



Office of the Director of Public Prosecutions

Annual Report
2022-2023

Acknowledgement of Country

The Office of the Director of Public Prosecutions acknowledges the Traditional Custodians of the lands on which our offices are located and where we provide services to the people of New South Wales. We recognise the rich histories, languages and customs of the Traditional Custodians and pay respect to Elders past and present. The Office honours First Nations peoples' unique cultural and spiritual relationships with the land and waters.

Letter of Submission



Director's Chambers

Our Reference

Your Reference

18 October 2023

Hon Michael Daley MP
Attorney General
GPO Box 5341
SYDNEY NSW 2001

Dear Attorney General,

2022-2023 Annual Report

I am pleased to forward to you the 36th 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 2022-2023.

This report has been prepared in accordance with section 34 of the *Director of Public Prosecutions Act 1996* (NSW) and in compliance with the *Government Sector Finance Act 2018* (NSW), *Government Sector Finance Regulation 2018* (NSW) and the relevant guidelines issued by NSW Treasury.

Yours faithfully

A handwritten signature in black 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

87%

Finding of Guilt: Plea guilty or verdict guilty in 87% of District and Supreme Court matters

72%

Early Resolution: 72% of matters finalised in the Local Court or committed for sentence

1,054

1,054 court days saved by participation in District Court Super Callovers

50%

Equitable briefing: 50% of private barristers briefed were women

39%

39% of committals finalised in the Local Court

5,491

5,491 Local Court committals completed

1,190

1,190 District Court trials completed

1,714

1,714 District Court sentences completed

46

46 Supreme Court trials completed

11

11 additional sentence matters completed in the Supreme Court

291

291 matters completed in the Court of Criminal Appeal

20

20 High Court Special Leave Applications completed



Report of the Director of Public Prosecutions

It has been another busy and productive year for the ODPP, in which we continued to build on our achievements.

When visiting ODPP offices throughout the state, I am always heartened by the strong sense of collegiality and purpose shared by our staff. These qualities are vital to achieving just outcomes for the community we represent, and I am proud of the conscientiousness and commitment of our people.

The ODPP's achievements are underpinned by the diligence of our support and administrative staff; our success would not be possible without their contributions, or those of our Corporate Services and the Information Management and Technology team, and I thank them all for their efforts.

The ODPP once again provided high-quality prosecution services to the people of New South Wales, with results attesting to the effective advocacy of our Crown Prosecutors and solicitors, the dedication of our staff, and the sound decisions of our leadership team. This year the ODPP registered a total of 16,794 matters. In the District and Supreme Courts, 87% of matters resolved in a finding of guilt, while clearance rates of 96% and 115% were recorded for District and Supreme Court trials respectively. We completed 1,190 District Court trials, 1,714 District Court sentences and 6,175 appeals in the District Court, as well as 5,491 Local Court Committals and 3,013 Supreme Court bail applications.

This year, the ODPP welcomed the appointments of Frank Veltro SC and Helen Roberts SC as Deputy Directors of Public Prosecutions, and of Ken McKay SC as the Senior Crown Prosecutor of New South Wales. I am fortunate to have such skilled and experienced counsel in my leadership team.

Recent appointments of ODPP staff to the Bench reflect the legal expertise honed during their prosecutorial careers. I congratulate Deputy Director of Public Prosecutions Huw Baker SC, and Deputy Senior Crown Prosecutors Craig Everson SC and Georgia Turner, who were appointed as Judges of the District Court, and Crown Prosecutor Robert Munro and Solicitor Advocate Michael Maher, who were appointed as Magistrates of the Local Court.

We farewelled our retiring Director of Finance and Facilities and Chief Financial Officer, Sandra Jones, after a stellar 40-year career in the public service. Sandra was an effective advocate for the ODPP within Government, helping to secure vital funding for our expansion and crucial projects. We wish her all the best in retirement.

Victims and witnesses

Improving the experience of the criminal justice system for victims and witnesses is a priority of my directorship, and the ODPP continues to work towards this goal.

We enthusiastically welcomed the Government's announcement that the Child Sexual Offence Evidence Program would be expanded statewide. The Program aims to reduce the distress of trial processes for child sexual offence complainants and child witnesses through the use of witness intermediaries and the pre-recording of their evidence. The ODPP strongly advocated for the program's expansion and is pleased that its benefits will be extended to children throughout the state. The ODPP will work closely with stakeholders and the District Court on its implementation.

Stakeholder engagement

The ODPP has a unique responsibility to advocate for better outcomes for victims, witnesses and the community we serve. To that end, we have restructured our policy team and processes to enhance our ability to contribute to important policy discussions and decisions. We continue to work closely with key stakeholders in the criminal justice system to identify areas for policy improvement and to progress opportunities for law reform.

This year, our contributions have included consultation on new legislation making coercive control in intimate partner relationships a criminal offence; making submissions and hosting a roundtable on the Sentencing Council of NSW's review of sentencing for firearms, knives and weapons offences; and making submissions to a review of serious road crime.

In January, I settled the first protocol between the ODPP and the NSW Coroners Court, governing referrals by the Coroner to the ODPP for consideration of a prosecution, as part of a collaborative effort to improve the timeliness of such referrals. In May, the ODPP and the Independent Commission Against Corruption (ICAC) endorsed a new Memorandum of Understanding, streamlining the process of referrals to the ODPP from the ICAC.

The ODPP continues to participate in interstate and international prosecutor programs, and this year hosted delegations from Korea's Corruption Investigation Office for high-ranking officials and the President of Taiwan's Academy for the Judiciary, the national institute which trains judges and prosecutors. Such visits strengthen our international relationships and facilitate an enriching exchange of ideas and information.

First Nations

In recognition of our commitment to working towards a reconciled Australia, this year the ODPP established a First Nations Advisory Group. Chaired by Brendan Thomas, the Deputy Secretary, Transforming Aboriginal Outcomes, at the Department of Communities and Justice, the Group will guide us on First Nations issues and policy decisions at the ODPP, as well as in the broader criminal justice system.

The ODPP released its second Reconciliation Action Plan, positioning us to build new partnerships and develop innovative strategies to expand our connections with First Nations peoples at the individual, agency, and community levels.

The ODPP also launched a First Nations Legal Mentoring Program this year to support the recruitment, retention and professional development of First Nations lawyers. Nine mentees joined the inaugural program, which is open to First Nations solicitors, barristers and law students.

Professional development and wellbeing

The ODPP remains committed to supporting our staff to work to the best of their ability and to investing in their long-term professional development and wellbeing.

The Legal Precedents Project was established to upgrade the ODPP's online legal resources, while our new Junior Advocacy Skills Program refines the core advocacy skills of our solicitors at a foundational stage. Given the centrality of written communication to our functions as prosecutors, Acting Deputy Director Michelle England this year developed and introduced a Style Guide and Legal Writing Program to support clear, consistent and professional writing at the ODPP.

Flexible work arrangements provide benefits for all staff, and are promoted throughout the ODPP. The success of our Clinical Supervision Program pilot, which provides targeted, specialised support for senior lawyers, has encouraged us to develop a permanent model to support the mental health and wellbeing of staff in the challenging work that they undertake.

Improving the experience of working at the ODPP is another of my priorities, and this year we undertook a comprehensive Employee Engagement Review. Staff identified areas where action could be taken to strengthen engagement and wellbeing and reduce the impact of workload. Staff-designed solutions to address these concerns will be developed next year.

Diversity and inclusion

It is essential that the ODPP reflects the diversity of the community we serve. Next year the ODPP will appoint a dedicated Diversity and Inclusion Officer, as well as a First Nations Project Officer, to ensure we are as diverse and inclusive an organisation as possible. Our Diversity and Inclusion Working Group continues its efforts to promote and support staff from culturally and linguistically diverse backgrounds and to improve access and inclusion for staff with a disability, including by developing a new Accessibility Action Plan. We continue to support the Law Council of Australia's Equitable Briefing Policy; this year, 50% of private barristers briefed by the ODPP were women.



Looking forward

In February I had the pleasure of travelling to Dubbo for the ceremonial opening of the Drug Court. Dubbo is the fourth location for the operation of this specialist court, which diverts eligible offenders away from custody and into rehabilitation programs, and I look forward to its success.

Staff in Sydney will soon enjoy a more modern, collaborative and connected workplace – something our Penrith staff have done since moving into their new premises this year – when the ODPP's Head Office relocates to a new building in Parkline Place in 2024. Planning for the move is well underway.

Our new case management system, MATTERS, will go live early in the new financial year. Marking a major step forward in our digital transformation, it will make the exchange of information with our criminal justice partners more efficient.

Also imminent is the release of our new Strategic Plan, detailing the ODPP's organisational strategy for the next five years. The Plan will identify our priorities and measures of success as we continue to deliver our vision of excellence and leadership in serving the community.

Sally Dowling SC
Director of Public Prosecutions

Report of the Solicitor for Public Prosecutions

After three years of substantial disruption to the administration of criminal justice caused by the COVID-19 pandemic, the ODPP welcomed a return to normal operations. This year, a high percentage of matters were resolved early, either finalised in the Local Court or committed for sentence to a higher court, while the ODPP's participation in Super Callovers helped reduce the backlog of trials in the District Court. As in previous years, matters were completed at a high rate, and the vast majority of District and Supreme Court matters resolved in a finding of guilt.

The ODPP this year restructured its policy team under the Deputy Solicitor (Legal). As a key stakeholder in the criminal justice sector, the ODPP ensures that all submissions it makes undergo a rigorous process of consideration and internal consultation, including at the highest levels of the organisation. The ODPP again made numerous detailed policy submissions this year concerning law reform and participated in many consultations, interagency committees, court user groups and working parties.

Work continued this year on the development of the ODPP's new Strategic Plan, and a major Employee Engagement Review was undertaken; together, these projects will help shape the future priorities for, and direction of, the ODPP.

Appointments

I congratulate Michael Maher, former Solicitor Advocate in the Dubbo office, who was sworn in as a Magistrate of the Local Court in February 2023. The ODPP also welcomed the appointment, in October 2022, of Frank Veltro SC and Helen Roberts SC as Deputy Directors of Public Prosecutions, and of Ken McKay SC as Senior Crown Prosecutor in November 2022.

The Solicitor's Executive was restructured this year to create the position of Deputy Solicitor (Legal Operations), to assist in formulating policy and managing information. I congratulate Esther Kwiet on her appointment to that role, as well as Anne Whitehead on her appointment as Deputy Solicitor (Legal) and Deborah Hocking as a Deputy Solicitor (Operations). These appointments add to the existing depth of talent and experience within the leadership team, ensuring the ODPP continues to perform effectively and engage productively with our partners in the criminal justice sector.

I also congratulate the three ODPP staff appointed as Crown Prosecutors and the 10 staff promoted to Solicitor Advocate.

Results

The results for the year reflect the professionalism and dedication of all staff.

A finding of guilt was recorded in 87% 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 72% of matters, a slight decrease on last year. In total 39% of matters were finalised in the Local Court, with a further 33% committed for sentence to the District Court after pleas of guilty and 27% committed for trial to the District Court. The remaining 1% of matters were committed for sentence or trial to the Supreme Court.

The ODPP continued to complete matters at a high rate, achieving a 113% clearance rate for summary prosecutions in the Local Court. In the District Court, the clearance rate for both trials and sentences was 96%. The clearance rate in the Supreme Court was 157% for sentences – two and a half times the rate of the previous year – and 115% for trials.

This year the ODPP resolved 170 District Court trials at nine Super Callovers conducted across the state. This efficient resolution of the matters in advance of the trial date saved a total of 1,054 District Court sitting days – an increase of 13% on last year – and spared the community the cost of running those trials.

Staff turnover in 2022-2023 was 12%, compared with 8.5% the previous year. There were 140 new staff recruited, including 56 solicitors. The 493 solicitors now at the ODPP represent the highest number in the organisation's history – a number necessary in light of the high volume of criminal matters prosecuted and the growing legal workload.

The Witness Assistance Service continued to provide its vital services to new victims and witnesses. With 2,774 referrals registered this year, it was working with 8,055 active referrals at the end of the year. Seventy-six per cent of new referrals related to sexual assault matters, while First Nations referrals accounted for 15% of all referrals this year.

Achievements and Initiatives

The ODPP welcomed the announcement in February 2023 that the Child Sexual Offence Evidence Program would be expanded statewide. The Program supports children to give evidence in sexual assault matters through the use of witness intermediaries and pre-recorded evidence. The ODPP strongly supported the expansion of the Program and looks forward to its implementation.

In November 2022, the ODPP introduced a Junior Advocacy Skills Program to ensure junior solicitors form high-quality habits early in their careers. The program gave them opportunities to learn and practice core advocacy techniques, with assistance and feedback from experienced advocates.

A major project was launched in October 2022 to upgrade the ODPP's online legal resources, including precedent submissions, legal policies and intranet knowledge base. The project aims to support the quality and consistency of the ODPP's work, as does a new Legal Writing Program introduced in early 2023. The program was launched in conjunction with the release of the ODPP Style Guide and has had strong uptake from staff.

This year, as part of a comprehensive Employee Engagement Review, staff across the organisation were consulted about their experience of working at the ODPP and to identify areas for focus and action. Further work will be undertaken next year on employee-designed solutions to address staff concerns about engagement, wellbeing and workload.

Acknowledgements

I thank the Director of Public Prosecutions, Sally Dowling SC, her Deputy Directors, and the Senior Crown Prosecutor, for their effective leadership.

The Solicitor's Executive displayed admirable focus during a period of substantial change. I acknowledge the exemplary service of Johanna Pheils, Paula McNamara, and Melinda Graczol. Johanna Pheils retired in March 2023 after 32 years at the ODPP, including 13 years as Deputy Solicitor (Legal); Paula McNamara retired in July 2023 after 28 years, including nine as a Deputy Solicitor (Operations); and Melinda Graczol left in July 2023 after 18 years to take up a senior role at the Northern Territory DPP, following five years as a Deputy Solicitor (Operations).

Lastly, I thank the Directors of Finance and Facilities, Human Resources and Information Management and Technology; the Crown Prosecutors; and all staff, for their commitment to the ODPP and dedication in serving the people of New South Wales.

Craig Hyland
Solicitor for Public Prosecutions

Report of the Senior Crown Prosecutor

This year I was proud to be appointed as the Senior Crown Prosecutor, having previously acted in the role. I look forward to continuing to lead the state's Crown Prosecutors in their important and rewarding work of serving the people of New South Wales.

Despite being subject to heavy workloads and increasing demands, including as a result of the backlog of trials caused by the COVID-19 pandemic, Crown Prosecutors maintained the high standards expected of them by the community. I thank them for their commitment and diligence, and am grateful for the support provided by ODPP staff, particularly those in the Crown Briefing Unit.

In addition to their responsibilities to the courts, Crown Prosecutors continued to play a significant role in the mentoring and professional development of staff within the ODPP.

Crowns regularly gave presentations to legal staff on a variety of topics and were active in the formal office-wide mentoring program for solicitors, running tailored sessions and discussing legal and procedural questions that arose in the course of their work.

Crown Prosecutors acted as mentors for solicitors on the Trial Development List; for solicitors who appeared as their juniors as part of the Junior Advocate Program; and for participants in the ODPP's new First Nations Legal Mentoring program, which welcomed its first intake this year.

Crowns have also been teaching junior solicitors in the ODPP's new Junior Advocacy Skills Program, and presented as part of the Legal Writing Program lecture series introduced this year.

Crown Prosecutors have taken opportunities to broaden their own professional experience, including by being briefed as counsel assisting a Coronial inquest. Several Deputy Senior Crown Prosecutors assisted Director's Chambers as acting Deputy Directors of Public Prosecutions – a valuable opportunity, which I also took up for four weeks.

Crown Prosecutors contributed in numerous ways to the development of the legal profession more broadly, as well as sharing their expertise within the wider criminal justice system. This year, Crowns delivered presentations for the NSW Bar Association, the Aboriginal Legal Service and students at the

University of Wollongong. They ran regular training sessions for the NSW Police Force, assisted the University of Sydney with its Criminal Trial Course, and taught advocacy through the Bar Association's Practice Course, as well as through the Australian Advocacy Institute.

Crown Prosecutors also participated in the NSW Bureau of Crime Statistics and Research study examining the outcomes of judge-alone trials relative to jury trials.

Our Crowns engaged actively in the life of the NSW Bar, including through contributions to the work of the NSW Bar Association.

David Patch and Carl Young were elected to the Bar Council, the Bar Association's governing body, and also sit on its Professional Conduct Committee. Other Crown Prosecutors currently sit on various committees of the Bar Association including the Criminal Law Committee (Guy Newton SC, Brett Hatfield, David Scully and Damian Beaufils); the Diversity and Equality Committee (John Sfinas) and the Education Committee (Philip Hogan). Miiko Kumar is Deputy Chair of the Human Rights Committee, while Damian Beaufils is Deputy Chair of the First Nations Committee. Ann Bonnor and Elizabeth Nicholson are members of the Bar News Committee, and a number of Crowns have contributed to *Bar News*, the Association's quarterly publication.

Ten new Crown Prosecutors were appointed in the past year, bringing the total number to 110, while Crown Prosecutors took up the following appointments:


- Deputy Senior Crown Prosecutor Georgia Turner appointed as a Judge of the District Court in October 2022
- Deputy Senior Crown Prosecutor Helen Roberts SC appointed as Deputy Director of Public Prosecutions in October 2022
- Crown Prosecutor Guy Newton appointed as Senior Counsel in October 2022
- Crown Prosecutor Robert Munro appointed as a Local Court Magistrate in November 2022
- Deputy Senior Crown Prosecutor Craig Everson SC appointed as a Judge of the District Court in May 2023.

The considerable number of Crown Prosecutors appointed to the Bench over the years is a testament to the high levels of knowledge, skill and expertise in our ranks. The depth of talent and breadth of experience in Crown Chambers continues to grow, ensuring that the community will continue to be well served by the state's Crown Prosecutors.

Ken McKay SC
Senior Crown Prosecutor

Chapter 1

Overview



Aims and Objectives

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

The Director of Public Prosecutions (the Director) 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:

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

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.

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.

Management and structure

The ODPP Executive



Sally Dowling SC BA LLB
Director of Public Prosecutions

Sally Dowling SC was appointed as NSW's 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, she worked in private practice until her appointment as a Crown Prosecutor in 2002. During 16 years at the ODPP, Ms Dowling appeared 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, Ms Dowling 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. As Director of Public Prosecutions, she is a member of the NSW Sentencing Council, Aboriginal Justice Transformation Board and Criminal Justice Transformation Board.



Frank Veltro SC LLB
Deputy Director of Public Prosecutions

Frank Veltro SC was appointed as a Deputy Director of Public Prosecutions in October 2022, having served as Acting Deputy Director since May 2021. He was appointed as Chief Audit Executive to the ODPP Audit and Risk Committee in January 2022. Mr Veltro 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. Upon his return to Australia in 1997 he practised at the NSW Bar and in 1998 was appointed in-house counsel with the Commonwealth DPP. Mr Veltro 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.



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

Huw Baker SC was appointed as a 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, Mr Baker 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.



Helen Roberts SC LLB (Hons) BSc
Deputy Director of Public Prosecutions

Helen Roberts SC was appointed as a Deputy Director of Public Prosecutions in October 2022. Having been Associate to Gleeson CJ in the High Court, she joined the ODPP as a solicitor in 1999. She then held positions as Solicitor Advocate with the NSW Crown Solicitor's Office, as Deputy Coroner for the Northern Territory and as Crown Prosecutor with the NT ODPP, before returning to the NSW ODPP. Ms Roberts was appointed a Crown Prosecutor in July 2010, running trials in the District Court, before specialising in appellate work in 2017. She was appointed as an Acting Deputy Senior Crown

Prosecutor in February 2019, assuming joint responsibility for the Court of Criminal Appeal Unit. Ms Roberts has appeared for the Crown in numerous complex appeals in the Court of Criminal Appeal and appeared in the High Court in special leave applications on behalf of the Director. She has twice been appointed as an Acting Deputy Director of Public Prosecutions, from March to August 2020 and again in August 2022. In 2021, she was appointed Senior Counsel. She is an Adjunct Associate Professor at the University of NSW Law School, teaching advocacy, and is Co-Chair of the Criminal Law Committee of the NSW Bar Association.



Michelle England BA LLB
Acting Deputy Director of Public Prosecutions

Michelle England was appointed as an 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 and had an extensive trial and appellate practice in criminal and administrative law. In 2021, Ms England 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. Ms England has been a member of the NSW Bar Association's Criminal Law Committee and Professional Conduct Committees.



Ken McKay SC BAB
Senior Crown Prosecutor

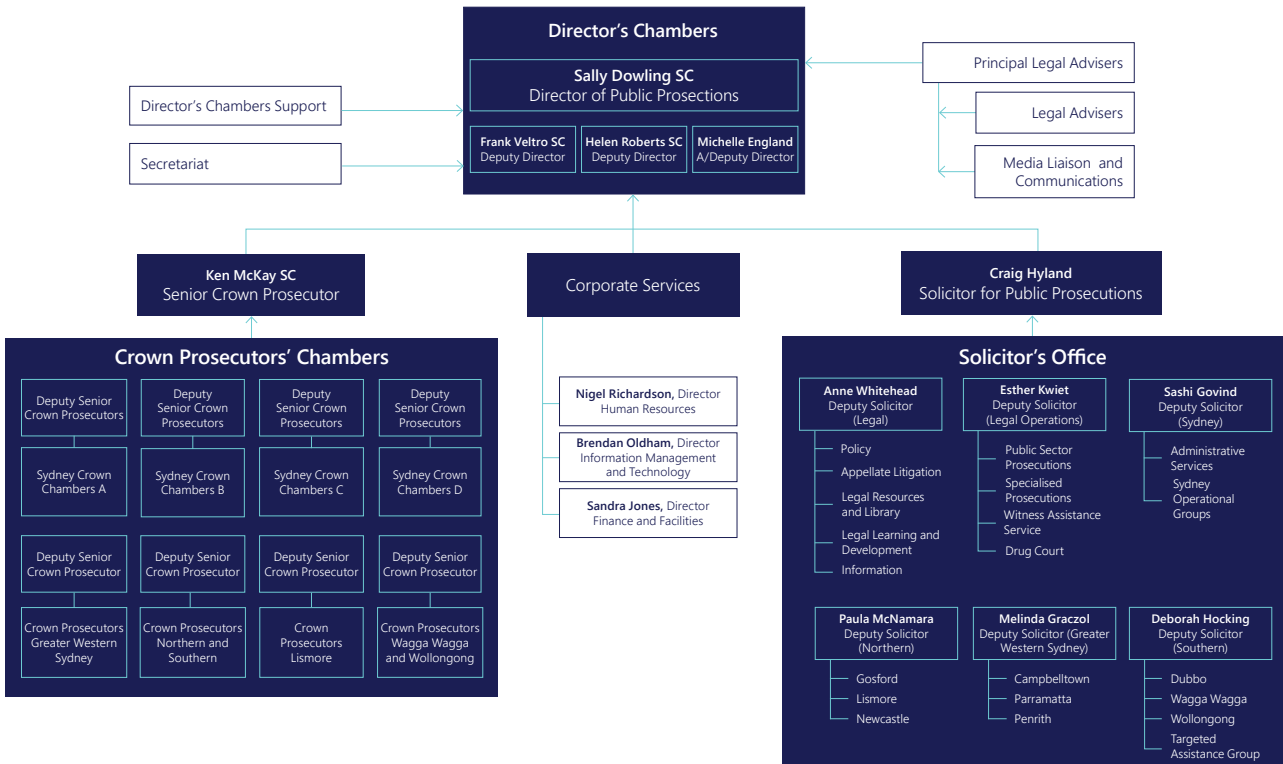
Ken McKay SC was appointed as Senior Crown Prosecutor of NSW in November 2022, having served as Acting Senior Crown Prosecutor since December 2021. He commenced practice as a solicitor with the ODPP in 1987, later becoming a Trial Advocate. Since his appointment as a Crown Prosecutor in 2000, Mr McKay 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.



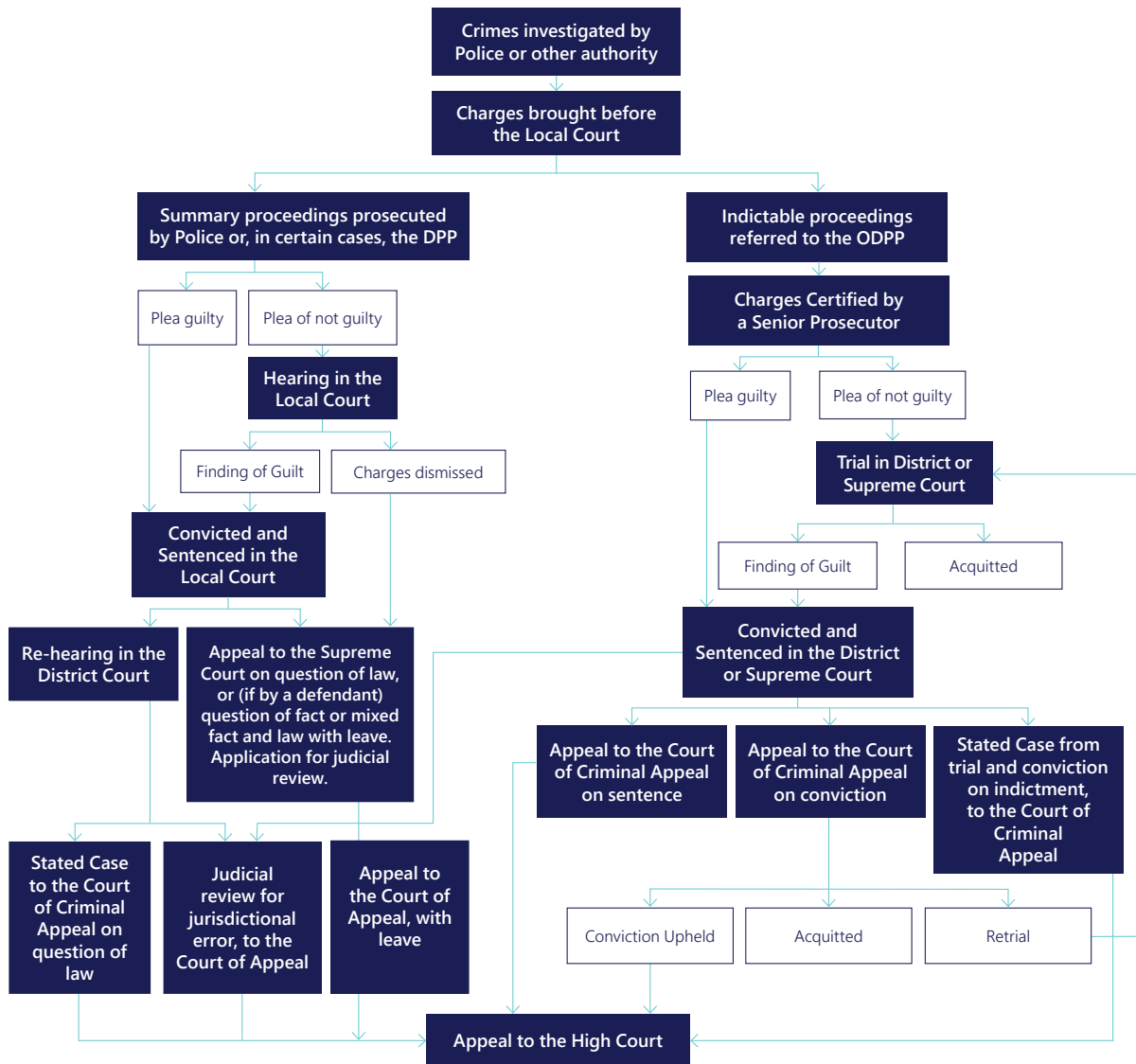
Craig Hyland BJURIS LLB GDPA
Solicitor for Public Prosecutions

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. Mr Hyland 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.

Organisational structure



Prosecution process



Charter

The Office was created in 1987 by the *Director of Public Prosecutions Act 1986* (NSW) (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. The Act confers functions on the Director and for related purposes.

For the period 1 July 2022 to 30 June 2023 there were no significant amendments made to the Act.

Section 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.

Section 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) 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
- (c) finding an ex officio indictment where the person has not been committed for trial: s 7(2).

Section 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.

Section 11 Consents

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

Section 12 Coroners

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

Section 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 may not be issued in relation to specific cases.

Section 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.

