



# Office of the Director of Public Prosecutions



## Annual Report 2021/2022

# Letter of transmittal



Director's Chambers

Our Reference

Your Reference

14 October 2022

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

Dear Attorney General

## 2021/2022 Annual Report

I am pleased to forward to you the 35<sup>th</sup> 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 2021/2022.

This report has been prepared in accordance with s 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 blue ink, appearing to read "S Dowling".

Sally Dowling SC  
**Director of Public Prosecutions**

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# Highlights of the year

## A Dynamic Prosecution Service Recognised for its Excellence and Leadership

39%

39% of committals finalised in the Local Court

75%

Early Resolution: 75% of matters finalised in the Local Court or committed for sentence

89%

Finding of Guilt: Plea guilty or verdict guilty in 89% of District and Supreme Court matters

98%

Clearance rate for Local Court committals over 5 years

847

847 court days saved by participation in District Court Super Call Overs

108%

Clearance rate for District Court trials over 5 years



12 Crown Prosecutors appointed, 58% internal promotions

57%

Equitable Briefing: 57% of private barristers briefed were women



28 Solicitor Advocates appointed, 96% internal promotions



Excellence Awards presented to 7 individuals, 2 teams & 2 managers



Efficient management of ODPP response to COVID-19



27 staff 10 Year Award  
6 staff 20 Year Award  
14 staff 30 Year Award

# Report of the Director of Public Prosecutions

It has been an honour to lead the ODPP during a year of growth and change, when staff again rose to meet the challenges posed by the COVID-19 pandemic.

The ODPP continued to provide a high quality prosecution service to the people of New South Wales this year, achieving clearance rates of 94% and 105% for District and Supreme Court trials respectively, while 89% of matters in the District and Supreme Courts resolved in a finding of guilt. These figures reflect the outstanding advocacy of our Crown Prosecutors and solicitors, as well as the effective strategic decisions of our leadership team. I thank Christopher Maxwell QC, who retired as Senior Crown Prosecutor in December 2021 and Ken McKay SC, appointed as Acting Senior Crown Prosecutor, for their commitment and leadership of Crown Chambers.

Our ability to operate successfully throughout the pandemic was made possible by the hard work of our legal and support staff, the agility of our Corporate Services and Operations teams and the dedication of our Information Management and Technology team to solving issues arising from remote working and practice in virtual courtrooms. I extend my particular thanks to the Solicitor for Public Prosecutions, Craig Hyland, and Anne Whitehead, Deputy Solicitor for Public Prosecutions (Operations) for their focus during this time.

I also acknowledge the professionalism and resilience demonstrated by the staff of the Lismore office, who continued working at a high standard to meet their court commitments despite the region being devastated by flooding in early 2022.

The high number of ODPP staff who have been appointed to the Bench is not only a testament to their expertise, but also to the depth of knowledge and experience within the Office. This year, Deputy Director Peter McGrath SC was appointed as a Judge of the District Court, while Belinda Baker, Deputy Senior Crown Prosecutor, was appointed as a Justice of the Supreme Court of the Australian Capital Territory and Crown Prosecutor Stephen Barlow was appointed as a Local Court Magistrate.

ODPP staff report some of the highest levels of engagement and job satisfaction in the public sector and it is inspiring to work alongside a team that takes such pride in its work. In my first year as Director, I am pleased to have overseen the introduction of measures that reinforce a positive workplace culture at the ODPP; further promote the professional development, wellbeing and diversity of staff; strengthen collaboration with our criminal justice partners; and improve the experience of victims and witnesses within the court system.

## **Victims and witnesses**

Our unique role in the criminal justice system means the Office is well placed to advocate for and help steer systemic change where necessary. This year the Office has been actively involved in a number of law reform initiatives directed at better meeting the diverse needs of the community, and particularly the most vulnerable victims of crime. The ODPP supports the expansion of the successful Child Sexual Offences Evidence Program and the development of better processes and outcomes for victims of domestic abuse. We have also continued working to improve the experience within the court

system for victims of sexual assault and for Aboriginal and Torres Strait Islander witnesses and victims of crime.

The ODPP has a strong commitment to engaging with Aboriginal and Torres Strait Islander communities and to improving the understanding, both within the ODPP and in the criminal justice system more broadly, of the cultural factors relevant to Aboriginal and Torres Strait Islander victims and witnesses. To this end, the ODPP is working to update its Reconciliation Action Plan, has mandated organisation-wide cultural awareness and communication training and increased its number of Aboriginal and Torres Strait Islander Witness Assistance Service Officers, particularly in the Dubbo and Wagga Wagga offices.

This year we introduced an internship program for Aboriginal and Torres Strait Islander law students and laid the groundwork for a First Nations Advisory Group. In May 2022 the ODPP held its inaugural Aboriginal and Torres Strait Islander staff networking day to establish a peer support network and development opportunities for our growing number of Aboriginal and Torres Strait Islander staff.

## **Professional development**

The ODPP is committed to recruiting and retaining the best staff and investing in their long-term career development. Providing targeted training and programs to enhance their skills and supporting them to work to the best of their ability, are key to the success of the ODPP as a whole. Initiatives introduced this year include the Junior Advocate Program, giving solicitors on the Trial Development List the opportunity to take on the role of Junior Counsel in select criminal trials and office-wide mentoring of solicitors by

Crown Prosecutors. In June 2022, the ODPP launched an internal podcast highlighting legal discussions and interviewing staff.

Externally, professional development opportunities for ODPP staff have been expanded through lateral recruitment, more secondments across the public sector and increased dialogue with university law schools. The ODPP has also increased its participation in interstate and international prosecutor programs to ensure a breadth of experience and vision.

### **Safety and wellbeing**

One of my first priorities as Director was implementing a Respectful Workplace Policy to formalise the ODPP's commitment to a safe and inclusive workplace, free of harassment, bullying or discrimination. The policy is supported by mandated training for managers and by training, recommended for all staff, to combat sexual harassment.

We continue to prioritise staff wellbeing initiatives and are currently piloting a Clinical Supervision Program to support our people in the challenging work we do. Flexible working arrangements for staff are supported by management at all levels.

### **Diversity and inclusion**

Fostering diversity and inclusion within the ODPP remains a priority, enabling us to represent the community we serve more effectively. Diverse staff bring the benefits of broader perspectives and experience to the ODPP, encouraging innovation and improving problem solving.

This year we launched a strategy to promote and support staff from Culturally and Linguistically Diverse backgrounds,

in recognition of the immense value of their skills and experiences. The ODPP Diversity and Inclusion Working Group launched an Inclusive Language Guide, explaining how to use respectful and inclusive language when working with and referring to people of diverse genders and sexualities. The Group also liaised with the Australian Network on Disability to identify opportunities to improve access and inclusion for staff with a disability, with a strategy to be developed next year.

### **Looking forward**

The CASES Replacement Project will soon deliver a more efficient matter management system for the ODPP. Work will continue to further enhance our technological capabilities, streamlining both our internal processes and information sharing and our interactions with the Courts, Police, defence and other stakeholders. Meanwhile, the new ODPP Strategic Plan is being developed, to identify the shared goals of staff and ensure the Office achieves its overall vision of excellence and leadership in serving the community.

**Sally Dowling SC**  
**Director of Public Prosecutions**



# Report of the Solicitor for Public Prosecutions

On 16 August 2021, Sally Dowling SC began her 10-year term as Director of Public Prosecutions. In her first year, Ms Dowling has worked closely with our criminal justice partners, has overseen an increase in ODPP staff numbers and implemented measures that further promote the professional development, diversity and wellbeing of staff. The ODPP also welcomed the appointment, in December 2021, of Acting Senior Crown Prosecutor Ken McKay SC, replacing the retiring Senior Crown Prosecutor, Christopher Maxwell QC, whose contribution to this Office over the past 35 years was significant and for which the ODPP is indebted.

Despite the substantial disruption across the justice sector caused by COVID-19, matters continued to be completed at a high rate, with the vast majority of District and Supreme Court matters resolving in a finding of guilt. The pleasing upward trend in the early resolution of matters continued. During the year the ODPP broadly consulted with staff as it took important steps towards developing a new Strategic Plan, work that will continue in the coming year.

## COVID-19

The impact of the coronavirus pandemic, including the suspension of jury trials and imposition of Public Health Orders (PHOs) restricting movement and gatherings, created ongoing challenges to the administration of criminal justice this year. The ODPP's Central Recovery Team, comprising key executives, continued to manage our response to PHOs and the changes to court practices and procedures in all jurisdictions through proactive internal policies and guidance to staff.

The District Court suspended new jury trials from 28 June 2021, with around 200 trials vacated. Jury trials were only resumed in Greater Sydney, Newcastle, Gosford and Wollongong from 25 October 2021. In the

Supreme Court, new criminal trials were suspended on 25 June 2021 and resumed in mid-November 2021. Criminal prosecutions were conducted through a combination of in-person and digital proceedings, with extensive use of audio visual links, an increased number of judge-alone trials and the expanded use of the pre-recorded evidence of victims and witnesses. The ODPP continued to promote the use of virtual communication channels for staff meetings and witness conferences.

The ODPP Business Service Delivery Continuity Plan, which was initially activated in March 2020, continued to operate this year to ensure the provision of essential services to the courts and the safety of staff. An ODPP COVID-19 Internal Policies document kept staff informed of the measures in force and was supplemented by the External Visitor Policy, the Vaccination Policy and Rapid Antigen Testing procedures. Compliance with the ODPP's Vaccination Policy, issued in November 2021, was high.

In October 2021, District Court Practice Note 23 came into effect, imposing significant obligations on the ODPP to ascertain the vaccination status of all witnesses and police officers attending trials and to arrange for them to attend Rapid Antigen Testing at court.

## Results

The results for the year, achieved despite the considerable challenges posed by the pandemic, are testament to the dedication and adaptability of all staff.

A finding of guilt was recorded in 89% of District Court and Supreme Court matters, consistent with conviction rates for the previous five years. Early resolution, with matters being either finalised in the Local Court or committed for sentence to a higher court, was achieved in 75% of matters, a slight increase on last year. In total 39% of

matters were finalised in the Local Court, with 36% committed for sentence to the District Court and 24% committed for trial to the District Court. The remaining 1% of matters were committed for sentence or trial to the Supreme Court. The percentage of matters committed for trial was similar to last year and again demonstrates the success of the Early Appropriate Guilty Plea reform implemented in April 2018.

The ODPP continued to complete matters at a high rate this year, achieving a 100% clearance rate in Local Court committals, while in the District Court, the clearance rate was 101% for sentences and 94% for trials. The clearance rate in the Supreme Court was 63% for sentences and 105% for trials. Unsurprisingly, given the PHOs that affected every part of the State, the number of sitting days across all courts decreased by 6% compared with the previous year.

The implementation of several legislative amendments affecting our day-to-day work added to the changing environment in which staff operated during the year. The ODPP made numerous detailed submissions concerning law reform and staff participated on interagency committees, court user groups and working parties, to progress criminal law reform and contribute to improvements in the criminal justice system.

While staff turnover was 8.5% this year, a slight increase on the previous year, 132 new staff – including 42 solicitors – were recruited. I congratulate the seven ODPP staff appointed as Crown Prosecutors and the 27 staff promoted to Solicitor Advocate.

The Witness Assistance Service continued to provide its services, sometimes remotely, to new victims and witnesses. With 2678 new referrals, 80% of which related to sexual assault matters, the Service had 7816 active referrals at the end of the year. Aboriginal and Torres Strait Islander victims accounted for 16% of all referrals registered this year.



## Achievements

In October 2021, the ODPP expanded its Trial Development List initiative by introducing the Junior Advocate Program. Under the program solicitors are briefed to appear as a Junior to a Crown Prosecutor in suitable District Court trials, further developing their skills and advocacy and providing them with more opportunities to be involved in trials. This year, 28 solicitors were briefed as Junior Advocates in trials led by a Crown Prosecutor.

During the lockdown, in July 2021, the ODPP established an office-wide Mentoring Program for Crown Prosecutors to mentor, guide and share their expertise with an allocated group of solicitors. The program was designed to facilitate the kinds of insightful discussions between Crown Prosecutors and solicitors that occurred incidentally within the office before PHOs necessitated remote working. Online sessions were tailored to meet the needs and developmental objectives of each group. The popularity and success of the program, which initially ran for six months, led to the development of a formal Mentoring Policy, released in June 2022.

On 31 January 2022, the Walama List commenced sittings in the Sydney District Court. The List establishes an alternative process for managing cases involving eligible Aboriginal and Torres Strait Islander people who are to be sentenced for criminal offences, involving discussions led by Elders and Respected Persons. There are encouraging early signs that the List is improving offenders' engagement with the justice system and the ODPP looks forward to its ongoing involvement with this initiative.

The Child Sexual Offence Evidence Program continued throughout the year and, in April 2022, was extended until June 2024. The Program aims to reduce the stress and trauma for child sexual assault victims and witnesses in the trial process through

pre-recording their evidence and the involvement of a Witness Intermediary, who assesses each child and assists them to communicate. This year, 67 new matters entered the program and pre-recorded hearings were completed by victims and child witnesses in 94 matters. These figures are lower than for the previous year, reflecting the delays caused by the COVID-19 pandemic and the reductions in court capacity.

## Acknowledgements

I thank the Director of Public Prosecutions, Sally Dowling SC, her Deputy Directors and the Acting Senior Crown Prosecutor, Ken McKay SC, for their strong leadership in a challenging year.

And finally, I thank my Executive, the Directors of Finance & Facilities, Human Resources and Information Management & Technology, Crown Prosecutors and all staff for their unwavering commitment to providing a fair, efficient and professional prosecution service to the people of New South Wales.

**Craig Hyland**  
**Solicitor for Public Prosecutions**



# Report of the Acting Senior Crown Prosecutor

The past year has been another in which the Crown Prosecutors of New South Wales have demonstrated extraordinary resilience and adaptability and reaffirmed their commitment to public service, in the face of considerable challenges.

I was pleased to be appointed Acting Senior Crown Prosecutor in December 2021 and look forward to leading Crown Chambers through this busy period.

The COVID-19 pandemic caused rapid changes across the criminal justice system, with proceedings shifting almost overnight to online hearings and electronic filing. Crown Prosecutors swiftly adjusted to appearing in Court via audio visual link, being instructed by solicitors by email or phone, to using electronic briefs and to countless last-minute changes in procedure and personnel.

While Court proceedings have largely returned to their pre-pandemic state, the impact of COVID 19 is ongoing. Crown Prosecutors face significantly heavier workloads as they commit to overcoming the backlog caused by the suspension of jury trials during the lengthy lockdowns. COVID-19 also continues to cause delays to trials and challenges in re-briefing matters. I extend my sincere thanks to all staff for their ongoing support to our Crown Prosecutors, with particular thanks to those in the Crown Briefing Unit for their tireless assistance over the past year.

The successful operation of the ODPP throughout the pandemic would have been impossible without the modern technology that we take for granted. In 1987, when the *Crown Prosecutors Act 1986* came into force, the allocation of personal computers for staff was still a decade away. One thing that has not changed over the past 35 years is the dedication and diligence of our Crown Prosecutors. They are among the nation's

most experienced and capable criminal barristers and make up the largest 'floor' of criminal barristers in the State.

While their contribution to the criminal justice system is apparent in the high quality advocacy brought to each criminal trial and appeal, Crown Prosecutors also make a valuable contribution to the continuing development of the legal profession.

In July 2021, the ODPP introduced a mentoring program whereby experienced Crown Prosecutors each mentor an allocated group of solicitors, through open discussions on legal and procedural questions arising from the ODPP's work, or by running small training sessions on varied topics. The mentoring groups have provided invaluable opportunities to share information, enhance collegiality and strengthen the knowledge and skills of our staff. What began as a way to keep conversations alive online in the height of the lockdown has now become a formalised policy and an integral part of our staff development.

Beyond the ODPP, Crown Prosecutors have participated in consultation relating to sexual offences in NSW, the recently amended tendency and coincidence provisions for child sexual assault matters and potential initiatives to better support Aboriginal and Torres Strait Islander victims and witnesses. They have run a training workshop for Police on prosecuting sexual assault matters, presented to Legal Aid NSW on disclosure and taught advocacy through the Australian Advocacy Institute and as part of the Bar Association's Bar Practice Course. This year, Crown Prosecutors David Patch and Sean Hughes were elected to the Bar Council, the Bar Association's governing body, while other Crown Prosecutors currently sit on its various committees including the Professional Conduct, Criminal

Law, Inquests & Inquiries, International, Legal Aid, New Barristers and Wellbeing committees.

Crown Prosecutors' experience and expertise are reflected in the significant number who have, over the years, been appointed to the Bench. In January 2022, Crown Prosecutor Stephen Barlow was appointed as Local Court Magistrate, while in March 2022, Deputy Senior Crown Prosecutor Belinda Baker was appointed as a Justice of the Supreme Court of the Australian Capital Territory.

Twelve new Crown Prosecutors were appointed in the past year, while the following Crown Prosecutors took up appointments:

- Acting Deputy Senior Crown Prosecutor Michelle England appointed as Acting Deputy Director in February 2022
- Deputy Senior Crown Prosecutor Craig Everson SC appointed Senior Counsel in October 2021
- Deputy Senior Crown Prosecutor Helen Roberts SC appointed Senior Counsel in October 2021.

When the ODPP was created in 1987, only four of its 46 Crown Prosecutors were women. Since then, there has been a pleasing increase in diversity in our ranks. Now, there are 39 women among the 107 Crown Prosecutors and this year the ODPP welcomed the appointment of the State's first Aboriginal Crown Prosecutor, Damian Beauflis.

Opening our Annual Conference in April 2021, I noted that the ODPP has benefited from a great influx of young, skilled and enthusiastic Crown Prosecutors. With their commitment to fairness, impartiality and the public interest matching

that of their most senior and experienced colleagues, the community can be assured that they will be well served by the State's Crown Prosecutors, now and in the future.

Lastly, I would like to thank Christopher Maxwell QC, who retired in December 2021 after three and a half years as Senior Crown Prosecutor and 35 years as a Crown Prosecutor, for his leadership and guidance.

**Ken McKay SC**  
**Acting 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

## **Sally Dowling SC BA LLB Director of Public Prosecutions**

Sally Dowling SC was appointed as New South Wales' third Director of Public Prosecutions, and its first female Director, in August 2021. Admitted as a solicitor in 1995 and called to the Bar in 1997, Sally worked in private practice until her appointment as a Crown Prosecutor in 2002. During 16 years at the ODPP, Sally prosecuted in trials and appeals in all criminal courts in NSW and in the High Court of Australia. She was appointed Senior Counsel in 2013 and in 2016 was appointed a Deputy Senior Crown Prosecutor and head of the Appeals Unit. In 2017, Sally was appointed to the Racing Appeals Tribunal NSW and in 2019 acted as Senior Counsel assisting the NSW Special Commission of Inquiry into Crystal Methamphetamine. She has served on numerous committees of the NSW Bar Association, including the Education Committee, Silk Selection Committee, Equal Opportunity Committee and Professional Conduct Committee.

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

Huw Baker SC was appointed as Deputy Director of Public Prosecutions in June 2019. He began working at the ODPP in 1993 as a Legal Clerk in the ODPP Secretariat, later becoming a solicitor and then Trial Advocate in both the Sydney and Western Sydney offices. Appointed as a Crown Prosecutor in 2005, Huw 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, he became Acting Deputy Director of Public Prosecutions in March 2018.

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

Peter McGrath SC was appointed as Deputy Director of Public Prosecutions in April 2018. He commenced practice as a solicitor with the Commonwealth Director of Public Prosecutions in 1984 and six years later was called to the Bar. During 20 years of private practice, he appeared for both the defence and prosecution in criminal trials, as well as appearing in coronial proceedings and before the Police Integrity Commission as counsel assisting or for affected parties. Peter was appointed as a Crown Prosecutor in 2012 and in 2017 was appointed as Deputy Senior Public Defender. He served as a member of the NSW Bar Association's Professional Conduct Committee and Wellbeing Committee and as an instructor with the Australian Advocacy Institute. Peter was appointed as a Judge of the District Court in February 2022.

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

Frank Veltro SC was appointed as Acting Deputy Director of Public Prosecutions in May 2021. He was employed by the ODPP as a solicitor between 1988 and 1992 before being appointed as prosecuting counsel in Hong Kong, where he appeared on behalf of the Crown in jury trials and conviction and sentence appeals in the Hong Kong Court of Criminal Appeal. Upon his return in 1997 he practised at the NSW Bar and was appointed in-house counsel with the Commonwealth DPP in 1998. Frank was appointed as a Crown Prosecutor (NSW) in 2000, Deputy Senior Crown Prosecutor in 2019 and as Senior Counsel in 2020. Prior to his appointment as Acting Deputy Director, he was the Deputy Senior Crown Prosecutor for Sydney West and head of the Court of Criminal Appeal Unit. He has been a member of the NSW Bar Association's Professional Conduct Committee and Criminal Law Committee and is presently a member of the Education Committee.

**Michelle England BA LLB  
Acting Deputy Director of Public  
Prosecutions**

Michelle England was appointed as Acting Deputy Director of Public Prosecutions in February 2022. After practising as a solicitor at a leading commercial firm and later at the Crown Solicitor's Office, she was called to the Bar in 2006. There, Michelle had an extensive trial and appellate practice in criminal and administrative law. In 2021, Michelle was appointed as a Crown Prosecutor and then as an Acting Deputy Senior Crown Prosecutor (Sydney) and Acting Deputy Senior Crown Prosecutor (Sydney West) in turn, appearing in numerous jury trials and on appeals in the Court of Criminal Appeal and in the High Court. Michelle has been a member of the NSW Bar Association's Criminal Law Committee and Professional Conduct Committees.

**Ken McKay SC BAB  
Acting Senior Crown Prosecutor**

Ken McKay SC was appointed as Acting Senior Crown Prosecutor in December 2021. He commenced practice as a solicitor with the ODPP in 1987, later becoming a Trial Advocate. Since his appointment as a Crown Prosecutor in 2000, Ken has appeared in some of the country's most complex and high-profile jury trials in the District Court and Supreme Court. He was appointed as a Deputy Senior Crown Prosecutor in 2017, serving as a Deputy Senior Crown Prosecutor for Sydney and Sydney West. He was appointed Senior Counsel in September 2020.

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

Craig Hyland was appointed as Solicitor for Public Prosecutions in February 2015. He has more than 25 years' experience in the criminal justice system and has been a solicitor, a manager and a senior executive in the ODPP NSW. Craig was appointed as Solicitor for Public Prosecutions in Victoria in 2009, holding that role until his appointment to his current position. He graduated from the University of NSW with a Bachelor of Laws and a Bachelor of Jurisprudence in 1985 and holds postgraduate qualifications in Public Administration from the University of Sydney.







# 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 her 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 13 Deputy Senior Crown Prosecutors (DSCPs). The DSCPs are briefed in the most complex matters. The Sydney Crown Prosecutors Chambers has nine 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 provides statewide assistance.

Each office has local Crown Prosecutors, Solicitor Advocates, solicitors, 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.

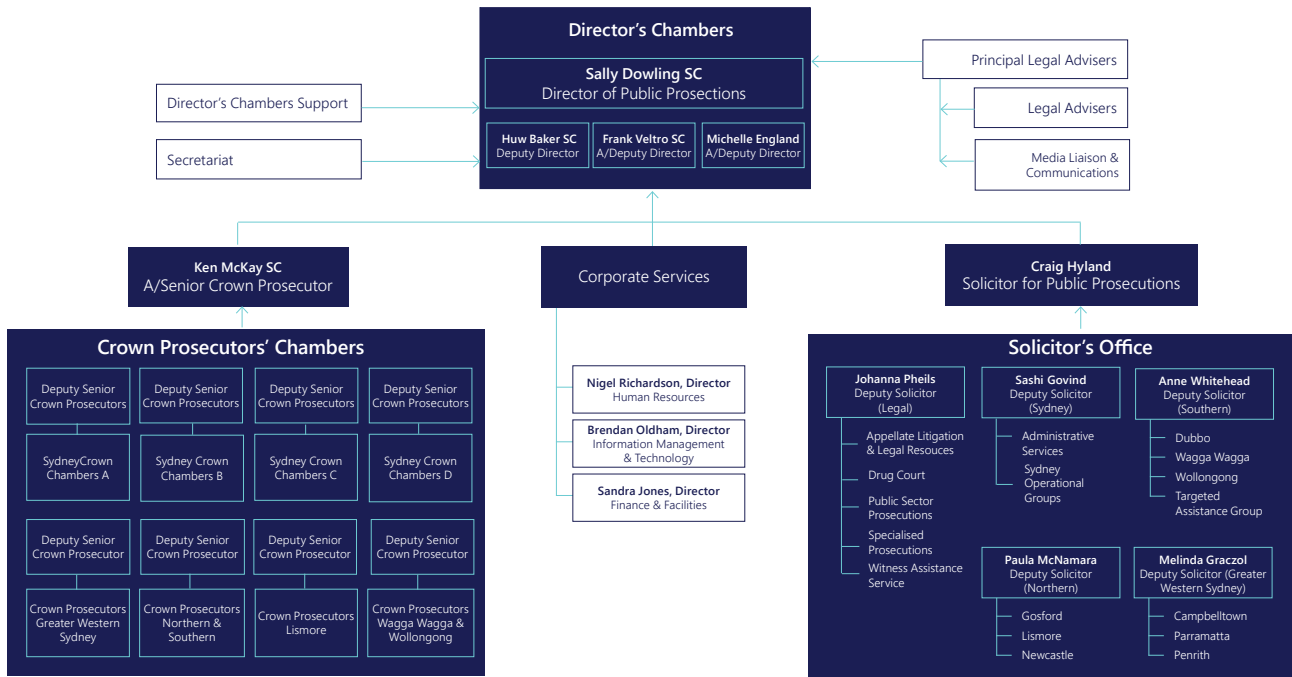
The Solicitor's Office also has several specialised groups located in Sydney, led by the Deputy Solicitor (Legal). Those are the Witness Assistance Service; the Public Sector Prosecutions Unit which prosecutes referrals from the Independent Commission Against Corruption (ICAC) and undertakes confiscation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

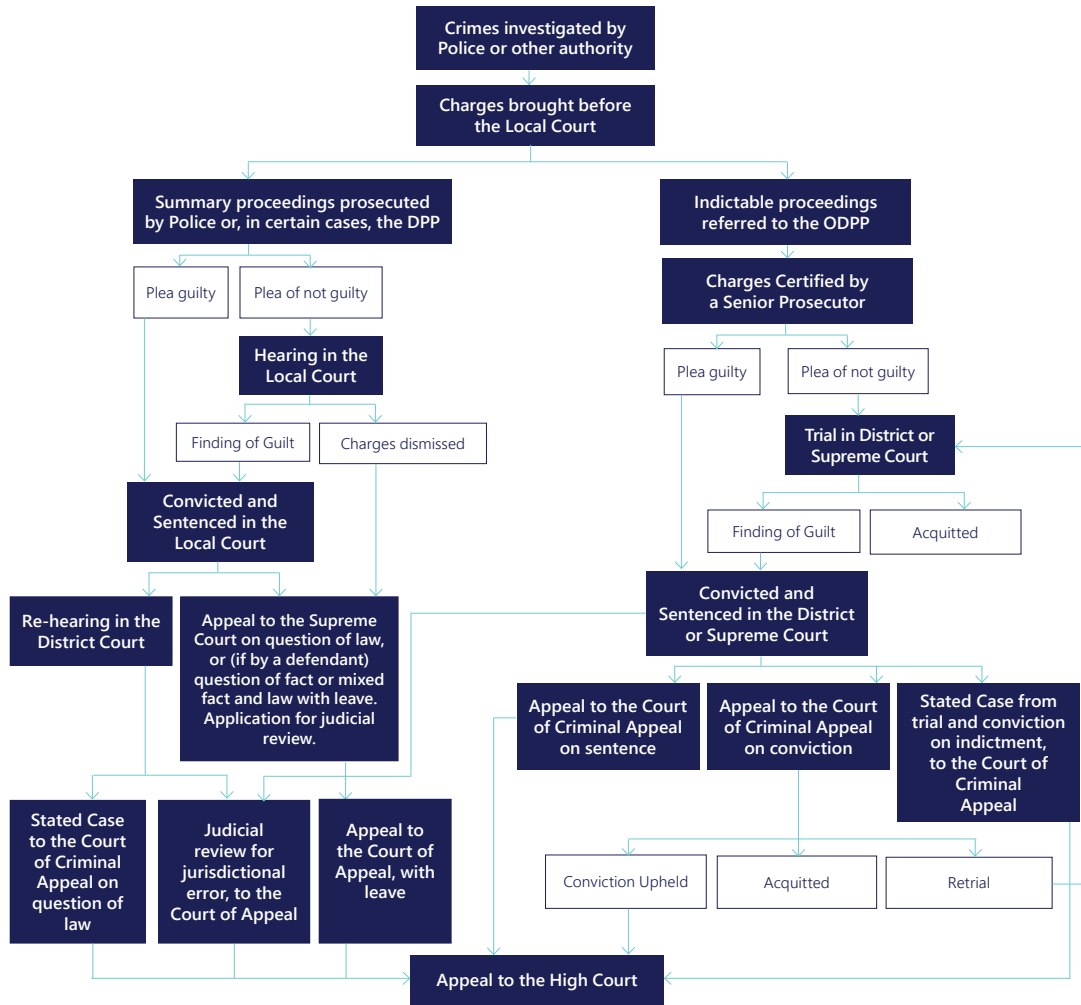
The Office is supported by a Corporate Services Division comprising three groups each led by a Director. Those groups are Human Resources, which includes Learning & Development; Information Management & Technology; and Finance & Facilities. All Corporate Services staff are located in Head Office in Sydney.



