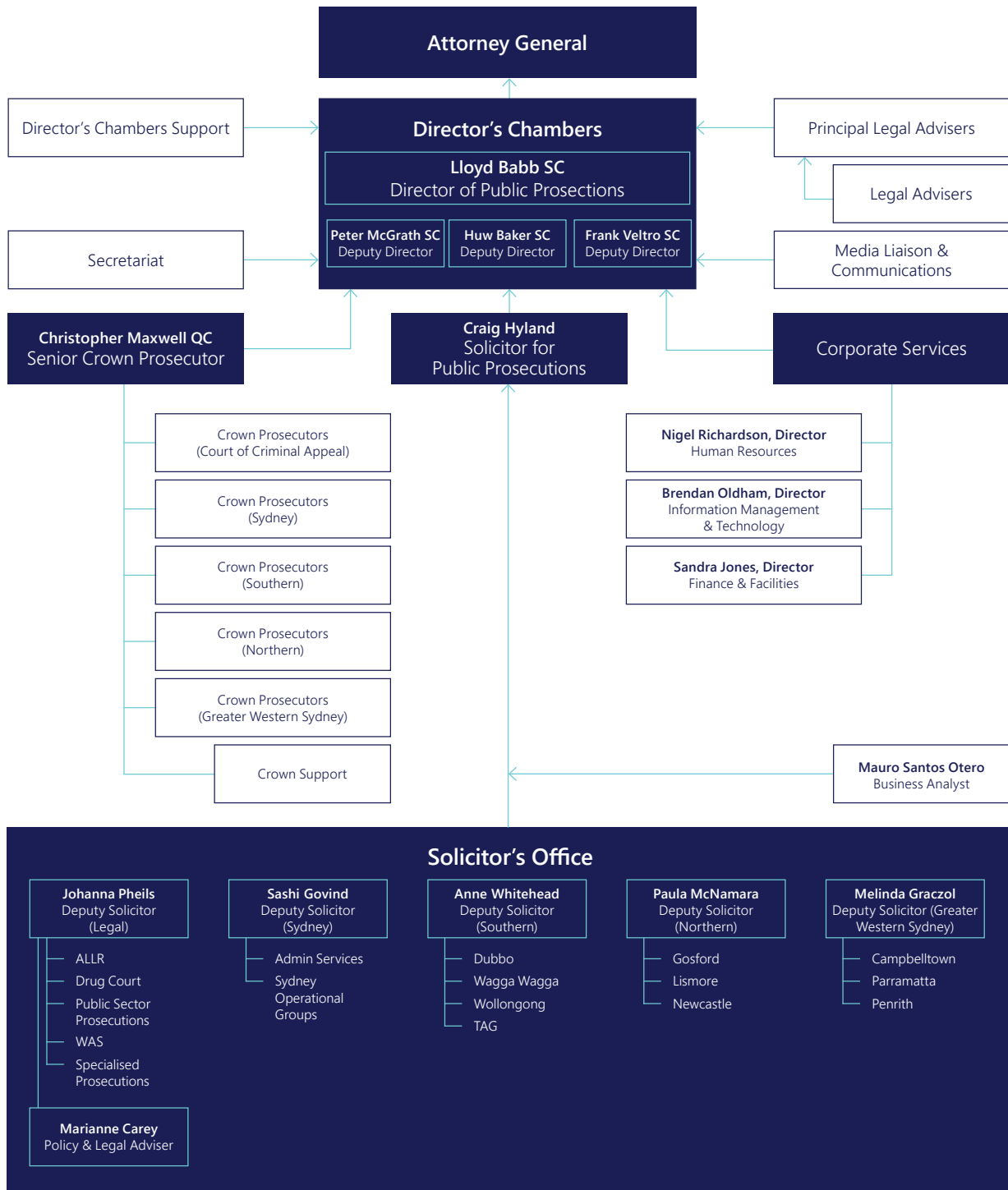
officers, referrals from the Law Enforcement Conduct Commission and high-profile matters; and the Appellate Litigation and Legal Resources (ALLR) Groups, which prosecute appeals, provide high level legal advice to the Director and represent the Director in interlocutory and other litigation. The Legal Resources and Library team is also managed within the ALLR Groups, maintaining a legal library and internet based legal resources. The Deputy Solicitor (Legal) is also responsible for the Drug Court Group, which services the Drug Courts at Parramatta, Sydney and Toronto.

Corporate Services

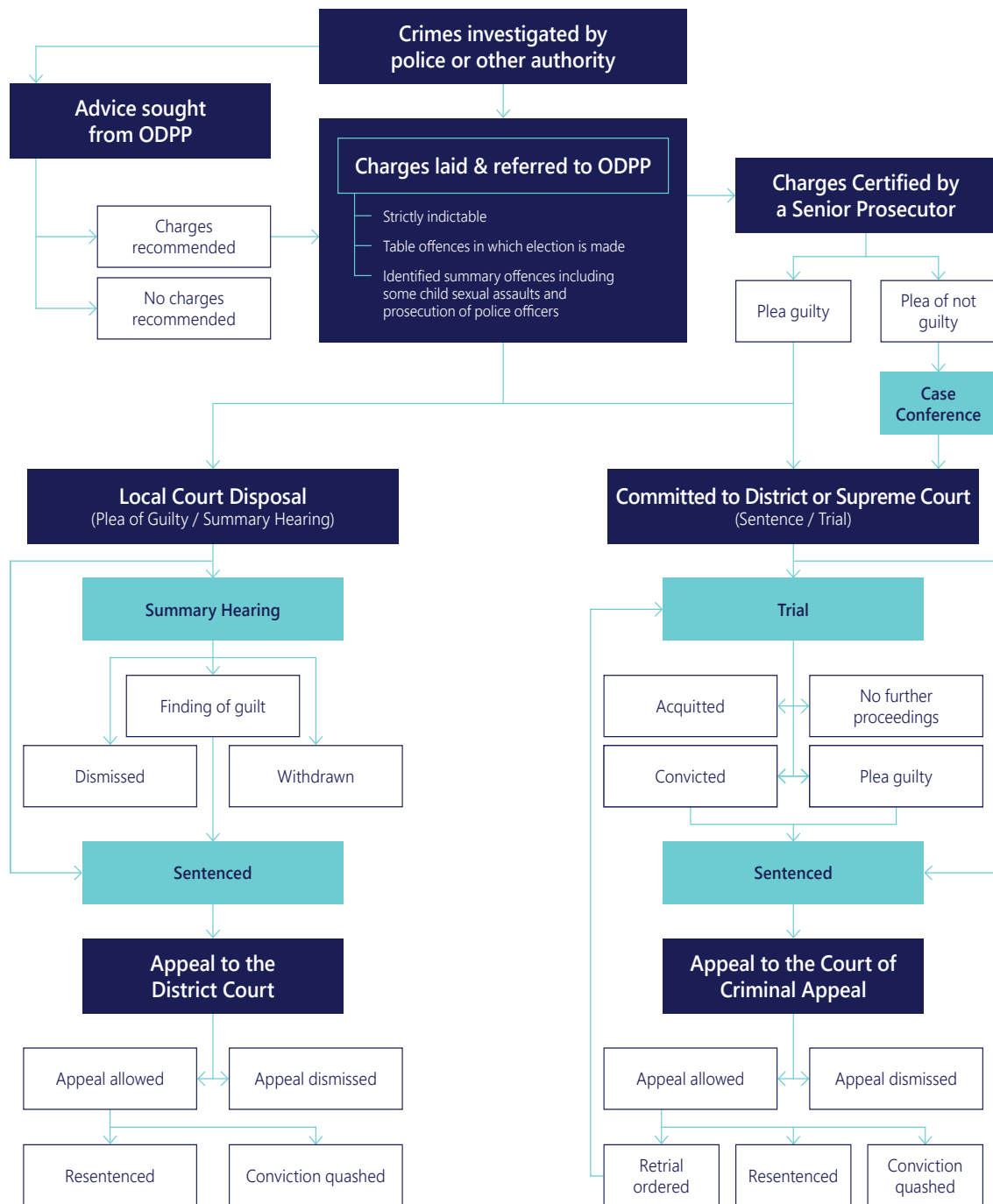
The Office is supported by a Corporate Services Division comprising three groups each led by a Director. Those groups are Human Resources, which includes Learning & Development; Information Management & Technology; and Finance & Facilities. All Corporate Services staff are located in Head Office in Sydney.



ODPP NSW organisational structure



Outline of the prosecution process



Goal 1

Deliver a high
quality, independent
and professional
prosecution service

Management of COVID-19

The core business of the ODPP continued to be interrupted by the coronavirus pandemic (COVID-19) in a number of significant ways; changes to court practices and procedures, stay at home orders and travel bans.

The ODPP established a core team of senior executives in February 2020 to proactively manage the ODPP's response to COVID-19. The Central Recovery Team (CRT), chaired by the Director of Public Prosecutions (DPP), continued to meet during this financial year as required in response to updates to Public Health Orders (PHOs), changes to court practices and requirements and updates to internal policies and procedures.

Staff and Crown Prosecutors have been kept updated through a dedicated COVID-19 intranet page as a central point for all related issues, including health advice and court listing practices. Immediate communication of changes to requirements or processes for each jurisdiction for virtual court appearances was required. A single document detailing all internal COVID-19 policies and procedures was developed. The Director continued his regular video messages to all staff.

This year due to PHOs and social distancing requirements, there was a practical limitation on the number of in-person court appearances and the number of matters that could be heard. There were also some restrictions in relation to attendance at court registries during the year and alternate means to file documents had to be made. Appeals to the Court of Criminal Appeal and Supreme Court Bail applications were generally held virtually, with the filing of documents electronically continuing. Some jury trials were suspended in response to PHOs and others, after application, proceeded to hearing by judge alone. Defended hearings in the Local Court were sporadically suspended.

Lock downs and travel bans, especially where interstate or overseas based witnesses were involved, presented logistical hurdles. The Witness Assistance Service continued its support of victims and witnesses via remote means.

Court appearances via AVL (audio visual link) continued to create technical challenges for ODPP staff and Crown Prosecutors. The stretched capacity of the justice AVL network, multiple participants dialling into a single court from various locations, including people's homes with varying degrees of connectivity, all impacted our ability to appear remotely. We are pleased to continue to work with the Department of Communities and Justice to solve technical issues and develop and communicate internal procedures to overcome issues.

To ensure the essential services to the courts were maintained and the safety of our staff protected during the pandemic, the ODPP Business Service Delivery Continuity Plan which was initially activated in March 2020, continued to operate during this financial year. The Plan outlines processes to be undertaken in the event of suspected exposure. The ODPP continues to ensure that appropriate hygiene and social distancing practices are in place in the office, in line with NSW Health advice to minimise risk.

An external visitor policy was kept in place, in order to minimise the number of external visitors and ensure mitigation of any potential risk of infection. Non-essential face to face meetings were required to be conducted digitally and the

Goal 1 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

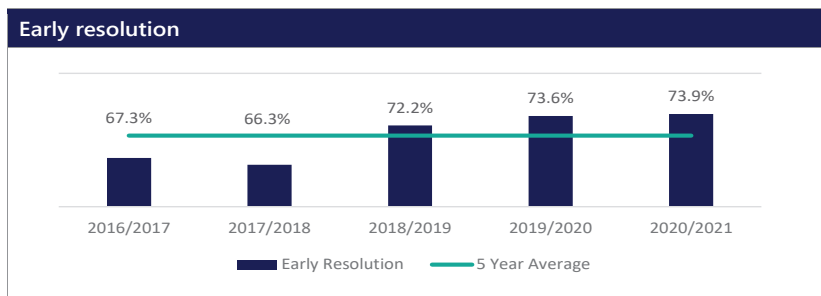
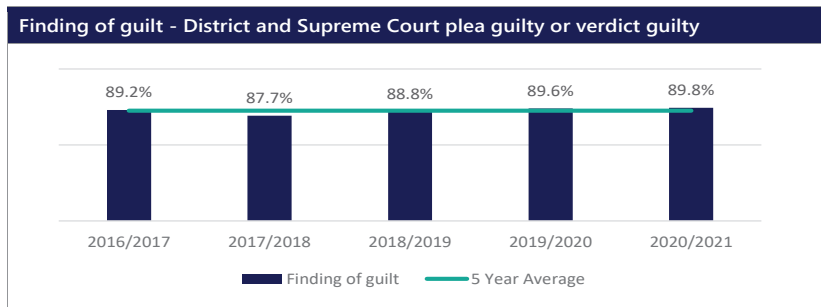
Office continued to actively promote the use of virtual communication channels for staff meetings and witness conferences.

All visitors, staff and Crown Prosecutors were required to check into ODPP premises via a QR Code and visitors were required to have pre-approval to attend the ODPP in person.

A Flexible Working Policy was introduced in March 2021 and continued during that part of the year not subject to stay at home orders, formalising the flexible working arrangements introduced in response to the pandemic. This Office is committed to ensuring staff wellbeing and connection and encouraging staff to seek support if needed.

The ODPP is piloting an online portal to allow the service of police briefs of evidence and other relevant material electronically.

The CRT will continue to meet regularly and provide transparent and timely advice to our staff in respect to changes required to procedures and processes in line with updated NSW Health and government recommendations.



Achievements

Finding of guilt

In this reporting period, 89.8% of matters in the District and Supreme Courts resolved in a finding of guilt, either by a plea or verdict of guilty. This is consistent with conviction rates for the previous five years.

Early resolution

This year, 73.9% of matters were resolved early; either finalised in the Local Court or committed for sentence to a higher court. There has also been a continued increase in Local Court disposal, with the five year average being 33%.

Throughput

The high rate of clearance of matters throughout the courts continued this year. On average there was a 90% clearance rate of Local Court matters. That is, the number of matters finalised in the Local Court was equivalent to 90% of matters registered in the same period. In the District Court, the clearance rate was 93% for sentences and 101% for trials. Sentences in the Supreme Court achieved a clearance rate of 90% and trials 96%.

Continuance of the Early Appropriate Guilty Plea Reform

Background

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

The five key elements of the reform are:

1. Early disclosure of a simplified brief of evidence

At the start of EAGP, a Memorandum of Understanding (MOU) was signed with NSW Police Force setting out the requirements for the service of an EAGP brief. Police prosecutors appear in a matter until a compliant brief is served. The MOU is presently subject to reassessment pursuant to its review clause.

2. Charge Certification

The certification of charges by a senior prosecutor at an early stage in the proceedings who then remains in the matter until its conclusion is designed to produce greater charge certainty and a more positive victim experience throughout the life of a matter. During this financial year approximately 6350 charge certificates were filed.

3. Mandatory criminal case conferencing

Once a charge certificate has been filed, the matter is adjourned for a mandatory criminal case conference attended by prosecution and defence representatives, usually conducted via audio visual link. For the Crown this will include both the solicitor with carriage and the charge certifier, who is a Crown Prosecutor, Solicitor Advocate or (less frequently) a senior committal solicitor. During the financial year approximately 4150 case conferences were conducted.

4. Case management and continuity

Closer attention to case management of matters in the Local Court (replacing the committal decision previously made by a magistrate) and the continuity of legal representatives from both defence and the prosecution are key features of the reform. The ODPP monitors continuity and has, since the start of EAGP, been successful in achieving very high levels of attendance of the charge certifier at

the case conference. Similarly, whole of prosecution continuity levels are high, based on a member of the legal team remaining in the matter from beginning to end. The ODPP faces significant external and internal challenges in ensuring the charge certifier remains briefed in the matter if it proceeds to trial, however achieving this aim remains a high priority.

5. Sentencing discounts

The arrival of EAGP heralded a system of fixed sentence discounts in the higher courts based on the timing of the plea. The maximum discount is 25% which is only available to accused persons who enter a plea prior to the committal. Once the matter is in the higher court, the available discount is 10% where the plea is entered 14 days prior to the first day of trial, or 5% in all other cases. In matters involving extreme culpability, the ODPP can notify the accused at the case conference of an intention to oppose the granting of the level of discount which would ordinarily be available. At the end of this financial year, 2249 EAGP committal for sentence matters had been completed.

EAGP Operations

At the end of this financial year, EAGP had been operating for over three years. The new staffing structure, which was introduced at the time of the reforms, designed to align to EAGP processes, remains intact and continues to be an effective framework for supporting the different operational demands brought in by EAGP. This structure involved increasing the seniority of solicitors in the ODPP, in particular by boosting the ranks of senior solicitors, Solicitor Advocates, Crown Prosecutors and Managing Solicitors, to cater for the process changes and additional work introduced by EAGP at the charge certification and case conference stages.

A new set of internal operating procedures were introduced in 2018 to cover all aspects of EAGP operations (from registration



through to brief receipt, file allocation, charge screening and certification and briefing). These detailed procedures were substantially overhauled in 2020. A new set of Standard Operating Procedures (SOPs) were published in September 2020. This involved streamlining and reorganising the existing SOPs and creating just two documents from the existing set of six. The documentary templates which were developed to support EAGP processes were also updated and reissued.

In the past year, the proportion of EAGP matters being conducted by the ODPP has continued to increase to the point where, on 30 June 2021, the proportion of matters on hand which were EAGP matters was 99% of committal, 88% of trial and 98% of sentence matters in the higher courts.

The ODPP has also continued to manage a decreasing pool of legacy matters (matters which were charged under the previous system).

At the end of June 2021, 58 legacy committal matters remained in the Local Court, 25 legacy sentence matters and 219 legacy trial matters remained in the District and Supreme Courts.

Internal Monitoring and Advisory Groups

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

- internal process, training and stakeholder interaction
- information management and technology, key performance indicators and reporting
- workload, workforce, funding and recruitment.

The makeup of the MAGs comprises a Deputy Director, members of the Solicitor's Executive, Crown Prosecutors, Managing Solicitors, legal support staff, the Director Human Resources and other staff from Corporate Services. The work of the MAGs is overseen by an Executive Leadership Group (ELG), headed by the Director. Throughout the financial year, the three MAGs have continued to meet regularly and to report any issues or suggestions for improvement to ELG.

In addition, the ODPP Business Analyst regularly provides reports to senior management and compliance statistics to managers based on data analysis made available via the ODPP's Business Intelligence software. These reports are used to carefully monitor EAGP operations, improve compliance with EAGP procedures and to inform changes to processes where appropriate.

External stakeholder interaction

The Office plays a key role at an interagency level as a member of both the EAGP Working Group and Steering Committee. In addition, informal discussions are regularly conducted at senior management level with the NSW Police Force, Legal Aid NSW and the Law Society and others to identify and resolve issues concerning EAGP processes.

The ODPP provides the NSW Police Force with a quarterly report detailing the level of compliance of EAGP briefs served on the ODPP against the MOU, to assist with training. In addition, the ODPP regularly provides training to investigators about the preparation of briefs and the operation of the EAGP regime.

Key Performance Indicators

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

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

The set of key performance indicators which were established in 2018 to monitor the success of EAGP are presently under review and are likely to be streamlined in the coming months.

EAGP results	2017/2018	2018/2019	2019/2020	2020/2021
Local Court disposal	29%	33%	36%	38%
Committed for sentence*	33%	39%	37%	36%
Committed for trial*	38%	28%	27%	26%

EAGP reform commenced 30 April 2018

* includes committal to both District and Supreme Courts

EAGP Reviews and Monitoring

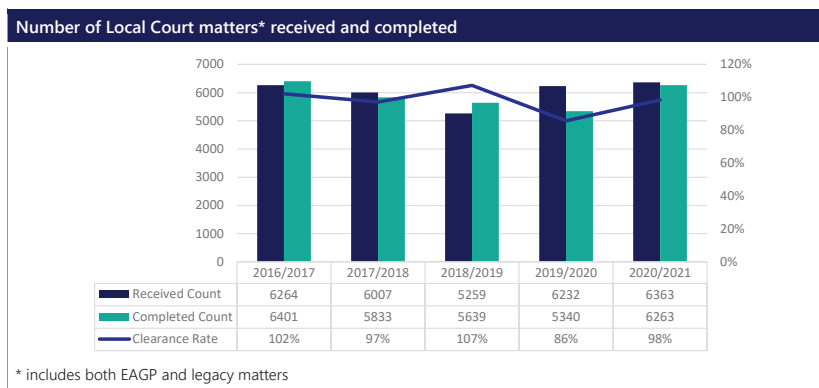
During this financial year the ODPP has participated in two external reviews. One was conducted by the Bureau of Criminal Statistics and Research (BOCSAR) and the other by the DCJ.

The BOCSAR review took place in mid-2020 involved five ODPP staff, including certifiers, solicitors and managers, participating in lengthy structured interviews about EAGP processes. Interviews were conducted with 35 representatives from stakeholder agencies. This qualitative review of the EAGP reform is to be released by BOCSAR in August 2021, along with another study, the quantitative review, which will track the success of EAGP over its three-year life based on the analysis of key data points.

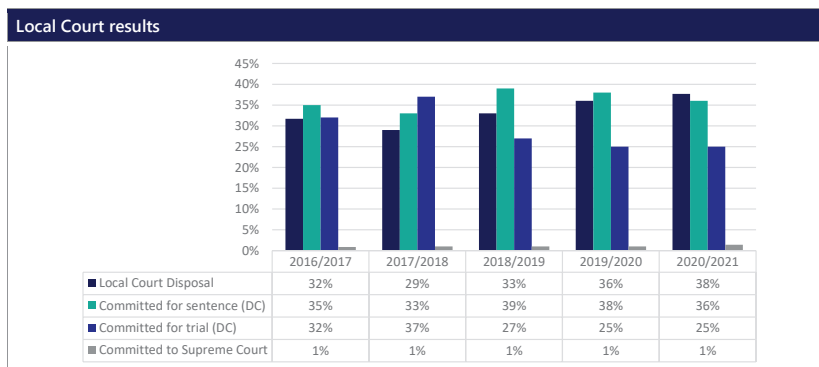
A second review in which the ODPP was involved was conducted by the DCJ and examined a sample of approximately 50 matters which resolved in early 2020 by way of late pleas of guilty in the District Court. The ODPP provided data and the expertise of a Greater Western Sydney Managing Solicitor who was involved in significant consultation with the DCJ team about the outcomes of those matters. The report is expected to be released in September 2021.

Local Court workload and outcomes

This year, 6363 committal files were registered. A total of 6263 committal matters were completed in the same year. Of significance is the manner of disposal; 2368 matters (37.8%) were finalised in the Local Court, 2254 (36%) were committed for sentence to the District Court after the accused pleaded guilty and 1555 (24.8%) matters were committed for trial to the District Court. The remaining 86 matters (1.4%) were committed for sentence or trial to the Supreme Court.



Local Court results		No	%
Local Court disposal	Plea of guilty	1211	19.3%
	Withdrawn	381	6.1%
	Sentenced following summary hearing	9	0.1%
	Returned to Police	694	11.1%
	Dismissed by the Local Court	40	0.6%
	Referred to the Drug Court	33	0.5%
	Sub total	2368	37.8%
Committed to the District Court	Sentence	2254	36.0%
	Trial	1555	24.8%
	Sub total	3809	60.8%
Committed to the Supreme Court	Sentence	9	0.2%
	Trial	77	1.2%
	Sub total	86	1.4%
Total	6263	100%	



Over the last five years, the ODPP has achieved an average clearance rate of 98% for Local Court committal matters.

During the year the ODPP registered 615 summary prosecutions. The majority of the matters (264) were less serious child sexual assaults. Under a Memorandum of Understanding with NSW Police Force, the ODPP conducts the prosecution of sexual assault summary matters involving complainants under the age of 16 years.

An average of 89% has been achieved over a five year period for the clearance of summary prosecutions in the Local Court.

This year, the NSW Police Force referred 4218 matters for the Office to consider whether to elect to prosecute in the District Court on indictment instead of proceeding summarily in the Local Court. The determination of an election is made by Managing Solicitors applying the criteria set out in Chapter 6 of the Prosecution Guidelines and the Protocol between the NSW Police Force and the ODPP concerning Table 1 and Table 2 Offences. The ODPP elected in 1304 matters and took over a further 837 matters on discretionary grounds. These additional matters included the prosecution of serving police officers and serious indictable crimes committed by young persons. The defence elected on five matters during the year.