Section 15 Provisions relating to Guidelines

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

Section 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.

Section 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.

Section 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.



Section 24 Offences under Commonwealth Laws

Where an ODPP 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.

Section 25 Consultation

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

Section 26 Guidelines by Attorney General

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

Section 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
- (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.

Section 29 Director may make request to Attorney General

If the Director considers it desirable, in the interests of justice, that she does 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.

Section 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.

Section 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.

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)
- *Crown Prosecutors 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).

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 s 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:

Crimes Act 1900 (NSW)	
Section	Total
• Sexual intercourse with person with cognitive impairment by person responsible for care: s 66F(2)	2
• Sexual intercourse by taking advantage of person with cognitive impairment: s 66F(3)	9
• Reliance on s 66F(6): <ul style="list-style-type: none"> ◦ Aggravated sexual act: s 61KF(1)(a) 	5
• Incest: s 78A	10
• Incite a male person under the age of 18 years to commit an act of gross indecency with a male person: s 78Q(2)	2

Surveillance Devices Act 2007 (NSW)	
Section	Total
• Installation, use and maintenance of listening devices: s 7	2
• Installation, use and maintenance of tracking devices: s 9	10
• Prohibition on communication or publication of private conversations or recordings of activities: s 11	1

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

Crimes Act 1900 (NSW)	
Section	Total
• Incest: s 78A	1
• Homosexual intercourse with male under 10: s 78H	6
• Reliance on s 66F(6): <ul style="list-style-type: none"> ◦ Aggravated sexual act: s 61KF(1)(a) 	1

Surveillance Devices Act 2007 (NSW)	
Section	Total
• Installation, use and maintenance of listening devices: s 7	4
• Possession of record of private conversation or activity: s 12	1

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. Two requests were made to the Attorney General pursuant to s 29 but were declined.

Application for extension of time

The ODPP does not require an extension of time to file its 2022-2023 Annual Report.

Chapter 2

Strategy



Strategic objectives and outcomes

The strategic objectives of the ODPP are guided by the ODPP Strategic Plan. The key priorities are designed to meet the Office's vision to deliver a dynamic prosecution service recognised for its excellence and leadership. The following goals are central to our work:

1. Deliver a high quality, independent and professional prosecution service
2. Provide a fair, just and timely service to victims and witnesses
3. Improve the ways we interact internally and with our criminal justice partners
4. Develop, recognise and celebrate the knowledge, skills and commitment of our people.

This Chapter reports against the current ODPP Strategic Plan and four goals.

An updated Strategic Plan is to be released in July 2023. Developed after a series of staff and executive consultations and workshops, the plan will detail our organisational strategy for the next five years. It will identify our priorities and measures of success in delivering prosecution services and services for victims and witnesses, and in relation to our staff, digital ways of working and our place in the criminal justice system.

Under the Plan, success measures will include increases in key measurements of staff engagement, wellbeing, recognition, capability and leadership; in the number of stakeholder consultations led by the ODPP; in community engagement; in the satisfaction ratings of victims and witnesses; and enactment of reform for which the ODPP has advocated.

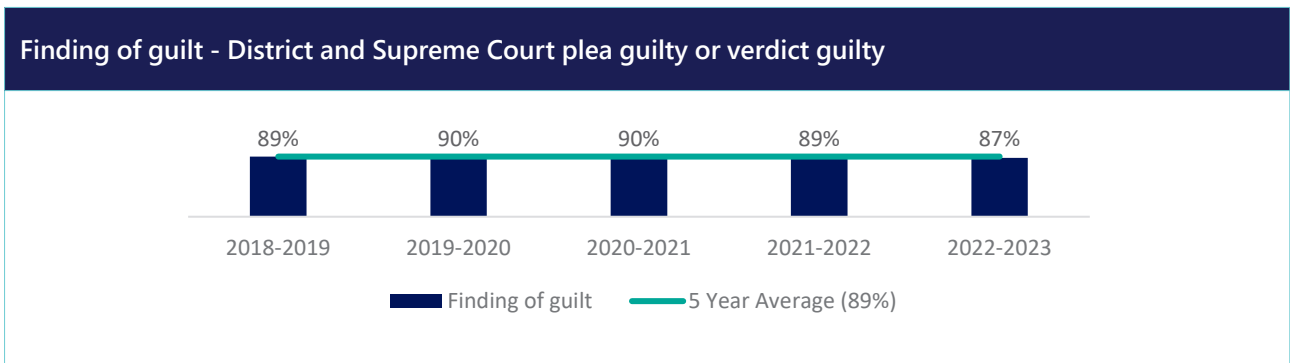
Goal 1

Deliver a high quality, independent and professional prosecution service

Achievements

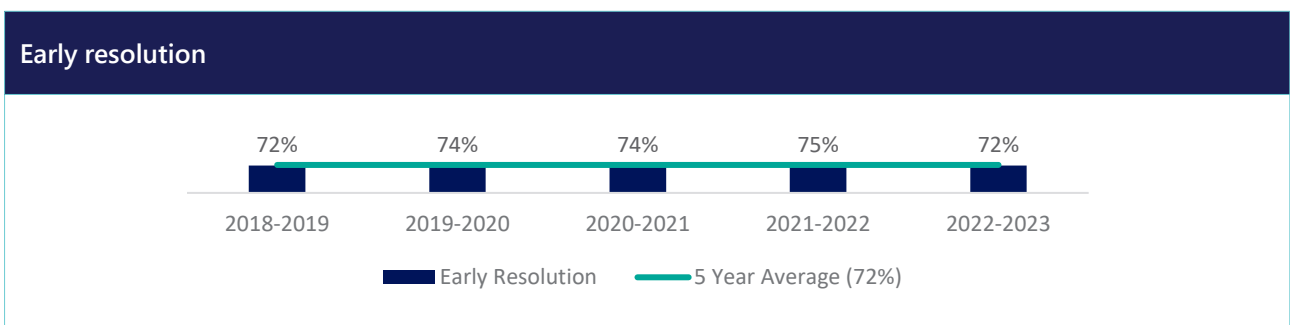
Finding of guilt

This year, 87% of matters in the District and Supreme Courts resolved in a finding of guilt.



Early Resolution

This year, 72% of matters were resolved early, either finalised in the Local Court or committed for sentence to a higher court.



Throughput

The ODPP registered a total of 16,794 matters this year, which is higher than the average for the past five years. The high rate of clearance of matters throughout the courts continued this year. On average there was a 102% clearance rate of Local Court matters – that is, the number of matters finalised in the Local Court was equivalent to 102% of matters registered in the same period. In the District Court, the clearance rate was 96% for both sentences and trials. In the Supreme Court, clearance rates of 157% for sentences and 115% for trials were achieved.

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 five 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

The EAGP system imposes a rigorous timetable for certification of charges on the prosecution. Under Local Court Practice Note Comm 3, the ODPP now has eight weeks from the receipt of the Brief of Evidence to certify charges for matters commenced after 9 January 2023. 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 lawyer 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 drafted, signed, 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 5,701 matters and attended 3,252 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.

External stakeholder interaction

The ODPP 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, as well as with other stakeholders, 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.

As required by the terms of the MOU the parties conducted a review of the existing agreement during the year. An updated agreement was signed in September 2022 and incorporated amendments to improve the MOU, taking into account the potential impact on other stakeholders in the criminal justice sector.

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.

Local Court workload and outcomes

During the year, the ODPP registered 530 summary prosecutions and completed 601, a clearance rate of 113%. In 379 (64%) matters there was a finding of guilt; 206 (34%) matters were dismissed or withdrawn; 15 (2%) were returned to the police for prosecution and one matter was referred to the Drug Court. Child sexual assaults accounted for 310 (58%) of the matters received. Under a Memorandum of Understanding with the NSWPF, the ODPP conducts the prosecution of sexual assault summary matters involving victims under the age of 16 years.

An average rate of 93% has been achieved over a five-year period for the clearance of summary prosecutions in the Local Court.

This year, the NSWPF referred 4,233 matters to the ODPP 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 NSWPF and the ODPP concerning Table 1 and Table 2 offences. The ODPP elected in 1,340 matters and took over a further 674 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.

This year, 6,033 committal files were registered. A total of 5,491 committal matters were completed, achieving a clearance rate of 91%. Of significance is the manner of disposal: 2,143 matters (39 %) were finalised in the Local Court, 1,825 (33%) were committed for sentence to the District Court after the accused pleaded guilty and 1,461 (27%) were committed for trial to the District Court. The remaining 63 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 97% for Local Court committal matters.

District Court workload and outcomes

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, 1,119 conviction appeals were lodged and 895 finalised across the state, equating to a clearance rate of 80% for the year. The number of conviction appeals lodged this year was a 68% increase on the previous year. Over the past five years, the ODPP has achieved an average 101% clearance rate for conviction appeals.

Appeals lodged against the severity of the sentence imposed by the Local Court totalled 5,210, with 5,280 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. Eight of the appeals were successful, two were dismissed and a further two matters were listed in the next financial year.

Trials received and completed

In total, 1,236 District Court trials were committed for trial this year. The number of trials completed in the same period was 1,190, achieving a 96% 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 1,852 trials pending in the District Court.

Trial outcomes

Of the 1,190 matters completed, a total of 499 matters (42%) were resolved by way of plea of guilty in the District Court. Trials proceeded in 557 matters (47%), while 118 matters (10%) were discontinued and 16 (1%) were dealt with in other ways.

Sentences in the District Court

This year, 1,792 committals for sentence to the District Court were registered. In the same period, 1,714 sentences were completed, which achieved a clearance rate of 96% for the year.

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

Drug Court of NSW

Specialist Drug Court solicitors appear in four separate court venues: at Dubbo, Parramatta, Sydney and Toronto. The Dubbo Drug Court opened in February 2023 and currently sits one day a week with plans to expand. Next year the Sydney Drug Court will expand to a full-time Drug Court, with five additional Local Government Areas being included in the catchment from August 2023 as part of the first expansion phase.

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

This year, there were 236 participants in the Drug Court. The number of Drug Court participants will increase with the expansion in Sydney and Dubbo.

Walama List

The Walama List has been sitting in the Sydney District Court for 18 months and has received very positive feedback about its operations. In May 2023 the NSW Attorney General, the Honourable Michael Daley, attended the Walama List.

The List provides a more intensive, case-managed approach to sentencing eligible First Nations offenders, with a significant focus on understanding and addressing their needs. It aims to reduce the risk factors related to offending by First Nations people, increase compliance with court orders and reduce the over-representation of First Nations people in custody.

The Walama ODPP Team, comprising two senior solicitors and one legal clerk, is responsible for conducting prosecutions in the Walama List. The team balances its prosecutorial obligations with the interests of the community, and works collaboratively with participants and other stakeholders to achieve the objectives of the Walama List.

This year 63 participants were registered in the List. They were charged with offences involving theft (54%), robbery (32%) assaults (6%), drugs (3%), firearm and goods in custody (3%) and traffic offences (2%). Participants involved a mixture of accused persons on bail and in custody.

This financial year, eight participants graduated from the program. Participants who graduate are then sentenced for the initial offences with the participant having the benefit of the community, medical and cultural assistance of the program. Four of the graduating participants were sentenced to Intensive Correction Orders and the other four were sentenced to terms of full-time imprisonment. Forty-three participants proceeded to Sentencing Conversations.

Four participants discharged themselves from the program. There were no applications for discharge made by the Crown.

Super Callovers

The ODPP continued to resolve matters appropriately and successfully at Super Callovers (SCOs) across NSW. SCOs provide an additional opportunity to facilitate effective and efficient charge resolution in the District Court in advance of the trial date. The benefits of early resolution include relieving victims and other witnesses of the burden of having to give evidence, providing certainty of outcome, reducing the trial backlog and saving the community the cost of running trials.

There were nine SCOs conducted during the year, with two in Parramatta and one each at Armidale, Lismore, Newcastle, Nowra, Port Macquarie, Sydney and Wagga Wagga. The Chief Judge determines the venues for SCOs and assigns a judge to preside. The Court and ODPP liaise to determine matters that have prospects of successful resolution. Each SCO lasts two to five days with between 20 and 120 trial matters listed. Matters which resolve are listed for sentence expeditiously.

At each SCO, an ODPP team is established consisting of an Acting Deputy Director, solicitors and legal support staff. The team reviews matters, consults with police and victims, and engages in discussions with defence counsel with a view to resolving matters. The ODPP has created specialised SCO roles for a senior solicitor and legal support officer, who use their SCO experience to coordinate and guide the local team members.

This year Ken McKay SC, Senior Crown Prosecutor and Deputy Senior Crown Prosecutors Lee Carr SC, Nerissa Keay and Miiko Kumar, appeared at Super Callovers as Acting Deputy Directors.

Of the 491 matters listed for SCO this year, 170 matters resolved. The resolution of matters through SCOs saved a total of 1,054 District Court sitting days, which is a 13% increase on last year.

Supreme Court workload and outcomes

This year, 63 homicide prosecutions were committed to the Supreme Court: 55 for trial and eight for sentence. During the same period, 57 matters (46 trials and 11 matters committed for sentence) were completed. Of the 46 trials listed, seven (15%) were finalised by late pleas of guilty. The majority of trials were conducted at the Sydney Supreme Court with trials also conducted at Dubbo, Newcastle and Orange.

The clearance rate in the Supreme Court this year was 115% for trials and 157% for sentences. There were 71 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 113% for Supreme Court sentences.

Supreme Court bail applications

An operational team in the Sydney office conducts bail applications before the Supreme Court of NSW. The applications, heard by a single judge, are a review of bail determinations made by the lower courts. This year, the ODPP appeared in 3,013 Supreme Court bail applications.

Court of Criminal Appeal

The ODPP is a party to various types of appeals conducted in the NSW Court of Criminal Appeal each year. In the majority of appeals, the ODPP is the respondent to an appeal brought by an accused person against their conviction or sentence, or both. The remainder are Crown appeals against inadequacy of sentence or interlocutory appeals brought by either party arising from current trial proceedings. Appeals are conducted by a specialised team of Crown Prosecutors, based in Sydney, who exclusively undertake appellate work in the higher courts, instructed by an ODPP solicitor with specialised knowledge and experience in appellate work.

The hearings in these appeals generally last less than a day, however the preparation is significant and the proceedings are closely case managed by the Court. Conviction appeals in particular, which in this period constituted 37% of the total number of appeals conducted, involve the filing of detailed submissions as well as lengthy documents summarising the trial in the lower court, in a form specified by the relevant Practice Note issued by the Court. In some cases, the lower court proceedings will have been lengthy trials extending over several weeks if not months.

There were 291 matters completed in the Court of Criminal Appeal this financial year, which is slightly less than the number from the previous year (316). The Crown was the respondent in 93% of appeals. There were 150 defence appeals against sentence, and 107 against conviction and sentence. The results show an increase in the number of unsuccessful defence



appeals against conviction and sentence. This year 32% of conviction and sentence appeals and 34% of sentence only appeals were allowed, compared to 45% of conviction and sentence and sentence only appeals in the previous year. The Crown appealed against the inadequacy of the sentence imposed in the lower court in 16 matters. Of those, seven were successful, five were abandoned and four were dismissed.

The number of defence appeals, particularly sentence only appeals, increased significantly in the two preceding financial years due to the impact of COVID-19 on listing practices and filings, but has now returned to previously anticipated levels. The clearance rate achieved in both conviction and sentence and sentence only appeals brought by the defence has been steadily increasing since 2019-2020. This financial year the number of completed defence conviction and sentence and sentence only appeals exceeded the number of appeals filed, resulting in clearance rates of 124% for sentence appeals and 113% for combined conviction and sentence appeals.

Other Appeals to the Supreme Court and the Court of Appeal

As in previous years, the ODPP also appeared in a number of appellate proceedings in the Supreme Court separate to those heard by the Court of Criminal Appeal. Part 5 of the *Crimes (Appeal and Review) Act 2001* deals with appeals from Local Court proceedings to the Supreme Court. The *Supreme Court Act 1970* provides for applications for judicial review and appeals to the Court of Appeal in certain limited circumstances.

There were nine appeals from Local Court proceedings heard by the Supreme Court, three of which were commenced by the Director. The ODPP responded to 10 proceedings in the Court of Appeal finalised in this financial year.

High Court of Australia

This year, the ODPP was a party to 20 applications for special leave to appeal to the High Court of Australia, of which 19 were made by an offender. That was a decrease compared to the 28 applications made in the previous year, a number which was unusually high. Of the 19 applications made by an offender, 14 have now been determined by the High Court, with 11 being dismissed on the papers and two being dismissed following an oral hearing. Special leave was granted in relation to one matter which is set to proceed to a full hearing in October 2023.

The ODPP appeared in four full High Court appeal hearings following grants of special leave. Those matters were: *BA v The King*, *TL v The Queen*, *Stanley v Director of Public Prosecutions (NSW) & Anor* and *McNamara v The King*.

In *BA v The King* [2023] HCA 14, the Court considered the composite elements of breaking and entering for an offence against s 112(1)(a) of the *Crimes Act 1900*, in particular the question of lawful authority to enter. In allowing the appeal, the majority held that a person who is a valid tenant or co-tenant under a residential lease pursuant to the *Residential Tenancies Act 2010* cannot trespass into those premises and therefore cannot 'break and enter' within the meaning of s 112.

The decision of the Court in *Stanley v Director of Public Prosecutions (NSW)* [2023] HCA 3 addressed a court's duty to consider whether to make an Intensive Correction Order where that question is properly raised, and how that duty is fulfilled. The decision confirms the three-step process for determining whether to impose a custodial sentence, the process for determining the length of that sentence and how it ought to be served, as well as the requirement to consider aspects of community safety during each step.

Initiatives

Trial Development List

The Trial Development List (D-List) continues to support the development of solicitors, providing them with opportunities to build their skills and experience by conducting 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. There were 28 new solicitors added to the list, supplementing the list and 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 for D-List solicitors was delivered by presenters including Deputy Senior Crown Prosecutors, Crown Prosecutors and experienced Solicitor Advocates. Training sessions were held monthly and included topics such as:

- opening addresses
- closing addresses
- court etiquette
- cross-examination of the accused.

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

The predominant charge categories briefed to D-List solicitors were theft/robbery (53%), assault (21%) and drugs (20%). Pleas of guilty were successfully negotiated in 30 matters and 22 matters proceeded to verdict, allowing the D-List solicitors briefed to gain invaluable experience. D-List solicitors also 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

The Junior Advocate Program provides further development opportunities by briefing D-List solicitors to appear as a Junior to a Crown Prosecutor in suitable District and Supreme Court trials. Introduced in October 2021, the Junior Advocate Program supports D-List solicitors to develop their skills and advocacy experience by appearing with and observing a lead counsel and ensures the ODPP has a succession of experienced advocates.

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

In 2022-2023 D-List solicitors were briefed as Junior Advocates in trials led by a Crown Prosecutor in 18 matters.

Targeted Assistance Group

The Targeted Assistance Group (TAG) continues to provide vital short-term assistance to ODPP offices, particularly in regional areas. The TAG team comprises 10 experienced solicitors who provide locum relief to offices that require assistance to cover court and other commitments due to heightened workload, staff vacancies or extended periods of leave. TAG solicitors are assigned to offices for periods of between two and six weeks.

TAG solicitors are based across the state, currently in Sydney, Lismore, Newcastle and Wollongong. The team connects via an online forum, a weekly online 'Help and Highlights' team meeting, and in person at a shared TAG office in Sydney. They attend local team meetings and training sessions at the office to which they are assigned. A Deputy Solicitor directly supervises TAG and assigns TAG solicitors to offices in response to local needs. TAG solicitors are now supported by a legal support officer.

The assistance provided by TAG is varied and includes circuit appearances, summary hearings, short matters and report writing across operational groups and the Drug Court. They regularly spend extended periods away from home in regional offices or circuit courts, though with improved digital technology, are increasingly working remotely from their base location. There are also solicitors in TAG who hold specialist roles, including a Super Callover solicitor and a solicitor dedicated

to the Moree circuit. TAG solicitors are adept at familiarising themselves with new offices, colleagues, courts, stakeholders and challenges, often in remote regions.

In total, TAG provided 297 weeks of assistance to ODPP offices in the past year. 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.

During the year, 43 counsel from the panel were briefed to appear in 153 matters. No private counsel were on retainer for the 2022-2023 financial year. 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, Penrith and Katoomba and at circuit sittings at Albury, Broken Hill, Nowra, Orange, Tamworth and Taree.

Twenty-four private counsel, not on the panel but approved by Director's Chambers, were briefed to appear in 19 matters before the higher courts, including the Court of Criminal Appeal and High Court of Australia.

The ODPP remains committed to the principles of the Equitable Briefing Policy developed by the Law Council of Australia. The Policy was adopted by the ODPP in 2016 and 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, the ODPP briefed 67 private barristers, of whom 34 – or 50% – were women.

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 a centralised service for solicitors requiring edits, conversions and enhancements to digital material, as required for prosecutions statewide.

This financial year, the MSU logged a total of 7,193 requests, a reduction of 28% on the previous year. Despite this decrease, the net number of requests processed by the MSU – 5,231 requests – was comparable to the previous year (5,339 requests). The remaining 1,962 requests involved assistance with link sharing and related work.

The reduction in requests compared to previous years directly correlates with the easing of COVID-19 restrictions in late 2022 and the role the MSU played in facilitating remote working arrangements. During this period, the Multimedia Workspace software facilitated link sharing for brief material and was used very heavily as a remote data sharing platform.

Requests by office/region breakdown closely followed established trends. The majority of requests were received by Head Office staff, with 47% of total requests (matching the previous year). The next highest volume of requests was received from Parramatta, followed by the Newcastle office.

Requests by charge type also followed similar trends. Requests pertaining to child sexual assault matters represented 30% of total requests (an increase from 27%, which may correlate with some changes to best practice pre-record editing processes for child sexual assault matters). The next highest number of requests was received in charge categories of sexual assault and assault. With the expansion of the Child Sexual Offence Evidence Program in the coming year, the demand for MSU services and volume of work is expected to significantly increase.

CASES Replacement Project

The ODPP is close to taking a major step forward in its digital transformation with the near completion of a multi-year project to replace the legacy matter management solution, CASES.

MATTERS (Manage and Track The Evidence, Results and Subjects), built on the Appian AI Process Platform, will go live in July 2023.

The MATTERS solution maintains the functionality provided by the previous system along with historical data, but is delivered via a modern, low-code platform. The key functions to be delivered via MATTERS include:

- matter management and workflow
- Charge Management

- Activity Based Costing
- document templates
- court diaries
- Witness Assistance Service victim and witness management.

MATTERS will position the ODPP to adapt to changes more easily and supports improved automation and streamlining across various business processes and workflows.

The advanced integration capabilities of MATTERS will also improve the efficiency of information exchanged between the ODPP and the wider justice cluster.

Confiscations of Proceeds of Crime

The ODPP is empowered, pursuant to the *Confiscation of Proceeds of Crime Act 1989* (NSW) (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					
	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
Number of Orders Applied for	638	352	260	225	153
Number of Orders Granted	626	345	260	222	152
Number of Forfeiture Orders (FO)	594	303	245	200	139
Number of Pecuniary Penalty Orders (PPO)	8	1	1	1	3
Number of Drug Proceeds Orders (DPO)	21	19	14	10	2
Number of Forfeiture, Pecuniary Penalty and Drug Proceeds Orders	3	22	12	11	8
Percentage of matters where application was successful	98%	98%	100%	99%	99%
Total estimated value of property confiscated (millions)	\$5.7	\$5.8	\$3.8	\$5.7	\$3.4

Costs Awarded Against the Crown

Costs may be awarded against the Crown in circumstances provided for by various statutes, including the *Criminal Procedure Act 1986*, *Costs in Criminal Cases Act 1967* (NSW) 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 Crown 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 quantum.

Matters where costs awarded against the Crown					
	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
<i>Criminal Procedure Act 1986</i>	24	19	9	7	35
<i>Costs in Criminal Cases Act 1967</i>	21	32	9	20	21
Mosely Orders	5	7	8	6	8
<i>Crimes (Appeal and Review) Act 2001</i>	1	8	2	3	6
<i>Crimes (Domestic and Personal Violence) Act 2007</i>	0	2	0	0	0
Total number of orders	51	68	28	46	72
Total value of orders made	\$939,503	\$1,448,271	\$350,967	\$817,548	\$1,106,490
Number of matters registered by ODPP in period	17,382	16,215	16,382	14,901	16,794
Number of costs awarded where fault of prosecution	6	11	8	8	12
Percentage of matters where costs orders were made due to the conduct of the prosecution	0.03%	0.07%	0.05%	0.05%	0.07%

Matters where costs were awarded on adjournment					
	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
Mosely Orders	5	7	8	6	8
Adjournment because full brief not served - <i>Criminal Procedure Act 1986</i>	1	0	0	0	12
<i>Criminal Procedure Act 1986</i> - other adjournments	6	6	8	3	0
Other costs orders	39	55	12	37	52
Total	51	68	28	46	72

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 ODPP and works closely with legal staff and Crown Prosecutors to assist victims and witnesses involved in the prosecution of criminal offences. The Service is staffed by Witness Assistance Officers 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.

First Nations WAS Officers are a valuable resource for the ODPP, providing specialist services to First Nations victims and witnesses and their broader communities. As part of our goal of enhancing service delivery, additional funding is being used to create seven new WAS positions. Those positions will support the Sydney and Sydney West regions with the statewide expansion of the Child Sexual Offence Evidence Program and will include two First Nations positions and a relieving WAS Officer position.

WAS workload

During the year, there were 2,774 new referrals to WAS, of which 2,117 related to sexual assault. Nearly half of these referrals were victims under 18 years of age. At the end of the year, WAS had 8,055 active referrals. First Nations referrals accounted for 15% of all referrals this year.

Since the end of the COVID-19 restrictions there has been a return to face-to-face engagement, which must be balanced against the appropriate use of technology to contact victims when required. The backlog of matters caused by the pandemic has led to an increased case load for WAS Officers, which the ODPP aims to offset by the creation of the seven new WAS Officer positions.

Strategic Planning

The focus next year is providing more specialised trauma-informed support services that meet the diverse needs of victims and witnesses. WAS is working with the Learning and Development team to develop and implement in-house training, using staff who are already demonstrating best practice, in panel discussions and workshops on conferencing victims in a trauma-informed way. In anticipation of the statewide implementation of the Child Sexual Offence Evidence Program, the ODPP has engaged external training providers to assist with developing specialised training in relation to services provided to First Nations children. WAS is also developing lived experience training from stakeholders in the field of coercive control, some of which will also be used in domestic violence matters.

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, Victims Advisory Board and Victims of Crime Interagency Group. The Director and WAS Manager also attended the Second Child Sexual Abuse Roundtable at the University of Sydney Law School in May 2023.

One key focus for WAS is the enhancement of staff wellbeing and resilience. WAS has a mentoring program for new officers for the first two years of their employment to provide support and enhance their induction experience. There is also a program to support new senior staff in management roles. The creation of the new WAS positions is an opportunity to attract qualified, experienced and diverse staff and to allow all staff the time to invest in professional development.

WAS prioritises open lines of communication across the ODPP. This includes providing 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. Director's Chambers now also requires the views of the allocated WAS Officer when considering any submissions from the prosecution team, a significant development which allows WAS Officers to play a more active role in the decision-making process.



Child Sexual Offence Evidence Program

The Child Sexual Offence Evidence Program (CSOEP) began as a pilot in 2016 and has operated in the Sydney and Newcastle District Courts, and in three NSW Police Force Child Abuse Units, since then. In February 2023, the then Premier, Dominic Perrottet, announced the extension of the CSOEP to every District Court and NSW Police Force Child Abuse Unit in the state. The expansion was welcomed by the ODPP and other stakeholders involved in the delivery of the program, many of whom have long championed its expansion.

The CSOEP 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 cornerstone of the CSOEP are the use of Witness Intermediaries and the pre-recording of children's evidence.

Child witnesses are assessed by a Witness Intermediary who prepares a report on the child's communication needs. Their reports contain detailed recommendations which inform the way the child's evidence is adduced at a pre-recorded evidence hearing.

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 child's evidence, including their cross-examination, is pre-recorded without a jury present as soon as practicable after the matter has been committed for trial. For the pre-recording, the child will be in a remote witness room with the Witness Intermediary and a support person and will appear via CCTV in the courtroom. Their pre-recorded evidence is then played when the remainder of the trial takes place months later. From the time that the pre-recording is made, the child is generally excused from further attendance at court, which greatly reduces the stress associated with a lengthy wait for the trial date.