# 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 Central Recovery Team (CRT) established at the commencement of the pandemic, chaired by the Director of Public Prosecutions and attended by senior executives across the organisation, continued to meet during this year. It responded in a proactive and coordinated manner to government action in the form of Public Health Orders (PHOs) affecting office attendance and travel and to the numerous changes in court practices across all jurisdictions. Decisions of the CRT were swiftly communicated to all staff by the Director.

A dedicated intranet page was maintained as a central point for all COVID-19 related issues, including health advice and court listing practices. An ODPP COVID-19 Internal Policies document was created and regularly updated to enable staff to stay informed about the measures currently in force. Over the course of the year, this was supplemented by associated policy documents including the External Visitor Policy, the Vaccination Policy and Rapid Antigen Test (RAT) Testing Procedures.

The Office had its first case of COVID-19 in August 2021 in a regional office. From that point there was a gradual increase in COVID-19 cases, eventually affecting all offices. ODPP staff invariably allowed management to communicate their COVID-19 status and details of any recent office attendances to their colleagues, which greatly assisted the Office to carefully manage any potential close contacts.

The development of the Vaccination Policy was informed by a robust risk assessment process. A risk framework was developed,

with facilitation and oversight by external consultants. A key part of the process was a staff survey which was conducted in mid-September 2021. The results overwhelmingly supported the Office mandating COVID-19 vaccination for all staff. A draft Vaccination Policy was then circulated to all staff allowing a two-week consultation period. When formally announced on 18 November 2021, the Vaccination Policy nominated 17 January 2022 as the vaccination deadline, thereby allowing staff two months to comply with, or submit grounds for consideration of exemption under, the Policy. Extremely high rates of compliance with the Policy were achieved.

To streamline and manage the receipt of sensitive medical information from staff, the Office set up an online Vaccination Register for staff to lodge their certificates. This was enhanced to permit registration of COVID-19 diagnoses as well as any periods of isolation required under the PHOs.

Throughout this entire period, as rules affecting court practices in all jurisdictions, in both metropolitan and regional locations, were subject to variation, the Office maintained operations and managed court appearances. The Office participated in regular consultation with the courts as to the various changes. In this fluid environment, ODPP staff were required to adjust their work practices regularly in line with a series of memoranda and Practice Notes issued by the respective Heads of Jurisdiction. Court appearance via audio visual link continued when appropriate and acceptable to the Bench.

## 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.

Internally, flexible working, mask-wearing, social distancing and good hygiene practices continued to be followed.

On 25 October 2021, District Court Practice Note 23 came into effect. This Practice Note imposed significant obligations on the ODPP, in particular regarding ascertaining the vaccination status of all witnesses, Police and prosecution solicitors and Crown Prosecutors attending jury trials and making arrangements for them to present for testing prior to Court. The Office issued a detailed COVID-19 Jury Trial Preparation Guide to coincide with the commencement of the Practice Note. Notable challenges over this period included managing sudden absences of trial solicitors due to COVID-19 and complying

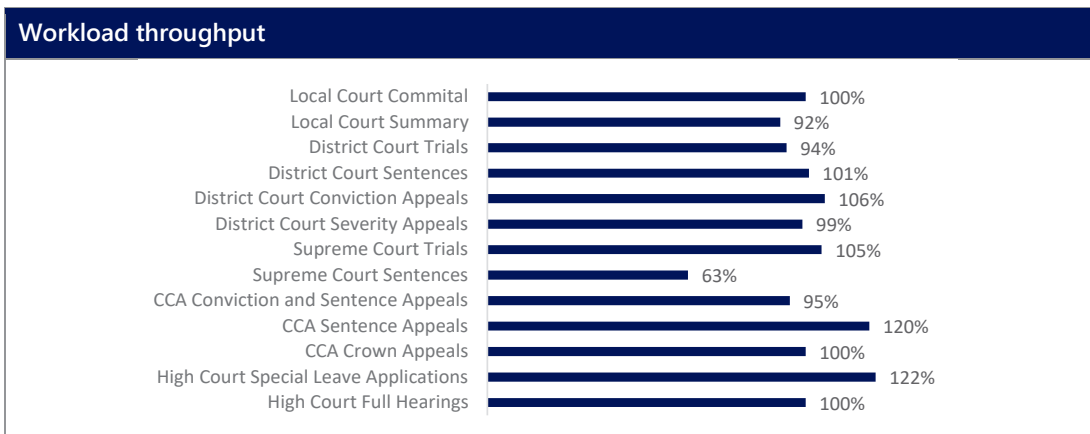
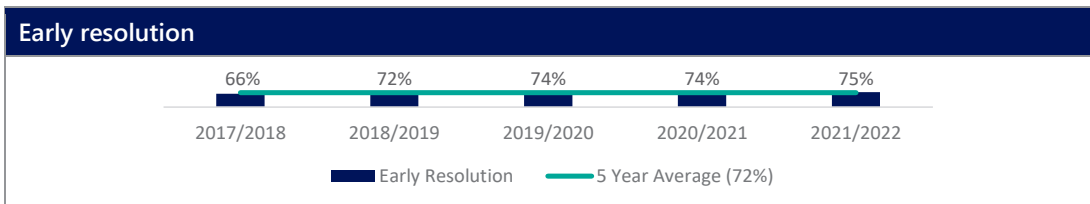
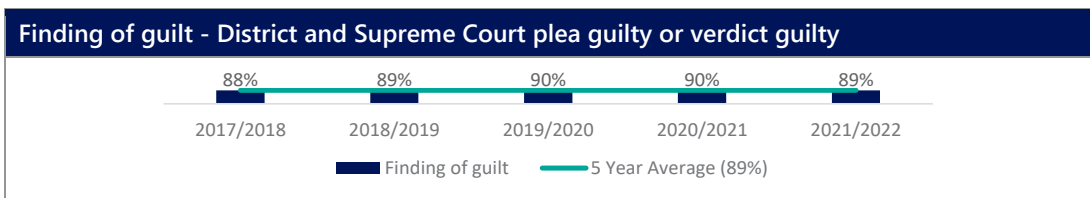
with varied practices in different courts and jurisdictions. The Office engaged proactively with other stakeholders, importantly the respective Heads of Jurisdiction, Courts and Tribunals Services and the Office of the Sheriff of NSW to manage these issues.

In early 2022, the Omicron wave resulted in high rates of infection in the community. A significant number of staff tested positive for COVID-19 during this period which presented ongoing challenges for managers and staff in ensuring operational demands were met. To accompany staff returning to the Office in January 2022, the Director formalised RAT Testing Procedures whereby staff were required to comply with and document a weekly routine of testing which depended on the number

of days of attendance at the office. The Office sourced and distributed supplies of RATs to support the procedures.

As the Omicron wave subsided, the CRT continued to meet on an ad hoc basis and where necessary adjusted the COVID-19 workplace measures, with a view to maximising the wellbeing of staff while ensuring that ODPP operations were met.

As the pandemic progresses through its third year, the CRT will continue to meet as required, providing transparent and timely advice to staff in respect of changes to procedures and processes necessitated by updated NSW Health and government recommendations.



# Achievements

## Finding of guilt

This year, 89% 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, 75% 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 35%.

## Throughput

The high rate of clearance of matters throughout the courts continued this year. On average there was a 98% clearance rate of Local Court matters – that is, the number of matters finalised in the Local Court was equivalent to 98% of matters registered in the same period. In the District Court, the clearance rate was 101% for sentences and 94% for trials. In the Supreme Court, sentences achieved a clearance rate of 63% and trials 105%.

## 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 reform aimed to facilitate the entering of appropriate guilty pleas in the early stages of a prosecution. At the end of this year, the EAGP system had been in operation for four years.

The five key elements of the reform are:

- early disclosure of a simplified brief of evidence
- Charge Certification
- mandatory criminal case conferencing
- case management and continuity
- sentencing discounts.

## EAGP Operations

In the past year, the proportion of EAGP matters being conducted by the Office has continued to increase to the point where, on 30 June 2022, the vast majority of matters on hand were EAGP matters. Consistent with this, the number of matters on hand which were registered under the 'legacy' committal system continues to dwindle. As at 30 June 2022 there were 134 legacy trials on hand.

The EAGP system imposes a rigorous timetable for certification of charges on the prosecution. Under Local Court Practice Note Comm 2, the ODPP has six weeks from the receipt of the Brief of Evidence to certify charges. During this period, three separate reports are prepared, from the solicitor with carriage, their Managing Solicitor and finally the certifier who issues the Charge Certificate. The certifier is a senior solicitor within the organisation, usually a Crown Prosecutor or Solicitor Advocate. Within the allocated period, any new charges need to be laid and the finalised Charge Certificate will be generated, executed, served and filed. The solicitor must also prepare a detailed Crown Case Statement, seek and document the views of the Police Officer in Charge and any victim about the matter and consider making a proposal for achieving an appropriate resolution of the charges by way of a plea of guilty. After the Charge Certificate is filed, the parties attend a mandatory case conference designed to facilitate negotiations.

During the year, the ODPP certified charges in 4768 matters and attended 3809 case conferences. This does not take into account

numerous matters which went through the certification process, requiring the preparation of reports and a Crown Case Statement, which resolved in a plea in time for the certification mention, thereby obviating the need for a Charge Certificate to be filed.

The Office has continued to refine its Standard Operating Procedures on the management of EAGP matters. Templates have been developed and enhanced to assist solicitors in the preparation of EAGP reports, with a view to ensuring that where plea negotiations are unsuccessful, matters will be ready for trial in the higher court in compliance with the stringent Practice Notes.

On 3 August 2021, the NSW Bureau of Crime Statistics and Research (BOCSAR) published qualitative and quantitative studies into the EAGP reforms. These studies formed a key part of the evaluation framework which was set up at the commencement of EAGP. The results were presented to the EAGP Steering Committee, chaired by the Chief Judge of the District Court and attended by leaders of stakeholder organisations, including the Director and the Solicitor for Public Prosecutions.

BOCSAR's key findings were that the primary aim of the reforms is being achieved. EAGP is delivering a greater proportion of pleas of guilty in the Local Court than occurred under the previous system. The increase in early guilty pleas is not as significant as was expected, however various factors have impacted on the ability of the authors of the quantitative study to properly assess the reform's efficacy, including the delays due to COVID-19 and the effect of additions to Tables 1 and 2 offences to Schedule 1 of the *Criminal Procedure Act 1986*. It has been suggested that the degree of system stability required to enable trends to be measured with an appropriate degree of accuracy may not be reached for another two or three years.



Flowing from the evaluations, the Policy Reform and Legislation Branch of the Department of Communities and Justice sought submissions from stakeholders on proposed improvements to EAGP processes. The ODPP responded with a submission in early December 2021 and looks forward to collaborating with the Department and other stakeholders on a program of works informed by both the BOCSAR evaluations and the submissions received from the various agencies.

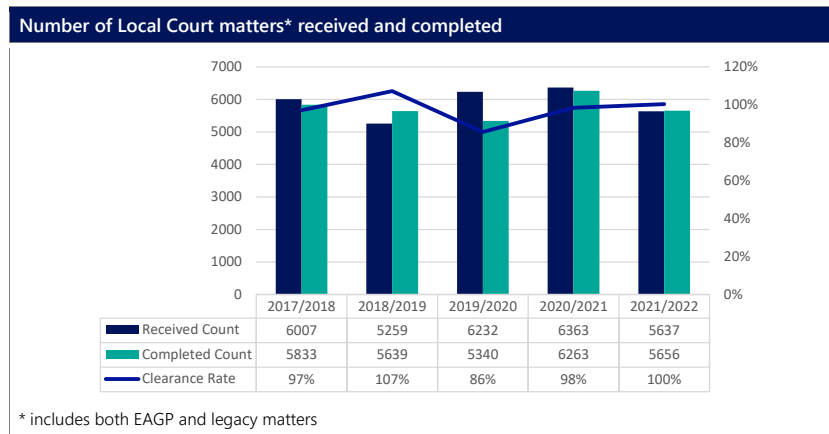
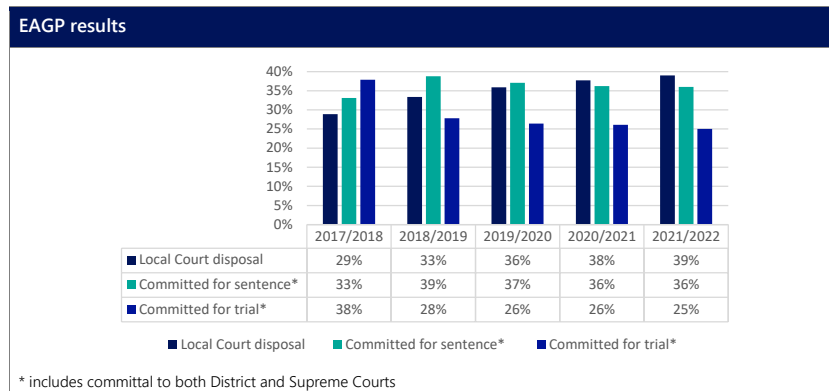
### Internal Monitoring and Advisory Groups

To ensure the success of the EAGP reform, in 2018 the Office established three internal Monitoring and Advisory Groups (MAGs) to track and review the ODPP's performance in the following key areas:

1. internal process, training and stakeholder interaction
2. information management and technology, key performance indicators and reporting
3. 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, headed by the Director. Throughout the year, each MAG continued to meet as issues arose for resolution. The MAG which is responsible for workload has been particularly active this year developing a Workload Weighting Model for all EAGP operations. The first two MAGs were integral to formulating the Office's response to the BOCSAR evaluations.

In addition, the ODPP Business Analyst regularly provides reports to senior management and compliance statistics to managers based on data analysis



Local Court results		No	%
Local Court disposal	Finding of guilt	1192	21%
	Dismissed / Withdrawn	352	6%
	Returned to Police	678	12%
	Referred to the Drug Court	26	0%
	<b>Sub total</b>	<b>2233</b>	<b>39%</b>
Committed to the District Court	Sentence	2011	36%
	Trial	1339	24%
	<b>Sub total</b>	<b>3350</b>	<b>60%</b>
Committed to the Supreme Court	Sentence	7	0%
	Trial	58	1%
	<b>Sub total</b>	<b>58</b>	<b>1%</b>
<b>Total</b>		<b>5656</b>	<b>100%</b>



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 New South Wales Police Force (NSWPF), Legal Aid NSW and the Law Society of NSW and others to identify and resolve issues concerning EAGP processes.

The ODPP provides the NSWPF with a quarterly report detailing the level of compliance of EAGP briefs served on the ODPP measured against the Memorandum of Understanding (MOU). In addition, the ODPP regularly provides training to investigators about the preparation of briefs and the operation of the EAGP regime.

During the latter half of the year, the parties conducted a review of the operation of the MOU as required by the terms of the existing agreement. It is anticipated that an agreed revised version will be signed shortly.

### 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 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 expected to come under review in the forthcoming stakeholder consultation processes being overseen by the EAGP Working Group, chaired by the Department of Communities and Justice.

### Local Court workload and outcomes

This year, 5367 committal files were registered. A total of 5656 committal matters were completed, achieving a clearance rate of 100%. Of significance is the manner of disposal: 2233 matters (39%) were finalised in the Local Court, 2011 (36%) were committed for sentence to the District Court after the accused pleaded guilty and 1339 (24%) were committed for trial to the District Court. The remaining 58 matters (1%) were committed for sentence or trial to the Supreme Court.

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

During the year, the ODPP registered 545 summary prosecutions. Child sexual assaults accounted for 249 (46%) of the matters received. Under a MOU NSWPF, the ODPP conducts the prosecution of sexual assault summary matters involving victims under the age of 16 years.

An average rate of 91% has been achieved over a five-year period for the clearance of summary prosecutions in the Local Court. This year, the NSWPF referred 4270 matters to 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 1260 matters and took over a further 756 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 seven matters during the year.

### District Court workload and outcomes

#### Trials received and completed

In total, 1171 new District Court trials were registered this year. The number of trials completed in the same period was 1100, achieving a 94% 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 year, there were 1827 trials pending in the District Court.

#### Trial outcomes

Of the 1100 matters completed, a total of 492 matters (45%) were resolved by way of plea in the District Court. Trials proceeded in 477 matters (43%), while 114 matters (10%) were discontinued and 17 (2%) were dealt with in other ways.



### Sentences in the District Court

This year, 1970 District Court sentences were registered. In the same period, 1972 sentences were completed, which achieved a clearance rate of 101% for the year.

Over the past five years, the ODPP has achieved an average clearance rate of 101% 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.

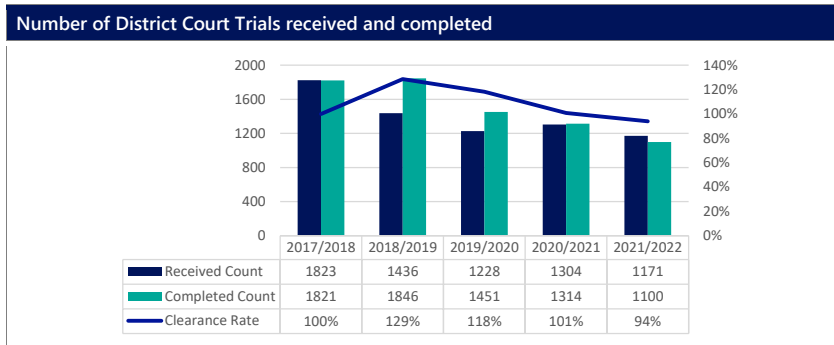
This year, 668 conviction appeals were lodged and 709 finalised across the State, equating to a clearance rate of 106% for the year. The number of conviction appeals lodged this year was a 31% decrease on the previous year. Over the past five years, the ODPP achieved an average 101% clearance rate for conviction appeals.

Appeals lodged against the severity of the sentence imposed by the Local Court totalled 4523, with 4463 matters finalised during the year. The five year average clearance rate of severity appeals is 102%.

Following a referral from the NSWPF for consideration of an appeal, the Crown lodged appeals against the leniency of the sentence of 12 offenders dealt with in the Local Court. Five of the appeals were successful and the other seven dismissed.

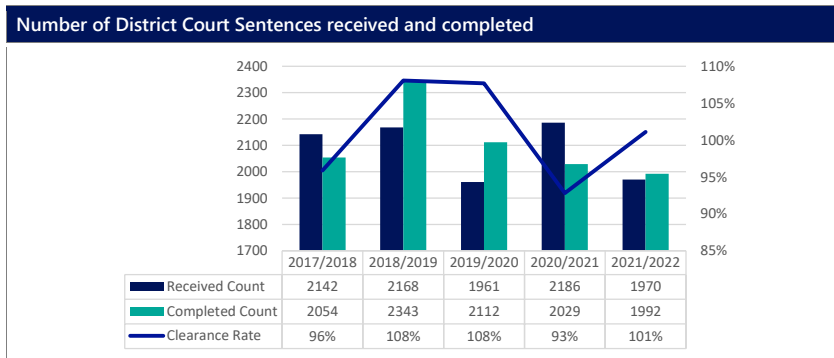
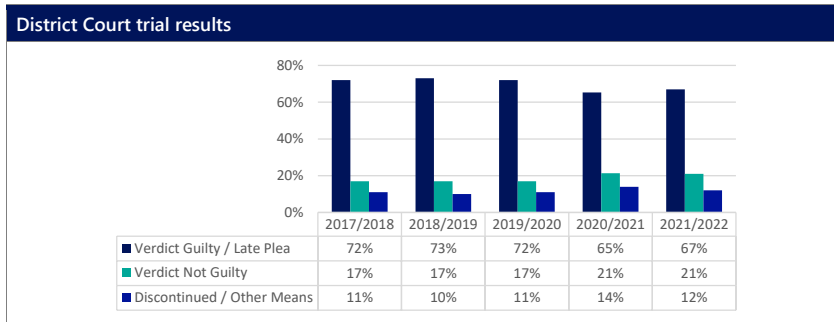
### Drug Court of NSW

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 is to open in February 2023 and is in its planning stage. The solicitors in the Drug Court have



**Results of District Court trials**

	No	%	
Late plea	492	45%	
Trial	Verdict Guilty	244	22%
	Verdict Not Guilty	230	21%
	Verdict by direction	3	0%
Discontinued	114	10%	
Other Means	17	1%	
<b>Total</b>	<b>1100</b>	<b>100%</b>	



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 240 participants in the Drug Court. This is a decrease on the previous year due to the Drug Court closing the ballot to enter the Parramatta and Sydney Drug Courts to new participants when COVID-19 restrictions on movements were imposed.

### Walama List

The Walama List establishes an alternative process for managing cases involving eligible Aboriginal and Torres Strait Islander people who are to be sentenced for criminal offences before the District Court of NSW. 'Walama', taken from the Dharug language, means come back or return. In the context of the Walama List, it refers to a coming back to identity, community, culture and a healthy, crime-free life.

On 31 January 2022, the Walama List commenced sittings in the Sydney District Court. On 4 April 2022, the Walama List inauguration was held in Sydney. This included an official ceremonial sitting in the NSW District Court. Walama List Elders were in attendance along with distinguished guests including The Honourable Justice Derek Price AO, Chief Judge of the District Court; The Honourable Andrew Bell, Chief Justice of NSW; The Honourable Mark Speakman SC MP, Attorney General of NSW; and President of the NSW Bar Association, Michael McHugh SC. Traditional Aboriginal dance and a smoking ceremony were part of the event.

The Walama List introduces a process focused on a more holistic and intensive approach to sentencing that includes

input from Aboriginal and Torres Strait Islander Elders and Respected Persons. It aims to reduce the over-representation of Aboriginal and Torres Strait Islander people in custody by increasing engagement with the Court.

The Walama List introduces an Aboriginal and Torres Strait Islander narrative to better inform the Court about the personal and cultural circumstances of the offender, to assist with the formulation of an appropriate and effective case plan. The objectives of the Walama List are to:

- reduce the risk factors related to reoffending by Aboriginal and Torres Strait Islander people
- reduce the rate of breaches of court orders by Aboriginal and Torres Strait Islander offenders
- increase compliance with court orders by Aboriginal and Torres Strait Islander offenders
- reduce the over-representation of Aboriginal and Torres Strait Islander people in custody in NSW
- increase Aboriginal and Torres Strait Islander community participation and confidence in the criminal justice system
- facilitate a better understanding of any underlying issues which may increase the likelihood of reoffending.

In practice, the Walama List has provided a more intensive, case-managed approach to sentencing, with a significant focus on understanding and addressing an offender's needs. The Walama List brings together stakeholders from within the criminal justice system, along with case workers and community support, to facilitate a coordinated effort by the offender to achieve Walama List objectives. The sittings involve discussions led by Elders and Respected Persons, which are largely had directly with the participant, while the participant's contributions are recorded as evidence

under oath. The conversations provide an opportunity for ODPP solicitors to talk to the offender about matters that will inform the prosecution's position when making submissions regarding the ultimate sentence.

This year, 39 offenders entered the Walama List with the majority of the offences relating to theft (56%) and robbery (31%). One offender was declined entry into the Walama List during the year.

This year, two victims chose to attend conversations with the participants and spoke directly with the offender about the impact the offences had on them. When the Walama model was devised, it was anticipated that victims would be involved in the sentencing conversations. While only two victims have elected to participate directly, many have expressed an interest in the Walama processes and asked that they be kept informed of the progress and outcomes for the offender.

The Walama List has been a mix of interesting, challenging and heart-warming work. There are already two participants who are approaching final sentence. Others are continuing their engagement with the List in circumstances where they might previously have disengaged, such as after failed drug tests or issues with rehabilitation placements.

### Super Call Overs

This year saw a continuation of matters being listed for Super Call Over (SCO) in the District Court 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 successful negotiation are listed before a designated District Court Judge. A Deputy Director of Public Prosecutions reviews the



matters and engages in discussions with defence counsel with a view to resolving the matters. In larger centres, the SCO can involve more than 100 matters spread over a week. The smaller lists may have 40 matters and run for a couple of days. The team of solicitors and legal support staff working on the SCO will prepare each matter meticulously, ensuring that appropriate consultation takes place with Police and victims. Matters which resolve are listed for sentence expeditiously.

There are significant benefits where a matter can be resolved before trial. They include the saving of the operational costs of running those trials for the parties, Police and the Court; reducing the trial backlog; and the avoidance of uncertainty and of the need for victims and witnesses to attend to give evidence at trial. Accused persons also benefit from the early resolution of matters.

Nine SCOs were conducted during the year, with two SCOs conducted at Albury District Court and one each at Campbelltown, Gosford, Goulburn, Newcastle, Parramatta, Port Macquarie and Sydney District Courts. The resolution of matters via this process, as in previous years, again showed pleasing results. A total of 847 days of District Court sitting time were saved.

### Supreme Court workload and outcomes

This year, 52 homicide prosecutions were committed to the Supreme Court: 44 for trial and eight for sentence. During the same period, 51 matters – 46 trials and five sentences – were completed. The majority of trials were conducted at the Sydney Supreme Court with trials also conducted at Coffs Harbour, Dubbo, Newcastle and Wagga Wagga.

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

Over the last five-year period, the ODPP has achieved an average clearance rate of 99% for Supreme Court trials and 96% for Supreme Court sentences.

### 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 year, the ODPP appeared in 2858 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.

