



ODPP
New South Wales

Office of the Director of Public Prosecutions

**Annual Report
2023-2024**

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 extend this acknowledgement to all our First Nations colleagues working in and with our offices. We recognise the rich cultures, songlines, languages, lores and traditions of the Traditional Owners and pay our deep respects to elders, past and present.

We also recognise the disproportionate rates of victimisation and criminalisation of First Nations people in New South Wales and in Australia more broadly. Our Office has an important obligation to learn from the systematic wrongs of past policies and practices to help achieve justice for the First Nations people of New South Wales.

Letter of Submission



Director's Chambers

Our Reference

Your Reference

25 October 2024

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

Dear Attorney General

2023-2024 Annual Report

I am pleased to forward to you the 37th 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 2023-2024.

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

88%

Finding of guilt: plea guilty or verdict guilty in 88% of matters in the District and Supreme Courts

74%

Early resolution – 74% of matters finalised in the Local Court or committed for sentence

42%

42% of all committal matters finalised in the Local Court

980

980 court days saved by participation in District Court Super Callovers

5,432

5,432 Local Court committals completed

1,116

1,116 District Court trials completed

1,700

1,700 District Court sentences completed

40

40 Supreme Court trials completed

251

251 matters completed in the Court of Criminal Appeal

2,603

2,603 new referrals to the Witness Assistance Service

17

17 High Court Special Leave Applications completed

3

3 Full High Court Hearings completed



Report of the Director of Public Prosecutions

This was a year of significant milestones.

In May, the Supreme Court of New South Wales celebrated its 200th anniversary. I was honoured to be a guest at the historic bicentennial sitting of the Supreme Court, which acknowledged both the rich traditions and the extensive changes to the law, jurisprudence and legal institutions – not to mention society – the Court has observed over two centuries.

While the first NSW Crown Prosecutor was appointed in 1830, an independent prosecution agency – the Office of the Director of Public Prosecutions – was not established until 1987. The role of a public prosecutor, while essential to the administration of criminal justice, is frequently misunderstood. Public prosecutors act for the Crown, representing the community rather than any individual, and abjure any concept of winning or losing. Our duty is to prosecute and present the evidence fairly, without fear or favour, in accordance with the law and without improper external pressure – whether that be from the judiciary, the government of the day, the media, police, a victim of crime, or vociferous public opinion.

An independent prosecution agency is integral to a healthy democracy and the rule of law in any given jurisdiction. The ODPP is accountable to the NSW Parliament and Attorney General; to the judiciary in every prosecution; to victims, complainants and the accused; and to other criminal justice stakeholders, including through the application of the guidelines that regulate our prosecutions.

The job of a public prosecutor is not easy. We operate in an increasingly complex legal landscape, working with traumatised people and difficult and distressing material. This year the ODPP registered more than 17,000 matters; in the District and Supreme Courts, 88% of matters resolved in a finding of guilt. I am immensely proud of the staff of the ODPP, who perform a vital and valuable public service and work hard each day to ensure that justice is achieved.

Appointments

Three recent appointments to the Bench are a testament to the outstanding legal knowledge and expertise of our Crown Prosecutors. This year we celebrated the appointment of Deputy Senior Crown Prosecutor Miiko Kumar as a Judge of the District Court, and Deputy Senior Crown Prosecutor Sean Hughes and Crown Prosecutor Megan Heywood as Magistrates of the Local Court.

Innovation and staff engagement

The launch in July 2023 of our new case management system, MATTERS, marked a significant achievement in our digital transformation. The ODPP is also developing an AI Strategy, to enable us to embrace AI technology in an ethical and appropriate way for greater efficiency across our operations.

After extensive staff and executive consultation, the ODPP released a new five-year Strategic Plan in September 2023. Measures of success under the plan include increases in 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.

Complementing the Strategic Plan are key projects which emerged from our Employee Engagement Review, designed to reduce the impact of workload on our staff and enhance engagement and wellbeing. The ODPP's focus on staff wellbeing was recognised by the International Association of Prosecutors, which invited me to deliver the keynote address at their London conference in September 2023, on the NSW approach to managing prosecutor wellness.

This year the ODPP appointed a Diversity, Equity and Inclusion (DEI) Coordinator, acknowledging the important role of DEI in workplace culture and engagement. It has improved our ability to implement a range of strategic initiatives, from policy development to awareness events, and to better recruit and retain staff, helping us reflect the diverse community we serve.



Stakeholder engagement

The ODPP makes an important contribution to policy reform and advocates for systemic change where necessary. This year we responded to more than 30 consultations and made major policy submissions in areas including sentencing, serious road crime, justice responses to sexual violence and the proposed ban on LGBTQ+ conversion practices.

A significant element of our stakeholder engagement related to preparation for the commencement of the offence of coercive control in July 2024. The ODPP was extensively involved in the training and consultation process and, led by our representative on the Coercive Control Legal Reference Group, Acting Deputy Director Michelle England, presented at several sessions for stakeholders and the community.

The Child Sexual Offence Evidence Provisions began operating statewide this year, supporting children to give evidence in sexual assault matters through witness intermediaries and pre-recorded evidence. The ODPP championed this expansion and, in addition to employing more legal and support staff and Witness Assistance Officers, shared resources with other agencies and delivered training internally and to stakeholders to support the program's implementation.

First Nations

The ODPP has a strong commitment to engaging with First Nations communities and to improving the understanding – both within the ODPP and in the criminal justice system more broadly – of the cultural factors relevant to their experience of the system. I reaffirmed this commitment when I appeared before the Senate Inquiry into Missing and Murdered First Nations Women and Children in July 2023. In my evidence and submissions, I outlined how the court experiences of First Nations witnesses could be improved and advocated for a greater emphasis on culturally safe court and judicial practices. I also spoke on this topic at the National Indigenous Legal Conference in October 2023, alongside First Nations Crown Prosecutor Damian Beaufile and Witness Assistance Officer Kylie Simpson.

The ODPP has employed additional First Nations Witness Assistance Officers to strengthen the support we are able to provide, while our First Nations Advisory Group will guide us on practices and policy decisions as they relate to First Nations issues. Having seen the benefits for staff of our First Nations Networking Day, we are planning the first national gathering of First Nations staff from prosecution agencies around Australia, to be held on Dharug Country at the ODPP's Parramatta office.

Looking ahead

Important work will continue next year to enhance our operations, with reviews of our Legal Development Program for law graduates, circuit operations and regional teams among several underway.

The staff in our Sydney office are looking forward to relocating to new premises in the coming financial year. I thank our Procurement and Facilities Manager, Paul Locket, and the Sydney Office Relocation Project committee, who have worked extremely hard to manage this complex project.

I thank the Solicitor for Public Prosecutions, Craig Hyland for his leadership of the ODPP Solicitor's Office, and his Deputy Solicitors for their dedication and drive. I also thank my Deputy Directors, Frank Veltro SC, Helen Roberts SC and Michelle England, for their wise counsel and insight, and the staff of Director's Chambers for their exceptional commitment. The work the ODPP does would not be possible without the tireless contribution of our Corporate Services and Information Management and Technology teams, and our support and administrative staff, to whom I am indebted. And lastly, I thank our prosecutors – the Crowns and the solicitors – whose diligence and dedication are central to the achievements of this Office

Sally Dowling SC
Director of Public Prosecutions

Report of the Solicitor for Public Prosecutions

The excellent results recorded for the year could not have been achieved without the hard work and commitment of all ODPP staff and Crown Prosecutors.

As in previous years, a high percentage of matters resolved early, either finalised in the Local Court or committed for sentence to a higher court. Matters were completed at a high rate, with most matters in the District and Supreme Courts resolving in a finding of guilt, while the ODPP made a significant contribution to reducing the backlog of District Court trials through participation in Super Callovers.

The ODPP again made an important contribution to policy and practice in the criminal justice sector, making detailed policy submissions concerning law reform and participating in numerous consultations, interagency committees, court user groups and working parties.

In July 2023 the ODPP launched its new case management system, MATTERS, built on the Appian AI Process Platform. The project team worked diligently and collaboratively with our vendor partners and received an Innovation Award at Appian's annual global conference.

The ODPP released its new Strategic Plan in September 2023, detailing our organisational strategy for the next five years. The plan identifies the ODPP's 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.

A number of significant Employee Engagement Projects progressed this year. Undertaken after comprehensive staff consultation, they aim to enhance staff engagement and wellbeing and reduce the impact of workload. The projects address areas identified by staff as priorities, including legal administration; learning and development; leadership and management; strategic transparency and visibility; and employee recognition. When implemented, the projects will support and develop staff at every level of the ODPP.

We welcomed two new appointments to the Solicitor's Executive this year, with Joanna Croker appointed in July 2023 as the Deputy Solicitor overseeing Greater Western Sydney Operations, and Natalie Weekes appointed as the Deputy Solicitor with responsibility for Northern Operations. They have each worked with the ODPP for more than 20 years and bring considerable knowledge and experience to the leadership team.

This year, seven ODPP prosecutors were appointed as Crown Prosecutors, while seven ODPP solicitors were promoted to become Solicitor Advocates. I congratulate them and look forward to their success.

Results

The diligence and teamwork displayed by our Crown Prosecutors, solicitors and legal support staff have resulted in excellent outcomes this year.

A finding of guilt was recorded in 88% of District and Supreme Courts matters, a total consistent with conviction rates for the previous five years.

Early resolution, with matters either being finalised in the Local Court or committed for sentence to a higher court, was achieved in 74% of matters, an increase on last year. In total, 42% of committal matters were finalised in the Local Court, with a further 32% committed for sentence to the District Court after pleas of guilty and 25% committed for trial to the District Court. The remaining 1% of matters were committed to the Supreme Court for sentence or trial.

The ODPP continued to complete matters at a high rate, achieving a 91% clearance rate for committals in the Local Court. In the District Court, the clearance rate was 104% for sentences and 96% for trials. In the Supreme Court, clearance rates of 83% for sentences and 131% for trials were achieved.

The ODPP created dedicated roles in the Super Callover team this year, further enhancing our ability to help reduce the backlog of District Court trials. Seven Super Callovers were conducted throughout the state, with the ODPP resolving 195 trials. This efficient resolution of these matters in advance of the trial date saved a total of 980 District Court sitting days, sparing the community the cost of running those trials and saving court resources.



The Witness Assistance Service continued to provide outstanding support to victims and witnesses involved in ODPP prosecutions. This year there were 2,603 new referrals to WAS, of which 1,935 related to sexual assault. Just under half of these referrals were people under 18 years of age, with 65% of these aged 10-16. First Nations referrals accounted for 13% of all new referrals to WAS. At the end of the year, the Witness Assistance Service was working with 7,787 active referrals.

Staff turnover in 2023-2024 was 12.5%, compared with 12% the previous year. There were 144 new staff recruited, including 50 solicitors.

Achievements and initiatives

This year the ODPP welcomed the statewide expansion of the Child Sexual Offence Evidence Program. We developed a suite of training programs and resources, delivered both internally and externally to our criminal justice partners, to help ensure a smooth statewide implementation of the Child Sexual Offence Evidence Provisions.

Several internal reviews designed to enhance the ODPP's operations have been launched. The Solicitor's Executive is conducting an evaluation and review of the Legal Development Program for law graduates, to ensure it attracts quality candidates and delivers optimal support for ODPP operations.

The ODPP is also reviewing circuit operations in light of the unique challenges presented by circuit work and the workload that it constitutes with ODPP staff servicing 20 circuit District Courts this year. Consistent with the ODPP's commitment to the wellbeing, health and safety of all staff, the review will examine ways to enhance our circuit operations and best support staff working on circuit in regional courts.

Work also began this year on the development of an AI Strategy, examining how the ODPP can use AI ethically and professionally to support our work and enhance the efficiency of our processes.

Acknowledgements

I thank the Director of Public Prosecutions, Sally Dowling SC, her Deputy Directors, and the Senior Crown Prosecutor, for their strong and effective leadership throughout a busy year. I thank the Solicitor's Executive, who have shown admirable commitment and initiative in leading comprehensive reviews of programs and operations that will position the ODPP well for the future.

Finally, I thank the Directors of Finance and Facilities, Human Resources, and Information Management and Technology; the Corporate Services team; the Crown Prosecutors; and all staff of the ODPP. Their unwavering commitment to the organisation, and to providing an outstanding prosecution service to the people of New South Wales, is to be commended.

Craig Hyland
Solicitor for Public Prosecutions

Report of the Senior Crown Prosecutor

The state's Crown Prosecutors have again demonstrated outstanding commitment to their important work on behalf of the people of New South Wales. I thank them for their dedication and professionalism during another busy year and extend my thanks to the staff of the ODPP, especially those in the Crown Briefing Unit, who provide such invaluable support to Crown Chambers.

Appointments

Nine new Crown Prosecutors were appointed in the past year, bringing the total number to 109. An additional Deputy Senior Crown Prosecutor (DSCP) was also appointed. We were proud to mark the following appointments from our ranks:

- Deputy Senior Crown Prosecutor Miiko Kumar sworn in as a Judge of the District Court in December 2023
- Deputy Senior Crown Prosecutor Sean Hughes sworn in as a Magistrate of the Local Court in February 2024
- Crown Prosecutor Megan Heywood sworn in as a Magistrate of the Local Court in February 2024
- Crown Prosecutors Brett Hatfield and David Scully appointed as Senior Counsel in October 2023.

I was one of a number of Crowns to serve as Acting Deputy Director of Public Prosecutions this year. DSCPs Lee Carr SC, Brett Hatfield SC and David Scully SC assisted Director's Chambers as Acting Deputies at various times, as did DSCPs Brendan Campbell, Nerissa Keay, Philip Hogan, Cecilia Curtis, Chris Taylor and Katharine Jeffreys. Lee Carr SC, Philip Hogan, Nerissa Keay and I also served as Acting Deputies while managing District Court Super Callovers in Sydney and in regional NSW.

Mentoring and legal professional development

In addition to upholding the high standards expected of them in court, Crown Prosecutors also devoted considerable time and effort to the professional development of ODPP solicitors. They also shared their expertise with others in the legal profession and with our criminal justice partners.

Crown Prosecutors provided professional development training to the NSW Police Force, including as part of the Detectives' Education Program; to Police Prosecutors; to forensic experts; to sex crime investigators; and at the Police Academy in Goulburn.

In addition, Crown Prosecutors ran presentations for the NSW Crown Solicitor's Office, the Public Sector Prosecutions Mentoring Group, the Child Protection Clinical Team at John Hunter Hospital and students at the University of Sydney and the University of Wollongong. They also collaborated with interstate prosecutors and were involved in advocacy training, including through the Australian Advocacy Institute.

Damian Beaufls, Crown Prosecutor and Gundungurra man, presented to the Aboriginal Legal Service Conference and the Legal Aid NSW Conference on the Bugmy Bar Book, and also spoke at the Criminal Lawyers Association of Northern Territory Conference on improving the wellbeing and safety of First Nations victims and witnesses, an issue prioritised by Director Sally Dowling SC.

Within the ODPP, 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 First Nations Legal Mentoring Program, as well as participating in the ODPP's Legal Writing Program.

At the Crown Prosecutors' Annual Conference in April 2024, Acting Deputy Director Michelle England, DSCP Brett Hatfield SC and Crown Prosecutors Ann Bonnor, Elizabeth Nicholson, Peter Lowe and Damian Beaufls, presented alongside judges on a range of topics including advocacy, judicial bullying and coercive control.



Contribution to the NSW Bar

Crown Prosecutors actively participate in the life of the NSW Bar and once more made a significant contribution this year. David Patch was elected to the Bar Council, the Bar Association's governing body, while other Crown Prosecutors sit on the following committees of the Bar Association:

- Criminal Law Committee: Brett Hatfield SC (Co-Chair), Guy Newton SC, David Patch and Damian Beaufls
- Professional Conduct Committee: Carl Young
- Education Committee: Philip Hogan
- First Nations Committee: Damian Beaufls (Deputy Chair)
- Bar News Committee: Ann Bonnor.

Acting Deputy Director Michelle England, DSCPs Brett Hatfield SC, Miiko Kumar and Philip Hogan, and Crown Prosecutor Michelle Swift, delivered continuing professional development presentations for the NSW Bar Association on topics including criminal cases, vulnerable witnesses, DNA evidence and the Child Sexual Offence Evidence Provisions.


Crown Prosecutors also assisted with the Bar Practice course for new barristers and were involved in the Bar Association's First Nations Mentoring Program.

The crucial role played by Crown Prosecutors in our criminal justice system means the job is a demanding one, balancing a duty to the court with the interests of the state, the community and victims. I thank all our Crowns, who work diligently every day to provide an independent, fair and just prosecution service for the people of New South Wales.

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). It is headed by the Director of Public Prosecutions, who 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, which were developed in consultation with stakeholders in the NSW criminal justice system. 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 Greater 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:

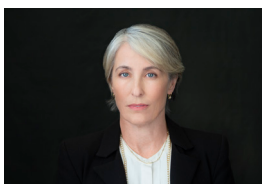
- some summary hearings in the Local Court
- committal proceedings in the Local Court
- trials and sentences in the District and Supreme Courts
- appeals in the District Court, Court of Appeal, Court of Criminal Appeal and the High Court of Australia.

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 (Hons I)
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 this year was a member of the Education Committee.