This year 63 new matters entered the Program: 39 in Sydney and 24 in Newcastle. These 63 matters involved 118 children, 64 of whom were victims and 54 of whom were witnesses. Of the children, 83% were female, 14% were from a First Nations background, 11% were from a culturally or linguistically diverse background, and 67% were aged five to 15 years.

In that period, the NSWPF also continued to use Witness Intermediaries to assist at the police interview stage. While not all matters entered the CSOEP (due to the catchment area restrictions), the use of Witness Intermediaries enabled police to conduct the best interviews possible with child victims and child witnesses.

The ODPP also continued to use and fund Witness Intermediaries in out-of-program matters where the victim or witness was particularly vulnerable and required assistance to give their best evidence. In such cases, Witness Intermediaries assisted victims or witnesses in matters that fell outside the CSOEP catchment areas or other CSOEP entry criteria, as well as those involved in prosecutions at courts other than the District Court. Approval was given for the victim or witness to be assessed by a Witness Intermediary and a report was commissioned. The ODPP then applied to the relevant court for approval to have the recommendations in the report reflected in subsequent questioning at trial or hearing. In a small number of matters, the ODPP also applied to have the Witness Intermediary assist the victim or witness when they gave evidence in court. Out-of-program referrals assisted many victims and witnesses across the state who would otherwise have been excluded from its benefits.

Although expansion of the CSOEP will remove the need for the ODPP to assist child sexual offence victims and witnesses via an out-of-program program referral, assistance for other particularly vulnerable victims and witnesses will still be considered on a case-by-case basis.

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.

This year the ODPP finalised four Royal Commission matters. In relation to those four matters, one matter proceeded to trial, with the offender found guilty and sentenced in the District Court. Two offenders pleaded guilty and were sentenced in the District Court. No further proceedings were directed in relation to one matter this year.

A further nine prosecutions remain active. In the next year, five matters are listed for trial before the District Court, with another offender listed for sentence in the District Court after pleading guilty in the Local Court. A stay of proceedings for one matter is listed for hearing in the District Court. Judgment for another accused is expected after a summary hearing in the Local Court. One offender, who was found guilty at trial and sentenced in the District Court, has filed an appeal against conviction. The appeal is listed for hearing next year before the NSW Court of Criminal Appeal.

Completed Royal Commission Prosecutions	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
Sentenced after trial	8	4	2	3	1
Sentenced after plea of guilty – Local Court	1	0	0	0	0
Sentenced after plea of guilty – District Court	10	2	3	0	2
Offender Deceased	0	1	1	0	0
No Further Proceedings Directed	2	1	0	0	1
Permanent Stay of Proceedings Granted	1	0	1	0	0
Dismissed/Verdict Not Guilty	0	0	0	1	0
Returned to Police/Advice provided to Police	0	1	0	1	0
Total	22	9	8	5	4

Goal 3

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

Legislative Change and Reform

Given its role as a key stakeholder in the criminal justice sector, the ODPP has again this year contributed to a large number of consultations on policy reform at the request of the Department of Communities and Justice, the NSW Law Reform Commission and other bodies.

This year the ODPP restructured its policy team under the Deputy Solicitor (Legal). The team's policy processes ensure that all submissions made by the ODPP undergo a rigorous process of consideration and internal consultation, involving input from Director's Chambers on all important policy positions.

Major policy submissions this year were made in relation to the following consultations:

- July 2022: Statutory Review conducted by the Department of Communities and Justice of the *Evidence Amendment (Tendency and Coincidence) Act 2020* (NSW) which introduced reforms to Part 3.6 of the *Evidence Act 1995* (NSW) to facilitate greater admissibility of tendency and coincidence evidence, particularly in criminal proceedings for child sexual offences. The Statutory Review also involved a survey of ODPP solicitors.
- July 2022: Statutory Review conducted by the Department of Communities and Justice of the *Victims Rights and Support Act 2013* (NSW), which is the key legislation establishing rights of victims of crime in NSW. It delivers a broad scheme providing support to victims, including counselling, financial assistance for economic loss and recognition payments.
- September 2022: Consultation by the Department of Communities and Justice on the Crimes Legislation Amendment (Coercive Control) Bill 2022 (NSW) which introduced a stand-alone offence of abusive behaviour towards intimate partners and amended the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) by the creation of a new definition of 'domestic abuse'. This was the final round of consultation in a process spanning almost three years.
- February 2023: NSW Law Reform Commission review of Serious Road Crime conducted by the Honourable Tom Bathurst AC KC. The broad terms of reference included whether the existing provisions of the *Crimes Act 1900* (NSW) for dealing with serious road and dangerous driving offences and accessorial liability remain fit for purpose.

A significant number of policy submissions were made and consultations held in response to invitations for comment, including:

- August 2022: a response to the Joint Standing Committee on the Independent Commission Against Corruption on the Review of aspects of the *ICAC Act 1988* (NSW)
- September 2022: a submission to the NSW Law Reform Commission in relation to a review of the *Bail Act 2013* (NSW) regarding show cause and unacceptable risk for firearms and criminal association offences
- November 2022: a response to the Consultation Paper on fraud and fraud-related offences issued by the Sentencing Council of NSW
- March 2023: a preliminary submission to the Sentencing Council of NSW in relation to its review of sentencing for firearms, knives and other weapons offences, with the ODPP hosting a roundtable discussion as part of the review consultation in June 2023
- June 2023: submission to the Commonwealth Attorney-General's Department in relation to the Crimes and Other Legislation Amendment (Strengthening the Criminal Justice Response to Sexual Violence and Other Measures) Bill 2023
- June 2023: submission to the Department of Communities and Justice on the draft Statutory Review and supplementary discussion paper on the *Coroner's Act 2009* (NSW).

As it does every year, the ODPP also put forward a number of law reform proposals for consideration by the NSW Parliament. These proposals were advanced in several ways, including through participating in consultation in the Justice (Miscellaneous Provisions) Bill in June 2023. Other avenues involved issues being raised in conjunction with partner agencies, through the work of committees or working parties, or as a consequence of case law.

The ODPP participated in numerous interagency committees, court user groups and working parties, with the aim of identifying areas for policy improvement, progressing the reform of criminal law and implementing new legislation.

The interagency fora included:

- Aboriginal Justice Partnership Committee
- AV Strategy and Business Links Governance Board
- Bail Act Monitoring Group
- Child Sexual Offence Evidence Program Reference Group
- Closing the Gap Working Groups
- Council of Australian Directors
- Criminal Justice Transformation Board
- Domestic Violence Review Committee
- Directors of Public Prosecutions Interjurisdictional Digital Reform
- Early Appropriate Guilty Plea (EAGP) Steering Committee and EAGP Working Group
- Forensic Monitoring and Evaluation Working Group

- Law Society of NSW Criminal Law Committee, Diversity and Inclusion Committee and Government Solicitor Committee
- Local Court Rules Committee
- NSW Legal Assistance Forum Working Group on Doli Incapax
- ODPP/NSW Police Force Liaison Group
- ODPP/PARVAN Interagency Committee (NSW Health Prevention and Response to Violence, Abuse and Neglect Unit)
- Road Trauma Support Group NSW
- NSW Sentencing Council
- Sexual Assault Review Committee
- Standing Interagency Advisory Committee on Court Security
- Victims Advisory Board
- Victims of Crime Interagency Group.

The ODPP also participated in research projects including an investigation by the NSW Bureau of Crime Statistics and Research into how the NSW criminal justice system and its processes are directly experienced by people who report a sexual offence. In addition, one of our experienced solicitors undertook a secondment as practitioner-in-residence at the University of Sydney Law School, to conduct research into restorative justice.

Innovation and Interaction

Stakeholder Interaction

The ODPP 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, assisting the ODPP to deliver prosecution services to the community.

In January 2023, the Director and State Coroner settled a new protocol – the first between the ODPP and NSW Coroners Court – setting out the key responsibilities of both parties with respect to a referral from a coroner to the ODPP, as part of a collaborative effort to improve the timeliness of referrals. Under the protocol, the ODPP is required to make a determination within six months of the receipt of a referral.

Following ongoing consultation between the Independent Commission Against Corruption (ICAC) and the ODPP, in May 2023 a new Memorandum of Understanding was endorsed by both agencies. This significantly streamlines the process of referrals to the ODPP from the ICAC for advice on whether a prosecution should be commenced, and allows for the ICAC to seek preliminary advice to assist in their brief preparation and the collation of evidence.

External engagement

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

An important part of our engagement with the NSWPF is the regular delivery of training on criminal law practice and procedure both to new investigators as part of the Detectives Training Course and to individual Police Area Commands, specialised units and detectives' offices upon request.

The key training modules delivered this financial year were:

- Disclosure: in April 2023 the ODPP recorded a package of comprehensive e-Learning modules for distribution to all police officers statewide. In addition, ODPP solicitors and Crown Prosecutors presented a seminar on disclosure to various police units.
- Early Appropriate Guilty Plea processes: senior solicitors and Managing Solicitors delivered this presentation to numerous police units statewide over the course of the financial year.
- Sexual Assault prosecutions: the ODPP recorded a series of training videos on the prosecution of sexual assault matters, designed for use in the Adult Sexual Violence Investigators Course which forms part of the Detectives Training Course. The videos were released in September 2022. A senior ODPP solicitor or Crown Prosecutor also attends each course for a Q&A session which follows the viewing of the recordings.

In addition, training has been delivered on other topics relevant to investigators upon request including on robbery offences, accessorial liability and extra-judicial punishment.

In February 2023, the Director of Public Prosecutions, Sally Dowling SC, and Acting Deputy Senior Crown Prosecutor, Brett Hatfield, delivered a presentation to NSW Government regulatory prosecutors and in-house counsel hosted by the Crown Solicitor's Office. The presentation covered the Prosecution Guidelines, the role of the prosecutor and the duty of disclosure, in the context of regulatory prosecutions. Among those who attended were representatives from the Crown Solicitor's Office, the Department of Communities and Justice, NSWPF, the Department of Education, NSW Health, Transport for NSW, and Enterprise, Investment and Trade.



Legal Precedents Project

A major project was established in October 2022 to upgrade the ODPP's online legal resources. The project aims to improve the quality and consistency of the ODPP's work by:

- establishing a library of precedent submissions
- organising and updating the ODPP's library of legal policies
- reviewing the 'DPPdia' knowledge base on the ODPP intranet for currency and consistency with policies, precedents and other authoritative sources.

The project is overseen by a Legal Resources Committee which authorises the precedents and policies drafted by relevant subject matter experts. A new, more functional web platform is being used for the updated intranet resources and includes video training resources embedded alongside written content. The project will consolidate the ODPP's existing knowledge base into a more logical structure.

The first new page was launched on 'Bail' in June 2023, and the development of other prioritised pages is well underway.

International Visitors

In June 2023, the ODPP welcomed its first international visitors since the COVID-19 pandemic. The ODPP hosted a delegation from Korea's Corruption Investigation Office (CIO) for High-ranking Officials, led by the Chief Prosecutor and Head of the CIO, Kim Jin Wook. The CIO is an independent body established in 2021 to enhance integrity and trust in the Korean Government and its bureaucracy. Later that month the ODPP hosted a delegation led by Li-Ling Ker, the President of Taiwan's Academy for the Judiciary, which is the national institute responsible for training Taiwan's judges and prosecutors. Both visits provided valuable opportunities to exchange information, ideas and experiences.

In June 2023, a Deputy Public Prosecutor/State Counsel from the Attorney-General's Chambers in Singapore commenced a six-month placement with the ODPP, in a Sydney operational group. A program was designed to allow him to spend time across all areas of the ODPP including Local Court prosecutions, trials in the District and Supreme Courts, a regional office visit and placements with specialised groups.

Another three prosecutors from Singapore will commence six-month placements from February 2024.



Highlights of Our People



896 full-time equivalent staff



68% of staff are women



11% of staff work part time



140 new starters this year



20% of new starters under 25 years of age



31 years was the average age of new starters



Staff turnover was 12.1%



19 staff 10 Year Award
17 staff 20 Year Award
4 staff 30 Year Award



Excellence Awards presented to 8 individuals, 2 teams and 2 managers



10 Crown Prosecutors appointed, including 3 promoted from within the ODPP



11 Solicitor Advocates appointed, including 10 promoted from within the ODPP



The ODPP had a total of 124 statutory-appointed staff as at 23 June 2023

Goal 4

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

Our People

The ODPP Signature Behaviour 'Keep Learning' is the foundation for our people maintaining a commitment to ongoing learning and development.

Learning and development

Professional development

The 2022 Solicitor's Conference was the first large-scale, in-person event held by the ODPP post COVID-19. For those able to attend, it was a great opportunity to reconnect. The conference was livestreamed to all offices for those who were unable to attend in person.

The conference commenced with Uncle Michael West, of the Metropolitan Local Aboriginal Land Council, welcoming everyone to Country, followed by Craig Hyland, Solicitor for Public Prosecutions, officially opening the conference. Her Excellency the Honourable Margaret Beazley AC KC, Governor of New South Wales, gave the keynote address on the Second Amendment of the US Constitution and its impact on society. Forensic psychiatrist Dr Marshall Watson spoke about 'Navigating the impact of trauma on witnesses and victims'. Helen Roberts SC, Deputy Director of Public Prosecutions, accompanied by solicitor Luke Sampson, presented on the 'Effective use of visual aids in a jury address' and Ben McDevitt AM APM spoke about the importance of emotional intelligence and being able to identify and manage emotions in yourself and others.

The Conference concluded with the Director's Address and presentation of the Director's Service and Excellence Awards.

The 2023 Professional Development Series delivered 15 sessions live online over eight days. The series commenced with a Welcome to Country by Savannah Fynn and an opening address by the Director. The workshops included sessions on dealing with the important aspects of prosecuting sexual assault matters, practical training in varied aspects of the prosecution process and changing workplace culture around sexual harassment.

Accessible learning continues to be a high priority, with training being made available to staff in formats that best suit their needs. These include training being scheduled at times that suit workforce availability; offering mixed modes of training

delivery, including in person and live online; and recording training sessions to make them available via the Learning in Action portal on the intranet.

The Induction Program continues to evolve and improve with content and timing of delivery reviewed on a regular basis.

The training offered aims to enhance the capabilities of staff and includes a range of topics through ongoing Continuing Professional Development sessions, D-List training sessions, Crown Induction session, Professional Development workshops, the Crown Prosecutors' Conference and the Solicitor's Conference. A wide range of professional and skills development sessions and programs were available and included:

- Junior Advocacy
- Diversity and Inclusion
- Workplace Wellbeing
- Legal Writing Skills
- Leadership and Management
- MATTERS training.

MATTERS Training

A practical training strategy was developed to provide staff with the skills and knowledge needed to transition to the new case management system, MATTERS, which is due to go live in July 2023. The Training Needs Analysis identified core and role-specific functions in MATTERS that require training and associated reference guides.

Staff were introduced to MATTERS through an informative eLearning module, followed by a robust training schedule with nine sessions offered each day. Practical and information training sessions were delivered live online. Resources were developed to support each training module.

Leadership and Management Development Programs

The ODPP continues to provide development opportunities for staff who are currently in, or working towards, a management position. The Emerging and Developing Manager programs, along with the Future Leaders Program, are under review to



ensure they remain current and relevant for the participants and the ODPP. Two Emerging and Developing Manager Programs concluded this financial year.

Previous programs have proven successful, with four Future Leaders participants securing Executive roles and many Emerging Manager participants securing acting or ongoing management roles within the ODPP.

Junior Advocacy Skills Program

A new Junior Advocacy Skills Program was delivered for the first time in November 2022. It was specifically aimed at a foundational stage to ensure our junior solicitors form high-quality habits to carry with them as they progress through their careers. The program was provided to solicitors looking to refine their advocacy skills.

The program consisted of five two-hour sessions and combined seminars and small group practical skills sessions. A combination of in-person and online groups was made available to ensure solicitors from all offices could participate. Participants had the valuable opportunity to learn and practise core advocacy techniques with personalised feedback from instructors, in a structured and supportive learning environment.

Prior to the commencement of the program, three workshops were run for Crown Prosecutors and Solicitor Advocates who had expressed an interest in becoming instructors. A pool of instructors has been created for future advocacy training as part of the program.

ODPP Style Guide and Legal Writing Program

This year the ODPP introduced a Legal Writing Program and Style Guide to support the clear, consistent and professional writing that assists staff to be fair and persuasive advocates and to engage effectively with stakeholders. The Style Guide, released in April 2023, encourages consistency and professionalism in language, tone, referencing rules, grammar and use of style. The ODPP's inaugural Legal Writing Program consisted of a lecture and tutorial series held fortnightly over 10 weeks in early 2023. The lectures were open to all staff, in person and online, and a summary and recording of each lecture was posted on the intranet. The tutorials focused on Managing Solicitors, as they were well placed to share the skills from the

program with the solicitors in their teams. A series of lectures and tutorials is planned annually, focusing on different target groups.

Legal support and administrative officer training

Legal support and administrative officer training focused on expanding the skills and knowledge of staff. Bespoke training and coaching were delivered within the organisation through a range of mediums including live online, eLearning and online forums. This covered the areas of:

- understanding the role of the legal support officer
- career planning
- writing job applications and preparing for interviews.

Training was specifically targeted to assist legal support officers learning the new matter management system, MATTERS. Training and reference guides were designed to address the core and role-based functions of legal support staff.

Legal support and administrative resources continued to be added to the Learning in Action intranet portal.

ODPP Podcasts

ODPP Podcasts launched in June 2022, with 12 episodes released this year. The podcasts are available to ODPP staff only and contain a mix of human-interest stories and legal topical discussions. Due to the success of the podcasts, Season 2 launched in June 2023.

Studies Assistance

Studies Assistance is available to support the development of skills and capabilities through engagement with tertiary education.

Attendance at in-person or live online learning events		
Learning and Development Category	Sessions	Attendees*
Advocacy	26	28
Continuing Professional Development	47	111
Cultural Awareness	28	153
LGBTQIA+	2	16
Induction	73	50
Leadership and Management	34	86
Legal Writing	11	316
MATTERS Training	104	101
Wellbeing	19	53
Sexual Harassment - Changing Workplace Culture	9	13
Total	353	927

* Attendee figures include multiple attendance at learning activities.

2022-2023 Studies Assistance	
Number of Studies Assistance Participants	33
Total Study Leave days taken	183.85
Total Study Assistance Reimbursement	\$35,333.54

Health and Wellbeing

The ODPP WellCheck Program remains the central pillar of our mental health initiatives and continues to be refined and improved to provide the best resource possible for staff. This year's WellCheck Program, the fifth iteration, offered both in-person and virtual sessions, with a total of 165 staff – including 71 return clients – participating.

In addition to the WellCheck Program, the 12-month Clinical Supervision Program pilot commenced, focusing on senior lawyers with long experience in the criminal law. Given their potential for cumulative exposure to trauma in their roles, the pilot was designed to provide this group with regular clinical sessions, including opportunities for psychoeducation, intervention and assessment. Participation in the pilot was voluntary, with a total of 33 staff involved during the year.

The feedback, evaluation and recommendations from the pilot and the WellCheck Program provided the ODPP with a strong basis to expand this type of support in the new financial year to a regular wellbeing debriefing program for all staff.

Significant action items from the WellCheck Program and Clinical Supervision Program pilot were:

- broadening the WellCheck support, increasing frequency of sessions and mandating for all staff
- providing ongoing vicarious trauma training, considering childhood trauma, as a third iteration of the Managing Vicarious Trauma training already offered to staff
- providing additional manager training and support to build capability, confidence and culture
- refreshing the mentoring structure within the ODPP.

The benefits to staff provided by the ODPP's continued support of flexible working were positive themes to emerge from both programs.

Vicarious Trauma Workshops continue to be delivered as part of induction to all new starters, with additional workshops scheduled throughout the year to ensure existing staff can participate in this critical training.

The Wellbeing Taskforce continues to function as a peer support network for staff at the ODPP, being a first point of contact for local colleagues to provide support and help facilitate access to support services. All Wellbeing Taskforce members attend 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 Wellbeing Taskforce meets quarterly, providing input and feedback regarding our wellbeing programs, and acting as local champions for promoting wellbeing.

Healthy Lifestyles Program

The Healthy Lifestyles program continues to attract strong participation from staff. Once again, the ODPP rolled out a flu vaccination program at all sites, providing a total of 461 vaccinations (up from 388 last year).

The Fitness Passport program remains popular, with 297 staff members holding a current fitness passport membership. The social aspect of the program also remains popular, with 242 family members (partners and dependants) participating.

Mental Health First Aid Training

Mental Health First Aid Training continues to be provided to new members of the ODPP's Wellbeing Taskforce, as well as to groups of managers, as part of our continuing commitment to supporting the mental health of all staff.

Workers compensation

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

The number of claims for 2022-2023 was comparable to the previous year, with five new claims being lodged. There has been no consistent theme or pattern to the injuries, though this financial year the majority of cases involved claims for psychological injury.

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

Sick Leave

Average Sick Leave for the ODPP this year was 5.01 days, which remains below the public sector average.

Awards for Service and Excellence

Director's Excellence Awards

Excellence Awards were given to the following staff in the categories listed:

- **Individual Award** to Natalie Katholos, solicitor, Parramatta
- **Regional Award** to the Lismore regional office
- **Legal Support Award** to Donna Bird, Manager Legal Support, Drug Court
- **Engagement Award** to Yasmin Sevilgen, Executive Assistant to the Deputy Senior Crown Prosecutor, Parramatta
- **Service to Victims Award** to Katherine Wicks, Senior Witness Assistance Officer, Gosford
- **Innovation Award** to Rebekah Bird, Senior Legal Analyst, CASES Replacement Project Team
- **Mentoring and Development Awards** to:
 - Philip Hogan, Deputy Senior Crown Prosecutor
 - Nick Marney, Crown Prosecutor
- **Teamwork and Collaboration Awards** to:
 - Walama List Team – Marguerite Vassall, Anthony Brookman, Caitlin Deibe, Katherine Walker and Bethany Mcghie
 - Miiko Kumar, Deputy Senior Crown Prosecutor and Dominique Kelly, Senior Solicitor.
- **Management and Leadership Awards** to:
 - Esther Kwiet, Principal Legal Adviser, Director's Chambers
 - Kristin Bryan, Managing Solicitor, Gosford.

Service

We are proud of the 40 staff who were awarded recognition for their service to the Office:

- 19 staff received a 10 Year Service Award
- 17 staff received a 20 Year Service Award
- 4 staff received a 30 Year Service Award.

Appointments

Judicial

During the year, Deputy Director of Public Prosecutions, Huw Baker SC, and Deputy Senior Crown Prosecutors Craig Everson SC and Georgia Turner, were appointed as Judges of the District Court of NSW. Crown Prosecutor Robert Munro and Solicitor Advocate Michael Maher were appointed as Magistrates of the Local Court of NSW.

Crown Prosecutors

This year, 10 Crown Prosecutors were appointed, three of whom were promoted from within the Solicitor's Office.

Solicitor Advocates

This year, 11 Solicitor Advocates were appointed, 10 of whom were promoted from within the Solicitor's Office.



Secondments

The ODPG continues to actively promote, support and encourage staff to participate in secondment opportunities where available. During the year, 18 staff were involved in secondments to various agencies across the public sector. The different perspectives and experience 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 on their return to the ODPG through internal training and mentoring sessions.

This year, solicitor Meredith Simons was the inaugural ODPG practitioner-in-residence at the University of Sydney Law School. Ms Simons researched the use of restorative justice models in sexual assault matters. Restorative justice processes currently have a very limited application in NSW, but the NSW Sexual Violence Plan 2022-2027 noted the need to explore the use of restorative justice practices in sexual offending cases. Ms Simons used a comparative approach and examined the use of restorative justice in New Zealand, the ACT and the 2021 recommendations of the Victorian Law Reform Commission. She also engaged with the Institute of Criminology and Law School students at the university, participating in careers panels and research meetings.

Recruitment

Recruitment Statistics*	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
Senior Executive	1	0	0	0	0
Statutory Appointments	1	1	1	1	0
Crown Prosecutors	7	6	4	5	7
Solicitors	58	15	40	42	56
Administrative Staff	105	61	100	84	77
Total	172	83	145	132	140

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

Staff Numbers	30 June 2019	30 June 2020	30 June 2021	30 June 2022	30 June 2023
Statutory Appointments and Senior Executive	117.4	118.2	120.8	123.8	129.7
Solicitors	454.5	418.3	466.6	486.1	492.6
Administrative Staff	273.4	261.3	291.0	294.5	273.3
Total	845.3	798.8	878.4	904.4	895.6

Diversity and Inclusion

The ODPP continued to work towards becoming a more diverse and inclusive organisation. In recognition of our strong commitment to, and involvement in, diversity and inclusion initiatives and strategies, a decision was made to dedicate additional resources to this important aspect of our work, including through the creation of two new roles. Next year, a dedicated Diversity and Inclusion Coordinator and a First Nations Project Officer will assist us as we continue to enhance our work in these critical areas.

The ODPP Diversity and Inclusion Working Group (the Group) was established in 2017. Its 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 increasing awareness of initiatives across the ODPP.

The Group meets monthly with a rotating chair to encourage members to contribute freely. There are five subgroups within the Group, each focusing on a specific dimension of diversity:

- First Nations
- Women
- Disability
- Cultural and Linguistic Diversity
- Diverse Genders and Sexualities.

Each of the subgroups meets regularly and has established strategic plans to focus its efforts, consistent 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 on working collaboratively to promote diversity more broadly.

The ODPP continues to meet its commitment to the Multicultural Policies and Services Program by providing high-quality, accessible services to the people of NSW.

The ODPP's Witness Assistance Service also recognises the unique needs of people from diverse backgrounds within the legal system. Culturally appropriate services and support are

provided by First Nations Witness Assistance Officers across the state. In addition, the ODPP 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 Witness Assistance Service, which continues to provide case management services to those with identified disabilities.

The ODPP's [Workforce Diversity Report](#) is detailed at Chapter 5 of this Annual Report.

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

First Nations

First Nations Advisory Group

In recognition of our commitment to working towards a reconciled Australia, this year the ODPP took the important step of establishing a First Nations Advisory Group to guide and advise us on First Nations issues. Chaired by Brendan Thomas, the Deputy Secretary, Transforming Aboriginal Outcomes, at the Department of Communities and Justice, it is the primary consultation body for issues pertaining to First Nations affairs as they relate to policy decisions at the ODPP and in the criminal justice system more broadly.

The First Nations Advisory Group:

- supports the advancement of First Nations students and staff within the ODPP
- assists in promoting transparency about the work and role of the ODPP to First Nations people and communities
- supports and advises the ODPP Diversity and Inclusion Working Group to make decisions regarding First Nations people and communities in a culturally appropriate, respectful and informed way
- acts as an open and consultative body for the ODPP on First Nations matters, including ways to respectfully engage and work with First Nations communities

- advises on relevant cultural knowledge and sensitivities that the ODPP should consider when making decisions relating to policy and practice
- provides input and feedback into recommendations made by the ODPP Diversity and Inclusion Working Group
- advises on cultural safety to support and empower all First Nations staff.

The First Nations Advisory Group consists of both external First Nations members and First Nations staff and was formed through expressions of interest; members may also be nominated by the Director. When selecting external members, regard is given to their experience in the criminal justice system; in working with victims of crime, young people or Elders; in the NSW Public Sector; and experience of living and/or working in First Nations communities. The ODPP aims to ensure it is representative of different communities throughout metropolitan and regional NSW and that its membership comprises an appropriate gender and age balance.

The Director's prosecutorial independence is maintained, as none of the functions of the First Nations Advisory Group relate to the exercise of the Director's prosecutorial discretion.

Cultural Awareness Training

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

First Nations Networking Day

The ODPP was pleased to host its second First Nations Networking Day in May 2023. The event connected our First Nations staff, building a peer support network and providing opportunities for discussion and development. The majority of staff who identify as First Nations attended, including legal support staff and Witness Assistance Service Officers. They were able to share stories and connect culturally, helping the ODPP's First Nations community and network to flourish.

Reconciliation Action Plan

The ODPP launched its 'Innovate' Reconciliation Action Plan (RAP) in November 2022 with an event in Sydney that was livestreamed to all offices.

Uncle Michael West from the Metropolitan Local Aboriginal Land Council performed the Welcome to Country, while Billie Amor from Reconciliation Australia gave the keynote address. Attendees also enjoyed dance performances by members of Tribal Warrior.