Results of Supreme Court trials		No	%
Late plea		6	13%
Trial	Verdict guilty	28	61%
	Verdict not guilty	10	22%
Discontinued		0	0%
Other		2	4%
<b>Total</b>		<b>46</b>	<b>100%</b>

Completed Court of Criminal Appeal matters	No
Crown interlocutory appeals	2
Defence interlocutory appeals	14
Crown appeals: inadequacy of sentence	23
Crown appeals: judge-alone acquittals / directed verdict of not guilty / question of law after acquittal / Stated Case	8
Defence conviction (and conviction and sentence) appeals	100
Defence sentence-only appeals	169
<b>Total</b>	<b>316</b>

High Court special leave applications and appeals					
	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
<b>Completed Applications for special leave to appeal</b>					
Applications by the offender	16	16	17	15	28
Applications by the Crown	0	3	0	0	0
<b>Hearings conducted after grant of special leave</b>					
Appeals by the offender	2	0	4	2	4
Appeals by the Crown	0	3	0	0	0

## Court of Criminal Appeal

This year saw the commencement of the Supreme Court (Criminal Appeal) Rules 2021 on 1 May 2021. The key change affecting this Office is the time limit of 28 days now imposed on the filing of Crown sentence appeals (without requiring leave) in the Court of Criminal Appeal. Of the 23 Crown sentence appeals filed, six were abandoned upon review of the transcript and judgment, which were not available at the time the appeal was directed.

Also of note were the number of Crown appeals filed against acquittals, pursuant to Part 8 Division 3 of the *Crimes (Appeal and Review) Act 2001*:

- s 107(1)(a) empowers the Director to appeal against a directed verdict of not guilty and s 107(1)(b) against a judge-alone acquittal, on any ground that involves a question of law alone. Five appeals were filed as a result of judge-alone acquittals, possibly a correlation with the increased number of judge-alone trials held as a result of COVID-19
- s 108 empowers the Director to submit any question of law arising in connection with an acquittal but the determination of the question does not affect the verdict. The one appeal under this section filed – the decision in which remains restricted – was the first ever for this Office.

## High Court of Australia

This year, the ODPP was a party to 28 applications for special leave to appeal to the High Court of Australia, all made by an offender. That was a significantly higher number of applications compared to previous years and nearly twice as many compared to last year.

The ODPP also appeared in four High Court appeal hearings following grants of special leave. Those matters were:

- **Hoang v The Queen** (S146-149 of 2021) – the High Court held that a juror had engaged in misconduct by making an inquiry on the internet to obtain information about a matter relevant to the appellant’s trial (the requirements for a Working with Children Check) and that the trial judge erred by taking 10 verdicts before discharging that juror. The High Court allowed the appeal in part and ordered a new trial.
- **Hofer v The Queen** (S37 of 2021) – the High Court held that questions asked by the Crown Prosecutor during cross-examination of the appellant, including questions suggesting that parts of the appellant’s evidence were a recent invention, were impermissible and prejudicial. However, a majority of the High Court found that there had been no substantial miscarriage of justice and dismissed the appeal.
- **Park v The Queen** (S61 of 2021) – the High Court considered the correct interpretation of s 22(1) of the *Crimes (Sentencing Procedure) Act 1999* which provides that, where a guilty plea has been entered for an offence dealt with summarily, a court passing sentence may ‘impose a lesser penalty than it would otherwise have imposed.’ The High Court held that the penalty that the court ‘would otherwise have imposed’ is to be determined without regard to any jurisdictional limit and dismissed the appeal.
- **Stephens v The Queen** (S53 of 2022) – the High Court considered the retrospectivity of s 80AF of the *Crimes Act 1900*, which applies where there is uncertainty as to when a sexual offence against a child is alleged to have occurred and there has been a change in the law or the age of the child during that period and effectively

permits the prosecution to rely upon whichever offence provision applied during that period and had the lowest maximum penalty. The High Court’s judgment is reserved following the hearing.

## Trial Development List

The Trial Development List (D-List) continues to support the development of solicitors by providing skills and experience to conduct short and less complex trials in the District Court.

An expression of interest was called for to refresh the list of solicitors available to be briefed. This year, as with last year, 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 and the continuing impact of COVID-19 restrictions. Many new solicitors were added to the list, replacing those who were promoted to the role of Solicitor Advocate.

A Briefing Protocol remains in place and ensures consistency and transparency in briefing practices. There are D-List solicitors in all 10 office locations as well as dedicated mentors ranging from Crown Prosecutors to Deputy Directors.

A customised training program was implemented this year for D-List solicitors. The training was delivered by both internal and external presenters including Deputy Senior Crown Prosecutors and experts from the Forensic & Analytical Science Service. These training sessions were held monthly and included topics such as:

- Expert DNA evidence: Transfer, Deposition and Persistence
- Shortening the Length of Trials: How and Why
- Trial Directions
- Opening Addresses.



There is also a dedicated space on the Learning in Action intranet portal, providing access to previous training sessions and other resources for D-List solicitors.

This year, there was a sharp increase in the number matters briefed. The predominant charge categories were drug offences (30%), assault (20%) and theft (18%). Pleas of guilty were successfully negotiated in 54 matters and 29 matters proceeded to verdict, allowing the D-List solicitors briefed to gain invaluable experience. Solicitors still gain important skills and experience, as well as access to experienced mentors, in trials that plead or do not run to verdict.

### **Junior Advocate Program**

A significant initiative of the past year was the introduction of the Junior Advocate Program. The program provides further development opportunities by briefing D-List solicitors to appear as a Junior to a Crown Prosecutor in suitable District Court trials. This expansion of the D-List has resulted in more opportunities for D-List solicitors.

Junior Advocates actively assist with preparing and conducting the trial in consultation with the Crown Prosecutor. What is required of a Junior Advocate in any matter will depend on the particular circumstances of that matter. Tasks may include drafting opening and closing addresses and written submissions for legal argument; attending conferences with witnesses, Police and defence representatives; preparing draft reports and written submissions to the Director; and sharing with the Crown Prosecutor the responsibilities of addressing the Court, leading evidence and cross examining non-controversial witnesses.

Training has been delivered for D-List solicitors as part of the 2022 training program on how to junior, while training has also been delivered to Crown Prosecutors on leading D-List Solicitors.

The Junior Advocate Program is comparable to the well-established reading program offered by the NSW Bar Association for new barristers. Appearing with, and observing, a lead counsel is an excellent way for solicitors to develop their own skills and advocacy. The Crown Prosecutor who leads the D-List solicitor provides a supervisory and mentoring role as the solicitor gains invaluable experience in the running of District Court trials.

A primary benefit of the program is that the Office creates a learning environment, where the D-List solicitor has an experienced Crown Prosecutor alongside them at the bar table. This builds the skills and confidence of the D-List solicitor. It also benefits the legal profession and the community the ODPP serves by ensuring there is a succession of skilled and experienced advocates for the future.

The Office has received positive feedback in response to the Junior Advocate Program. Solicitors value the opportunity for professional development and the investment in their growth as advocates, while the mentoring undertaken by Crown Prosecutors enhances their leadership skills and further builds collegiality and rapport with solicitors.

Following implementation of the program in October 2021, we were able to brief 28 D-List solicitors as Junior Advocates in trials led by a Crown Prosecutor.

### **Targeted Assistance Group**

This year, the Targeted Assistance Group (TAG), which presently comprises seven or eight experienced solicitors working full-time, has continued to provide invaluable support to ODPP offices both in metropolitan and regional areas. 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, where there is no nearby ODPP office.

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 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 again had a significant impact on the work of TAG during the year. Travel restrictions, particularly to regional centres, and stay at home orders impacted TAG's ability to provide localised assistance across the State. The situation eased in October 2021 and operations began to return to normal.

TAG also provided much-needed assistance after the devastating floods in Lismore and the Northern Rivers in early 2022. The disaster forced the closure of the Lismore office for more than 11 weeks and resulted in increased travel for staff members appearing in other regional courts.

In total, TAG provided 288 weeks of assistance to ODPP offices in the past year. Due to COVID 19, 63 weeks of assistance were provided remotely from the solicitor's home office. The total does not include the Moree practice work which is ongoing

throughout the year and involves in-person attendance at the Moree District Court sittings.

### **Panel of Non-Salaried Crown Prosecutors**

In 2022 the ODPP reviewed the 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 2021, an increase in District Court listings and the compounding impact of COVID-19 delays, led to NSCPs being briefed in more matters, sometimes at short notice. During the year, 49 counsel from the panel were briefed to appear in 186 matters. The Director retained two private Counsel in 2021/2022 to backfill a Crown Prosecutor on long term leave and another on an approved secondment. The first retained NSCP was attached to the Penrith office until January 2022. The second Counsel commenced in May 2022 and was briefed for the Crown in Court of Criminal Appeal matters for a period of eight months.

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

Sixteen private counsel, not on the panel but approved by 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 of Australia. The Policy was adopted by this Office in 2016. Efforts continue to be made to ensure that the ODPP contributes to the goal of

briefing women in at least 30% of all matters. This year, 36 of the 63 private barristers the Office briefed were women, being a total of 57%. This is an increase from the 46% of matters briefed to women in the previous 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), consisting of three digital technicians, is based in the Head Office in Sydney and forms part of the Administrative Services Team. The MSU is now well established as the Office's central point for the editing, conversion and enhancement of digital material, as required for criminal trials statewide. It is constantly seeking ways to improve software, hardware and workflows in order to provide better, more efficient and effective service to the ODPP.

The MSU's functions and service to the organisation continue to adapt to changing workplace dynamics, facilitating effective remote working conditions for staff. MSU's operations are structured so that most requests can be managed in a remote working environment. This increases the team's ability to provide consistent and efficient service.

The MSU continues to provide support and assistance to other ODPP SharePoint initiatives which provide various means to securely store and share digital material, either within the Office, or externally with other parties. The MSU also advises ODPP staff on multimedia matters and assists with administration of the SharePoint initiatives when necessary.

This year, the MSU logged a total of 9532 requests, a 26% increase on the previous year.

The majority of requests were created by Head Office staff with 47% of total requests. The next highest volume of requests were received from Parramatta, followed by Newcastle offices.

The highest number of requests pertained to matters involving child sexual assault, constituting approximately 27% of total requests. The next highest number of requests were received in charge categories of assault and sexual assault.

### **CASES Replacement Project**

In October 2020, funding was approved by Treasury to commence a project to replace the existing Criminal Advocacy Search and Enquiry System (CASES), a bespoke legal matter management system used by the ODPP to manage all matters.

The key priorities of the project are to remove the significant operational risks associated with an end-of-life platform and to position the ODPP for future digital and operational capabilities. A modern matter management system will support streamlined processes and workflows to improve how the ODPP delivers its services and enable staff to work more efficiently.

After an extensive procurement process, the ODPP selected the Appian Platform and engaged their professional services to configure and implement the new system. The build of the system commenced in May 2022.

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 legacy system in order to refine the requirements of the new system and identify opportunities for enhancements and improvements.

As part of the overall governance structure to ensure that the new system meets the needs of the ODPP, a Project Leadership Group (PLG) was formed. The PLG consists of senior operational leaders from across the Office. The PLG is extensively consulted regarding key decisions and provides advice on how the new system may affect the work of different areas of the Office. A Working Group has also been established to provide feedback on specific requirements and functionality. The project is overseen by the CASES Replacement Project Steering Committee, chaired by the Director.

The project team is responsible for ensuring the successful integration of the new platform with internal and external justice cluster systems, as well as data migration and development of an appropriate security model.

The ODPP Learning & Development team will assist the project team to develop learning materials and training sessions for the new application as part of a comprehensive change management program.

The date on which the new application will be rolled out office wide is currently being finalised.



# 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					
	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Number of Orders Applied for (FO, PPO and DPO)	482	638	352	260	225
Number of Orders Granted	468	626	345	260	222
Number of Forfeiture Orders (FO)	440	594	303	245	200
Number of Pecuniary Penalty Orders (PPO)	6	8	1	1	1
Number of Drug Proceeds Orders (DPO)	22	21	19	14	10
Percentage of matters where application was successful	97%	98%	98%	100%	99%
Total estimated value of property confiscated (millions)	\$6.2	\$5.7	\$5.8	\$3.8	\$5.7

# 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 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 ODP					
	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
<i>Criminal Procedure Act 1986</i>	37	17	24	19	17
<i>Costs in Criminal Cases Act 1967</i>	17	24	21	32	20
Mosely Orders	3	3	5	7	6
<i>Crimes (Appeal and Review) Act 2001</i>	0	1	1	8	3
<i>Crimes (Domestic and Personal Violence) Act 2007</i>	0	0	0	2	0
Total number of orders	57	45	51	68	46
Total value of orders made	\$634,057	\$466,739	\$939,503	\$1,448,271	\$817,548
Number of matters registered by ODP in period	19,021	18,167	17,466	16,215	14,901
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	6
Adjournment because full brief not served - <i>Criminal Procedure Act 1986</i>	2	5	1	0	3
<i>Criminal Procedure Act 1986</i> - other adjournments	0	0	6	6	0
Other costs orders	52	37	39	55	37
<b>Total</b>	<b>57</b>	<b>45</b>	<b>51</b>	<b>68</b>	<b>46</b>



# Goal 2

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

# Witness Assistance Service

The Witness Assistance Service (WAS) is an integral part of the Office 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 based in each of the 10 ODPP offices, including a central intake team in Sydney. 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 and the rights of victims pursuant to the Charter of Victims' Rights, as well as crisis counselling, assessments and referral to other agencies. WAS engages in the preparation of witnesses for court and works closely with ODPP legal staff, aiming to reduce re-traumatisation and working to ensure that victims and witnesses can give their best evidence.

Aboriginal and Torres Strait Islander WAS Officers are a valuable resource for the ODPP, providing specialist services to Aboriginal and Torres Strait Islander victims and witnesses and their broader communities. As part of our goal of enhancing service delivery, particularly in the Dubbo and Wagga Wagga offices, WAS has recruited for new staff in both locations. The team is also beginning to network with other Aboriginal and Torres Strait Islander WAS teams across the country. A number of WAS Officers attended the Office's inaugural Aboriginal and Torres Strait Islander Networking event in May 2022.

## WAS workload

During the year, there were 2678 new referrals to WAS, of which 80% related to sexual assault. Nearly half of these new referrals were under 18 years of age. At the end of the year, the Service was working with 7816 active referrals. Aboriginal and Torres Strait Islander referrals accounted for 16% of all referrals this year.

## Strategic Planning

The focus next year is to create a more trauma-informed service across the entire prosecution team. WAS is working with the Director and Solicitor's Executive to develop and implement in-house training and workshops for new and current staff. The Office is also looking to engage external training providers to complement this work and further embed these principles into our everyday practice.

Building engagement and relationships with external agencies and stakeholders is critical to the work of WAS. This includes regular attendance at interagency meetings, providing legislative feedback and planning around key issues and challenges. WAS participates in several interagency networks including the Sexual Assault Review Committee, Domestic Violence Review Committee and Victims of Crime Interagency Group. WAS also highly values the work of its court support partners.

One key focus for WAS is the enhancement of staff wellbeing and resilience. A mentoring program has been implemented for inducting new staff into the Office and new senior staff into management roles. Training opportunities are also being explored to enhance the skills of experienced senior staff. WAS is also looking to further diversify its workforce to better represent the community we serve. Attracting qualified, experienced, diverse staff and retaining talent is essential for high quality service delivery.

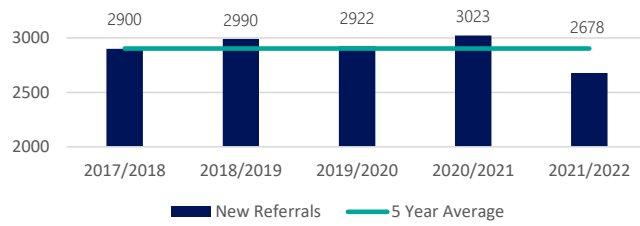
WAS prioritises open lines of communication across the Office. This includes providing clear briefings to the Solicitor's Executive and Director's Chambers and meeting regularly to discuss how WAS can work most effectively with legal staff in executing a best practice prosecution service model.

## Goal 2 Strategies

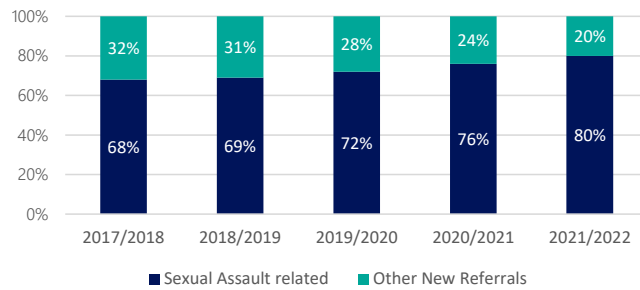
- Ensure the services we provide to victims and witnesses are at the core of our work
- Uphold the Charter of Victims' Rights
- Engage in timely communications with victims and witnesses to inform them of the prosecution process.



### New WAS Referrals



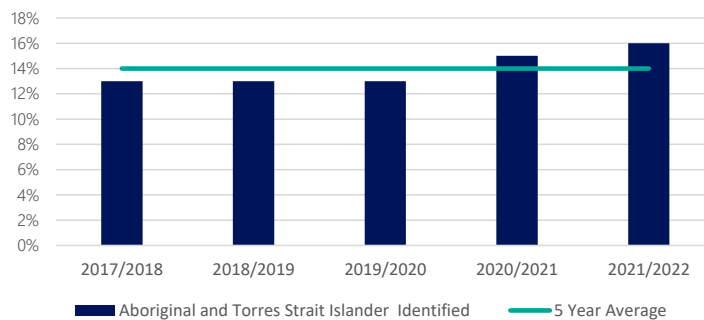
### Percentage of Sexual Assault Referrals



### Sexual Assault Referrals by Type



### Aboriginal and Torres Strait Islander Referrals



# Child Sexual Offence Evidence Program

The Child Sexual Offence Evidence Program (the Program) operates in the Sydney and Newcastle District Courts. In April 2022, the Program was extended until June 2024.

The Program, which involves the use of Witness Intermediaries and the pre-recording of children's evidence, is designed to reduce the stress and trauma of the trial process for child sexual offence victims and child witnesses who will give evidence for the prosecution.

The child is (or children are) 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 child's evidence, including their cross examination, is pre-recorded without a jury present. The pre-recording takes place in a less formal setting than a trial court and usually occurs months, or even a year, before the trial is listed to begin. This pre-recorded evidence is played when the remainder of the trial takes place in lieu of the child attending, greatly reducing the stress children suffer and lifting the burden of giving evidence at court much earlier.

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

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

Between 1 July 2021 and 30 June 2022, 67 new matters entered the Program: 45 in Sydney and 22 in Newcastle. In this same period, pre-recorded hearings were completed by victims and child witnesses in 94 matters. Both the numbers for new matters entering the Program and the completed pre-recorded hearings were lower than for the previous year but this reflects the delays caused by the COVID-19 pandemic and the reductions in court capacity.

The NSW Police Force also continued to use Witness Intermediaries to assist at the police interview stage. While not all 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 victims and child witnesses.

The ODPP also uses and funds Witness Intermediaries in Out of Program matters where the victim or witness is particularly vulnerable and requires assistance to give the best evidence they can. In such cases, Witness Intermediaries have assisted victims in matters that fall outside the Program catchment areas or those that are not heard in the District Court. Approval is given for the victim or witness to be assessed by a Witness Intermediary and a report commissioned. The Office then applies to have the recommendations in the report reflected in subsequent questioning at trial or hearing. In a small number of matters, the Office has also applied to have the Witness Intermediary assist the victim or witness 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 victims across the State who would otherwise not be assisted in this way.

Witness Intermediaries were allocated to 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.

Due to the Program's current geographical limitations, child victims and witnesses in matters that fall outside the inner-Sydney and Newcastle catchments are denied access to its benefits. The ODPP supports expanding the Program statewide, to extend its benefits to all child victims and witnesses, regardless of their location.

# Royal Commission Prosecutions

The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) commenced hearings in May 2013. There have been 77 ODPP prosecutions as a consequence of referrals from, or evidence given to, the Royal Commission.

Between 1 July 2021 and 30 June 2022, the Office finalised five Royal Commission matters.

In relation to those five matters, four offenders proceeded to trial and three were found guilty and sentenced in the District Court. One offender was found not guilty after trial. Advice was provided in one matter referred for pre-charge advice from the NSW Police Force.

A further nine prosecutions remain active. Five matters are listed for trial before the District Court in the next year, with another

four listed for sentence. In one matter the accused was found guilty at trial and is awaiting sentence. Three offenders pleaded guilty and await sentence in the District Court.

Completed Royal Commission Prosecutions	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Sentenced after trial	1	8	4	2	3
Sentenced after plea of guilty – Local Court	1	1			
Sentenced after plea of guilty – District Court	2	10	2	3	
Offender Deceased	1		1	1	
No Further Proceedings Directed		2	1		
Permanent Stay of Proceedings Granted		1		1	
Dismissed / Verdict Not Guilty					1
Returned to Police / Advice provided to Police			1		1
<b>Total</b>	<b>5</b>	<b>22</b>	<b>9</b>	<b>8</b>	<b>5</b>





# Goal 3

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

# Legislative Change and Law Reform

This year the Office has worked towards the implementation of a number of legislative amendments that impact its day-to-day work. Major legislative reforms to which the ODPP contributed are:

- the *Crimes Legislation Amendment (Sexual Consent Reforms) Act 2021* which commenced on 1 June 2022. These reforms dealt with directions given to juries that address common misconceptions regarding non-consensual sexual activities and the responses of victims. The reforms also substantially amended the provisions regarding consent in the *Crimes Act 1900*. The provisions introduced requirements regarding mutual communication and decision-making and ongoing consent to the particular sexual acts being engaged in. The amended provisions regarding consent apply to offences committed from 1 June 2022
- on 1 September 2021 the *Criminal Procedure Act 1986* was amended by the *Stronger Communities Legislation Amendment (Domestic Violence) Act 2020* to provide that unrepresented accused persons cannot directly cross-examine victims of domestic violence offences, instead requiring the use of a court-appointed examiner or the use of technology such as audio visual link
- on 1 January 2022 the *Crimes Act 1900* was amended by the *Modern Slavery Act 2018* in relation to child abuse material and slavery-type offences. The amendment created an aggravated form of the offence of using a child for the production of child abuse material. An offence was created of administering a digital platform used to deal with child abuse material. Offences were also created of holding a person in slavery or servitude, of requiring a child to perform forced or compulsory

labour, causing a child to enter into a forced marriage and of entering into a forced marriage with a child. The *Crimes (Domestic and Personal Violence) Act 2007* was also amended so that forced marriage offences were taken into account under that Act

- on 29 March 2022 the *Crimes Act 1900* was amended by the *Crimes Legislation Amendment (Loss of Foetus) Act 2021* creating an offence of causing the loss of a foetus in addition to a 'grievous bodily harm offence' and creating another offence of causing the loss of a foetus in addition to a 'homicide offence'
- on 27 June 2022 the *Bail Act 2013* was amended by the *Bail Amendment Act 2022*. The amendment requires courts to refuse bail for offenders who are awaiting sentence and will be sentenced to full-time custody unless there are special or exceptional circumstances.

Other legislative reforms included:

- offences created by the *Voluntary Assisted Dying Act 2022* which commences on 27 November 2023
- offences created by the *Crimes Legislation Amendment Act 2021* relating to the production, dissemination and possession of bestiality and animal crush material
- offences created by the *Roads and Crimes Legislation Amendment Act 2022* relating to damage and disruption to major roads and facilities
- amendments to the *Jury Act 1977* to allow the selection of additional jurors for trials of at least two weeks' length.

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 several ways, including being raised by individual

## 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.



staff or in conjunction with partner agencies, through the work of committees or working parties or as a consequence of case law.

This year the Office made submissions on a range of topics including:

- Parliamentary Joint Committee on Law Enforcement (Cth) – Inquiry into law enforcement capabilities in relation to child exploitation and Inquiry into illicit drugs being traded online
- NSW Sentencing Council – Report on Assaults on Emergency Workers, Fraud and Fraud-related offences
- Department of Communities and Justice
  - Coercive Control, the amendment of ss 322 and 326 *Crimes Act 1900*
  - display of Nazi Symbols Bill.

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

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.

The interagency fora included:

- AV Strategy and Business Links Governance Board
- Child Sexual Offence Evidence Program Reference and Monitoring Group
- Closing the Gap Working Group
- Corrective Services' Legal Practitioners Consultative Group
- Department of Justice's Tendency and Coincidence Review
- Department of Justice's Consent Implementation Working Group
- Domestic Violence Review Committee

- Directors of Public Prosecutions Interjurisdictional Digital Reform
- EAGP Steering Committee and Working Group
- Forensic Monitoring and Evaluation Working Group
- Law Society of NSW Criminal Law and Children's Legal Issues Committees
- Law Society of NSW Diversity and Inclusion and Government Solicitor Committees
- Local Court Rule Committee
- NSW Aboriginal Justice Partnership Committee
- ODPP/NSW Police Force Liaison Group Meetings
- Road Trauma Support Group NSW
- Sentencing Council
- Sexual Assault Review Committee
- Standing Interagency Advisory Committee on Court Security
- Victims Advisory Board
- Victims of Crime Interagency Group.

# Innovation and Interaction

## Digital Briefs

In 2019 the ODPP piloted technology that provided a secure link for NSW Police Force investigators to upload a brief of evidence electronically into a SharePoint portal that ODPP staff could then download and work on digitally.

The technology was initially trialled at the Dubbo and Gosford offices but was rolled out to other offices last year following the introduction of COVID-19 restrictions. During the past year the technology has continually been developed, automating some aspects to make it more user-friendly for both the Police and ODPP staff. The technology assisted legal staff to work from home without the need for physical briefs.

The digital brief, once downloaded, is accessible to both solicitors and Crown Prosecutors to work on simultaneously, including when working remotely. In certain circumstances, documents and multimedia items can be shared with courts and defence to facilitate a more efficient and secure sharing of information.

New software is continuously deployed to staff devices to support digital briefs and the Office is exploring options for further digital improvement.

## Workload Management Tool

Following the implementation of the EAGP reforms that changed the nature of a solicitor's practice by 'front end loading' work and the introduction of new case management Practice Notes by the courts, most significantly the District Court, the Office sought a new method of measuring the workload of its staff.

The Workload Management Tool (WMT) was developed and piloted from April to December 2021. The WMT is a technical tool that was integrated into the current matter management system, which

allocates each matter a 'base weight' taking account of identified factors. By applying a pre-determined multiplier to the base weighting, the measured workload will increase or decrease, depending on the stage of the prosecution process. The daily workload of each solicitor is measured by the total weight of the files within their practice.

As well as providing more transparency regarding workloads for both staff and management, the WMT pilot identified the sections of the Office carrying the heaviest workloads and additional resources were allocated accordingly.

The WMT continues to be refined and will be incorporated into the new case management system.

## Stakeholder 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, both formal and informal, foster good working relationships to create an environment of consultation and mutual cooperation, which assists the Office in delivering prosecution services to the community in line with its vision.

## External engagements

The Office also, where able, continued to accept invitations to participate in panels on criminal law and attend career fairs at various universities. With the relaxation of COVID-19 restrictions, it is hoped that

the ODPP can more fully engage with stakeholders and others to contribute to and assist with better outcomes within the criminal justice system.

## International visitors

The Office did not host any international visitors this 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 the Office 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 Office, including (but not limited to) workload and resource allocation
- consider monthly reports from Finance & Facilities, Human Resources, Information Management & Technology, Crown Prosecutors' Chambers and the Solicitor's Office and to initiate action where activity-related funding and resourcing issues are identified
- 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 current members of the Committee are Ian Gillespie (Independent Chair), Robyn Gray and Jan McClelland (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 six meetings during the year. Representatives of the Audit Office of NSW, the Acting 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, the Director Finance & Facilities and Chief Finance Officer, the Director Human Resources, the Director Information Management & Technology and Wellbeing Coordinator attend meetings.

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. The Fraud and Corruption Control Policy was also endorsed by the Committee and signed by the Director. In compliance with the Audit and Risk Committee 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 and monitored, inclusive of COVID-19 and climate change-related issues and the implementation of the CASES Replacement Project.