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 has served as 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. There, Ms England had an extensive trial and appellate practice in criminal and administrative law, before joining the ODPP in 2021. As a Crown Prosecutor and Deputy Senior Crown Prosecutor, she appeared in numerous murder trials and on appeals in the Court of Criminal Appeal. Since 2023, Ms England has had a key role in training and preparation for the new coercive control offence, including as a member of the Coercive Control Legal Reference Group. Ms England is a past member of the NSW Bar Association's Criminal Law Committee and Professional Conduct Committees.



Craig Hyland BJURIS LLB GDPA
Solicitor for Public Prosecutions

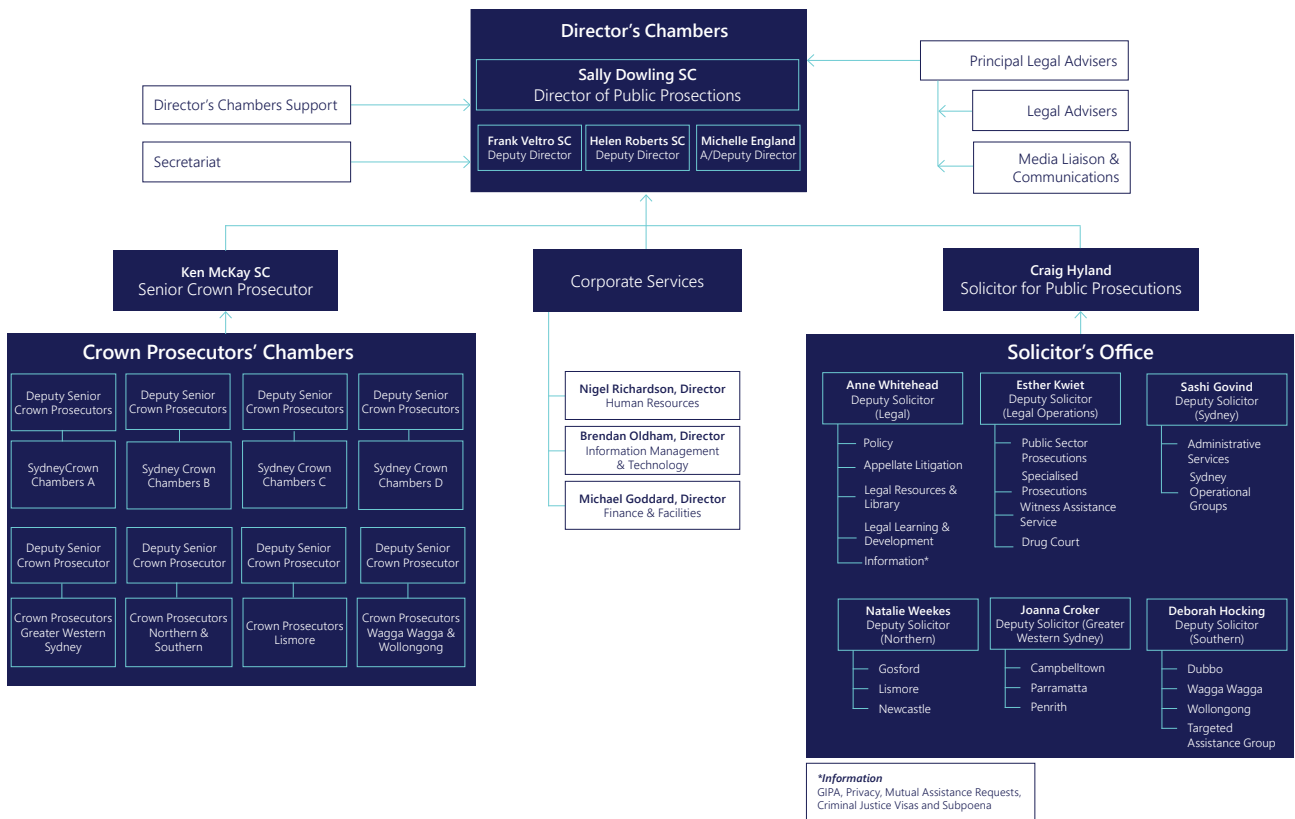
Craig Hyland was appointed as Solicitor for Public Prosecutions in February 2015. He has more than 35 years' experience in the criminal justice system and has been a solicitor, a manager and a senior executive in the NSW ODPP. Mr Hyland was appointed as Solicitor for Public Prosecutions in Victoria in 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.



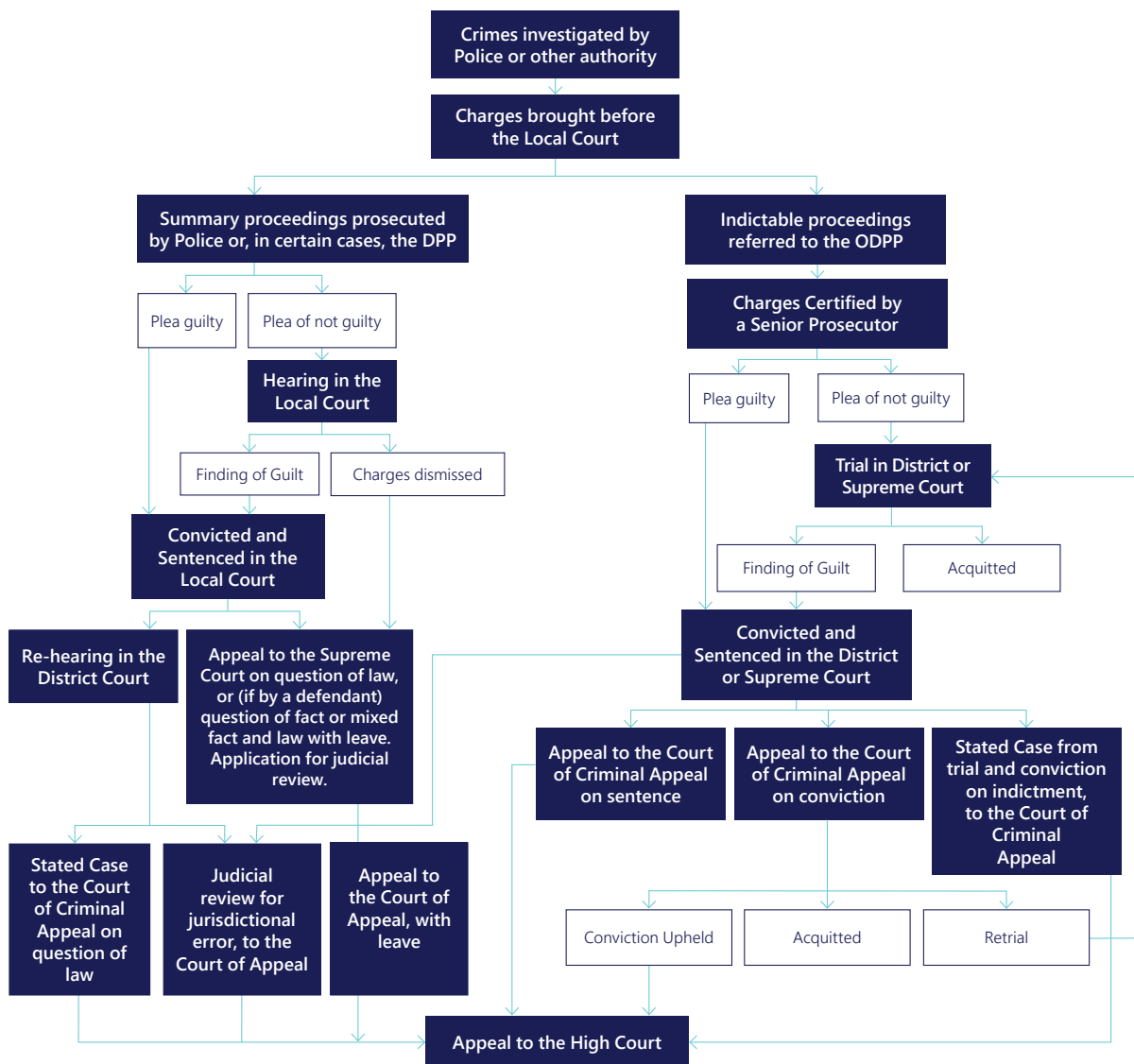
Ken McKay SC BAB
Senior Crown Prosecutor

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.

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 2023 to 30 June 2024 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 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 touching: s 61KD(1)(a) 	3
• Incest: s 78A	3

Surveillance Devices Act 2007 (NSW)	
Section	Total
• Installation, use and maintenance of listening devices: s 7	8
• Installation, use and maintenance of optical surveillance devices without consent: s 8	3
• Installation, use and maintenance of tracking devices: s 9	18
• Prohibition on communication or publication of private conversations or recordings of activities: s 11	11
• Possession of record of private conversation or activity: s 12	1
• Prohibition on use, communication or publication of protected information: s 40	2

Consent for the commencement of the proceedings was declined 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)	1
• Reliance on s 66F(6): <ul style="list-style-type: none"> ◦ Aggravated sexual act: s 61KD(1)(a) 	1

Surveillance Devices Act 2007 (NSW)	
Section	Total
• Installation, use and maintenance of listening devices: s 7	14
• Possession of record of private conversation or activity: s 12	14

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 2023-2024 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 support the ODPP's vision to be a dynamic prosecution service recognised for its excellence and leadership.

An updated Strategic Plan was released in September 2023. Developed after a series of staff and executive consultations and workshops, the plan details the ODPP's organisational strategy for the next five years. It identifies our priorities and measures of success in the following areas:

- Our Prosecution Services
- Our Place in the Criminal Justice system
- Services for Victims and Witnesses
- Digital ways of Working
- Our People.

Under the Strategic Plan, measures of success include increases in key measurements of staff productivity, 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; in the diversity of our workforce; and enactment of reform for which the ODPP has advocated.

Initiatives and activities undertaken to achieve these measures of success are detailed in this Annual Report.

Vision: A dynamic prosecution service recognised for its excellence and leadership.

Our Prosecution Services

- Deliver independent, impartial and fair prosecution services.
- Strive for the timely and efficient administration of justice.
- Strengthen service excellence through stakeholder consultation.

Our Place in the Criminal Justice System

- Foster productive relationships with our criminal justice partners.
- Instil public confidence in the prosecution process.
- Increase community awareness of our work, our people and our values.
- Advocate for reform to improve the criminal justice system and outcomes for our stakeholders.

Services for Victims and Witnesses

- Provide specialised trauma informed support that meets the diverse needs of victims and witnesses.
- Consult with victims and witnesses to drive continual improvement to our service delivery.
- Proactively engage with service delivery partners to improve outcomes for victims and witnesses.
- Uphold the Charter of Victims Rights.

Digital Ways of Working

- Build the digital capabilities of our people.
- Provide and develop digital systems and tools that enable professional and efficient ways of working.
- Use digital systems and tools to collect and share information effectively with our stakeholders.
- Improve data collection and analysis to assess and monitor progress towards service excellence.

Our People

- Attract, retain and recognise an engaged and talented workforce.
- Build the capability of our people to enable successful and rewarding careers.
- Foster a safe, diverse and inclusive work environment, which values First Nation expertise.
- Strengthen collaborative ways of working across the ODPP.
- Ensure our people demonstrate our signature behaviours.
- Develop leaders that enable others to deliver excellence.

STRATEGIES

SUCCESS MEASURES

- Achievement of key productivity targets.
- Increase in the number of stakeholder consultations led by the ODPP.

- Increase in community engagement.
- Key partner initiatives delivered.
- Enactment of reform for which the ODPP has advocated.

- Number of victims and witnesses assisted by WAS.
- Number of First Nations victims and witnesses assisted by WAS.
- Increase in satisfaction ratings of victims and witnesses.

- Increase in employee capabilities and satisfaction with digital initiatives.
- Key digital initiatives delivered.
- Key data analytics initiatives delivered.

- Achievement of key recruitment and retention targets.
- Workforce diversity statistics that exceed sector standards and annual increases in First Nation representation.
- Increase in key measures of engagement, wellbeing, recognition, collaboration, capability and leadership.

SIGNATURE BEHAVIOURS

Act With Integrity | Communicate | Be Courageous | Be Accountable | Be Adaptive | Be Supportive | Keep Learning



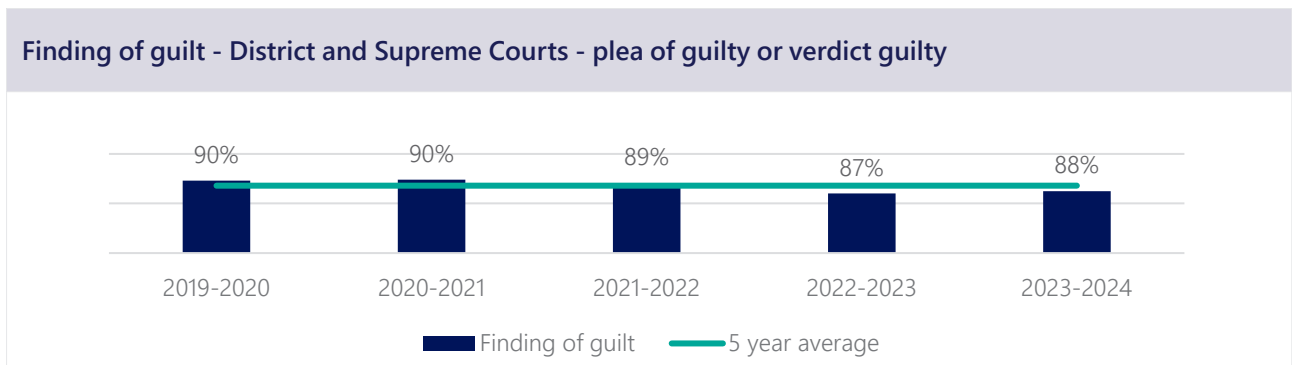
Our Prosecution Services

- Deliver independent, impartial and fair prosecution services
- Strive for the timely and efficient administration of justice
- Strengthen service excellence through stakeholder consultation

Achievements

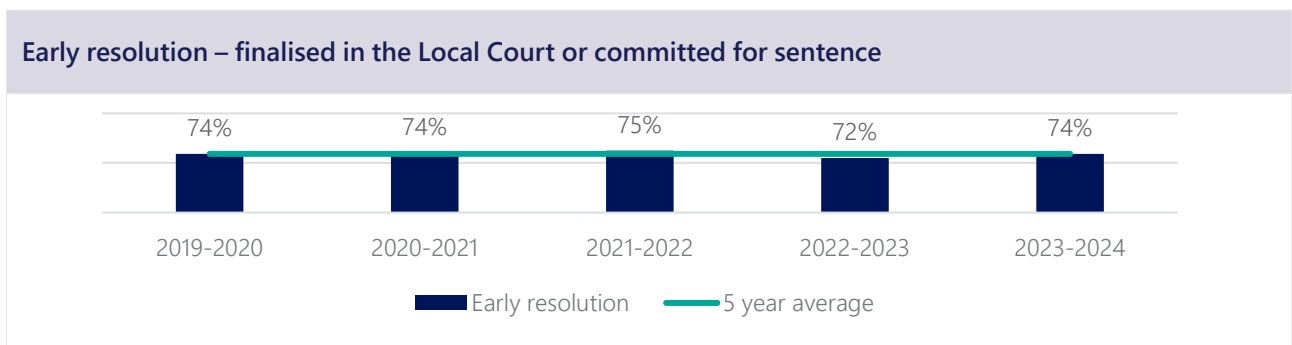
Finding of guilt

This year, 88% of matters in the District and Supreme Courts resolved in a finding of guilt by way of plea of guilty or verdict guilty.



Early Resolution

This year, 74% of matters were resolved early, either finalised in the Local Court or committed for sentence to a higher court.



Throughput

The high rate of matters cleared through the courts continued this year. On average there was an 89% clearance rate of all Local Court matters – that is, the number of matters finalised in the Local Court was equivalent to 89% of matters registered in the same period. In the District Court, the clearance rate was 104% for sentences and 96% for trials. In the Supreme Court, clearance rates of 83% for sentences and 139% for trials were achieved.

Early Appropriate Guilty Plea Reform

Background

The Early Appropriate Guilty Plea (EAGP) committal processes and statutory sentencing reform are now standard following their introduction six years ago. EAGP aims to facilitate the entering of appropriate guilty pleas in the early stages of a prosecution through the following five elements:

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

EAGP Operations

The EAGP reform imposes on the prosecution a rigorous timetable for certification of charges. Under Local Court Practice Note Comm 3, the ODPP has eight weeks from the receipt of the Brief of Evidence to certify charges. During this period, three separate reports are prepared, from the solicitor with carriage, their Managing Solicitor and finally the certifier who issues the Charge Certificate. The certifier is a senior lawyer within the organisation, usually a Crown Prosecutor or Solicitor Advocate.

Within the allocated period, any new charges need to be laid, requisitions received, and the finalised Charge Certificate 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 and the ODPP files a Case Conference Certificate confirming the outcome of those plea negotiations.

During the year, the ODPP certified charges in 4,235 matters and attended 3,131 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 the 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 New South Wales, as well as with other stakeholders, to identify and resolve issues concerning EAGP processes. The ODPP regularly provides training to investigators about the preparation of briefs and the operation of the EAGP reform.

The ODPP has ceased providing EAGP performance indicators to the Department of Communities and Justice following a decision by the EAGP Steering Committee but continues to monitor EAGP statistics internally.