Wiradjuri man Luke Penrith, who created the artwork for our first RAP, had a second work commissioned for this new RAP. Titled 'Holistic Journey of Life', it highlights the way all aspects of life are interconnected and was presented to Director Sally Dowling SC at the launch, while prints of the artwork were unveiled at the ODPP's regional offices.

RAPs support organisations to take sustainable and strategic action to advance reconciliation. The ODPP achieved 27 deliverables from its first RAP and the new plan will build on that work, strengthening our relationships with First Nations stakeholders and piloting innovative strategies to empower First Nations peoples and communities.

First Nations Legal Mentoring Program

At the launch of the ODPP's 'Innovate' RAP, the Director also announced the launch of a new First Nations Legal Mentoring Program to support the recruitment, retention and professional development of First Nations lawyers. The program is open to First Nations solicitors and barristers throughout the state, as well as to students undertaking a Bachelor or Master of Law or Diploma in Law. ODPP staff are encouraged to apply.

The program matches mentees with experienced Crown Prosecutors, providing them with opportunities to learn and develop as legal professionals, as well as giving them a forum to explore other facets of legal practice including wellbeing, work-life balance, time management, court expectations, networking, career progression and culturally specific matters.

The program is another initiative directed towards the ODPP's goal of becoming an employer of choice for First Nations people, which is outlined as a priority in the new RAP. Nine mentees joined the inaugural program, which began in early 2023.

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 First Nations peoples as the Traditional Custodians of the land and is consistent with the ODPP's Welcome to Country Protocol.

Diverse Gender and Sexualities

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

Ally Training

In February 2023, the ODPP presented a training session in conjunction with ACON. The 'LGBTQ 101' training examined the importance of LGBTQ inclusion in the workplace and explored challenges faced by LGBTQ staff. Actions individuals could take to create a more inclusive workplace were also discussed.

IDAHOBIT Day

On 17 May 2023, the ODPP celebrated IDAHOBIT Day, the International Day Against Homophobia, Biphobia, Interphobia & Transphobia. The staff of the ODPP includes people from diverse sexualities and genders, and we are committed to ensuring that all staff can be their authentic selves at work.

Pronouns

Reflecting the ODPP's commitment to being an inclusive organisation, email signatures can now include individual preferred pronouns. This initiative was launched as part of celebrations for IDAHOBIT Day. Staff are also able to include their preferred pronoun on their internal work profile.

Disability

The ODPP is committed to the equitable inclusion of people with disability, ensuring our workforce reflects the community we serve, and continues to work towards increasing access for staff with disability.

The ODPP's eLearning content is designed to ensure that staff with vision impairment can access the content of all learning modules.

Australian Network on Disability Gold Membership Renewal

Following the success of our association with the Australian Network on Disability (AND), the ODPP renewed its Gold membership this year. AND works with organisations and government departments nationally to increase their disability confidence. The Diversity and Inclusion Working Group continued to work with AND to increase knowledge to share with staff and to create opportunities to develop strategies for greater inclusivity.

Action Plans

This year, in conjunction with AND, the ODPP developed an Accessibility Action Plan, and will release a Workplace Adjustment Policy next year.

Stepping Into Internship Program

Through AND, the ODPP again participated in the Stepping Into program, a paid internship scheme which places university students with disability into select organisations. This is the second year of our participation in the program, with one legal intern hosted in the Sydney office for six weeks in early 2023. Following the success of the program, the ODPP resolved to participate again next year.

Sunflower Lanyards

This year sunflower lanyards were made available for staff who are living with a hidden disability. The sunflower discreetly indicates to colleagues and others that the wearer has a hidden disability and may need extra help, time or understanding. It is another step towards reducing barriers to inclusion.

International Day of People with Disability

International Day of People with Disability was celebrated on 3 December 2022. Sanctioned by the United Nations, the day aims to increase public awareness, understanding and acceptance of people with disability, and to celebrate their achievements and contributions. In support of the day, an intranet article was posted encouraging ODPP staff to join the celebrations and providing information about how to get involved.

Women

The ODPP is committed to inclusive practice, combatting gender bias, and supporting and promoting women in the workplace. The Women's Subgroup continues to develop initiatives to champion and support women at the ODPP, and expects to roll out a networking strategy to connect women across the Office next year.

International Women's Day event

This year's theme for International Women's Day was '#DigitALL: Innovation and technology for gender equality'. In a discussion livestreamed to all ODPP offices, Director Sally Dowling SC spoke with guest Naomi Sharp SC, the Chair of the Women Barristers Forum, about how much progress has been made towards gender equality in the legal profession in recent decades, and how much has still to be achieved. The event was a great success and inspired positive feedback.

The Director also spoke at an International Women's Day event hosted by the Institute of Public Affairs Australia. She and the Chief Executive Officer of Legal Aid NSW, Monique Hitter, discussed leadership and driving change in the workplace.

Women in the Spotlight

This year, we introduced the Women in the Spotlight initiative to highlight the important role women play in the ODPP, as well as their achievements. Staff nominate female colleagues that they wish to know more about or see acknowledged. Eight inspirational women who work at the ODPP were interviewed and their stories shared on our intranet. The initiative has received excellent feedback and generated many nominations for future interviewees.

Charter for the Advancement of Women and Equitable Briefing Policy

The ODPP is a signatory to the Charter for the Advancement of Women, which was relaunched in 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 outcomes for the profession and the community as a whole.

The ODPP also continues to adopt the Equitable Briefing Policy launched by the Law Council of Australia, and formally adopted by the NSW Bar Association, in 2016. The policy supports a nationally consistent approach to cultural and attitudinal change within the legal profession with respect to gender equitable briefing practices, with the goal of women barristers being selected for at least 30% of all briefs. This year, 50% of private barristers briefed by the ODPP were women.

Cultural and Linguistic Diversity

The ODPP is committed to promoting and supporting staff from culturally and linguistically diverse backgrounds. We are working to identify opportunities and reduce barriers for culturally and linguistically diverse staff, ensuring we reflect the diverse community we represent.

The ODPP launched its Cultural and Linguistic Diversity Strategy last year and looks forward to reporting on the promotional activities and actions implemented. The ODPP's dedicated Culturally and Linguistically Diverse intranet page is continually being developed and expanded. The subgroup plans to launch a cultural calendar next year.

Harmony Week

The ODPP celebrated Harmony Week in March 2023 with a Taste of Harmony. The subgroup encouraged each office to hold a lunch to celebrate the theme, 'Everyone belongs'. Staff brought food significant to their cultural background or a country they have visited to share with colleagues. Harmony Week was an opportunity to reflect on inclusiveness, respect and belonging for all Australians.

Chapter 3

Operations and Performance 2022 – 2023

Management and activities

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; and all High Court appeals.

Crown Prosecutors' Chambers

The Crown Prosecutors' Chambers is led by the Senior Crown Prosecutor and 15 Deputy Senior Crown Prosecutors (DSCPs). The DSCPs are briefed in the more complex matters. The Sydney Crown Prosecutors' Chambers has 12 DSCPs. A DSCP based at Parramatta oversees Crown Prosecutors in Greater Western Sydney – Campbelltown, Penrith and Parramatta. Crown Prosecutors at Newcastle and Gosford are led by the Newcastle DSCP. A DSCP based at Wollongong oversees Crown Prosecutors at Dubbo, Wagga Wagga and Wollongong. A DSCP is also based at Lismore.

The Sydney Crown Prosecutors' Chambers incorporates a specialised team of Crown Prosecutors, including two DSCPs, who undertake exclusively appellate work in the higher courts. The Sydney Crown Prosecutors also undertake work from the Specialised Prosecutions and Public Sector Prosecutions units.

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 those offices.

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 staff and Witness Assistance Service 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. Solicitors also attend circuit District Courts at Albury, Armidale, Bega, Bourke, Broken Hill, Coffs Harbour, Goulburn, Grafton, Katoomba, Moree, Nowra, Orange, 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: 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; and the Specialised Prosecutions Unit, which prosecutes serving police officers, referrals from the Law Enforcement Conduct Commission and high-profile matters. These groups are led by the Deputy Solicitor (Legal Operations), who also oversees the Drug Court Group, which is based at Parramatta and services the Drug Courts at Dubbo, Parramatta, Sydney and Toronto.

The Deputy Solicitor (Legal) leads 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 Policy, Legal Learning and Development, and Information.

Corporate Services

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

Summary review of operations

The significant operations of the ODPP are detailed in Chapter 2, Goal 1: Deliver a high quality, independent and professional prosecution service. Productivity statistics for the ODPP are noted at Performance Information.

Significant Committees

Executive Board

The Executive Board comprises the Director (Chair), three Deputy Directors, Senior Crown Prosecutor, Solicitor for Public Prosecutions, Director Finance and Facilities and Chief Finance Officer, Director Human Resources, Director Information Management and Technology, and two independent members.

The Board meets bi-monthly and minutes of proceedings are kept. The Board's role is to:

- advise the Director on administrative and managerial aspects to ensure that it operates in a coordinated, effective, economic, and efficient manner
- advise the Director on issues relating to strategic planning, management improvement and monitoring performance
- 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

The Management Committee comprises the Director (Chair), three Deputy Directors, Senior Crown Prosecutor, Solicitor for Public Prosecutions, Director Finance and Facilities and Chief Finance Officer, Director Human Resources, Director Information Management and Technology, Manager Witness Assistance Service and six Deputy Solicitors (Operations and Legal).

The Committee meets monthly and minutes of proceedings are kept. Its primary functions are:

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

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 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. Meetings are attended by invitation by representatives of the Audit Office of NSW; by the Deputy Director of Public Prosecutions in his capacity as the Chief Audit Executive; the Deputy Solicitor (Sydney) in her capacity as Chief Risk Officer; the Director, Finance and Facilities and Chief Finance Officer; the Director, Human Resources; the Director, Information Management and Technology; and the Wellbeing Coordinator.

The Audit and Risk Committee Charter and the Internal Audit Charter have been reviewed for compliance with TPP 20-08, endorsed by the Committee and signed by the Director. In compliance with 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 the implementation of the CASES Replacement project (which aims to replace the current electronic case management system), the proposed relocation of the Sydney Office to new premises in 2024 and measures to enhance the ODPP's maturity levels against the NSW Government Cyber Security Policy. The Committee monitored the ODPP's implementation of strategies to mitigate its most significant risks. The Committee contributed to the ODPP's conduct of a Risk Maturity Assessment using the Treasury's Risk Maturity Assessment methodology outlined in TPP20-06.

The Internal Audit Plan, covering the three-year period to 30 June 2023, was reviewed and amended in consultation with the Committee and signed by the Chief Audit Executive and the Director. The Committee continues to monitor the content and implementation of the Internal Audit Plan to ensure it reflects the ODPP's needs. Additionally, the Committee reviews and monitors the ODPP's progress in implementing internal and external audit recommendations.

The Committee's assessment of governance and compliance frameworks included review of the Risk Management Framework and Policy; business continuity planning; the Fraud and Corruption Control Plan; the Legislative Compliance Framework; work health and safety and wellbeing strategies; information technology management and cyber security-related actions.

The Internal Audit and Risk Management Attestation for 2022-2023 for the ODPP is in Chapter 4, [Risk Management and insurance activities](#).

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 and Technology (Chair), Solicitor for Public Prosecutions, Director Finance and Facilities and Chief Finance Officer, Deputy Solicitor for Public Prosecutions (Legal), Deputy Solicitor (Sydney), a nominated Crown Prosecutor representative and the IM&T Information Security Officer.

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

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 support the allocation of resources for approved projects
- provide advice and recommendations on significant information management and technology issues
- approve ODPP-wide information security policies, guidelines and procedures and ensure that these are adopted within the ODPP

- review and approve acceptance of information management and technology risks rated high or extreme (when required)
- ensure all critical operational and security issues reported through the incident reporting process are resolved in a timely manner to avoid recurrence
- provide senior management support for the development, implementation, ongoing operations and continuous improvement of an operational Information Security Management System
- provide updates to the ODPP Management Committee.
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- provide senior management support for the development, implementation, ongoing operations and continuous improvement of an operational Information Security Management System
- provide updates to the ODPP Management Committee.

CASES Replacement Project Steering Committee

The CASES Replacement Project Steering Committee is chaired by the Director of Public Prosecutions with a representative from the Crown Prosecutors' Chambers, the Solicitor for Public Prosecutions, 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 Steering Committee ensures the highest possible visibility, support and decision-making over the activities within the project, including:

- monitoring the progress of the project
- managing escalation of project matters including risks and issues within the project
- reviewing and approving requests for project change and budget allocation
- reviewing and resolving key implementation issues
- resolving resource and change management conflicts
- providing direction and guidance to the project team
- reviewing and approving key project documentation
- ensuring alignment between the project and the strategic objectives of the organisation.

The Committee meets on a monthly basis or more frequently, if required.

Land Disposal

The ODPP has no information to report.

Research and development

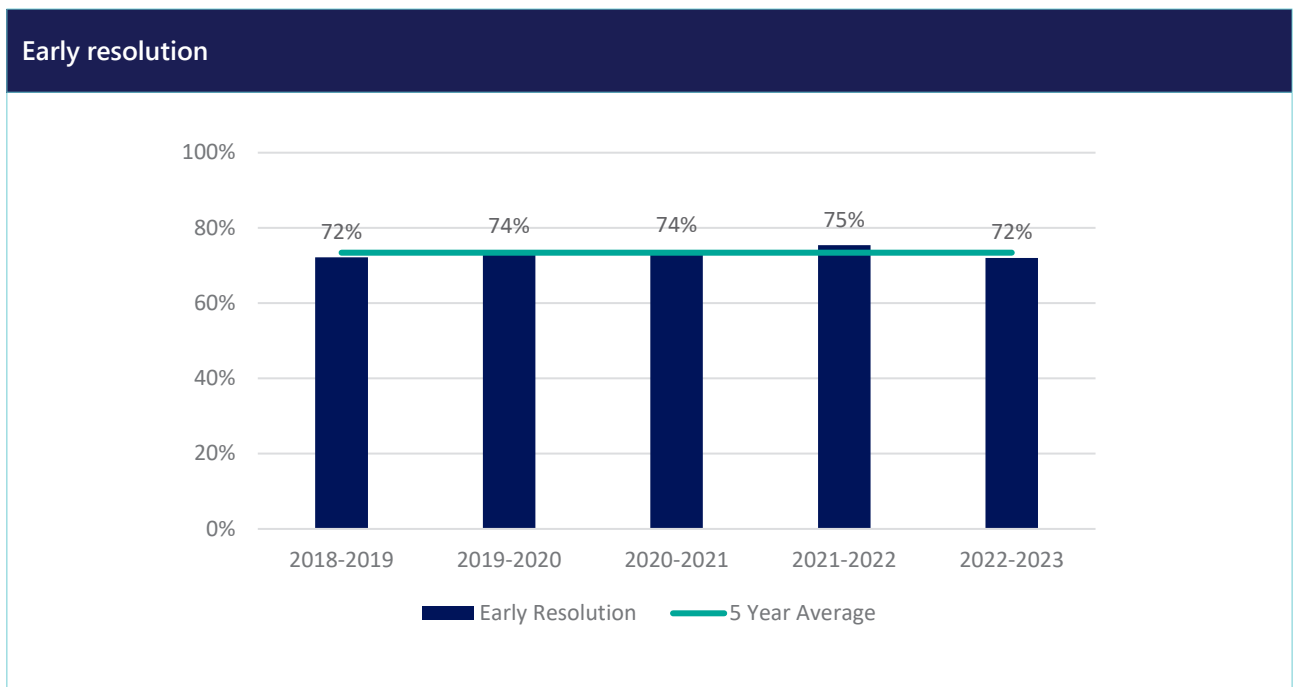
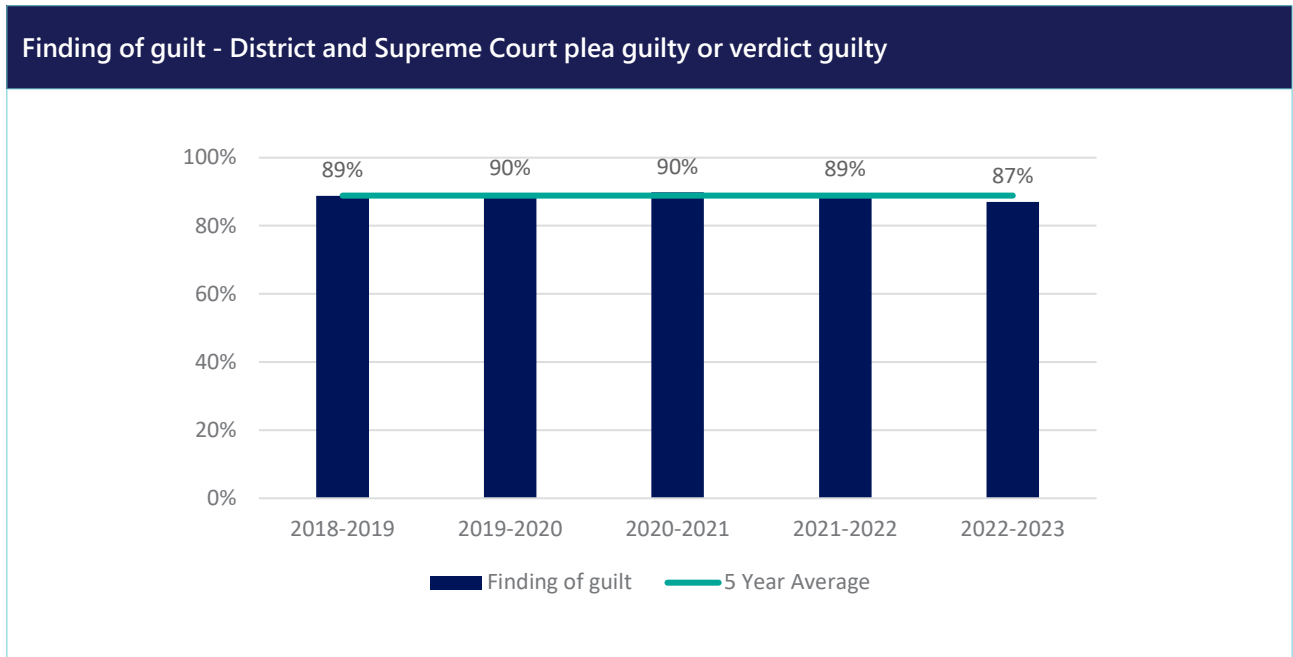
The ODPP has no information to report.

Implementation of Price Determination

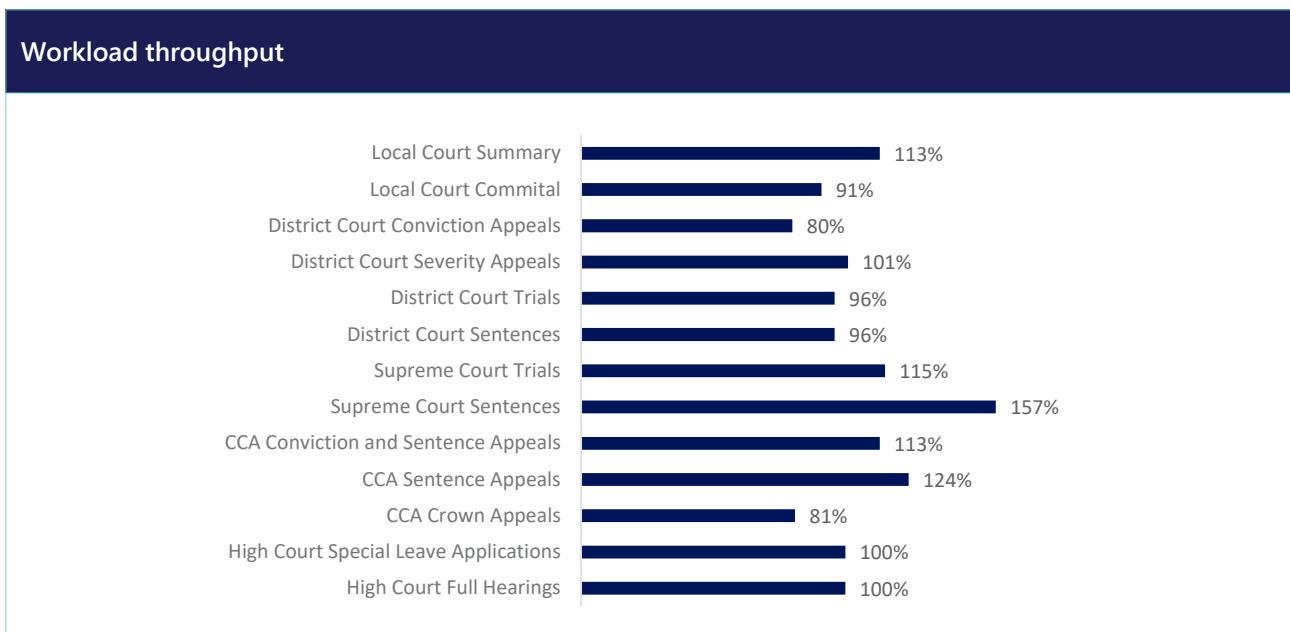
The ODPP has no information to report.

Performance Information

ODPP Productivity Statistics 2022-2023



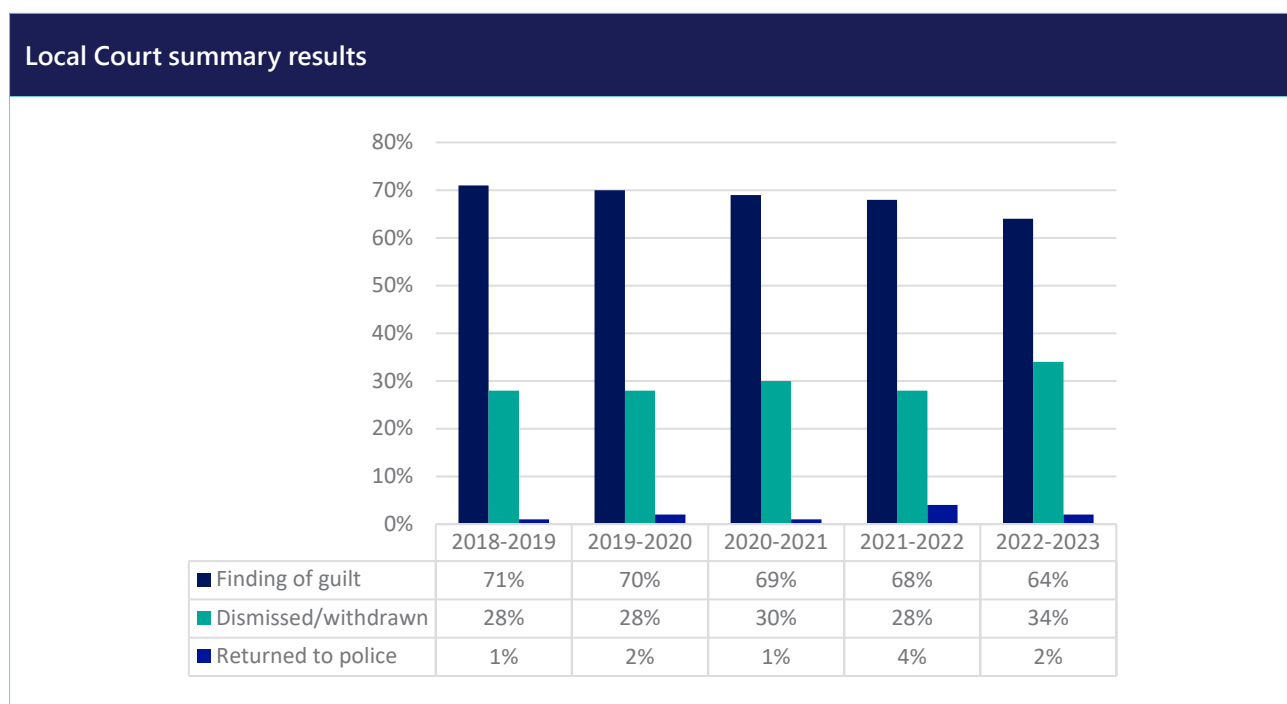
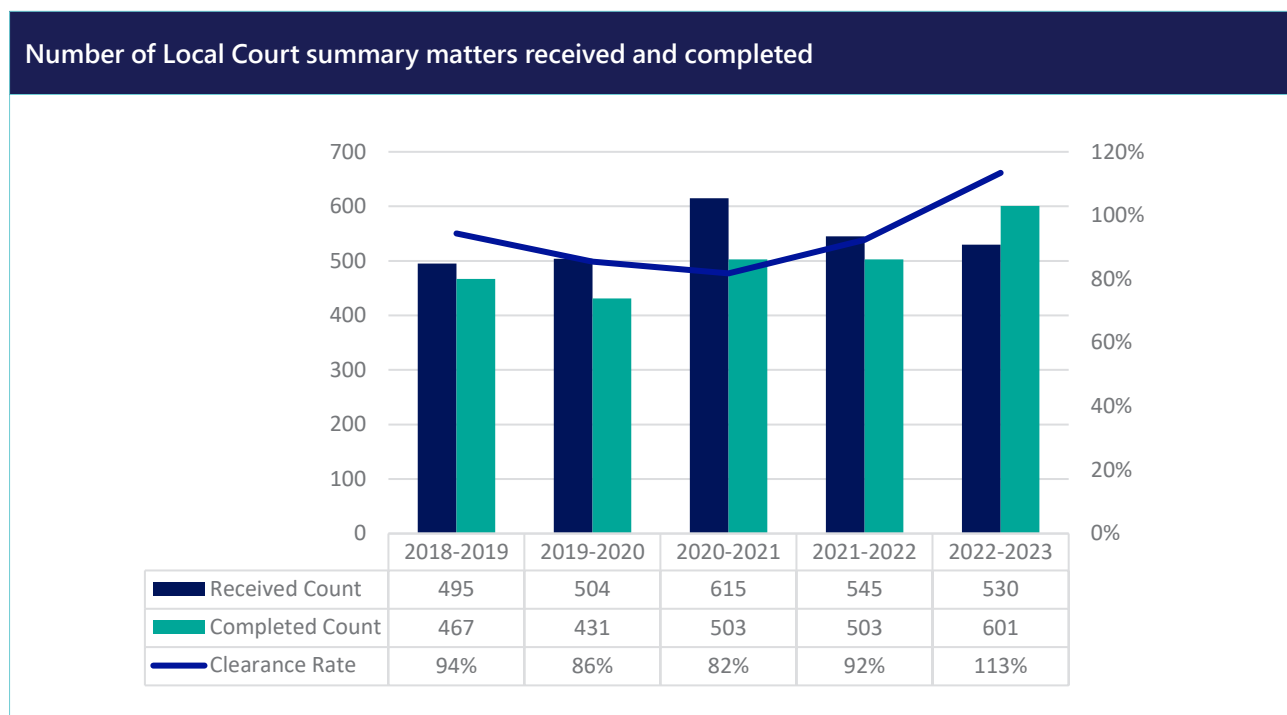
Workload throughput	Received Count	Completed Count	Clearance Rate
Local Court Summary	530	601	113%
Local Court Committal	6,033	5,491	91%
District Court Trials	1,236	1,190	96%
District Court Sentences	1,792	1,714	96%
District Court Conviction Appeals	1,119	895	80%
District Court Severity Appeals	5,210	5,280	101%
Supreme Court Trials	40	46	115%
Supreme Court Sentences	7	11	157%
CCA Conviction and Sentence Appeals	95	107	113%
CCA Sentence Appeals	121	150	124%
CCA Crown Appeals	16	13	81%
High Court Special Leave Applications	20	20	100%
High Court Hearings	4	4	100%