The Committee monitored the ODPP's implementation of strategies to mitigate its most significant risks. The Committee participated in interviews and a risk maturity workshop using the Treasury's Risk Maturity Assessment methodology outlined in TPP 20-06.

The Internal Audit Plan, covering the three-year period to 30 June 2023, was signed by the Chief Audit Executive and the Director. The Committee continues to monitor the Internal Audit Plan to ensure it is reflective of identified need. Additionally, the Committee reviews and monitors the Office's progress in implementing internal and external audit recommendations.

The Committee's assessment of governance and compliance frameworks included review of the Internal Control Framework; Business Continuity Planning; the Legislative Compliance Framework; Work Health and Safety and Wellbeing strategies; Information Technology Management and Cyber Security actions.

The Internal Audit and Risk Management Attestation for 2021/2022 is 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 (IM&T) (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.

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

The Committee meets half yearly 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 information and technology in support of the ODPP Digital 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 IM&T issues
- approve ODPP-wide information security policies, guidelines and procedures and ensure that these are adopted across the Office
- 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, ongoing operations and continuous improvement of an operational information security.

### **CASES Replacement Project Steering Committee**

The CASES Replacement Project Steering Committee is chaired by the Director with representatives from the Crown Prosecutors' 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 to:

- 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 Office.

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

# Requests and disclosure of information

## Privacy and personal information

The Office did not receive any applications for access or amendment to personal information or privacy internal review under s 53 of the *Privacy and Personal Information Protection Act 1998* this year.

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

## Public Interest Disclosure

The Office has a Public Interest Disclosure Policy in place. There were no disclosures made this year 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

2021/2022

## Obligations under the *Government Information (Public Access) Act 2009*

### Review of proactive release program – Clause 7(a)

Under s 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.

The Office's program for the proactive release of information involves review of material that may be published on the ODPP website. As a result of this review, no new information was released.

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 year, the Office received 27 formal access applications (including withdrawn but not invalid applications).

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

This year, the Office 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

The Office received 27 requests by members of the public, 16 of them made by a legal representative on behalf of a member of the public this year. All applications were refused in full.

There were 27 access applications (other than personal information applications) received.

There were 26 invalid applications, where the application was excluded information of the Office (s 43 of the Act).

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

One application was made that required other public interest considerations against disclosure, as listed in the table to s 14 of the Act.

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

There was one application by an access applicant under Part 5 of the Act. After internal review, the application was reviewed and the decision upheld.





# Goal 4

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

# Highlights of Our People



904 full-time equivalent staff



68% of employees are women



12% of staff are working part time



20% of new starters are under 25 years of age



30 years was the average age of new starters



Staff turnover was 8.5%

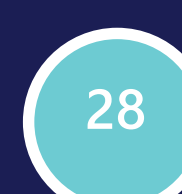
## Recruitment and Retention of Quality Staff



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



132 new starters commenced this year



28 Solicitor Advocates were appointed, 27 of these were promotions from within the Office

# 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.

### Professional development

The annual Solicitors' Conference was held online on 18 December 2021. The keynote address 'Hitting the Ground Running' was delivered by Dr Gill Hicks MBE FRSA and Founder of M.A.D for Peace (Making a Difference). Brett Hatfield, Crown Prosecutor and Andrew Baker, Senior Solicitor provided insight into The Darcy Trial: Legal and Tactical Issues of Interest (R v Darcy (No 9) [2022] NSWSC 135).

The 2022 Solicitors Professional Development Series was held in June 2022, with 23 sessions over eight days in a live online environment, including several sessions targeted at Legal Support Officers. The series opened with an address by the Director. Topics included:

- Sexual Consent Law Reform presented by Her Honour Judge Sarah Huggett
- Workings of the Coroner's Court presented by Derek Lee, Deputy State Coroner
- Disclosure – what you need to know
- Topical issues in Sentencing
- Conferencing Complainants and Witnesses: A Trauma Informed Approach
- The Director's Legal Privilege: What does a Legal Support Officer need to know?

To support the philosophy of learning being accessible and available to staff at a time that best suits their needs, over 60 recordings have been made available on the Learning in Action portal on the intranet. During the year, Continuing

Professional Development (CPD) sessions, D-List training, Crown Prosecutor Induction, Professional Development workshops, the Crown Prosecutors' Conference and the Solicitors' Conference were delivered.

Deputy Senior Crown Prosecutor Miiiko Kumar's Expert Evidence lecture series was among the many high quality CPD sessions delivered this year. Deputy Senior Crown Prosecutor Belinda Baker's well-received lecture series on the High Court was shared with prosecutors nationally, while her series on Statutory Construction and related topics was also made accessible to our criminal justice partners, including Legal Aid NSW, the Aboriginal Legal Service and the Public Defenders.

### Leadership and Management Development Program

The Office continues to provide development opportunities for staff who wish to pursue a career in management. Structured programs have been developed for current and emerging managers.

The Future Leaders program provided current managers with 360-degree feedback, workshops ranging from coaching to influencing capability development and access to the Harvard ManageMentor learning resources.

Two intakes of the Emerging Managers program involving more than 40 staff from both the legal and administrative areas of the Office commenced in May 2022. The 12-month program, which is aimed at people with an interest in management, combines both face-to-face workshops and live online sessions, as well as access to the Harvard ManageMentor learning resources and smaller study group discussions.

Access to the Harvard ManageMentor learning resources and support to attend ad hoc events via external providers is

also made available to enable the ongoing professional leadership development of senior staff across the Office.

### Crown Prosecutors and solicitors Mentoring Program

In July 2021, the ODPP established an office-wide Mentoring Program for Crown Prosecutors to mentor, guide and share their expertise with an allocated group of solicitors. As a result of remote working, staff did not have the opportunity to partake in the valuable and insightful discussions between Crown Prosecutors and solicitors that occurred incidentally within the office. The Mentoring Program was introduced as a way to continue these beneficial opportunities to share information and ensure social and professional cohesion between staff amid the constraints of the pandemic.

Under the Mentoring Program, experienced Deputy Senior Crown Prosecutors and Crown Prosecutors are allocated as mentors for a group of solicitors. The mentoring groups meet online regularly outside of court hours and discuss legal and procedural questions arising from the ODPP's work, both generally and on a case-specific basis.

Some Crown Prosecutors use the opportunity to run Continuing Legal Education seminars for their mentee group on varied topics such as 'Reading Reported Decisions' or 'Legal Writing'; other groups adopt a more informal process where they workshop issues that arise in the course of their legal practices. Mentoring sessions are therefore tailored to meet the needs and developmental objectives of each of the unique groups. Ultimately, the mentoring groups provide mentors and mentees with guidance and a support network, which facilitates collegiality and further develops expertise throughout the office.

The Mentoring Program initially ran for a period of six months. Highly positive feedback was received from both Crown Prosecutors and solicitors, who advocated for the program to continue even after the return to the office. The success of the Mentoring Program led to the development of a formal Mentoring Policy, released in June 2022.

### Legal Development Program

Under the Legal Development Program new legal graduates are employed for 12 months to provide paralegal support to solicitors and Crown Prosecutors.

Program participants receive extensive induction, foundational and technical training to facilitate their transition from graduate to solicitor. Each participant is assigned a mentor and some rotate through various areas of the Sydney office. Program participants are employed at each of the 10 ODPP offices. Those that complete the program are eligible to apply for a solicitor role with the Office or to pursue a legal career outside the ODPP.

### Legal Support Officers' Training

Training has been developed to support the functions of Legal Support Officers within the Office. Training delivered included:

- understanding the Director's Legal Privilege and how it applies to legal support officers' roles
- dealing with callers who are showing signs of distress
- understanding and gaining tips in a range of technology applications such as PDF Docs, Nitro Pro and internal SharePoint initiatives
- understanding emotional intelligence in self and others and how this can impact a team

Staff Numbers	30 June 2018	30 June 2019	30 June 2020	30 June 2021	30 June 2022
Statutory Appointed and Senior Executive	108.2	117.4	118.2	120.8	123.8
Solicitors	420.2	454.5	418.3	466.6	486.1
Administrative staff	237.3	273.4	261.3	291.0	294.5
<b>Total</b>	<b>765.7</b>	<b>845.3</b>	<b>798.8</b>	<b>878.4</b>	<b>904.4</b>

Recruitment Statistics*	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Senior Executive	0	1	0	0	0
Statutory Appointed	2	1	1	1	1
Crown Prosecutors	7	7	6	4	5
Solicitors	26	58	15	40	42
Administrative staff	59	105	61	100	84
<b>Total</b>	<b>98</b>	<b>172</b>	<b>83</b>	<b>145</b>	<b>132</b>

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

- career progression, writing job applications and preparing for interviews.

### Fraud and Corruption Control Learning Program

The Fraud and Corruption Control Learning Program commenced in 2021 with the release of a mandatory eLearning training program for all staff.

The training focused on policies associated with fraud and corruption, roles and responsibilities of all staff, controls, procedures and reporting. During the year, 727 staff participated in the Program, with some staff attending multiple training offerings.

### Onboarding and Induction

The Induction Program continues to evolve and improve, with ongoing content review and regular delivery.

This year, SuccessFactors Onboarding and SuccessFactors Recruitment were implemented, improving the efficiency of the recruitment and onboarding processes

and significantly improving the flow of information and the integrity of people data across the Office.

### ODPP Podcasting

The Office launched its internal podcast in June 2022, with Season One showcasing legal discussions and interviews with inspiring staff. The first podcast was released to coincide with ODPP Pride Month celebrations. New episodes will be available on the first and third Wednesday of each month. The podcast is currently only for staff and accessed through the Learning in Action portal on the intranet or Microsoft Stream.

### Health and Wellbeing

The focus of our mental health initiatives remains our ODPP WellCheck Program. This year saw the fourth iteration of the WellCheck Program, which continues to be refined and improved to provide the best resources possible for ODPP staff. In addition, the Clinical Supervision Program pilot was finalised and is ready for roll-out next year.

This year was another particularly challenging one for mental health, with the impact of the COVID-19 pandemic continuing to create change and uncertainty in many aspects of people's lives. Consequent to the PHOs requiring staff to work remotely for part of the year and the potential impact on mental health, the WellCheck Program was conducted virtually. It was pleasing that the number of sessions delivered increased from the previous year with 186 participants, the highest number to date.

Significant action items from this year's WellCheck program were to:

- implement the previously recommended Clinical Supervision Program for those roles with the greatest exposure to traumatic materials, particularly Crown Prosecutors, Solicitor Advocates and Managing Solicitors
- provide ongoing vicarious trauma training and consider expansion to include childhood trauma
- rejuvenate the mentoring structure within the Office

Attendance at in-person or live online learning events			
Learning and Development Category	Sessions	Attendees*	Hours
Advocacy	3	72	479
Conference	1	326	1304
Induction	9	386	556
Cultural awareness	14	233	1177
Continuing Professional Development	18	359	694
Leadership and Management	27	337	1232
Professional Development Series	25	2505	2680
Wellbeing	14	244	700
External	15	20	275
Total	126	4482	9097

\* Attendee figures include multiple attendance at learning activities

Studies Assistance	
Number of studies assistance participants	21
Total study leave days taken	140.33
Total study assistance reimbursement	\$30,142

- continue to support flexible working at the ODPP, which was a recurring theme as a positive change for staff wellbeing.

Vicarious Trauma workshops were again delivered as part of the induction for all new starters, with plans for additional workshops next year to ensure all staff receive this critical training.

The Wellbeing Taskforce continues to function as a peer support network for ODPP staff and as a first point of contact for local colleagues to help facilitate access to support services. All members have attended Mental Health First Aid training and are encouraged to attend quarterly employee assistance program sessions (in addition to their regular allocation) to ensure that they look after their own mental health. The taskforce meets quarterly, providing input and feedback regarding our wellbeing programs, with members acting as local champions for promoting mental health.

### **Mental Health First Aid Training**

Mental Health First Aid Training continues to be provided to new members of the Office's Workplace Wellbeing Peer Support Network and also to managers, reinforcing our commitment to supporting the mental health of all staff.

### **Healthy Lifestyles Program**

The Healthy Lifestyles Program continues to have strong participation. The Office again organised a flu vaccination program at all sites, which provided 388 vaccinations across the Office (down slightly compared to 408 last year). Again this year, this was linked to advice from government 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, with 288 staff members and 215 family members (partners and dependants) holding a current membership.

### **Workers compensation**

As it has previously, the Office emphasised prevention and early intervention strategies to effectively manage workers compensation claims.

The number of claims for this year was comparable to the previous year, with four new claims lodged. There has been no consistent theme or pattern to the injuries, with the most serious being exacerbations of pre-existing injuries.

The Office ensures that injured workers return to work as soon as they are deemed medically fit to resume duties. As it has done in previous years, it managed all injured workers within statutory timeframes during the year, maintaining its 100% record in this respect.

### **Workplace support**

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

All staff have access to an Employee Assistance Program through our partnership with Benestar. Best You by Benestar provides support and coaching to help people navigate through life. It aims to support staff at times of need and to assist them to continually enhance their wellbeing. The program offers confidential support and guidance across a number of wellbeing areas including professional mental health support, work and/or family relationship advice, improving sleep and general health. An App and online hub are also available for staff providing a suite of wellbeing resources.

Average Sick Leave for the Office for this year was 5.01 days per staff member, which remains below the public sector average.

### **Lismore Office Flooding**

On 28 February 2022, catastrophic flooding caused extensive damage across the Northern Rivers. Floodwaters submerged the Lismore Central Business District, surrounding residential areas and towns throughout the region, which was further devastated by severe storms and major flooding a month later. That the staff of the ODPP's Lismore office resumed working as soon as they were able, ensuring that court matters could proceed wherever possible, is a testament to their professionalism, resilience and commitment.

The ODPP provided ongoing support and assistance to the Lismore staff, a number of whom had been evacuated from their homes with their families. Many staff members sustained damage to their homes, possessions and property, and many were involved in the clean-up effort in the months following the floods. A GoFundMe account was created and an effort was made to provide localised mental health support and counselling services, while ODPP staff from around the State volunteered to assume carriage of files and help with the workload.

Large parts of the broader Northern Rivers were without power after both floods, and the Lismore office was uninhabitable for more than 11 weeks. Our legal support and legal staff worked extremely hard with limited facilities to ensure matters proceeded throughout the period from the first flood until the return to the office on 6 June. The Witness Assistance Service worked with many victims and witnesses whose pre-existing trauma was compounded by the floods.



The Local Court sat at Ballina and the District Court at Grafton until the court recommenced sitting at Lismore on 16 May. The Coffs Harbour and Armidale District Courts continued sitting throughout this period. Staff worked remotely as best they were able, often with very poor connections. From 20 April to 25 May, they had access to a small office space in a government building in Ballina to collect mail and files and use a photocopier and printer. Many court mentions were conducted by mobile phone because the audio visual link (AVL) facilities and/or wi-fi connections were unstable. Short matters were conducted via AVL where possible, while the Targeted Assistance Group provided support for matters requiring personal appearances.

The courts and their staff in both Lismore and the surrounding regions were very accommodating of all stakeholders during this challenging time. In all instances where the court was sitting, whether for mentions or hearings, the ODPP locally fulfilled their appearance and conduct obligations.

### Awards for Excellence

This year, new award categories were introduced to recognise staff achievement more broadly and to acknowledge specific areas of excellence within the Office. Awards were presented to the following staff in the categories listed:

- **Individual Award**  
Grant Ellis, Senior Solicitor, Penrith
- **Regional Award**  
Brian Costello, Crown Prosecutor, Newcastle
- **Legal Support Award**  
Sonya Harman, Manager Legal Support, Gosford
- **Engagement Award**  
Joanne Minogue, Legal Support Officer, Campbelltown

- **Mentoring and Development Award**  
Silas Morrison, Senior Solicitor, Newcastle
- **Service to Victims Award**  
Jessica van Lieven, Solicitor, Newcastle
- **Innovation Award**  
Deb Hocking, Managing Solicitor, Campbelltown
- **Teamwork and Collaboration Awards**
  - Operation Jasper (ICAC) Team – Rebekah Rodgers, Alison Graylin, Soo Choi, Leanne Crawford, Mitchell Hickey and Sophie Callan SC
  - the Targeted Assistance Group - Adam Barnes, Jason Lee, Mihir Ranadive, Miranda Scott, Charlotte Davidson, Jude Sweeney, Jess Todhunter and Kartini Saddington
- **Management and Leadership Awards**
  - Rennae Gee, Managing Solicitor, Wagga Wagga
  - Andrew Kemp, Acting Managing Solicitor, Parramatta.

### Service Awards

We are proud of the 47 staff who were awarded recognition for their service to the Office:

- 27 staff received a 10 Year Service Award
- 6 staff received a 20 Year Service Award
- 14 staff received a 30 Year Service Award.

### Appointments to the Bench

During the year, Deputy Director Peter McGrath SC was appointed as a Judge of the District Court of NSW and Belinda Baker, Deputy Senior Crown Prosecutor was appointed as a Justice of

the Supreme Court of the ACT. Crown Prosecutor Stephen Barlow was appointed as a Magistrate of the Local Court.

### Crown Prosecutor appointments

There were 12 Crown Prosecutors appointed during the year; seven of these were promotions from within the Solicitor's Office.

### Solicitor Advocate appointments

During the year, 28 Solicitor Advocates were appointed, with 27 being promotions from within the Solicitor's Office.

### Secondments

The Office continues to actively promote, support and encourage staff to participate in secondment opportunities where available. During the year, 15 staff were involved in secondments across the public sector to agencies including the Department of Communities and Justice, the Crown Solicitor's Office, the Judicial Commission, the Independent Commission against Corruption, Legal Aid NSW and the Health Care Complaints Commission. The different perspectives and experiences gained on secondment not only benefit the individual staff members, but allow them to develop capabilities, skills and knowledge that can be shared more broadly upon their return to the Office through internal training and mentoring sessions



# Diversity and Inclusion and Statutory Compliance

## Diversity and Inclusion

The new Director affirmed that diversity and inclusion would be a priority of her Directorship and over the past year the ODPP continued to work towards becoming a more diverse and inclusive organisation.

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

The ODPP Diversity and Inclusion Working Group (the Group) was established in 2017. Terms of Reference for the Group were settled last period and affirmed again this period. The Terms of Reference provide the necessary framework for priorities and consistent reporting. As in past years, a fresh expression of interest was called for and the Group expanded once again, reaching record member numbers. This is a testament to the work the Group has been doing and the increased awareness of the initiatives across the Office.

With membership of the Group expanding significantly, it returned to meeting monthly in this period. There are five sub-committees within the Group, each focusing on a specific dimension of diversity:

- Aboriginal and Torres Strait Islander
- Women
- Disability
- Culturally and Linguistically Diverse
- Diverse Genders and Sexualities.

Each of the sub-committees meets regularly and has established strategic plans to focus its efforts in line with our overall commitment to diversity and inclusion

The Group as a collective has driven several key initiatives to promote diversity and inclusion and met with external stakeholders to obtain expert advice to work collaboratively to promote diversity more broadly.

To ensure the Group was meeting the needs of the Office, and to best promote diversity and inclusion internally, it issued an office-wide survey in November 2021. There were good levels of participation and 76% of respondents felt the Group had improved diversity and inclusion at the ODPP. In response to the survey, which identified a need for more promotion and awareness raising around initiatives within the Office, the Group created Diversity and Inclusion logos to use for every related initiative and communication. It also increased the level of promotion and reporting both before and after events. The survey results will continue to inform the future priorities and activities for the Group.

The Witness Assistance Service at the ODPP also recognises the unique needs of people from diverse backgrounds within the legal system. Culturally appropriate services and support are achieved through the provision of Aboriginal Witness Assistance Officers across the State. In addition, the Office ensures that all witnesses and victims are able to access their entitlement to free interpreter services. Victims and witnesses with disability are an important group prioritised by the Service, which continues to provide case management services to those with identified disabilities.

The Office is pleased to report the following achievements from this period, separated into the dimensions of diversity:

## Aboriginal and Torres Strait Islander

### Key Achievements

- New Aboriginal and Torres Strait Islander Legal Internship Program implemented

- 147 staff members attended Aboriginal Cultural Awareness Training
- Inaugural Aboriginal and Torres Strait Islander Networking Event
- Second Reconciliation Action Plan in development.

## Aboriginal and Torres Strait Islander Internship

This year, to commemorate National Reconciliation Week, the ODPP launched the Aboriginal and Torres Strait Islander Legal Internship. This program provides opportunities and employment pathways for Aboriginal and Torres Strait Islander law students. Successful recruitment took place utilising the services of the *Koori Mail* and *Our Mob* and by contacting law schools directly. The Office offered three positions to law students who were placed in the Sydney and Newcastle offices. Each of the interns was assigned a solicitor to work with and to provide a mentoring relationship. The feedback from the students and their mentors has been overwhelmingly positive and very encouraging.

## Cultural Awareness Training

Aboriginal Cultural Awareness training continued to be offered throughout this period, both in-person and online, in accordance with the outcome deliverables in the ODPP's Reconciliation Action Plan. In addition, the Communicating Effectively with Aboriginal People workshops continued to be delivered across the Office both in-person and online. The Cultural Awareness training and the Communication workshops are now mandatory for all staff.

## Inaugural Aboriginal and Torres Strait Islander Networking Event

The ODPP was pleased to host the inaugural Aboriginal and Torres Strait Islander Networking Event in May 2022. The purpose of the event was to connect our Aboriginal and Torres Strait Islander staff, establish a peer support network and to provide tailored discussions and developmental



opportunities. The event was well attended by ODPP Aboriginal and Torres Strait Islander staff, Crown Prosecutors, Witness Assistance Service Officers and solicitors. The event commenced with a Welcome to Country ceremony by Nathan Moran, Chief Executive Officer, Metropolitan Local Aboriginal Land Council. The attendees were welcomed by the Director followed by a presentation on wellbeing, health and resilience by proud Thunghutti woman Bianca Cook. The day closed with dedicated time for discussion and networking which resulted in a plan to establish an informal support network between the attendees.

### **Reconciliation Action Plan**

The Group continued to deliver on the Office's inaugural Reconciliation Action Plan and undertook significant work to develop the next plan, which is expected to be endorsed next year. The Wiradjuri artist who created the artwork for the first Reconciliation Action Plan has been commissioned to create a second artwork for the launch of the new plan. The Office looks forward to unveiling the artwork and to celebrating the unique place of storytelling in Aboriginal and Torres Strait Islander culture.

### **Welcome to Country**

The ODPP was fortunate to host a number of Elders this year who performed Welcome to Country ceremonies at many of our significant events. This is an important way to recognise Aboriginal and Torres Strait Islander peoples as the original custodians of the land and is in line with the ODPP Welcome to Country Protocol.

### **First Nations Advisory Group**

Preparations began this period to develop a First Nations Advisory Group for the ODPP. This will be the first of its kind for this Office and is expected to be the primary consultation body for issues pertaining to Aboriginal and Torres Strait Islander affairs as they relate to policy decisions at the

ODPP and more broadly in the criminal justice system. Work will continue to develop this group in the next period.

### **Supply Nation**

The Office prioritised the use of Supply Nation organisations and Aboriginal and Torres Strait Islander suppliers across a number of areas including construction and maintenance, training, stores and catering.

### **Diverse Gender and Sexualities**

#### **Key achievements**

- Membership with Welcome Here
- Celebrations for Pride Month
- Inclusive Language Guide.

The ODPP is committed to being an inclusive workplace for people of diverse genders and sexualities, allowing employees to feel valued, safe and respected.

#### **Welcome Here**

To celebrate the 44th annual Mardi Gras, the ODPP launched its membership with The Welcome Here Project. Previously called the Safe Place Project, it began in 1992 in response to high levels of street-based violence directed at people of diverse genders and sexualities. Local businesses signed up to become a Safe Place and displayed a sticker in their shop front to let community members know it was somewhere they could seek refuge.

The ODPP is proud to be a member of The Welcome Here Project which has three commitments:

- to welcome and include LGBTIQ+ people
- to create positive change in the local community
- to celebrate LGBTIQ+ Diversity

Rainbow stickers were sent out to each ODPP office to display our membership and to signal to our visitors that this is an inclusive space.

### **Pride Month**

The Group aligned their initiatives this year with Pride month in June. Pride Month is dedicated to celebrating people of diverse genders and sexualities and supporting their rights. June is chosen to commemorate the gay liberation movement that was the Stonewall Uprising, which occurred in New York on 28 June 1969. Throughout June, the Diverse Genders and Sexualities sub-committee rolled out several initiatives including a dedicated podcast featuring the Chair of the Group hosting three staff members who discussed their experiences and reflections. Intranet posts and resources were made available throughout the month, which culminated in the ODPP's inaugural Pride Trivia Night. The event was held in the Sydney office and was very well attended. It is hoped that in future these events can be streamed to include all offices.

### **Inclusive Language Guide**

As part of the Pride Month initiatives, the Inclusive Language Guide was developed and launched. The guide was created to provide staff with a better understanding of some common terms and explain how to use language respectfully and inclusively when working with and referring to people of diverse genders and sexualities.

In recognition of the importance of language, staff were also encouraged to add their preferred pronouns to their profile on the intranet. A training resource was developed and provided to assist staff in this process. An external resource was also made available setting out why pronouns are important and how to use them considerately.

Finally, this year an audit was conducted in relation to language being inadvertently captured in our email quarantine system.

The Group was able to work with the ODPP Information Management & Technology branch to ensure that the system was inclusive and respectful of language relating to people with diverse sexualities and gender.

### **Disability**

The ODPP is committed to ensuring equitable inclusion of people with disability, both for our workforce and the community we serve.

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

### **Gold Membership Renewal**

This year the Office renewed its membership with the Australian Network on Disability (AND) as Gold members, following the success of the first year of involvement. AND works with organisations and government departments nationally to increase their disability confidence. AND continued to work with the Group to increase knowledge that can be shared across the Office and to create opportunities to develop strategies for greater inclusivity. AND will guide the finalisation of the ODPP Disability and Inclusion Plan.

### **Access and Inclusion Index**

This year the Group undertook the extensive process of completing AND's Access and Inclusion Index 2021/2022 (the Index). Both the Group and staff from various branches across the Office, including Information Management & Technology, Procurement & Facilities and Human Resources, completed the Index, which provides an organisational baseline for access and inclusion and a roadmap for moving forward. AND prepared a comprehensive Benchmark Report after completion, debriefing members of the Group and internal stakeholders. The report will inform the Office of opportunities and

areas for improvement, as well as how to prioritise and manage that growth. A strategy to drive the priorities set out for us by AND is expected to be developed next year.

### **Stepping Into Internship Program**

Through AND, the Office again participated in the Stepping Into program, a paid internship scheme that places university students with disability into select organisations. The Office successfully recruited two legal interns for this period who were to work in the Sydney office. Their commencement was delayed due to COVID-19 restrictions and ultimately only one intern joined us later in the year. Nevertheless, the internship was mutually successful and confirmed the Office's resolve to continue to participate in this program in the next period.

### **International Day of People with Disability**

International Day of People with Disability (IDPwD) was celebrated on 3 December 2021. 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 to join the celebrations and providing information about how to get involved. The article also encouraged staff to undertake the eLearning Disability Awareness modules available. The training modules are based on material provided by the Public Service Commission and are available to all staff on demand. There are separate modules for managers and staff.

### **Women**

#### **Key Achievements**

- International Women's Day virtual event
- Diverse Women in Law event.

The ODPP is committed to inclusive practice and aims to combat gender bias, break down barriers and to support and promote women in the workplace.