Local Court workload and outcomes

During the year, the ODPP registered 604 summary prosecutions and completed 527, a clearance rate of 87%. In 348 (66%) matters there was a finding of guilt; 172 (33%) matters were dismissed or withdrawn; and seven (1%) were returned to the police for prosecution. Child sexual assaults accounted for 282 (54%) of the matters finalised this year. 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 92% has been achieved over a five-year period for the clearance of summary prosecutions in the Local Court.

This year, the NSWPF referred 4,878 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 1,615 matters and took over a further 734 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 six matters during the year.

This year, 5,965 committal files were registered. A total of 5,432 committal matters were completed, achieving a clearance rate of 91%. Of significance is the manner of disposal: 2,272 matters (42%) were finalised in the Local Court, while 1,726 (32%) were committed for sentence to the District Court after the accused pleaded guilty and 1,380 (25%) were committed for trial to the District Court. The remaining 54 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 93% 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, 1,017 conviction appeals were lodged and 953 finalised across the state, equating to a clearance rate of 94% for the year. Over the past five years, the ODPP has achieved an average 96% clearance rate for conviction appeals.

There were 5,027 appeals lodged against the severity of the sentence imposed by the Local Court, with 5,059 matters finalised during the year. The five-year average clearance rate for severity appeals is 101%.

Following a referral from the NSWPF for consideration of an appeal, the Crown lodged appeals against the leniency of the sentence of eight offenders dealt with in the Local Court. Three of the appeals were successful, four were dismissed and in one matter the appeal was withdrawn.

Trials received and completed

In total, 1,186 matters were committed for trial to the District Court this year. The number of trials completed in the same period was 1,134, achieving a 96% clearance rate for District Court trials.

The ODPP has achieved an average clearance rate of 101% over the last five-year period for District Court trials.

At the end of the financial year, there were 1,885 trials pending in the District Court.

Trial outcomes

Of the 1,134 matters completed, a total of 472 matters (42%) were resolved by way of plea of guilty in the District Court. Trials proceeded in 530 matters (47%), while 132 matters (12%) were discontinued or dealt with in other ways.

Sentences in the District Court

This year, 1,672 matters were committed for sentence to the District Court. In the same period, 1,735 sentences were completed, which achieved a clearance rate of 104% for the year.

Over the past five years, the ODPP has achieved an average clearance rate of 100% for District Court sentences.

Drug Court of NSW

The ODPP's Drug Court Group appears in the NSW Drug Court's four separate court venues at Dubbo, Parramatta, Sydney and Toronto. 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 – alongside the judges, the Drug Court Registry, Community Corrections, Justice Health, Legal Aid solicitors and Police Prosecutors – as members of the Drug Court team. In June 2024, the Drug Court of NSW held its first Practitioners' Conference since COVID-19 lockdowns.

This year has seen significant expansion of the Drug Court's ambit. The Sydney Drug Court expanded its catchment to include a number of additional Local Government Areas, providing more offenders the opportunity to participate in a Drug Court Program. The Sydney Drug Court has increased its sitting days from one day a week to three and is expected to continue to grow in the coming year. Meanwhile, the newest Drug Court venue at Dubbo, which opened in February 2023, has seen four participants reach graduation.

This year, there were a total of 456 participants in the Drug Court. This represents a significant increase on previous years and demonstrates the demand for the continued expansion of this innovative and effective sentencing option within the NSW criminal justice system.

Walama List

The Walama District Court List commenced in 2022. The List moved in 2024 from the Downing Centre in Sydney to a permanent location at Central District Court. The prison cells in that court were painted in culturally appropriate colours and artwork by one of the Walama List's participants.

The List applies an intensive, individualised case-management approach to sentencing eligible First Nations offenders. The focus on understanding and addressing the underlying needs of participants aims to reduce the risk factors contributing to offending, increase compliance with court orders, and reduce the over-representation of First Nations people in custody.

The ODPP team responsible for conducting the Walama List comprises two full-time senior solicitors and a legal support officer. The team works collaboratively with participants and other stakeholders to ensure it meets its prosecutorial obligations, the interests of the community and the objectives of the Walama List.

This financial year, 77 participants were registered in the Walama List. This cohort included offenders on bail and in custody. The offence types were robbery (48%), theft (34%), assault (8%), drugs (3%), vehicle offences (3%), firearm (2%), riot (1%) and kidnap (1%).

Twenty-one participants graduated from the program this year and were sentenced after receiving community, medical and cultural assistance from the program. Twelve of the graduating participants were sentenced to terms of full-time imprisonment, seven were sentenced to Intensive Correction Orders and the other two received Community Correction Orders.

Twenty-three participants completed their first Sentencing Conversation and continue to engage in Case Plan Conversations. Six additional participants were successful in the ballot but have not yet participated in Sentencing Conversations. Four participants discharged themselves from the program. The Crown opposed the inclusion of three eligible applicants on the grounds they were not suitable, with two such applications dismissed and one granted. The Crown made two applications for the discharge or sentence of participants, with sentences ordered to proceed in each case.

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 giving evidence, providing certainty of outcome, reducing the trial backlog, and saving the community the cost of running trials.

There were seven SCOs conducted this year, at Albury, Campbelltown, Gosford, Goulburn, Lismore, Newcastle and Sydney. 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 three to five days with between 20 and 140 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 trial 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 Senior Crown Prosecutor Ken McKay SC, and Deputy Senior Crown Prosecutors Lee Carr SC, Philip Hogan and Nerissa Keay acted as Deputy Directors at Super Callovers.

Of the 439 matters listed for SCO this year, 195 matters (44%) resolved, a 15% increase on last year. The resolution of matters through SCOs saved a total of 980 District Court sitting days this financial year.

Supreme Court workload and outcomes

This year, 43 homicide prosecutions were committed to the Supreme Court, 31 for trial and 12 for sentence. During the same period, 53 matters (43 trials and 10 matters committed for sentence) were completed. Of the 43 trials completed, 13 (30%) were finalised by late pleas of guilty. The majority of trials were conducted at the Supreme Court in Sydney, with trials also conducted at Bathurst, Coffs Harbour, Dubbo, Newcastle, Parramatta and Wollongong.

The clearance rate in the Supreme Court this year was 139% for trials and 83% for sentences. There were 63 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 104% for Supreme Court trials and 115% for Supreme Court sentences.

Supreme Court bail applications

Group 8, an operational team in the Sydney office, conducts bail applications before the Supreme Court. The applications, heard by a single judge, are a review of bail determinations made by the lower courts. This year, the ODPP appeared in 3,355 Supreme Court bail applications. Each bail application is listed in a callover to ascertain if the parties are ready to proceed prior to the bail application hearing. This year, the ODPP was party to 4,890 bail callovers.

Court of Criminal Appeal

The ODPP is a party to various types of appeals conducted in the NSW Court of Criminal Appeal. 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. The prosecution has a significant hurdle to overcome in inadequacy appeals; the primary purpose of a Crown sentence appeal is for the Court of Criminal Appeal to provide governance and guidance to sentencing courts. That requirement operates as a 'limiting purpose' for such appeals and contrasts with the Court's jurisdiction in sentence appeals brought by offenders, which are not so limited.



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.

While the hearings in these appeals generally last less than a day, they require significant preparation and the proceedings are closely case managed by the Court. Conviction appeals, in particular – which in this period constituted 40% 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 have been lengthy trials extending over several weeks, if not months.

There were 251 matters completed in the Court of Criminal Appeal this financial year. The Crown was the respondent in 93% of appeals – the same figure as last year. There were 119 defence appeals filed against sentence, and 102 against conviction (including combined appeals against conviction and sentence). Of the conviction appeals, nine retrials were ordered. The great majority of conviction-only appeals were unsuccessful: 54 of 74.

The results show a marked increase in the number of defence sentence appeals which were withdrawn before the hearing (17 compared with five last year). Of the remainder which proceeded, 52 were allowed to some degree and 50 were dismissed. The Crown filed appeals against the inadequacy of sentences imposed in the lower courts in 17 matters but withdrew six before the hearing, following receipt and review of the judgment and transcripts. Of the 11 which proceeded, eight resulted in the Court of Criminal Appeal increasing the sentence.

In August 2023, the Court of Criminal Appeal delivered judgment in *Rodden v R* (2021) 112 NSWLR 162, which clarified the proper construction of the *Costs in Criminal Cases Act 1967* (NSW). The Court held that the expression “costs incurred in the proceedings” in s 4(1) of the Act ought not be construed to mean “costs incurred in the proceedings by the person who has been acquitted”, therefore concluding that the legislation permits the recovery of costs by legally aided defendants.

The Court also held that a refusal to grant a certificate under the Act after a verdict of acquittal by a jury is an “interlocutory order” and one that was “given or made in the proceedings” for the purpose of s 5F of the *Criminal Appeal Act 1912*. Ultimately the Court dismissed the s 5F appeal as no error was demonstrated in relation to the finding made by the primary judge that the initiation of the prosecution was not unreasonable.

Other Appeals to the Supreme Court and the Court of Appeal

The Director regularly appears in appeals to the Supreme Court from decisions made by the Local Court, pursuant to the *Crimes (Appeal and Review) Act 2001*, as well as applications for judicial review heard by the Supreme Court and the Court of Appeal.

In December 2023, the Supreme Court heard an appeal by the Director which concerned whether, for the purposes of the offence of ‘Use mobile phone while driving’ under the Road Rules (NSW) 2014, it was necessary for the prosecution to prove that at the time of use, a phone was capable of sending or receiving data over a mobile phone network. In allowing the appeal, the Supreme Court held that when both the proper construction of the provision and the purpose of the regulatory scheme were considered, “a mobile phone does not only become one when it has a cellular connection”: *Director of Public Prosecutions v Esequé* [2023] NSWSC 1579.

The Director also appeared in the matter of *Bugmy v Director of Public Prosecutions*, which clarified the correct operation of s 77 of the *Bail Act 2013*. Section 77 concerns the actions police officers may take to enforce bail requirements. The plaintiff argued that s 77 included mandatory considerations (in s 77(3)) that an officer must consider before determining what, if any, action is to be taken. The Supreme Court rejected that argument and dismissed the appeal: [2023] NSWSC 862. The plaintiff successfully appealed that decision to the NSW Court of Appeal, which held that when s 77 was correctly construed, it was plain that the lawfulness of the exercise of the arrest power depended on an officer complying with the requirements of s 77(3).

High Court of Australia

This year the ODPP was a party to 25 applications for special leave to appeal to the High Court of Australia, 23 of which were made by an offender. That was an increase on the 20 applications to which the ODPP was a party in the previous financial year.

Of the 23 applications to which the ODPP responded, 16 have now been determined by the Court, with 14 being dismissed on the papers and one being discontinued. Special leave was granted in *BQ v The King* and a full hearing was held on 10 May 2024. The appeal concerned whether opinion evidence given by an expert witness in relation to how victims of child sexual abuse might respond to that abuse went beyond the accepted expertise of the witness. Judgment is expected early in the new financial year.

Special leave was also granted in relation to the Crown application in the matter of *The King v ZT*, which will proceed to a full hearing in November 2024.

The ODPP appeared in two other full High Court appeal hearings in the last financial year. Those matters were *Cook v The King* [2024] HCA 26 and *Xerri v The King* [2024] HCA 5.

The decision of the Court in *Cook v The King* concerned whether evidence relating to prior sexual offending committed against the complainant by another person could be admitted in the appellant's trial pursuant to an exception to s 294CB of the *Criminal Procedure Act 1986* (NSW). A majority of the Court allowed the appeal in part and the matter will proceed to a retrial.

In *Xerri v The King*, the Court unanimously dismissed the appeal, and clarified the proper construction of s 66EA of the *Crimes Act 1900* (NSW) which criminalises the persistent sexual abuse of a child. The Court identified significant differences between the current and previous versions of s 66EA and held that the current version was intended to have retrospective effect, such that the maximum penalty applicable to the applicant was life imprisonment.

Initiatives

Trial Development List and Junior Advocate Program

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. All solicitors on the D-List were required to re-apply if they wished to be included on the 2024 D-List. Seventy-five solicitors were included in the list, many of whom were new additions.

There are D-List solicitors in all 10 office locations as well as dedicated mentors ranging from Deputy Directors to Crown Prosecutors. The list of D-List mentors was refreshed this year and 14 new Deputy Senior Crown Prosecutors and Crown Prosecutors were added to supplement the mentor list.

This year the Briefing Protocol was reviewed, and an updated Trial Development (D-List) Policy was introduced to continue to ensure consistency and transparency in briefing practices.

The current D-List solicitors were surveyed to gather feedback about past training and gain insight for the planning of future training sessions. Solicitor Advocates were also surveyed to further understand the biggest challenges when progressing from a solicitor to a Solicitor Advocate role. A customised training program for D-List solicitors was delivered by presenters including a District Court judge, Deputy Senior Crown Prosecutors, Crown Prosecutors and experienced Solicitor Advocates. Training sessions were held monthly and included topics such as:

- trial overview
- court etiquette
- opening and closing addresses
- trial management.

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 (56%), assault (16%) and drugs (12%). Pleas of guilty were successfully negotiated in 44 matters and 11 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 program supports D-List solicitors to develop their skills and advocacy experience by appearing with and observing a lead counsel. It also ensures the ODPP has a succession of experienced advocates.

The Junior Advocate Policy was also reviewed this year to ensure currency. The policy outlines the role and ODPP expectations of a Junior Advocate, the referral process, and briefing guidelines. It also provides guidance on suitable tasks for a Junior Advocate and an avenue for conflict resolution and feedback.

In 2023-2024, D-List solicitors were briefed as Junior Advocates in trials led by a Crown Prosecutor in 26 matters.

Targeted Assistance Group

The Targeted Assistance Group (TAG) continues to provide essential short-term staffing solutions to all ODPP offices, particularly those in regional areas. There are 10 solicitors in TAG, each highly adaptable and with broad experience and expertise in criminal prosecutions. Their assistance ranges from circuit work and advocacy to practice management and report writing. There are also specialist roles in TAG, including a Super Callover solicitor and a Moree circuit solicitor.

TAG members operate from a variety of 'base' offices including Lismore, Newcastle, Sydney and Wagga Wagga. This arrangement facilitates the provision of effective, statewide assistance while minimising travel costs and delay. While staff regularly spend periods away from their base office, continuing improvements in technology and virtual courtrooms have

facilitated an increase in remote assistance. TAG is managed by a Deputy Solicitor who consults with local managers to arrange assistance that meets local needs and operational requirements, targeting offices with heightened workload, staff vacancies or long-term leave.

TAG solicitors connect via an online network with access to files, resources and virtual meetings. The TAG Witness Assistance Officer is included in those meetings. In addition, TAG members benefit from attending local team meetings and training.

TAG staff are adept at applying their knowledge and skills to a variety of challenges, often in remote regions. In the past year, TAG provided 260 weeks of assistance to local offices. This total is exclusive of the Moree practice, which is ongoing throughout the year.

Non-Salaried Crown Prosecutors

The ODPP regularly briefs private counsel to appear for the Crown, and who are known as Non-Salaried Crown Prosecutors (NSCPs).

During the year, 38 private counsel were briefed to appear in 144 trial matters. No private counsel were on retainer for the 2023-2024 financial year. The majority of the NSCPs were briefed to appear at the Sydney District Court. NSCPs also appeared at regional centres including Dubbo, Gosford, Katoomba, Lismore, Newcastle and Penrith and at circuit sittings at Albury, Broken Hill, Nowra, Orange, Tamworth and Taree.

Eighteen NSCPs were briefed to appear in 25 appellate litigation matters in the NSW Supreme Court, Court of Appeal, Court of Criminal Appeal and High Court of Australia. We also had occasion to brief the Crown Advocate in a High Court Appeal.

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

Charter for 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 New South Wales. 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 remains committed to the principles of the Equitable Briefing Policy developed by the Law Council of Australia and formally adopted by the NSW Bar Association in 2016. Efforts continue to be made to ensure that the ODPP contributes to the goal of briefing women in at least 30% of all matters. This year, the ODPP briefed 56 private barristers, of whom 18 – or 32 % – were women. The ODPP will continue to build on our equitable briefing practices.

At the ODPP, 40% of Crown Prosecutors are women, while women solicitors constitute 66% of ODPP solicitors.

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. This action follows upon the conviction and sentence of an offender in a NSW Court. Forfeiture Orders, Pecuniary Penalty Orders or Drug Proceeds Orders following conviction and sentence against an accused offender may be 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. All proceeds from successful confiscation applications are paid into the Victims Support Fund for distribution to the victims of crime under the *Victims Rights and Support Act 2013*.

CoPoCA applications - number, type or order and success rate					
	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
Number of Orders Applied for	352	260	225	153	126
Number of Orders Granted	345	260	222	152	119
Number of Forfeiture Orders	303	245	200	139	108
Number of Pecuniary Penalty Orders	1	1	1	3	0
Number of Drug Proceeds Orders	19	14	10	2	9
Number of Forfeiture, Pecuniary Penalty and Drug Proceeds Orders	22	12	11	8	2
Percentage of matters where application was successful	98%	100%	99%	99%	94%
Total estimated value of property confiscated (millions)	\$5.8	\$3.8	\$5.7	\$3.4	\$3.7

Costs awarded against the prosecution

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

The common law line of authority from the decision in *R v Mosely* (1992) 29 NSWLR 735 also allows the court to seek an undertaking from the prosecution to pay the accused's reasonable costs in circumstances where the Crown seeks an adjournment of a trial.