District Court workload and outcomes

Trials received and completed

A total of 1304 new District Court trials were registered during the reporting period. This is an increase from the 1228 matters the previous year, an increase of 6%.

The number of trials completed in the same period was 1314, achieving a 101% clearance rate for District Court trials this year.

The ODPP has achieved an average clearance rate of 108% over the last five year period for District Court trials.

At the end of the financial year, there are 1796 trials pending in the District Court. This is a decrease of 8% on the previous year end.

Trial outcomes

Of the 1314 matters completed, a total of 565 matters (43.0%) were resolved by way of plea in the District Court; trials proceeded in 573 matters (43.6%); 159 matters (12.1%) were discontinued; and 17 (1.03%) were dealt with in other ways.

Sentences in the District Court

In this reporting period, 2186 District Court sentences were registered. This is an 11.5% increase on the previous financial year. In the same period, 2029 sentences were completed, which achieved a clearance rate of 93% for the financial year.

Over the last five years, the ODPP has achieved an average clearance rate of 99% for District Court sentences.

Appeals from the Local Court to the District Court

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

In 2020/2021, 963 conviction appeals were lodged and 864 finalised across the State.

Over the last five years, the ODPP achieved an average 99% clearance rate.

Appeals lodged against the severity of the sentence imposed by the Local Court totalled 5012, with 4933 matters finalised during the year. The five year average clearance rate of severity appeals is 102%.

The Crown lodged appeals against the leniency of the sentence of six offenders dealt with in the Local Court. Three of the appeals were successful, one was withdrawn and the other two dismissed. Matters are referred to the ODPP for consideration of an appeal by the NSW Police Force.

Drug Court of NSW

The Drug Court Group appears in the NSW Drug Court's three separate court venues at Parramatta, Sydney and Toronto. A fourth Drug Court at Dubbo has been announced and is in its planning stage.

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

This year, there were 285 participants in the Drug Court Program. This is a 24% decrease on the previous due to the Drug Court closing the Ballot to enter the Parramatta and Sydney Drug Courts to new participants during the periods when Greater Sydney went into lock down.

Special Call Overs

Special Call Overs commenced in 2015 as a District Court initiative to facilitate appropriate pleas of guilty being entered prior to trial. The venues for the call overs are determined by reviewing the number of trials and the delay in obtaining a trial date at venues across the State. Identified trials that appear to have some prospects of negotiation are listed before a designated District Court judge, usually over the course of a week. A Deputy Director of Public Prosecutions and a Public Defender review the matters, take instructions and engage in discussions to either resolve matters or attempt to narrow trial issues where

possible. The ODPP, when entering such discussions, complies with its obligations by consulting and seeking the views of both police and victims.

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

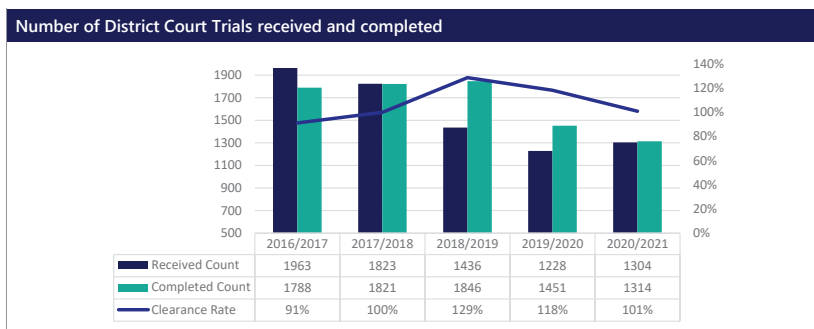
Eight Special Call Overs were conducted during the reporting period. Through the participation in Special Call Overs, a total of 1117 days of District Court time were saved. This represents a 30% increase on court time saved in the previous year.

Supreme Court workload and outcomes

A total of 62 homicide prosecutions were committed to the Supreme Court in 2020/2021: 52 for trial and ten for sentence. During the same period, 59 matters – 50 trials and nine sentences – were completed. The majority of trials were conducted at the Sydney Supreme Court with trials also conducted at Coffs Harbour and Newcastle.

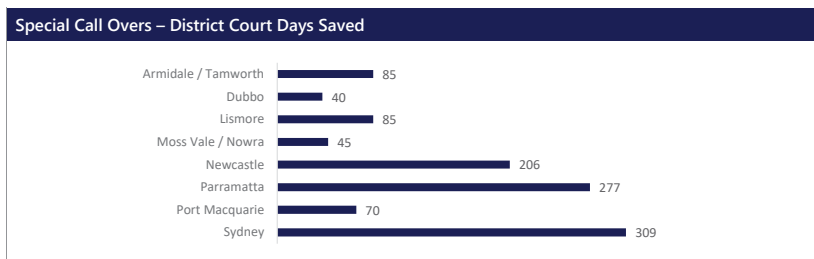
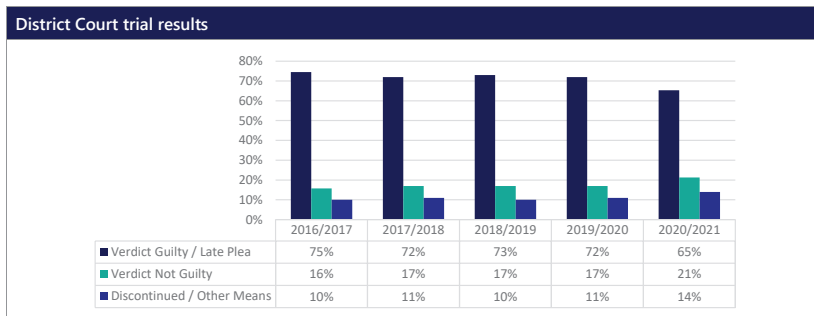
There are 84 trials pending in the Supreme Court at the end of the financial year.

The ODPP has achieved an average clearance rate over the last five year period of 99% for Supreme Court trials and 120% for Supreme Court sentences.



Results of District Court trials

	No	%	
Late plea	565	43.0%	
Trial	Verdict Guilty	292	22.2%
	Verdict Not Guilty	277	21.1%
	Verdict by direction	4	0.3%
Discontinued	159	12.1%	
Other Means	17	1.3%	
Total	1314	100%	



Supreme Court bail applications

Group 8 in the Sydney office conducts bail applications before the Supreme Court of NSW. The applications, heard by a single Supreme Court judge, are a review of bail determinations made by the lower courts. This financial year, the ODPP appeared in 2553 Supreme Court bail applications. Each bail application is listed in a call over to ascertain if the parties are ready to proceed prior to hearing of the application.

The Supreme Court, in response to COVID-19, required all submissions to be filed electronically. This practice has continued this financial year.

Court of Criminal Appeal

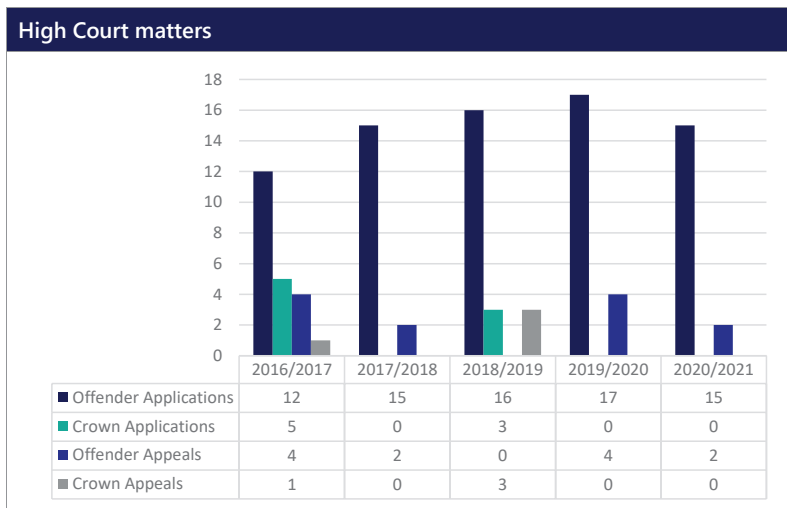
The Appellate Litigation and Legal Resources Groups had conduct of 296 appeals listed in the Court of Criminal Appeal (CCA) in the reporting period. The Crown was the respondent in 92% of cases. There were 89 appeals heard against conviction and sentence; 178 appeals against the sentence, an increase of 27% on the previous year.

The Crown appealed against the inadequacy of the sentence imposed in the lower court in 21 matters. Of those, 48% were successful; 43% were abandoned and 9% dismissed.

An interlocutory appeal against a judge's determination during a trial may be brought under s5F of the *Criminal Appeal Act 1912* by either the Crown or defence. These appeals are generally listed with urgency before the CCA to allow the trial to continue without delay. This financial year, eight s5F appeals were heard, with one lodged by the Crown and seven lodged by defence. The Crown was successful in its appeal; the defence was successful in three appeals with three further appeals dismissed and one abandoned.

Results of Supreme Court trials		No	%
Late plea		8	16%
Trial	Verdict guilty	21	42%
	Verdict not guilty	15	30%
Discontinued		4	8%
Other		2	4%
Total		50	100%

Completed Court of Criminal Appeal matters	No
Crown interlocutory appeals	1
Defence interlocutory appeals	7
Crown inadequacy appeals	21
Conviction (and conviction and sentence) appeals	89
Sentence only appeals	178



In response to COVID-19, the CCA started sitting almost exclusively via audio visual link in late March 2020. Appeal books were also filed digitally. These practices have continued this financial year.

High Court of Australia

This financial year, the ODPP was a party to 15 Applications for Special Leave to Appeal to the High Court of Australia (High Court), all made by an offender.

The ODPP also appeared in two High Court appeal hearings following grants of special leave. Judgment in those matters has been reserved. They are:

- *Edwards v The Queen* – Case S 235 of 2020 - which concerns the extent of the prosecution's duty of disclosure
- *Hamilton v The Queen* – Case S 24 of 2021 – which concerns whether the trial judge in that case should have warned the jury against engaging in tendency reasoning, and whether any such failure resulted in a miscarriage of justice.

Trial Developmental List

The Trial Developmental List (D-List) continues to support the development of solicitors by providing skills and experience to conduct short and less complex trials in the District Court. An expression of interest was called for to refresh the list of solicitors available to be briefed. This year for the first time, solicitors who were on the previous year's list were not required to reapply. This decision was made in recognition of the limited trial opportunities this year and the impact of COVID-19 restrictions. A significant number of applications were received which is reflective of the continued interest among solicitors in the Office. A number of new solicitors were added to the list replacing those who were promoted in this period to the role of Solicitor Advocate.

The briefing protocol remains in place and ensures consistency and transparency in briefing practices.

There are D-List solicitors in all ten office locations as well as dedicated mentors ranging from Crown Prosecutors to Deputy Directors. This year the majority of D-List trials were listed at District Courts in Sydney (47%), Campbelltown (15%), Newcastle 15% and Parramatta (13%). The remaining trials were listed in regional areas including Coffs Harbour, Dubbo, Goulburn and Wollongong.

The new training program continued to be delivered through the first half of this period and was received well with most D-List solicitors attending all sessions. This program was regrettably put on hold due to the COVID-19 restrictions however is expected to recommence in the next reporting period.

This year, 40 matters were referred for briefing to D-List solicitors. As anticipated last period, there were less referrals than last year. Of those matters referred, the predominant charge categories were drug offences, robbery, theft and assault. Pleas of guilty were successfully negotiated in 61% of matters and 29% went to trial allowing experience to be obtained by the D-List solicitors briefed. In relation to the matters that went to trial, 60% returned a guilty verdict. Trials that plead or do not run to trial still provide invaluable experience for the solicitors and access to experienced mentors.

Targeted Assistance Group

This year, the Targeted Assistance Group (TAG) which presently comprises seven experienced solicitors working full-time, has continued to provide invaluable support to ODPP offices both in metropolitan areas and in the regions. TAG assistance is relied on by offices which are unable to cover court and other commitments due to periods of heightened workload or staff absences. Often, TAG solicitors will be

asked to conduct a District Court circuit, instruct a Crown Prosecutor in all of the trials listed at that sitting and appear in any Short Matters.

One of the TAG positions is dedicated to running the Moree practice, based in Sydney. This is the only TAG role in which the solicitor maintains a regular practice, however travel is required to attend the Moree sittings which occur three times per year.

In ordinary circumstances, TAG solicitors regularly spend extended periods away from home, either working from a regional office or based in a town while a circuit is running. They need to be able to deal with the demands of a previously unknown practice in a busy office, or a circuit, often in challenging environments where they do not have access to the kind of office back-up or collegial support which they are used to.

Contact is maintained between group members and their manager by the weekly 'TAG round up', an online team meeting when everyone dials in from their remote location and by regular messaging on a dedicated TAG forum.

COVID-19 has had a significant impact on the work of TAG during the reporting period. Travel restrictions, particularly to regional centres and stay at home orders impacted TAG's ability to provide localised assistance across the State.

In total, TAG has provided 260 weeks of assistance to ODPP offices in the past financial year. This is a decrease on the last financial year due to a staff member being on long-term leave for a period of several months and another vacancy which kept the number of solicitors in the TAG team lower than the full complement of eight. The total does not include the Moree practice work.



Panel of Non-Salaried Crown Prosecutors

In 2019 the ODPP approved a panel of private counsel who can be briefed to appear for the Crown during busy periods. The approved counsel, known as Non-Salaried Crown Prosecutors (NSCPs), have been assessed as appropriately experienced in the conduct of criminal trials.

The resumption of jury trials in late 2020 and an increase in District Court listings, led to NSCPs being briefed in a larger number of matters. During the year, 54 counsel from the panel were briefed to appear in 189 matters. Another two counsel accepted retainers, one for a period of six months and the other was placed at the Penrith office for the entire financial year backfilling a Crown Prosecutor on extended leave.

The majority of the of NSCPs were briefed to appear at the Sydney District Court. NSCPs also appeared at regional centres including Dubbo, Gosford, Lismore, Newcastle, Wagga Wagga and Wollongong and at circuit sittings at Broken Hill, Nowra and Queanbeyan.

Eleven private counsel, not on the panel, but approved by the Director's Chambers were briefed to appear in matters before the Court of Criminal Appeal.

The ODPP remains committed to the principles of the Equitable Briefing Policy developed by the Law Council. The Policy was adopted by this Office in 2016. Efforts continue to be made to ensure that the ODPP contribute to the aim of briefing women in at least 30 per cent of all matters. This year, 25 of the 54 private barristers the ODPP briefed were women, being a total of 46%. This is an increase from the 39% of matters briefed to women in the previous financial year.

Applications by private counsel who wish to be considered for the NSCP panel can be made via the ODPP website.

Multimedia Support Unit

The Multimedia Support Unit (MSU), comprising three digital technicians, is based in the Sydney office and forms part of the Administrative Services Team. The MSU has centralised the editing, conversion and enhancement of all digital material State-wide.

Over this year there has been a number of changes to the Multimedia Workspace software, as well as the server infrastructure. Following several gradual phases, the Multimedia Workspace has now centralised all data in a primary location. This change addresses some technical issues with the previous infrastructure design and assures consistency and greater clarity in logging and tracking data. Along with this, the Multimedia Workspace software has received quality of life updates, providing the MSU team with additional tools to assist in the management of digital material.

As part of the continuing response to COVID-19, the MSU's function and service to the organisation has adapted to facilitate remote working conditions. Due to the necessity of social distancing and remote working arrangements, alternative means of sharing digital material within the organisation have been implemented.

The Multimedia Workspace, which not only allows for multimedia requests to be submitted to the MSU team for editing and conversion, also allows MSU to create links to multimedia material which are then accessible to ODPP staff. This remote accessibility allows for a team working on the same matter to share material when working remotely or from separate locations. This approach enables material to be provided to colleagues without the need to arrange physical delivery. The MSU continues to encourage and facilitate the use of the Multimedia Workspace software as a method to upload and share content between colleagues, especially where they are working from different physical locations.

In addition, the MSU has continued to provide support and assistance to ODPP technology initiatives such as the Secure Timeboxed View – a SharePoint site that allows secure provision of material to external parties and the Digital Brief Centre (ODPP Agency Portal) – a pilot SharePoint site that provides a means for digital briefs to be provided to the ODPP by the NSW Police Force. Both initiatives serve as additional methods to receive and share digital material to various parties. Due to the nature of certain types of multimedia material, it is often necessary for the MSU to provide additional technical assistance where material is not compatible. As well as providing this support, the MSU also advises ODPP staff on multimedia matters and assists with administration of the system when necessary. For example, if requests are especially urgent, members of the MSU are able to action the request and share the material with external parties.

In the 2020/2021 financial year, the MSU logged a total of 7534 requests. This constituted a 47% increase compared to the previous year where 5124 requests were logged. As a point of comparison, the previous year's number of requests constituted a reduction of 4%, owing to the impact of COVID-19. This year, a 47% increase in volume can be correlated with a successful adaptation to, and embracing of, remote working conditions and digital ways of working. Compared to the previous year, the volume of typical edit and conversion requests has increased, while remote access requests continue to assist ODPP staff in sharing material remotely.

The majority of requests were made from the Sydney office (3689). This is a significant increase from the previous year for Sydney (2470). The increase can be explained by a data integrity issue. By default the system nominates Sydney as the requesting office and if this is not updated by the user, the request is registered as Sydney. The next highest volume of requests were

received from Newcastle (849), followed by Parramatta (761). This follows trends established in previous years.

The highest number of requests received pertained to matters involving child sexual assault (2368), constituting approximately 31% of total requests. This is comparatively consistent with the previous year, where 29% of requests pertained to this matter type. The next two highest volume of requests were received in charge categories of assault (1261) and sexual assault (988).

The MSU is constantly assessing its software, hardware and workflows in order to provide better, more efficient and effective service to the Office.

ODPP Accommodation

Wollongong Office Relocation

After 17 years of tenancy in an older building, the Wollongong office moved into new premises this year. During the lengthy period of occupancy, the old office underwent multiple refurbishments in order to create additional office space and the ODPP expanded into available space on another level within the building. The previous premises suffered from a lack of garage parking, insufficient space for staff and Crown Prosecutors, minimal storage as well as ongoing issues with lifts and air-conditioning.

For many years, the Office had been searching for a suitable space to relocate. Finding premises of sufficient size, which were proximate to the court and offered a garage to allow loading and unloading of files for trips to circuit courts, was considered essential. After a long wait, a new development became available and in mid-2020, the Director announced that the Office had received funding approval to proceed with the relocation. Formal approval was given for the ODPP to lease Level 1 of 140 Keira Street, Wollongong in October 2020.

After an exciting period of considering floor plans and architects' designs, final concept plans went to tender in early 2021. The fit-out and associated works commenced in April 2021 with completion by late June 2021.

After much culling, sorting and packing by staff, the move went ahead, commencing on Friday 25 June 2021. Most unfortunately, this timing coincided with the Greater Sydney area, including Wollongong, going into lock down for two weeks from Saturday 26 June 2021. With some adjustment to the processes to comply with COVID-19 restrictions, the move was able to proceed as planned. It was enormously regrettable however that Wollongong staff were not able to gather together and settle into their new premises after the move as stay at home orders were in force. The official opening is scheduled for 6 July 2021, pending Public Health Orders.

The layout has been designed so that conference facilities, including several dedicated child witness rooms and audio visual suites, are close to the reception area. Natural light has been maximized by a well-designed floor plan. Flexible breakout spaces and kitchen facilities are available which will be greatly appreciated by staff and Crown Prosecutors.

The lease, tender processes and construction were overseen by Paul Locket, the Manager of Procurement and Facilities. The planning and execution of the move from the old building was master-minded by Alison Dunn, Wollongong's Manager of Legal Support. Both have earned the gratitude of the entire office for their calm and professional handling of this very significant undertaking.

Coffs Harbour

In February 2020 a Coffs Harbour District Court commenced sitting as a full time court with a presiding judge.

The Coffs Harbour sittings is covered by the Lismore office, which is approximately two hours' drive from Coffs Harbour. With the need to attend Coffs Harbour sittings more frequently, the decision was made to find a local tenancy. In December 2020, after fit-out to ODPP requirements, premises were completed. The tenancy is located close to the court and includes three secure car spaces and six offices. The tenancy has a reception area, an interview room and breakout facilities. The opening of this space will enable the Office to provide localised support to victims and witnesses and enable the continued timely provision of prosecution services to the courts. It will also contribute to the safety and wellbeing of our solicitors, Witness Assistance Service officers and Crown Prosecutors who will no longer be required to travel frequently between the court and the Lismore office.

Office upgrades generally

As a consequence of COVID-19 and the requirements of social distancing, modifications and upgrades across the Office occurred during the year. Workstations used by Legal Support Officers were modified to ensure appropriate physical distance was able to be maintained. Under-utilised space was remodelled to provide additional workspace.

With the continued need for audio visual suites (AVL) for virtual witness conferences and online court appearances, a number of rooms were repurposed into AVL suites and others had improvements made, such as enhanced sound proofing.

General upgrades to office facilities such as modernised receptions, breakout areas and conference rooms were also completed throughout the year with considerable upgrades at the Penrith, Newcastle and Wagga Wagga offices.

The ODPP Workplace Accommodation Guide is referenced in relation to all new fit-outs, modifications and remodels. The



Guide sets out accommodation standards for the ODPP including spatial requirements, recommendations on appropriate adaptable ergonomic furniture configurations and accessible and inclusive design in line with the ODPP's commitment to diversity and inclusion. The Guide is in addition to the requirements set out in the NSW Government Fit out Design Principles (Office Accommodation) 2019.

CASES Replacement Project

In 2017 the ODPP initiated a project to replace the existing legal matter management system, Criminal Advocacy Search and Enquiry System (CASES). During the initial stages of the project, it was determined that additional capital and recurring funding was required for the completion of the project and the project paused.

On receipt of additional funding, the project recommenced this year with the objective to deliver a new matter management system that will allow staff to work more easily and efficiently, with the provision of a modern system that streamlines processes and workflows to improve how we deliver our services.

A request for proposal was released to the market to identify a suitable platform with which to replace the current system. The requirement of the replacement platform is the provision of the capabilities of the current system while also improving ease of use, mobility and data management.

A project team has been assembled from experienced ODPP solicitors and legal support officers from various locations, roles and levels, as well as specialised technical personnel. Since formation, the project team has undertaken a comprehensive review of both the ODPP business processes and the functionality of the current system in order to refine the requirements of the new system, as well as identify opportunities for enhancements.

To ensure that the needs of the ODPP are met by the new system, a Project Leadership Group (PLG) was formed with various internal stakeholders. The PLG will be extensively consulted regarding key decisions and provide advice on how the new system may impact the work of different areas of the ODPP. Various working groups will be established to provide feedback on specific requirements and functionality.

The project team have been consulting with various ODPP stakeholders to comprehensively detail the requirements of the new system in the form of user stories and acceptance criteria to drive the design, build and roll-out of the system.

Additionally, considerable time is being devoted to planning for successful integration of the new platform with internal ODPP systems and external justice cluster systems, as well as data migration and development of an appropriate security model.

The project is overseen by the CASES Replacement Project Steering Committee, chaired by the DPP.

Upon finalisation of the procurement contract, development of the new system will commence with the aim of the first stage of deployment in 2022.

Hunter Drug Court - ten years on

The Hunter Drug Court opened on 7 March 2011 and celebrated its tenth anniversary this year. It was the second venue of the NSW Drug Court to open, with Parramatta having commenced operations in 1999 and Sydney becoming the third venue in 2013.

The expansion into the Hunter region came about following positive findings by the Bureau of Crime Statistics and Research which assessed the outcomes from Parramatta and found the Drug Court to be both more effective and less expensive than sending offenders to custody.

The Hunter Drug Court operates from Toronto court house. It sits every Monday and each alternate Tuesday. It has a maximum capacity of 80 participants, all of whom must ordinarily reside within the local government areas of Cessnock, Lake Macquarie, Maitland, Newcastle or Port Stephens. His Honour Judge Cloran has presided over the court since its establishment.