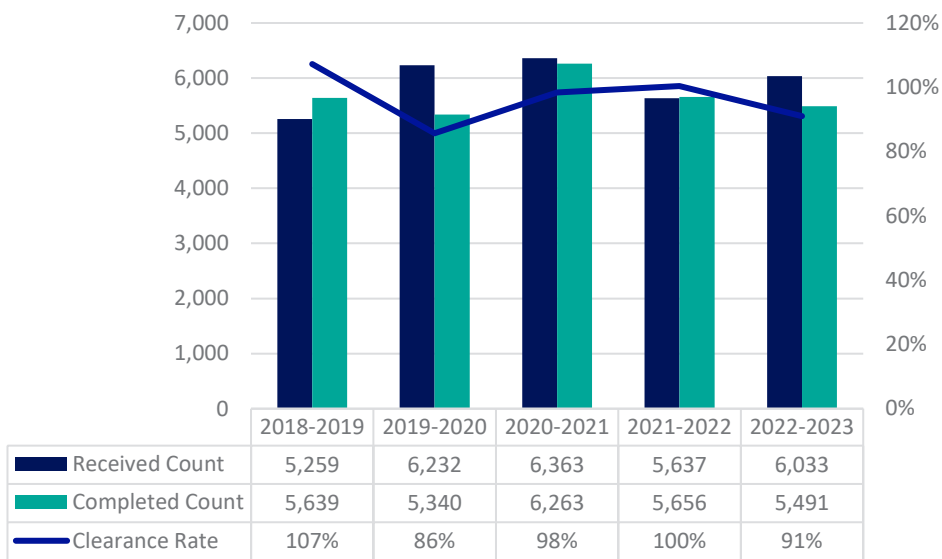
Total Matters Registered



Matters in the Local Court

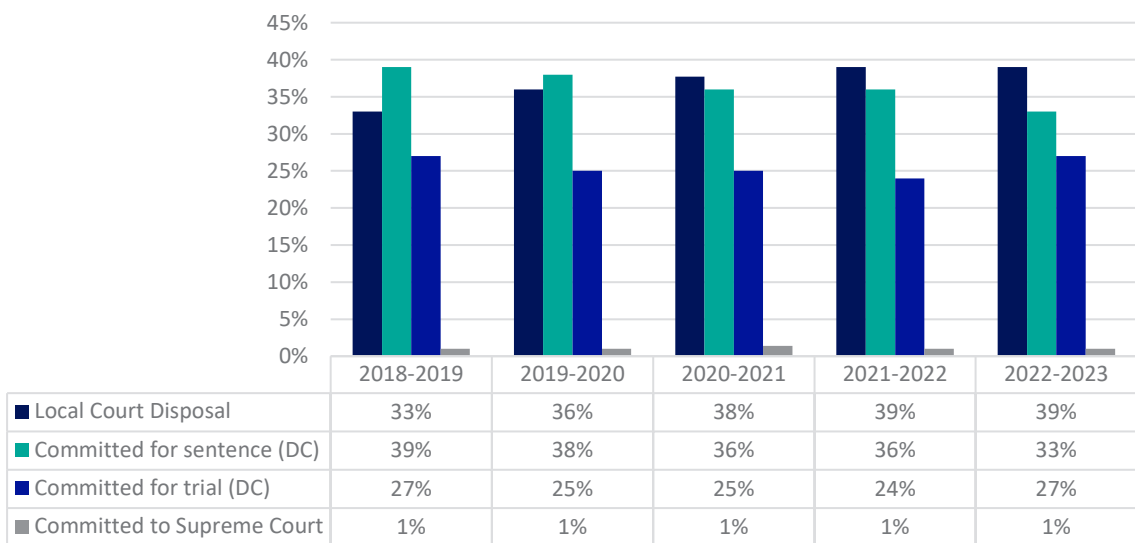


Number of Local Court committal matters received and completed

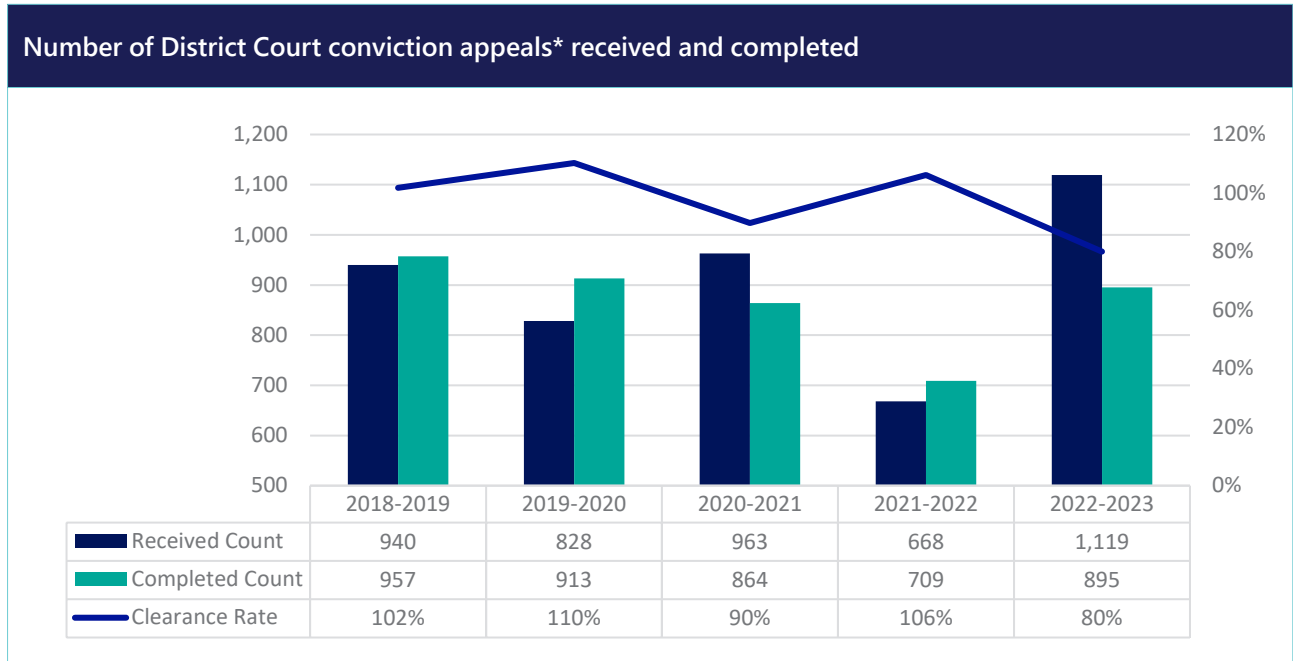


Local Court committal results		Number	%
Local Court disposal	Finding of guilt	1,099	20%
	Dismissed/Withdrawn	361	7%
	Returned to Police	647	12%
	Referred to the Drug Court	36	0%
	Sub total	2,143	39%
Committed to the District Court	Sentence	1,825	33%
	Trial	1,461	27%
	Sub total	3,286	60%
Committed to the Supreme Court	Sentence	8	%
	Trial	55	1%
	Sub total	63	1%
Total		5,492	100%

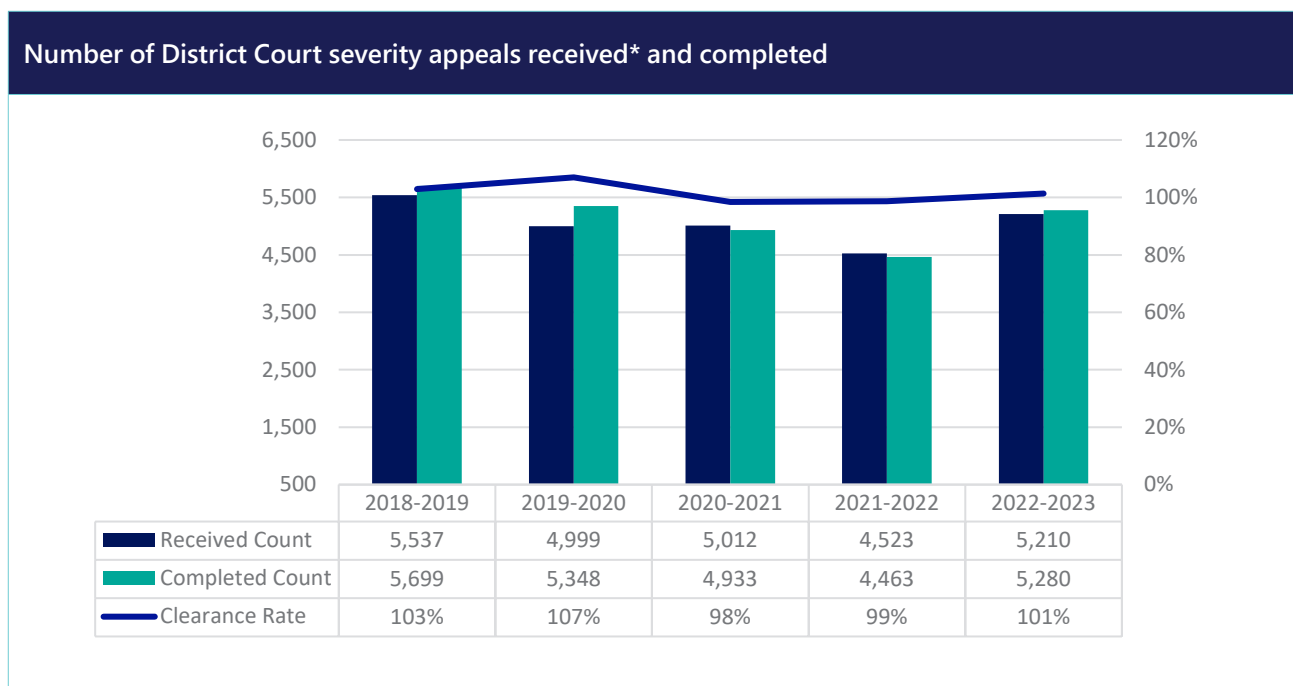
Local Court committal results



Matters in the District Court

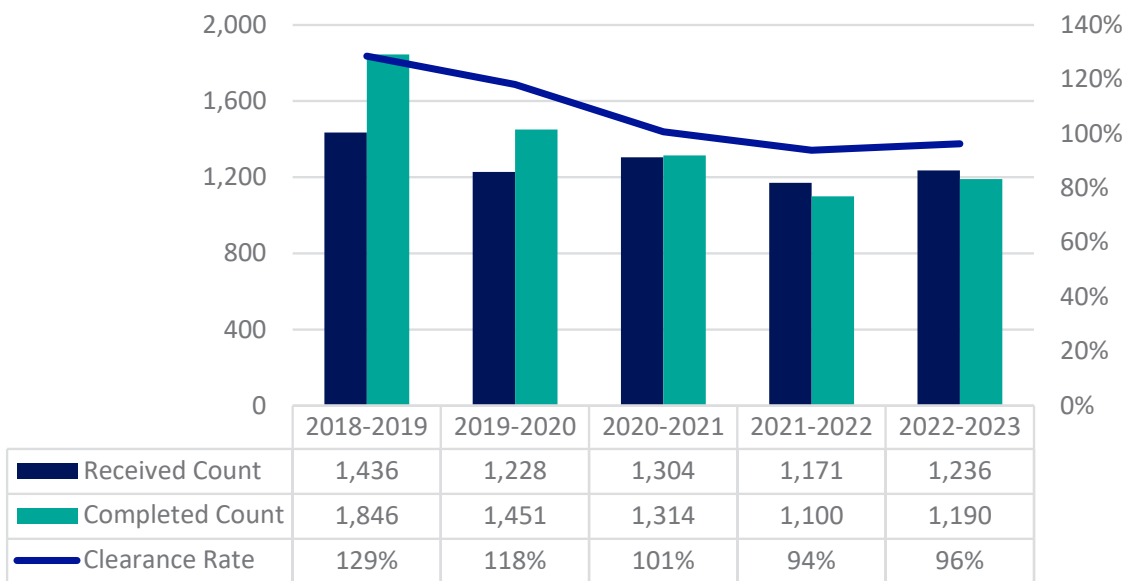


* Appeals from the Local Court

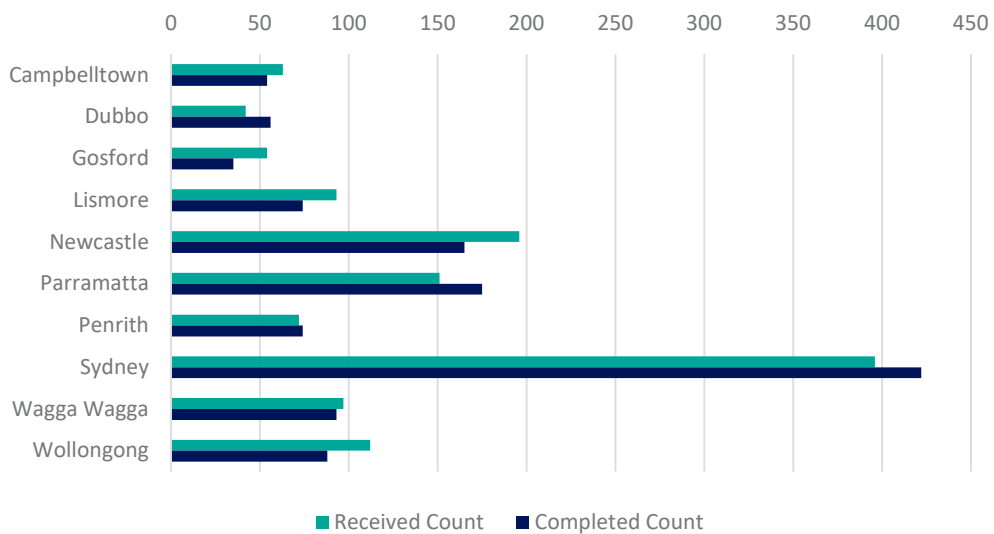


* Appeals from the Local Court

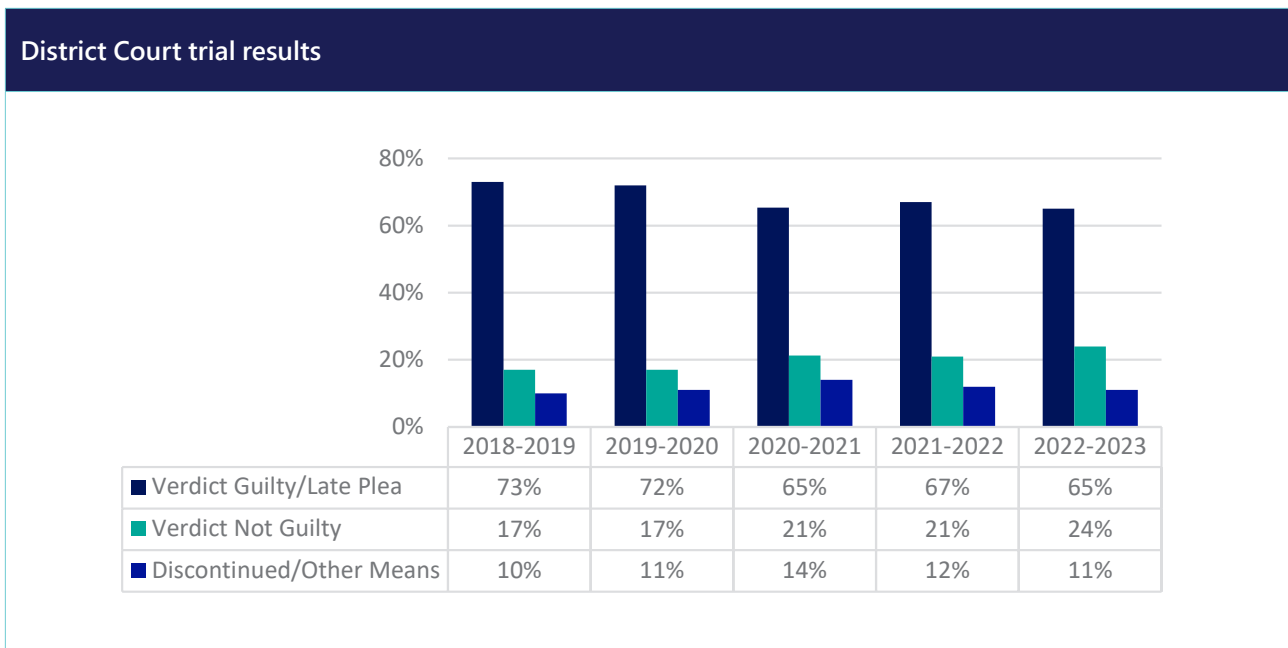
Number of District Court trials received and completed



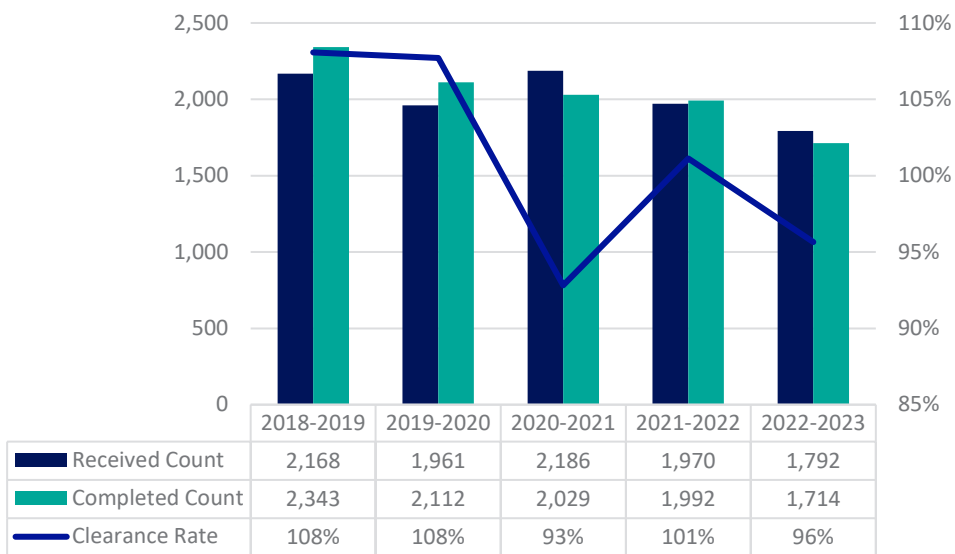
Number of District Court trials received and completed (by location)



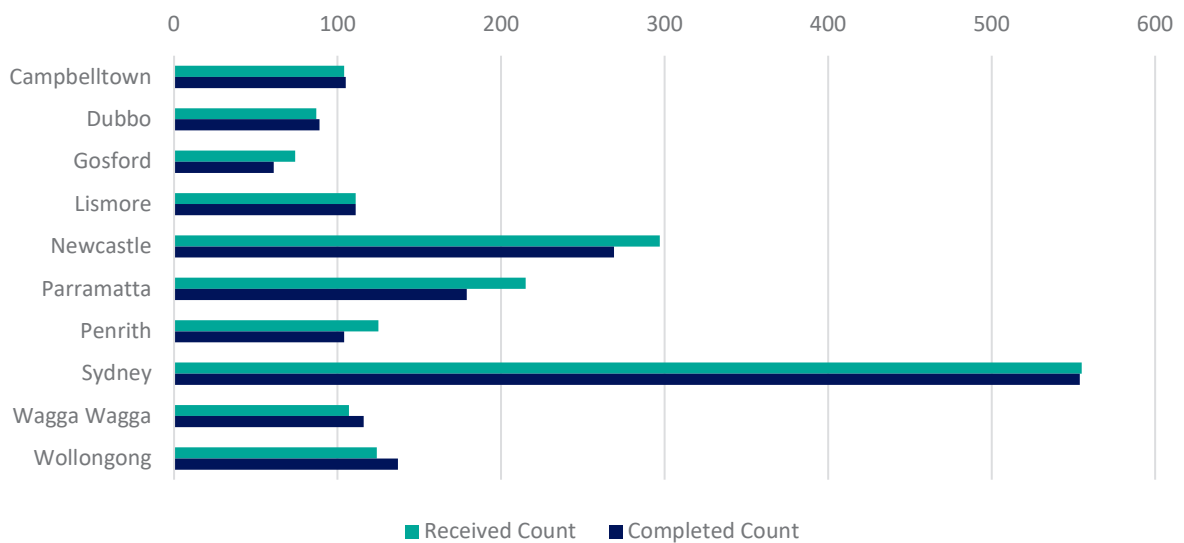
Results of District Court trials		Number	%
Late plea		499	42%
Trial	Verdict Guilty	274	23%
	Verdict Not Guilty	280	24%
	Verdict by direction	3	0%
Discontinued		118	10%
Other Means		16	1%
Total		1,190	100%



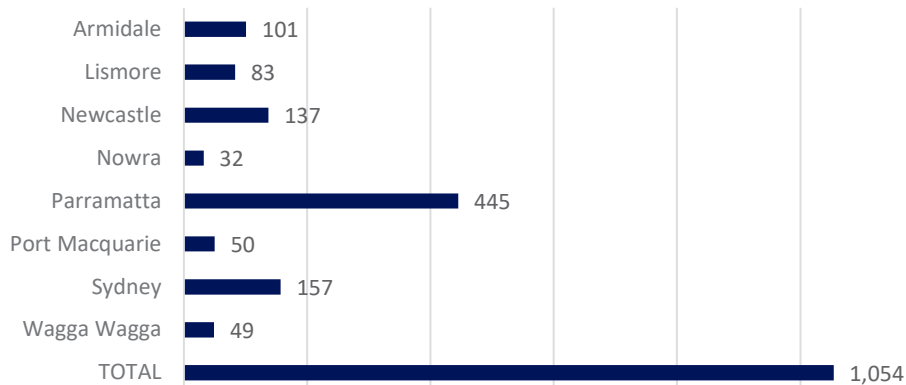
Number of District Court sentences received and completed



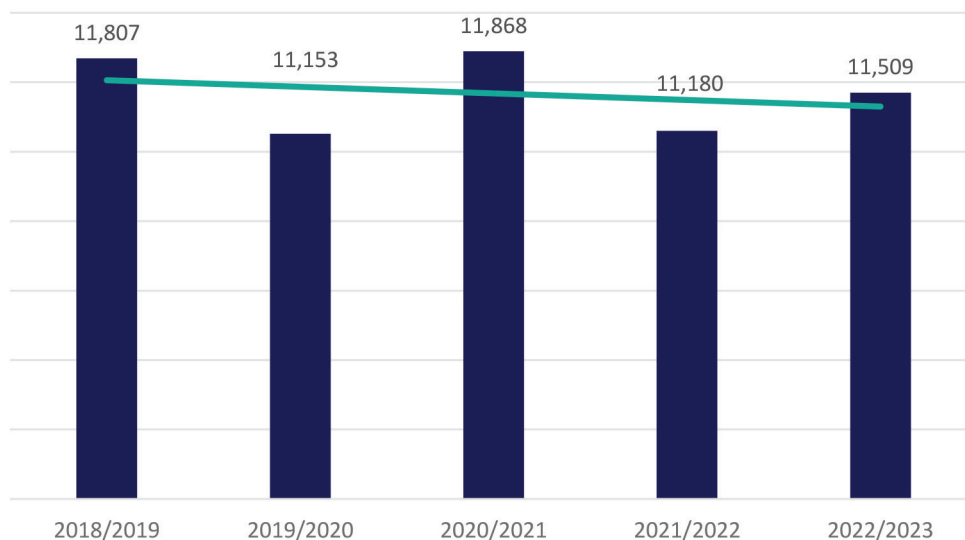
Number of District Court sentences received and completed (by location)



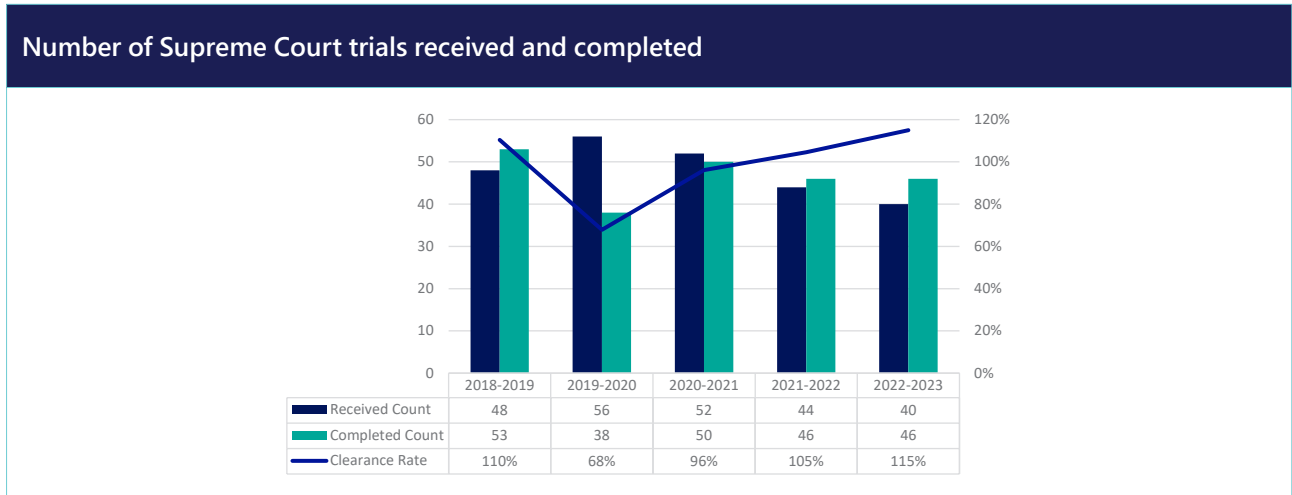
Super Callovers – District Court sitting days saved 2022-2023



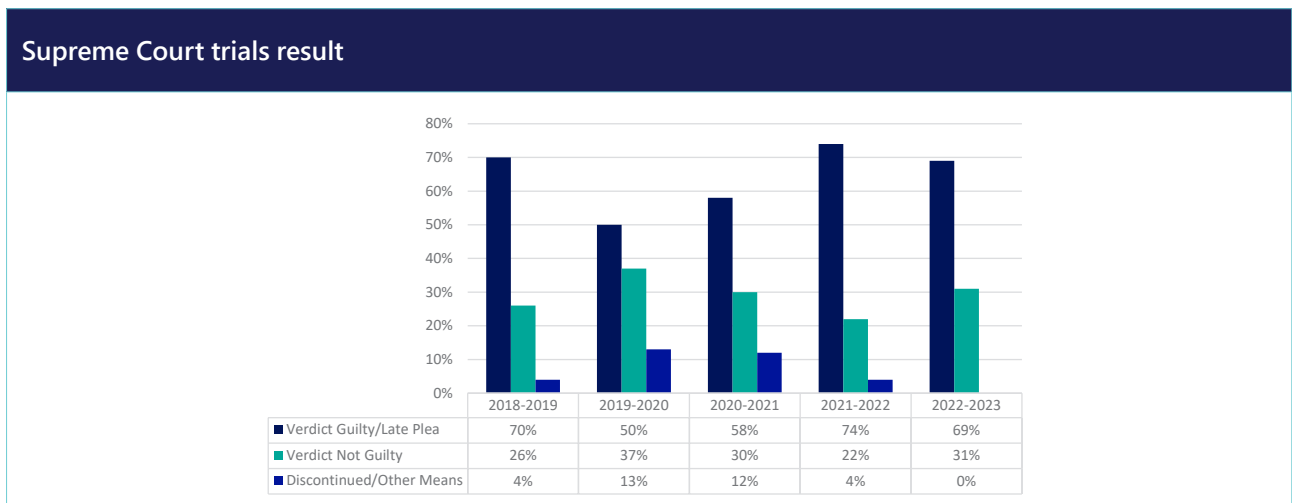
District Court sitting days (actual)