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

Matters where costs awarded against the prosecution					
	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
<i>Criminal Procedure Act 1986</i>	19	9	7	35	42
<i>Costs in Criminal Cases Act 1967</i>	32	9	20	21	67
Mosely Orders	7	8	6	8	6
<i>Crimes (Appeal and Review) Act 2001</i>	8	2	3	6	8
<i>Crimes (Domestic and Personal Violence) Act 2007</i>	2	0	0	0	0
Total number of orders	68	28	46	72	125
Total value of orders made	\$1,448,271	\$350,967	\$817,548	\$1,106,490	\$1,370,822
Number of matters registered by ODPP in period	16,215	16,382	14,901	16,794	17,004
Number of costs awarded where fault of prosecution	11	8	8	12	3
Percentage of all matters where costs orders were made due to the conduct of the prosecution	0.07%	0.05%	0.05%	0.07%	0.02%

Matters where costs were awarded on adjournment					
	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
Mosely Orders	7	8	6	8	6
Adjournment because full brief not served - <i>Criminal Procedure Act 1986</i>	0	0	0	12	13
<i>Criminal Procedure Act 1986 - other adjournments</i>	6	8	3	0	4
Other costs orders	55	12	37	52	102
Total	68	28	46	72	125



Our Place in the Criminal Justice System

- Foster productive relationships with our criminal justice partners
- Instil public confidence in the prosecution process
- Increase community awareness of our work, our people and our values
- Advocate for reform to improve the criminal justice system and outcomes for our stakeholders

Legislative Change and Reform

The ODPP is an important voice in criminal justice policy reform. 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.

These submissions involved detailed and careful consideration of complex law reform issues. The Director is assisted in the formulation of policy responses by a policy team comprising the Deputy Solicitor Legal, two Principal Legal Advisors in Director's Chambers and a dedicated Legal Policy Officer. The policy team relies on evidence-based analysis from data sources and consults widely when preparing a submission, to ensure the ODPP submission benefits from the depth of experience available from Crown Prosecutors, solicitors and Witness Assistance Officers working at the ODPP.

As occurs each year, the ODPP made submissions this year regarding the Justice Miscellaneous Amendments Bill to the Department of Communities and Justice, as part of two separate consultation processes. On both occasions the ODPP proposed a suite of reforms in the criminal justice sector designed to improve laws and procedures affecting various stakeholders, in particular victims of crime.

The Director responded to over 30 consultations this year. Some of the major policy submissions were:

- August 2023: a submission to the Department of Communities and Justice regarding the draft Bill introducing the Child Sexual Evidence Offence Provisions into the *Criminal Procedure Act 1986*
- August 2023: a submission on proposals to amend s 58 of the *Crimes (Sentencing Procedure Act) 1999* regarding limitations on consecutive or cumulative sentences in the Local Court
- August 2023: a submission to the Department of Communities and Justice on a Consultation Paper regarding the banning of LGBTQ+ conversion practices, followed by a submission in February 2024 on the draft Conversion Practices Ban Bill 2023

- September 2023: a further submission to the Department of Communities and Justice on the draft Statutory Review and supplementary discussion paper on the *Coroners Act 2009* (NSW)
- December 2023: a submission on the Consultation Paper issued by the Sentencing Council of NSW on the firearms, knives and other weapons offences review
- March 2024: a response to a Discussion Paper issued by the Department of Communities and Justice regarding a review of Part 4, Division 4 (Sacrilige and housebreaking) of the *Crimes Act 1900* (NSW). This related in part to issues arising in the High Court decision in *BA v The King* [2023] HCA 14
- March 2024: a response to Consultation Paper issued by Safework NSW on the creation of an offence of industrial manslaughter in the *Work Health and Safety Act 2011* (NSW)
- April 2024: a submission to the NSW Law Reform Commission in relation to the Consultation Paper on Serious Road Crime
- June 2024: a submission to the Australian Law Reform Commission (ALRC) responding to an Issues Paper 'Justice responses to sexual violence'.



The ALRC consultation is a very significant national examination of the way in which sexual offending is prosecuted in all Australian jurisdictions. It is a wide-ranging inquiry intended to identify areas where current procedures are not delivering optimum experiences and outcomes to stakeholders, in particular to victims of sexual offending.

Other avenues for contribution to the policy debate 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 forums included:

- Aboriginal Justice Partnership Committee
- AV Strategy and Business Links Governance Board
- Bail Act Monitoring Group
- Child Sexual Offence Evidence Provisions Reference Group
- Closing the Gap Working Groups
- Consent Monitoring Group
- Council of Australian Directors of Public Prosecution
- Criminal Justice Transformation Board
- Domestic Violence Review Committee
- DV Notify Working Group and Steering 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
- Local Court Rules Committee
- ODPP/NSW Police Liaison Group
- ODPP/PARVAN Interagency Committee (NSW Health Prevention and Response to Violence, Abuse and Neglect Unit)
- NSW Sentencing Council
- Sexual Assault Review Committee
- Standing Interagency Advisory Committee on Court Security
- Victims Advisory Board
- Victims of Crime Interagency Group.

Innovation and Interaction

Stakeholder Interaction

The ODPP engages regularly with criminal justice stakeholders, beyond our formal commitments. Members of senior management regularly correspond and meet with their counterparts in stakeholder agencies including defence, the courts, the NSW Police Force (NSWPF) and community groups 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 and create an environment of consultation and mutual co-operation, assisting the ODPP to deliver prosecution services to the community.

External engagement

The ODPP also has a number of interagency agreements in place with criminal justice stakeholders. On 4 August 2023 the Director signed a new Memorandum of Understanding with the NSW Law Enforcement Conduct Commission.

Coercive control reform

An important feature of our stakeholder engagement this financial year related to preparations for the commencement of the coercive control offence in s 54D of the *Crimes Act 1900* (NSW). On 17 August 2023, the ODPP presented at a symposium led by the Department of Communities and Justice and attended by community groups and stakeholders. On 31 May 2024 the ODPP was part of a panel, alongside representatives from the NSWPF and Legal Aid NSW, at a forum chaired by Dr Hannah Tonkin, the Women's Safety Commissioner. The ODPP's involvement in the training and consultation process surrounding the coercive control reform was led by Acting Deputy Director Michelle England, the ODPP's representative on the Coercive Control Legal Reference Group.

The offence provisions and related amendments commence on 1 July 2024. In the lead up to that date, the ODPP delivered a suite of training for solicitors in collaboration with stakeholder groups, including a lived-experience panel and representatives from diverse community groups. These groups assisted the ODPP solicitors' understanding of the specific dynamics relevant to coercive control in First Nations, Culturally and Linguistically Diverse, LGBTQ+ and aging and disability communities.

External engagement

The ODPP also, where able, accepted invitations to participate on 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: the ODPP recorded a package of comprehensive e-Learning modules for distribution to police officers statewide. In addition, Crown Prosecutors and ODPP solicitors presented seminars on disclosure to various police units
- Early Appropriate Guilty Plea processes: Managing Solicitors and senior solicitors delivered this presentation to numerous police units statewide over the course of the financial year
- Sexual assault prosecutions: a series of videos produced by the ODPP on the prosecution of sexual assault matters was used in the Adult Sexual Violence Investigators Course undertaken as part of the Detectives Training Course. A

Crown Prosecutor or senior ODPP solicitor attends each course for the Q&A session which follows the viewing of the video recordings

- Coercive control: in preparation for the commencement of the new offence on 1 July 2024, the ODPP presented at several community forums and participated on panels attended by other criminal justice stakeholders, including the Department of Communities and Justice, the NSW Judicial Commission, the NSWPF, Legal Aid NSW and community groups.

On 28 July 2023, the Director, Sally Dowling SC, gave evidence to the Senate Inquiry into Missing and Murdered First Nations Women and Children. She spoke about the importance of improving the experiences of First Nations witnesses and victims of crime during their interactions with the criminal justice system and outlined steps the ODPP is taking towards that goal. She was subsequently invited to make recommendations to the inquiry about how the court experiences of First Nations witnesses could be improved.

In September 2023, Ms Dowling gave the keynote address at the London conference of the International Association of Prosecutors on Managing Prosecutor Wellness and Vicarious Trauma. She also gave a presentation on Domestic Violence in the Surveillance Age.

At the National Indigenous Legal Conference in October 2023, Ms Dowling was joined by Crown Prosecutor Damian Beaufls and Witness Assistance Officer Kylie Simpson for a panel discussion on promoting the cultural safety of First Nations witnesses in an adversarial system.

During the year Crown Prosecutors also delivered professional development presentations for the NSW Bar Association on topics including criminal cases, vulnerable witnesses, DNA evidence and the Child Sexual Offence Evidence Provisions.

Legal Precedents Project

The ODPP continued to upgrade its online legal resources as part of the Legal Precedents Project. 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.

A new, more functional web platform is being developed for the updated intranet resources which allows training resources to be embedded alongside written content. The project will consolidate the ODPP's existing knowledge base into a more logical structure.

New pages added this year include pages on the Child Sexual Offence Evidence Provisions (in January 2024), Costs (in February 2024) and a page dedicated to the new coercive control offence (in June 2024). Existing resources have been significantly streamlined and will be progressively upgraded and moved to the new platform. The Legal Resources team oversaw a major review this year of all policies, memoranda and news items of a legal nature, archiving a substantial number of resources and reorganising current resources into a more accessible format.

International Visitors

Three prosecutors from the Singapore Attorney-General's Chambers visited the ODPP from February 2024 and will depart in July 2024. They shared their insights into how prosecutions are conducted in Singapore and had the opportunity to observe various facets of the ODPP's operations including trials, appeals and inquiries, as well as Child Sexual Offence Evidence Provisions, the Drug Court and Walama List. The visiting prosecutors acknowledged the considerable practical knowledge they acquired of our criminal justice system during their stay and were particularly impressed by our Witness Assistance Service, which has no equivalent in the Singaporean system.

We thank the many ODPP staff who devoted time to discussing their matters with the visiting prosecutors and explaining our processes, procedure and law.



Services for Victims and Witnesses

- Provide specialised trauma informed support that meets the diverse needs of victims and witnesses
- Consult with victims and witnesses to drive continual improvement to our service delivery
- Proactively engage with service delivery partners to improve outcomes for victims and witnesses
- Uphold the Charter of Victims Rights

Witness Assistance Service

The Witness Assistance Service (WAS) is an integral part of the ODPP and works closely with Crown Prosecutors and legal staff 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 psychosocial assessment, crisis counselling, referral to other agencies and the development of a court support plan in consultation with victims and families. 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. These staff also provide cultural expertise and enhance the cultural capability of the broader office. As part of our goal of enhancing service delivery, additional funding has expanded the service to 12 First Nations WAS Officers, with two additional positions to be filled next year.

WAS workload

During the year, there were 2,603 new referrals to WAS, of which 1,935 related to sexual assault. Just under half of these referrals were victims under 18 years of age, with 65% of those aged 10-16 years. First Nations referrals accounted for 13% of all referrals this year. In total, 10% of new referrals were related to domestic violence. At the end of the year, WAS had 7,787 active referrals. The statewide rollout of the Child Sexual Offence Evidence Provisions has increased the workload of WAS officers both in Sydney metropolitan and regional areas. The ODPP is developing a tool to assist in rating the complexity of WAS referrals and monitoring the workload of WAS Officers.

Strategic Planning

Ensuring that WAS has consistent input into the ODPP's strategic vision in relation to service to victims will remain a focus. The importance of WAS Officers' trauma-informed and victim-centred perspectives has been highlighted by the formal process of including a report from the WAS Officer when prosecution decisions are made. At the higher level, WAS Officers' knowledge and expertise inform the ODPP's training initiatives, submissions for legislative and policy review and the implementation of changes that will impact victims in the criminal justice system. WAS Officers also work closely with the ODPP's Diversity, Equity and Inclusion (DEI) Coordinator, Wellbeing and Safety Officer, and Learning & Development team.

Sustaining relationships and engagement with external agencies and stakeholders is critical to the work of WAS. This includes representation at interagency meetings, providing training, and planning around key issues and challenges. WAS participates in several high-level interagency networks including the Sexual Assault and Domestic Violence Review Committees, the Child Sexual Offence Implementation Committee, the Consent Monitoring Group, the Victims Advisory Board and Victims of Crime Interagency Group.

Continuing professional development for WAS Officers is crucial to retaining and upskilling staff. In the past year, WAS Officers have undertaken regular and structured internal and external training in the areas of grief and loss, coercive control, the Child Sexual Offence Evidence Provisions and service provision to various priority groups, as well as a range of interagency training offerings.

WAS is a critical part of a multidisciplinary collaboration with legal staff at the local level and continues to prioritise open lines of communication across the ODPP. This includes providing briefings to the Director's Chambers and Solicitor's Executive and meeting regularly to discuss how WAS can work most effectively with legal staff in executing a best-practice prosecution service model.

Child Sexual Offence Evidence Program

The Child Sexual Offence Evidence Program (CSOEP) began as a pilot in 2016. It operated in the Sydney and Newcastle District Courts, and in three NSW Police Force Child Abuse Units, until 28 January 2024. From 29 January 2024, the CSOEP ceased to be a specialist program, instead becoming the standard way evidence is taken from child witnesses in child sexual offence matters (committed to the District Court on or after 29 January 2024). It was expanded statewide, to all District Courts and NSW Police Force Child Abuse Units.

The ODPP strongly championed the expansion of the CSOEP. The announcement in February 2023 that it would be extended statewide was welcomed by the ODPP and other stakeholders involved in the program's delivery.

The Child Sexual Offence Evidence Provisions are now included in the body of the *NSW Criminal Procedure Act 1986*. All child victims and witnesses who will give evidence for the prosecution in child sexual offence matters heard by the District Court will benefit from its specialist practices and procedures, which are designed to reduce the stress and trauma of the trial process.

The use of Witness Intermediaries and the pre-recording of children's evidence, which were cornerstones of the CSOEP, remain central to the new standard practice.

Child witnesses are assessed by a Witness Intermediary who prepares a report on the child's communication needs, with detailed recommendations informing 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.

All child witnesses required to give evidence in the District Court in a child sexual offence matter are now able to have that evidence taken in a pre-recorded hearing. 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 is 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. 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 28 new matters entered the CSOEP from 1 July 2023 until the program ceased to operate as a specialist program on 28 January 2024. Of these, 20 were in Sydney and eight in Newcastle. These 28 matters involved 36 children, the majority of whom, 28, were recorded as victims. Of these child victim and witnesses, 83% were recorded as female, 22% were from a First Nations background, the same percentage, 22%, were from a culturally or linguistically diverse background, and 75% were recorded as being aged six to 15 years. The introduction of Child Sexual Offence Evidence Provisions statewide saw another 46 new matters dealt with before the end of the financial year. An additional 76 children were assisted, of whom 24 were in areas where the CSOEP had not previously operated.

In the program period, the NSWPF 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. Now, all eligible children will benefit from the specialist legislation.

During the program period the ODPP continued to use and fund Witness Intermediaries, known as Independent Communication Intermediaries (ICIs), in out-of-program matters where the victim or witness was particularly vulnerable and required assistance to give their best evidence. ICIs 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 an ICI 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 ICI 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 adoption of the CSOEP as standard practice has removed 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 continue to 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, charges against one accused person were dismissed after a summary hearing in the Local Court, one offender pleaded guilty and was sentenced in the District Court, and one offender was found guilty after trial and sentenced; that same offender died prior to a further trial proceeding in the District Court. A fourth offender who was found guilty at trial and sentenced in the District Court appealed their conviction and sentence to the Court of Criminal Appeal. The appeal was granted in relation to one count only and the offender was resentenced. A further offender was found guilty after trial this financial year and awaits sentencing.

In the coming financial year, four accused persons are to stand trial in the District Court.

Completed Royal Commission prosecutions	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
Sentenced after trial	4	2	3	1	1
Sentenced after plea of guilty – District Court	2	3	0	2	1
Resentenced by the Court of Criminal Appeal	0	0	0	0	1
Returned to Police/Advice provided to Police	1	0	1	0	0
Offender Deceased	1	1	0	0	0
Dismissed/Verdict Not Guilty	0	0	1	0	1
No Further Proceedings Directed	1	0	0	1	0
Permanent Stay of Proceedings Granted	0	1	0	0	0
Total	9	8	5	4	4



Digital Ways of Working

- **Build the digital capabilities of our people**
- **Provide and develop digital systems and tools that enable professional and efficient ways of working**
- **Use digital systems and tools to collect and share information effectively with our stakeholders**
- **Improve data collection and analysis to assess and monitor progress towards service excellence**

The ODPP embraces opportunities to support staff and enhance efficiency through technology, with the assistance of Information Management & Technology (IM&T).

The MATTERS case management system

In July 2023, the ODPP launched its new case management system, MATTERS (Manage and Track the Evidence, Results and Subjects), built on the Appian AI Process Platform. MATTERS was the single largest technology project ever undertaken by the ODPP, developed over seven years, with the final build and deployment taking 14 months.

MATTERS was an extremely complex project, requiring the ODPP to rebuild the entire matter management system while maintaining core functionality and decades of historical data, which was migrated to the new system. Its launch was a significant milestone in our digital transformation, supporting improved automation and streamlining operational management, as well as enabling the ODPP to adapt to changes more easily. The modern platform, along with its active failover capabilities, also reduces operational risk.