Over the course of the ten years, 635 offenders have participated in the program. Of these, approximately (60% left the Drug Court with a positive outcome – resulting in graduation from the program or serving no more custody due to their achievements on program).

The Hunter Drug Court was the first regional Drug Court in the State. This year also saw the announcement of the second regional court with the Dubbo Drug Court now in its planning stages.

Confiscation of Proceeds of Crime

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

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

CoPoCA applications - number, type or order and success rate					
	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
Number of Orders Applied for (FO, PPO and DPO)	433	482	638	352	260
Number of Orders Granted	414	468	626	345	260
Number of Forfeiture Orders (FO)	396	440	594	303	245
Number of Pecuniary Penalty Orders (PPO)	2	6	8	1	1
Number of Drug Proceeds Orders (DPO)	16	22	21	19	14
Percentage of matters where application was successful	96%	97%	98%	98%	100%
Total estimated value of property confiscated (millions)	\$3.4	\$6.2	\$5.7	\$5.8	\$3.8

Costs awarded against the Crown

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's reasonable costs in circumstances where the Crown seeks an adjournment of a trial.

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

Matters where costs awarded against the ODPP					
	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
<i>Criminal Procedure Act 1986</i>	37	17	24	19	9
<i>Costs in Criminal Cases Act 1967</i>	17	24	21	32	9
Mosely Orders	3	3	5	7	8
<i>Crimes (Appeal and Review) Act 2001</i>	0	1	1	8	2
<i>Crimes (Domestic and Personal Violence) Act 2007</i>	0	0	0	2	0
Total number of orders	57	45	51	68	28
Total value of orders made	\$634,057	\$466,739	\$939,503	\$1,448,271	\$350,967
Number of matters registered by ODPP in period	19002	18274	17382	16215	16382
Number of costs awarded where fault of prosecution	17	7	6	11	8
Percentage of matters where costs orders were made due to the conduct of the prosecution	0.09%	0.04%	0.03%	0.07%	0.05%

Matters where costs were awarded on adjournment					
	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
Mosely Orders	3	3	5	7	8
<i>Criminal Procedure Act 1986</i> - other adjournments	0	0	1	0	0
Adjournment because full brief not served - <i>Criminal Procedure Act 1986</i>	2	5	6	6	8
Other costs orders	52	37	39	55	12
Total	57	45	51	68	28

Goal 2

Provide a fair, just
and timely service
to victims and
witnesses

Witness Assistance Service

The Witness Assistance Service (WAS) is an established part of the ODPP and works closely with legal staff and Crown Prosecutors to assist victims and witnesses involved in the prosecution of criminal offences. The Service is staffed by Witness Assistance Officers who are social workers, psychologists and counsellors based in each of the ten ODPP offices. Aboriginal and Torres Strait Islander WAS Officers provide specialist services to Indigenous victims and their broader communities. The Service assists victims of violent or sexual crime and vulnerable witnesses. WAS has developed a range of services to meet the broader needs of victims and witnesses. These include the provision of information about the criminal justice process, victims' rights and crisis counselling; assessment and referral to other agencies; the preparation of witnesses for court; 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.

Interagency activities and networks

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

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

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

WAS has been part of several interagency networks including the Sexual Assault Review Committee and Victims of Crime Interagency Group.

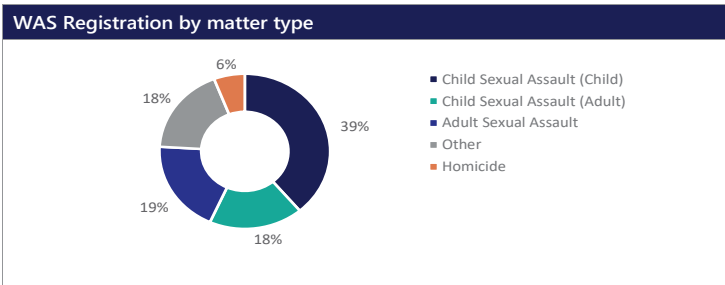
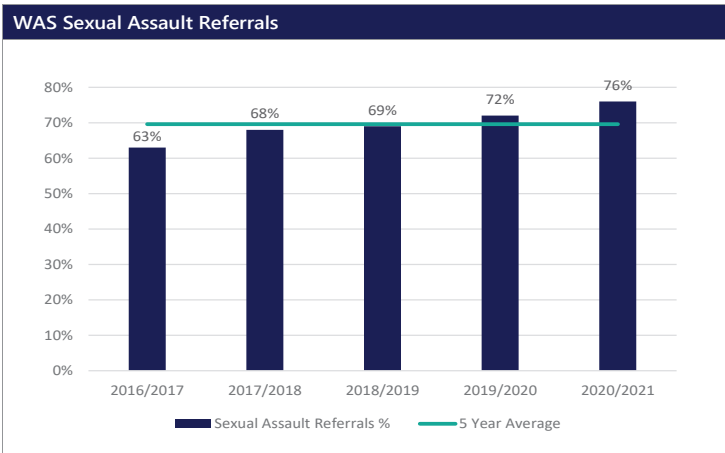
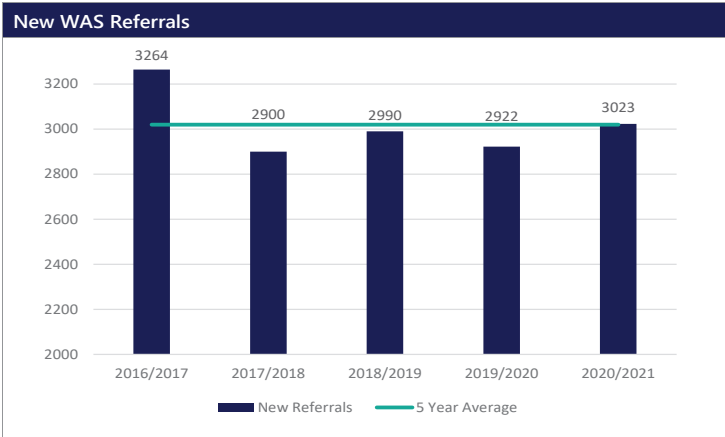
WAS workload

During the reporting period, there were 3023 new referrals to WAS, of which 76% related to sexual assault. At the end of the reporting year, WAS had 8058 active clients. Aboriginal and Torres Strait Islander victims accounted for 15% of all victims registered this year.

The COVID-19 pandemic has created additional challenges as WAS adapts to remote working and remote victim support. In many instances, WAS has continued to provide a direct service to victims and witnesses where support needs have necessitated this. The impacts of the pandemic along with court delays have adversely impacted vulnerable victims and witnesses resulting in increased support work for the WAS teams across the State. WAS acknowledges their court support partners who have adjusted rapidly to changing circumstances and have continued to work closely with the service to provide support to victims.

Goal 2 Strategies

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



Child Sexual Offence Evidence Program

The Child Sexual Offence Evidence Program continues to be funded until June 2022. The Program operates in the Sydney and Newcastle District Courts.

The Program is designed to reduce the stress and trauma of participating in the trial process for child sexual offence complainants and child witnesses who will give evidence for the prosecution by the use of Witness Intermediaries and the pre-recording of the child's evidence.

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.

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 child's evidence, including their cross examination, is pre-recorded without a jury being present. The pre-recording is in a less formal setting than a trial court and usually occurs months, or even a year, before the remainder of the trial is listed to begin. This pre-recorded evidence is then played when the remainder of the trial takes place in lieu of the child attending. This

greatly reduces the stress children suffer and lifts the burden of giving evidence at court much earlier than would otherwise be the case.

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

Between 1 July 2020 and 30 June 2021, 95 new matters entered the Program: 48 in Sydney and 47 in Newcastle. Pre-recorded hearings were completed by complainants and child witnesses in 115 matters. Both the numbers for new matters entering the Program and the completed pre-recorded hearings were lower than the previous year but this takes into account the delay and reduced court capacity throughout the COVID-19 pandemic.

Additionally, the NSW Police Force continued to use Witness Intermediaries to assist at the police interview stage. This occurred 603 times during the reporting period. While not all these matters will enter the Program (as some will proceed through courts outside the catchment areas), the use of Witness Intermediaries enables police to conduct the best interviews possible with child complainants and child witnesses.

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

Witness Intermediaries were allocated to complainants, victims and witnesses giving evidence in matters conducted in several regional locations. Witness Intermediaries have also been engaged in matters in the Program locations of Sydney and Newcastle which do not meet Program entry criteria.

Royal Commission Prosecutions

The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) commenced hearings in May 2013. There have been 76 ODPP prosecutions as a consequence of referrals from, or evidence given to, the Royal Commission.

Between 1 July 2020 and 30 June 2021, the Office finalised eight Royal Commission matters.

In relation to those eight matters, three offenders pleaded guilty, two matters proceeded to trial and were found guilty

and all five were sentenced in the District Court. A matter concluded as the alleged offender was deceased. One matter had a permanent stay granted by the District Court and one matter was dismissed by the Local Court.

A further 14 prosecutions remain active. One matter has been referred for pre-charge advice from the NSW Police Force. Two matters are in the Local Court. In three matters, the accused were found guilty at trial and are awaiting sentence. Eight matters are subject to upcoming trials in the District Court.

Completed Royal Commission Prosecutions	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
Sentenced after trial	1	1	8	4	2
Sentenced after plea of guilty – Local Court	2	1	1		
Sentenced after plea of guilty – District Court	7	2	10	2	3
Offender Deceased	1	1		1	1
No Further Proceedings Directed			2	1	
Permanent Stay of Proceedings Granted	1		1		1
Dismissed / Verdict Not Guilty	1				
Returned to Police / Advice provided to Police	1			1	
Total	14	5	22	9	8

Goal 3

Improve the ways
we interact internally
and with our criminal
justice partners

ODPP Policy Update

Prosecution Guidelines

On 29 March 2021, the Director of Public Prosecutions released revised Prosecution Guidelines.

The 2021 Prosecution Guidelines were finalised after a highly collaborative synthesis of research and stakeholder submissions. Submissions and comments were invited and received from across the criminal justice system including from ODPP solicitors and Crown Prosecutors, each head of the jurisdictions in NSW, the Bar Association, the Law Society, victims' groups, the NSW Police Force and many others. In addition, the Royal Commission into Institutional Responses to Child Sexual Abuse provided a particularly specialised and authoritative contribution throughout its course and in its detailed recommendations that were released in 2017.

Along with stakeholder contributions, a number of internal specialised research projects and data studies were undertaken to realise the consequences of any changes.

There have been developments in recent years which have had an impact on the criminal justice system, including changes to legislation, case law, procedures and policies. The 2021 Guidelines reflect a recognition of the inherent interest of victims as participants in the criminal justice system. Greater attention than ever before has been placed on the responsibility of prosecutors to inform victims about the progress of a case and to consult them about key decisions. However, it must be borne in mind that the ODPP represents the community generally, rather than any individual.

The ODPP must serve the public interest first and foremost. Prosecutors owe a duty of fairness to the community. The community's

interest is twofold: that those who are guilty be brought to justice and that those who are innocent not be wrongly convicted.

The Prosecution Guidelines serve multiple purposes. They guide prosecutors in the exercise of their duties and provide a standard against which the conduct of criminal proceedings should be measured. They promote impartial, principled and consistent decision-making. Their publication ensures transparency, openness and accountability to the community.

In order to achieve these purposes, the Prosecution Guidelines must be accessible to the public and must remain current. A glossary is included and plain English has been used as much as possible. They have been divided into logical chapters with numbered sub-headings for ease of reference.

The Prosecution Guidelines are available on the ODPP website.

Victims' Right of Review Policy

At the same time as the revised Prosecution Guidelines were published, the ODPP published a Victims' Right of Review Policy ('the Policy'). The Policy was formulated in response to Recommendation 41 of the Criminal Justice Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse

The Policy provides a process for victims to seek a review of a decision not to commence or discontinue all charges affecting them. The Policy details the review process and possible outcomes of a review.

The Policy compliments the ODPP Complaints Policy.

The Victims' Right to Review Policy is also available on the ODPP website.

Goal 3 Strategies

- **Develop and implement better knowledge sharing across the ODPP**
- **Engage in proactive and strategic communications internally and with the courts, police and defence**
- **Work with our criminal justice partners to maximise efficiency and innovation**
- **Engage with government in law and policy reform**



Law Reform

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

The ***Mental Health and Cognitive Impairment Forensic Provisions Act 2020***, commenced on 27 March 2021. This Act replaced the *Mental Health (Forensic Provisions) Act 1990* and made significant changes to forensic mental health including, defining mental health impairment and cognitive impairment, codifying the fitness to stand trial criteria, modernising the *M'Naghten test* in a defence of mental health impairment or cognitive impairment and introducing a new verdict of act proven but not criminally responsible. Diversionary options in the Local Court were also modified for accused suffering from a mental health impairment or cognitive impairment.

The ***Stronger Communities Legislation Amendment (Miscellaneous) Act 2020*** No 31 was assented to on 27 October 2020. The Act contained a number of amendments to a variety of Acts of importance to the ODPP. These included an amendment to the *Crimes (Sentencing Procedure Act) 1999* providing for a Victim Impact Statement to be tendered in, and considered by, the Children's Court in relation to Table 1 and strictly indictable offences. The *Criminal Procedure Act 1986* was amended to require proceedings for one or more offences alleged to have been committed by the same person to be heard together if they are charged in the same indictment and the prosecution intends to lead tendency or coincidence evidence that relates to the offence. The purpose of pre-trial conferences was also amended to add that the purposes of a pre-trial conference also include the identification of key issues in dispute or any issues that will require resolution prior to the commencement of the trial.

The ***Supreme Court (Criminal Appeal) Rules 2021*** commenced on 1 May 2021. The Rules replaced the previous Criminal Appeal Rules and made a number of significant changes to Court of Criminal Appeal (CCA) practice including time limit for the Crown to file an appeal. The most significant change for the ODPP is that Crown appeals against sentence must now be filed within 28 days. Previously there was no time limit, but delay was always a consideration in the Director's decision to appeal.

Appeals by the Crown pursuant to section 5F(3) must be filed within 14 days of the judgment or order. The Rules permit an application for leave to appeal out of time, in exceptional circumstances. Other key changes to the Rules include the standardisation of all appeal documents and the increase of the currency of a Notice of Intention to Appeal (NIA) from six to 12 months. The power of the CCA Registrar to extend an NIA has been removed. An application for leave to appeal out of time can be filed after the NIA has expired and the CCA will consider the application when determining the merits of the substantive appeal.

The ***Justice Legislation Amendment Act (No 2) 2019*** No 20 was assented to on 22 November 2019, however Schedule 1.10, which provided that the indictable offence of ongoing supply to be a Table 1 offence was not proclaimed to commence until 30 April 2021.

The ***COVID-19 Legislation Amendment (Stronger Communities and Health) Act 2021*** No 4 received assent on 24 March 2021. The temporary provisions that were introduced because of the COVID-19 pandemic to various Acts and regulations were due to expire on 26 March 2021. This Act extended temporarily the operation of the COVID-19 legislative provisions for a further six months to 26 September 2021,

with an option to extend by up to a further six months by regulation. Key provisions included:

- enabling a judge to order that a relevant witness can give evidence by having their evidence recorded in advance of the trial at a pre-recorded evidence hearing, with that evidence to be subsequently viewed during the trial
- enabling a record of evidence given in trial proceedings to be admissible in a subsequent trial
- that a court may, on its own motion, make an order that the accused person be tried by a judge alone, but only where the accused person, or persons, consent to be tried by a judge alone, in circumstances where the court is satisfied that they have received legal advice about the effect of such an order; and if the prosecutor does not agree to the accused person being tried by judge alone, the court considers a trial by judge alone to be in the interests of justice
- written pleas can be lodged for accused persons who have been granted or refused bail or where bail is dispensed with. This temporarily extends existing written plea provisions under section 184 to apply to bail applications during the pandemic, to reduce the number of physical appearances in the Local Court.

As it does every year, the Office also put forward a number of law reform proposals for consideration by the NSW Parliament. These proposals are identified in a variety of ways, including being raised by individual ODPP staff members or in conjunction with partner agencies, through the work of committees or working parties or via case law.

This year the ODPP also made submissions on a range of topics, which included:

NSW Parliament Joint Selection Committee

- Coercive Control

Department of Communities and Justice

- Administrative Review of the *Bail Act 2013*
- Statutory Review of Majority Verdicts and Consultation on the Operation and Management of Juries
- Proposals for the Justice Portfolio Miscellaneous Amendments Bill 2021
- Review of the *Child Protection (Offenders Registration) Act 2000*

NSW Law Reform Commission

- Open Justice.

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

- AV Strategy and Business Links Governance Board
- Bail Act Monitoring Group
- Body Worn Video Implementation Committee
- Child Sexual Offence Evidence Program Implementation and Monitoring Group
- Data Analytics Steering Committee
- District Court Backlog Senior Officers Group
- Domestic Violence Review Committee
- EAGP Steering Committee
- EAGP Working Group
- Law Society of NSW Criminal Law and Childrens Law Committees
- Law Society of NSW Diversity and Inclusion and Government Solicitor Committees

- Legislative and Policy review Development Group for Harmful Sexual Behaviours
- Local Court Rule Committee
- Mental Health Forensic Provisions Working Group
- NSW Legal Assistance Forum Working Group on Doli Incapax
- ODPP/Police Liaison Group Meetings (both parent and regional meetings)
- Joint Agency Working Party on Review of the *Child Protection (Offender Registration) Act 2000*
- Sexual Assault Review Committee
- Stronger Communities Diversity and Inclusion Council
- Extremist Material Reforms Agency Review
- Victims Advisory Board.

Additionally, the Office participated in a number of specific interagency meetings designed to address and progress individual law reform proposals, procedural changes or specific change implementation. These related to areas as diverse as proposals relating to court procedure and the transference of charges between jurisdictions; the design of EAGP related evidence proforma documents; to improvements in interagency understanding of evidence gathering and provision in child abuse material matters. The Office also holds regular meetings with major partner agencies such as NSW Health.

Interaction

The Office recognises the importance of good stakeholder engagement, which goes beyond our formal commitments. Members of senior management regularly correspond and meet with their counterparts in stakeholder agencies including defence, the courts and police to discuss issues of mutual interest and concern. These interactions are supplemented by the

local managers who frequently engage with representatives of courts, local police, police prosecutors and defence in their area of operations. These interactions are both formal and informal and nurture these relationships to create an environment of consultation and mutual cooperation which assists the Office in delivering services to the community in line with the Office's vision.

Training conducted by ODPP solicitors

As in previous years, and prior to the restrictions imposed by the COVID-19 pandemic, senior solicitors at the ODPP conducted regular training for police officers at their dedicated training programs held at the Goulburn Police Academy and at the training unit at Hurstville. The presentations covered such topics as brief preparation, sexual assault prosecutions, interviewing suspects and the role of the ODPP.

ODPP solicitors continued to conduct localised training on brief preparation with particular emphasis on compliance with the EAGP MOU. These practical sessions are consistently well received and commonly result in better outcomes.

Consultation with partner agencies and cross-agency information sharing and training continued in relation to improving the contents of EAGP briefs of evidence and the quality of 'short-form' evidentiary reports.

External engagements

The ODPP also, where able, continued to accept invitations to participate in panels on criminal law and attend Career Fairs at various universities.

International visitors

The ODPP did not host any international visitors this financial year.



Significant Committees

Executive Board

Comprises the Director (Chair), three Deputy Directors, Senior Crown Prosecutor, Solicitor for Public Prosecutions, Director Finance & Facilities and Chief Finance Officer, Director Human Resources, Director Information Management & Technology 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 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 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

Comprises the Director (Chair), three Deputy Directors, Senior Crown Prosecutor, Solicitor for Public Prosecutions, Director Finance & Facilities and Chief Finance Officer, Director Human Resources, Director Information Management & Technology and five Deputy Solicitors (Operations and Legal).

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 reports from Finance & Facilities, Human Resources, Information Management & Technology, Crown Chambers and the Solicitor's Office and to initiate action where activity related funding and resourcing issues are identified
- to discuss 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 20-08, *Internal Audit and Risk Management Policy for the General Government Sector*, comprises three independent members selected from the *Prequalification Scheme, Audit and Risk Committee Independent Chairs and Members*. The members of the Committee are Mr Ian Gillespie (Independent Chair), Mr Alex Smith AM and Ms Robyn Gray (Independent Members).

The Committee's primary objective is to provide independent assistance to the Director by monitoring, reviewing and providing advice on the ODPP's governance processes, risk management and control frameworks and its external accountability obligations.

The Committee held seven meetings during the year.

Representatives of the Audit Office of NSW, the Deputy Director of Public Prosecutions in his capacity as the Chief Audit Executive, the Deputy Solicitor for Public Prosecutions (Sydney) in her capacity as Chief Risk Officer, and the Director, Finance & Facilities and Chief Finance Officer attend meetings. In addition, the Director, Human Resources, the Director, Information Management & Technology and the Wellbeing Coordinator attend meetings by invitation.

The Audit and Risk Committee Charter and the Internal Audit Charter have been reviewed for compliance with TPP 20-08, endorsed by the Committee and signed by the Director. In compliance with its Charter the Committee's review and advice includes consideration of the following areas:

- risk assessment and risk management framework
- endorsement of internal audit plans cognisant of risk identification
- implementation of internal and external audit recommendations
- financial performance and financial statements
- business continuity planning and governance frameworks
- performance against objectives and outcomes
- workplace health and safety
- information management and technology
- legislative requirements and policies and procedures.

During the year, risk management continued to be reviewed, inclusive of COVID-19 related issues. The Committee provided feedback in relation to a revised Enterprise Strategic Risk Register and monitored the ODPP's implementation of strategies to mitigate its most significant risks.

The Committee endorsed a new Internal Audit Plan covering the three-year period to 30 June 2023.

The Committee reviewed the findings and recommendations of internal and external audits and monitored the ODPP's progress in implementing recommendations.

The Committee's assessment of governance and compliance frameworks included reviews of aspects of the Internal Control Framework; the Fraud and Corruption Control Plan; Business Continuity Planning; the Legislative Compliance Framework; workplace health and safety and wellbeing strategies; and information technology management and the Cyber Security Action Plan.

The Internal Audit and Risk Management Attestation for 2020/2021 for the ODPP is shown at Appendix F of this Annual Report.

Information Management Technology Committee

The Information Management Technology Committee (IMTC) is a sub-committee of the ODPP Management Committee and comprises the Director Information Management & Technology (Chair), Solicitor for Public Prosecutions, Director Finance & Facilities and Chief Finance Officer, Deputy Solicitor for Public Prosecutions (Legal), Deputy Solicitor for Public Prosecutions (Sydney), a nominated Crown Prosecutor representative 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 information technology strategies and plans to promote and ensure security and the effective use of technology in support of the ODPP Digital Working Strategy
- establish and approve information management and technology projects, endorse funding proposals and provide support for allocation of resources for approved projects
- provide advice and recommendations on significant information management and technology issues
- approve ODPP wide information security policies, guidelines and procedures and ensure that these are adopted within the ODPP
- review and approve acceptance of information management and technology treated risks rated high or extreme (when required)
- ensure all critical operational and security issues reported through the incident reporting process be resolved in a timely manner and avoid recurrence
- provide senior management support for the development, implementation, operation and continuous improvement of an operational Information Security Management System
- provide updates to the ODPP Management Committee.

CASES Replacement Project Steering Committee

The CASES Replacement Project Steering Committee is chaired by the Director of Public Prosecutions with representatives from Crown Chambers, the Solicitor's Office, ODPP Senior Executives and an independent member from the Department of Communities and Justice.

Due to the critical importance of the project to the ODPP, the CASES Replacement Project Steering Committee ensures the highest possible visibility, support and decision making over the activities within the project, including:

- monitor the progress of the project
- manage escalation of project matters including risks and issues within the project
- review and approve requests for project change and budget allocation
- review and resolve key implementation issues
- resolve resource and change management conflicts
- provide direction and guidance to the Project Leadership Group and project team
- review and approve key project documentation
- ensure alignment between the project and the strategic objectives of the organisation.

The Committee meets on a monthly basis but may meet more frequently, if required.