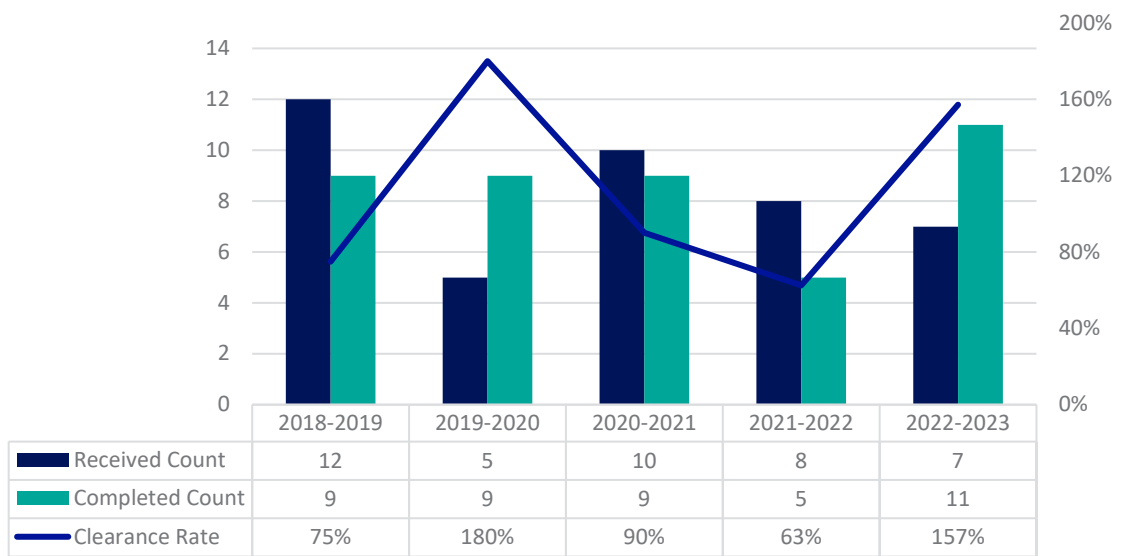
Matters in the Supreme Court



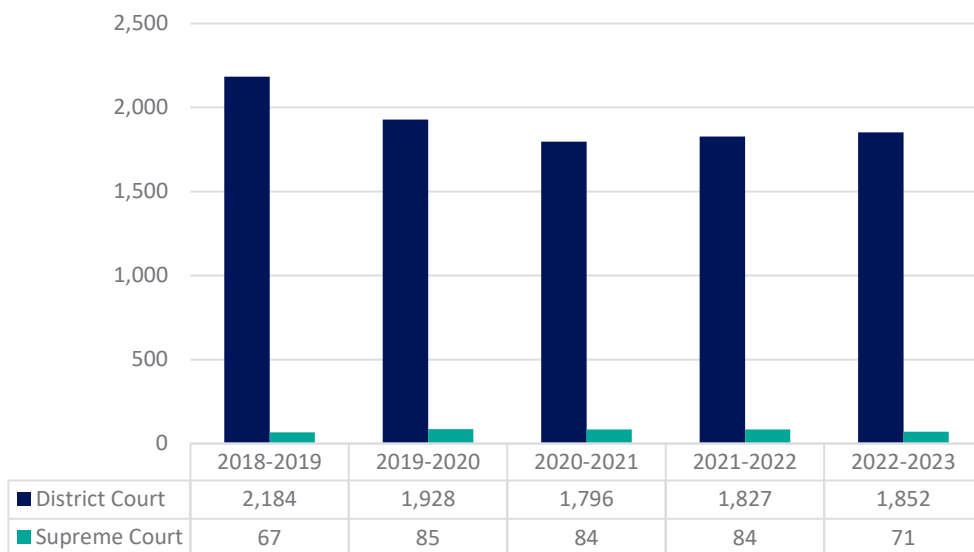
Supreme Court trial results	Number	%	
Late plea	7	15%	
Trial	Verdict Guilty	25	54%
	Verdict Not Guilty	14	31%
Discontinued	0	0%	
Other	0	0%	
Total	46	100%	



Number of Supreme Court sentences received and completed



Trials on hand at the end of the year



Matters in the Court of Criminal Appeal

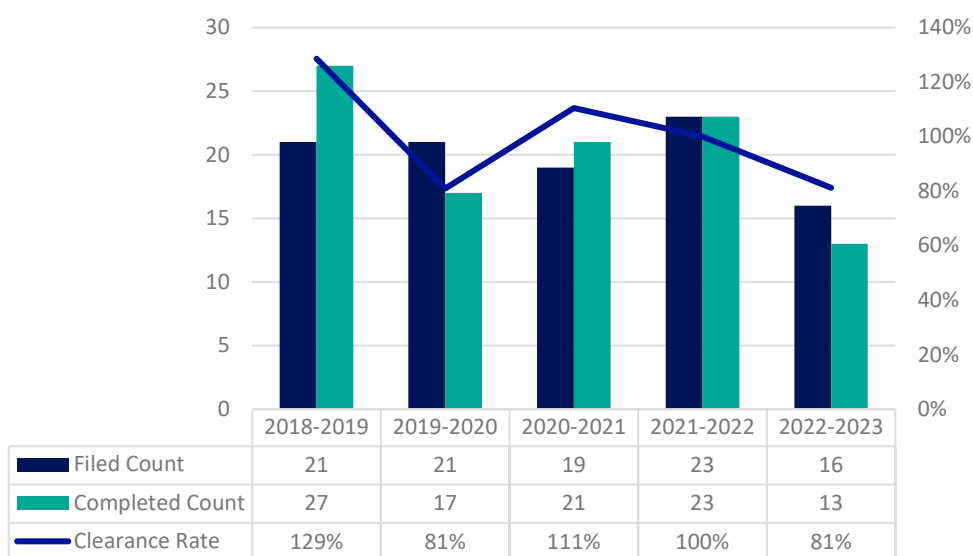
Completed Court of Criminal Appeal matters	Number
Crown interlocutory appeals	3
Defence interlocutory appeals	15
Crown appeals: inadequacy of sentence	16
Defence conviction (including conviction and sentence) appeals	107
Defence sentence-only appeals	150
Total	291

Results of Crown interlocutory appeals	Number	%
Allowed	2	67%
Dismissed	1	23%
Total	3	100%

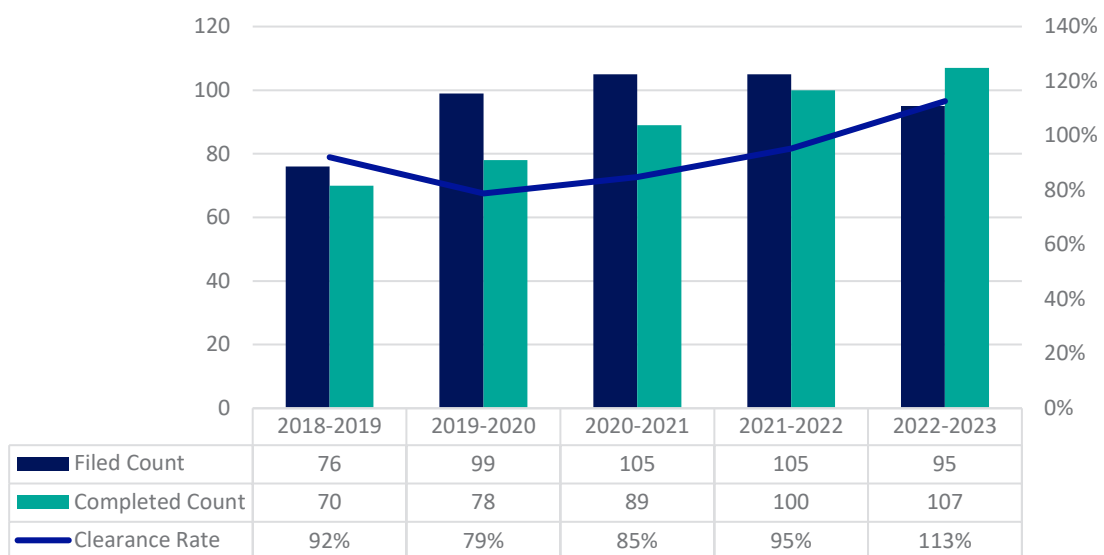
Results of Defence interlocutory appeals	Number	%
Allowed	3	20%
Dismissed	9	60%
Abandoned	3	20%
Total	15	100%

Results of Crown appeals		Number	%
Inadequacy appeals	Allowed	7	44%
	Dismissed	4	25%
	Abandoned	5	31%
Total		16	100%

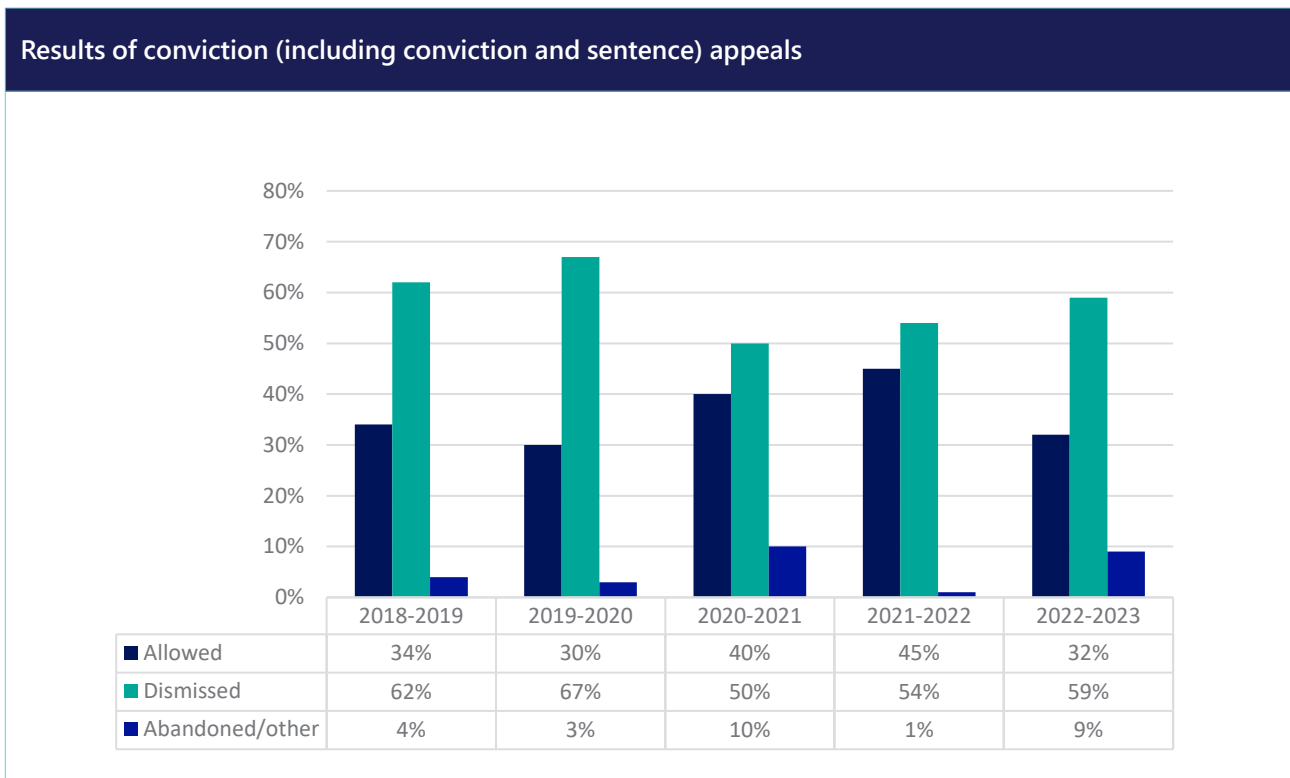
**Court of Criminal Appeal
Number of Crown appeals against inadequacy of sentence filed and completed**



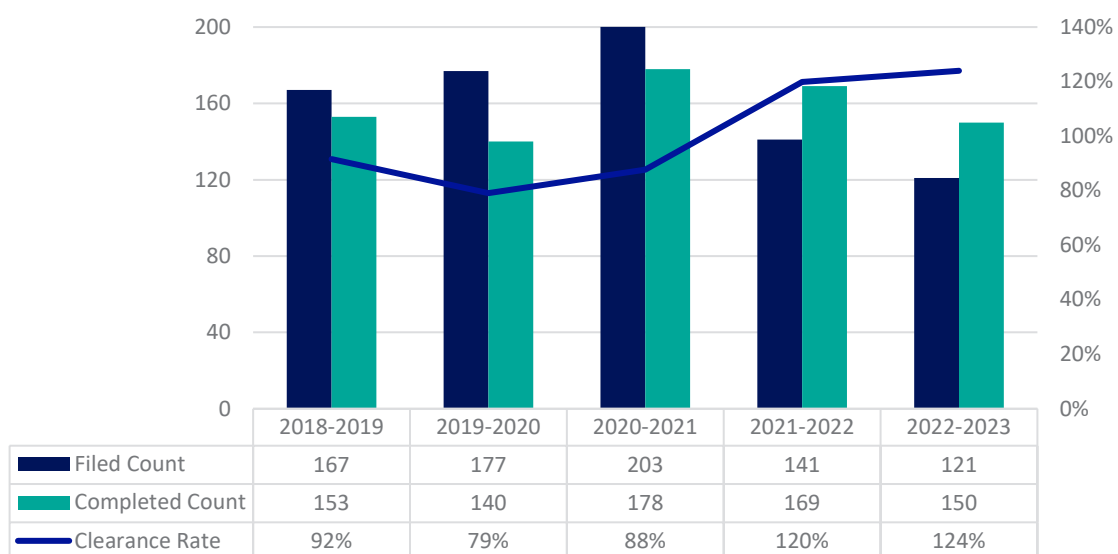
**Court of Criminal Appeal
Number of conviction (including conviction and sentence) appeals filed and completed**



Results of conviction (including conviction and sentence) appeals		Number	%
Allowed	Retrial	19	18%
	Acquittal	10	9%
	Allowed on some grounds only	3	3%
	Sentence varied only	1	1%
	Remitted to the District Court	1	1%
Abandoned/Withdrawn		10	9%
Dismissed		63	59%
Total		107	100%

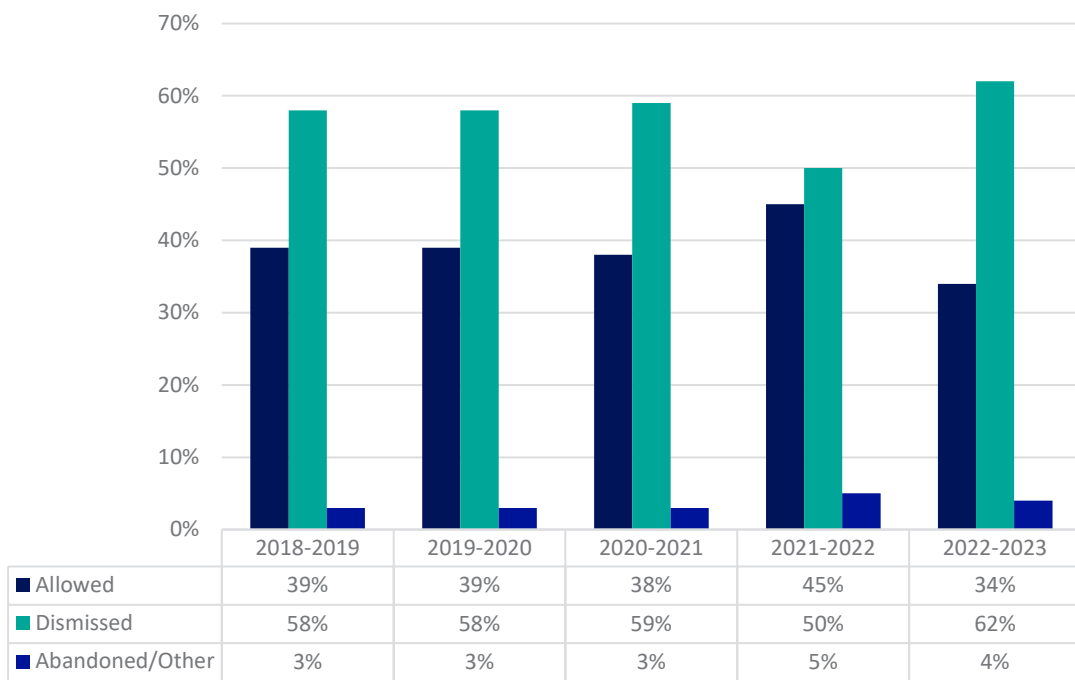


Court of Criminal Appeal Number of sentence appeals filed and completed



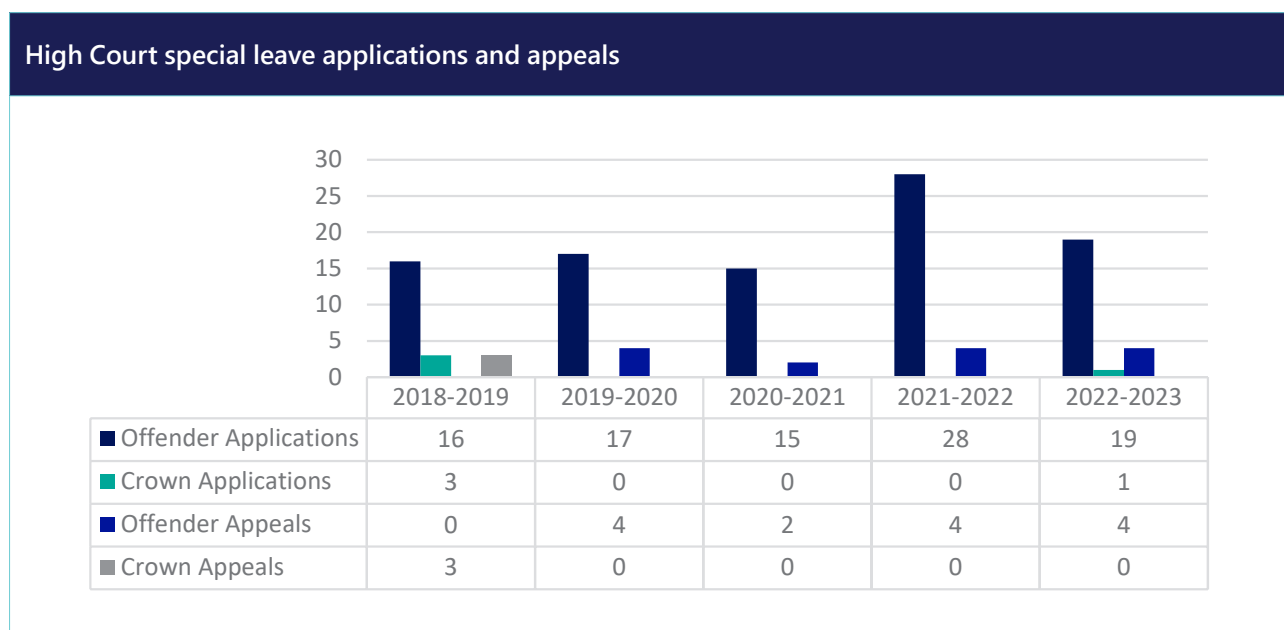
Results of sentence appeals 2022-2023	Number	%
Allowed	51	34%
Dismissed	93	62%
Remitted to District Court	1	0%
Abandoned/other	5	4%
Total	150	100%

Results of sentence appeals

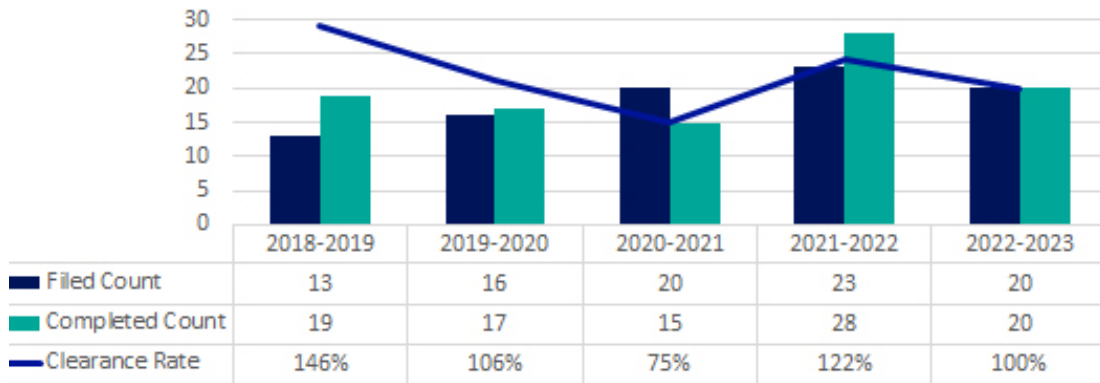


Matters in the High Court of Australia

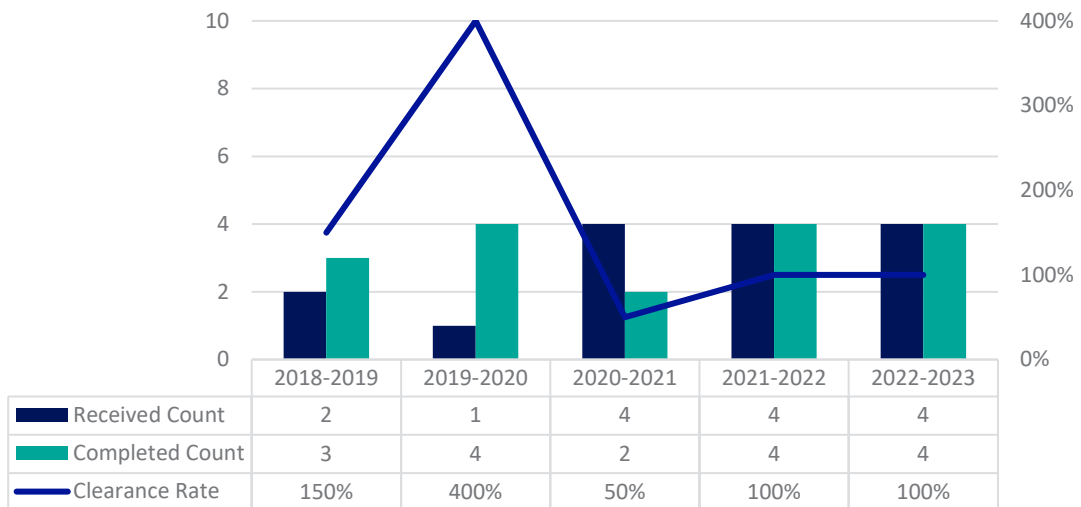
High Court special leave applications and appeals					
	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
Completed Applications for special leave to appeal					
Applications by the offender	16	17	15	28	19
Applications by the Crown	3	0	0	0	1
Hearings conducted after grant of special leave					
Appeals by the offender	0	4	2	4	4
Appeals by the Crown	3	0	0	0	0



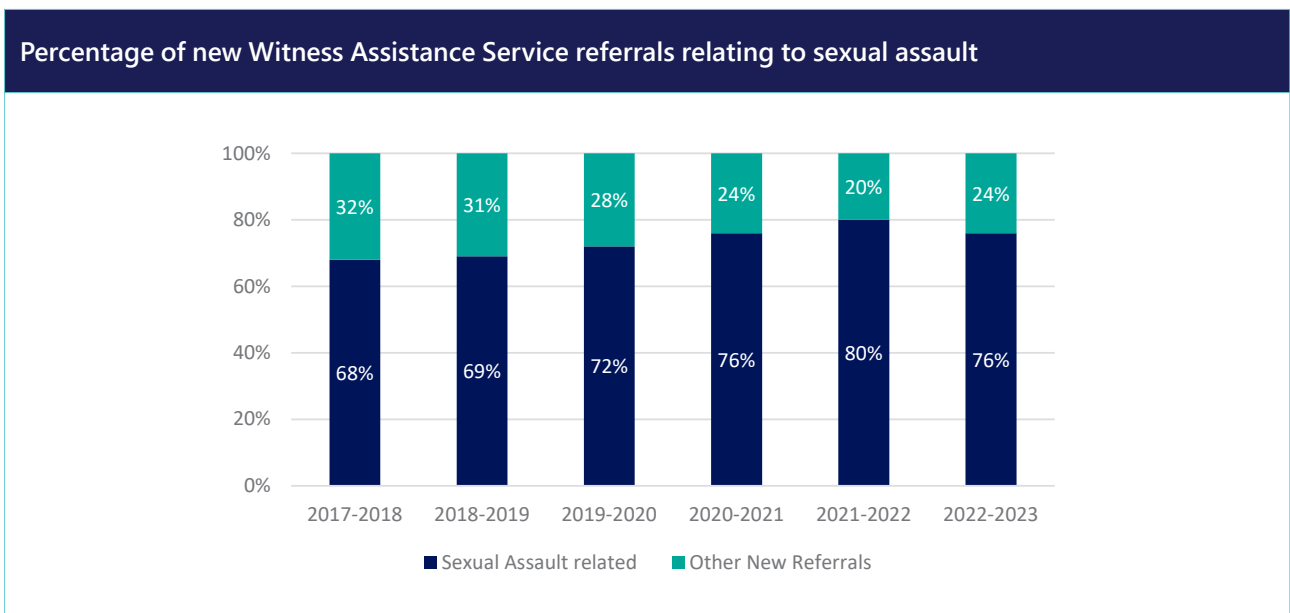
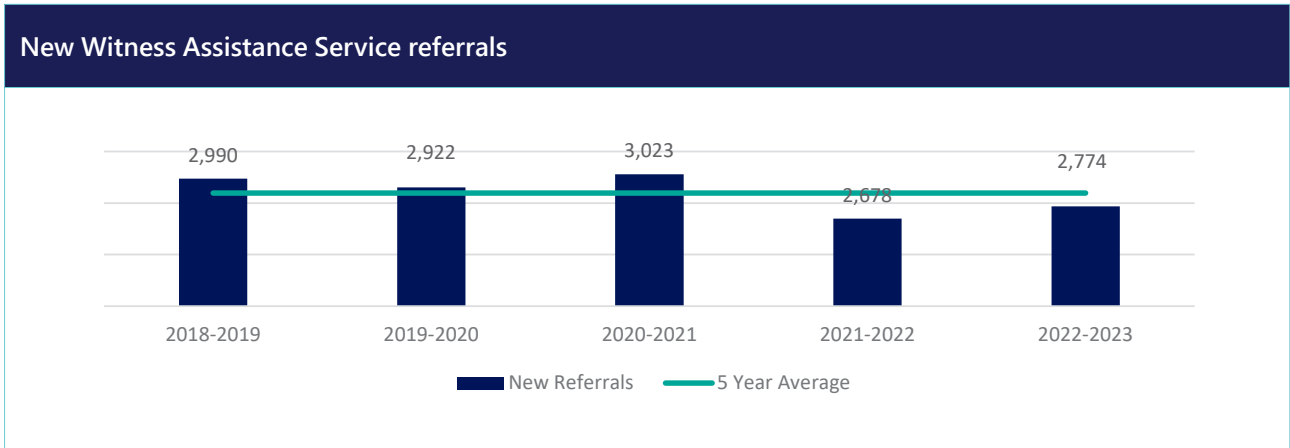
Number of High Court special leave applications filed and completed



Number of High Court Full Court hearings completed



ODPP Witness Assistance Service

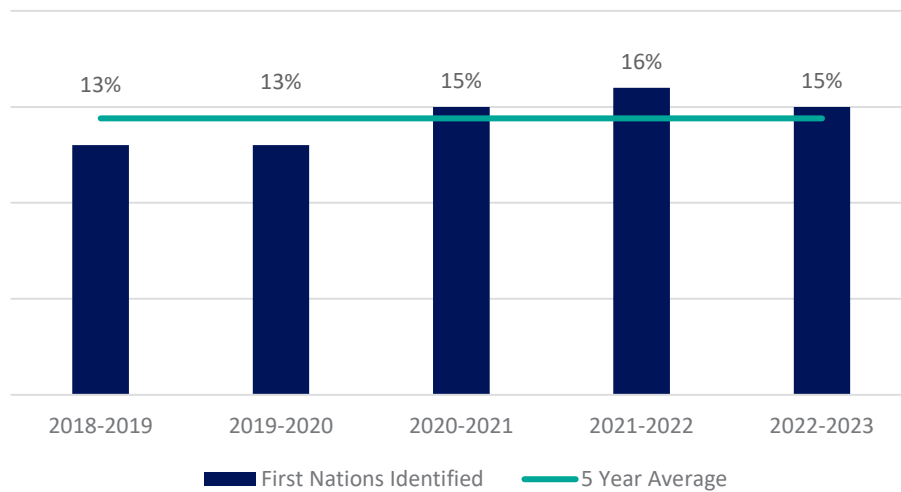


Sexual assault referrals by type



- * victim over the age of 18 years at time of referral
- ** victim under the age of 18 years at time of referral

First Nations referrals to Witness Assistance Service



Chapter 4

Management and accountability



Senior Executives

SES Band	30 June 2022				30 June 2023					
	Total Number	Male	Female	Average Remuneration	% of Total Employee Related Expenditure	Total Number	Male	Female	Average Remuneration	% of Total Employee Related Expenditure
Band 1	13	4	9	235,007	2.35	13	4	9	245,064	2.38
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*.

Human Resources

Staff Numbers	30 June 2019	30 June 2020	30 June 2021	30 June 2022	30 June 2023
Statutory Appointed and Senior Executive	117.4	118.2	120.8	123.8	129.7
Solicitors	454.5	418.3	466.6	486.1	492.6
Administrative Staff	273.4	261.3	291.0	294.5	273.3
Total	845.3	798.8	878.4	904.4	895.6

Consultants

During the financial year, the ODPP engaged consultants, where the engagement was greater than \$50,000, for three projects as follows:

- Sears Group Australia Pty Ltd was engaged to perform an architectural review for the provision of an ODPP Digital Roadmap. The cost of the review was \$60,000.
- The Nous Group was engaged to conduct the ODPP Employee Engagement Review. The cost of the review was \$149,962.
- The Nous Group was also engaged to produce the Employee Engagement Review Solution Design. The engagement cost was \$77,606.