The MATTERS solution maintains the core functionality of the previous system but is delivered via a modern, cloud-based, low-code platform. It offers our staff improved access from courts and other remote locations and the ability to manage large files throughout the prosecution lifecycle. MATTERS also supports faster responses to changes to legislation and court processes, and the more efficient introduction of new capabilities and functions. Its advanced integration capabilities will enable information to be shared more efficiently with our criminal justice partners and positions the ODPP well for integration into future digital justice systems.

Additionally, the Appian platform enabled IM&T to deliver a complaints management and request management systems, the latter to manage HR, Facilities and Finance-related requests from ODPP staff.

The ODPP project team worked effectively with our vendor partners on the MATTERS project and was awarded an Appian Innovation Award at Appian's 2024 global conference.

Multimedia Support Unit

The Multimedia Support Unit (MSU) is a centralised service based in Sydney, providing edits, conversions and enhancements to digital material as required for prosecutions statewide. The MSU consists of three digital technicians and forms part of the Administrative Services Unit.

This financial year, the MSU logged a total of 5,873 requests, an 18% reduction compared with the previous year. This decrease was expected given that the impacts of COVID-19 on office working arrangements have eased.

In a further indication of stabilisation post-COVID, a higher proportion of requests now submitted to the MSU are for multimedia editing, conversion or enhancements, rather than for less specific tasks such as data repository and link sharing.

The number of requests received by office closely followed established trends. The Sydney office accounted for the greatest proportion (50%) of total requests, followed by the Newcastle and Parramatta offices.

Requests by charge type followed similar trends compared to previous years. Requests pertaining to child sexual assault matters represented 32% of total requests, a slight increase on the previous year (30%). The next highest number of requests was received in the charge categories of sexual assault and assault, which is consistent with previous years.

The MSU benefited this year from technical upgrades in the form of additional hardware and software. Several newly built computers provided the MSU with increased processing power and faster multimedia processing for requests of all types. The MSU also received a new suite of multimedia editing software, providing more options and greater flexibility in video editing. These new resources expanded the capabilities of the MSU and allowed the team to process a wider variety of complex requests with greater ease and flexibility, while significantly improving processing times for typical edits and conversions.



Digital Brief Project

With the completion of the MATTERS Project, the IM&T team turned its focus to digital briefs. The digitisation and management of material in the briefs of evidence received from the NSW Police Force (NSWPF) is a significant component of delivering digital capability across the ODPP.

Tools to upload and store materials in a digital brief have been developed in recent years, and work began on an architectural strategy for a solution to replace these. A Proof of Concept was completed to redesign the Upload Portal used by the NSWPF to provide digital material, to improve management of very large files, categorisation of files and error handling.

A second Proof of Concept developed a Microsoft Azure-based solution to manage the storage and handling of the files uploaded by the NSWPF. This solution was designed to identify the duplication of files, use lower-cost tiers of storage, and synchronise with SharePoint for collaboration on content. The possible use of Artificial Intelligence (AI) technology to search across image files and video within the brief was also evaluated.

This project will be developed further in the coming year, giving the ODPP access to a digital version of the brief of evidence, along with the ability to develop tools to improve how staff work with this digital material.

Office diary solution

Work progressed on an office-wide trial diary management solution, with a complex automated Whole of Office Diary developed. This will greatly assist with planning, coordination and visibility for the briefing of Crown Prosecutors and Solicitor Advocates statewide and will reduce the administrative demands on each ODPP office.

AI Strategy

Work also began this year on another significant project, the development of an AI Strategy. AI technology and innovation have the potential to reduce the amount of time ODPP staff spend on manual, research and administrative tasks, giving them more time to focus on critical legal work and professional development. Staff from all areas of the ODPP were consulted about the strategy, with workshops held in March 2024 to examine how best to manage, deliver and use information through AI in an ethical and professional way. The ODPP partnered with Deloitte to develop the strategy, which will be launched early in the new financial year.

Information Management & Technology initiatives

Core Information Management & Technology training materials, including demonstration videos, were developed and made accessible to staff via the Learning in Action portal. These included materials for areas identified as key for new staff. Resources were reviewed for currency and updated to meet operational requirements and to support the introduction of new equipment and software, including ODPP specific software such as Agency Portal/MDC, and generic software such as WebEx, Email2SMS, NitroPro and PdfDocs.

A new IM&T intranet site is being developed, consolidating useful information, updates, guides and access to IM&T policies and procedures in one place, and will be launched in the next financial year.

The coming year will also see significant changes in IT infrastructure for the ODPP, with projects undertaken to migrate to Microsoft Azure IaaS services, deployment of an SDWAN to improve connectivity resilience and performance, and fit-out of the new Sydney Head Office with upgraded computer and communications equipment for staff.

Highlights of Our People



926 full-time equivalent staff



68% of staff are women



13% of staff work part time



144 new starters this year



30 years was the average age of new starters



The ODPP had a total of 110 statutory-appointed staff as at 30 June 2024



7 Solicitor Advocates appointed, all promoted from within the ODPP



9 Crown Prosecutors appointed, including 7 promoted from within the ODPP



Excellence Awards presented to 8 individuals, 3 managers and 3 teams



Our People

- **Attract, retain and recognise an engaged and talented workforce**
- **Build the capability of our people to enable successful and rewarding careers**
- **Foster a safe, diverse and inclusive work environment, which values First Nation expertise**
- **Strengthen collaborative ways of working across the ODPP**
- **Ensure our people demonstrate our signature behaviours**
- **Develop leaders that enable others to deliver excellence**

The ODPP Signature Behaviour 'Keep Learning' encourages our staff to build and develop their skills and knowledge, supporting the ODPP's vision to be a dynamic prosecution service recognised for its excellence and leadership. Our staff are recognised for their expertise and have been invited to present at conferences and seminars both locally and internationally.

Learning and development

Learning and development takes many forms across the ODPP, including workshops, conferences, seminars and presentations – both in person and online – as well as mentoring and networking.

Staff new to the ODPP receive an induction with mandatory online modules provided via the Learning Management System. This is followed by an in-person induction which provides information about the functions of different sections of the ODPP, standards of workplace behaviour, and Aboriginal Cultural Awareness.

Sessions provided to staff this year to develop their skills and general capabilities included Understanding Vicarious Trauma, Defensive Driving, Job Application and Interview Skills, Finance for Non Finance Executives, Probity in Procurement, Mental Health First Aid, and Communicating for Success. The Learning & Development team also worked with the Diversity, Equity and Inclusion Coordinator to develop an Unconscious Bias Workshop which was delivered both in person and online. The workshop was well received and will continue to be offered in the future.

Professional Development

Throughout the year our staff had opportunities to attend ongoing continuing professional development sessions on a diverse range of topics related to the criminal law and legal practice. These sessions were delivered by both internal and external presenters and were recorded and made available for viewing after the sessions.

The 2023 Solicitor's Conference was held over two days in December 2024 with more than 250 staff attending each day. As part of the NSW Government's commitment to providing training about the new coercive control legislation for all justice agencies, the main theme of the conference was coercive control. Speakers included senior staff from Scotland's Prosecution Service, the Crown Office and Procurator Fiscal Service;

Dr Hayley Boxall from the Australian National University; and senior members of the NSW Police Force. Topics included *An Introduction to the Crimes Legislative Amendment (Coercive Control) Action 2022 (NSW)*; *Understanding Coercive Control within relationships: Unveiling patterns, impacts and dynamics*; and *Conferencing Victims: A panel discussion*. The conference also heard from Sue Langley from The Langley Group about wellbeing and managing burnout.

The Director gave an address at the conference and presented the Director's Service Excellence Awards to outstanding individuals and teams.

Professional Development Workshops were held in June 2024. Eleven sessions were provided on topics including *Legal Writing: Preparing Written Submissions*; and *Prosecuting Child Sexual Offences under the Child Sexual Offence Evidence Provisions – From Charge to Trial*. These sessions were recorded and made available via the Learning in Action portal on the intranet.

Junior Advocacy Program

The program, now in its third year, leverages the expertise of our experienced advocates to provide intensive training on oral advocacy to junior solicitors. The program was delivered over three weeks in August 2023. The first session consisted of lectures, while sessions in weeks two and three were small, practical group sessions where each participant was given feedback on their advocacy performance.

MATTERS Training

The ODPP's new case management system, MATTERS, was successfully implemented in July 2023. Staff across the ODPP were offered training in the lead up to the launch, with sessions tailored specifically for Crown Prosecutors, executives, managers, Drug Court staff and Witness Assistance Officers.

Training continued for several weeks after the launch with live online training sessions and drop in Q&A sessions. Additional training sessions were provided as needed to support the transition to MATTERS longer term.



Technology Training

The Learning & Development team worked collaboratively with Information Management & Technology to identify the resources needed to support the systems and software used at the ODPP. Resources were reviewed for currency and updated to meet operational requirements and support the introduction of new equipment and software.

Management and Leadership Development Programs

Supporting our staff to be managers and leaders is a fundamental part of the ODPP's approach to learning and development. Opportunities for staff who are currently in, or working towards, a management position include acting in management roles, leading projects, mentoring and coaching others, and networking with and shadowing managers and leaders across the ODPP.

Programs that commenced include:

- Emerging Manager: a six-month program aimed at those considering applying for management roles and seeking a better understanding of the responsibilities and requirements of being a manager
- Manager Support: one-day workshops to develop people management accountabilities including performance feedback, having tough conversations and emotional intelligence
- Deputy Senior Crown Prosecutor (DSCP) Development: a series of monthly sessions providing current and aspiring DSCPs with a better understanding of their people-management responsibilities
- Coaching and 360 feedback for senior leaders: a bespoke approach to providing feedback from reporting managers, colleagues and staff, as well as ongoing support from external coaches.

Studies Assistance

Studies Assistance is available to support the development of staff members' skills and capabilities through tertiary education.

ODPP Podcasts

Season 2 of the ODPP podcast launched in June 2023, with five episodes covering human interest and legal topics such as the Walama List, Drug Court and the Precedent Project.

A new series, "Side Hustle" – in which ODPP colleagues discuss their outside interests and hobbies – was also launched. Season 3 of the podcast will be launched in July 2024.

Health and Wellbeing

The ODPP WellCheck Program remains the central pillar of our mental health initiatives and was enhanced this year to provide the best resource possible for staff. The program was expanded to offer two sessions per year, with the sessions themselves revised to incorporate additional diagnostic tools. The first round of 2024 WellChecks was conducted between April and June, offered both in person and online, with a total of 241 staff attending. This represents a quarter of ODPP staff, an 8% increase on the last program.

The Wellbeing Taskforce is a peer support network for staff at the ODPP and the first point of contact for local colleagues to provide support and help facilitate access to support services. 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 they look after their own mental health. The members of the Wellbeing Taskforce meet 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. The ODPP rolled out a flu vaccination program at all offices again this year, providing a total of 347 vaccinations.

The Fitness Passport program remains popular, with 276 staff members holding a current fitness passport membership. The social aspect of the program has also had strong uptake, with 492 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. Three claims were lodged in 2023-2024, compared with five in the previous year. 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 are supported to 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. Fortnightly and Quarterly Claim reviews with the insurer QBE ensure all staff return to work as soon as they are deemed medically fit, with practicable and safe support and treatment.

Sick leave

Average sick leave per capita for the ODPP this year was 5.73 days, which remains below the public sector average.

Director's Service Excellence Awards

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

- **Individual Excellence Awards** to Scott Allan and Samantha Velcic
- **Regional Award** to Isabella Wildsmith
- **Legal Support Awards** to Raeesha Chand and Michael Stanculescu
- **Engagement Award** to Jillian Walshe
- **Service to Victims Award** to First Nations WAS team: Ruth Shinn, Tarney Weldon, Keishwa Riley, Kylie Simpson and Lisa Potter
- **Innovation Award** to Jacob Carlberg

- **Mentoring and Development Award** to James Staples
- **Teamwork and Collaboration Awards to:**
 - The MATTERS Project team: Bek Bird, Susan Ayre, Deb Horsley, Sam Chua, Adam Brown, Dieke Burge, Catherine Kirkpatrick, Simon Shelley and Rebecca Gilvear
 - The Edwards Trial team: Emma Sponza, Renae Howard, Aila Jappie, Jo Croker, Bea Woolford, Monika Knowles and Cassie Hurford.
- **Management and Leadership Awards to:**
 - Allison Gill
 - Kim Woodward
 - Jessica Rofe.

Appointments to the Bench

During the year, Deputy Senior Crown Prosecutor Miiko Kumar was appointed as a Judge of the District Court of NSW. Deputy Senior Crown Prosecutor Sean Hughes, and Crown Prosecutor Megan Heywood, were appointed as Magistrates of the Local Court of NSW.

Crown Prosecutor appointments

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

Solicitor Advocate appointments

Seven Solicitor Advocates were appointed this year, all of whom were promoted from within the Solicitor's Office.

Secondments

The ODPP continues to actively promote, support and encourage staff to participate in secondment opportunities where available. During the year, 21 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 ODPP through internal training and mentoring sessions.



Recruitment

Recruitment Statistics*	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
Senior Executive	0	0	0	0	1
Statutory Appointments	1	1	1	0	0
Crown Prosecutors	6	4	5	7	2
Solicitors	15	40	42	56	50
Administrative Staff	61	100	84	77	91
Total	83	145	132	140	144

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

Staff Numbers	30 June 2020	30 June 2021	30 June 2022	30 June 2023	30 June 2024
Statutory Appointments and Senior Executive	118.2	120.8	123.8	129.7	123.8
Solicitors	418.3	466.6	486.1	492.6	534.1
Administrative Staff	261.3	291.0	294.5	273.3	268.5
Total	798.8	878.4	904.4	895.6	926.4

Studies Assistance 2023-2024	
Number of Studies Assistance Participants	7
Total Study Leave days taken	123.61
Total Study Assistance Reimbursement	\$45,410

Attendance at internal in person or live online learning events 2023-2024		
Learning and Development Category	Sessions	Attendees*
Advocacy	4	117
Continuing Professional Development	25	1,270
Annual Solicitors Conference	14	537
Aboriginal Cultural Awareness	32	426
Induction	81	147
Leadership and Management	14	182
MATTERS Training	153	700
Wellbeing & DEI	7	72
Sexual Harassment - Changing Workplace Culture	8	127
TOTAL	395	3,635

* Attendee figures include multiple attendance at learning activities.

Attendance at external learning and development funded by the ODPP 2023-2024	
Number of Participants	80
Total Cost	\$142,022

Employee Engagement projects

As part of our ongoing commitment to improving the experience of staff, in 2023 the ODPP undertook a comprehensive Employee Engagement Review in partnership with the Nous Group. Staff across the organisation were consulted about their experience of working at the ODPP, to identify ways to strengthen engagement and wellbeing and reduce the impact of workload.

Collaborative workshops were held with diverse teams to generate, prioritise and design potential solutions they felt would be of most value to the ODPP. Eight solutions across five focus areas were approved for project development by the Transformation Board.

Focus Area	Project/s
Legal and administrative learning and development <i>Redesigning learning and development for legal and administrative staff</i>	1. Role-Mapped Training Develop tailored, role-specific training by reviewing the knowledge, skills and other attributes of all roles and existing resources. Identify and design training to address gaps.
	2. LSO Task-Specific Forum Development of a task-specific forum for Legal Support Officers (LSOs) to provide access to timely advice and support on practical questions.
	3. Review of current Mentoring Programs Review existing mentoring programs and provide an enhanced program that delivers expert guidance which will enhance capabilities, skills and knowledge.
Leadership and management development <i>Redesigning the leadership and management training programs to improve capability to manage workloads, resource effectively and lift team performance</i>	4. Leadership and management development program Produce a revised training program to develop current and future leaders and managers to instill confidence in staff through consistent application of managerial competency and provide an alternative career path.
Legal administration design <i>Clarifying and optimising the legal and administrative workflow for improved efficiency</i>	5. Legal Admin Task and Resourcing Review Review the prosecution lifecycle to implement clear delineation of administrative, paralegal and legal tasks. Develop a task allocation tool to provide enhanced support for legal administrative processes. Explore options for the use of AI in the performance of tasks. Review the prosecution lifecycle to implement clear delineation of administrative, paralegal and legal tasks. Develop a task allocation tool to provide enhanced support for legal administrative processes. Explore options for the use of AI in the performance of tasks.
Strategic transparency and visibility <i>Improving strategic transparency and visibility to foster trust and alignment between leaders and the ODPP</i>	6. Employee Engagement Meetings Implement regular and structured meetings at each office with Senior Executives to provide a forum for engagement with staff to build trust, address current staff issues and create a more cohesive ODPP.
Employee Recognition <i>Improving formal and informal recognition practices to create a culture of appreciation</i>	7. Recognition Newsletter and Development of a task-specific forum for Legal Support Officers (LSOs) to provide access to timely advice and support on practical questions.
	8. Revised ODPP Awards Produce an inclusive and regular ODPP-wide communication that acknowledges the outstanding efforts of staff to increase recognition, engagement and office connection. Review and expand the current Director's Service Excellence Awards to continue to acknowledge outstanding achievements. Improve the structure and consistency of the Length of Service Awards.