Requests and disclosure of information

Privacy and personal information

In 2020/2021 the ODPP did not receive any applications for access or amendment to personal information or privacy internal review under s53 of the *Privacy and Personal Information Protection Act 1998*.

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

Public Interest Disclosure

The ODPP has a Public Interest Disclosure Policy in place. There were no disclosures made in 2020/2021 under this Policy.

Government Information (Public Access) Act 2009

Agency Name

Office of the Director of Public Prosecutions

Principal Department

Solicitor's Executive

Reporting Period

2020/2021

Obligations under the Government Information (Public Access) Act 2009

Review of proactive release program – Clause 7(a)

Under section 7 of the *Government Information (Public Access) Act 2009* (NSW) (the 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. The *ODPP Publication Guide* is available on our website. It details ODPP publications that are available upon request.

Number of access applications received – Clause 7(b)

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

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

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

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

During the reporting period, our agency granted one application in part to a member of the public.

There were 19 invalid applications which were requests for excluded information of the agency (s43 of the Act); 16 of those applications were made by a legal representative on behalf of a member of the public.

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

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

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

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

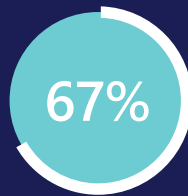
Goal 4

Develop, recognise
and celebrate the
knowledge, skills and
commitment of our
people

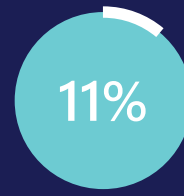
Our People



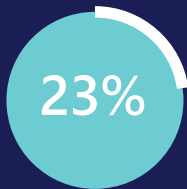
878 full-time equivalent staff



67% of employees are women



11% of staff are working part time



23% of new starters are under 25 years of age



31 years was the average age of new starters

Recruitment and Retention of Quality Staff



Staff turnover 7.93% in comparison with 11.39% the previous year



11 new Crown Prosecutors were appointed, 7 of these were promotions from within the Office



22 Solicitor Advocates were appointed, 19 of these were promotions from within the Office



145 new starters with 100 being administrative and legal support officers



Our staff attended 9277 hours of professional development by hybrid means

Our People

Goal 4 Strategies

- Develop and implement a performance management system based on quality standards
- Build a training and development plan to ensure our people have the tools they need to deliver a high quality service
- Develop and implement a mentoring program
- Coach staff in how to manage and lead

Learning and development

The ODPP Signature Behaviour, *Never Stop Learning*, remains the cornerstone for our people adopting and maintaining a commitment to ongoing learning and development.

Learning in Action

Work has continued to enhance and improve the Learning in Action intranet site with the ongoing addition of new content and refinement of the user experience being the major focus throughout the year.

Professional development

This year the Professional Development series was held twice, in August 2020 and June 2021. The 2021 series was scheduled earlier than usual to avoid the school holiday break and enable the outgoing Director to deliver the keynote address.

The 2020 Professional Development Series keynote address was delivered by Michael McQueen and was titled *The Post Crisis Kickstart*. The series included 19 sessions presented over 12 days. There was an aggregated total of 1900 attendances across the series.

Applications and Objections under the Evidence Act was presented by the Honourable Justice Bellew. Further topics included:

- *Charge Management Tips and Tricks*
- *Sentencing 101 – Surviving your sentence block*
- *Ethics and COVID.*

The 2020 Solicitor's Conference had an audience of over 200 people attending live online or in person. The agenda included a keynote address by Kate McClymont AM *Harassers, hoodwinkers & heists; a journo's life*; an address by the Director with a

reflection of his ten years as the DPP and a second keynote address, *Prisoner Reform – Dragging the chain* presented by the Honourable Michael Kirby AC CMG.

The 2021 Professional Development Series keynote address was delivered by the Director addressing the updated Prosecution Guidelines. For the first time this year, the Office also offered sessions specifically designed for Legal Support staff. The 2021 series included 18 sessions presented over ten days. Topics included :

- *The ABC of EAGP*
- *Practice Management 101 - tips to do it better*
- *Dealing with Distressed Callers*
- *Plain English for Professionals*
- *International Crime Cooperation in Mutual Assistance and Extradition.*

Several sessions were delivered both with attendees in person and live online concurrently as there were no lock down restrictions at that time.

Leadership and Management Development Program

Workshops and learning events for both the Developing Manager and Emerging Manager programs continued throughout the year. A new intake of participants commenced a combined Developing and Emerging Managers program in April 2021 with 20 new participants. The first Future Leader program was launched in March 2021 with nine participants. The Future Leader program is designed to prepare experienced managers for a move to positions of greater responsibility.

Health and wellbeing

The central pillar of our mental health initiatives remains our ODPP WellCheck program. This year saw the third iteration

of the program which continues to be refined and improved to provide the best resource possible for ODPP staff and Crown Prosecutors.

This was a particularly challenging year for mental health, with the impact of the COVID-19 global pandemic creating forced change and uncertainty in many aspects of people's lives. Given the potential impact on mental health, the Office continued our WellCheck program this year. Due to the number of staff working from home, a mixed delivery model was adopted, with approximately one third of sessions being offered virtually and the remainder on site. It was pleasing that, even with the significant disruption, sessions were delivered to 162 staff and Crown Prosecutors, consistent with the previous year's program participation.

Significant action items from the 2020 WellCheck program were to consider a program to provide clinical supervision for those roles with the greatest exposure to traumatic materials, particularly Crown Prosecutors, Solicitor Advocates and Managing Solicitors.

These sessions will be similar to WellCheck in structure but will be compulsory for those identified, taking place quarterly. A pilot program has been developed and will be introduced in early 2022

The flexibility of work at the ODPP, and how this was managed by the Office, was a recurring theme as a positive change for staff wellbeing. It was recommended that this should continue.

The Vicarious Trauma workshops continue to be delivered, with an additional program created for managers and leaders to support

teams working remotely and specifically addressing COVID 19 challenges in relation to wellbeing and performance.

The Wellbeing Taskforce (WT) was reconstituted and is now functioning as a network of peer support with WT members the first point of contact for local colleagues to facilitate access to support services.

All WT members are required to attend mental health first aid training and attend quarterly Employee Assistance Program sessions (in addition to their regular allocation available) to ensure that they look after their own mental health.

The WT meet quarterly and provide input and feedback regarding our wellbeing programs and act as local champions for promotion of good health and wellbeing.

Staff and recruitment

Staff Numbers	30 June 2017	30 June 2018	30 June 2019	30 June 2020	30 June 2021
Statutory Appointed and Senior Executive	104.50	108.2	117.4	118.20	120.80
Solicitors	389	420.20	454.49	418.30	466.60
Administrative staff	225.9	237.3	273.41	261.30	291.04
Total	719.4	765.7	845.30	798.30	878.44

Recruitment Statistics*	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
Senior Executive	0	0	1	0	0
Statutory Appointed	0	2	1	1	1
Crown Prosecutors	5	7	7	6	4
Solicitors	54	26	58	15	40
Administrative staff	61	59	105	61	100
Total	127	98	172	83	145

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



Mental Health First Aid Training

Mental Health First Aid Training was provided to all members of the Office's Wellbeing Taskforce and also to an initial group of managers to continue our commitment to support the mental health of all staff and Crown Prosecutors.

Healthy Lifestyles program

The Healthy Lifestyles program continues to have strong participation. The greatest interest this year was once again for the flu vaccination program which provided a total of 401 vaccinations across the Office (down slightly compared to 425 last year which was our highest ever total). As in 2020, the high uptake was linked to advice from government and internally to access the flu vaccination to reduce the risk of acquiring the flu and COVID-19 simultaneously, or in quick succession.

The Fitness Passport program remains popular, despite having been suspended or curtailed for many users due to COVID-19. This year 288 staff members have a current fitness passport membership (down slightly from 292 last year). The social aspect of the program also decreased slightly with 217 family members (partners and dependents) down from 243 in 2020.

Workers' compensation

The Office continues to emphasise prevention and early intervention strategies to effectively manage workers' compensation claims.

There has been a decrease in the number of claims made in 2020/2021 with four new claims being lodged. There has been no consistent theme or pattern to the injuries, with the most serious being exacerbations of existing injuries.

Workplace support

Average Sick Leave for the Office for this year was 4.68 days (which remains below the public sector average).

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 time frames during the reporting period.

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

Awards for Excellence

Di Perry, Managing Solicitor, Appellate Litigation and Legal Resources, was awarded the Director's Service Excellence Management Award for her outstanding contributions providing concise, considered and sound legal advice over her 30 plus year career, as well as operating the High Court practice out of the limelight reliably for many years.

Amy Karam, Manager Legal Support, Lismore was awarded the Director's Service Excellence Management Award for her

dedication and commitment, for regularly going above and beyond and being the backbone of the Lismore regional office. The IT Services Team (Christine Wasson, Jane Hanrahan, Kan Attanayake, Matthew Crampton, Nalin Goundon, Suraj Yatish, Joon Oh and Ronil Lal) were awarded the Director's Service Excellence Team Award for their adaptability through the pandemic, introducing and supporting multiple types of new technologies in the areas of AVL and remote communications and maintaining prompt and efficient service.

The Procurement and Facilities Team (Paul Locket, Vicki Toogood, Kimberley Nicholson and Holly Baker) were awarded the Director's Service Excellence Team Award for their efficiency and dedication and can do attitude in the face of continual challenges and high volumes, providing professional and timely services.

The Warwick Prosecution Team (**Ken McKay SC and Gareth Christofi**) were awarded a retrospective Director's Service Excellence Team Award for their professionalism, dedication and commitment in the conduct of one of the longest and most complex trials the Office has ever prosecuted (seven trials rolled into one which resulted in over six months of trial days, 685 exhibits, 220 witnesses and involved a 20,000 plus page Crown brief).

The award is retrospective as the trial was still ongoing at the time of last year's Awards.

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

- **Brendan Queenan**, Crown Prosecutor, Newcastle
- **Daniel Waldmann**, Solicitor Advocate, Sydney Office
- **Lisa Robinson**, Senior Solicitor Special Prosecutions Group
- **Alecia Goodworth**, Legal Support Officer, Drug Court
- **Emmy Kerrigan**, Business Systems Analyst, IM&T Branch.

Service Awards

We are proud of the 54 staff who were awarded recognition for their service to the Office:

- 21 staff received a 10 Year Service Award
- 22 staff received a 20 Year Service Award
- 11 staff received a 30 Year Service Award.

Learning opportunities

Learning and Development Category	Sessions	Attendees*	Hours
Advocacy	1	6	30
Conference	1	246	1954
Induction	12	117	1085
Cultural awareness	9	115	594
Continuing Professional Development	34	451	510
Leadership & Management	38	282	585
Professional Development Series	38	2236	3707
Wellbeing	14	155	429
External	31	58	383
Total	178	4756	9277

* Attendee figures include multiple attendance at learning activities

Appointments to the Bench

In the year, Tanya Smith SC, Deputy Director was appointed as a Judge of the District Court of NSW, Crown Prosecutors Kirralee Tennant, Justin Peach and Gareth Christofi were appointed as Magistrates.

Crown Prosecutor appointments

Eleven new Crown Prosecutors were appointed during the year, seven of these were promotions from within the Solicitor's Office.

Solicitor Advocate appointments

During the year, 22 Solicitor Advocates were appointed, with 19 being promotions from within the Solicitor's Office.

Secondments

The Office continues actively promote, support and encourage staff to participate in secondment opportunities where available. During the year, 12 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.

Studies Assistance	
Number of studies assistance participants	6
Total study leave days taken	118.40
Total study assistance reimbursement	\$24777



Diversity and Inclusion and Statutory Compliance

Diversity and Inclusion

The ODPP continued to work towards becoming a diverse and inclusive organisation throughout this period.

The ODPP Diversity and Inclusion Working Group (the Group) was established in 2017. Terms of reference for the Group were settled in this period to ensure frameworks are in place for priorities and reporting. The Group meets bi-monthly and reports to the Management Committee. There are five sub-committees within the Group that each focus on a specific area of diversity, those are:

- Aboriginal and Torres Strait Islander
- Women
- Disability
- Culturally and Linguistically Diverse
- LGBTQIA+.

As in past years, a fresh expression of interest was called for and a record number of new members joined the Group reflecting the growing interest in the Group among the Office.

The Group has driven several key initiatives to promote diversity and inclusion at the ODPP in this period. The Group also met with external stakeholders to obtain expert advice and to work on collaborations to promote diversity more broadly.

The ODPP continues to meet its commitment to the Multicultural Policies and Services Program (MPSP) by providing high quality accessible services to the people of NSW. In line with the MPSP, the Office's key strategies were informed by the four identified focus areas: Service Delivery; Planning; Leadership; and Engagement.

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

Reconciliation Action Plan

The Group continued to deliver on the Office's inaugural Reconciliation Action Plan (RAP). The implementation of the RAP was a significant step in the ODPP's path towards reconciliation. This period saw significant work being completed on the drafting of the next RAP for the ODPP. It is expected that our second RAP will be delivered in the next period.

The Office subscribed to the Koori Mail for all ten offices and commissioned new lanyards using the artwork from our first RAP.

Aboriginal Cultural Awareness training

Aboriginal Cultural Awareness training continued to be presented throughout this period pursuant to the outcome deliverables in the RAP. The training was delivered virtually this period due to COVID-19 restrictions. All new staff are enrolled in this training as part of their induction to the Office.

The Learning & Development team worked with the Group throughout the year and developed the next phase of Aboriginal Cultural Awareness training, *Communicating Effectively with Aboriginal People*. This unit focuses heavily on communication skills both verbal and non-verbal and explores cultural differences that may impact our ability to connect meaningfully.

Culturally significant events

This year we participated in National Reconciliation Week by distributing information and resources. The Group

sent out promotional posters to all ODPP offices and implemented an email banner displayed on all emails throughout the week. An article was also posted on the intranet acknowledging the significance of the celebration and providing details of online events being hosted by Reconciliation Australia.

Notably, the ODPP launched the Aboriginal and Torres Strait Islander Legal Internship Program. This program provides opportunities and employment pathways for Aboriginal and Torres Strait Islander law students to enable them to undertake paid employment whilst undertaking their law degree. Recruitment action was completed for this program and the interns will commence in the next period.

NAIDOC week celebrations were delayed this year due to COVID-19 lock downs, however the delayed event was celebrated later in the year. As in previous years, promotional resources were sent to each office and an email banner was added to our email signatures to create greater awareness. An intranet article with links to events being held throughout the State was also posted. To specifically commemorate NAIDOC week, the ODPP implemented an *Acknowledgement of Country* statement on our external email signature blocks. This represented a public commitment to reconciliation.

In line with the ODPP Welcome to Country Protocol, we were pleased to host Welcome to Country ceremonies at the annual Solicitor's Professional Development Workshops and Solicitor's Conference.

Supply Nation

The Office prioritised the use of Supply Nation organisations and Aboriginal and Torres Strait Islander suppliers across a

number of disciplines including construction and maintenance, training, stores and catering.

International Women's Day event

The Office held an International Women's Day celebration again this year. The event was hosted by Tanya Smith SC, Deputy Director who chaired a panel of amazing women from all areas of our Office.

This year's theme was *#ChooseToChallenge* and each of the panel generously shared their experiences and challenges. The panel was hosted in Sydney with a limited audience to ensure social distancing and was broadcast to all offices throughout the State. A Welcome to Country was delivered by Yvonne Weldon, a proud Wiradjuri woman.

Charter for the Advancement of Women

This year the Office renewed its commitment, initially made in 2016, to the Advancement of Women in the Legal Profession by becoming a signatory to the 2021 relaunch of the Charter for the Advancement of Women. The aim of the Charter is to assist the profession to develop cultures which promote diversity and inclusion, prevent sexual harassment and bullying and impact positively on all practitioners in their place of work, resulting in better business outcomes for the profession and the community as a whole.

Diverse Women in Law

The Office was delighted to host a launch event for the not for profit organisation, *Diverse Women in Law*. The event launched the Social Impact Mentoring Program and featured an opening address given by her Honour Judge Yehia SC and Deputy Senior Crown Prosecutor Belinda Baker.

The event included a networking opportunity for diverse women at the early stages of their law degree to meet representatives currently working in the field. An expression of interest was called for from women at the ODPP and it was very well attended with many mentoring connections made.

International Day of People with Disability

International Day of People with Disability (IDPwD) was celebrated on 3 December 2020. IDPwD is sanctioned by the United Nations and aims to increase public awareness, understanding and acceptance of people with disability and celebrate their achievements and contributions.

In support of IDPwD, an intranet article was posted encouraging staff join the celebrations and providing information as to how to get involved.

Disability Awareness training

In line with the ODPP's commitment to building an inclusive and safe workplace for people with disabilities, eLearning modules are available to inform and bring awareness to staff. These training modules were based on material provided by the Public Service Commission and are available to all staff on demand. There are separate modules for managers and team members. All staff continue to be encouraged to undertake this training.

Significantly this period, the ODPP joined the Australian Network on Disability (AND) as Gold members. The AND is a national, membership based, organisation that works with organisations and government departments to increase their disability confidence. The AND will work with the Group to increase knowledge amongst

the Group that can be shared across the organisation and will focus on delivering the Disability Inclusion Action Plan.

Through the AND, the Office participated in the *Stepping Into* program. This is a paid internship scheme that matches talented university students with disability with roles in organisations. The Office successfully recruited an intern for our Corporate Services area who secured employment with the Office following the internship. The Office participated in a further round of the program this time focusing on legal interns. Two legal interns were secured however their commencement was delayed due to COVID-19 restrictions.

LGBTQIA+ training

This period a number of members of the Group participated in training through the organisation ACON. ACON provides training, information and educational services to assist organisations in increasing their knowledge of LGBTQIA+ people and communities and provide guidance on inclusive practice. The two modules completed were *Sexual Assault in LGBTQ Communities* and *LGBTQ Introduction*.

It is anticipated that the Group will explore further training to be made available for the Office in the next period.

Diversity and Inclusion intranet page

The Diversity and Inclusion intranet pages continued to be developed this period with additional pages added to reflect the five sub-groups. The page contains a calendar with various cultural events and occasions. The page also contains links to relevant policies, the RAP and image of the artwork and links to external websites for more information and support.



Learning and Development

The ODPP's eLearning content is designed to ensure that staff with vision impairment are able to access the content of any learning module produced.

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

Witness Assistance Service

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

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

Consumer response

The ODPP has comprehensive, published written policies for decision making and consultation with victims and police, including the Charter of Victims' Rights,

the Prosecution Guidelines, the Victims' Right of Review Policy and s35A of the *Crimes (Sentencing Procedure) Act 1999*.

A Complaints Policy, the formal procedure for handling complaints, is published on the ODPP's website. A record is kept of all complaints made about the Office.

During the year, 26 complaints were received. Of those, ten related to the conduct of a member of staff, five related to the outcome of proceedings, two were a request for the reasons for a decision, two requested that a decision be reviewed, four related to communication, and there were two complaints about delay in proceedings and one about a trial not proceeding because of COVID-19. All complaints received were dealt with internally in accordance with the Complaints Policy and responses sent to those who made complaints. During the reporting period it was not necessary to amend any procedures in response to a complaint.

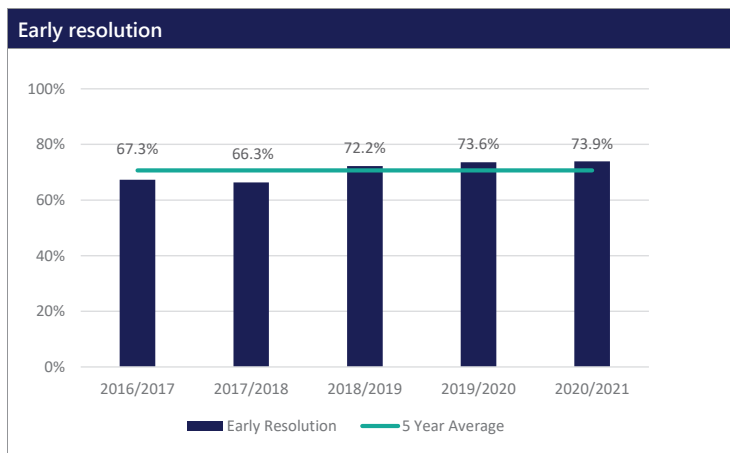
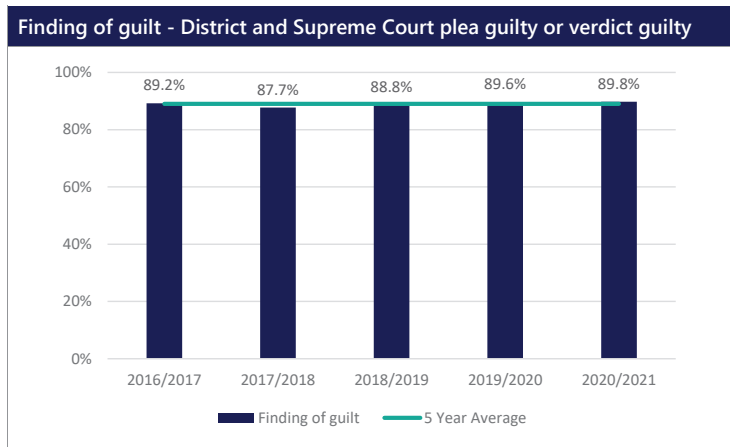
The ODPP Victims' Right of Review Policy gives victims the right to request a review of a decision not to prosecute in certain circumstances. Victims who have a right to request a review are to be informed of this in writing when they are notified of the decision. Additional information regarding the Policy is contained in Goal 3.

One request was made for a review this year. The Victims' Right of Review Policy is also published on the ODPP website.