Five further consultants were engaged by the ODPP at a total cost of \$60,734.

Promotion

The Director of Public Prosecutions, Sally Dowling SC, attended the Heads of Prosecuting Agencies Conference in London, United Kingdom from 9 July to 16 July 2022. The Director also attended the Heads of Prosecuting Agencies Conference in Montreal, Canada from 27 May to 9 June 2023.

Requirements arising from employment arrangements

The ODPP has no employment arrangements to report.

Legal Change

Legal changes affecting the operations of the ODPP are noted in Chapter 2, [Legislative Change and Reform](#).

Economic or other factors

There are no factors affecting achievement of operational objectives to report.

Events arising after the end of the annual reporting period

There are no events that have arisen at the end of the reporting period that require reporting.

Risk Management

The Office's Audit and Risk Committee Charter and the Internal Audit Charter were reviewed and endorsed by the ODPP's Audit and Risk Committee and signed by the Director. The Audit and Risk 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.

The Office's Internal Audit and Risk Attestation for the period is on the following page.

Insurance activities

Motor vehicles

The Office's 2022-2023 motor vehicle claims totalled 21, the total cost of which was \$106,516. This represents an average damage/loss net cost payment of \$5,072 per claim. While the number of claims has decreased by two, the average net damage/loss per claim has increased by \$677 compared to the previous financial year.

Property

In 2022-2023, there were no property claims lodged for the ODPP. In the previous financial year there were two property claims totalling \$7,879.

Miscellaneous

The ODPP had no miscellaneous claims for the 2022-2023 financial year. There were no miscellaneous claims in the previous financial year.

Internal audit and risk management policy attestation

Internal Audit and Risk Management Attestation for the 2022/2023 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 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
Risk Management Framework	
1.1 The agency head is ultimately responsible for and accountable for risk management in the agency	Compliant
1.2 A risk management framework that is appropriate to the agency has been established and maintained and the framework is consistent with AS ISO 31000:2018	Compliant
Internal Audit Function	
2.1 An internal audit function has been established and maintained that is fit for purpose	Compliant
2.2 The operation of the internal audit function is consistent with the International Standards for the Professional Practice of Internal Auditing	Compliant
2.3 The agency has an Internal Audit Charter that is consistent with the content of the 'model charter'	Compliant
Audit and Risk Committee	
3.1 The Agency Head has established and maintains efficient and effective arrangements for the independent Audit and Risk Committee oversight to provide advice and guidance on the agency's governance processes, risk management and control frameworks, and its external accountability obligations	Compliant
3.2 The Audit and Risk Committee has a Charter that is consistent with the content of the 'model charter'	Compliant

Membership

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

- Ian Gillespie, Independent Chairperson, 8 October 2018 – 7 October 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
Date: 21 August 2023



Frank Veltro SC
Deputy Director of Public Prosecutions
Chief Audit Executive (Audit and Risk)
Date: 21 August 2023

Cyber Security Policy Attestation

Cyber Security Annual Attestation Statement for the 2022-2023 Financial Year for the Office of the Director of Public Prosecutions, NSW

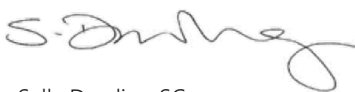
I, Sally Dowling SC, am of the opinion that the Office of the Director of Public Prosecutions NSW has managed cyber security risks in a manner consistent with the mandatory requirements set out in the NSW Government Cyber Security Policy.

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, accepted and are managed.

The cyber incident response and security processes are incorporated within the ODPP Information Security Policy and ODPP Business Continuity Plan, and IT Disaster Recovery processes have been tested during the reporting period.

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



Compliance

Privacy and Personal Information

In 2022-2023 the ODPP 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* (NSW) (PIIP Act).

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

Government Information (Public Access) Act 2009 (NSW)

Agency Name

Office of the Director of Public Prosecutions

Principal Department

Solicitor's Executive

Reporting Period

2022-2023

Obligations under the GIPA Act

Review of proactive release program – Clause 7(a)

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

Our agency's program for the proactive release of information involves review of material that may be published on the ODPP website. No new information was released as a result of the review. The ODPP Publication Guide has been prepared and placed on the website, and details ODPP publications that are available upon request.

Number of access applications received – Clause 7(b)

During the reporting period, the ODPP received 61 formal access applications (including withdrawn applications but not invalid applications).

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

During the reporting period, the ODPP refused one access application either wholly or in part because the information requested was information referred to in Schedule 1 to the GIPA Act.

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

During the reporting period, the ODPP received 60 requests from members of the public, 53 of which were made by a legal representative on behalf of a member of the public. One request was received from the media. There were 59 applications refused in full. One application was granted in full and the ODPP refused to deal with one application.

The ODPP received 60 access applications (other than personal information applications) and one personal information application.

There were 60 invalid applications, where the application was for excluded information (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.

No applications were 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 application under Part 5 of the Act. After the internal review the decision was upheld. The applicant then sought a review by the Information Commissioner, following which the decision was again upheld.

Public Interest Disclosures

The ODPP has a Public Interest Disclosures Policy in place. There were no disclosures made in 2022-2023 under this Policy. The ODPP has been developing a new policy and working on a training program to ensure readiness for the commencement on 1 October 2023 of the *Public Interest Disclosures Act 2022* (NSW).

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 *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 ODPP.

During the year, 31 complaints concerning the ODPP were received. Of those, 19 related to the conduct of a member of staff, eight related to court proceedings including the outcome of cases, one related to prosecutorial decisions, two related to witness expenses and one related to the ODPP's response to a previous complaint filed. 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 ODPP's Victims' Right of Review Policy is published on our 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. Six requests were made for a review this year.

Other Information

In the 2022-2023 financial year the ODPP incurred \$970 in printing costs for the production of its Annual Report for the previous financial year.

The ODPP's Annual Reports can be accessed from its website at www.odpp.nsw.gov.au.

Exemptions

The ODPP has no Annual Reporting exemptions to report.

Chapter 5

Sustainability



Disability Inclusion Action Plan

This year, in conjunction with the Australian Network on Disability, the ODPP's Accessibility Action Plan was developed. It is to be released next year.

Modern Slavery Act 2018 (Cth)

There were no issues identified by the Anti-Slavery Commissioner during the year.

The ODPP conducts low-risk procurement. All procurements are conducted in accordance with NSW Government procurement policies, with suppliers that have been pre-registered by NSW

Procurement. These suppliers have been vetted to ensure that the goods and services are not the product of modern slavery. All higher-risk procurements are conducted in collaboration with accredited NSW procurement agencies, and modern slavery risks are evaluated in the tender evaluation stage to ensure none engaged partake in this activity.

Work Health and Safety

The ODPP was not required to report any incident under the *Work Health and Safety Act 2011* (NSW). There were five workers compensation claims lodged during the year. Further information on the ODPP's [Health and Wellbeing](#) initiatives are detailed in Chapter 2.

Workforce Diversity

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

1. Size of agency (headcount)	2021	2022	2023	% change 2022 to 2023
Headcount at Census Date	915	937	956	2.0%
Non-casual Headcount as Census Date	915	937	956	2.0%

2. Workforce Diversity Survey Response Rate (non casual Headcount at Census Date)	2021	2022	2023
Non-casual Headcount as Census Date	915	937	956
Non-casual Workforce Diversity Survey Respondents at Census Date	816	837	869
Response Rate	89.2%	89.3%	90.9%

3. Workforce Diversity Actual Staff Numbers (non-casual Headcount at Census Date) – 2023						
Remuneration level of substantive position	Total Staff (men, women and unspecified)	Respondents	Men	Women	Unspecified gender	
\$0-50,479	0	0	0	0	0	
\$50,479 - \$66,298	11	10	1	10	0	
\$66,298-\$74,117	92	87	16	76	0	
\$74,117-\$93,791	199	184	54	145	0	
\$93,791-\$121,288	209	199	47	162	0	
\$121,288-\$151,609	285	247	105	180	0	
\$151,609 > (Non SES)	146	128	83	63	0	
\$151,609 > (SES)	13	13	4	9	0	
Total	955	868	310	645	0	
Remuneration level of substantive position	Total Staff (men, women and unspecified)	Aboriginal and/or Torres Strait 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	0	0	0	0	0	0
\$50,479 - \$66,298	11	1	1	2	1	0
\$66,298-\$74,117	92	1	19	19	6	2
\$74,117-\$93,791	199	6	32	23	5	0
\$93,791-\$121,288	209	7	34	35	6	2
\$121,288-\$151,609	285	0	39	32	11	2
\$151,609 > (Non SES)	146	1	13	7	6	4
\$151,609 > (SES)	13	0	2	2	1	0
Total	955	16	140	120	36	10

Note: "Unspecified Gender" incorporates unknown, withdrawn and indeterminate/intersex values.

4. Workforce Diversity Actual and Estimated Staff Numbers (non-casual Headcount at Census Date) – 2023

Actual

Remuneration level of substantive position	Total Staff (men, women and unspecified)	Respondents	Men	Women	Unspecified gender
\$0-50,479	0	0	0	0	0
\$50,479 - \$66,298	11	10	1	10	0
\$66,298-\$74,117	92	87	16	76	0
\$74,117-\$93,791	199	184	54	145	0
\$93,791-\$121,288	209	199	47	162	0
\$121,288-\$151,609	285	247	105	180	0
\$151,609 > (SES)	13	13	4	9	0
\$151,609 > (Non SES)	147	128	83	63	0
Total	955	868	310	645	

Estimated

Remuneration level of substantive position	Total Staff (men, women and unspecified)	Aboriginal and/or Torres Strait 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	0	0	0	0	0	0
\$50,479 - \$66,298	11	1	1	2	1	0
\$66,298-\$74,117	92	1	20	20	6	2
\$74,117-\$93,791	199	6	35	25	5	0
\$93,791-\$121,288	209	7	36	37	6	2
\$121,288-\$151,609	285	0	45	37	13	2
\$151,609 > (SES)	13	0	2	2	1	0
\$151,609 > (Non SES)	147	1	15	8	7	5
Total	955					

Note 1: Estimated figures are only provided for agencies with a response rate greater than 65%. For agencies with a response rate less than 65%, actual figures are reported in all instances.

Note 2: Estimated figures are calculated for each salary band by taking the number of employees who have responded "yes" to the Workforce Diversity question as a proportion of the total number of employees who have responded to the Workforce Diversity survey, multiplied by the total number of staff, and rounded to zero decimal places. Eg, Estimated number of People with a Disability in Salary Band 1 = (Actual number of People with a Disability in Salary Band 1/Total number of Survey Respondents in Salary Band 1) * Total number of Staff in Salary Band 1, and rounded to zero decimal places.

4a. Workforce Diversity Actual and Estimated Staff Numbers (non-casual Headcount at Census Date) as percentages – 2023

Actual

Remuneration level of substantive position	Total Staff (men, women and unspecified)	Respondents	Men	Women	Unspecified gender
\$0-50,479	0	0.0%	0.0%	0.0%	0.0%
\$50,479 - \$66,298	11	90.9%	9.1%	90.9%	0.0%
\$66,298-\$74,117	92	94.6%	17.4%	82.6%	0.0%
\$74,117-\$93,791	199	92.5%	27.1%	72.9%	0.0%
\$93,791-\$121,288	209	95.2%	22.5%	77.5%	0.0%
\$121,288-\$151,609	285	86.7%	36.8%	63.2%	0.0%
\$151,609 > (SES)	13	100.0%	30.8%	69.2%	0.0%
\$151,609 > (Non SES)	146	87.7%	56.8%	43.2%	0.0%
Total	955	90.9%	32.5%	67.5%	0.0%

Estimated

Remuneration level of substantive position	Total Staff (men, women and unspecified)	Aboriginal and/or Torres Strait 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	0	0.0%	0.0%	0.0%	0.0%	0.0%
\$50,479 - \$66,298	11	10.0%	10.0%	20.0%	10.0%	0.0%
\$66,298-\$74,117	92	1.1%	21.8%	21.8%	6.9%	2.3%
\$74,117-\$93,791	199	3.3%	12.5%	12.5%	2.7%	0.0%
\$93,791-\$121,288	209	3.5%	17.6%	17.6%	3.0%	1.0%
\$121,288-\$151,609	285	0.0%	13.0%	13.0%	4.5%	0.8%
\$151,609 > (SES)	13	0.0%	15.4%	15.4%	7.7%	0.0%
\$151,609 > (Non SES)	146	0.0%	5.5%	5.5%	4.7%	3.1%
Total	955					

Note: Table 4a presents the figures in Table 4 as percentages. Eg, Estimated % of People with a Disability in Salary Band 1 = (Estimated number of People with a Disability in Salary Band 1/Total number of Staff in Salary Band 1) * 100. Estimated figures are only provided for agencies with a response rate greater than 65%. For agencies with a response rate less than 65%, actual figures are reported in all instances.

5. Parliamentary Annual Report Tables

5a. Trends in the representation of workforce diversity groups

Workforce Diversity Groups	Benchmark	2021	2022	2023
Women	50%	67.4%	67.3%	67.5%
Aboriginal and/or Torres Strait Islander People	3.3%	1.5%	2.2%	1.8%
People whose language first spoken as a child was not English	23.2%	14.4%	12.6%	13.7%
People with a disability	5.6%	4.5%	4.7%	4.2%
People with a disability requiring work related adjustment	N/A	1.1%	1.2%	1.2%

Note 1: The benchmark of 50% for representation of women across the sector is intended to reflect the gender composition of the NSW community.

Note 2: The NSW Public Sector Aboriginal Employment Strategy 2014–17 introduced an aspirational target of 1.8% by 2021 for each of the sector's salary bands. If the aspirational target of 1.8% is achieved in salary bands not currently at or above 1.8%, the cumulative representation of Aboriginal employees in the sector is expected to reach 3.3%.

Note 3: A benchmark from the Australian Bureau of Statistics (ABS) Census of Population and Housing has been included for People whose First Language Spoken as a Child was not English. The ABS Census does not provide information about first language, but does provide information about country of birth. The benchmark of 23.2% is the percentage of the NSW general population born in a country where English is not the predominant language.

Note 4: In December 2017 the NSW Government announced the target of doubling the representation of people with disability in the NSW public sector from an estimated 2.7% to 5.6% by 2027. More information can be found at: Jobs for People with Disability: A plan for the NSW public sector. The benchmark for 'People with Disability Requiring Work-Related Adjustment' was not updated.

5b. Trends in the Distribution Index for Workforce Diversity Groups

Workforce Diversity Groups	Benchmark	2021	2022	2023
Women	100	86	87	89
Aboriginal and/or Torres Strait Islander People	100	N/A	82	N/A
People whose language first spoken as a child was not English	100	91	92	93
People with a disability	100	92	95	100
People with a disability requiring work related adjustment	100	N/A	N/A	N/A

Note 1: A Distribution Index score of 100 indicates that the distribution of members of the Workforce Diversity group across salary bands is equivalent to that of the rest of the workforce. A score less than 100 means that members of the Workforce Diversity group tend to be more concentrated at lower salary bands than is the case for other staff. The more pronounced this tendency is, the lower the score will be. In some cases, the index may be more than 100, indicating that members of the Workforce Diversity group tend to be more concentrated at higher salary bands than is the case for other staff.

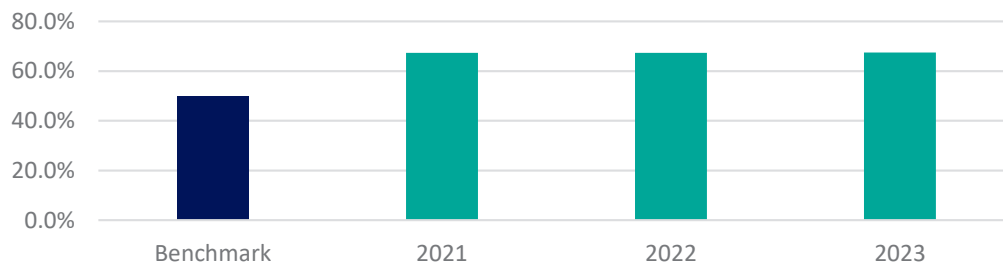
Note 2: The Distribution Index is not calculated when the number of employees in the Workforce Diversity group is less than 20 or when the number of other employees is less than 20.



6. Representation of Workforce Diversity Groups - Graphs

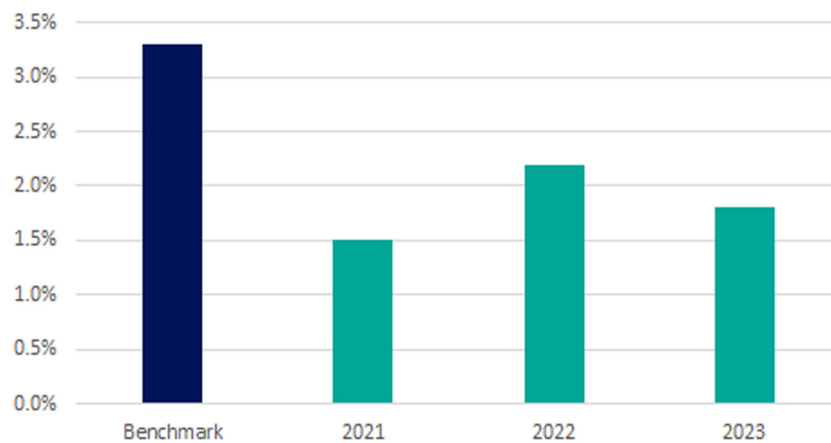
Workforce Diversity Groups	Benchmark	2021	2022	2023
Women	50%	67.4%	67.3%	67.5%

Trends in Workforce Diversity Group - Women

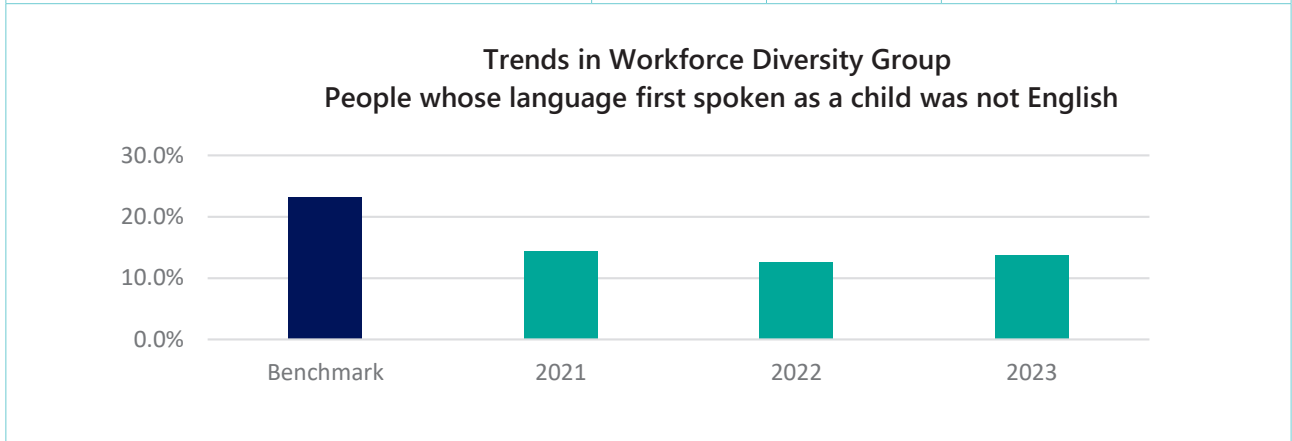


Workforce Diversity Groups	Benchmark	2021	2022	2023
Aboriginal and/or Torres Strait Islander People	3.3%	1.5%	2.2%	1.8%

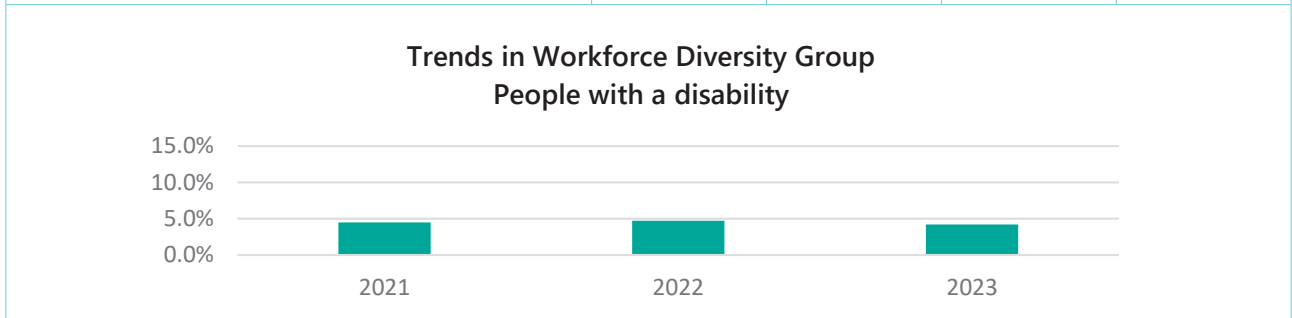
Trends in Workforce Diversity Group - Aboriginal and/or Torres Strait Islander People



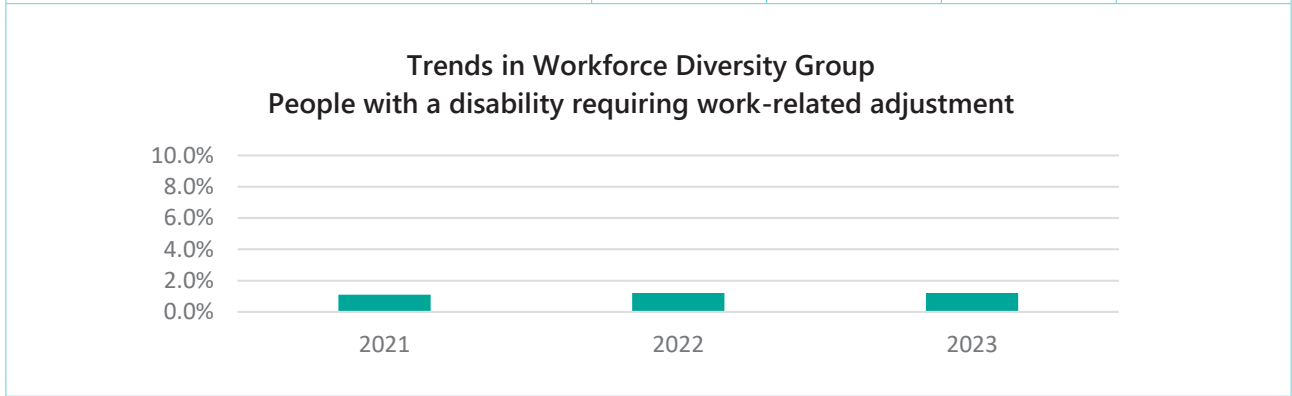
Workforce Diversity Groups	Benchmark	2021	2022	2023
People whose language first spoken as a child was not English	23.2%	14.4%	12.6%	13.7%



Workforce Diversity Groups	Benchmark	2021	2022	2023
People with a disability	N/A	4.5%	4.7%	4.2%



Workforce Diversity Groups	Benchmark	2021	2022	2023
People with a disability requiring work related adjustment	N/A	1.1%	1.2%	1.2%



Chapter 6

Financial Performance



Financial Statements

Audited Financial Statements

Office of the Director of Public Prosecutions

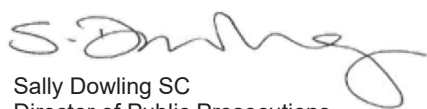
**Financial Statements
for the year ended 30 June 2023**



**Office of the Director of Public Prosecutions
Statement by Director for the year ended 30 June 2023**

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
21 September 2023



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 2023, the Statement of Financial Position as at 30 June 2023, 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).

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

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.

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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:

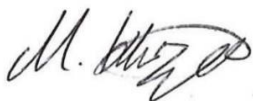
- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

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. 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

22 September 2023
SYDNEY

Office of the Director of Public Prosecutions
Statement of Comprehensive Income for the year ended 30 June 2023

	Notes	Budget 2023 \$'000	Actual 2023 \$'000	Actual 2022 \$'000
Continuing operations				
Expenses excluding losses				
Employee-related expenses	2(a)	161,759	155,043	139,784
Operating expenses	2(b)	45,694	36,232	16,867
Depreciation and amortisation	2(c)	3,331	2,735	11,909
Finance costs	2(d)	6	6	916
Other expenses	2(e)	4,738	3,649	2,301
Total expenses excluding losses		215,528	197,665	171,777
Revenue				
Appropriation	3(a)	203,610	191,235	168,654
Sale of goods and services from contracts with customers	3(b)	93	1	14
Grants and other contributions	3(c)	5,754	610	2,161
Acceptance by the Crown of employee benefits and other liabilities	3(d)	8,302	5,120	(127)
Other income	3(e)	40	220	350
Total revenue		217,799	197,186	171,052
Operating result		2,271	(479)	(725)
Gains / (losses) on disposal	4	5	(263)	34
Other gains / (losses)	5	(152)	-	6,870
Net result from continuing operations		2,124	(742)	6,179
Net result		2,124	(742)	6,179
Other comprehensive income		-	-	-
Total other comprehensive income		-	-	-
TOTAL COMPREHENSIVE INCOME		2,124	(742)	6,179

The accompanying notes form part of these financial statements.

**Office of the Director of Public Prosecutions
Statement of Financial Position as at 30 June 2023**

	Notes	Budget 2023 \$'000	Actual 2023 \$'000	Actual 2022 \$'000
ASSETS				
Current assets				
Cash and cash equivalents	7	5,411	8,542	7,449
Receivables	8	<u>3,252</u>	<u>4,494</u>	<u>3,599</u>
Total current assets		<u>8,663</u>	<u>13,036</u>	<u>11,048</u>
Non-current assets				
Plant and equipment	9	8,334	8,520	7,003
Right-of-use assets	10	269	247	258
Intangible assets	11	<u>1,942</u>	<u>1,090</u>	<u>1,377</u>
Total non-current assets		<u>10,545</u>	<u>9,857</u>	<u>8,638</u>
Total assets		<u>19,208</u>	<u>22,893</u>	<u>19,686</u>
LIABILITIES				
Current liabilities				
Payables	12	3,049	7,244	4,621
Borrowings	13	154	160	156
Provisions	14	14,988	17,441	16,309
Other current liabilities	15	<u>129</u>	<u>191</u>	<u>326</u>
Total current liabilities		<u>18,320</u>	<u>25,036</u>	<u>21,412</u>
Non-current liabilities				
Borrowings	13	117	88	106
Provisions	14	1,514	2,072	1,600
Other non-current liabilities	15	<u>334</u>	<u>205</u>	<u>334</u>
Total non-current liabilities		<u>1,965</u>	<u>2,365</u>	<u>2,040</u>
Total liabilities		<u>20,285</u>	<u>27,401</u>	<u>23,452</u>
Net liabilities	1(b)	<u>(1,077)</u>	<u>(4,508)</u>	<u>(3,766)</u>
EQUITY				
Accumulated funds		<u>(1,077)</u>	<u>(4,508)</u>	<u>(3,766)</u>
Total equity		<u>(1,077)</u>	<u>(4,508)</u>	<u>(3,766)</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 2023**

	Accumulated Funds	Total
	\$'000	\$'000
Balance at 1 July 2022	(3,766)	(3,766)
Net result for the period	(742)	(742)
Other comprehensive income	-	-
Total other comprehensive income	<u>(742)</u>	<u>(742)</u>
Total comprehensive income for the period	<u>(742)</u>	<u>(742)</u>
Balance at 30 June 2023	<u>(4,508)</u>	<u>(4,508)</u>

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

Office of the Director of Public Prosecutions
Statement of Cash Flows for the year ended 30 June 2023

	Notes	Budget 2023 \$'000	Actual 2023 \$'000	Actual 2022 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES				
Payments				
Employee related		(153,691)	(148,026)	(138,854)
Suppliers for goods and services		(50,076)	(42,330)	(22,643)
Finance costs		<u>(6)</u>	<u>(6)</u>	<u>(916)</u>
Total payments		<u>(203,773)</u>	<u>(190,362)</u>	<u>(162,413)</u>
Receipts				
Appropriations (excluding equity appropriations)		203,610	191,235	168,654
Sale of goods and services		93	24	25
Grants and other contributions		5,754	413	2,863
Other		<u>40</u>	<u>3,791</u>	<u>3,896</u>
Total receipts		<u>209,497</u>	<u>195,463</u>	<u>175,438</u>
NET CASH FLOWS FROM OPERATING ACTIVITIES	20	<u>5,724</u>	<u>5,101</u>	<u>13,025</u>
CASH FLOWS FROM INVESTING ACTIVITIES				
Proceeds from sale of plant and equipment		5	-	-
Purchase of plant and equipment		(4,759)	(3,429)	(1,334)
Purchase of intangible assets		<u>(720)</u>	<u>(358)</u>	<u>(194)</u>
NET CASH FLOWS FROM INVESTING ACTIVITIES		<u>(5,474)</u>	<u>(3,787)</u>	<u>(1,528)</u>
CASH FLOWS FROM FINANCING ACTIVITIES				
Payment of principal portion of lease liabilities		<u>(250)</u>	<u>(221)</u>	<u>(8,367)</u>
NET CASH FLOWS FROM FINANCING ACTIVITIES		<u>(250)</u>	<u>(221)</u>	<u>(8,367)</u>
NET INCREASE / (DECREASE) IN CASH AND CASH EQUIVALENTS		-	1,093	3,130
Opening cash and cash equivalents		<u>5,411</u>	<u>7,449</u>	<u>4,319</u>
CLOSING CASH AND CASH EQUIVALENTS	7	<u>5,411</u>	<u>8,542</u>	<u>7,449</u>

The accompanying notes form part of these financial statements.