This year saw the commencement of seven projects, with the mentoring project to commence in the next financial year. ODPP Executives and other senior staff were assigned as project sponsors. Project Briefs were developed and approved, and expressions of interest to participate in project teams published.

The project teams held regular meetings, conducted internal surveys, interviewed and researched similar agencies, and tested and piloted solutions across the ODPP.

The Strategic Transparency and Visibility, Recognition Newsletter and Revised ODPP Awards projects have submitted final proposals to the Transformation Board for consideration. If approved, the implementation of these projects will begin early in the next financial year.

The projects align with and support the goals of the ODPP Strategic Plan in driving continual improvement for delivering prosecution services, services to victims and witnesses, and to our people.

We thank the many ODPP staff who have joined project teams to design and develop solutions and guide steps towards implementation. We also thank other staff that have participated in staff surveys, workshops and provided feedback to assist the project teams.

Diversity and inclusion

This year marked an important milestone in the ODPP's commitment to fostering a diverse and inclusive workplace, with the introduction of the new role of Diversity, Equity and Inclusion (DEI) Coordinator. Appointing a dedicated DEI Coordinator has enabled the ODPP to deliver a wide range of strategic initiatives, from policy development and awareness events to resources, training and sources of support. A dedicated DEI induction session was introduced into the induction for all new staff, underscoring the ODPP's commitment to DEI and to our staff at all stages of their career.

The ODPP's previous Diversity and Inclusion Working Group and five sub-groups were revitalised to ensure that they continue to achieve their priorities. The sub-groups were renamed Affinity Groups, while the Diversity and Inclusion Working Group was reorganised as a DEI Council made up of Affinity

Group Co-Leads. The Affinity Groups and DEI Council meet on a bi monthly basis. These meetings are an opportunity for participants to connect and be part of a network, while also driving towards strategic goals and learning from one another.

In addition, a new DEI staff intranet site was created and is regularly updated with information on DEI-related events, training workshops and opportunities for staff to contribute to DEI projects.

The regularity of these communications, combined with ongoing meetings between the DEI Coordinator and ODPP offices and groups, has helped to increase visibility of DEI initiatives and raised awareness of the important role of DEI in workplace culture and engagement.

The DEI Coordinator collaborated closely with the Learning & Development team to create and facilitate training sessions, including the newly developed Unconscious Bias Workshop. This workshop was developed in-house in response to the desire of staff to explore unconscious bias, a concept that is rarely discussed. The session is suitable for all ODPP staff and covers topics such as the definition, types and examples of unconscious bias; scenarios on how unconscious bias manifests in the workplace and in our line of work; microaggression; and ways to manage or mitigate risks associated with unconscious bias. Since April 2024 a number of workshops have been conducted, with positive feedback about the highly interactive and engaging nature of the sessions and content.

The ODPP is pleased to report on this year's DEI progress, achievements and upcoming plans, categorised by the dimensions of diversity.

First Nations

The ODPP's First Nations Advisory Group began meeting formally this year. The Group consists of 14 First Nations people with diverse backgrounds and experiences. 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 Group considers issues such as community engagement, a First Nations Employment Strategy for the ODPP, and expanded Aboriginal Cultural Awareness training for all ODPP staff.

The Group will continue to meet quarterly and provide the Director with advice and guidance on issues relating to First Nations affairs. The Director's independence is maintained, as none of the functions of the First Nations Advisory Group relate to the exercise of her prosecutorial discretion.

Prosecution team in historic first

Crown Prosecutor Damian Beaufls, a Gundungurra man, appeared in a special hearing at Parramatta District Court in November 2023, instructed by solicitor Zachary Wone, a Kabi Kabi and Australian South Sea Islander man. It is believed to be the first time that a First Nations Crown Prosecutor and solicitor have conducted a prosecution together in NSW.

Supreme Court Internship Program

This year our First Nations interns, Samuel Cox, Corey Blyth and Jackson Barry, participated in two-week placements with judges from both the Equity and Common Law divisions of the Supreme Court as part of the new Supreme Court Internship Program. The program was facilitated by Justice Dina Yehia, with the ODPP funding the attendance of our interns.

Cultural Awareness Training

Aboriginal Cultural Awareness training continued to be offered to staff 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 third annual First Nations Networking Day on 12 April 2024 at the ODPP's office on Dharawal Country at Wollongong. The event included a discussion with his Honour Judge Andrew Haesler SC and a bushtucker activity. First Nations staff had the opportunity to build peer support networks and connected for a yarning circle. Many staff who identify as First Nations attended, including legal staff and Witness Assistance Officers.

First Nations t-shirt

This year the ODPP supplied t-shirts for First Nations staff. The shirts were designed in consultation with the ODPP's First Nations Affinity Group and feature the artwork 'Holistic Journey of Life' by Wiradjuri man Luke Penrith. The First Nations shirts are available to all First Nations staff who wish to wear them.

Office-wide Cultural Supervision

In recognition of the complex workplace dynamic that exists for First Nations staff at the ODPP and the impact of cultural load, the Director approved office-wide cultural supervision for all staff who identify as First Nations. This provides them with access to ongoing cultural support and assistance, regardless of what role they hold at the ODPP. This initiative aims to help ensure the ODPP is a culturally safe space for First Nations staff and that they are properly supported in the workplace.

First Nations Legal Mentoring Program

The ODPP's First Nations Legal Mentoring Program, which supports the recruitment, retention and professional development of First Nations lawyers, is now in its second year. Due to increased interest, it was expanded this year to 10 mentor/mentee pairings. The program is open to First Nations lawyers and barristers throughout NSW, as well as to students undertaking a Bachelor or Master of Laws or Diploma in Law. ODPP staff are encouraged to apply.

The program matches mentees with experienced Crown Prosecutors, providing 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.

Welcome to Country

The ODPP was fortunate to host a number of Elders this year who delivered 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.

Central to this commitment is our new membership of ACON Pride in Diversity, the national not-for-profit employer support program for LGBTQ+ workplace inclusion. Through this membership, the ODPP receives advice, guidance and expertise to support best practice LGBTQ+ cultural inclusivity and to attract and retain talent through inclusive policies, practices and behaviours.

IDAHOBIT Day

On 16 May 2024, the ODPP hosted an online event in celebration of IDAHOBIT Day. IDAHOBIT stands for the International Day Against Homophobia, Biphobia, Interphobia & Transphobia. The event included a presentation about LGBTQ+ inclusion presented by ACON Pride in Diversity, followed by a panel discussion where staff shared stories and lived experiences of coming out.

Pride allyship pins

This year the Affinity group sourced Progress Pride flag pins, which staff can opt into receiving. The pin can be worn by staff who identify with the LGBTQ+ community, or allies.

The Progress Pride flag pin (rather than the more commonly known Pride flag pin) was selected by the group as it recognises not only LGBTQ+ identities but people of colour (the black and brown stripes on the pin) and intersex inclusion (yellow with purple circle). Displaying the pin recognises the intersectional nature of such identities and can help foster a sense of belonging for people of diverse genders and sexualities.

Disability and Neurodiversity

In response to feedback from staff about increasing visibility and awareness surrounding neurodivergent conditions and how they may appear in the workplace, the Disability Affinity Group expanded its scope this year to include Neurodiversity.

Once again, the ODPP renewed its Gold Membership with the Australian Network on Disability (AusDN) to build on progress from prior years. AusDN works with organisations and government departments nationally to increase their disability confidence.

Workplace Adjustment Policy

A key part of our membership with AusDN was the development of the Workplace Adjustment Policy and Procedure, which aims to establish clear processes for all staff to request, respond to, and implement workplace adjustments when required. These procedures are designed to retain staff who have or may acquire disability, and to facilitate the employment of skilled and talented job applicants with disability.

In March 2024, the ODPP collaborated with AusDN to collate staff feedback about the process of requesting, receiving and/or administering workplace adjustment requests. Fifty responses were received and AusDN conducted a follow-up workshop with key stakeholders to summarise the main themes of the responses. These included lack of awareness about the concept of adjustments, examples of workplace adjustments, and lack of understanding about invisible disabilities or neurodiversity.

In response to the survey feedback, the DEI Coordinator worked with the ODPP's Wellbeing and Safety Coordinator to develop and facilitate Workplace Adjustment information sessions. The sessions were designed to provide an overview and examples of what workplace adjustments are, the process of requesting and administering adjustments at the ODPP, and using JobAccess.

The ODPP will continue to leverage AusDN's expertise to help finalise our Workplace Adjustment Policy and Procedure.

Learning and Development collaboration

The ODPP continues to offer a wide range of in-person and online learning and development opportunities. An important consideration in this is accessibility. The Learning & Development team has added a diversity statement to the auto-generated notifications for training offered through the SuccessFactors learning management system. This enables staff to flag if they have any accessibility requirements ahead of the training. A similar diversity statement has been used when promoting communications about DEI events.

Recruitment

The ODPP continues to accommodate adjustments where possible throughout the recruitment process. This is promoted on the ODPP careers website as well as in external job postings.

Stepping Into Internship

The AusDN's 'Stepping Into' Program connects university students who have a disability with employers from different sectors. The program aims to provide students with practical experience and opportunities to make professional connections, as well as increasing their confidence in the workplace.

Since 2019, the ODPP has successfully hosted legal, human resources and administrative interns in paid internships as part of the program. In 2024, the ODPP hosted three interns: two in our Sydney office and one in our Campbelltown office. All three students enjoyed observing court, carrying out legal support and administrative duties, and learning from solicitors.

Women

The ODPP is committed to inclusive practice, combatting gender bias, and supporting and promoting women in the workplace.

Our Women's Affinity group worked hard this year to make International Women's Day (IWD) more accessible and inclusive. Instead of holding one main IWD event, the group ran multiple events in the lead up to the day, on 8 March 2024, to cater to staff availability. Events were also hosted in Parramatta and Newcastle and made available online, while intersectionality was considered when selecting speakers.

Intersectionality is the idea that individuals have multiple, overlapping identities which intersect to shape their unique experiences. With this in mind, the group was honoured to have Judge Miiko Kumar, who is culturally diverse, to speak at our Parramatta event and Loren Collyer, a First Nations woman, speak at our Newcastle event.

Additionally, in recognition of the 2024 IWD theme, 'Invest in women: accelerate progress', which was centred around economic empowerment, we were pleased to collaborate with TELUS Health to offer a Financial Wellbeing session as part of our IWD events.

The Women's group looks forward to providing further opportunities for female staff to connect and discuss different topics, from health to family, career planning and more.

Cultural and Linguistic Diversity

The ODPP is committed to promoting and supporting staff from culturally and linguistically diverse backgrounds.

This year, participation and engagement in our Cultural and Linguistic Diversity (CALD) Affinity group grew, indicating the interest in CALD initiatives at the ODPP. We were also pleased to have two culturally and linguistically diverse staff members step up to lead the group in its efforts to support staff from diverse backgrounds.

Awareness and education

Culturally and linguistically diverse staff across the ODPP focused on raising awareness of significant cultural events. For example, various staff members provided input for intranet posts on Lunar New Year, Ramadan, and International Day for the Elimination of Racial Discrimination (sometimes known as 'Harmony Day' in Australia). Held each year on 21 March, the day is a reminder of the responsibility we all bear to call out racism and to interrogate the various ways it operates. To honour the day, representatives from the ODPP's CALD Affinity Group attended the Law Society's networking event with keynote speaker, his Honour Magistrate Imad Abdul-Karim.

Legal practices

The DEI Coordinator worked with the Witness Assistance Service (WAS) team to develop and publish a quick reference guide on engaging interpreting services. The guide was designed to help our legal and WAS staff understand when an interpreter may be needed, how to book the services, and things to keep in mind when using such services.

For the upcoming year, the CALD Group looks forward to organising the inaugural CALD networking event – an opportunity for staff across the ODPP to connect and to raise awareness about the CALD Affinity Group.

The ODPP's Workforce Diversity Report is detailed at Chapter 5 of this Annual Report.

Chapter 3

Operations and Performance 2023 – 2024

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 16 Deputy Senior Crown Prosecutors (DSCPs), who are briefed in more complex matters.

The Sydney Crown Prosecutors' Chambers has 10 DSCPs. A DSCP based at Parramatta oversees Crown Prosecutors in Greater Western Sydney – Campbelltown, Parramatta and Penrith. Crown Prosecutors at Gosford and Newcastle are led by the Newcastle DSCP, while DSCPs are also based at Dubbo, Lismore, Wagga Wagga and Wollongong.

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 Groups.

The Solicitor's Office

The Solicitor's Office, which is headed by the Solicitor for Public Prosecutions, is structured into four regional areas: Sydney, Greater Western Sydney, Northern and Southern. Each of those regions has a Deputy Solicitor who is responsible for the management of 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 WAS 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, Bathurst, Bega, Bourke, Broken Hill, Coffs Harbour, Coonamble, Goulburn, Grafton, Griffith, Moree, Nowra, Orange, Parkes, Port Macquarie, Queanbeyan, Tamworth and Taree. ODPP solicitors appear at Local Courts across the state.

The Solicitor's Office also has several specialised groups located in Sydney: 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 Witness Assistance Service and 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 Groups, which prosecute appeals, provide high-level legal advice to the Director and represents the Director in interlocutory and other litigation. The Legal Resources and Library team maintains the ODPP 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 Office is supported by a Corporate Services Division comprising three groups, each led by a Director. Those groups are Human Resources, which includes Learning & Development; Information Management & Technology; and Finance & Facilities. All Corporate Services staff are located in Head Office in Sydney.

Summary review of operations

The significant operations of the ODPP are detailed in Chapter 2, Our Prosecution Services. Productivity statistics for the ODPP are noted at Performance Information.

Significant Committees

Executive Board

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

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

advise the Director on administrative and managerial aspects to ensure that it operates in a coordinated, effective, economic, and efficient manner

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

Management Committee

The Management Committee comprises the Director of Public Prosecutions (Chair), three Deputy Directors, Senior Crown Prosecutor, Solicitor for Public Prosecutions, Director Finance & Facilities and Chief Finance Officer, Director Human

Resources, Director Information Management & Technology, 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 & Facilities, Human Resources, Information Management & Technology, Crown Chambers and the Solicitor's Office and to initiate action where activity-related funding and resourcing issues are identified
- to discuss major policy decisions and other matters requiring referral to the ODPP Executive Board
- to serve as a forum for discussion by senior management of any matter affecting the operations of the ODPP, including the activities, challenges and initiatives of the various areas within the 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. There were some changes to the membership this year. Ian Gillespie was the Independent Chair until October 2023 when Jan McClelland was appointed. Mr Gillespie continued as a member until June 2024, when Wayne Evans commenced his appointment. We thank Mr Gillespie for his eight years' service to the Committee. Robyn Gray was an Independent Member throughout the year.

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

The Committee held six meetings during the year. Representatives of the Audit Office of NSW, the Deputy Director of Public Prosecutions in his capacity as the Chief Audit Executive, a Deputy Solicitor for Public Prosecutions in her capacity as Chief Risk Officer, the Director, Finance & Facilities and Chief Finance Officer, the Director, Human Resources, the Director, Information Management & Technology and the Wellbeing and Safety Coordinator attend meetings by invitation.

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

- risk management, including fraud and corruption prevention
- endorsement of internal audit plans cognisant of risk identification
- implementation of internal and external audit recommendations
- financial performance and financial statements
- business continuity planning
- workplace health and safety
- information management and technology
- legislative compliance, governance frameworks, policies and procedures.

During the year, Risk Management continued to be reviewed and monitored, inclusive of the implementation of the MATTERS project, the relocation of the Sydney Office to new premises and measures to enhance 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 and contributed to the ODPP's conduct of a Risk Maturity Assessment.

The 2021-2025 Strategic Internal Audit Plan 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 identified need. 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 Policy and 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 2023-2024 for the ODPP is found at Chapter 4, Risk Management.

Information Management Technology Committee (IMTC)

The Information Management Technology Committee (IMTC) is a sub-committee of the ODPP Management Committee and comprises the Director Information Management & Technology (Chair), Solicitor for Public Prosecutions, Director Finance & Facilities and Chief Finance Officer, Deputy Solicitor for Public Prosecutions (Legal), Deputy Solicitor for Public Prosecutions (Legal Operations), Deputy Solicitor for Public Prosecutions (Sydney), a nominated Crown Prosecutor representative and the IM&T Information Security Officer.

The ODPP IMTC has the overall responsibility for promoting and ensuring the 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, support funding proposals and provide support for allocation of resources for approved projects
- provide advice and recommendations on significant IM&T issues
- approve ODPP-wide information security policies, guidelines and procedures and ensure they are adopted within the ODPP
- review and approve acceptance of information management and technology treated risks rated high or extreme (when required)
- ensure all critical operational and security issues reported through the incident reporting process are resolved in a timely manner and avoid recurrence
- provide senior management support for the development, implementation, on-going operations and continuous improvement of an operational Information Security Management System
- provide updates to the ODPP Management Committee.

Transformation Board

The ODPP Transformation Board provides strategic direction to the ODPP to achieve continual improvement and efficiency gains across the agency. It is chaired by the Director of Public Prosecutions. Other members are the Solicitor for Public Prosecutions, Director Finance & Facilities and Chief Finance Officer, Director Human Resources, Director Information Management & Technology and the Senior Crown Prosecutor.