Appendix

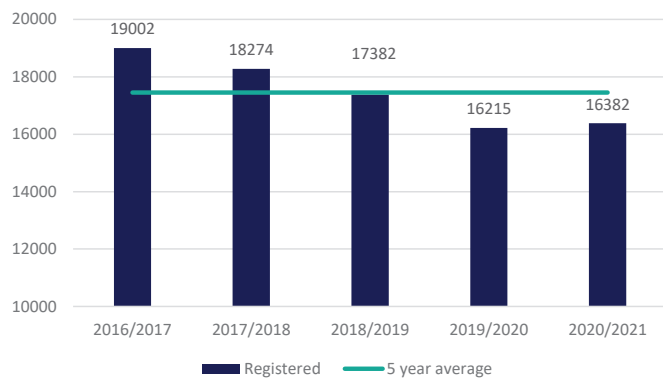
Appendix A

Productivity statistics

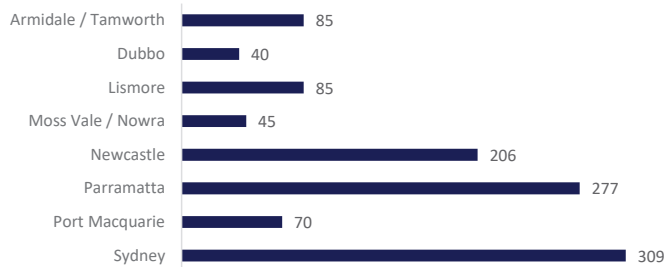


Workload throughput	Received Count	Completed Count	Clearance Rate
Local Court Matters	6363	6263	98%
Local Court Summary	615	503	82%
District Court Trials	1304	1314	101%
District Court Sentences	2186	2029	93%
Conviction Appeals	963	864	90%
Severity Appeals	5012	4933	98%
Supreme Court Trials	52	50	96%
Supreme Court Sentences	10	9	90%

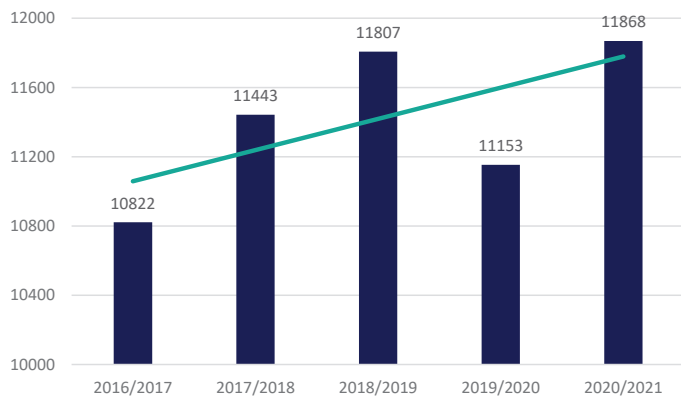
Total Matters Registered



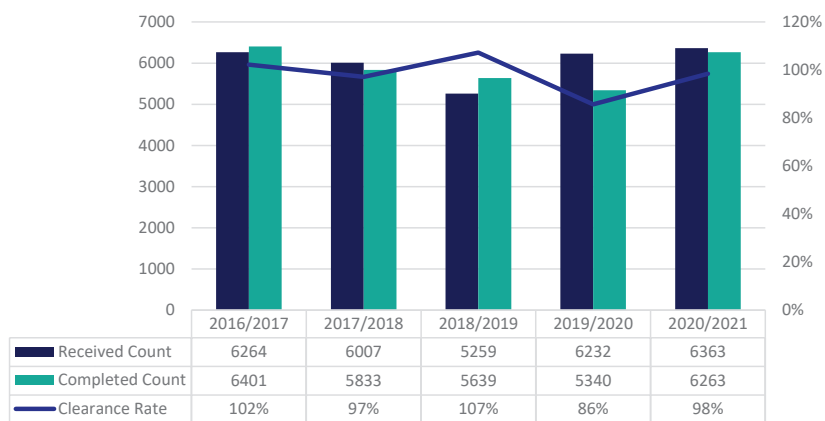
Special Call Overs – District Court Days Saved



(Actual) Court Sitting Days

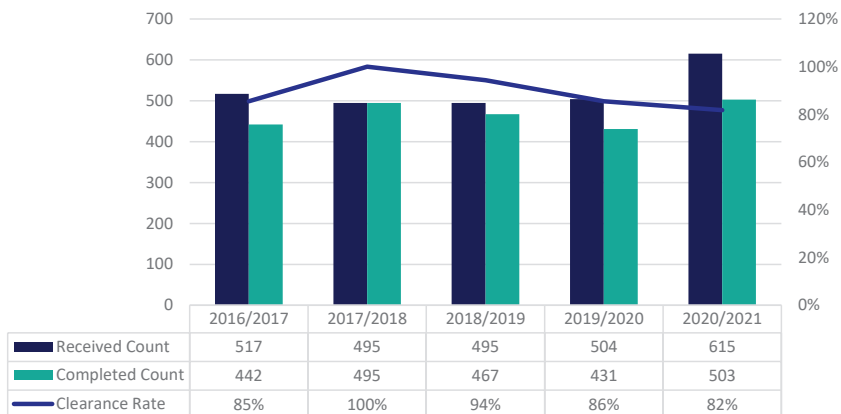


Number of Local Court matters* received and completed

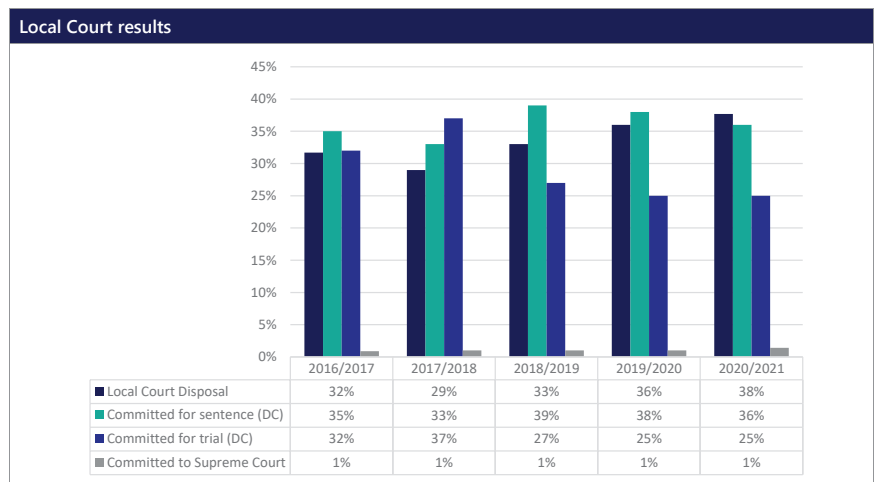


* includes both EAGP and legacy matters

Number of Local Court summary matters received and completed



Local Court results		No	%
Local Court disposal	Plea of guilty	1211	19.3%
	Withdrawn	381	6.1%
	Sentenced following summary hearing	9	0.1%
	Returned to Police	694	11.1%
	Dismissed by the Local Court	40	0.6%
	Referred to the Drug Court	33	0.5%
	Sub total	2368	37.8%
Committed to the District Court	Sentence	2254	36.0%
	Trial	1555	24.8%
	Sub total	3809	60.8%
Committed to the Supreme Court	Sentence	9	0.2%
	Trial	77	1.2%
	Sub total	86	1.4%
Total		6263	100%



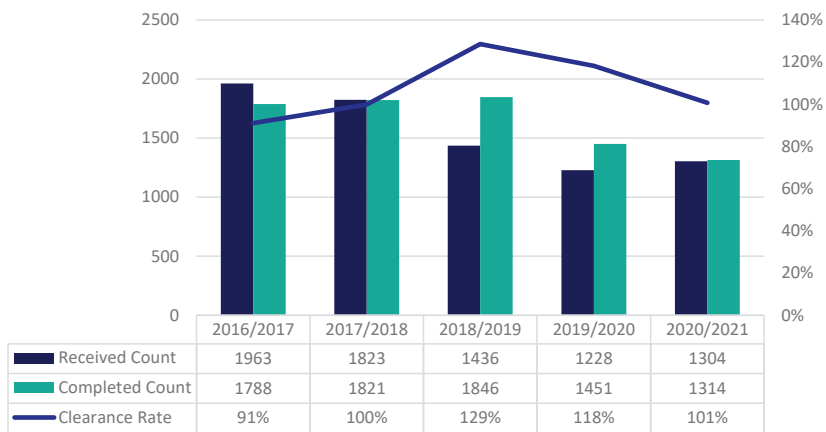
EAGP results	2017/2018	2018/2019	2019/2020	2020/2021
Local Court disposal	29%	33%	36%	38%
Committed for sentence*	33%	39%	37%	36%
Committed for trial*	38%	28%	27%	26%

EAGP reforms commenced 30 April 2018

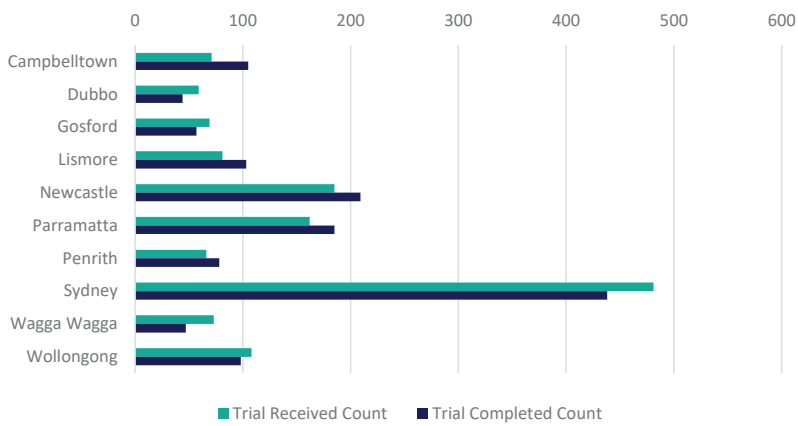
* includes committal to both District and Supreme Courts



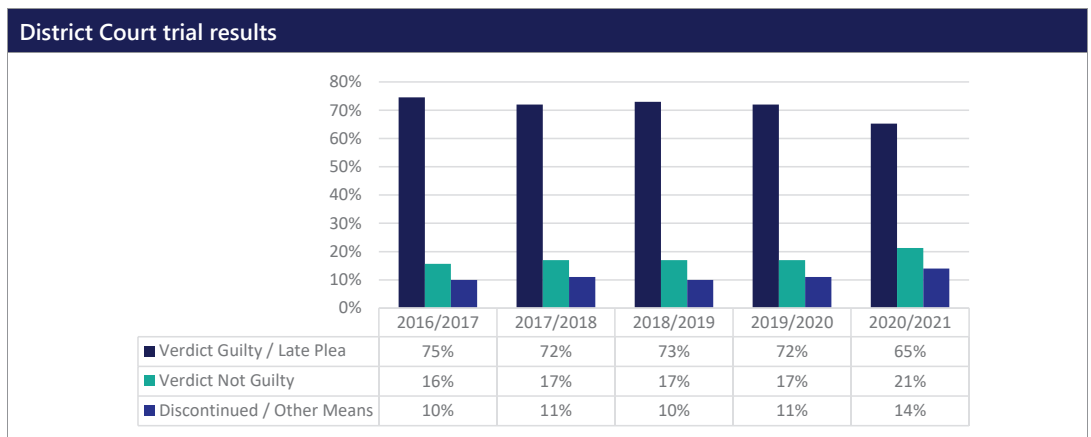
Number of District Court Trials received and completed



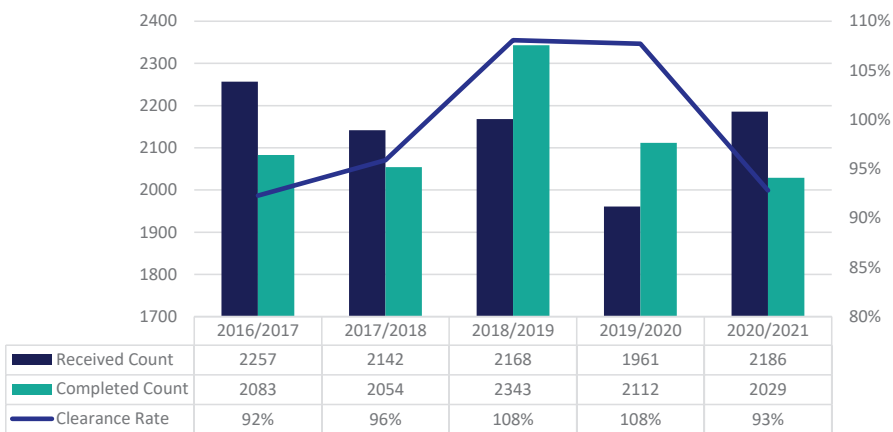
Number of District Court Trials received and completed (by location)



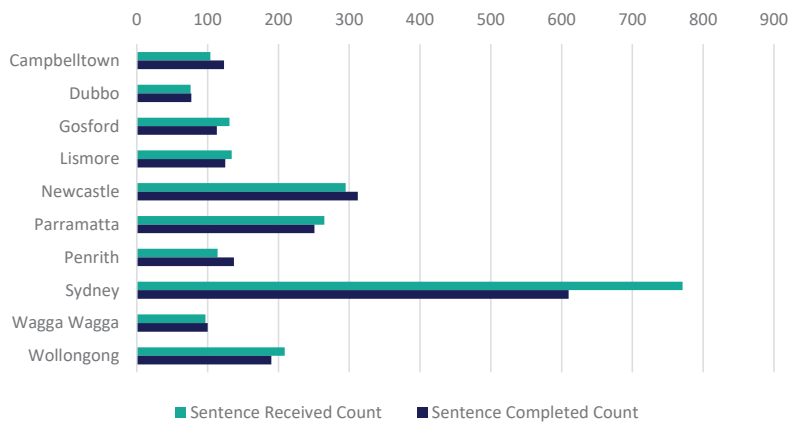
Results of District Court trials		No	%
Late plea		565	43.0%
Trial	Verdict Guilty	292	22.2%
	Verdict Not Guilty	277	21.1%
	Verdict by direction	4	0.3%
Discontinued		159	12.1%
Other Means		17	1.3%
Total		1314	100%



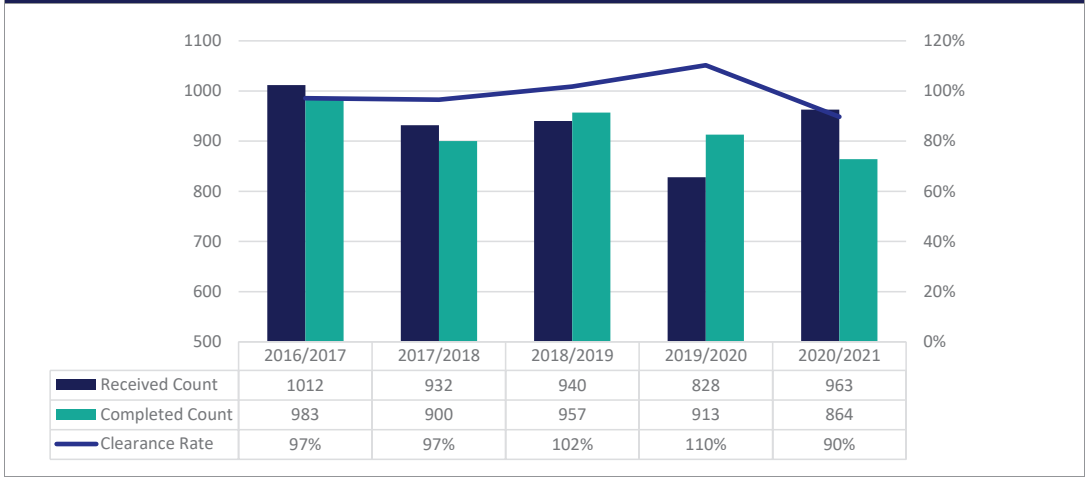
Number of District Court Sentences received and completed



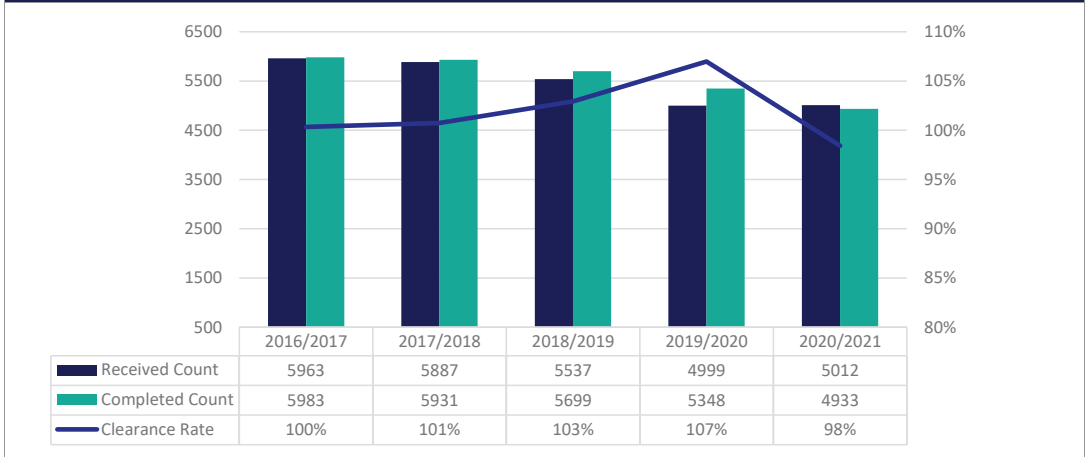
Number of District Court Sentences received and completed (by location)



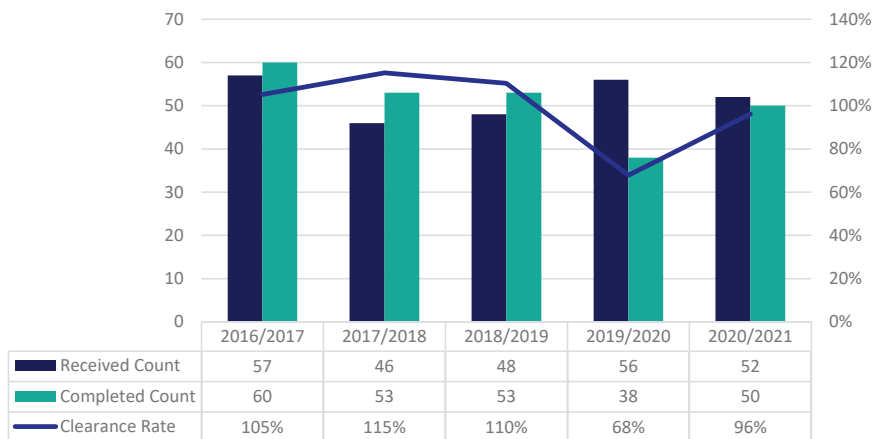
Number of District Court Conviction Appeals received and completed



Number of District Court Severity Appeals received and completed



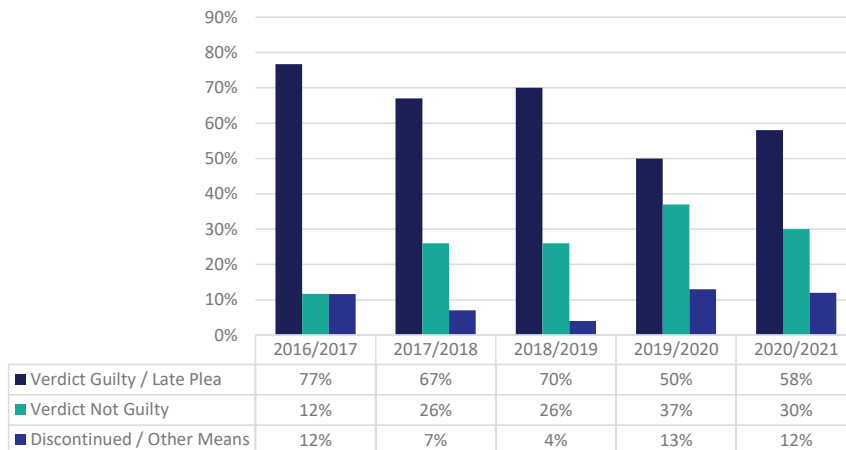
Number of Supreme Court Trials received and completed



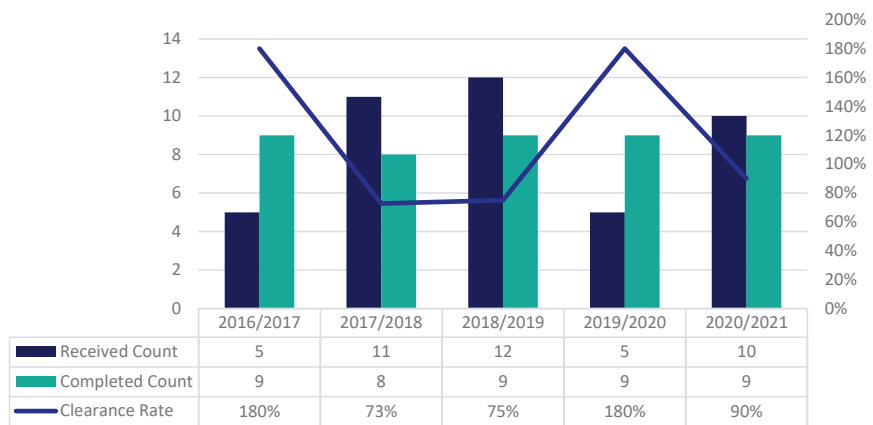
Results of Supreme Court trials

	No	%	
Late plea	8	16%	
Trial	Verdict guilty	21	42%
	Verdict not guilty	15	30%
Discontinued	4	8%	
Other	2	4%	
Total	50	100%	

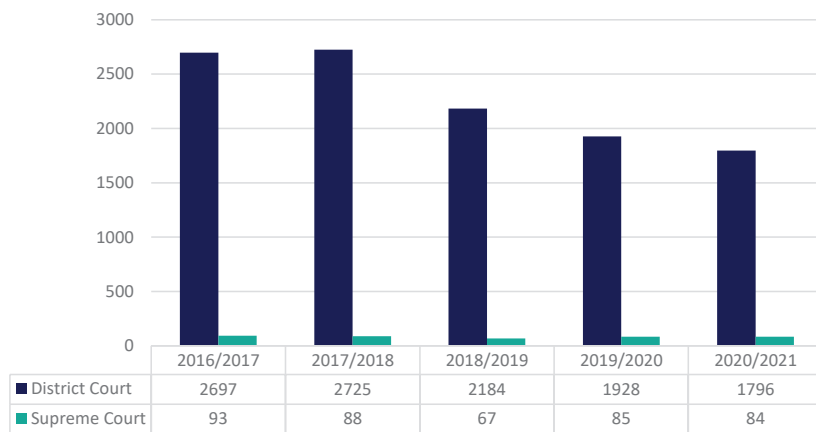
Supreme Court trials result breakdown



Number of Supreme Court Sentences received and completed



Trials on hand at the end of the financial year



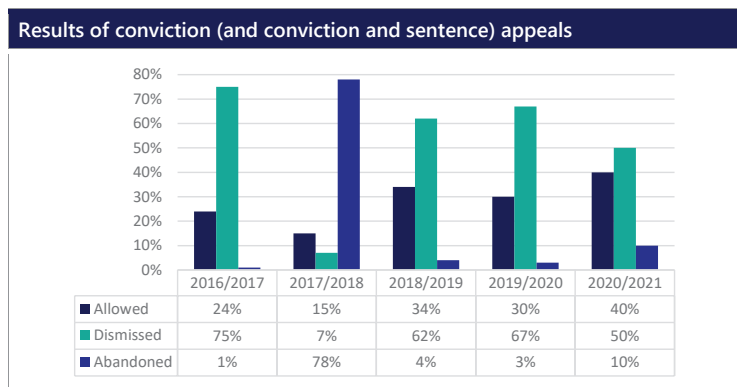
Completed Court of Criminal Appeal matters	No
Crown interlocutory appeals	1
Defence interlocutory appeals	7
Crown inadequacy appeals	21
Conviction (and conviction and sentence) appeals	89
Sentence only appeals	178

Results of Crown interlocutory appeal	No	%
Allowed	1	100%

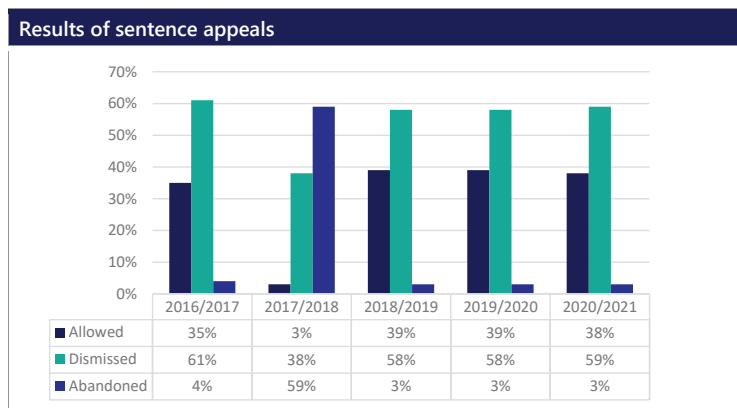
Results of Defence interlocutory appeals	No	%
Allowed	3	14%
Dismissed	3	43%
Abandoned / Withdrawn	1	43%
Total	7	100%

Results of Crown inadequacy appeals	No	%
Allowed	10	48%
Dismissed	2	9%
Abandoned / Withdrawn	9	43%
Total	21	100%

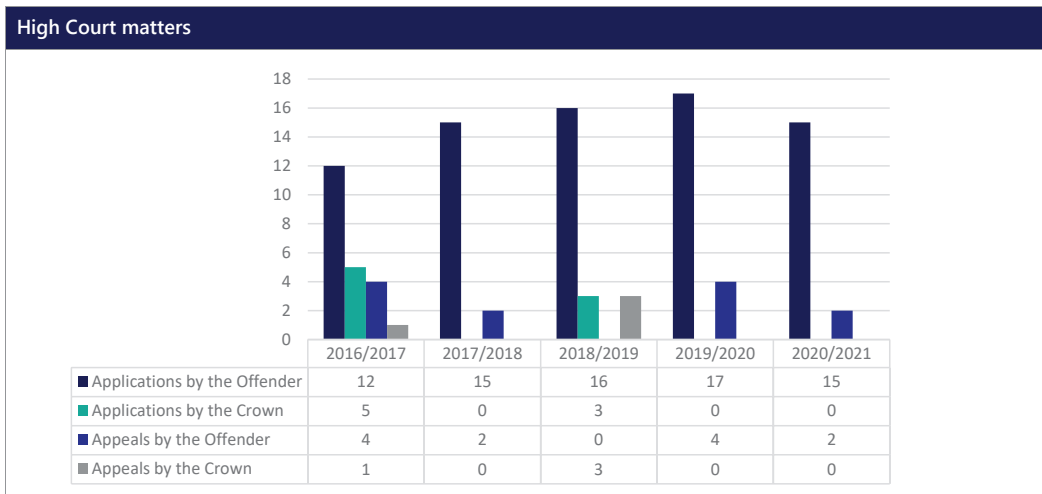
Results of conviction (and conviction and sentence) appeals		No
Allowed	Retrial	18
	Acquittal	9
	Remitted to the District Court	3
	Allowed on some grounds only	3
	Sentence varied only	3
Abandoned / Withdrawn		9
Dismissed		44
Total		89