### **International Women's Day event**

This year's theme for International Women's Day was #BreakTheBias. The theme celebrates women's achievements, raises awareness against bias and encourages taking action for equality. This year, the Office celebrated with a virtual event hosted by the Director. The event included a panel of inspirational women from across the Office who courageously shared their experiences, both positive and negative. The event was live streamed to all offices and simultaneous morning teas were held. The day was a great success and inspired a significant amount of positive feedback, reflecting a broad appreciation for the opportunity to celebrate the ODPP's own successful women.

### **Diverse Women in Law Event**

The ODPP was honoured to again host Diverse Women in Law's A Career in Criminal Law panel event at our Sydney office. Diverse Women in Law (DWL) is a not-for-profit organisation that aims to increase inclusivity and accessibility within the legal profession for diverse women.

The panel was moderated by her Honour Judge Yehia SC and included Deputy Senior Crown Prosecutor, Georgia Turner. The event was very well attended by DWL members as well as staff from the Office. The ODPP is proud to continue to work with DWL and values the contribution of women from diverse backgrounds.

### **Charter for Women and Equitable Briefing Policy**

The ODPP is a signatory to the Charter for the Advancement of Women which was relaunched in early 2021 by the Law Society of NSW. The Charter aims 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.

The ODPP also continues to adopt the National Model Gender Equitable Briefing Policy, launched by the Law Council of Australia in June 2016 and formally adopted by the NSW Bar Association in September 2016. The Policy aims to achieve a nationally consistent approach to bringing about cultural and attitudinal change within the legal profession with respect to gender briefing practices.

### Works in progress

The Women's sub-committee of the Diversity and Inclusion Working Group continues to develop initiatives to champion and support women within the Office. A networking strategy designed to connect women across the Office, and a monthly initiative to spotlight the inspirational women who work at the ODPP, are expected to roll out in the next period.

### Cultural and Linguistic Diversity

#### Key Achievements

- Development and implementation of the Cultural and Linguistic Diversity Strategy.

The ODPP is committed to promoting and supporting staff from Culturally and Linguistically Diverse backgrounds. The Office is working to identify opportunities and address barriers for Culturally and Linguistically Diverse staff and to reflect the diverse community we represent. The ODPP's dedicated Culturally and Linguistically Diverse intranet page is continually being developed and expanded and the sub-committee has been working on a cultural calendar to launch next year.

### Cultural and Linguistic Diversity Strategy 2022-2024

The Office acknowledges the value that staff from Culturally and Linguistically Diverse backgrounds bring to our work through their skills, experiences and perspectives. In order to promote and support Culturally and Linguistically Diverse staff and address barriers to their success, a strategy for 2022-2024 has been developed. The Cultural and Linguistic Diversity Strategy, underpinned by the ODPP's Signature Behaviours and Vision, aims to promote and support cultural and linguistic diversity and the benefits of inclusiveness within the Office through:

- increasing awareness of cultural and linguistic diversity throughout the Office
- promoting inclusiveness within work practices
- engaging with Culturally and Linguistically Diverse staff and external diversity organisations.

The Cultural and Linguistic Diversity Strategy was officially launched in the second quarter of 2022 and introduced reporting requirements in relation to the following:

- Culturally and Linguistically Diverse composition of our staff in total and by level
- number and type of Culturally and Linguistically Diverse promotional activities
- progress in implementations of actions in the strategy.

The Office's Workforce Diversity Report is Appendix K of this Annual Report.

The Group is proud to have developed and launched the Cultural and Linguistic Diversity Strategy and looks forward to reporting on both the promotional activities and actions implemented next year.

### 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 s 35A of the *Crimes (Sentencing Procedure) Act 1999*.

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

During the year, 28 complaints concerning the ODPP were received. Of those, four related to the conduct of a member of staff, eight related to court proceedings including the outcome of cases, six related to prosecutorial decisions and three related to poor communication. There were seven complaints about delays in proceedings, including 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 year it was not necessary to amend any procedures in response to a complaint.

The Office's Victims' Right of Review Policy is published on the ODPP website and gives victims the right to request a review of a decision not to prosecute in certain circumstances.

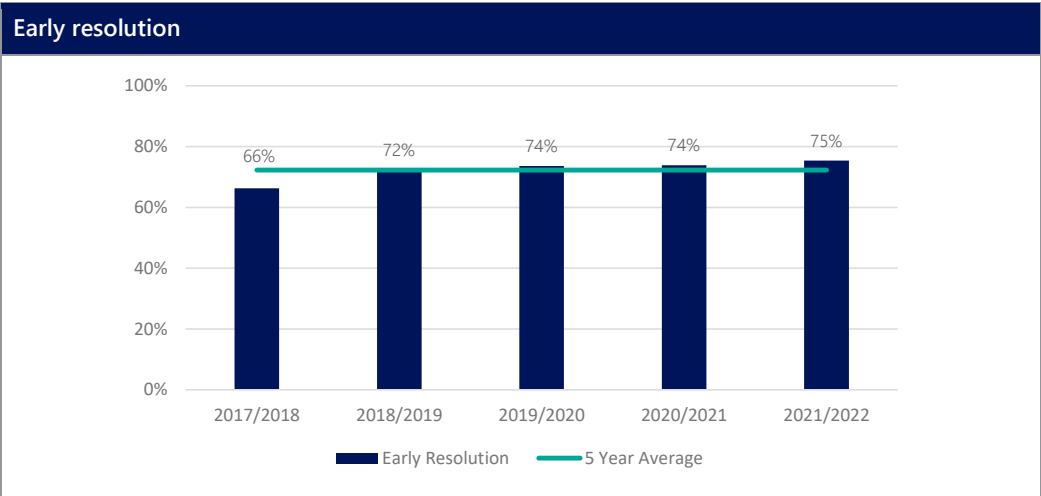
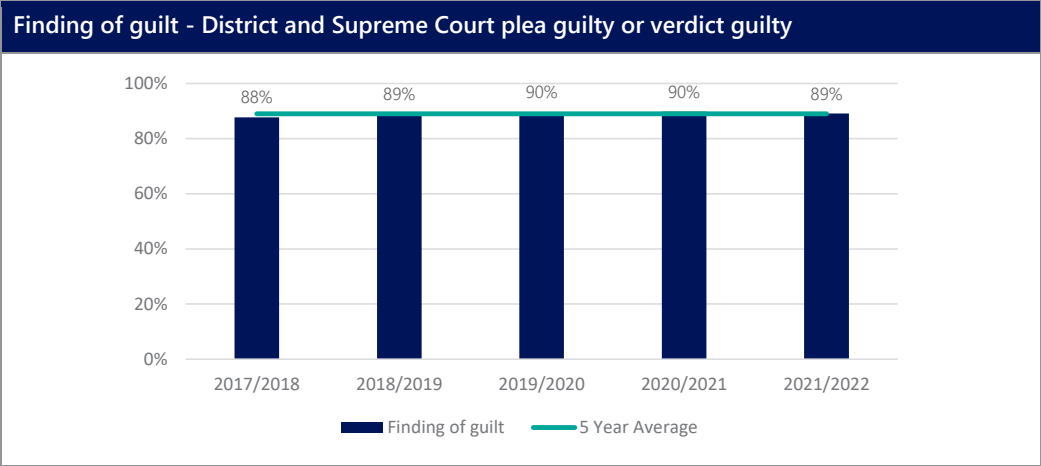
Victims who have a right to request a review are to be informed of this in writing when they are notified of the decision. Eleven requests were made for a review this year.



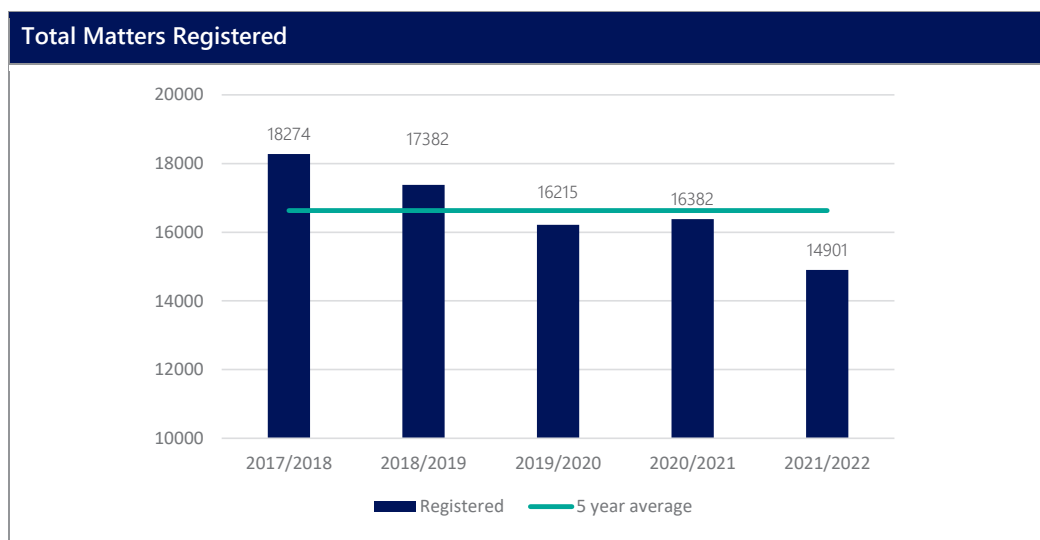
# Appendix

# Appendix A

## Productivity statistics

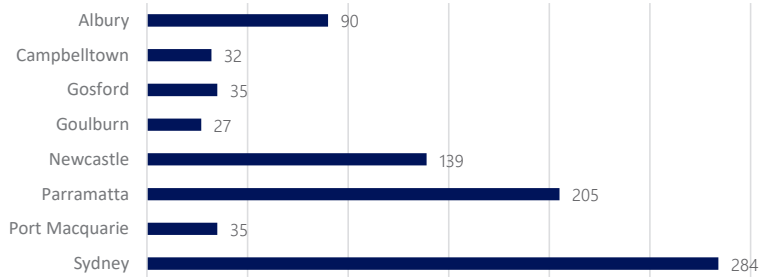


Workload throughput	Received Count	Completed Count	Clearance Rate
Local Court Committal	5637	5655	100%
Local Court Summary	545	503	92%
District Court Trials	1171	1100	94%
District Court Sentences	1970	1972	101%
District Court Conviction Appeals	668	709	106%
District Court Severity Appeals	4523	4463	99%
Supreme Court Trials	42	46	105%
Supreme Court Sentences	8	5	63%
CCA Conviction and Sentence Appeals	105	100	95%
CCA Sentence Appeals	141	169	120%
CCA Crown Appeals	23	23	100%
High Court Special Leave Applications	23	28	122%
High Court Hearings	4	4	100%

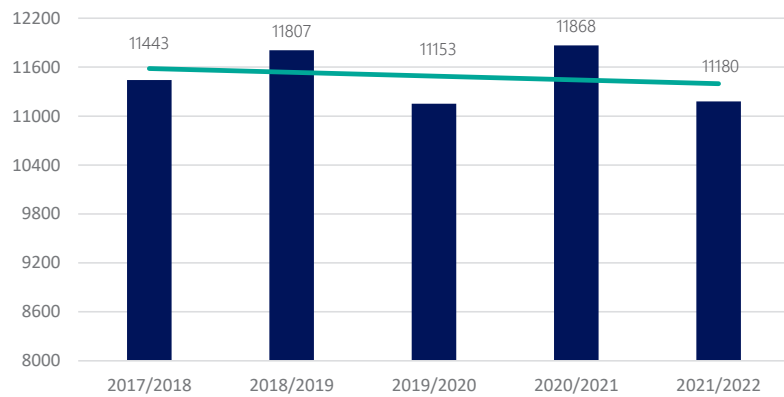




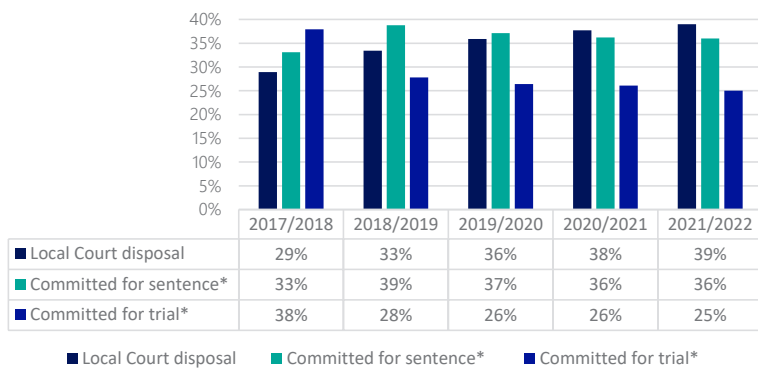
### Super Call Overs – District Court sitting days saved



### District Court sitting days (actual)



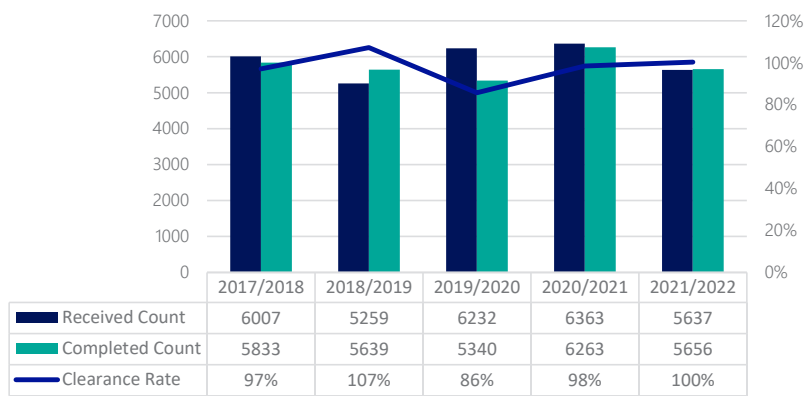
### EAGP results



\* includes committal to both District and Supreme Courts

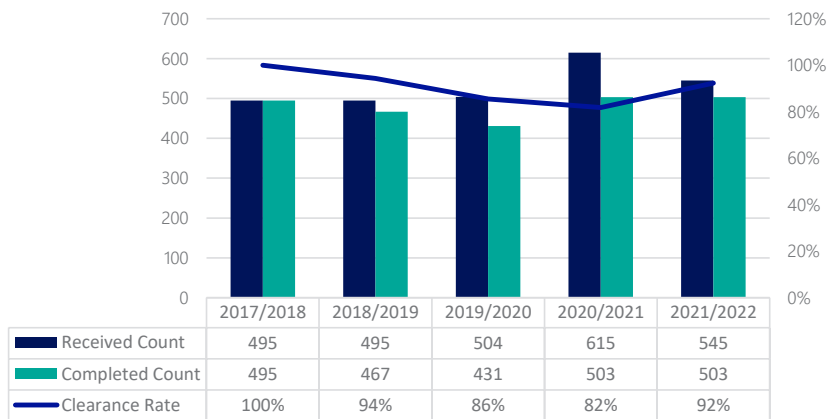


### Number of Local Court matters\* received and completed

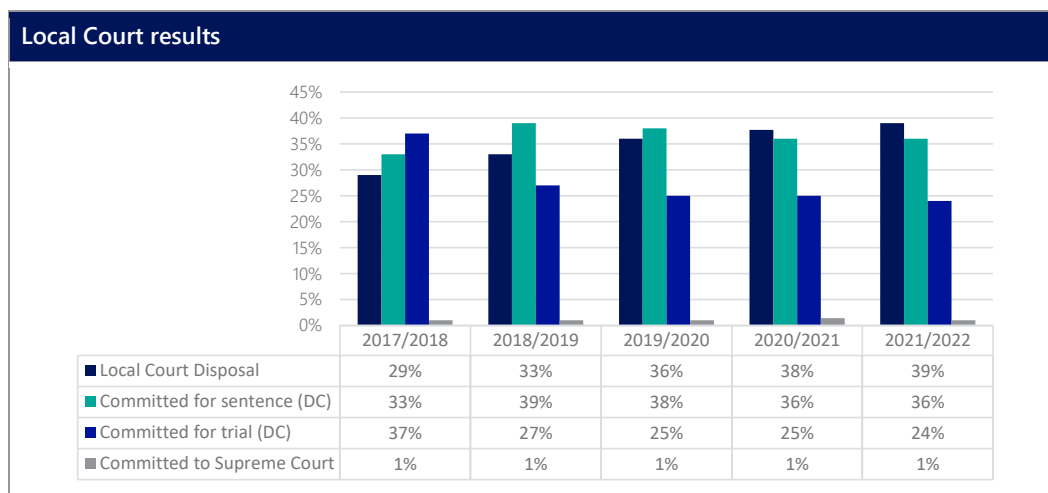


\* includes both EAGP and legacy matters

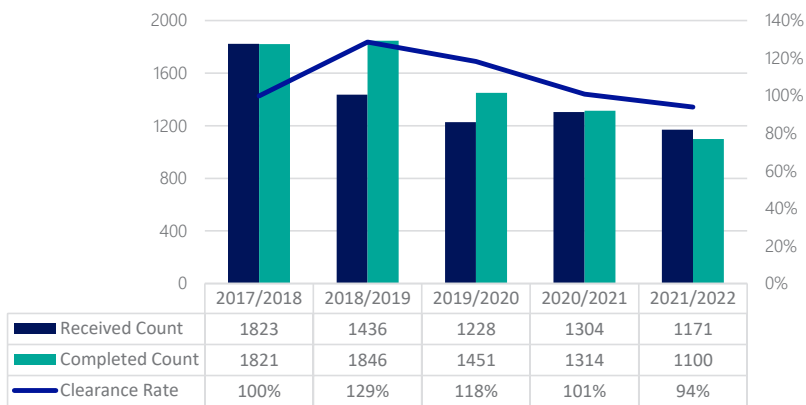
### Number of Local Court summary matters received and completed



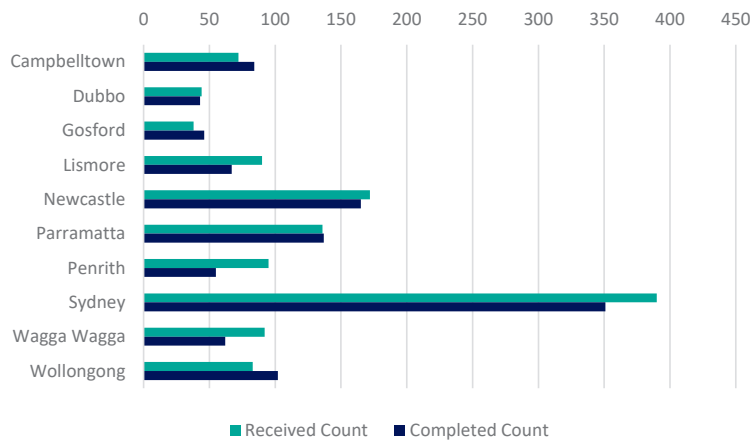
Local Court results		No	%
Local Court disposal	Finding of guilt	1192	21%
	Dismissed / Withdrawn	352	6%
	Returned to Police	678	12%
	Referred to the Drug Court	26	0%
	<b>Sub total</b>	<b>2233</b>	<b>39%</b>
Committed to the District Court	Sentence	2011	36%
	Trial	1339	24%
	<b>Sub total</b>	<b>3350</b>	<b>60%</b>
Committed to the Supreme Court	Sentence	7	0%
	Trial	58	1%
	<b>Sub total</b>	<b>58</b>	<b>1%</b>
<b>Total</b>		<b>5656</b>	<b>100%</b>



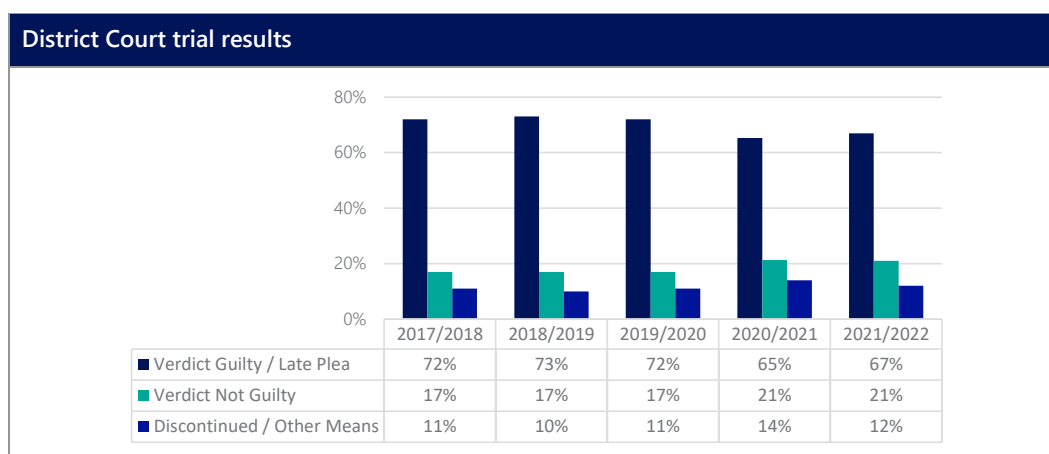
### Number of District Court Trials received and completed



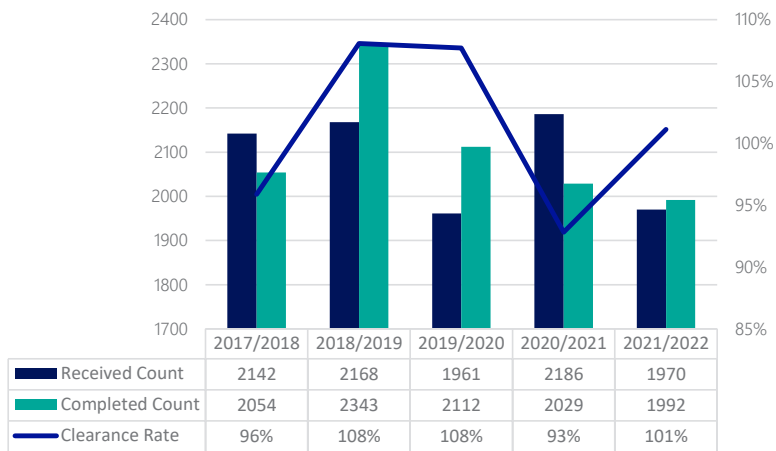
### Number of District Court Trials received and completed (by location)



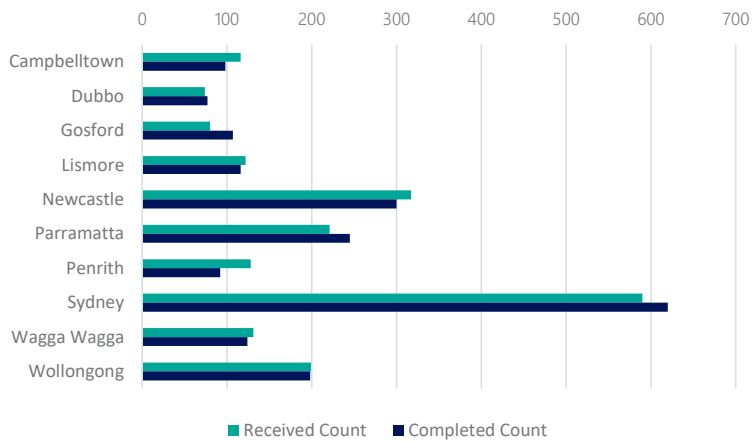
Results of District Court trials		No	%
Late plea		492	45%
Trial	Verdict Guilty	244	22%
	Verdict Not Guilty	230	21%
	Verdict by direction	3	0%
Discontinued		114	10%
Other Means		17	1%
<b>Total</b>		<b>1100</b>	<b>100%</b>



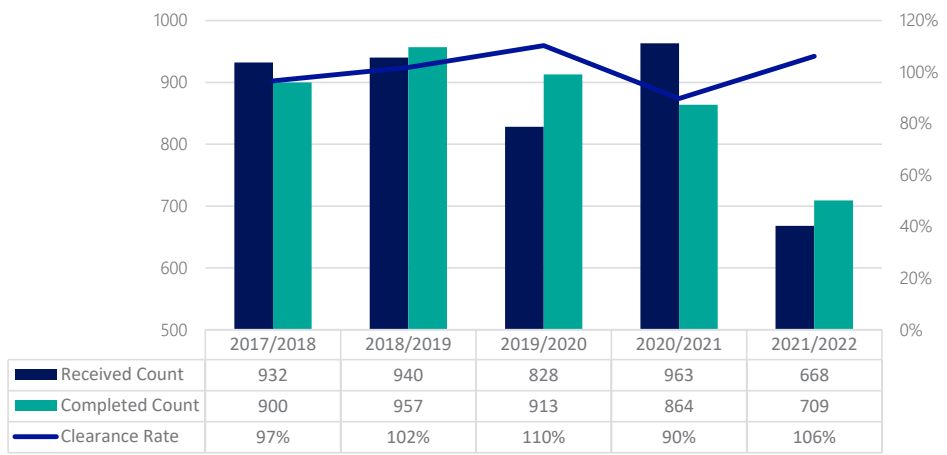
### Number of District Court Sentences received and completed



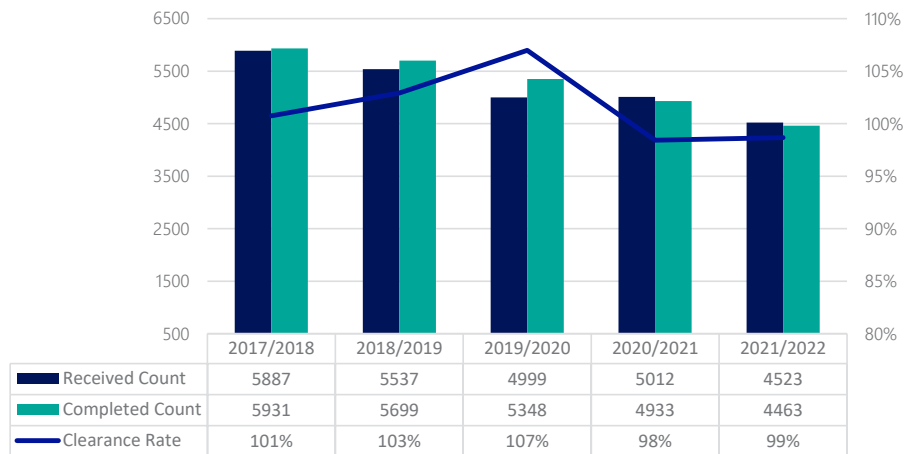
### Number of District Court Sentences received and completed (by location)



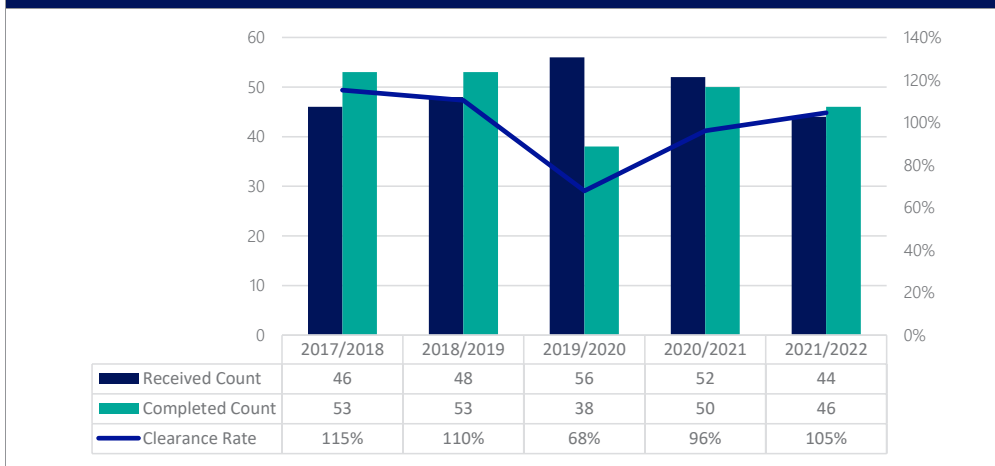
### Number of District Court Conviction Appeals received and completed