The Board complements the responsibilities and activities of the Management Committee and Executive Board. It ensures comprehensive management and coordination of strategic initiatives and provides holistic leadership, governance and oversight functions in line with the ODPP Strategic Plan. The Board directs ODPP priorities to meet operational and business needs to support and guide the Strategic Plan and future initiatives. It ensures that initiatives commenced are viable, achievable and will meet business needs and expectations.

This year the Board provided guidance and leadership to the internal Employee Engagement projects and has overseen the planning for the Sydney Office relocation.

The Board meets every two months, or as required.

Sydney Office Relocation Project Steering Committee

The Sydney Office Relocation Project Steering Committee is a sub-committee of the Transformation Board. It is chaired by the Director of Finance & Facilities and Chief Finance Officer, with representatives from Director's Chambers, Crown Chambers, the Solicitor's Office, ODPP Senior Executives, and Property and Development NSW.

The Sydney Office Relocation Project Steering Committee ensures the highest possible visibility, support and decision-making over the activities within this important project, including:

- monitoring the overall 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 relocation issues
- resolving resource and changing management conflicts
- providing direction and guidance to the Project Working Group and project team
- reviewing and approving key project documentation and making key project decisions.

The Committee meets at least monthly and more frequently, when required.

Land Disposal

The ODPP has no information to report.

Research and development

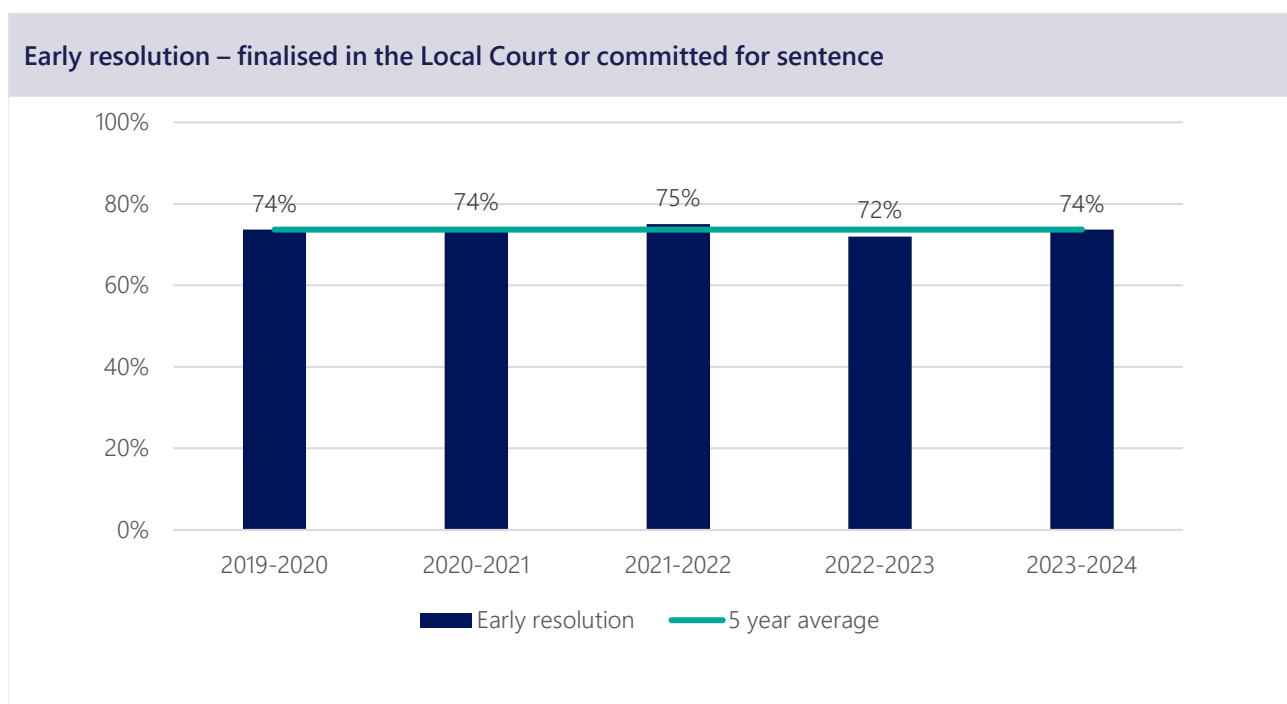
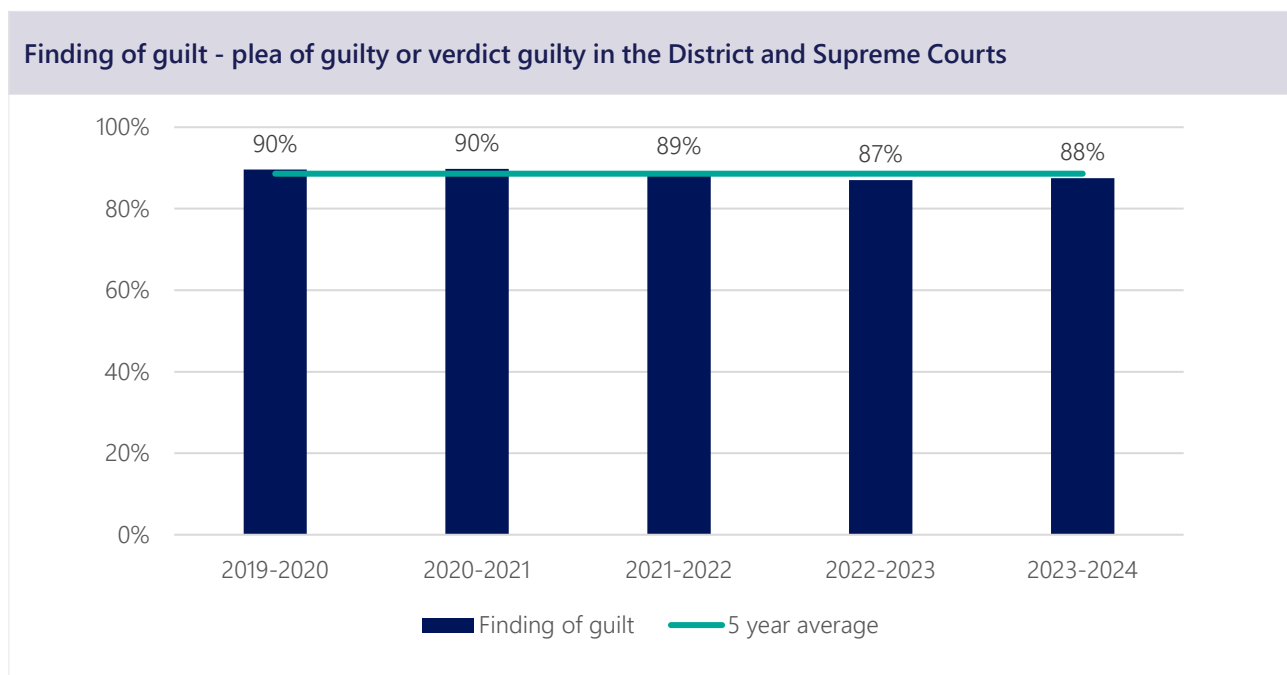
The ODPP has no information to report.

Implementation of Price Determination

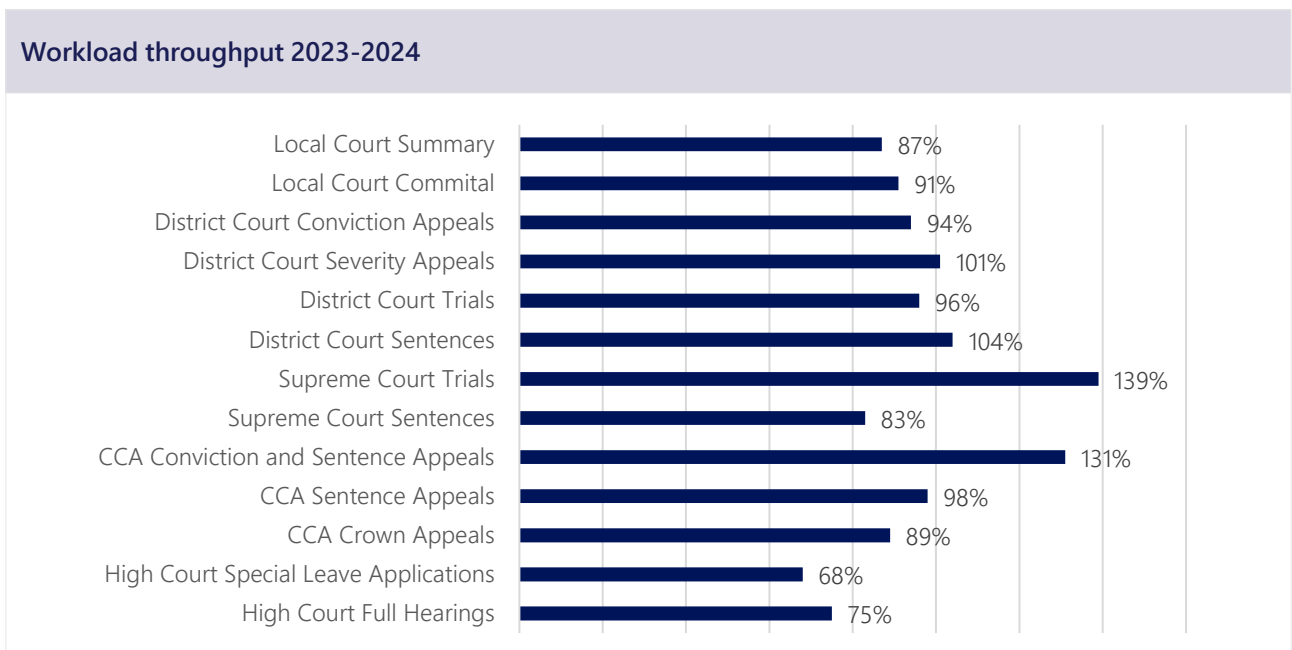
The ODPP has no information to report.

Performance Information

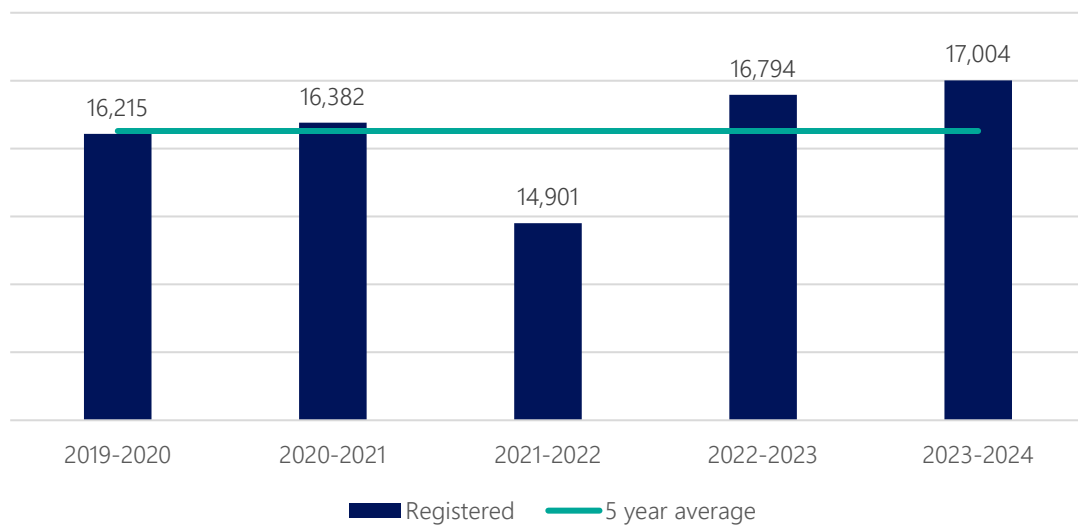
ODPP Productivity Statistics 2023-2024



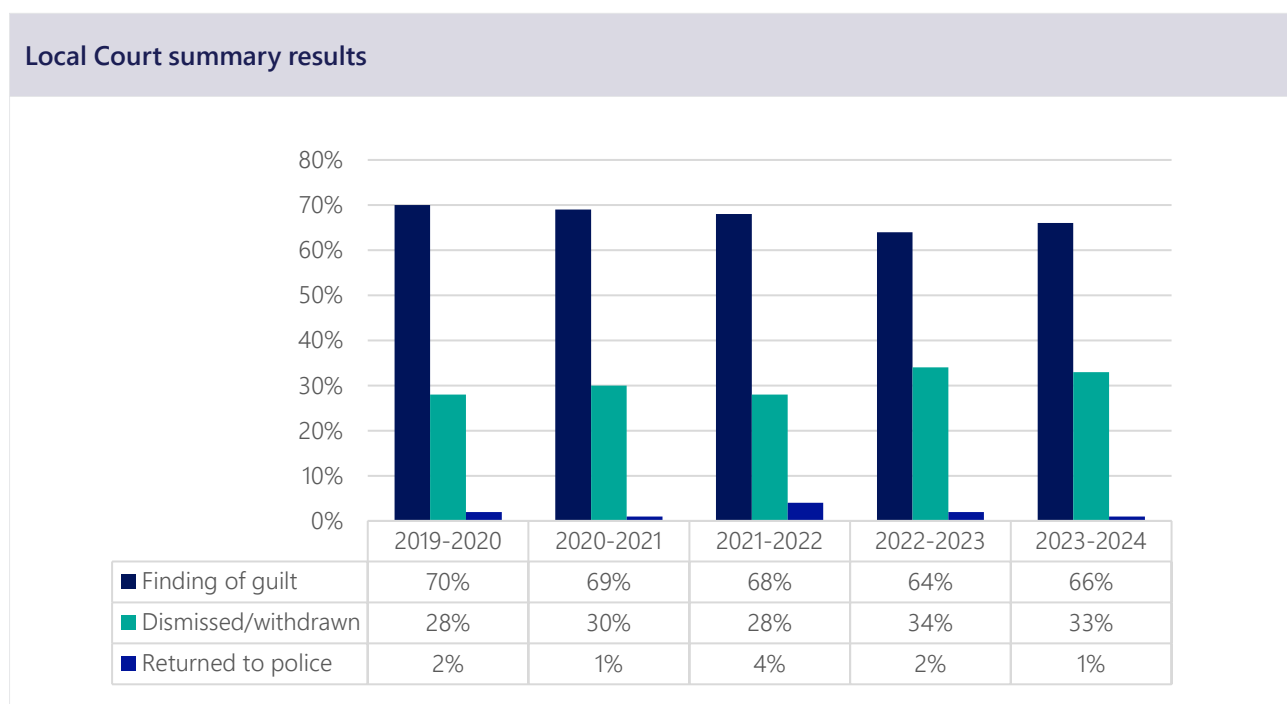
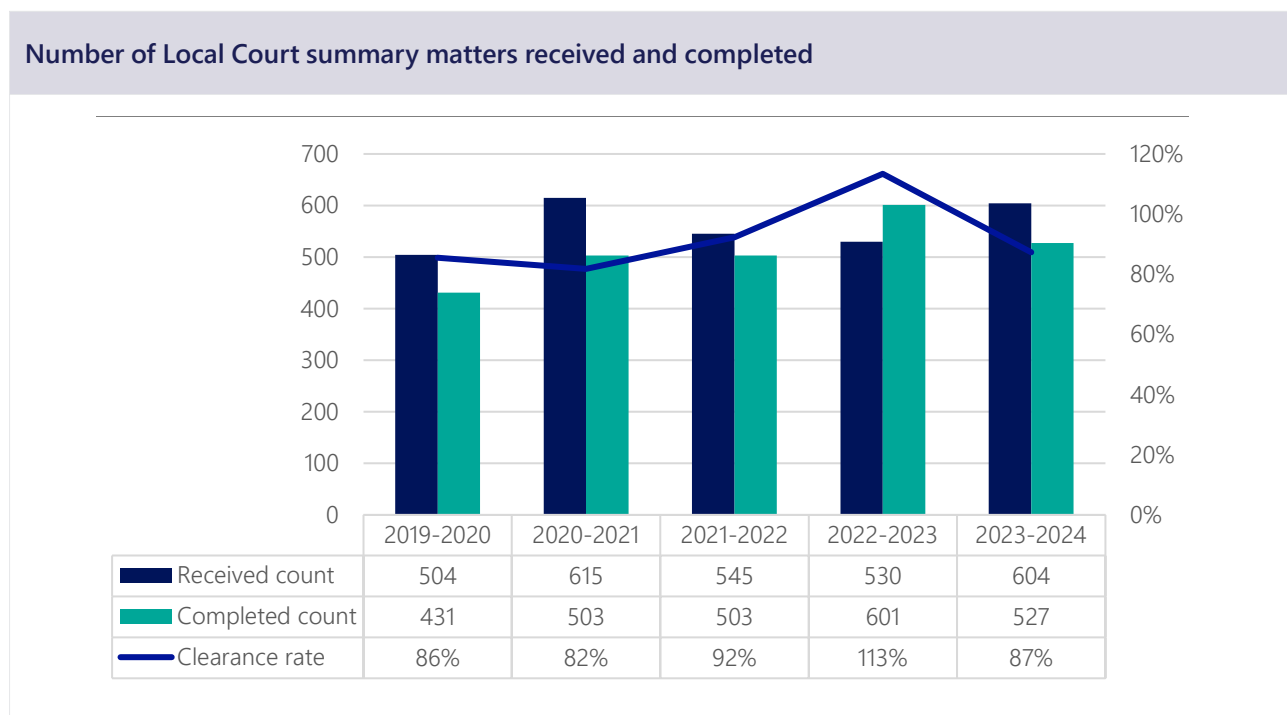
Workload throughput 2023-2024	Received count	Completed count	Clearance rate
Local Court Summary	604	527	87%
Local Court Committal	5,965	5,432	91%
District Court Conviction Appeals	1,017	953	94%
District Court Severity Appeals	5,027	5,059	101%
District Court Trials	1,186	1,134	96%
District Court Sentences	1,672	1,735	104%
Supreme Court Trials	31	43	139%
Supreme Court Sentences	12	10	83%
CCA Conviction and Sentence Appeals	78	102	131%
CCA Sentence Appeals	122	119	98%
CCA Crown Appeals	19	17	89%
High Court Special Leave Applications	25	17	68%
High Court Hearings	4	3	75%