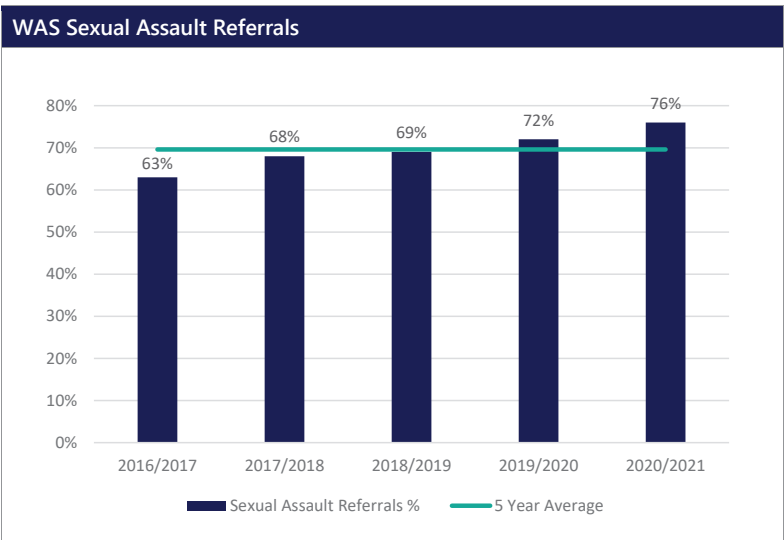
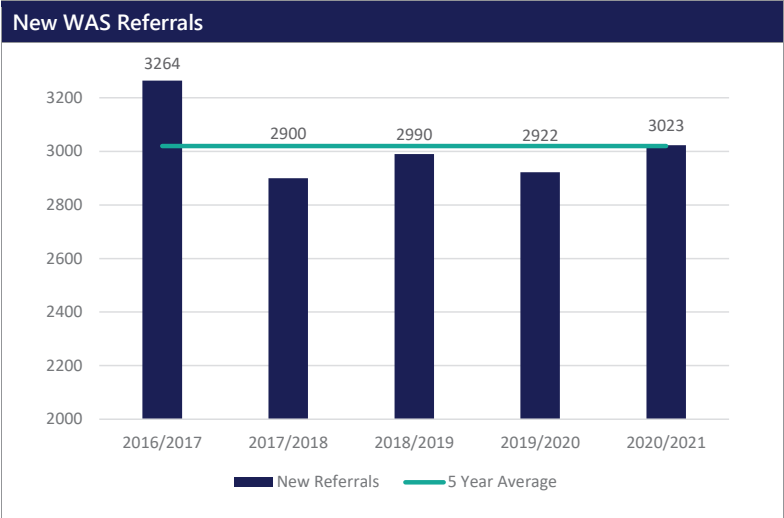


Results of sentence appeals	No
Allowed	68
Dismissed	105
Abandoned / Withdrawn	5
Total	178



High Court Special Leave Applications and appeals					
	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
Completed Applications for Special Leave to Appeal					
Applications by the offender	12	16	16	17	15
Applications by the Crown	5	0	3	0	0
Hearings conducted after grant of Special Leave					
Appeals by the offender	4	2	0	4	2
Appeals by the Crown	1	0	3	0	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 2020 to 30 June 2021 there were no significant amendments made to the Act.

s4 Director

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

s7 Principal Functions

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

s8 Instituting Other Proceedings

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

s11 Consents

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

s12 Coroners

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

s13 Guidelines to Crown Prosecutors by Director

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

s14 Recommendations and Guidelines to Police by Director

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

s15 Provisions relating to Guidelines

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

s15A Disclosures by Law Enforcement Officers

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

s18 Request for assistance from Police by Director

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

s19 Indemnities and Undertakings

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

s24 Offences under Commonwealth Laws

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

s25 Consultation

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

s26 Guidelines by Attorney General

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

s27 Attorney General to notify Director of bills and no bills

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

s29 Director may make request to Attorney General

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

s30 Attorney General's powers not affected

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

s33 Delegation

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

Appendix C

Delegations

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

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

<i>Crimes Act 1900 (NSW)</i>	
Section	Total
• Sexual intercourse with person with cognitive impairment by person responsible for care: s66F(2)	1
• Sexual intercourse by taking advantage of person with cognitive impairment: s66F(3)	3
• Reliance on s66F(6): o Aggravated sexual act: s61KF(1)	1
• Incest: s78A	3
• Offence of publicly threatening or inciting violence on grounds of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status: s93Z	2
• Offence of perjury: s327	1

<i>Surveillance Devices Act 2007 (NSW)</i>	
Section	Total
• Installation, use and maintenance of listening devices: s7	3
• Installation, use and maintenance of tracking devices: s9	11
• Prohibition on communication or publication of private conversations or recordings of activities: s11	1
• Possession of record of private conversation or activity: s12	1
• Prohibition on use, communication or publication of protected information: s40	1

Consent for the commencement of proceedings was **declined** for the following offences:

<i>Crimes Act 1900 (NSW)</i>	
Section	Total
• Homosexual intercourse with male under 10: s78H	5

<i>Surveillance Devices Act 2007 (NSW)</i>	
Section	Total
• Prohibition on installation, use and maintenance of listening devices: s7	9
• Installation, use and maintenance of tracking devices: s9	1

Appendix D

Independence and accountability

No guideline under section 26 of the *Director of Public Prosecutions Act 1986* has been received from the Attorney General, nor has notice been received from him of the exercise by him of any of the functions described in section 27. No request has been made to the Attorney General pursuant to section 29.

Appendix E

Internal Committees

Committee	Representatives	
Executive Board	Lloyd Babb SC (<i>Chair</i>) Peter McGrath SC Huw Baker SC Tanya Smith SC (last meeting 18 February 2021) Frank Veltro SC (first meeting 17 June 2021) Chris Maxwell QC	Craig Hyland Sandra Jones Nigel Richardson Brendan Oldham (first meeting 17 June 2021) Kenneth Dixon (<i>Independent member</i>) Robyn Gray (<i>Independent member</i>)
Management Committee	Lloyd Babb SC (<i>Chair</i>) Peter McGrath SC Huw Baker SC Tanya Smith (last meeting 18 February 2021) Frank Veltro SC (first meeting 20 May 2021) Chris Maxwell QC Craig Hyland	Johanna Pheils Sashi Govind Paula McNamara Melinda Graczol Anne Whitehead Nigel Richardson Brendan Oldham Sandra Jones
Audit & Risk Committee	Ian Gillespie (<i>Independent Chairperson</i>) (8 October 2018 – 7 October 2021) Alexander Smith AM (<i>Independent member</i>) (8 October 2018 – 7 October 2021) Robyn Gray (<i>Independent member</i>) (1 February 2018 – 31 January 2021)	Peter McGrath SC (<i>Chief Audit Executive</i>) (from 3 April 2018) Sashi Govind (<i>Chief Risk Officer</i>) (from 19 May 2016)
Information Management Technology Committee	Brendan Oldham (<i>Chair</i>) Sashi Govind Sandra Jones	Tarik Abdulhak (<i>alt Alex Morris</i>) Craig Hyland Johanna Pheils Rajiv Nandan
Deputy Senior Crown Prosecutors' Committee Meeting	Chris Maxwell QC (<i>Chair</i>) Catherine Kirkpatrick (first meeting 27 October 2020) Patrick Barrett Craig Everson Brendan Campbell Lee Carr SC Mark Hobart SC Phil Hogan Ken McKay SC Helen Roberts	David Scully Belinda Baker (first meeting 23 February 2021) Christopher Taylor (first meeting 23 February 2021) Georgia Turner (first meeting 23 February 2021) Madeline Gilmore (last meeting 25 August 2020) Richard Herps (last meeting 27 October 2020) John Bowers (last meeting 27 October 2020)

Committee	Representatives	
PSA / Management Joint Consultative Committee	ODPP Representatives Nigel Richardson (<i>Chair</i>) Craig Hyland Sashi Govind Sandra Jones	ODPP PSA Representatives Fiona Horder Susan Ayre (last meeting 26 August 2020) Amanda-Lee James Kylie Latimer (first meeting 26 August 2020) PSA Industrial Officer Monika Wunderlin Alex Sala
Wellbeing Taskforce	Lloyd Babb SC (Chair) Adelle Hudson Bonnie Morris (first meeting 26 August 2020) Catherine Kirkpatrick Cat McKay (first meeting 26 August 2020) David O'Neill (first meeting 26 August 2020) Edna Udovich Jasmine Farquharson (first meeting 26 August 2020) Jean Marshall Jessica Rofe (first meeting 26 August 2020) Jillian Walshe John Doohan Joshua Hanna Julie Booth Karen Vaughan	Keith Dawson Kim Smith (first meeting 26 August 2020) Liam Shaw Megan Heywood Mel Graczol Michael Reville Natalie Weekes Nigel Richardson Peter McGrath SC Renee McKenzie (first meeting 26 August 2020) Rennae Gee Sharon Wills Sonya Harman (first meeting 25 November 2020) Sophie Norman Yvette Prowse
CASES Replacement Project Steering Committee <i>(first meeting 7 October 2020)</i>	Lloyd Babb SC (Chair) Brendan Oldham Craig Hyland Sashi Govind	Sandra Jones Khalid Mousa Tarik Abdulhak Naomi Youness (<i>Independent member</i>)

Appendix F

Internal Audit and Risk Management Attestation

Internal Audit and Risk Management Attestation for the 2020/2021 Financial Year for the Office of the Director of Public Prosecutions

I, Sally Dowling 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 seven (7) core requirements set out in the Internal Audit and Risk Management Policy for the General Government Sector, specifically:

Core Requirements	Compliance Status
Risk Management Framework	
1.1 The agency head is ultimately responsible for 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 ISO 31000:2018	Compliant
Internal Audit Function	
2.1 An internal audit function has been established and maintained that is fit for purpose	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 The Agency Head has established and maintains efficient and effective arrangements for the independent Audit and Risk Committee oversight to provide advice and guidance on the agency's governance processes, risk management and control frameworks, and its external accountability obligations	Compliant
3.2 The Audit and Risk Committee has a Charter that is consistent with the content of the 'model charter'	Compliant

Membership

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

- Ian Gillespie, Independent Chairperson, 8 October 2018 – 7 October 2021
- Alexander Smith AM, Independent member, 8 October 2018 – 7 October 2021
- Robyn Gray, Independent member, 1 February 2018 – 31 January 2021.



Sally Dowling SC
Director of Public Prosecutions



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

Appendix G

Risk management and insurance activities

Risk management

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

The Audit and Risk and Internal Audit Charters comply with the Internal Audit and Risk Management Policy for the General Government Sector TPP 20-08.

Insurance activities

Motor vehicles

The Office's 2020/2021 motor vehicle claims totalled twenty-three (23), the total cost was \$54,645. This represents an average damage/loss net cost in claim payments of \$2,332. This was a decrease of four (4) claims and a decrease in the average net damage/loss of \$1,067 per claim compared to the 2019/2020 financial year.

Property

In 2020/2021, there were two (2) property claims finalised for the ODPP in the amount of \$14,642. In the previous financial year there were four (4) property claims for the Office totalling the amount of \$78,845.

Miscellaneous

The Office had zero (0) miscellaneous claims for the 2020/2021 reporting year. In the previous financial year there was one (1) miscellaneous claim in the amount of \$1,181.

Appendix H

Cyber Security Policy Attestation

Cyber Security Annual Attestation Statement for the 2020-2021 Financial Year for Office of the Director of Public Prosecutions, NSW

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

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

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

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

To continuously improve the management of cyber security governance and resilience, Office of the Director of Public Prosecutions NSW has an Information Security Management System (ISMS) in place.



Sally Dowling SC

Director of Public Prosecutions

Appendix I

Chief Executive Officer Statement of Performance

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

Lloyd Babb SC

Period in Position: 1 July 2019 to 30 June 2021
Position and Level: Director of Public Prosecutions
Remuneration: \$481,225 pa (salary plus allowance as at 30 June 2021)

Senior Executive Performance Statement

Nil to report.

Appendix J

Chief Executive Service and Senior Executive Service

SES Band	30 June 2020					30 June 2021				
	Total Number	Men	Women	Average Remuneration	% of Total Employee Related Expenditure	Total Number	Men	Women	Average Remuneration	% of Total Employee Related Expenditure
Band 1	11	4	7	232,339	2.24	12	4	8	231,071	2.06
Band 2	-	-	-	-	-	-	-	-	-	-
Band 3	-	-	-	-	-	-	-	-	-	-
Band 4	-	-	-	-	-	-	-	-	-	-

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

Appendix K

Overseas travel

There was no overseas travel by officers of the ODPP during 2020/2021.

Appendix L

Consultants

Engagements greater than \$50,000			
Consultant	Category	Name of project and purpose	Cost ex GST
PM - Partners	IT	Prepare Digital Restart Funding Project Business Case	\$60,000

Engagements less than \$50,000		
Category	Total number of engagements	Cost ex GST
Governance and Policy	5	\$44,160
Information Technology	3	\$29,750
Total consultancies each engagement costing less than \$50,000		\$73,910

Appendix M

Accounts payment performance

1 July 2020 to 30 June 2021

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	\$78,737.51	\$5,111.84	\$4,894.40	-	-
Small business suppliers	\$456.65	-	-	-	-
December					
All suppliers	\$273,111.76	\$3,763.92	\$1,116.47	\$40.00	-
Small business suppliers	\$8,316.33	-	-	-	-
March					
All suppliers	\$566,236.87	-	\$61.25	-	-
Small business suppliers	\$4,985.63	-	-	-	-
June					
All suppliers	\$359,488.49	\$1,707.00	\$505.00	-	-
Small business suppliers	\$21,121.33	-	-	-	-

Details of accounts due for payment				
	September	December	March	June
Number of accounts due for payment				
All suppliers	1157	1198	1251	1574
Small business suppliers	122	151	121	169
Number of accounts paid on time				
All suppliers	1045	1095	1026	1388
Small business suppliers	110	143	112	165
Actual percentage of accounts paid on time (based on number of occasion)				
All suppliers	90%	91%	82%	88%
Small business suppliers	90%	95%	93%	98%
Dollar amount of accounts due for payment				
All suppliers	\$7,948,155.49	\$6,914,616.23	\$7,937,780.75	\$13,367,189.23
Small business suppliers	\$597,132.68	\$714,879.49	\$597,527.03	\$1,139,988.42
Dollar amount of accounts paid on time				
All suppliers	\$7,631,606.73	\$6,670,578.35	\$7,625,881.23	\$12,805,000.76
Small business suppliers	\$572,849.23	\$693,189.04	\$582,200.66	\$1,120,892.42
Actual percentage of accounts paid on time (based on dollar amount of accounts)				
All suppliers	96%	96%	96%	96%
Small business suppliers	96%	97%	97%	98%
Number of payments for interest on overdue accounts				
All suppliers	-	-	-	-
Small business suppliers	-	-	-	-
Interest paid on late accounts				
All suppliers	-	-	-	-
Small business suppliers	-	-	-	-

Small business payment terms changed effective 1 December 2019 from 20 working days to 5 working days after receipt of a correctly rendered invoice.

Reasons for accounts not paid on time

The main reasons for late payment are delays in approving invoices for payment, or misplacement of invoices and/or invoices lost in transit

Appendix N

Financial accounts

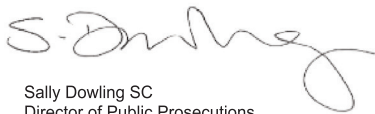
Office of the Director of Public Prosecutions

**Financial Statements
for the year ended 30 June 2021**

**Office of the Director of Public Prosecutions
Statement by Director for the year ended 30 June 2021**

Pursuant to Section 7.6(4) of the Government Sector Finance Act 2018 ('the Act'), I state that these financial statements:

- have been prepared in accordance with the Australian Accounting Standards and the applicable requirements of the Act, the *Government Sector Finance Regulation 2018* and the Treasurer's Directions, and
- present fairly the Office of the Director of Public Prosecutions's financial position, financial performance and cash flows.



Sally Dowling SC
Director of Public Prosecutions

Sydney
5 October 2021



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 by Director, the Statement of Comprehensive Income for the year ended 30 June 2021, the Statement of Financial Position as at 30 June 2021, 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:

- have been prepared in accordance with Australian Accounting Standards and the applicable financial reporting requirements of the *Government Sector Finance Act 2018* (GSF Act), the *Government Sector Finance Regulation 2018* (GSF Regulation) and the Treasurer's Directions
- presents fairly the Office's financial position, financial performance and cash flows

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 (including Independence Standards)' (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.

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, the GSF Act, GSF Regulations and Treasurer's Directions. The Director's responsibility also includes 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.

Auditor's Responsibilities for the Audit of the Financial Statements

My objectives are to:

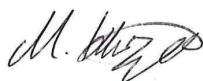
- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

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.

The scope of my audit does not include, nor 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.



Michael Kharzoo
Director, Financial Audit

Delegate of the Auditor-General for New South Wales

7 October 2021
SYDNEY

Office of the Director of Public Prosecutions
Statement of Comprehensive Income for the year ended 30 June 2021

	Notes	Budget 2021 \$'000	Actual 2021 \$'000	Restated Actual 2020 \$'000
Continuing operations				
Expenses excluding losses				
Employee-related expenses	2(a)	137,125	134,891	136,156
Operating expenses	2(b)	19,787	16,842	15,563
Depreciation and amortisation	2(c)	12,624	10,250	12,386
Finance costs	2(d)	447	796	869
Other expenses	2(e)	<u>4,040</u>	<u>2,617</u>	<u>3,420</u>
Total expenses excluding losses		<u>174,023</u>	<u>165,396</u>	<u>168,394</u>
Revenue				
Appropriation	3(a)	162,215	150,790	141,932
Sale of goods and services from contracts with customers	3(b)	87	16	50
Grants and other contributions	3(c)	10,936	10,672	19,382
Acceptance by the Crown of employee benefits and other liabilities	3(d)	5,728	3,267	7,643
Other income	3(e)	<u>37</u>	<u>2,046</u>	<u>142</u>
Total revenue		<u>179,003</u>	<u>166,791</u>	<u>169,149</u>
Operating result		<u>4,980</u>	<u>1,395</u>	<u>755</u>
Gains / (losses) on disposal	4	5	(11)	(16)
Other gains / (losses)	5	<u>-</u>	<u>(3,157)</u>	<u>(3,414)</u>
Net result from continuing operations		<u>4,985</u>	<u>(1,773)</u>	<u>(2,675)</u>
Net result		<u>4,985</u>	<u>(1,773)</u>	<u>(2,675)</u>
Other comprehensive income		<u>-</u>	<u>-</u>	<u>-</u>
Total other comprehensive income		<u>-</u>	<u>-</u>	<u>-</u>
TOTAL COMPREHENSIVE INCOME		<u>4,985</u>	<u>(1,773)</u>	<u>(2,675)</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 2021**

	Notes	Budget 2021 \$'000	Actual 2021 \$'000	Restated Actual 2020 \$'000
ASSETS				
Current assets				
Cash and cash equivalents	8	1,275	4,319	5,952
Receivables	9	<u>3,228</u>	<u>3,690</u>	<u>3,227</u>
Total current assets		<u>4,503</u>	<u>8,009</u>	<u>9,179</u>
Non-current assets				
Plant and equipment	10	7,979	7,757	7,722
Right-of-use assets	11	25,806	31,192	33,916
Intangible assets	12	<u>6,104</u>	<u>1,868</u>	<u>1,228</u>
Total non-current assets		<u>39,889</u>	<u>40,817</u>	<u>42,866</u>
Total assets		<u>44,392</u>	<u>48,826</u>	<u>52,045</u>
LIABILITIES				
Current liabilities				
Payables	13	2,543	3,580	2,520
Borrowings	14	4,928	4,449	8,278
Provisions	15	<u>15,184</u>	<u>15,882</u>	<u>15,588</u>
Total current liabilities		<u>22,655</u>	<u>23,911</u>	<u>26,386</u>
Non-current liabilities				
Borrowings	14	25,382	33,346	30,363
Provisions	15	<u>3,467</u>	<u>1,514</u>	<u>3,468</u>
Total non-current liabilities		<u>28,849</u>	<u>34,860</u>	<u>33,831</u>
Total liabilities		<u>51,504</u>	<u>58,771</u>	<u>60,217</u>
Net liabilities		<u>(7,112)</u>	<u>(9,945)</u>	<u>(8,172)</u>
EQUITY				
Accumulated funds		<u>(7,112)</u>	<u>(9,945)</u>	<u>(8,172)</u>
Total equity		<u>(7,112)</u>	<u>(9,945)</u>	<u>(8,172)</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 2021**

	Notes	Accumulated Funds \$'000	Total \$'000
Balance at 1 July 2020		(12,571)	(12,571)
Correction of errors	6	<u>4,399</u>	<u>4,399</u>
Restated balance at 1 July 2020		(8,172)	(8,172)
Net result for the year		(1,773)	(1,773)
Other comprehensive income		<u>-</u>	<u>-</u>
Total other comprehensive income		<u>(1,773)</u>	<u>(1,773)</u>
Total comprehensive income for the year		<u>(1,773)</u>	<u>(1,773)</u>
Balance at 30 June 2021		<u>(9,945)</u>	<u>(9,945)</u>

	Accumulated Funds Restated	Total Restated
Balance at 1 July 2019	(5,497)	(5,497)
Net result for the year	(2,675)	(2,675)
Other comprehensive income	<u>-</u>	<u>-</u>
Total other comprehensive income	<u>(2,675)</u>	<u>(2,675)</u>
Total comprehensive income for the year	<u>(2,675)</u>	<u>(2,675)</u>
Balance at 30 June 2020	<u>(8,172)</u>	<u>(8,172)</u>

**Office of the Director of Public Prosecutions
Statement of Cash Flows for the year ended 30 June 2021**

	Notes	Budget 2021 \$'000	Actual 2021 \$'000	Actual 2020 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES				
Payments				
Employee related		(131,778)	(131,107)	(126,318)
Finance costs		(447)	(796)	(869)
Suppliers for goods and services		<u>(23,827)</u>	<u>(22,508)</u>	<u>(21,591)</u>
Total payments		<u>(156,052)</u>	<u>(154,411)</u>	<u>(148,778)</u>
Receipts				
Appropriations (excluding equity appropriations)		157,816	150,790	140,070
Sale of goods and services		87	11	36
Grants and other contributions		10,936	10,911	19,300
Other		<u>37</u>	<u>3,058</u>	<u>2,954</u>
Total receipts		<u>168,876</u>	<u>164,770</u>	<u>162,360</u>
NET CASH FLOWS FROM OPERATING ACTIVITIES	20	<u>12,824</u>	<u>10,359</u>	<u>13,582</u>
CASH FLOWS FROM INVESTING ACTIVITIES				
Proceeds from sale of plant and equipment		5	-	-
Purchase of plant and equipment		(3,620)	(2,774)	(1,953)
Purchase of intangible assets		<u>(5,168)</u>	<u>(1,105)</u>	<u>(662)</u>
NET CASH FLOWS FROM INVESTING ACTIVITIES		<u>(8,783)</u>	<u>(3,879)</u>	<u>(2,615)</u>
CASH FLOWS FROM FINANCING ACTIVITIES				
Payment of principal portion of lease liabilities		<u>(8,718)</u>	<u>(8,113)</u>	<u>(8,317)</u>
NET CASH FLOWS FROM FINANCING ACTIVITIES		<u>(8,718)</u>	<u>(8,113)</u>	<u>(8,317)</u>
NET INCREASE / (DECREASE) IN CASH AND CASH EQUIVALENTS		(4,677)	(1,633)	2,650
Opening cash and cash equivalents		<u>5,952</u>	<u>5,952</u>	<u>3,302</u>
CLOSING CASH AND CASH EQUIVALENTS	8	<u>1,275</u>	<u>4,319</u>	<u>5,952</u>

The accompanying notes form part of these financial statements.