### Number of District Court Severity Appeals received and completed



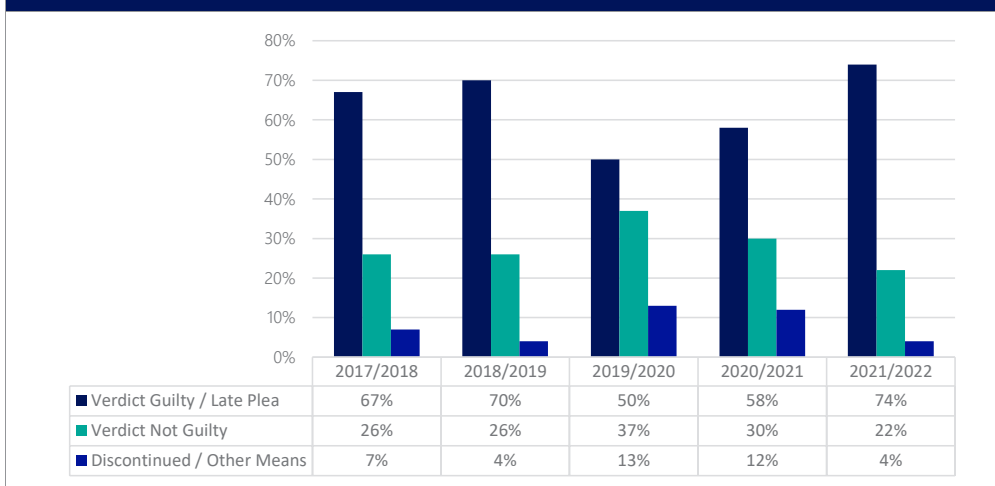
### Number of Supreme Court Trials received and completed



### Results of Supreme Court trials

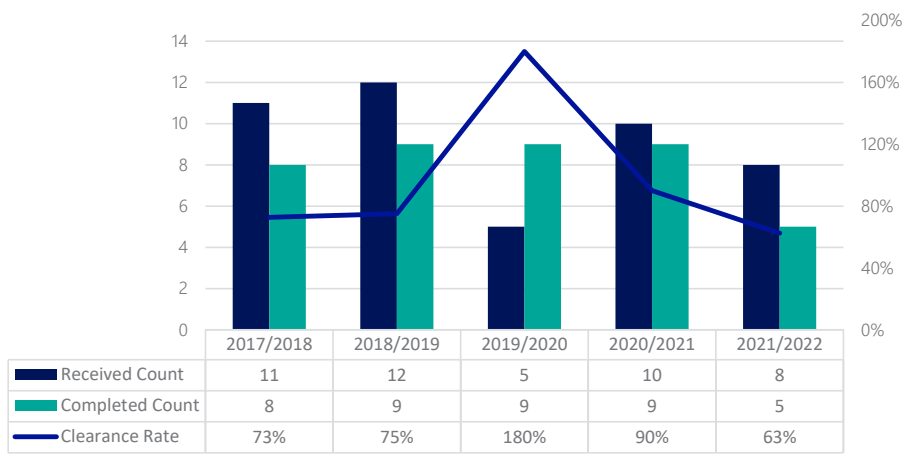
		No	%
Late plea		6	13%
Trial	Verdict guilty	28	61%
	Verdict not guilty	10	22%
Discontinued		0	0%
Other		2	4%
<b>Total</b>		<b>46</b>	<b>100%</b>

### Supreme Court trials result breakdown

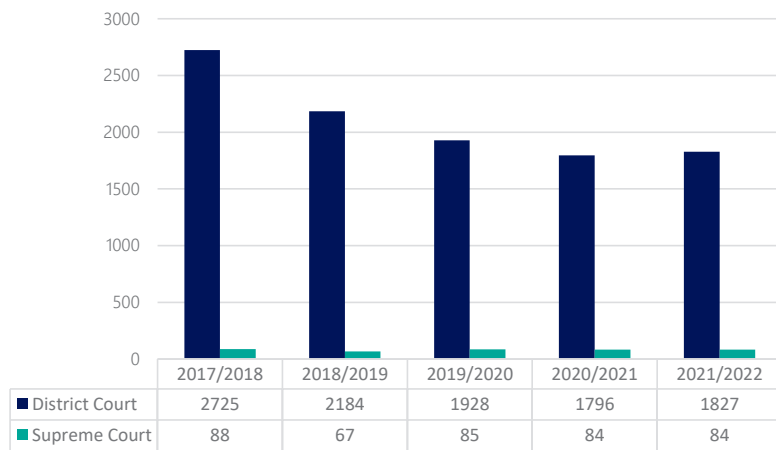




### Number of Supreme Court Sentences received and completed



### Trials on hand at the end of the year



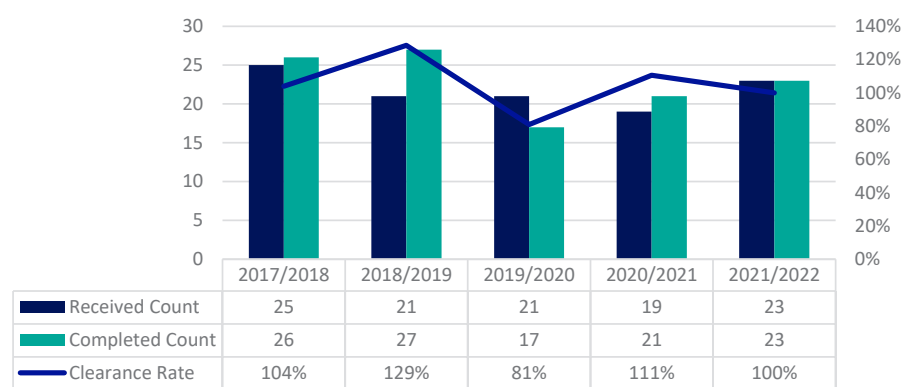
Completed Court of Criminal Appeal matters	No
Crown interlocutory appeals	2
Defence interlocutory appeals	14
Crown appeals: inadequacy of sentence	23
Crown appeals: judge-alone acquittals / directed verdict of not guilty / question of law after acquittal / Stated Case	8
Defence conviction (including conviction and sentence) appeals	100
Defence sentence-only appeals	169
<b>Total</b>	<b>316</b>

Results of Crown interlocutory appeals	No	%
Allowed	1	50%
Dismissed	1	50%
<b>Total</b>	<b>2</b>	<b>100%</b>

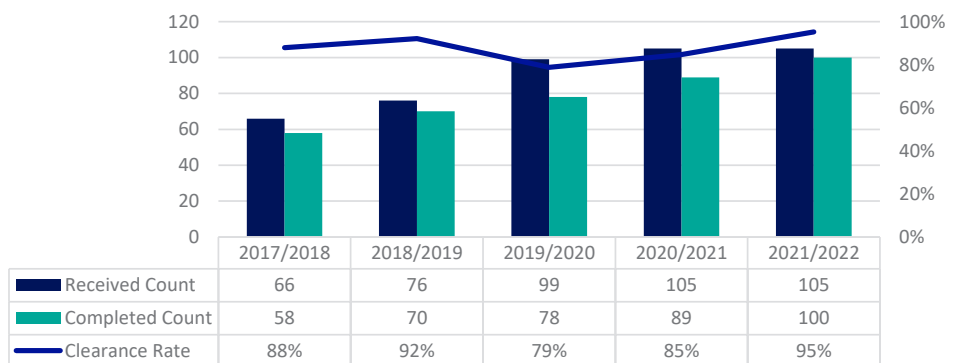
Results of Defence interlocutory appeals	No	%
Allowed	0	0%
Dismissed	7	50%
Abandoned	7	50%
<b>Total</b>	<b>14</b>	<b>100%</b>

Results of Crown appeals	No	%	
Inadequacy appeals	Allowed	7	30%
	Dismissed	10	44%
	Abandoned	6	26%
<b>Total inadequacy appeals</b>	<b>23</b>	<b>100%</b>	
Appeals against judge-alone acquittal / directed verdict of not guilty / question of law after acquittal / Stated Case	Allowed	3	38%
	Dismissed	3	38%
	Abandoned	2	24%
<b>Total appeals – other</b>	<b>8</b>	<b>100%</b>	

### NSW CCA: Number of Crown appeals against inadequacy of sentence filed and completed

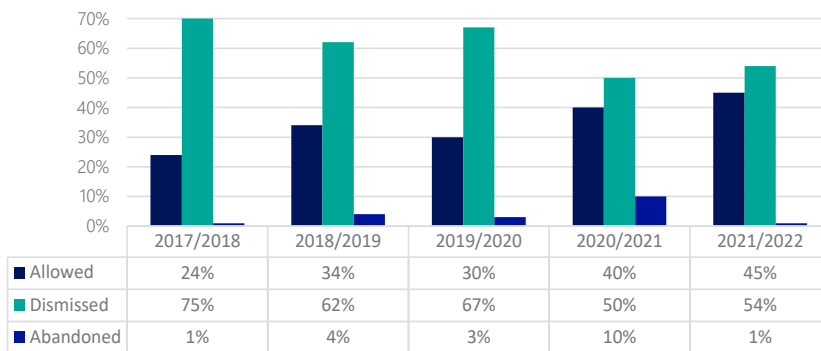


### NSW CCA: Number of conviction (including conviction and sentence) appeals filed and completed

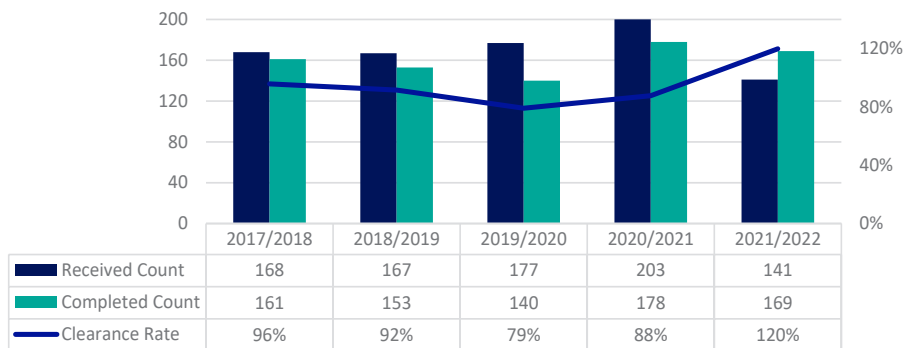


Results of conviction (including conviction and sentence) appeals		No	%
Allowed	Retrial	21	21%
	Acquittal	11	11%
	Allowed on some grounds only	10	10%
	Sentence varied only	3	3%
Abandoned / Withdrawn		1	1%
Dismissed		54	54%
<b>Total</b>		<b>100</b>	<b>100%</b>

### Results of conviction (including conviction and sentence) appeals



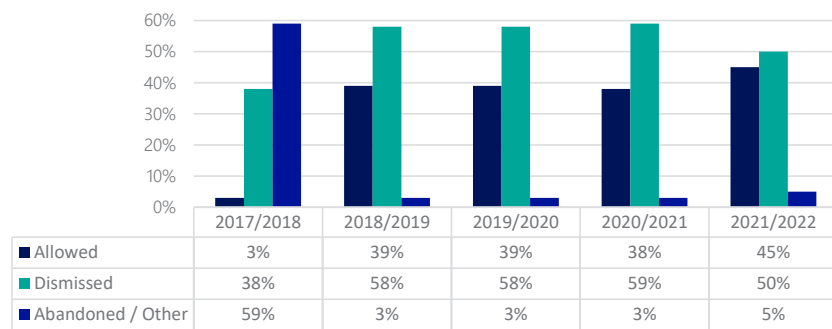
### NSW CCA: Number of sentence appeals filed and completed



### Results of sentence appeals

	No	%
Allowed	76	45%
Dismissed	85	50%
Remitted to District Court	2	1%
Abandoned / withdrawn	6	4%
<b>Total</b>	<b>169</b>	<b>100%</b>

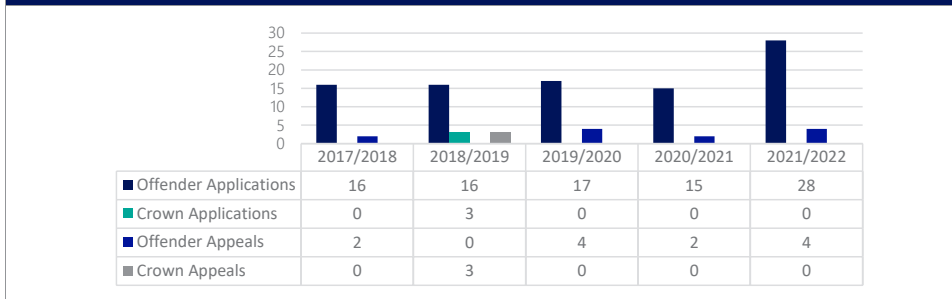
### Results of sentence appeals



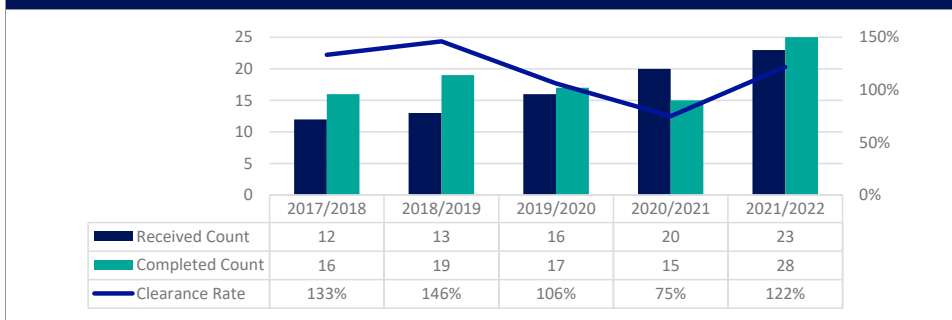
### High Court special leave applications and appeals

	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
<b>Completed Applications for special leave to appeal</b>					
Applications by the offender	16	16	17	15	28
Applications by the Crown	0	3	0	0	0
<b>Hearings conducted after grant of special leave</b>					
Appeals by the offender	2	0	4	2	4
Appeals by the Crown	0	3	0	0	0

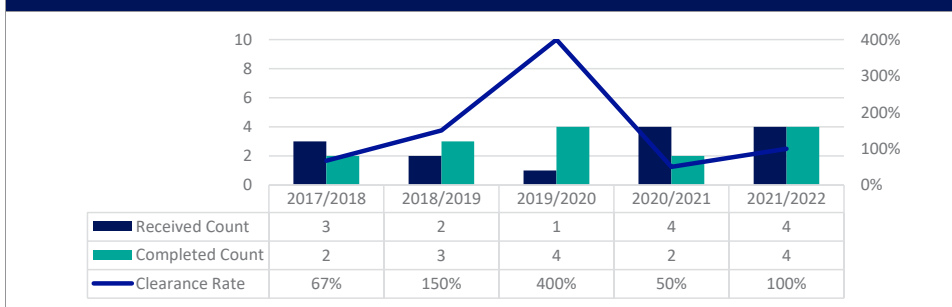
### High Court special leave applications and appeals

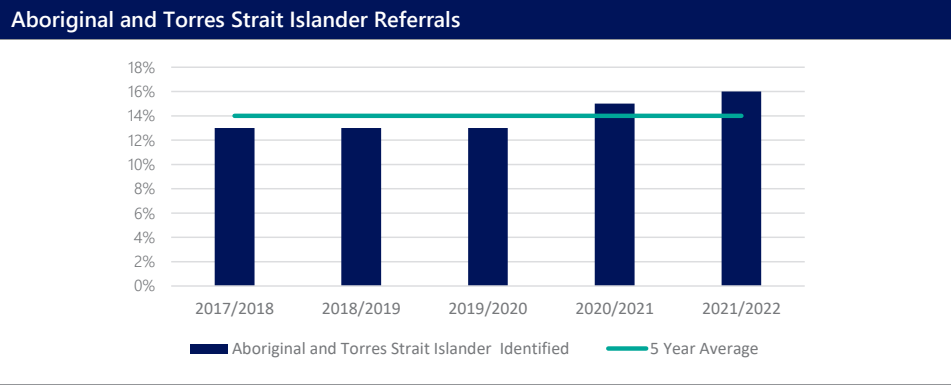
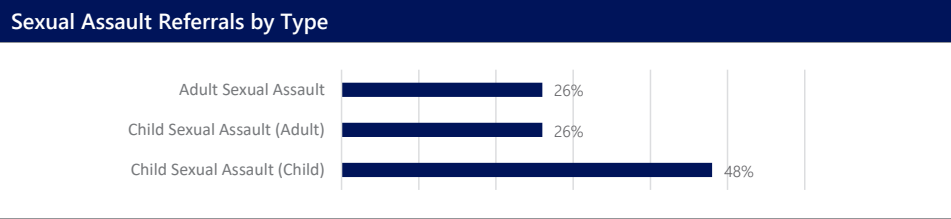
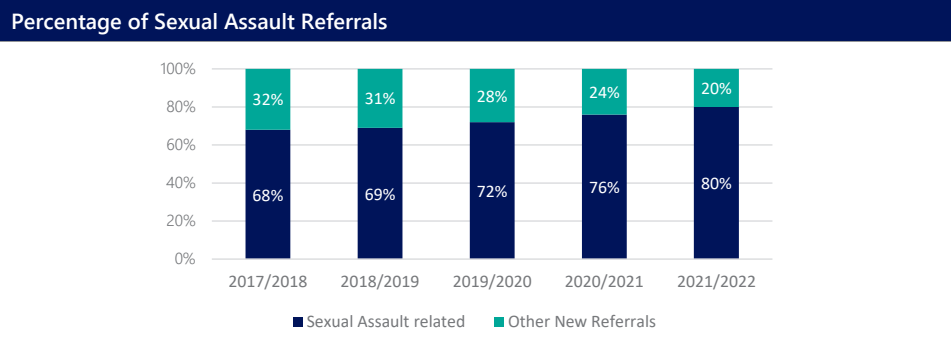
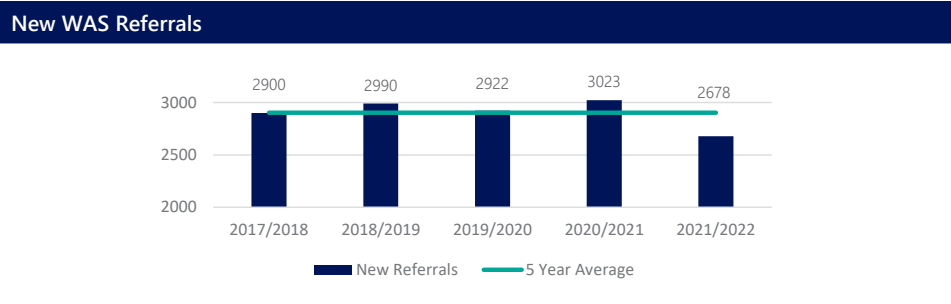


### Number of High Court special leave applications filed and completed



### Number of High Court Full Court hearings completed





# 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 2021 to 30 June 2022 there were no significant amendments made to the Act.

Key provisions of the Act are:

### **s 4 Director**

The Director is responsible to the Attorney General for the exercise of her 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.

### **s 7 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) institute and 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: s 7(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: s 7(2).

### **s 8 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.

### **s 11 Consents**

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

### **s 12 Coroners**

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

### **s 13 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.

### **s 14 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.

### **s 15 Provisions relating to Guidelines**

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

### **s 15A 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.

### **s 18 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.

### **s 19 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.



#### **s 24 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.

#### **s 25 Consultation**

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

#### **s 26 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.

#### **s 27 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 s 5D 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.

#### **s 29 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.

#### **s 30 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.

#### **s 33 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 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 s 11(6).

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

<i>Crimes Act 1900 (NSW)</i>	
Section	Total
<ul style="list-style-type: none"> <li>Sexual intercourse with person with cognitive impairment by person responsible for care: s 66F(2)</li> </ul>	2
<ul style="list-style-type: none"> <li>Sexual intercourse by taking advantage of person with cognitive impairment: s 66F(3)</li> </ul>	20
<ul style="list-style-type: none"> <li>Reliance on s 66F(6):               <ul style="list-style-type: none"> <li>Aggravated indecent assault: s 61M(1)</li> <li>Aggravated incite sexual touching: s 61KD(1)(b)</li> <li>Aggravated sexual act: s 61KF(1)(a)</li> </ul> </li> </ul>	7
<ul style="list-style-type: none"> <li>Offences of perjury under s 338(1)               <ul style="list-style-type: none"> <li>Concealing serious indictable offence: s 316(1)</li> <li>Offence of perjury: s 327(1)</li> <li>Perjury with intent to procure conviction or acquittal: s 328(1)</li> </ul> </li> </ul>	3

<i>Surveillance Devices Act 2007 (NSW)</i>	
Section	Total
<ul style="list-style-type: none"> <li>Installation, use and maintenance of listening devices: s 7</li> </ul>	6
<ul style="list-style-type: none"> <li>Installation, use and maintenance of tracking devices: s 9</li> </ul>	3
<ul style="list-style-type: none"> <li>Installation, use and maintenance of optical devices: s 8</li> </ul>	4
<ul style="list-style-type: none"> <li>Manufacture, supply and possession of listening and other devices: s 13</li> </ul>	1

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

<i>Crimes Act 1900 (NSW)</i>	
Section	Total
<ul style="list-style-type: none"> <li>Homosexual intercourse with male under 10: s 78H</li> </ul>	1
<ul style="list-style-type: none"> <li>Offence of publicly threatening or inciting violence on grounds of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status: s 93Z</li> </ul>	6

<i>Surveillance Devices Act 2007 (NSW)</i>	
Section	Total
<ul style="list-style-type: none"> <li>Prohibition on installation, use and maintenance of listening devices: s 7</li> </ul>	1
<ul style="list-style-type: none"> <li>Installation, use and maintenance of tracking devices: s 9</li> </ul>	6
<ul style="list-style-type: none"> <li>Manufacture, supply and possession of listening and other devices: s 13</li> </ul>	1

# Appendix D

## Independence and accountability

No guideline under s 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 s 27. One request has been made to the Attorney General pursuant to s 29.

# Appendix E

## Internal Committees

Internal Committee	ODPP Representatives	
<b>Executive Board</b>	Sally Dowling SC ( <i>Chair</i> ) (first meeting 19 August 2021) Ken McKay SC (first meeting 9 December 2021) Michelle England (first meeting 21 April 2022) Huw Baker SC Frank Veltro SC Craig Hyland Sandra Jones	Nigel Richardson Brendan Oldham Kenneth Dixon ( <i>Independent member</i> ) Robyn Gray ( <i>Independent member</i> ) Lloyd Babb SC ( <i>Chair</i> ) (last meeting 17 June 2021) Chris Maxwell QC (last meeting 19 August 2021) Peter McGrath SC (last meeting 9 December 2021)
<b>Management Committee</b>	Sally Dowling SC ( <i>Chair</i> ) (first meeting 19 August 2021) Ken McKay SC (first meeting 9 December 2021) Michelle England (first meeting 17 March 2022) Huw Baker SC Frank Veltro SC Craig Hyland Sandra Jones Nigel Richardson Brendan Oldham	Johanna Pheils Sashi Govind Paula McNamara Melinda Graczol Anne Whitehead Lloyd Babb SC ( <i>Chair</i> ) (last meeting 15 July 2021) Chris Maxwell QC (last meeting 18 November 2021) Peter McGrath SC (last meeting 9 December 2021)
<b>Audit and Risk Committee</b>	Ian Gillespie ( <i>Independent Chairperson</i> ) Robyn Gray ( <i>Independent member</i> ) Sashi Govind ( <i>Chief Risk Officer</i> ) Jan McClelland ( <i>Independent member</i> ) (from 14 September 2021) Frank Veltro SC ( <i>Chief Audit Executive</i> ) (from 10 March 2022)	Alexander Smith AM ( <i>Independent member</i> ) (8 October 2018 – 14 September 2021) Peter McGrath SC ( <i>Chief Audit Executive</i> ) (from 3 April 2018 – 7 December 2021)
<b>Deputy Senior Crown Prosecutors' Committee</b>	Ken McKay SC ( <i>Chair</i> ) (first meeting 25 January 2022) Sean Hughes (first meeting 9 November 2021) Nerissa Keay (first meeting 9 November 2021) Miiiko Kumar (first meeting 9 November 2021) Sinead Reilly (first meeting 29 March 2022) Belinda Baker Patrick Barrett Brendan Campbell Lee Carr SC Craig Everson SC	Phil Hogan Helen Roberts David Scully Christopher Taylor Georgia Turner Mark Hobart SC (last meeting 6 June 2021) Chris Maxwell QC ( <i>Chair</i> ) (last meeting 9 November 2021) Michelle England (last meeting 9 November 2021) Catherine Kirkpatrick (last meeting 25 January 2022)

<p><b>PSA / Management Joint Consultative Committee</b></p>	<p><b>ODPP Representatives</b>  Nigel Richardson (<i>Chair</i>)  Craig Hyland  Sashi Govind  Sandra Jones</p> <p><b>ODPP PSA Representatives</b>  Fiona Horder  Amanda-Lee James  Kylie Latimer  Vanessa Chan  Nicholas Leach</p>	<p><b>PSA Industrial Officer</b>  Alex Sala  Dean Allen  (first meeting 29 September 2021)</p>
<p><b>Workplace Wellbeing Taskforce</b></p>	<p>Sally Dowling SC (<i>Chair</i>)  (first meeting 25 August 2021)  Georgia Turner  (first meeting 25 August 2021)  Katherine Wicks  (first meeting 23 February 2022)  Shari Hinch  (first meeting 23 February 2022)  Adelle Hudson  Catherine Kirkpatrick  Cat McKay  David O'Neill  Edna Udovich  Jasmine Farquharson  Jessica Rofe  Jillian Walshe  John Doohan  Joshua Hanna  Julie Booth  Karen Vaughan  Kim Smith</p>	<p>Liam Shaw  Megan Heywood  Mel Graczol  Michael Reville  Natalie Weekes  Nigel Richardson  Renee McKenzie  Rennae Gee  Sharon Wills  Sonya Harman  Sophie Norman  Yvette Prowse  Keith Dawson  (last meeting 25 August 2021)  Bonnie Morris  (last meeting 24 November 2021)  Peter McGrath SC  (last meeting 24 November 2021)  Jean Marshall  (last meeting 25 May 2022)</p>
<p><b>Information Management Technology Committee</b></p>	<p>Brendan Oldham (<i>Chair</i>)  Sashi Govind  Sandra Jones  Tarik Abdulhak (<i>alt Alex Morris</i>)</p>	<p>Craig Hyland  Johanna Pheils  Rajiv Nandan</p>
<p><b>CASES Replacement Project Steering Committee</b></p>	<p>Sally Dowling (<i>Chair</i>)  (first meeting 17 September 2021)  Brendan Oldham  Craig Hyland  Sashi Govind  Sandra Jones  Tarik Abdulhak  Naomi Youness (<i>Independent member</i>)</p>	<p>Lloyd Babb SC (<i>Chair</i>)  (last meeting 7 July 2021)  Khalid Mousa  (last meeting 17 September 2021)  Phil Greer  (first meeting 9 February 2022 / last meeting 9 March 2022)  Keith Sherringham  (first meeting 3 May 2022 / last meeting 13 July 2022)</p>

# Appendix F

## Internal Audit and Risk Management Attestation

### Internal Audit and Risk Management Attestation for the 2021/2022 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
<b>Risk Management Framework</b>	
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
<b>Internal Audit Function</b>	
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
<b>Audit and Risk Committee</b>	
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 2023
- Robyn Gray, Independent member, 1 February 2018 – 2 February 2024
- Jan McClelland, Independent member, 1 September 2021- 31 August 2024.