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

Index to the notes to the financial statements

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

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 2023 have been authorised for issue by the Director on 21 September 2023.

(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 the audit opinion.

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

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

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

(c) Statement of compliance

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

(d) Accounting for the Goods and Services Tax

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

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

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

(e) Comparative information

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

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

(i) Effective for the first time in 2022-23

The accounting policies applied in 2022-23 are consistent with those of the previous financial year.

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

1 Statement of Significant Accounting Policies (cont'd)

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

(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 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*
- *AASB 2021-7b Amendments to Australian Accounting Standards – Effective Date of Amendments to AASB 10 and AASB 128 and Editorial Corrections*
- *AASB 2021-7c Amendments to Australian Accounting Standards – Effective Date of Amendments to AASB 10 and AASB 128 and Editorial Corrections*
- *AASB 2022-3 Amendments to Australian Accounting Standards – Illustrative Examples for Not-for-Profit Entities accompanying AASB 15*
- *AASB 2022-6 Amendments to Australian Accounting Standards – Non-current Liabilities with Covenants*
- *AASB 2022-7 Amendments to Australian Accounting Standards and Repeal of Superseded and Redundant Standards*
- *AASB 2022-10 Amendments to Australian Accounting Standards – Fair Value Measurement of Non-Financial Assets of Not-for-Profit Public Sector entities.*

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 2022-23

There was a lingering COVID-19 effect on court operations which impacted operating expenses and other expenses. The following areas have been assessed and there are no COVID-19 related impacts on the financial statements:

- 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

	2023 \$'000	2022 \$'000
(a) Employee related expenses		
Salaries and wages (including annual leave)*	126,446	119,874
Superannuation - defined benefit plans	596	774
Superannuation - defined contribution plans	12,548	11,120
Long service leave	4,518	(1,370)
Workers' compensation insurance	685	516
Payroll tax and fringe benefit tax	7,777	6,418
On-cost on long service leave	52	48
Temporary staff	2,421	2,404
	<u>155,043</u>	<u>139,784</u>

* Employee related costs of \$0.249 million (2022: \$0.186 million) have been capitalised in intangible assets, and therefore excluded from the above.

	2023 \$'000	2022 \$'000
(b) Operating expenses include the following:		
Auditor's remuneration - audit of the financial statements	75	72
Cleaning	595	635
Consultants	339	130
Insurance	1,716	1,557
Motor vehicle expenses	222	175
Telephone	895	1,010
Fees for services – occupancy agreements with Property NSW	9,770	8
Printing	601	436
Stores and equipment	533	451
Training	440	444
Travel	2,314	1,416
Other expenses	1,271	1,232
Outgoings	1,257	1,006
Books and online services	669	654
Fees - private barristers	2,384	2,525
Fees - practising certificates	543	528
Fees - security	312	299
Gas and electricity	338	308
Postage	172	216
Fees For Services - Other	7,530	787
Maintenance*	4,256	2,978
	<u>36,232</u>	<u>16,867</u>
<i>* Reconciliation - Total maintenance</i>		
Maintenance expense - contracted labour and other (non-employee related), as above	4,256	2,978
Employee related maintenance expense included in Note 2(a)	643	643
Total maintenance expenses included in Note 2(a) + 2(b)	<u>4,899</u>	<u>3,621</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)

Fees for services – occupancy agreements with Property NSW

The Office has established a service agreement with Property NSW to provide government office accommodation. The accommodation charges are recognised as expenses when incurred over the agreement term.

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.

	2023 \$'000	2022 \$'000
(c) Depreciation and amortisation expense		
Depreciation		
Building and Improvements - right-of-use assets	-	8,948
Plant and equipment	1,505	1,571
Plant and equipment - right-of-use assets	217	188
Computer equipment	453	496
Library collection	<u>20</u>	<u>21</u>
Total depreciation	<u>2,195</u>	<u>11,224</u>
Amortisation		
Intangible assets	<u>540</u>	<u>685</u>
	<u>2,735</u>	<u>11,909</u>

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

	2023 \$'000	2022 \$'000
(d) Finance costs		
Interest expense from lease liabilities	<u>6</u>	<u>916</u>
Total interest expense	<u>6</u>	<u>916</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.

	2023 \$'000	2022 \$'000
(e) Other expenses		
Allowances to witnesses	3,621	2,239
Living expenses of defendant non-Australian citizens	<u>28</u>	<u>62</u>
	<u>3,649</u>	<u>2,301</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 as 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 2022 (Appropriations Act)* (and the subsequent variations, if applicable) appropriates the sum of \$203.153 million to the Attorney General out of the Consolidated Fund for the services of the Office of the Director of Public Prosecutions (the ODPP) for the year 2022–23.

The *Treasury and Energy Legislation Amendment Act 2022* made some amendments to sections 4.7 and 4.9 of the GSF Act. These amendments commenced on 14 November 2022 and are applied retrospectively. As a result, the lead Minister for the ODPP, being the Attorney General, is taken to have been given an appropriation out of the Consolidated Fund under the authority section 4.7 of the GSF Act, at the time the ODPP receives or recovers any deemed appropriation money, for an amount equivalent to the money that is received or recovered by the ODPP. These deemed appropriations are taken to have been given for the services of the ODPP.

In addition, government money that the ODPP receives or recovers, from another GSF agency, of a kind prescribed by the GSF regulations that forms part of the Consolidated Fund, is now capable of giving rise to deemed appropriations.

On 16 June 2023, the *GSF Amendment (Deemed Appropriations) Regulation 2023* was approved to bring the GSF regulations in line with the above deemed appropriation amendments to the GSF Act.

The spending authority of the Attorney General for the services of the ODPP, from the *Appropriations Act* and deemed appropriation money, has been delegated/sub-delegated to officers of the ODPP.

The summary of compliance has been prepared by aggregating the spending authorities for the services of the ODPP. It reflects the status at the point in time this disclosure statement is being made.

The Office receives its funding under appropriations from the Consolidated Fund and grant funding received from Department of Communities and Justice which receives appropriations from the Consolidated Fund. Appropriations for each financial year are set out in the Appropriation Bill that is prepared and tabled for that year. The State Budget and related 2023-24 Appropriation Bill has been delayed until September 2023. However, pursuant to section 4.10 of the GSF Act, the Treasurer has authorised Ministers to spend specified amounts from Consolidated Fund. This authorisation is current from 1 July 2023 until the earlier of 30 September 2023 or enactment of the 2023-24 Appropriation Act.

Summary of Compliance	2023 \$'000	2022 \$'000
Amount Appropriated per Appropriation Act	203,610	182,581
Other Appropriations / Expenditure		
Variations made to the appropriations during the financial year		
– Government's response to crisis (per Section 37 of the Appropriation Act)	-	1,347
– Changes to appropriation	(457)	-
Total spending authority from parliamentary appropriations, other than deemed appropriations	203,153	183,928
Add:		
The spending authority from deemed appropriations during the current year	4,228	6,784
The unutilised spending authority from deemed appropriations in prior years	6,784	-
Total	214,165	190,712
Less: total expenditure out of ConFund	194,370	172,308
Variance	19,795	18,404
Less:		
The spending authority from appropriations lapsed at 30 June	(8,783)	(11,620)
Deemed appropriations balance carried forward to following years	11,012	6,784

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

3 Revenue (cont'd)

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

Notes:

1. The summary of compliance includes deemed appropriations. It is based on the assumption that annual appropriations monies are spent first (except where otherwise identified or prescribed).
2. 'Expenditure' refers to cash payments. The term 'expenditure' has been used for payments for consistency with AASB 1058 *Income of Not-for-Profit Entities*.
3. Deemed appropriation is a legal concept under the GSF Act, that does not have corresponding financial statement line item. Instead, deemed appropriations may come from various sources, such as sale of goods and services, and the corresponding revenue is disclosed in the relevant section of these items in the financial statements.

Recognition and Measurement

Parliamentary appropriations other than deemed appropriations

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

	2023	2022
	\$'000	\$'000
(b) Sale of goods and services from contracts with customers		
Rendering of services to other agencies	<u>1</u>	<u>14</u>
	<u>1</u>	<u>14</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.

	2023	2022
	\$'000	\$'000
(c) Grants and other contributions		
Grants without sufficiently specific performance obligations	<u>610</u>	<u>2,161</u>
	<u>610</u>	<u>2,161</u>

Grants were received from the Department of Communities and Justice for Cyber Security program \$0.228 million (2022: nil), District Court Backlog additional courts \$0.345 million (2022: nil) and Sydney Drug Court Expansion program \$0.037 million (2022: nil).

Child Sexual Offence Evidence Program funding was provided as a grant in 2022 (\$2.161 million) and is part of direct appropriation in 2023.

Recognition and Measurement

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



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

3 Revenue (cont'd)

	2023	2022
	\$'000	\$'000

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

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

Superannuation - defined benefit	596	774
Long service leave provision	4,492	(939)
Payroll tax	<u>32</u>	<u>38</u>
	<u>5,120</u>	<u>(127)</u>

	2023	2022
	\$'000	\$'000

(e) Other income

Miscellaneous Revenue	<u>220</u>	<u>350</u>
	<u>220</u>	<u>350</u>

4 Gains / (Losses) on Disposal

	2023	2022
	\$'000	\$'000

Gain / (losses) on disposal

Gain / (Losses) on disposal of Intangible assets	(105)	-
Gain / (Losses) on disposal of Plant and equipment	<u>(158)</u>	<u>34</u>
	<u>(263)</u>	<u>34</u>

5 Other Gains / (Losses)

	2023	2022
	\$'000	\$'000

Derecognition of right-of-use assets and lease liabilities with Property NSW	<u>-</u>	<u>6,870</u>
	<u>-</u>	<u>6,870</u>

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.

7 Current Assets - Cash and Cash Equivalents

	2023	2022
	\$'000	\$'000

Cash at bank and on hand	<u>8,542</u>	<u>7,449</u>
	<u>8,542</u>	<u>7,449</u>

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

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

7 Current Assets - Cash and Cash Equivalents (cont'd)

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:

	2023	2022
	\$'000	\$'000
Cash and cash equivalents (per Statement of Financial Position)	<u>8,542</u>	<u>7,449</u>
Closing cash and cash equivalents (per statement of cash flows)	<u>8,542</u>	<u>7,449</u>

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

8 Current Assets - Receivables

	2023	2022
	\$'000	\$'000
Current Receivables		
Goods and Services Tax recoverable from the ATO	565	373
Prepayments	3,836	3,123
Advances	61	83
Other receivables	<u>32</u>	<u>20</u>
	<u>4,494</u>	<u>3,599</u>

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

Recognition and Measurement

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

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

Subsequent measurement

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

Impairment

The Office does not recognise expected credit loss (ECL) because the nature of its receivables is considered to be risk free. ECL calculations are typically required for financial assets that pose a significant credit risk through their lifespan. However, the majority of the Office's receivables do not fall under financial assets. The remaining receivables are of short term nature and have a past experience of low default rate.

**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

	Plant and Equipment \$'000
At 1 July 2021 - fair value	
Gross carrying amount	30,850
Accumulated depreciation	<u>(23,093)</u>
Net carrying amount	<u>7,757</u>
 Year ended 30 June 2022	
Net carrying amount at beginning of year	7,757
Purchases of assets	1,334
Depreciation expense	<u>(2,088)</u>
Net carrying amount at end of year	<u>7,003</u>
 At 1 July 2022 - fair value	
Gross carrying amount	30,787
Accumulated depreciation	<u>(23,784)</u>
Net carrying amount	<u>7,003</u>
 Year ended 30 June 2023	
Net carrying amount at beginning of year	7,003
Purchase of assets	3,429
Disposal of assets	(158)
Depreciation expense - asset owned	(1,978)
Non cash addition	<u>224</u>
Net carrying amount at end of year	<u>8,520</u>
 At 30 June 2023 - fair value	
Gross carrying amount	33,782
Accumulated depreciation	<u>(25,262)</u>
Net carrying amount	<u>8,520</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 from sale of 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.

	2023	2022
Building improvement right-of-use assets	nil	Lease period
Computer laptop	4 years	4 years
Computer servers	4 years	4 years
Computer equipment	4 years	4 years
Office equipment	5 years	5 years
Multifunction devices	5 years	5 years
	10 years or lease period, whichever is shorter	10 years or lease period, whichever is shorter
Office furniture and fittings		
Library books	15 years	15 years
Motor vehicles right-of-use assets	Lease period	Lease period

Right-of-use assets acquired by lessees

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.

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

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

9 Plant and Equipment (cont'd)

Impairment of plant and equipment

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

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

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

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 motor vehicles. Lease contracts are typically made for fixed periods of 3 years. 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 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.

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

Right-of-use assets under leases

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

	Plant and Equipment \$'000	Total \$'000
Balance at 1 July 2022	258	258
Depreciation expenses	(217)	(217)
Addition of right-of-use assets	<u>206</u>	<u>206</u>
Balance at 30 June 2023	<u>247</u>	<u>247</u>

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

10 Leases (cont'd)

	Building \$'000	Plant and Equipment \$'000	Total \$'000
Balance at 1 July 2021	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
Remeasurement	30	-	30
Derecognition of right-of-use-assets	(42,555)	-	(42,555)
Balance at 30 June 2022	<u>-</u>	<u>258</u>	<u>258</u>

The following table presents liabilities under leases.

	2023 \$'000	2022 \$'000
Balance at 1 July	262	37,795
Additions	206	21,595
Interest expenses	6	916
Payments	(226)	(9,283)
Other	-	(873)
Derecognition of lease liabilities	-	(49,888)
Carrying amount at end of year	<u>248</u>	<u>262</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:

	2023 \$'000	2022 \$'000
Depreciation expense of right-of-use assets	217	9,136
Interest expense on lease liabilities	6	916
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>223</u>	<u>3,148</u>

The Office had total cash outflows for leases of \$0.226 million in the period ending 30 June 2023 (2022: \$9.283 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:

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

10 Leases (cont'd)

- Motor vehicles 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.

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.

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

11 Non-Current Assets - Intangible Assets

	Total \$'000
At 1 July 2021	
Cost (gross carrying amount)	6,515
Accumulated amortisation	<u>(4,647)</u>
Net carrying amount	<u>1,868</u>
Year ended 30 June 2022	
Net carrying amount at beginning of year	1,868
Additions	194
Amortisation (recognised in "depreciation and amortisation")	<u>(685)</u>
Net carrying amount at end of year	<u>1,377</u>
At 1 July 2022	
Cost (gross carrying amount)	6,509
Accumulated amortisation	<u>(5,132)</u>
Net carrying amount	<u>1,377</u>
Year ended 30 June 2023	
Net carrying amount at beginning of year	1,377
Additions	358
Amortisation (recognised in "depreciation and amortisation")	(540)
Disposal of assets	<u>(105)</u>
Net carrying amount at end of year	<u>1,090</u>
At 30 June 2023	
Cost (gross carrying amount)	6,687
Accumulated amortisation	<u>(5,597)</u>
Net carrying amount	<u>1,090</u>

Recognition and Measurement

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

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

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

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

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

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

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

12 Current Liabilities - Payables

	2023 \$'000	2022 \$'000
Payables		
Accrued salaries, wages and on-costs	3,401	2,632
Creditors	1	131
Accruals	<u>3,842</u>	<u>1,858</u>
	<u>7,244</u>	<u>4,621</u>

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

Recognition and measurement

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

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

13 Current / Non-Current Liabilities - Borrowings

	2023 \$'000	2022 \$'000
Current Borrowings		
Lease liabilities (see Note 10)	<u>160</u>	<u>156</u>
	<u>160</u>	<u>156</u>
	2023 \$'000	2022 \$'000
Non-current Borrowings		
Lease liabilities (see Note 10)	<u>88</u>	<u>106</u>
	<u>88</u>	<u>106</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.

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

14 Current / Non-Current Liabilities - Provisions

	2023 \$'000	2022 \$'000
Current		
Employee benefits and related on-costs		
Annual leave*	10,923	9,867
On-cost on annual leave and long service leave	4,766	4,705
Payroll tax on-cost for annual leave and long service leave	1,699	1,686
Fringe benefits tax	<u>18</u>	<u>16</u>
	<u>17,406</u>	<u>16,274</u>
* Annual leave includes \$0.856 million expected to be taken after 12 months (2022: \$0.989 million).		
Other provisions		
Restoration costs	<u>35</u>	<u>35</u>
	<u>35</u>	<u>35</u>
Total provisions - current	<u>17,441</u>	<u>16,309</u>
	2023 \$'000	2022 \$'000
Non-current		
Employee benefits and related on-costs		
On-cost on long service leave	314	312
Payroll tax on-cost for long service leave	<u>168</u>	<u>167</u>
	<u>482</u>	<u>479</u>
Other provisions		
Restoration costs	<u>1,590</u>	<u>1,121</u>
	<u>1,590</u>	<u>1,121</u>
Total provisions - non-current	<u>2,072</u>	<u>1,600</u>
	2023 \$'000	2022 \$'000
Aggregate employee benefits and related on-costs		
Provisions - current	17,406	16,274
Provisions - non-current	482	479
Accrued salaries, wages and on-costs (Note 12)	<u>3,401</u>	<u>2,632</u>
	<u>21,289</u>	<u>19,385</u>

Movements in provisions (other than employee benefits)

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

	Restoration costs \$'000
Carrying amount at 1 July 2022	1,156
Additional provisions recognised	224
Unwinding / change in the discount rate	<u>245</u>
Carrying amount at 30 June 2023	<u>1,625</u>

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

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

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

Recognition and Measurement

Employee benefits and related on-costs

Salaries and wages, annual leave and sick leave

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

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

Actuarial advice obtained by Treasury has confirmed that using the nominal annual leave balance plus the annual leave entitlements accrued while taking annual leave (calculated using 8.4% of the nominal value of annual leave) can be used to approximate the present value of the annual leave liability. The Office has assessed the actuarial advice based on the Office's circumstances and has determined that the effect of discounting is immaterial to annual leave. All annual leave is classified as a current liability even where the Office does not expect to settle the liability within 12 months as the Office does not have an unconditional right to defer settlement.

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

Long service leave and superannuation

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

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

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.

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

15 Current / Non-Current Liabilities - Other Liabilities

	2023 \$'000	2022 \$'000
Other current liabilities		
Unearned revenue	-	197
Lease Incentive	<u>191</u>	<u>129</u>
	<u>191</u>	<u>326</u>

	2023 \$'000	2022 \$'000
Other non-current liabilities		
Lease Incentive	<u>205</u>	<u>334</u>
	<u>205</u>	<u>334</u>

16 Equity

Accumulated Funds

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

17 Commitments

	2023 \$'000	2022 \$'000
Capital Commitments		
Aggregate capital expenditure contracted for at balance date and not provided for:		
Within one year	<u>60</u>	<u>8</u>
Total (including GST)	<u>60</u>	<u>8</u>

Input tax credit of \$5,434 (2022: \$737) 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 2023 (\$nil in 2022) 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 \$2.866 million mainly due to the following factors:

Total Expenses excluding losses - \$17.863 million favourable to budget:

- Employee Related Expenses are \$6.716 million lower than budget; \$3.953 million arising from recruitment delays as a consequence of labour market conditions and \$3.652 million lower than budgeted long service leave and related oncosts as a result of a favourable long service leave actuarial adjustment offset by paid parental leave provision \$0.889 million higher than budget.



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

19 Budget Review (cont'd)

- Operating Expenses are \$9.462 million lower than budget including underspend of \$5.599 million against a grant from Department of Communities & Justice for servicing of additional District Courts in FY23. Private briefing expenses were \$3.761 million under budget mainly due to lingering COVID-19 effects on court operations in the first half of the year.
- Depreciation is \$0.596 million lower than budget due to the delay in acquiring assets because of global supply disruptions and shortage of specialist information technology resources during the year.
- Other Expenses (witness payments) are lower than budget by \$1.089 million reflecting COVID-19 impacts on court operations in the first half of the year.

Total Revenue - \$20.613 million unfavourable to budget:

- Appropriation revenue is lower than budget by \$12.375 million aligned with below budget cash expenses.
- Grants and Other Contributions are \$5.144 million lower than budget mainly due to under budget expense related to additional District Courts.
- Crown acceptance of employee benefits and other liabilities is lower than budget by \$3.182 million due to the favourable variances in long service leave expense (\$3.005 million) and defined benefits superannuation and payroll tax expense (\$0.177 million).
- Other Income is higher than budget by \$0.180 million reflecting higher Workers Compensation recoveries.

Gains/(Losses) - \$0.116 million unfavourable to budget:

- The variance is mainly due to the disposal of redundant library collections.

Assets and Liabilities

Total current assets are \$4.373 million higher than budget; \$3.131 million increase in cash and \$1.242 million increase to current receivables.

Total non-current assets are \$0.688 million lower than budget; \$0.186 million higher in plant and equipment, \$0.022 million lower in right-of-use leased motor vehicle assets and \$0.852 million lower than budget Intangible asset increase, the latter due to delays in delivery of technology projects as a result of labour market skill shortages.

Total current liabilities are \$6.716 million higher than budget including \$2.869 million variance in recreation leave and parental leave provisions and \$4.214 million higher than budgeted payables offset by net \$0.367 million favourable variance to other current liabilities.

Total non-current liabilities are \$0.400 million higher than budget, mainly due to the increase in the non-current make good provision for leased premises.

Cash flows

Net cash flows from activities are \$1.093 million higher than budget. Operating Activities net inflows are lower than budget by \$0.623 million, Investing Activities outflows are \$1.687 million lower than budget, and Financing Activities outflows are lower than budget by \$0.029 million.

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

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:

	2023 \$'000	2022 \$'000
Net cash flow from operating activities	5,101	13,025
Depreciation and amortisation expense	(2,735)	(11,909)
Decrease / (increase) in provisions	(1,604)	(513)
Increase / (decrease) in prepayments and other assets	1,118	(91)
Decrease / (increase) in payables	(2,623)	(1,040)
Decrease/ (Increase) in other liabilities	264	(197)
Gain on derecognition of right -of-use assets and lease with Property NSW	-	6,870
Net gain / (loss) on disposed assets	(263)	34
Net result	(742)	6,179

21 Financial Instruments

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

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

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

(a) Financial instrument categories

Class:	Note	Category	2023 Carrying Amount \$'000	2022 Carrying Amount \$'000
Financial Assets				
Cash and cash equivalents	7	Amortised cost	8,542	7,449
Receivables ¹	8	Amortised cost	93	103
Financial Liabilities				
Payables ²	12	Financial liabilities measured at amortised cost	7,057	4,497
Borrowings	13	Financial liabilities measured at amortised cost	248	262

Notes

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

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

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



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

21 Financial Instruments (cont'd)

(b) Derecognition of financial assets and financial liabilities

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

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

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

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

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

(c) Offsetting financial instruments

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

(d) Financial risks

(i) Credit Risk

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

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

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

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

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.

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

21 Financial Instruments (cont'd)

(d) Financial risks (cont'd)

(i) Credit Risk (cont'd)

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 2023 and 30 June 2022. The Office's debtors are primarily other NSW Government entities and credit risk is assessed as very low. Therefore, the Office has not recognised a loss allowance for trade receivable as at 30 June 2023 and 30 June 2022.

(ii) Liquidity risk

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

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

Liabilities are recognised for amounts due to be paid in the future for goods or services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in NSW TC 11/12. For small business suppliers, where terms are not specified, payment is made not later than 5 days from date of receipt of a correctly rendered invoice. For other suppliers, if trade terms are not specified, payment is made no later than the end of the month following the month in which an invoice or a statement is received. For small business suppliers, where payment is not made within the specified time period, simple interest must be paid automatically unless an existing contract specifies otherwise. For payments to other suppliers, the Office may automatically pay the supplier simple interest. No interest was paid during the year 2023 (2022: \$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
2023							
Payables	-	7,057	-	7,057	7,057	-	-
Lease liabilities	2.16	248	248	-	160	88	-
		<u>7,305</u>	<u>248</u>	<u>7,057</u>	<u>7,217</u>	<u>88</u>	<u>-</u>

**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)

	Weighted Average Effective Int. Rate	Nominal Amount	Interest Rate Exposure		Maturity Dates		
			Fixed Interest Rate	Non- interest bearing	< 1 yr	1-5 yrs	> 5 yrs
2022							
Payables	-	4,497	-	4,497	4,497	-	-
Lease liabilities	0.84	262	262	-	157	105	-
		<u>4,759</u>	<u>262</u>	<u>4,497</u>	<u>4,654</u>	<u>105</u>	<u>-</u>

(iii) Market risk

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

(e) Fair value measurement

(i) Fair value compared to carrying amount

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

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

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

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

22 Related Party Disclosures

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

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

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

	2023 \$'000	2022 \$'000
Short-term employee benefits:		
Salaries	3,177	3,356
Other monetary allowances	320	282
Other long-term employee benefits	420	285
Termination benefits	375	369
Total remuneration	<u>4,292</u>	<u>4,292</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.

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

22 Related Party Disclosures (cont'd)

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.

End of audited financial statements

Accounts performance

Unaudited financial statements

Accounts payment performance 1 July 2022 to 30 June 2023

Ageing of accounts payable at the end of each quarter					
Quarter	Current (within due date) \$	<30 days overdue \$	30-60 days overdue \$	60-90 days overdue \$	> 90 days overdue \$
September					
All suppliers	\$100,745	\$5,670	\$2,574	\$2,065	\$397
Small business suppliers	-	-	-	-	-
December					
All suppliers	\$50,528	-	-	-	\$741
Small business suppliers	\$3,408	-	-	-	-
March					
All suppliers	\$994,384	\$289	\$1,024	-	-
Small business suppliers	-	-	-	-	-
June					
All suppliers	-	-	-	-	-
Small business suppliers	-	-	-	-	-

Investment Performance

The ODPP has no information to report.

Investment and Liability management performance

The ODPP has no information to report.

Glossary

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

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

Prosecution	The criminal case, or the party running the criminal case (also referred to as the Crown)
Prosecutor	An ODPP solicitor or a Crown Prosecutor, including a solicitor acting for the DPP and private counsel briefed by the DPP
SC	Senior Counsel
Sentence	The penalty imposed by a Judge or Magistrate on an offender
Solicitor Advocate	A solicitor appearing as the advocate in less complex District Court trials and more difficult Local Court prosecutions
Solicitor with carriage	The ODPP solicitor who is responsible for a particular case
Summary hearing	Similar to a trial but heard before a magistrate in the Local Court or the Children's Court
Summary offence	An offence that cannot be dealt with on indictment
Supreme Court	The court in NSW where the most serious criminal cases are heard, e.g. murder
Table offence	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
TAG	Targeted Assistance Group
Trial	A hearing in a court where evidence is presented and a decision is made
Verdict	The decision of whether the accused is guilty or not guilty after a trial or hearing
Victim	A person who has suffered harm as a direct result of an act committed by another person in the course of a criminal offence
Walama List	Sentencing Court for eligible adult First Nations offenders before the NSW District Court
WAS	Witness Assistance Service; a specialist service within the ODPP that provides assistance and support to victims and vulnerable witnesses in the criminal justice process
Witness	A person who attends court to give evidence

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