**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

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**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

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 2021 have been authorised for issue by the Director on 5 October 2021.

(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 *Government Sector Finance Act 2018* (GSF Act) and
- Treasurer's Directions issued under the GSF Act.

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

Plant and equipment are measured using the fair value basis. 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 2020-21

The Office applied AASB 1059 *Service Concession Arrangements: Grantors (AASB 1059)* for the first time. The nature and effect of the changes as a result of adoption of these new accounting standards are described below.

Several other amendments and interpretations apply for the first time in FY 2020-21, but do not have an impact on the financial statements of the Office.



**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

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 2020-21 (cont'd)

AASB 1059 Service Concession Arrangements: Grantors

AASB 1059 is effective for the Office from 1 July 2020. At the same time NSW Treasury Policy and Guideline Paper TPP 06-8: Accounting for Privately Financed Projects (TPP 06-8), was withdrawn effective from 1 July 2020.

Service Concession Arrangements are contracts between an operator and a grantor, where the operator provides public services related to a service concession asset on behalf of the grantor for a specified period of time and manages at least some of those services.

Where AASB 1059 applies, the grantor recognises the service concession asset when the grantor obtains control of the asset and measures the service concession asset at current replacement cost. At the same time the grantor recognises a corresponding financial liability or unearned revenue liability or a combination of both.

The adoption of AASB 1059 did not have an impact on the financial statements for the year ended 30 June 2021.

International Financial Reporting Standards Interpretations Committee final agenda decisions

The International Financial Reporting Standards Interpretations Committee (IFRIC) has issued two final agenda decisions which impact Software-as-a-Service (SaaS) arrangements:

- *Customer's right to receive access to the supplier's software hosted on the cloud* (March 2019) – this decision considers whether a customer receives a software asset at the contract commencement date or a service over the contract term.
- *Configuration or customisation costs in a cloud computing arrangement* (April 2021) – this decision discusses whether configuration or customisation expenditure relating to SaaS is able to be recognised as an intangible asset and if not, over what time period the expenditure is expensed.

The Office's accounting policy has historically been to capitalise implementation costs including configuration and customisation costs related to cloud computing arrangements as intangible assets in the Statement of Financial Position. The adoption of the agenda decision has resulted in the recognition of \$1.132 million incurred in the financial year ending 30 June 2021 to expenses in the Statement of Comprehensive Income rather than as additions to Intangible Assets as budgeted.

The effect on prior periods was assessed to be immaterial.

Software-as-a-Service (SaaS) arrangements

SaaS arrangements are service contracts providing the Office with the right to access the cloud provider's application software over the contract period. As such the Office does not receive a software intangible asset at the contract commencement date. A right to receive future access to the supplier's software does not, at the contract commencement date, give the customer the power to obtain the future economic benefits flowing from the software itself and to restrict others' access to those benefits.

Configuration and customisation activities do not create a resource controlled by the Office that is separate from the software so such costs are not capitalised as an intangible asset.

Where the supplier of the application software (or a third party engaged by the supplier) also provides the configuration and customisation services:

- If the services the Office receives are distinct, the Office recognises the costs as an expense as incurred when the supplier configures or customises the application software.
- If the services the Office receives are not distinct, the Office recognises the costs as an expense when the supplier provides access to the application software over the contract term.

**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

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 2020-21 (cont'd)

Where a third-party supplier provides the configuration and customisation services, the Office recognises the costs as an expense when the third-party supplier configures or customises the application software.

If the Office pays the supplier before receiving the services, the Office recognises the prepayment as an asset.

(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 1060 *General Purpose Financial Statements – Simplified Disclosures for For-Profit and Not-for-Profit Tier 2 Entities*
- AASB 2020-1 *Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current*
- AASB 2020-3 *Amendments to Australian Accounting Standards – Annual Improvements 2018–2020 and Other Amendments*

The possible impact of these Standards in the period of initial application was assessed that there will be no impact on the Statement of Comprehensive Income and Statement of Financial Position.

(g) Impact of COVID-19 on Financial Reporting for 2020-21

The following areas have been assessed for COVID-19 related impacts on the financial statements:

- Fair value of property, plant and equipment - Level 3
- Impairment of non-financial assets
- Financial instruments
- Expected credit losses
- Superannuation and long-term provisions (including employee provisions)
- Events after the reporting period.

Additional impairments to right-of-use leased property assets of \$2.486 million have been recognised this year due to continued impact on market rents as a result of COVID-19.



**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

2 Expenses Excluding Losses

	2021	2020
	\$'000	\$'000
(a) Employee related expenses		
Salaries and wages (including annual leave)*	113,132	110,404
Superannuation - defined benefit plans	999	1,237
Superannuation - defined contribution plans	9,947	9,454
Long service leave	2,264	6,655
Workers' compensation insurance	573	389
Payroll tax and fringe benefit tax	6,227	6,761
On-cost on long service leave	22	267
Temporary staff	<u>1,727</u>	<u>989</u>
	<u>134,891</u>	<u>136,156</u>

* Employee related costs of \$0.261 million (2020: \$0.315 million) have been capitalised in intangible assets, and therefore excluded from the above.

	2021	2020
	\$'000	\$'000
(b) Operating expenses include the following:		
Auditor's remuneration - audit of the financial statements	77	67
Cleaning	506	546
Consultants	134	145
Insurance	1,384	1,105
Motor vehicle expenses	214	198
Telephone	969	938
Operating lease rental expense - minimum lease payments	226	-
Stores and equipment	1,133	1,010
Training	294	300
Travel	1,748	1,964
Other expenses	1,911	841
Outgoings	1,024	1,748
Books and online services	657	638
Fees - private barristers	2,824	2,624
Fees - practising certificates	303	459
Fees - security	297	275
Gas and electricity	349	365
Postage	173	148
Maintenance*	<u>2,619</u>	<u>2,192</u>
	<u>16,842</u>	<u>15,563</u>
<i>* Reconciliation - Total maintenance</i>		
Maintenance expense - contracted labour and other (non-employee related), as above	2,619	2,192
Employee related maintenance expense included in Note 2(a)	<u>545</u>	<u>621</u>
Total maintenance expenses included in Note 2(a) + 2(b)	<u>3,164</u>	<u>2,813</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.

**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

2 Expenses Excluding Losses (cont'd)

Lease expense

The Office recognises the lease payments associated with the following types of leases as an expense on a straight-line basis:

- Leases that meet the definition of short-term, i.e. where the lease term at commencement of the lease is 12 months or less. This excludes leases with a purchase option.
- Leases of assets that are valued at \$10,000 or under when new.

Variable lease payments are not included in the measurement of the lease liability (i.e. variable lease payments that do not depend on an index or a rate, initially measured using the index or rate as at the commencement date). These payments are recognised in the period in which the event or condition that triggers those payments occurs.

	2021	2020
	\$'000	\$'000
(c) Depreciation and amortisation expense		
Depreciation		
Building and Improvements - right-of-use assets	6,603	8,849
Plant and equipment	2,078	2,007
Plant and equipment - right-of-use assets	231	225
Computer equipment	858	854
Library collection	<u>21</u>	<u>25</u>
Total depreciation	<u>9,791</u>	<u>11,960</u>
Amortisation		
Intangible assets	<u>459</u>	<u>426</u>
	<u>10,250</u>	<u>12,386</u>

Refer to Notes 10, 11 and 12 for recognition and measurement policies on depreciation and amortisation.

	2021	2020
	\$'000	\$'000
(d) Finance costs		
Interest expense from lease liabilities	<u>796</u>	<u>869</u>
Total interest expense	<u>796</u>	<u>869</u>

Recognition and Measurement

Finance costs consist of interest and other costs incurred in connection with the borrowing of funds. Borrowing costs are recognised as expenses in the period in which they are incurred, in accordance with Treasury's Mandate to not-for-profit NSW General Government Sector entities.

	2021	2020
	\$'000	\$'000
(e) Other expenses		
Allowances to witness	2,580	3,400
Living expenses of defendant non-Australian citizens	<u>37</u>	<u>20</u>
	<u>2,617</u>	<u>3,420</u>

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.



**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

3 Revenue

Recognition and Measurement

Income is recognised in accordance with the requirements of AASB 15 *Revenue from Contracts with Customers* or AASB 1058 *Income of Not-for-Profit Entities*, dependent on whether there is a contract with a customer defined by AASB 15 *Revenue from Contracts with Customers*.

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

(a) Appropriations and transfers to the Crown

Summary of Compliance	2021 \$'000	2020 \$'000
Original Budget per Appropriation Act	<u>162,215</u>	<u>147,337</u>
Variations made to the appropriations during the financial year	-	-
– Other-Cluster Grant	<u>10,881</u>	<u>19,740</u>
Total spending authority from parliamentary appropriations, other than deemed appropriations	173,096	167,077
Add:		
Deemed appropriations money received during the year	3,069	178
Deemed appropriations balance brought forward from prior years	<u>1,618</u>	<u>1,440</u>
Total spending authority from parliamentary appropriations	177,783	168,695
Less: total expenditure from parliamentary appropriations	166,403	159,710
Variance	11,380	8,985
The spending authority from appropriations lapsed at 30 June	<u>(6,693)</u>	<u>(7,367)</u>
Deemed appropriations balance carried forward to following years	4,687	1,618
Appropriations (per Statement of Comprehensive Income)	<u>150,790</u>	<u>141,932</u>
Total amount drawn down against Annual Appropriations	<u>150,790</u>	<u>140,070</u>

Recognition and Measurement

Parliamentary appropriations other than deemed appropriations

Income from appropriations, other than deemed appropriations (for which the accounting treatment is based on the underlying transaction), does not contain enforceable and sufficiently specific performance obligations as defined by AASB 15. Therefore, appropriations (other than deemed appropriations) are recognised as income when the Office obtains control over the assets comprising the appropriations. Control over appropriations is normally obtained upon the receipt of cash.

(b) Sale of goods and services from contracts with customers	2021 \$'000	2020 \$'000
Rendering of services to other agencies	<u>16</u>	<u>50</u>
	<u>16</u>	<u>50</u>

Recognition and Measurement

Revenue from sale of goods is recognised when the Office satisfies a performance obligation by transferring the promised goods. The payments are typically due when the customer obtains control of promised goods.

Rendering of services

Revenue from rendering of services is recognised when the Office satisfies the performance obligation by transferring the promised services. From time to time, Crown Prosecutors and solicitors appear in Court on behalf of the Commonwealth Director of Public Prosecutions in relation to their matters. Costs for this service are charged based on an agreed payment schedule and revenue is recognised when (or as) each performance obligation is satisfied and invoiced. Services are also provided from time to time to other Government agencies as agreed and the revenue is recognised at the time the service has been provided and invoiced. No element of financing is deemed present as payments are due when service is provided.

**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

3 Revenue (cont'd)

	2021	2020
	\$'000	\$'000
(c) Grants and other contributions		
Grants without sufficiently specific performance obligations	<u>10,672</u>	<u>19,382</u>
	<u>10,672</u>	<u>19,382</u>

Grants were received from the Department of Communities and Justice for District Court Backlog \$8.361 million (2020: as direct appropriation \$10.139 million) and Child Sexual Offence Evidence Program \$2.311 million (2020: \$2.166 million).

Early Appropriate Guilty Pleas Reform funding was provided as a grant in 2020 (\$17.216 million) and is part of direct appropriation in 2021.

Recognition and Measurement

Income from grants without sufficiently specific performance obligations is recognised when the Office obtains control over the granted assets (e.g. cash received or receivable).

	2021	2020
	\$'000	\$'000
(d) Acceptance by the Crown of employee benefits and other liabilities		
The following liabilities and / or expenses have been assumed by the Crown or other government entities:		
Superannuation - defined benefit	999	1,236
Long service leave provision	2,217	6,340
Payroll tax	<u>51</u>	<u>67</u>
	<u>3,267</u>	<u>7,643</u>

	2021	2020
	\$'000	\$'000
(e) Other income		
Miscellaneous Revenue	<u>2,046</u>	<u>142</u>
	<u>2,046</u>	<u>142</u>

Miscellaneous Revenue includes \$1.959 million derecognition of redundant and excess make good provisions.

4 Gains / (Losses) on Disposal

	2021	2020
	\$'000	\$'000
Gain / (loss) on disposal		
Written down value of assets disposed of	<u>(11)</u>	<u>(16)</u>
Net gain / (loss) on disposal	<u>(11)</u>	<u>(16)</u>

5 Other Gains / (Losses)

	2021	2020
	\$'000	\$'000
Revaluation increment-Library collection	-	66
Impairment loss on right-of-use assets	<u>(3,157)</u>	<u>(3,480)</u>
	<u>(3,157)</u>	<u>(3,414)</u>

ROU assets were reviewed for impairment at 30 June 2021. Property & Development NSW provided advice on the assessed impact on market rents as a consequence of COVID-19. Impairment losses totalling \$3.157 million (2020: \$3.480 million) related to leased property (see Note 11).



**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

5 Other Gains / (Losses) (cont'd)

Recognition and Measurement

Impairment losses on non-financial assets

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

Plant and equipment - Note 10

Leases - Note 11

Intangible assets - Note 12

6 Prior Period Error

NSW Treasury has recently reviewed the requirement to recognise a "Liability for Lapsed Appropriation Drawn Down" as at 30 June. It has been determined, there is no requirement to recognise a financial liability for lapsed appropriations. Therefore, there is no requirement to recognise a "Liability for Lapsed Appropriations Drawn Down" as at 30 June, where at that date the Office has in place the legal authority to spend that amount beyond that financial year.

The ODPP recognised a material Liability for Lapsed Appropriation of \$4.399M as at 30 June 2020 and the following tables disclose the restatement of line items in the Statement of Comprehensive Income and Statement of Financial Position, impacted by the prior period error for the year ended 30 June 2020. The restatement does not result in any change to closing equity as at 30 June 2021.

Statement Of Comprehensive Income

	Previously Reported 30 June 2020 \$'000	30 June 2020 Prior Period Error \$'000	Restated 30 June 2020 \$'000
Revenue			
Appropriations	137,533	4,399	141,932
Total Revenue	<u>164,750</u>	<u>4,399</u>	<u>169,149</u>
Net Result	(7,074)	4,399	(2,675)
TOTAL COMPREHENSIVE INCOME	<u>(7,074)</u>	<u>4,399</u>	<u>(2,675)</u>

Statement of Financial Position

	Previously Reported 30 June 2020 \$'000	30 June 2020 Prior Period Error \$'000	Restated 30 June 2020 \$'000
LIABILITIES			
Current Liabilities			
Other current liabilities	4,399	(4,399)	-
Total current liabilities	<u>30,785</u>	<u>(4,399)</u>	<u>26,386</u>
Total liabilities	<u>64,616</u>	<u>(4,399)</u>	<u>60,217</u>
NET LIABILITIES	<u>(12,571)</u>	<u>4,399</u>	<u>(8,172)</u>
Accumulated funds	<u>(12,571)</u>	<u>4,399</u>	<u>(8,172)</u>
TOTAL EQUITY	<u>(12,571)</u>	<u>4,399</u>	<u>(8,172)</u>

7 State Outcome Group Statements

All services provided by the Office contribute to State Outcome 3: An efficient and effective legal system.

Outcome purpose: Resolving matters through legal services, the administration of courts and tribunals, and client-facing justice services to victims and vulnerable people.

The financial statements of the Office reflect expenses and income attributable to this single outcome.

**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

8 Current Assets - Cash and Cash Equivalents

	2021 \$'000	2020 \$'000
Cash at bank and on hand	4,314	5,947
Permanent witness advances	<u>5</u>	<u>5</u>
	<u>4,319</u>	<u>5,952</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:

	2021 \$'000	2020 \$'000
Cash and cash equivalents (per Statement of Financial Position)	<u>4,319</u>	<u>5,952</u>
Closing cash and cash equivalents (per Statement of Cash Flows)	<u>4,319</u>	<u>5,952</u>

Refer Note 21 for details regarding credit risk and market risk arising from financial instruments.

9 Current Assets - Receivables

	2021 \$'000	2020 \$'000
Current Receivables		
Grant revenue	702	940
Goods and Services Tax recoverable from the ATO	623	385
Prepayments	2,230	1,846
Advances	106	32
Other receivables	<u>29</u>	<u>24</u>
	<u>3,690</u>	<u>3,227</u>

Details regarding credit risk of trade debtors that are neither past due nor impaired, are disclosed in Note 21.

Recognition and Measurement

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

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

Subsequent measurement

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

Impairment

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

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



**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

10 Plant and equipment

Plant and equipment held and used by the Office

	Plant and Equipment \$'000
At 1 July 2019 - fair value	
Gross carrying amount	29,772
Accumulated depreciation	<u>(21,183)</u>
Net carrying amount	<u>8,589</u>
 Year ended 30 June 2020	
Net carrying amount at beginning of year	8,589
Purchases of assets	1,953
Net revaluation increment less revaluation decrements	66
Depreciation expense	<u>(2,886)</u>
Net carrying amount at end of period	<u>7,722</u>
 At 1 July 2020 - fair value	
Gross carrying amount	30,225
Accumulated depreciation	<u>(22,503)</u>
Net carrying amount	<u>7,722</u>
 Year ended 30 June 2021	
Net carrying amount at beginning of year	7,722
Purchase of assets	2,774
Disposals	(5)
Depreciation expense - asset owned	(2,957)
Non cash addition	<u>223</u>
Net carrying amount at end of period	<u>7,757</u>
At 30 June 2021 - fair value	
Gross carrying amount	30,850
Accumulated depreciation	<u>(23,093)</u>
Net carrying amount	<u>7,757</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 Australian Accounting Standards.

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

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.

**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

10 Plant and equipment (cont'd)

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.

Depreciation of plant and equipment

Depreciation is provided for on a straight-line basis 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.

	2021	2020
Building improvement right-of-use assets	Lease period	Lease period
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
	10 years or lease period, whichever is shorter	10 years or lease period, whichever is shorter
Office furniture and fittings		
Library books	15 years	15 years
Motor vehicles-right-of-use assets	Lease period	Lease period

Right-of-use assets acquired by lessees

From 1 July 2019, AASB 16 *Leases* (AASB 16) requires a lessee to recognise a right-of-use asset for most leases. The Office has elected to present right-of-use asset separately in the Statement of Financial Position.

Further information on leases is contained at Note 11.

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.

Non-specialised assets with short useful lives are 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.

Office of the Director of Public Prosecutions Notes to the Financial Statements

10 Plant and equipment (cont'd)

For other assets valued using other valuation techniques, any balances of accumulated depreciation at the revaluation date in respect of those assets are credited to the asset accounts to which they relate. The net asset accounts are then increased or decreased by the revaluation increments or decrements.

Revaluation increments are recognised in other comprehensive income and credited to revaluation surplus in equity. However, to the extent that an increment reverses a revaluation decrement in respect of the same class of asset previously recognised as a loss in the net result, the increment is recognised immediately as a gain in the net result.

Revaluation decrements are recognised immediately as a loss in the net result, except to the extent that it offsets an existing revaluation surplus on the same class of assets, in which case, the decrement is debited directly to the revaluation surplus.

As a not-for-profit entity, revaluation increments and decrements are offset against one another within a class of non-current assets, but not otherwise.

When revaluing non-current assets using the cost approach, the gross amount and the related accumulated depreciation are separately restated. Where the income approach or market approach is used, accumulated depreciation is eliminated against the gross carrying amount of the asset and the net amount restated to the revalued amount of the asset.

Where an asset that has previously been revalued is disposed of, any balance remaining in the revaluation surplus in respect of that asset is transferred to accumulated funds.

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

Impairment of property, 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.

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

11 Leases

Entity as a lessee

The Office leases various properties and motor vehicles. Lease contracts are typically made for fixed periods of 3 to 10 years, but may have extension options. Lease terms are negotiated on an individual basis and contain a wide range of different terms and conditions. The lease agreements do not impose any covenants, but leased assets may not be used as security for borrowing purposes. The Office does not provide residual value guarantees in relation to leases.

**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

11 Leases (cont'd)

Extension and termination options are included in a number of property and motor vehicle leases. These terms are used to maximise operational flexibility in terms of managing contracts. The majority of extension and termination options held are exercisable only by the Office and not by the respective lessor. In determining the lease term, management considers all facts and circumstances that create an economic incentive to exercise an extension option, or not exercise a termination option. Extension options (or periods after termination options) are only included in the lease term if the lease is reasonably certain to be extended (or not terminated). The assessment is reviewed if a significant event or a significant change in circumstances occurs which affects this assessment and that is within the control of the lessee. During the current financial year, the financial effect of revising lease terms to reflect the effect of exercising extension and termination options was a decrease in recognised lease liabilities and right-of-use assets of \$0.412 million.

AASB 16 Leases (AASB 16) requires a lessee to recognise a right-of-use asset and a corresponding lease liability for most leases.

The Office has elected to recognise payments for short-term leases and low value leases as expenses on a straight-line basis, instead of recognising a right-of-use asset and lease liability. Short-term leases are leases with a lease term of 12 months or less.

Right-of-use assets under leases

The following table presents right-of-use assets that do not meet the definition of investment property.

	Building \$'000	Plant and Equipment \$'000	Total \$'000
Balance at 1 July 2020	33,660	256	33,916
Depreciation expenses	(6,603)	(231)	(6,834)
Lease termination	-	-	-
Addition of right-of-use assets	7,402	272	7,674
Impairment losses (recognised in "other gains / (losses)")	(3,157)	-	(3,157)
Remeasurement	(405)	5	(400)
Other movements	-	(7)	(7)
Balance at 30 June 2021	<u>30,897</u>	<u>295</u>	<u>31,192</u>

	Building \$'000	Plant and Equipment \$'000	Total \$'000
Balance at 1 July 2019	46,482	419	46,901
Depreciation expenses	(8,849)	(225)	(9,074)
Lease termination	(16)	-	(16)
Addition of right-of-use assets	-	62	62
Impairment losses (recognised in "other gains / losses")	(3,480)	-	(3,480)
Remeasurement	(477)	-	(477)
Balance at 30 June 2020	<u>33,660</u>	<u>256</u>	<u>33,916</u>

Impairment Losses for Right-of-Use Assets

The COVID-19 outbreak occurring throughout the 2019-20 and 2020-21 financial years had an unprecedented effect on the NSW and global economies. COVID-19 significantly impacted the market rent for leased office accommodation within the Sydney and metropolitan areas and therefore the value of some lease right-of-use assets in the Statement of Financial Position.

The Office has therefore undertaken an impairment assessment for the above right-of-use assets, to determine whether the carrying amount exceeded their recoverable amount. Impacted right-of-use assets were written down to their recoverable amounts by reference to the right-of-use asset's fair value less costs of disposal and an impairment loss is recognised.

The Office recognised impairment losses for right-of-use assets during the 2020-21 financial year of \$3.157 million (2020: \$3.480 million). Impairment losses (reversal of impairment losses) for right-of-use assets are included in Other Gains/(Losses) in the Statement of Comprehensive Income.



**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

11 Leases (cont'd)

Lease liabilities

The following table presents liabilities under leases.