Sally Dowling SC  
Director of Public Prosecutions



Chief Audit Executive (Audit and Risk)  
 Frank Veltro SC  
Acting 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 revised 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 2021/2022 motor vehicle claims totalled twenty-three (23), the total cost of was \$116,478. This represents an average damage/loss net cost payment of \$5,064 per claim. While the number of claims has not increased, the increase in the average net damage/loss per claim has increased by \$2,732 compared to 2020/2021.

#### Property

In 2021/2022, there were two (2) property claims lodged for the ODPP for the amount of \$3,983. In the previous year there were two (2) property claims for the office totalling the amount of \$14,642.

#### Miscellaneous

The Office had zero (0) miscellaneous claims for 2021/2022. In the previous year there were also zero (0) miscellaneous claims.

# Appendix H

## Cyber Security Policy Attestation

### Cyber Security Annual Attestation Statement for the 2021/2022 Financial Year for The 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 The Office of the Director of Public Prosecutions NSW.

Risks to the information and systems of The 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 Information Security Policy, IT Disaster Recovery and ODPP Business Continuity Plan which has been tested during the reporting period involving senior executives.

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



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

<b>Period in Position</b>	1 July 2021 to 16 July 2021
<b>Position and Level</b>	Director of Public Prosecutions
<b>Remuneration</b>	\$493,260 pa (salary plus allowance as at 1 July 2021)

### Sally Dowling SC

<b>Period in Position</b>	16 August 2021 to 30 June 2022
<b>Position and Level</b>	Director of Public Prosecutions
<b>Remuneration</b>	\$493,260 pa (salary plus allowance as at 1 July 2021)

# Appendix J

## Chief Executive Service and Senior Executive Service

SES Band	30 June 2021					30 June 2022				
	Total Number	Male	Female	Average Remuneration	% of Total Employee Related Expenditure	Total Number	Male	Female	Average Remuneration	% of Total Employee Related Expenditure
Band 1	12	4	8	231,071	2.06	13	4	9	235,007	2.35
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

## Workforce Diversity Report

Cluster	Reporting Entity
Stronger Communities	Office of the Director of Public Prosecutions

Size of agency (headcount)	2020	2021	2022	% change 2021 to 2022
Headcount at Census Date	848	915	937	2.4%
Non-casual Headcount as Census Date	848	915	937	2.4%

Workforce Diversity Survey Response Rate (non-casual Headcount at Census Date)	2020	2021	2022
Non-casual Headcount as Census Date	848	915	937
Non-casual Workforce Diversity Survey Respondents at Census Date	750	816	837
Response Rate	88.4%	89.2%	89.3%

**Workforce Diversity Actual Staff Numbers  
(non-casual Headcount at Census Date) – 2022**

Remuneration level of substantive position	Total Staff (men, women & unspecified)	Respondents	Men	Women	Unspecified gender
\$0-50,479	1	1	0	1	0
\$50,479 -\$66,298	16	12	2	14	0
\$66,298-\$74,117	89	85	13	76	0
\$74,117-\$93,791	206	188	54	152	0
\$93,791-\$121,288	211	185	50	161	0
\$121,288-\$151,609	250	222	93	157	0
\$151,609 > (Non SES)	146	128	88	58	0
\$151,609 > (SES)	12	12	4	8	0
<b>Total</b>	<b>931</b>	<b>833</b>	<b>304</b>	<b>627</b>	<b>0</b>

Remuneration level of substantive position	Total Staff (men, women & unspecified)	Aboriginal and/or Torres Strat Islander People	People from racial, ethnic, ethno-religious minority groups	People whose language first spoken as a child was not English	People with a disability	People with a disability requiring work-related adjustment
\$0-50,479	1	0	0	0	1	0
\$50,479 -\$66,298	16	2	1	1	2	0
\$66,298-\$74,117	89	0	24	22	5	1
\$74,117-\$93,791	206	9	31	21	9	2
\$93,791-\$121,288	211	6	29	28	4	1
\$121,288-\$151,609	250	0	35	25	11	2
\$151,609 > (Non SES)	146	1	13	7	6	4
\$151,609 > (SES)	12	0	2	2	1	0
<b>Total</b>	<b>931</b>	<b>18</b>	<b>135</b>	<b>106</b>	<b>39</b>	<b>10</b>

**Workforce Diversity Actual and Estimated Staff Numbers  
(non-casual Headcount at Census Date) – 2022**

Actual						
Remuneration level of substantive position	Total Staff (men, women & unspecified)	Respondents	Men	Women	Unspecified gender	
\$0-50,479	1	1	0	1	0	
\$50,479 - \$66,298	16	12	2	14	0	
\$66,298-\$74,117	89	85	13	76	0	
\$74,117-\$93,791	206	188	54	152	0	
\$93,791-\$121,288	211	185	50	161	0	
\$121,288-\$151,609	250	222	93	157	0	
\$151,609 > (SES)	12	12	4	8	0	
\$151,609 > (Non SES)	146	128	88	58	0	
<b>Total</b>	<b>931</b>	<b>833</b>	<b>304</b>	<b>627</b>		
Estimated						
Remuneration level of substantive position	Total Staff (men, women & unspecified)	Aboriginal and/or Torres Strat Islander People	People from racial, ethnic, ethno-religious minority groups	People whose language first spoken as a child was not English	People with a disability	People with a disability requiring work-related adjustment
\$0-50,479	1	0	0	0	1	0
\$50,479 - \$66,298	16	3	1	1	3	0
\$66,298-\$74,117	89	0	25	23	5	1
\$74,117-\$93,791	206	10	34	23	10	2
\$93,791-\$121,288	211	7	33	32	5	1
\$121,288-\$151,609	250	0	39	28	12	2
\$151,609 > (SES)	12	0	2	2	1	0
\$151,609 > (Non SES)	146	1	15	8	7	5
<b>Total</b>	<b>931</b>					

**Workforce Diversity Actual and Estimated Staff Numbers  
(non-casual Headcount at Census Date) as percentages – 2022**

Actual						
Remuneration level of substantive position	Total Staff (men, women & unspecified)	Respondents	Men	Women	Unspecified gender	
\$0-50,479	1	100.0%	0.0%	100.0%	0.0%	
\$50,479 - \$66,298	16	75.0%	12.5%	87.5%	0.0%	
\$66,298-\$74,117	89	95.5%	14.7%	85.4%	0.0%	
\$74,117-\$93,791	206	91.3%	26.2%	73.8%	0.0%	
\$93,791-\$121,288	211	87.7%	23.7%	76.3%	0.0%	
\$121,288-\$151,609	250	88.8%	37.2%	62.8%	0.0%	
\$151,609 > (SES)	12	100.0%	33.3%	66.7%	0.0%	
\$151,609 > (Non SES)	146	87.7%	60.3%	39.7%	0.0%	
<b>Total</b>	<b>931</b>	<b>89.5%</b>	<b>32.7%</b>	<b>67.3%</b>	<b>0.0%</b>	
Estimated						
Remuneration level of substantive position	Total Staff (men, women & unspecified)	Aboriginal and/or Torres Strat Islander People	People from racial, ethnic, ethno-religious minority groups	People whose language first spoken as a child was not English	People with a disability	People with a disability requiring work-related adjustment
\$0-50,479	1	0.0%	0.0%	0.0%	100%	0.0%
\$50,479 - \$66,298	16	16.7%	8.3%	8.3%	16.7%	0.0%
\$66,298-\$74,117	89	0.0%	28.2%	25.9%	5.9%	1.2%
\$74,117-\$93,791	206	4.8%	16.5%	11.2%	4.8%	1.1%
\$93,791-\$121,288	211	3.2%	15.7%	15.1%	2.2%	0.5%
\$121,288-\$151,609	250	0.0%	15.8%	11.3%	5.0%	0.9%
\$151,609 > (SES)	12	0.0%	16.7%	16.7%	8.3%	0.0%
\$151,609 > (Non SES)	146	0.8%	10.2%	5.5%	4.7%	3.1%
<b>Total</b>	<b>931</b>					

## Parliamentary Annual Report Tables

### Trends in the representation of workforce diversity groups

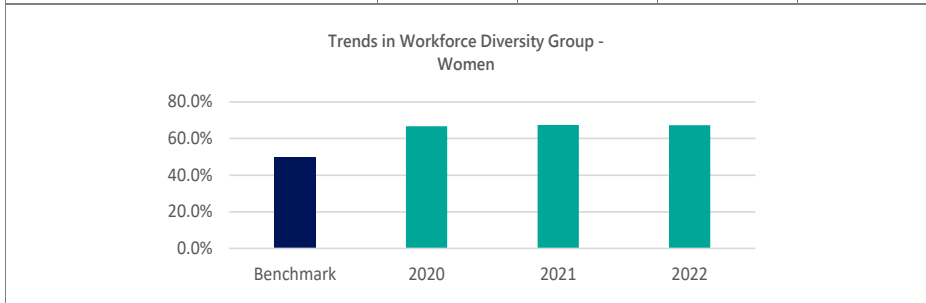
Workforce Diversity Groups	Benchmark	2020	2021	2022
Women	50%	66.7%	67.4%	67.3%
Aboriginal and/or Torres Strait Islander People	3.3%	1.1%	1.5%	2.2%
People whose language first spoken as a child was not English	23.2%	13.7%	14.4%	12.6%
People with a disability	5.6%	4.3%	4.5%	4.7%
People with a disability requiring work-related adjustment	N/A	1.1%	1.1%	1.2%

### Trends in the Distribution Index for Workforce Diversity Groups

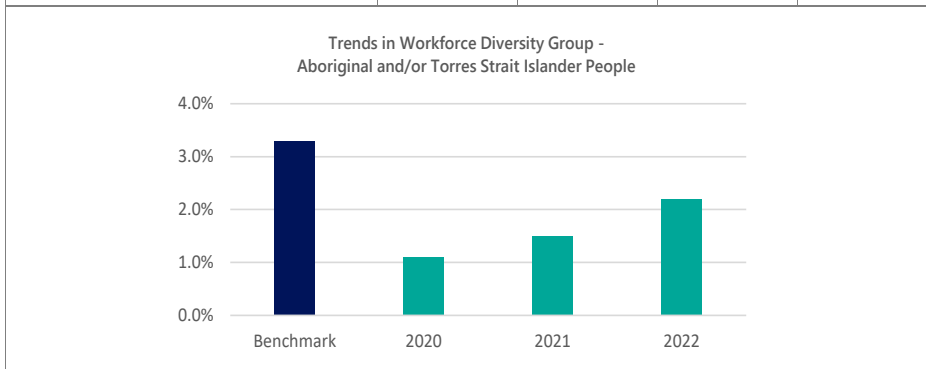
Workforce Diversity Groups	Benchmark	2020	2021	2022
Women	100	85	86	87
Aboriginal and/or Torres Strait Islander People	100	N/A	N/A	82
People whose language first spoken as a child was not English	100	93	91	92
People with a disability	100	94	92	95
People with a disability requiring work-related adjustment	100	N/A	N/A	N/A

## Representation of Workforce Diversity Groups - Graphs

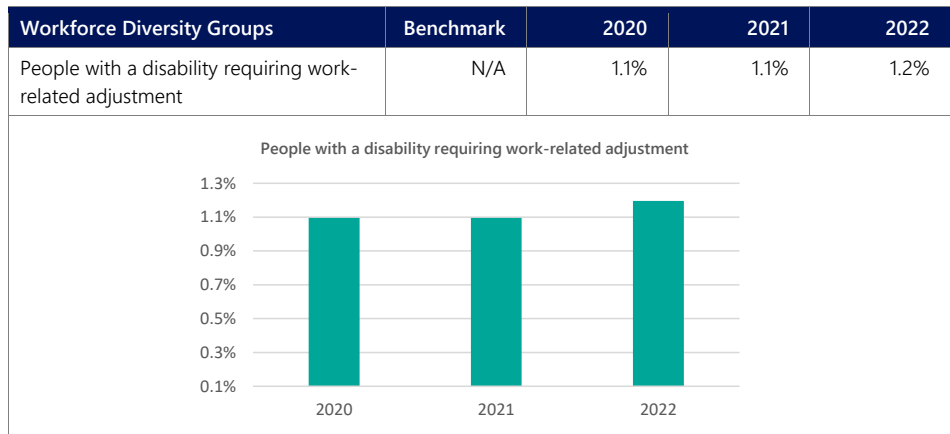
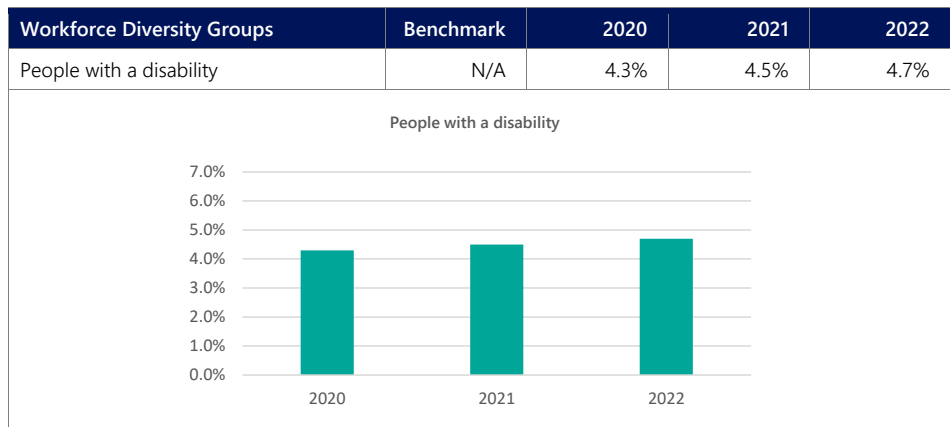
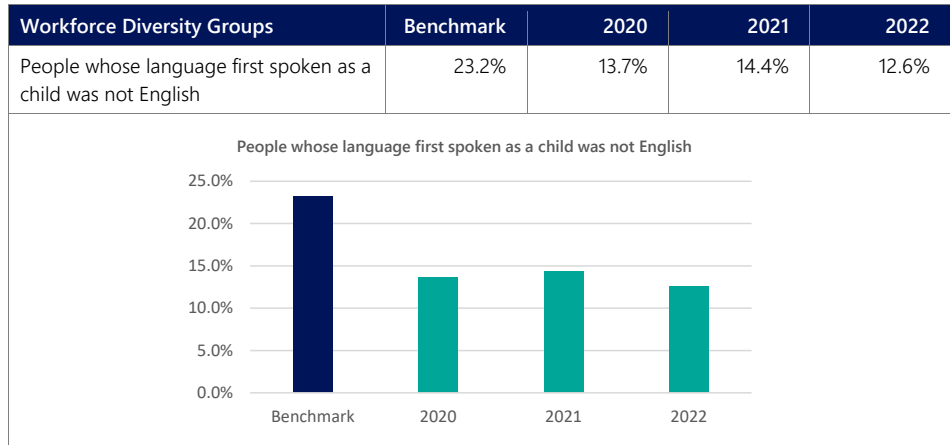
Workforce Diversity Groups	Benchmark	2020	2021	2022
Women	50%	66.7%	67.4%	67.3%



Workforce Diversity Groups	Benchmark	2020	2021	2022
Aboriginal and/or Torres Strait Islander People	3.3%	1.1%	1.5%	2.2%







Premier's Priority 14

Female senior leaders

Workforce Diversity Groups	Sector target (by 2025)	2020	2021	2022
Women in senior leadership roles - %	50%	44.6%	46.6%	50.0%
Women in senior leadership roles – headcount	N/A	25	27	29

Aboriginal senior leaders

Workforce Diversity Groups	Sector target (by 2025)	2020	2021	2022
Aboriginal people in senior leadership roles	114	0	0	0

Female senior leaders

Workforce Diversity Groups	Sector target (by 2025)	2020	2021	2022
People with disability – estimated representation	5.6%	4.3%	4.5%	4.7%
People with disability – estimated number	N/A	36	42	44

# Appendix L

## Overseas travel

There was no overseas travel by officers of the ODPP during the year.

# Appendix M

## Consultants

Engagements greater than \$50,000			
Consultant	Category	Name of project and purpose	Cost ex GST
			Nil

Engagements less than \$50,000		
Category	Total number of engagements	Cost ex GST
Human Resources – Vaccination Policy for ODPP Staff	One	\$32,700
Human Resources – ODPP Respectful Workplace Policy	One	\$7,300
Procurement – Facility Plan for the ODPP	One	\$21,150
Information Management & Technology – Review of Operations	One	\$46,000
ODPP Strategic Plan Refresh	One	\$22,500
<b>Total consultancies each engagement costing less than \$50,000</b>		<b>\$129,650</b>

# Appendix N

## Accounts payment performance

### 1 July 2021 to 30 June 2022

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 \$
<b>September</b>					
All suppliers	\$110,788.16	-	-	-	-
Small business suppliers	\$3,794.73	-	-	-	-
<b>December</b>					
All suppliers	\$66,252.74	-	-	-	-
Small business suppliers	-	-	-	-	-
<b>March</b>					
All suppliers	\$20,969.49	-	-	-	-
Small business suppliers	-	-	-	-	-
<b>June</b>					
All suppliers	\$106,757.72	\$1,656.80	-	-	-
Small business suppliers	\$6,171.73	-	-	-	-

<b>Details of accounts due for payment</b>				
	<b>September</b>	<b>December</b>	<b>March</b>	<b>June</b>
<b>Number of accounts due for payment</b>				
All suppliers	1194	1318	1147	1864
Small business suppliers	166	94	92	150
<b>Number of accounts paid on time</b>				
All suppliers	1112	1124	1004	1637
Small business suppliers	165	94	92	150
<b>Actual percentage of accounts paid on time (based on number of occasion)</b>				
All suppliers	93%	85%	88%	88%
Small business suppliers	99%	100%	100%	100%
<b>Dollar amount of accounts due for payment</b>				
All suppliers	\$9,718,758.37	\$7,570,961.83	\$7,565,680.37	\$13,729,612.94
Small business suppliers	\$894,220.54	\$350,593.83	\$244,153.50	\$831,908.34
<b>Dollar amount of accounts paid on time</b>				
All suppliers	\$9,389,355.04	\$7,268,709.51	\$7,045,677.75	\$12,966,700.24
Small business suppliers	\$871,351.54	\$350,593.83	\$244,153.50	\$831,908.34
<b>Actual percentage of accounts paid on time (based on dollar amount of accounts)</b>				
All suppliers	97%	96%	93%	94%
Small business suppliers	97%	100%	100%	100%
<b>Number of payments for interest on overdue accounts</b>				
All suppliers	-	-	-	-
Small business suppliers	-	-	-	-
<b>Interest paid on late accounts</b>				
All suppliers	-	-	-	-
Small business suppliers	-	-	-	-

**Small business vendors:**

Small business payment terms changed effective 1 December 2019 from 20 working days to five 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 O

## Financial accounts

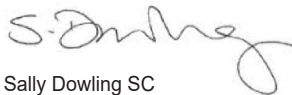
**Office of the Director of Public Prosecutions**

**Financial Statements  
for the year ended 30 June 2022**

**Office of the Director of Public Prosecutions  
Statement by Director for the year ended 30 June 2022**

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  
26 September 2022





## INDEPENDENT AUDITOR'S REPORT

### Office of the Director of Public Prosecutions

To Members of the New South Wales Parliament

#### Opinion

I have audited the accompanying financial statements of Office of the Director of Public Prosecutions (the Office), which comprise the Statement by the Director, the Statement of Comprehensive Income for the year ended 30 June 2022, the Statement of Financial Position as at 30 June 2022, 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.

#### 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 Regulation 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.

Level 19, Darling Park Tower 2, 201 Sussex Street, Sydney NSW 2000  
GPO Box 12, Sydney NSW 2001 | t 02 9275 7101 | mail@audit.nsw.gov.au | audit.nsw.gov.au



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](http://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

28 September 2022  
SYDNEY

**Office of the Director of Public Prosecutions**  
**Statement of Comprehensive Income for the year ended 30 June 2022**

	Notes	Budget 2022 \$'000	Actual 2022 \$'000	Actual 2021 \$'000
<b>Continuing operations</b>				
<b>Expenses excluding losses</b>				
Employee-related expenses	2(a)	145,264	139,784	134,891
Operating expenses	2(b)	22,700	16,867	16,842
Depreciation and amortisation	2(c)	11,549	11,909	10,250
Finance costs	2(d)	672	916	796
Other expenses	2(e)	4,249	2,301	2,617
<b>Total expenses excluding losses</b>		<b>184,434</b>	<b>171,777</b>	<b>165,396</b>
<b>Revenue</b>				
Appropriation	3(a)	182,581	168,654	150,790
Sale of goods and services from contracts with customers	3(b)	89	15	16
Grants and other contributions	3(c)	2,166	2,161	10,672
Acceptance by the Crown of employee benefits and other liabilities	3(d)	8,036	(127)	3,267
Other income	3(e)	38	349	2,046
<b>Total revenue</b>		<b>192,910</b>	<b>171,052</b>	<b>166,791</b>
<b>Operating result</b>		<b>8,476</b>	<b>(725)</b>	<b>1,395</b>
<b>Gains / (losses) on disposal</b>	4	<b>5</b>	<b>34</b>	<b>(11)</b>
<b>Other gains / (losses)</b>	5	<b>42</b>	<b>6,870</b>	<b>(3,157)</b>
<b>Net result from continuing operations</b>		<b>8,523</b>	<b>6,179</b>	<b>(1,773)</b>
<b>Net result</b>		<b>8,523</b>	<b>6,179</b>	<b>(1,773)</b>
<b>Other comprehensive income</b>		<b>-</b>	<b>-</b>	<b>-</b>
<b>Total other comprehensive income</b>		<b>-</b>	<b>-</b>	<b>-</b>
<b>TOTAL COMPREHENSIVE INCOME</b>		<b>8,523</b>	<b>6,179</b>	<b>(1,773)</b>

The accompanying notes form part of these financial statements.

**Office of the Director of Public Prosecutions  
Statement of Financial Position as at 30 June 2022**

	Notes	Budget 2022 \$'000	Actual 2022 \$'000	Actual 2021 \$'000
<b>ASSETS</b>				
<b>Current assets</b>				
Cash and cash equivalents	7	3,500	7,449	4,319
Receivables	8	<u>3,534</u>	<u>3,599</u>	<u>3,690</u>
<b>Total current assets</b>		<u>7,034</u>	<u>11,048</u>	<u>8,009</u>
<b>Non-current assets</b>				
Plant and equipment	9	6,485	7,003	7,757
Right-of-use assets	10	36,091	258	31,192
Intangible assets	11	<u>10,666</u>	<u>1,377</u>	<u>1,868</u>
<b>Total non-current assets</b>		<u>53,242</u>	<u>8,638</u>	<u>40,817</u>
<b>Total assets</b>		<u>60,276</u>	<u>19,686</u>	<u>48,826</u>
<b>LIABILITIES</b>				
<b>Current liabilities</b>				
Payables	12	2,891	4,621	3,580
Borrowings	13	8,513	156	4,449
Provisions	14	15,187	16,309	15,882
Other current liabilities	15	<u>-</u>	<u>326</u>	<u>-</u>
<b>Total current liabilities</b>		<u>26,591</u>	<u>21,412</u>	<u>23,911</u>
<b>Non-current liabilities</b>				
Borrowings	13	31,381	106	33,346
Provisions	14	1,511	1,600	1,514
Other non-current liabilities	15	<u>-</u>	<u>334</u>	<u>-</u>
<b>Total non-current liabilities</b>		<u>32,892</u>	<u>2,040</u>	<u>34,860</u>
<b>Total liabilities</b>		<u>59,483</u>	<u>23,452</u>	<u>58,771</u>
<b>Net assets (liabilities)</b>		<u>793</u>	<u>(3,766)</u>	<u>(9,945)</u>
<b>EQUITY</b>				
Accumulated funds		<u>793</u>	<u>(3,766)</u>	<u>(9,945)</u>
<b>Total equity</b>		<u>793</u>	<u>(3,766)</u>	<u>(9,945)</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 2022**

	Accumulated Funds	Total
	\$'000	\$'000
<b>Balance at 1 July 2021</b>	<b>(9,945)</b>	<b>(9,945)</b>
<b>Net result for the year</b>	<b>6,179</b>	<b>6,179</b>
<b>Other comprehensive income</b>	<b>-</b>	<b>-</b>
<b>Total other comprehensive income</b>	<b>6,179</b>	<b>6,179</b>
<b>Total comprehensive income for the year</b>	<b>6,179</b>	<b>6,179</b>
<b>Balance at 30 June 2022</b>	<b>(3,766)</b>	<b>(3,766)</b>

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

**Office of the Director of Public Prosecutions  
Statement of Cash Flows for the year ended 30 June 2022**

	Budget 2022 \$'000	Actual 2022 \$'000	Actual 2021 \$'000
Notes			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee related	(137,461)	(138,854)	(131,107)
Suppliers for goods and services	(26,949)	(22,643)	(22,508)
Finance costs	(672)	(916)	(796)
<b>Total payments</b>	<u>(165,082)</u>	<u>(162,413)</u>	<u>(154,411)</u>
<b>Receipts</b>			
Appropriations (excluding equity appropriations)	182,581	168,654	150,790
Sale of goods and services	88	25	11
Grants and other contributions	2,166	2,863	10,911
Other	39	3,896	3,058
<b>Total receipts</b>	<u>184,874</u>	<u>175,438</u>	<u>164,770</u>
<b>NET CASH FLOWS FROM OPERATING ACTIVITIES</b>	20 <u>19,792</u>	<u>13,025</u>	<u>10,359</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Proceeds from sale of plant and equipment	5	-	-
Purchase of plant and equipment	(1,732)	(1,334)	(2,774)
Purchase of intangible assets	(8,246)	(194)	(1,105)
<b>NET CASH FLOWS FROM INVESTING ACTIVITIES</b>	<u>(9,973)</u>	<u>(1,528)</u>	<u>(3,879)</u>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Payment of principal portion of lease liabilities	(8,502)	(8,367)	(8,113)
<b>NET CASH FLOWS FROM FINANCING ACTIVITIES</b>	<u>(8,502)</u>	<u>(8,367)</u>	<u>(8,113)</u>
<b>NET INCREASE / (DECREASE) IN CASH AND CASH EQUIVALENTS</b>			
	1,317	3,130	(1,633)
Opening cash and cash equivalents	2,183	4,319	5,952
<b>CLOSING CASH AND CASH EQUIVALENTS</b>	7 <u>3,500</u>	<u>7,449</u>	<u>4,319</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 2022 have been authorised for issue by the Director on 26 September 2022.

**(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.

The Office has determined that it is not probable a liability arises to pay superannuation on annual leave loading. This position has been formed based on current inquiries, other information currently available to management, and after considering the facts from a decision in the Federal Court of Australia: *Finance Sector Union of Australia v Commonwealth Bank of Australia* [2022] FedCFamC2G 409. That decision confirmed that, in relation to the industrial agreement considered in that case, annual leave loading did not form part of ordinary time earnings and therefore, did not require superannuation contributions to be made under superannuation guarantee legislation because the obligation to pay annual leave loading was not referable to ordinary hours of work or to ordinary rates of pay. Rather, it was paid by reference to the period of annual leave, and for the purpose of compensating employees for their loss of opportunity to work additional hours at higher rates during this period.

This position will be re-assessed in future reporting periods as new information comes to light on this matter.

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.



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

**1 Statement of Significant Accounting Policies (cont'd)**

**(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 2021-22

The accounting policies applied in 2021-22 are consistent with those of the previous financial year.

(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 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*
- AASB 2020-6 *Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current – Deferral of Effective Date*
- AASB 2021-2 *Amendments to Australian Accounting Standards – Disclosure of Accounting Policies and Definition of Accounting Estimates*
- AASB 2021-6 *Amendments to Australian Accounting Standards – Disclosure of Accounting Policies: Tier 2 and Other Australian Accounting Standards*

The possible impact of these Standards in the period of initial application was assessed and it 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 2021-22**

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.



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

**2 Expenses Excluding Losses**

	2022	2021
	\$'000	\$'000
<b>(a) Employee related expenses</b>		
Salaries and wages (including annual leave)*	119,874	113,132
Superannuation - defined benefit plans	774	999
Superannuation - defined contribution plans	11,120	9,947
Long service leave	(1,370)	2,264
Workers' compensation insurance	516	573
Payroll tax and fringe benefit tax	6,418	6,227
On-cost on long service leave	48	22
Temporary staff	<u>2,404</u>	<u>1,727</u>
	<u>139,784</u>	<u>134,891</u>

\* Employee related costs of \$0.186 million (2021: \$0.261 million) have been capitalised in intangible assets, and therefore excluded from the above.

	2022	2021
	\$'000	\$'000
<b>(b) Operating expenses include the following:</b>		
Auditor's remuneration - audit of the financial statements	72	77
Cleaning	635	506
Consultants	130	134
Insurance	1,557	1,384
Motor vehicle expenses	175	214
Telephone	1,010	969
Operating lease rental expense - minimum lease payments	8	226
Printing	436	544
Stores and equipment	451	590
Training	444	294
Travel	1,416	1,748
Other expenses	1,232	1,097
Outgoings	1,006	1,024
Books and online services	654	657
Fees - private barristers	2,525	2,824
Fees - practising certificates	528	303
Fees - security	299	297
Gas and electricity	308	349
Postage	216	173
Fees For Services - Other	787	813
Maintenance*	<u>2,978</u>	<u>2,619</u>
	<u>16,867</u>	<u>16,842</u>
<i>* Reconciliation - Total maintenance</i>		
Maintenance expense - contracted labour and other (non-employee related), as above	2,978	2,619
Employee related maintenance expense included in Note 2(a)	<u>643</u>	<u>545</u>
Total maintenance expenses included in Note 2(a) + 2(b)	<u>3,621</u>	<u>3,164</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.

	2022 \$'000	2021 \$'000
<b>(c) Depreciation and amortisation expense</b>		
<b>Depreciation</b>		
Building and Improvements - right-of-use assets	8,948	6,603
Plant and equipment	1,571	2,078
Plant and equipment - right-of-use assets	188	231
Computer equipment	496	858
Library collection	<u>21</u>	<u>21</u>
Total depreciation	<u>11,224</u>	<u>9,791</u>
<b>Amortisation</b>		
Intangible assets	<u>685</u>	<u>459</u>
	<u>11,909</u>	<u>10,250</u>

Refer to Notes 9, 10 and 11 for recognition and measurement policies on depreciation and amortisation.

	2022 \$'000	2021 \$'000
<b>(d) Finance costs</b>		
Interest expense from lease liabilities	<u>916</u>	<u>796</u>
Total interest expense	<u>916</u>	<u>796</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.

	2022 \$'000	2021 \$'000
<b>(e) Other expenses</b>		
Allowances to witnesses	2,239	2,580
Living expenses of defendant non-Australian citizens	<u>62</u>	<u>37</u>
	<u>2,301</u>	<u>2,617</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**

The *Appropriation Act 2021 (Appropriation Act)* and the subsequent variations appropriate the sum of \$186,094,000 to the Attorney General, and Minister for Prevention of Domestic and Sexual Violence out of the Consolidated Fund for the services of the Office of the Director of Public Prosecutions for the year 2021-22.

The responsible Minister for the Office of the Director of Public Prosecutions is taken to have been given an appropriation out of the Consolidated Fund under the authority of S4.7 of the *Government Sector Finance Act 2018*, at the time the Office receives or recovers any deemed appropriation money, for an amount equivalent to the money that is received or recovered by the Office.

The spending authority of the Minister from the *Appropriation Act* and that of the responsible Minister from deemed appropriation money has been delegated/sub-delegated to officers of the Office of the Director of Public Prosecutions.

The summary of compliance has been prepared on the basis of aggregating the spending authorities of the Attorney General, and Minister for Prevention of Domestic and Sexual Violence. It reflects the status at the point in time this disclosure statement is being made.

<b>Summary of Compliance</b>	<b>2022 \$'000</b>	<b>2021 \$'000</b>
Amount Appropriated per Appropriation Act	182,581	162,215
Variations made to the appropriations during the financial year		
– COVID-19 pandemic and inflation (per Section 34 of the Appropriation Act)	1,347	
– Other - Cluster Grant	<u>2,166</u>	<u>10,881</u>
<b>Total spending authority from parliamentary appropriations, other than deemed appropriations</b>	<b>186,094</b>	<b>173,096</b>
<b>Add:</b>		
The spending authority from deemed appropriations during the current year	3,921	3,069
The unutilised spending authority from deemed appropriations in prior years	<u>3,069</u>	<u>-</u>
<b>Total</b>	<b>193,084</b>	<b>176,165</b>
<b>Less: total expenditure out of ConFund</b>	<b>172,308</b>	<b>166,403</b>
<b>Variance</b>	<b>20,776</b>	<b>9,762</b>
Less:		
The spending authority from appropriations lapsed at 30 June	<u>(13,786)</u>	<u>(6,693)</u>
<b>Deemed appropriations balance carried forward to following years</b>	<b>6,990</b>	<b>3,069</b>

**Recognition and Measurement**

***Parliamentary appropriations other than deemed appropriations***

Income from appropriations, other than deemed appropriations (of 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.

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

**3 Revenue (cont'd)**

	2022	2021
	\$'000	\$'000
<b>(b) Sale of goods and services from contracts with customers</b>		
Rendering of services to other agencies	14	16
Costs awarded	<u>1</u>	<u>-</u>
	<u>15</u>	<u>16</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.

	2022	2021
	\$'000	\$'000
<b>(c) Grants and other contributions</b>		
Grants without sufficiently specific performance obligations	<u>2,161</u>	<u>10,672</u>
	<u>2,161</u>	<u>10,672</u>

Grants were received from the Department of Communities and Justice for Child Sexual Offence Evidence Program \$2.161 million (2021: \$2.311 million).

District Court Backlog program funding was provided as a grant in 2021 (\$8.361 million) and is part of direct appropriation in 2022.

**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).

	2022	2021
	\$'000	\$'000
<b>(d) Acceptance by the Crown of employee benefits and other liabilities</b>		
The following liabilities and / or expenses have been assumed by the Crown or other government entities:		
Superannuation - defined benefit	774	999
Long service leave provision	(939)	2,217
Payroll tax	<u>38</u>	<u>51</u>
	<u>(127)</u>	<u>3,267</u>

	2022	2021
	\$'000	\$'000
<b>(e) Other income</b>		
Miscellaneous Revenue	<u>349</u>	<u>2,046</u>
	<u>349</u>	<u>2,046</u>



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

**4 Gains / (Losses) on Disposal**

	2022 \$'000	2021 \$'000
<b>Gain / (loss) on disposal</b>		
Written down value of assets disposed of	<u>34</u>	<u>(11)</u>
Net gain / (loss) on disposal	<u>34</u>	<u>(11)</u>

**5 Other Gains / (Losses)**

	2022 \$'000	2021 \$'000
Derecognition of right-of-use assets and lease liabilities with Property NSW*	6,870	-
Impairment loss on right-of-use assets	<u>-</u>	<u>(3,157)</u>
	<u>6,870</u>	<u>(3,157)</u>

\*The net gains are recognised from the derecognition of the right-of-use asset and lease liability with Property NSW as at 30 June 2022. Please refer to Note 10 for further details on the derecognition.

The net gain from the derecognition of right-of-use asset and lease liability as at 30 June 2022 is reconciled as below:

	2022 \$'000
<b>Right-of-use asset</b>	
Gross carrying value	(61,254)
Less: accumulated depreciation and accumulated impairment provision	<u>18,699</u>
Net book value	<u>(42,555)</u>
<b>Amortised balance of incentives received</b>	<b>(463)</b>
<b>Lease liability</b>	<u>49,888</u>
<b>Net gains/(losses)</b>	<u>6,870</u>

**Recognition and Measurement**

**Impairment losses on non-financial assets**

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

Plant and equipment - Note 9

Leases - Note 10

Intangible assets - Note 11

**6 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**

**7 Current Assets - Cash and Cash Equivalents**

	2022 \$'000	2021 \$'000
Cash at bank and on hand	7,449	4,314
Permanent witness advances	-	5
	7,449	4,319

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:

	2022 \$'000	2021 \$'000
Cash and cash equivalents (per Statement of Financial Position)	7,449	4,319
Closing cash and cash equivalents (per Statement of Cash Flows)	7,449	4,319

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

**8 Current Assets - Receivables**

	2022 \$'000	2021 \$'000
<b>Current Receivables</b>		
Grant revenue	-	702
Goods and Services Tax recoverable from the ATO	373	623
Prepayments	3,123	2,230
Advances	83	106
Other receivables	20	29
	3,599	3,690

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**

**9 Plant and Equipment**

**Plant and equipment held and used by the Office**

	<b>Plant and Equipment \$'000</b>
<b>At 1 July 2020 - fair value</b>	
Gross carrying amount	30,225
Accumulated depreciation	<u>(22,503)</u>
<b>Net carrying amount</b>	<u><b>7,722</b></u>
 <b>Year ended 30 June 2021</b>	
Net carrying amount at beginning of year	7,722
Purchases of assets	2,774
Disposals	(5)
Depreciation expense	(2,957)
Non cash addition	<u>223</u>
<b>Net carrying amount at end of period</b>	<u><b>7,757</b></u>
 <b>At 1 July 2021 - fair value</b>	
Gross carrying amount	30,850
Accumulated depreciation	<u>(23,093)</u>
<b>Net carrying amount</b>	<u><b>7,757</b></u>
 <b>Year ended 30 June 2022</b>	
Net carrying amount at beginning of year	7,757
Purchase of assets	1,334
Depreciation expense - asset owned	<u>(2,088)</u>
<b>Net carrying amount at end of period</b>	<u><b>7,003</b></u>
 <b>At 30 June 2022 - fair value</b>	
Gross carrying amount	30,787
Accumulated depreciation	<u>(23,784)</u>
<b>Net carrying amount</b>	<u><b>7,003</b></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.

***Capitalisation thresholds***

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



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

**9 Plant and Equipment (cont'd)**

**Restoration costs**

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

**Depreciation of plant and equipment**

Depreciation is provided for on a straight-line basis 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.

	<b>2022</b>	<b>2021</b>
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 10 years or lease period, whichever is shorter	5 years 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**

The Office has elected to present right-of-use assets separately in the Statement of Financial Position.

Further information on leases is contained at Note 10.

**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 (TPP21-09) and Treasurer's Direction, 'Valuation of Physical Non Current Assets at Fair Value'(TD21-05). These policies adopt 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.

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.



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

**9 Plant and Equipment (cont'd)**

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.

**10 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.

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.

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

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

**10 Leases (cont'd)**

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.

During financial year ended 30 June 2022, the Office has accepted changes in the office accommodation arrangements with Property NSW (PNSW). The main change is the introduction of the "substitution right" clause, that gives PNSW a right to relocate the Office during the term of the agreement. The clause provides PNSW with a substantive substitution right. Therefore, these agreements are no longer accounted for as a lease within the scope of AASB16 from 30 June 2022. Management has assessed that PNSW can obtain benefits from exercising the substitution right through efficiencies in office accommodation at the whole-of-government level and/or its other service objectives. It is also considered practical for PNSW to exercise the substitution right, due to the non-specialised nature of the relevant office accommodation.

The corresponding right-of-use assets and lease liabilities have been derecognised on 30 June 2022, the effective date of the new clauses. The net impact of derecognition is recognised in "Other Gains/ (Losses)" (refer Note 5). From 1 July 2022, the accommodation charges will be recognised as expenses when incurred over the agreement duration.

The Office continues to be responsible to make good, and to control the fit out during the remaining occupancy period, as the Office receives the economic benefits through using the fit out, or through expected compensation from PNSW, if PNSW exercises its right to relocate the Office. Lease incentives received prior to 30 June 2022 apply to the remaining occupancy period. Therefore, the Office's accounting treatment for make good provision and fit out costs in relation to the relevant accommodation remains unchanged. A liability in relation to the amortised balance of incentives received has been recognised as a liability as at 30 June 2022 and will be amortised during the remaining occupancy period.

**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
<b>Balance at 1 July 2021</b>	30,897	295	31,192
Depreciation expenses	(8,948)	(188)	(9,136)
Lease termination	(868)	-	(868)
Addition of right-of-use assets	21,444	151	21,595
Lease termination	-	-	-
Remeasurement	30	-	30
Derecognition of right-of-use-asset	(42,555)	-	(42,555)
<b>Balance at 30 June 2022</b>	<u>-</u>	<u>258</u>	<u>258</u>
	Building \$'000	Plant and Equipment \$'000	Total \$'000
<b>Balance at 1 July 2020</b>	33,660	256	33,916
Depreciation expenses	(6,603)	(231)	(6,834)
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)
<b>Balance at 30 June 2021</b>	<u>30,897</u>	<u>295</u>	<u>31,192</u>

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

**10 Leases (cont'd)**

**Lease liabilities**

The following table presents liabilities under leases.

	2022 \$'000	2021 \$'000
<b>Balance at 1 July</b>	37,795	38,641
Additions	21,595	7,673
Interest expenses	916	796
Payments	(9,283)	(8,909)
Other	(873)	(406)
Derecognition of lease liabilities	(49,888)	-
<b>Balance at 30 June</b>	<u>262</u>	<u>37,795</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:

	2022 \$'000	2021 \$'000
Depreciation expense of right-of-use assets	9,136	6,834
Interest expense on lease liabilities	916	796
Impairment loss	-	3,157
Gains or losses on disposal	(34)	-
Gains or losses arising from derecognising the right-of-use assets and lease liabilities with Property NSW	(6,870)	-
Total amount recognised in the Statement of Comprehensive income	<u>3,148</u>	<u>10,787</u>

The Office had total cash outflows for leases of \$9.283 million in the period ending 30 June 2022 (2021: \$8.909 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**

**10 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.

**11 Non-Current Assets - Intangible Assets**

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



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

<b>11 Non-Current Assets - Intangible Assets (cont'd)</b>	<b>Total \$'000</b>
<b>At 1 July 2021</b>	
Cost (gross carrying amount)	6,515
Accumulated amortisation	<u>(4,647)</u>
<b>Net carrying amount</b>	<b><u>1,868</u></b>
<b>Year ended 30 June 2022</b>	
Net carrying amount at beginning of year	1,868
Additions	194
Amortisation (recognised in "depreciation and amortisation")	(685)
Loss on disposals	<u>-</u>
<b>Net carrying amount at end of year</b>	<b><u>1,377</u></b>
<b>At 30 June 2022</b>	
Cost (gross carrying amount)	6,509
Accumulated amortisation	<u>(5,132)</u>
<b>Net carrying amount</b>	<b><u>1,377</u></b>

**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.

**12 Current Liabilities - Payables**

	<b>2022 \$'000</b>	<b>2021 \$'000</b>
<b>Payables</b>		
Accrued salaries, wages and on-costs	2,632	1,942
Creditors	131	369
Accruals	<u>1,858</u>	<u>1,269</u>
	<b><u>4,621</u></b>	<b><u>3,580</u></b>

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.

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

**12 Current Liabilities - Payables (cont'd)**

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.

**13 Current / Non-Current Liabilities - Borrowings**

	2022 \$'000	2021 \$'000
<b>Current Borrowings</b>		
Lease liabilities (see Note 10)	<u>156</u>	<u>4,449</u>
	<u>156</u>	<u>4,449</u>
	2022 \$'000	2021 \$'000
<b>Non-current Borrowings</b>		
Lease liabilities (see Note 10)	<u>106</u>	<u>33,346</u>
	<u>106</u>	<u>33,346</u>

**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.

Refer to Note 10 for further details on lease liabilities derecognised as a result of changes in the office accommodation arrangements with Property NSW.

**14 Current / Non-Current Liabilities - Provisions**

	2022 \$'000	2021 \$'000
<b>Current</b>		
<b>Employee benefits and related on-costs</b>		
Annual leave	9,867	9,028
On-cost on annual leave and long service leave*	4,705	4,837
Payroll tax on-cost for annual leave and long service leave	1,686	1,878
Fringe benefits tax	<u>16</u>	<u>14</u>
	<u>16,274</u>	<u>15,757</u>
Annual leave includes \$0.989 million expected to be taken after 12 months (2021: \$0.916 million).		
<b>Other provisions</b>		
Restoration costs	<u>35</u>	<u>125</u>
	<u>35</u>	<u>125</u>
<b>Total provisions - current</b>	<u>16,309</u>	<u>15,882</u>

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

**14 Current / Non-Current Liabilities - Provisions (cont'd)**

	2022	2021
	\$'000	\$'000
<b>Non-current</b>		
<b>Employee benefits and related on-costs</b>		
On-cost on long service leave	312	351
Payroll tax on-cost for long service leave	<u>167</u>	<u>186</u>
	<u>479</u>	<u>537</u>
<b>Other provisions</b>		
Restoration costs	<u>1,121</u>	<u>977</u>
	<u>1,121</u>	<u>977</u>
<b>Total provisions - non-current</b>	<u>1,600</u>	<u>1,514</u>
	<b>2022</b>	<b>2021</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Aggregate employee benefits and related on-costs</b>		
Provisions - current	16,309	15,882
Provisions - non-current	479	537
Accrued salaries, wages and on-costs (Note 12)	<u>2,632</u>	<u>1,942</u>
	<u>19,420</u>	<u>18,361</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
<b>Carrying amount at 1 July 2021</b>	<b>1,102</b>
Amount used	(125)
Unwinding / change in the discount rate	<u>179</u>
<b>Carrying amount at 30 June 2022</b>	<b><u>1,156</u></b>

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.



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

**14 Current / Non-Current Liabilities - Provisions (cont'd)**

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.

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 the Office will carry out the restructuring by starting to implement the plan or announcing its main features to those affected.

**15 Current / Non-Current Liabilities - Other Liabilities**

	2022	2021
	\$'000	\$'000
<b>Other current liabilities</b>		
Unearned revenue	197	-
Lease Incentive	<u>129</u>	<u>-</u>
	<u>326</u>	<u>-</u>
	2022	2021
	\$'000	\$'000
<b>Other non-current liabilities</b>		
Lease Incentive	<u>334</u>	<u>-</u>
	<u>334</u>	<u>-</u>

**16 Equity**

**Accumulated Funds**

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



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

**17 Commitments**

	2022 \$'000	2021 \$'000
Capital Commitments		
Aggregate capital expenditure contracted for at balance date and not provided for:		
Within one year	<u>8</u>	<u>77</u>
Total (including GST)	<u>8</u>	<u>77</u>

Input tax credit of \$737 (2021: \$6,957) 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 2022 (\$nil in 2021) 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.

**Net result**

The actual net result is lower than budget by \$2.344 million mainly due to the following factors:

**Total Expenses excluding losses - \$12.657 million favourable to budget:**

- Employee Related Expenses are \$5.480 million lower than budget mainly due to favourable long service leave actuarial adjustment of \$5.665 million.
- Operating Expenses are \$5.833 million lower than budget including underspend in contractor (private briefing) expenses (\$3.002 million), travel (\$0.859 million), and \$1.972 million across other operational expenses. The favourable variance mainly reflects the impact of COVID-19 on court and operational activities during the year.
- Depreciation is \$0.360 million higher than budget mainly due to higher than budgeted right-of-use assets depreciation (\$0.727 million) offset by underspend in depreciation on plant and equipment due to the delay in acquiring assets because of global logistic disruptions and global production delays (\$0.304 million).
- Finance costs are \$0.244 million higher than budget reflecting higher interest expense recognised on right-of-use leased property assets.
- Other Expenses are \$1.948 million lower than budget due to reduced witness expenses arising from COVID-19 impacts on court activity.

**Total Revenue - \$21.858 million unfavourable to budget:**

- Appropriation revenue is \$13.927 million less than budget due to below budget cash expenses.
- Crown acceptance of employee benefits and other liabilities is lower than budget by \$8.163 million mainly due to the favourable variances in long service leave expense (\$7.778 million) and defined benefit superannuation expense (\$0.369 million).
- Other Income is higher than budget by \$0.311 million, mainly due to Workers Compensation Recoveries.

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

**19 Budget Review (cont'd)**

**Gains/(Losses) - \$6.857 million favourable to budget:**

- The variance is mainly due to the derecognition of property lease assets and liabilities following changes to the accommodation agreements with PNSW (\$6.870 million).

**Assets and Liabilities**

Total current assets are \$4.014 million higher than budget; \$3.949 million increase in cash and \$0.065 million increase to current receivables.

Total non-current assets are \$44.604 million lower than budget mainly in right-of-use assets (\$35.833 million) attributable to the derecognition of property lease assets following changes to the accommodation agreements with PNSW. Intangible assets are \$9.289 million lower than budget reflecting transition to Software as a Service (SaaS) arrangements with associated accounting for expenses as they are incurred rather than budgeted capitalisation of costs.

Total current liabilities are \$5.179 million lower than budget. The decrease is mainly due to the current borrowings (\$8.357 million) attributable to the derecognition of property lease liabilities following changes to the accommodation agreements with PNSW. Current provisions are \$1.122 million higher than budget, mainly in recreation leave provision (\$1.480 million). Current payables are higher than budget (\$1.730 million); salary accrual (\$1.141 million) and other current payables (\$0.589 million).

Total non-current liabilities are \$30.852 million lower than budget. The decrease is mainly due to the derecognition of property lease liabilities following changes to the accommodation agreements with PNSW (\$31.275 million) offset by recognition of lease incentive (\$0.334 million).

**Cash flows**

Net cash flows from activities are \$1.813 million higher than budget. Operating Activities net inflows are lower than budget by \$6.767 million, Investing Activities outflows are lower than budget by \$8.445 million, and Financing Activities outflows are lower than budget by \$0.135 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:

	2022 \$'000	2021 \$'000
Net cash flow from operating activities	13,025	10,359
Depreciation and amortisation expense	(11,909)	(10,250)
Decrease / (increase) in provisions	(513)	1,660
Increase / (decrease) in prepayments and other assets	(91)	462
Decrease / (increase) in payables	(1,040)	(1,060)
Decrease / (increase) in other current liabilities	(197)	-
Impairment losses on non-financial assets	-	(3,157)
Gain on derecognition of right -of-use assets and lease with Property NSW	6,870	-
Increase/(decrease) in assets	-	224
Net gain / (loss) on disposed assets	34	(11)
<b>Net result</b>	<b>6,179</b>	<b>(1,773)</b>

**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.



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

**21 Financial Instruments (cont'd)**

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	2022 Carrying Amount \$'000	2021 Carrying Amount \$'000
<b>Financial Assets</b>				
Cash and cash equivalents	7	Amortised cost	7,449	4,319
Receivables <sup>1</sup>	8	Amortised cost	103	837
<b>Financial Liabilities</b>				
Payables <sup>2</sup>	12	Financial liabilities measured at amortised cost	4,497	3,461
Borrowings	13	Financial liabilities measured at amortised cost	262	37,795

**Notes**

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

<sup>2</sup> 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.

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

**21 Financial Instruments (cont'd)**

**(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.

**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 2022 and 2021. 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.



**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)

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 2022 (2021: \$nil).

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

**Maturity analysis and interest rate exposure of financial liabilities**

	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
<b>2022</b>							
Payables	-	4,497	-	4,497	4,497	-	-
Lease liabilities	3.78	263	263	-	158	105	-
		<u>4,760</u>	<u>263</u>	<u>4,497</u>	<u>4,655</u>	<u>105</u>	<u>-</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
<b>2021</b>							
Payables	-	3,461	-	3,461	3,461	-	-
Lease liabilities	1.68	44,894	44,894	-	5,284	11,708	27,902
		<u>48,355</u>	<u>44,894</u>	<u>3,461</u>	<u>8,745</u>	<u>11,708</u>	<u>27,902</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.

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

**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

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

	<b>2022</b>	<b>2021</b>
	<b>\$'000</b>	<b>\$'000</b>
Short-term employee benefits:		
Salaries	3,356	3,583
Other monetary allowances	282	246
Other long-term employee benefits	285	304
Termination benefits	<u>369</u>	<u>150</u>
Total remuneration	<u><b>4,292</b></u>	<u><b>4,283</b></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 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 P

## Glossary

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



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

<b>Prosecution</b>	The criminal case, or the party running the criminal case (also currently referred to as the Crown)
<b>Prosecutor</b>	An ODPP solicitor or a Crown Prosecutor, including a solicitor acting for the DPP and private counsel briefed by the DPP
<b>QC</b>	Queens Counsel
<b>RAT</b>	Rapid Antigen Test
<b>SC</b>	Senior Counsel
<b>Sentence</b>	The penalty imposed by a Judge or Magistrate on an offender
<b>Solicitor Advocate</b>	Appear as advocates in less complex District Court trials and more difficult Local Court prosecutions
<b>Solicitor with carriage</b>	The ODPP solicitor who is responsible for a particular case
<b>Summary hearing</b>	Similar to a trial but heard before a magistrate in the Local Court or the Children's Court
<b>Summary offence</b>	An offence that cannot be dealt with on indictment
<b>Supreme Court</b>	The court in NSW where the most serious criminal cases are heard, eg murder
<b>Table offence</b>	An indictable offence listed in Table 1 and 2 in Schedule 1 of the <i>Criminal Procedure Act 1986</i> that is capable of being dealt with either summarily in the Local Court or on indictment in the District or Supreme Court
<b>TAG</b>	Targeted Assistance Group
<b>Trial</b>	A hearing in a court where evidence is presented and a decision is made
<b>Verdict</b>	The decision of whether the accused is guilty or not guilty after a trial or hearing
<b>Victim</b>	A person who has suffered harm as a direct result of an act committed by another person in the course of a criminal offence
<b>Walama List</b>	Sentencing Court only for eligible adult Aboriginal and Torres Strait Islander offenders before the NSW District Court
<b>WAS</b>	Witness Assistance Service; a specialist service within the ODPP that provides assistance and support to victims and vulnerable witnesses in the criminal justice process
<b>Witness</b>	A person who attends court to give evidence
<b>WMT</b>	Workload Management Tool



# Appendix Q

## 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		
<b>Campbelltown</b> 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	<b>Parramatta</b> 4 George Street PARRAMATTA NSW 2150 PO Box 3696 PARRAMATTA NSW 2124  Telephone 02 9891 9800 Facsimile 02 9891 9866	<b>Penrith</b> Level 2, 295 High Street PENRITH NSW 2750 PO Box 781 Post Business Centre PENRITH NSW 2750  Telephone 02 4721 6100 Facsimile 02 4721 4149
Northern Region		
<b>Gosford</b> Level 2, 107-109 Mann Street GOSFORD NSW 2250 PO Box 1987 GOSFORD NSW 2250  Telephone 02 4337 1111 Facsimile 02 4337 1133	<b>Lismore</b> 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	<b>Newcastle</b> Level 6, 317 Hunter Street NEWCASTLE NSW 2300 PO Box 779 NEWCASTLE NSW 2300  Telephone 02 4929 4399 Facsimile 02 4926 2119
Southern Region		
<b>Dubbo</b> Ground Floor, 130 Brisbane Street DUBBO NSW 2830 PO Box 811, DUBBO NSW 2830  Telephone 02 6881 3300 Facsimile 02 6882 9401	<b>Wagga Wagga</b> 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	<b>Wollongong</b> Level 1, 140 Keira Street WOLLONGONG NSW 2500 PO Box 606 WOLLONGONG EAST NSW 2520  Telephone 02 4224 7111 Facsimile 02 4224 7100





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