	2021 \$'000	2020 \$'000
Balance at 1 July	38,641	46,901
Additions	7,673	62
Interest expenses	796	869
Payments	(8,909)	(9,186)
Other	(406)	(5)
Balance at 30 June	<u>37,795</u>	<u>38,641</u>

The following amounts were recognised in the Statement of Comprehensive Income during the period in respect of leases where the Office is the lessee:

	2021 \$'000	2020 \$'000
Depreciation expense of right-of-use assets	6,834	9,074
Interest expense on lease liabilities	796	869
Impairment loss	3,157	3,480
Loss on lease termination	-	16
Total amount recognised in the Statement of Comprehensive Income	<u>10,787</u>	<u>13,439</u>

The Office had total cash outflows for leases of \$8.909 million in the period ending 30 June 2021 (2020: \$9.186 million).

Recognition and measurement

The Office assesses at contract inception whether a contract is, or contains, a lease. That is, if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration.

The Office recognises lease liabilities to make lease payments and right-of-use assets representing the right to use the underlying assets, except for short-term leases and leases of low-value assets.

i. Right-of-use assets

The Office recognises right-of-use assets at the commencement date of the lease (i.e. the date the underlying asset is available for use). Right-of-use assets are initially measured at the amount of initial measurement of the lease liability (refer ii below), adjusted by any lease payments made at or before the commencement date and lease incentives, any initial direct costs incurred, and estimated costs of dismantling and removing the asset or restoring the site.

The right-of-use assets are subsequently measured at cost. They are depreciated on a straight-line basis over the shorter of the lease term and the estimated useful lives of the assets, as follows:

- Buildings 3 to 19 years
- Motor vehicles 2 to 3 years

If ownership of the leased asset transfers to the Office at the end of the lease term or the cost reflects the exercise of a purchase option, depreciation is calculated using the estimated useful life of the asset.

**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

11 Leases (cont'd)

The right-of-use assets are also subject to impairment. 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. After an impairment loss has been recognised, it is reversed only if there has been a change in the assumptions used to determine the asset's recoverable amount. The reversal is limited so that the carrying amount of the asset does not exceed its recoverable amount, nor exceed the carrying amount that would have been determined, net of depreciation, had no impairment loss been recognised for the asset in prior years. Such reversal is recognised in the net result.

ii. Lease liabilities

At the commencement date of the lease, the Office recognises lease liabilities measured at the present value of lease payments to be made over the lease term. Lease payments include:

- fixed payments (including in substance fixed payments) less any lease incentives receivable;
- variable lease payments that depend on an index or a rate;
- exercise price of purchase options reasonably certain to be exercised by the Office; and
- payments of penalties for terminating the lease, if the lease term reflects the Office exercising the option to terminate.

Variable lease payments that do not depend on an index or a rate are recognised as expenses (unless they are incurred to produce inventories) in the period in which the event or condition that triggers the payment occurs.

The lease payments are discounted using the interest rate implicit in the lease. If that rate cannot be readily determined, which is generally the case for the Office's leases, the lessee's incremental borrowing rate is used, being the rate that the Office would have to pay to borrow the funds necessary to obtain an asset of similar value to the right-of-use asset in a similar economic environment with similar terms, security and conditions.

After the commencement date, the amount of lease liabilities is increased to reflect the accretion of interest and reduced for the lease payments made. In addition, the carrying amount of lease liabilities is remeasured if there is a modification, a change in the lease term, a change in the lease payments (e.g. changes to future payments resulting from a change in an index or rate used to determine such lease payments) or a change in the assessment of an option to purchase the underlying asset.

The Office's lease liabilities are included in borrowings.

iii. Leases not yet commenced to which the Office is committed

The Office has entered into a new 37 month lease commencing November 2021 for its current premises at 175 Liverpool Street, Sydney. The lease has not yet commenced and as a result, no right-of-use asset or liability has been recognised at the reporting date. The contract value is \$21 million including GST.

12 Non-Current Assets - Intangible Assets

	Total \$'000
At 1 July 2019	
Cost (gross carrying amount)	5,039
Accumulated amortisation	<u>(4,047)</u>
Net carrying amount	<u>992</u>
Year ended 30 June 2020	
Net carrying amount at beginning of year	992
Additions	662
Amortisation (recognised in "depreciation and amortisation")	<u>(426)</u>
Net carrying amount at end of year	<u>1,228</u>



**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

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

	Total \$'000
At 1 July 2020	
Cost (gross carrying amount)	5,701
Accumulated amortisation	<u>(4,473)</u>
Net carrying amount	<u>1,228</u>
Year ended 30 June 2021	
Net carrying amount at beginning of year	1,228
Additions	1,105
Amortisation (recognised in "depreciation and amortisation")	(459)
Loss on disposals	<u>(6)</u>
Net carrying amount at end of year	<u>1,868</u>
At 30 June 2021	
Cost (gross carrying amount)	6,515
Accumulated amortisation	<u>(4,647)</u>
Net carrying amount	<u>1,868</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.

13 Current Liabilities - Payables

	2021 \$'000	2020 \$'000
Payables		
Accrued salaries, wages and on-costs	1,942	1,501
Creditors	369	31
Accruals	<u>1,269</u>	<u>988</u>
	<u>3,580</u>	<u>2,520</u>

Details regarding liquidity risk including a maturity analysis of the above payables, are disclosed in Note 21.

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 in the net result when the liabilities are derecognised as well as through the amortisation process.

**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

14 Current / Non-Current Liabilities - Borrowings

	2021 \$'000	2020 \$'000
Current Borrowings		
Lease liabilities (see Note 11)	<u>4,449</u>	<u>8,278</u>
	4,449	8,278
	2021 \$'000	2020 \$'000
Non-current Borrowings		
Lease liabilities (see Note 11)	<u>33,346</u>	<u>30,363</u>
	33,346	30,363

Recognition and measurement

Financial liabilities at amortised cost

Borrowings classified as financial liabilities at amortised cost are 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 in net result when the liabilities are derecognised as well as through the amortisation process.

15 Current / Non-Current Liabilities - Provisions

	2021 \$'000	2020 \$'000
Current		
Employee benefits and related on-costs		
Annual leave	9,028	8,876
On-cost on annual leave and long service leave	4,837	4,755
Payroll tax on-cost for annual leave and long service leave	1,878	1,951
Fringe benefits tax	14	6
Restoration costs	125	-
Total provisions - current	<u>15,882</u>	<u>15,588</u>

Annual leave includes \$0.916 million expected to be taken after 12 months (2020: \$0.795 million).

	2021 \$'000	2020 \$'000
Non-current		
Employee benefits and related on-costs		
On-cost on long service leave	351	308
Payroll tax on-cost for long service leave	<u>186</u>	<u>170</u>
	537	478
Other provisions		
Restoration costs	<u>977</u>	<u>2,990</u>
	977	2,990
Total provisions - non-current	<u>1,514</u>	<u>3,468</u>

\$1.959 million in redundant and excess make good provisions have been recognised as other income this year.



**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

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

	2021	2020
	\$'000	\$'000
Aggregate employee benefits and related on-costs		
Provisions - current	15,882	15,588
Provisions - non-current	537	478
Accrued salaries, wages and on-costs (Note 13)	<u>1,942</u>	<u>1,501</u>
	<u>18,361</u>	<u>17,567</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:

	Restoration costs
	\$'000
Carrying amount at 1 July 2020	2,989
Additional provisions recognised	224
Unused amounts reversed	(1,959)
Unwinding / change in the discount rate	<u>(152)</u>
Carrying amount at 30 June 2021	<u>1,102</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 8.4% 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. 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 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**

15 Current / Non-Current Liabilities - Provisions (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.

16 Equity

Accumulated Funds

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

17 Commitments

	2021 \$'000	2020 \$'000
Capital Commitments		
Aggregate capital expenditure contracted for at balance date and not provided for:		
Within one year	<u>77</u>	<u>117</u>
Total (including GST)	<u>77</u>	<u>117</u>

Input tax credit of \$0.007 million (2020: \$0.011 million) recoverable from the Australian Taxation Office, is included above.

18 Contingent Liabilities and Contingent Assets

The Office was not aware of any contingent assets or liabilities as at 30 June 2021 (\$nil in 2020) that may materially affect the future results of the Office.

19 Budget Review

The budgeted amounts are drawn from the original budgeted financial statements presented to Parliament in respect of the reporting period. Subsequent amendments to the original budget are not reflected in the budgeted amounts. Major variances between the original budgeted amounts and the actual amounts disclosed in the financial statements are explained below.



**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

19 Budget Review (cont'd)

Net result

The actual net result is lower than budget by \$6.758 million primarily due to the following factors:

Total Expenses excluding losses - \$8.627 million favourable to budget:

- Employee Related Expenses are \$2.234 million lower than budget mainly due to favourable long service leave actuarial adjustment of \$1.852 million, and \$0.754 million favourable variance to payroll tax as a consequence of the temporary reduction in the payroll tax rate from 5.45% to 4.85%.
- Operating Expenses are \$2.945 million lower than budget including underspend in contractor (private briefing) expenses (\$1.796 million), travel (\$0.311 million), and other operational expenses (\$0.838 million). The favourable variance mainly reflects the impact of COVID-19 on court and operational activities during the year.
- Depreciation is \$2.374 million lower than budget including \$2.135 million favourable variance to depreciation on right-of-use assets mainly as a consequence of impairments recognised in 2019-20 on leased property.
- Finance costs are \$0.349 million higher than budget reflecting higher interest expense recognised on right-of-use leased property assets under AASB16 *Leases*.
- Other Expenses are \$1.423 million lower than budget due to reduced witness expenses arising from COVID-19 impacts on court activity.

Total Revenue was \$12.212 million unfavourable to budget:

- Appropriation revenue is \$11.425 million less than budgeted due to below budget cash expenses.
- Crown acceptance of employee benefits and other liabilities is lower than budget by \$2.461 million due to the favourable variances in long service leave expense (\$2.241 million) and defined benefit superannuation expense (\$0.220 million).
- Grant revenue is \$0.264 million lower than budget due to corresponding underspend.
- Other Income is higher by \$2.009 million, mainly due to the reversal of redundant make good provisions on leased premises of \$1.959 million.

Gains/(Losses) - unfavourable to budget by \$3.173 million:

- Further unbudgeted impairments of \$3.157 million (2020: \$3.480 million) to right-of-use leased property assets have been recognised this year as a consequence of assessed COVID-19 impacts on market rents.

Assets and liabilities

Total current assets are \$3.506 million higher than budget. The increase is due to \$3.044 million increase in cash and \$0.462 million increase to current receivables

Total non-current assets are \$0.928 million higher than budget. Right-of-use assets are \$5.386 million higher than budget due to the addition of \$7.401 million in new property leases offset by impairments and adjustments to other property leases. Intangible Assets are lower than budget by \$4.236 million due to a delay in commencing a budgeted major software project and expensing rather than capitalising \$1.132 million relating to this project and other software-as-a-service projects.

Total current liabilities are \$1.256 million higher than budget. The increase is mainly due to the increase in current payables by \$1.037 million.

Total non-current liabilities are \$6.011 million higher than budget. The increase is mainly due to addition of new right-of-use leased property assets of \$7.401 million offset by a decrease in the non-current restoration provision of \$2.013 million.

**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

19 Budget Review (cont'd)

Cash flows

Net cash flows from activities are \$3.044 million higher than budget. Operating Activities net inflows are lower than budget by \$2.465 million, Investing Activities outflows are lower than budget by \$4.904 million, and Financing Activities outflows are lower than budget by \$0.605 million.

20 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:

	2021 \$'000	2020 \$'000
Net cash flow from operating activities	10,359	13,582
Depreciation and amortisation expense	(10,250)	(12,386)
Decrease / (increase) in provisions	1,660	(1,034)
Increase / (decrease) in prepayments and other assets	462	9
Decrease / (increase) in payables	(1,060)	(806)
Decrease / (increase) in other liabilities	-	(2,537)
Impairment losses on non-financial assets	(3,157)	(3,480)
Revaluation increment	-	66
Increase/(decrease) in assets	224	(472)
Net gain / (loss) on disposed assets	(11)	(16)
Net result	(1,773)	(7,074)

21 Financial Instruments

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

The Office's main risks arising from financial instruments are outlined below, together with the Office's objectives, policies and processes for measuring and managing risk. Further quantitative and qualitative disclosures are included throughout these financial statements.

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

(a) Financial instrument categories

Class:	Note	Category	2021 Carrying Amount \$'000	2020 Carrying Amount \$'000
Financial Assets				
Cash and cash equivalents	8	Amortised cost	4,319	5,952
Receivables ¹	9	Amortised cost	837	996
Financial Liabilities				
Payables ²	13	Financial liabilities measured at amortised cost	3,461	2,437
Borrowings	14	Financial liabilities measured at amortised cost	37,795	38,641

**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

21 Financial Instruments (cont'd)

(a) Financial instrument categories (cont'd)

Notes

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

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

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

(b) Derecognition of financial assets and financial liabilities

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

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

When the Office has transferred its rights to receive cash flows from an asset or has entered into a pass-through arrangement, it evaluates if, and to what extent, it has retained the risks and rewards of ownership. Where the Office has neither transferred nor retained substantially all the risks and rewards or transferred control, the asset continues to be recognised to the extent of the Office's continuing involvement in the asset. In that case, the Office also recognises an associated liability. The transferred asset and the associated liability are measured on a basis that reflects the rights and obligations that the Office has retained.

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

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

(c) Offsetting financial instruments

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

(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.

The Office considers a financial asset in default when contractual payments are 90 days past due. However, in certain cases, the Office may also consider a financial asset to be in default when internal or external information indicates that the Office is unlikely to receive the outstanding contractual amounts in full before taking into account any credit enhancements held by the Office.

**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

21 Financial Instruments (cont'd)

(d) Financial risks (cont'd)

(i) Credit Risk (cont'd)

Cash and cash equivalents

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

Accounting policy for impairment of trade debtors and other financial assets

Receivables - trade receivables

Collectability of trade receivables is reviewed on an ongoing basis.

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

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

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

The Office is not materially exposed to concentrations of credit risk to a single debtor or group of debtors as at 30 June 2021 and 2020. The Office's debtors are primarily other NSW Government entities and credit risk is assessed as very low.

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

Liabilities are recognised for amounts due to be paid in the future for goods or services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in NSW TC 11/12. For small business suppliers, where terms are not specified, payment is made not later than 5 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 2021 (2020: \$nil).

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

**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

21 Financial Instruments (cont'd)

(d) Financial risks (cont'd)

(ii) Liquidity risk (cont'd)

Maturity analysis and interest rate exposure of financial liabilities

	Weighted Average Effective Int. Rate	Nominal Amount	Interest Rate Exposure		Maturity Dates		
			Fixed Interest Rate	Non- interest bearing	\$'000		
					< 1 yr	1-5 yrs	> 5 yrs
2021							
Payables	-	3,461	-	3,461	3,461	-	-
Lease liabilities	1.68	<u>44,894</u>	<u>44,894</u>	-	<u>5,284</u>	<u>11,708</u>	<u>27,902</u>
		<u>48,355</u>	<u>44,894</u>	<u>3,461</u>	<u>8,745</u>	<u>11,708</u>	<u>27,902</u>

	Weighted Average Effective Int. Rate	Nominal Amount	Interest Rate Exposure		Maturity Dates		
			Fixed Interest Rate	Non- interest bearing	\$'000		
					< 1 yr	1-5 yrs	> 5 yrs
2020							
Payables	-	2,437	-	2,437	2,437	-	-
Lease liabilities	1.41	<u>45,194</u>	<u>45,194</u>	-	<u>9,027</u>	<u>12,241</u>	<u>23,926</u>
		<u>47,631</u>	<u>45,194</u>	<u>2,437</u>	<u>11,464</u>	<u>12,241</u>	<u>23,926</u>

(iii) Market risk

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

(e) Fair value measurement

(i) Fair value compared to carrying amount

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

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

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

The Office assessed that cash and cash equivalents, receivables, payables and other current liabilities approximate their fair values, largely due to the short-term maturities of these instruments.

22 Related Party Disclosures

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

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

**Office of the Director of Public Prosecutions
Notes to the Financial Statements**

22 Related Party Disclosures (cont'd)

The Office's Key Management Personnel compensation is as follows:

	2021	2020
	\$'000	\$'000
Short-term employee benefits:		
Salaries	3,583	3,328
Other monetary allowances	246	254
Other long-term employee benefits	304	266
Termination benefits	150	-
Total remuneration	<u>4,283</u>	<u>3,848</u>

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

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

These transactions include:

- Long service leave and defined benefit superannuation assumed by the Crown
- Appropriations (and subsequent adjustments to appropriations)
- Employer contribution paid to defined benefit superannuation funds
- Payments into the Treasury Managed Fund for workers' compensation insurance and other insurances
- Grant revenue received from Department of Communities and Justice
- Payments to Department of Communities and Justice for maintenance of Enterprise Resource Planning (ERP) system and reimbursement of witness expenses
- Payments to NSW Police for security service and reimbursement of witness expenses
- Payments to Property & Development NSW for rent and outgoings.

23 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.

Appendix O

Glossary

Accused	A person charged with a crime; may also be referred to as the defendant or offender
Appeal	A challenge made to a court's decision, taken to a higher court
AVL	Audio visual link
Bail	The release of the accused while criminal proceedings are taking place on condition that the accused will attend court and comply with any other condition imposed
Barrister	A lawyer whose main role is to present the evidence and make legal arguments in court on behalf of their client
Brief (of Evidence)	A collection of statements from witnesses, expert reports, photographs and other material obtained by an investigative agency and given to the ODPP
Case Conference	A conference between a prosecutor and the accused's legal representative
CCA	Court of Criminal Appeal; the court in NSW that deals with conviction, sentence and other appeals from the District and Supreme Courts
CCTV	Closed-circuit television
Charge	The allegation that a person has committed a specific crime
Charge Certificate	A document that specifies the offences that are to be the subject of proceedings against the accused person
Committal	When a case is referred from the Local Court of the Children's Court to be dealt with in the District or Supreme Court
Confiscation	Action taken by the government to take money and assets used in or obtained through crime
Conviction	A finding that the accused is guilty of a crime
CoPoCA	<i>Confiscation of Proceeds of Crime Act 1989</i>
Counsel	Another word for barrister
Crime	A breach of criminal laws as set down in legislation or by the courts
Crown Prosecutor	Counsel that conduct and prosecute the more serious matters on behalf of the Crown
Defence	Used to refer to the accused's legal response to the prosecution; a lawful excuse for doing something; or the accused's legal team
Deputy Director	A Deputy Director of Public Prosecutions (NSW)
District Court	The court that deals with most of the serious criminal cases in NSW
DPO	Drug Proceeds Order
DPP	Director of Public Prosecutions (NSW)

Drug Court	A court of record that deals with criminal matters involving accused persons who are addicted to illicit drugs
EAGP	Early Appropriate Guilty Plea
EAGP Brief	A simplified brief of evidence
Election	NSW laws allow for less serious matters to be dealt with summarily in the Local Court. An election is a decision as to whether a Table offence is to be dealt with on indictment in the District Court
ELG	Executive Leadership Group
Evidence	Material presented in court to prove or disprove a fact; it may be what a witness says or an exhibit
FO	Forfeiture Orders
HCA	High Court of Australia
ICAC	Independent Commission Against Corruption
IM&T	Information Management & Technology
IMTC	Information Management Technology Committee
Indictable offence	An offence that may be dealt with on indictment in the District or Supreme Court also known as Strictly Indictable
Indictment	A document filed in the District or Supreme Court that lists the charges against the accused
Investigative agency	A government agency that investigates crime, such as the NSW Police Force
Judge	A person who hears cases in the District or Supreme Court
Judge alone trial	A trial heard before a judge without a jury
Legal Support Officers	Provide high level administrative support to ODPP staff and Crown Prosecutors
Local Court	A lower court which hears less serious matters
MAG	Monitoring and Advisory Group
Magistrate	A judicial officer who hears cases in the Local Court or the Children's Court
MSU	Multimedia Support Unit
No further proceedings	A direction to end the prosecution
ODPP	Office of the Director of Public Prosecutions (NSW)
Offender	A person who has been found guilty of a crime
Plea	The accused's answer to the charge: guilty or not guilty
PPO	Pecuniary Penalty Order

Prosecution	The criminal case, or the party running the criminal case (also currently referred to as the Crown)
Prosecutor	An ODPP solicitor or a Crown Prosecutor, including a solicitor acting for the DPP and private counsel briefed by the DPP
QC	Queens Counsel
SC	Senior Counsel
Sentence	The penalty imposed by a Judge or Magistrate on an offender
Solicitor Advocate	Appear as advocates in less complex District Court trials and more difficult Local Court prosecutions
Solicitor with carriage	The ODPP solicitor who is responsible for a particular case
SOPs	Standard Operating Procedures
Summary hearing	Similar to a trial but heard before a magistrate in the Local Court or the Children's Court
Summary offence	An offence that cannot be dealt with on indictment
Supreme Court	The court in NSW where the most serious criminal cases are heard, eg murder
Table offence	An indictable offence listed in Table 1 and 2 in Schedule 1 of the Criminal Procedure Act 1986 that is capable of being dealt with either summarily in the Local Court or on indictment in the District or Supreme Court
Trial	A hearing in a court where evidence is presented and a decision is made
Verdict	The decision of whether the accused is guilty or not guilty after a trial or hearing
Victim	A person who has suffered harm as a direct result of an act committed by another person in the course of a criminal offence
VIS	Victim Impact Statement; a statement by a victim that may be read or presented to a court before the offender is sentenced to describe the effects of the crime on the victim
WAS	Witness Assistance Service; a specialist service within the ODPP that provides assistance and support to victims and vulnerable witnesses in the criminal justice process
Witness	A person who attends court to give evidence

Appendix P

Office Locations



Office of the Director of Public Prosecutions Office Locations

HEAD OFFICE

Level 17, 175 Liverpool Street
 SYDNEY NSW 2000
 Locked Bag A8, SYDNEY SOUTH NSW 1232
 DX 11525 Sydney Downtown

Telephone 02 9285 8606
 Facsimile 02 9285 8600

GREATER WESTERN SYDNEY

Campbelltown

Level 3, Centre Court Building
 101 Queen Street
 CAMPBELLTOWN NSW 2560
 PO Box 1095
 CAMPBELLTOWN NSW 2560

Telephone 02 4629 2811
 Facsimile 02 4629 2800

Parramatta

4 George Street
 PARRAMATTA NSW 2150
 PO Box 3696
 PARRAMATTA NSW 2124

Telephone 02 9891 9800
 Facsimile 02 9891 9866

Penrith

Level 2, 295 High Street
 PENRITH NSW 2750
 PO Box 781
 Penrith Post Business Centre NSW
 2750

Telephone 02 4721 6100
 Facsimile 02 4721 4149

NORTHERN REGION

Gosford

Level 2, 107-109 Mann Street
 GOSFORD NSW 2250
 PO Box 1987
 GOSFORD NSW 2250

Telephone 02 4337 1111
 Facsimile 02 4337 1133

Lismore

Level 3, Credit Union Centre
 101 Molesworth Street
 LISMORE NSW 2480
 Po Box 558, LISMORE NSW 2480

Telephone 02 6627 2222
 Facsimile 02 6627 2233

Newcastle

Level 6, 317 Hunter Street
 NEWCASTLE NSW 2300
 PO Box 779
 NEWCASTLE NSW 2300

Telephone 02 4929 4399
 Facsimile 02 4926 2119

SOUTHERN REGION

Dubbo

Ground Floor, 130 Brisbane Street
 DUBBO NSW 2830
 PO Box 811, DUBBO NSW 2830

Telephone 02 6881 3300
 Facsimile 02 6882 9401

Wagga Wagga

Level 3, 43-45 Johnston Street
 WAGGA WAGGA NSW 2650
 PO Box 124
 WAGGA WAGGA NSW 2650

Telephone 02 6925 8400
 Facsimile 02 6921 1086

Wollongong

Level 1, 140 Keira Street
 WOLLONGONG NSW 2500
 PO Box 606
 WOLLONGONG EAST NSW 2520

Telephone 02 4224 7111
 Facsimile 02 4224 7100



- Sydney
- Greater Western Sydney
- Northern Region
- Southern Region





ODPP
New South Wales

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
TTY 02 9285 8646

odpp.nsw.gov.au