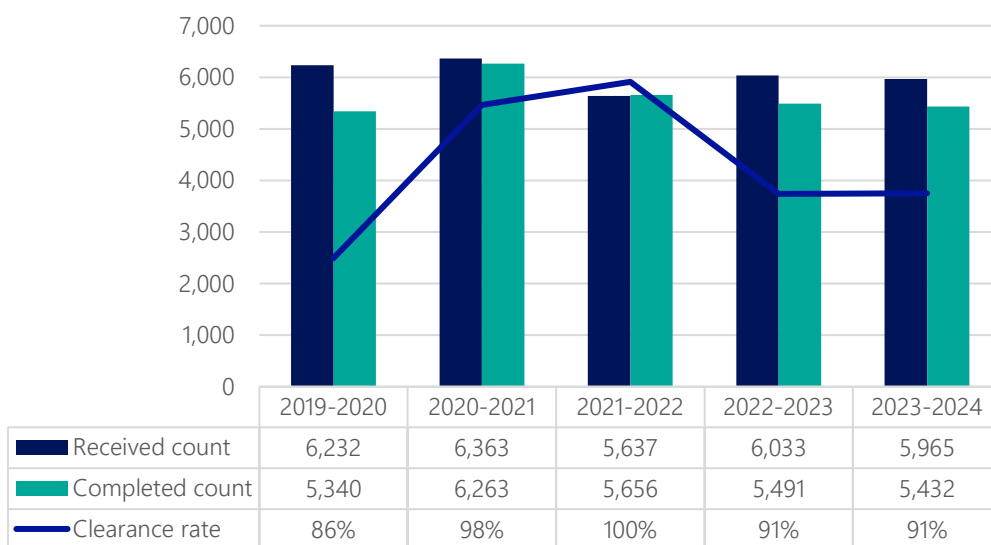
Total matters registered



Matters in the Local Court

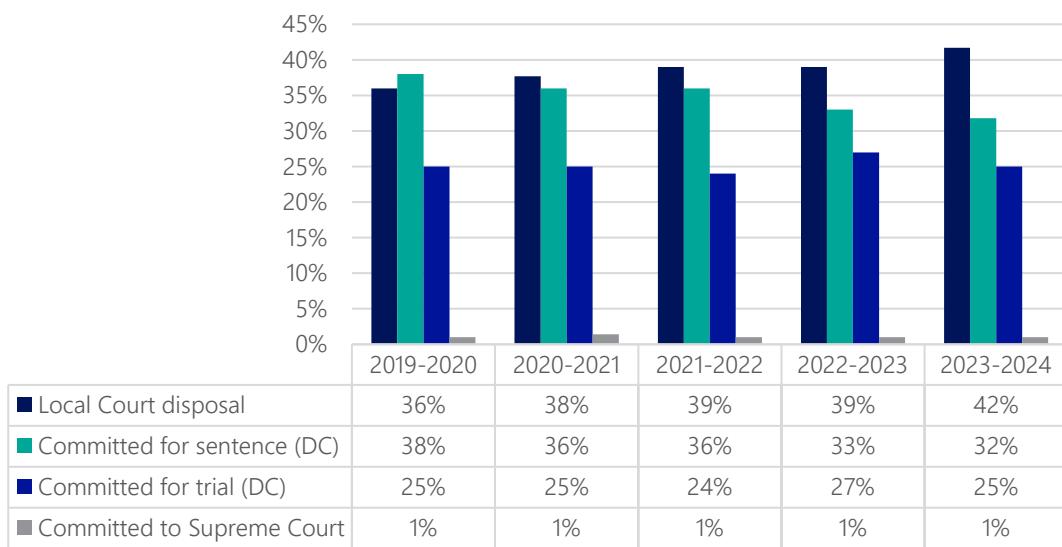


Number of Local Court committal matters received and completed

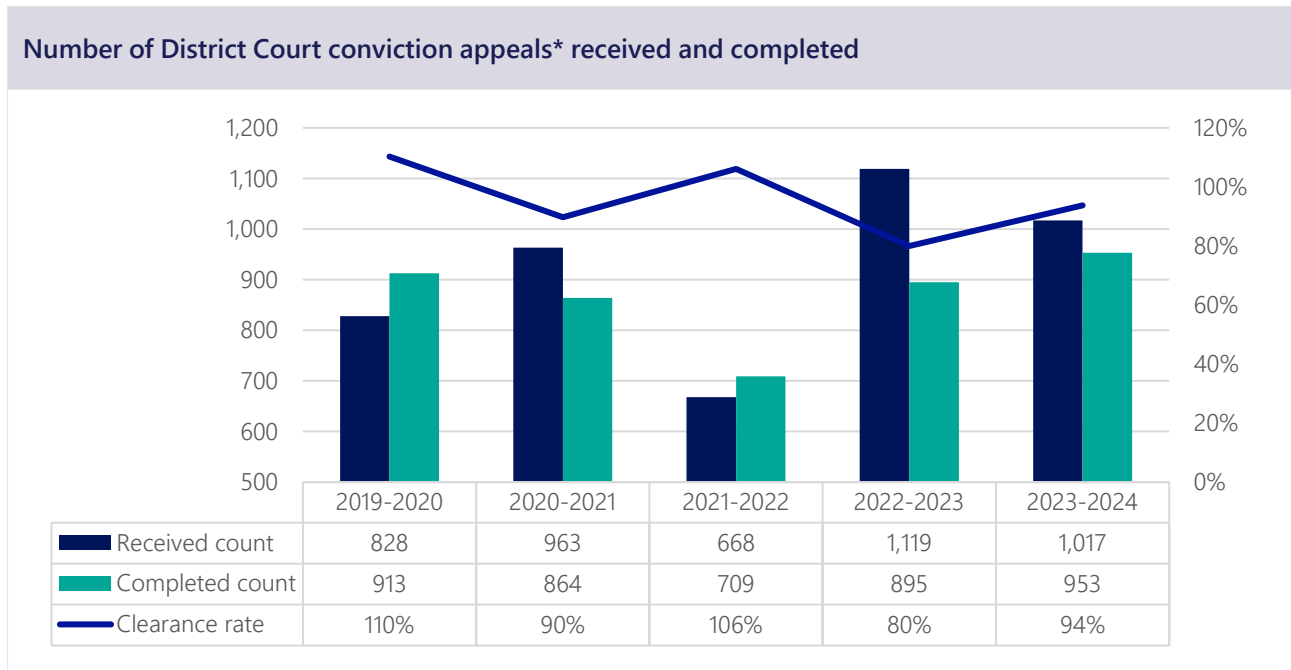


Local Court committal results 2023-2024		Number	%
Local Court disposal	Finding of guilt	1,225	23%
	Dismissed/withdrawn	391	7%
	Returned to Police	635	12%
	Referred to the Drug Court	31	1%
	Sub total	2,272	42%
Committed to the District Court	Sentence	1,726	32%
	Trial	1,380	25%
	Sub total	3,106	57%
Committed to the Supreme Court	Sentence	12	0%
	Trial	42	1%
	Sub total	54	1%
Total		5,432	100%

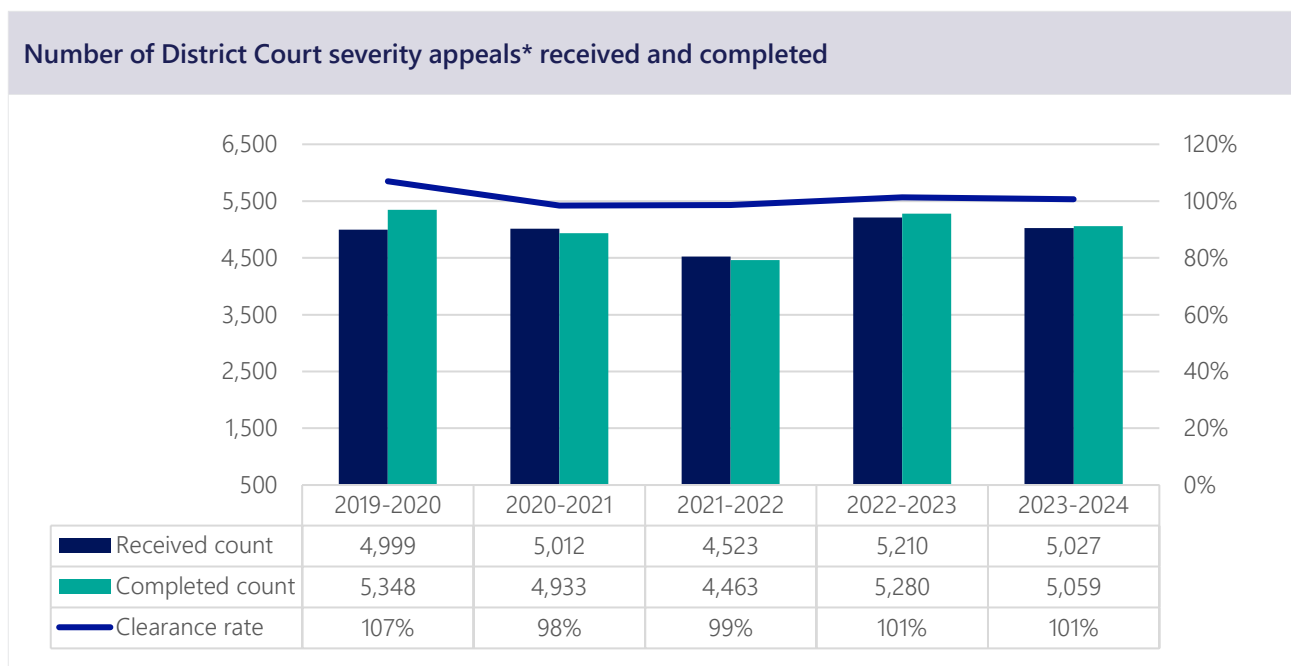
Local Court committal results



Matters in the District Court

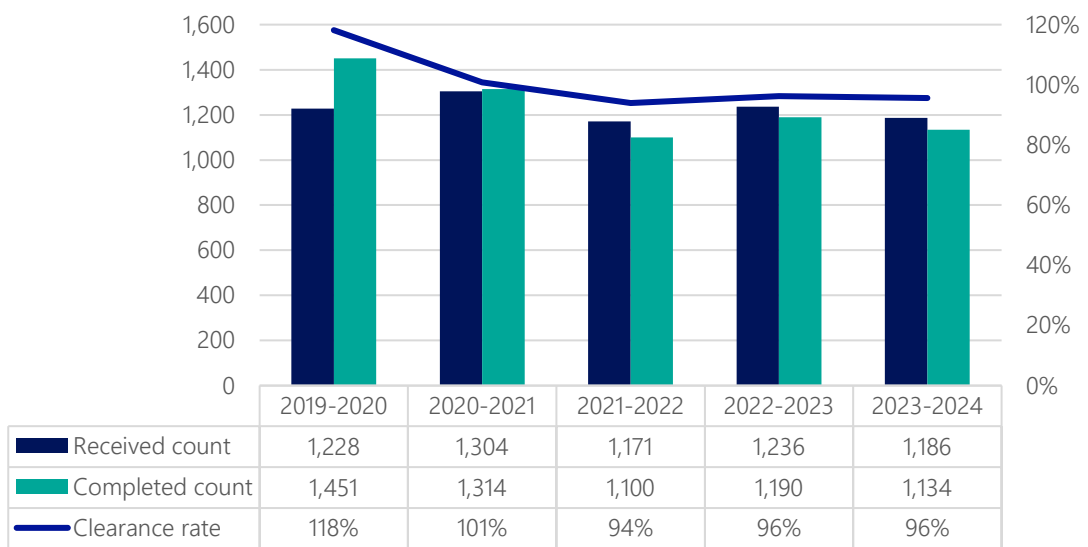


* Appeals from the Local Court

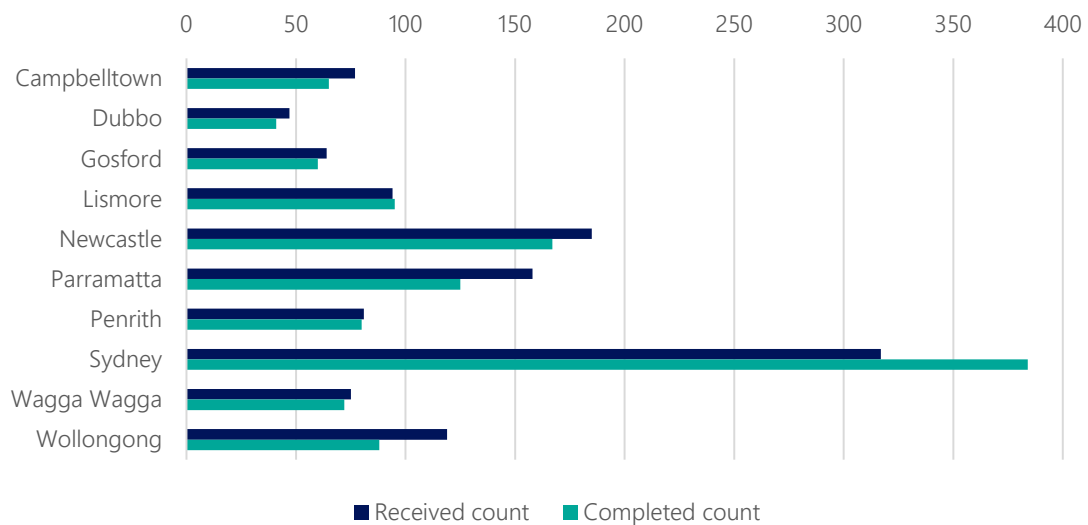


* Appeals from the Local Court

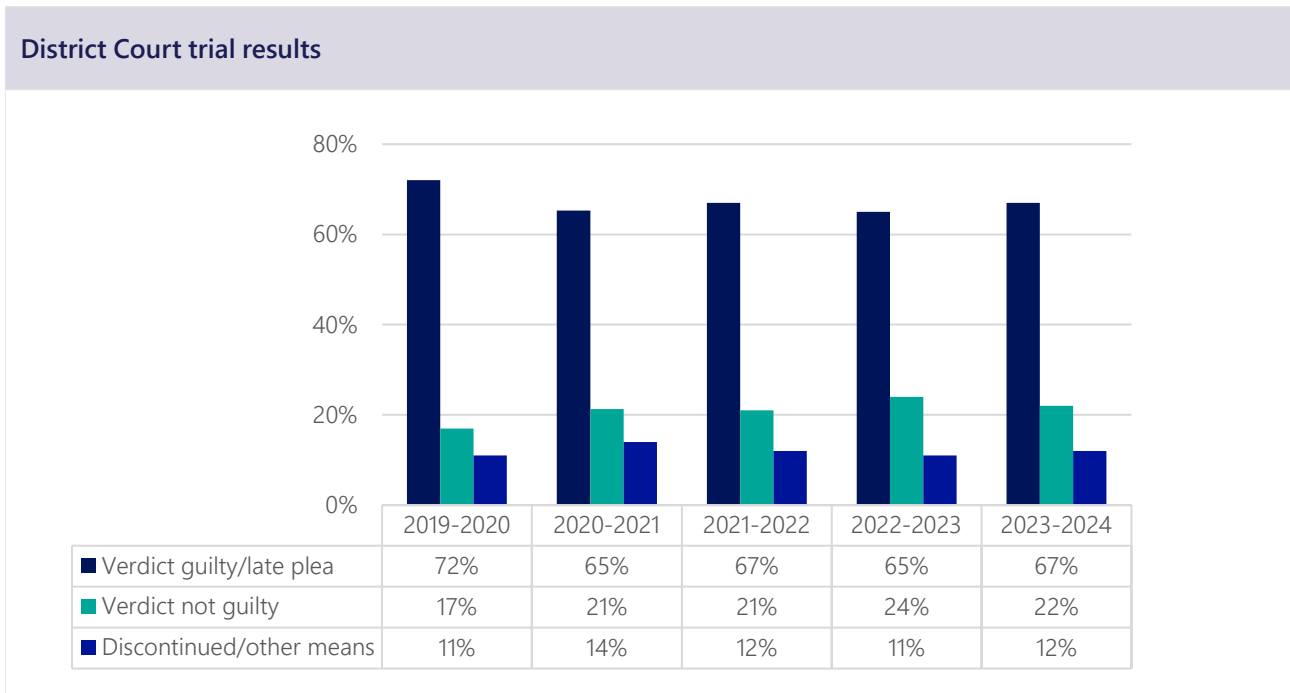
Number of District Court trials received and completed



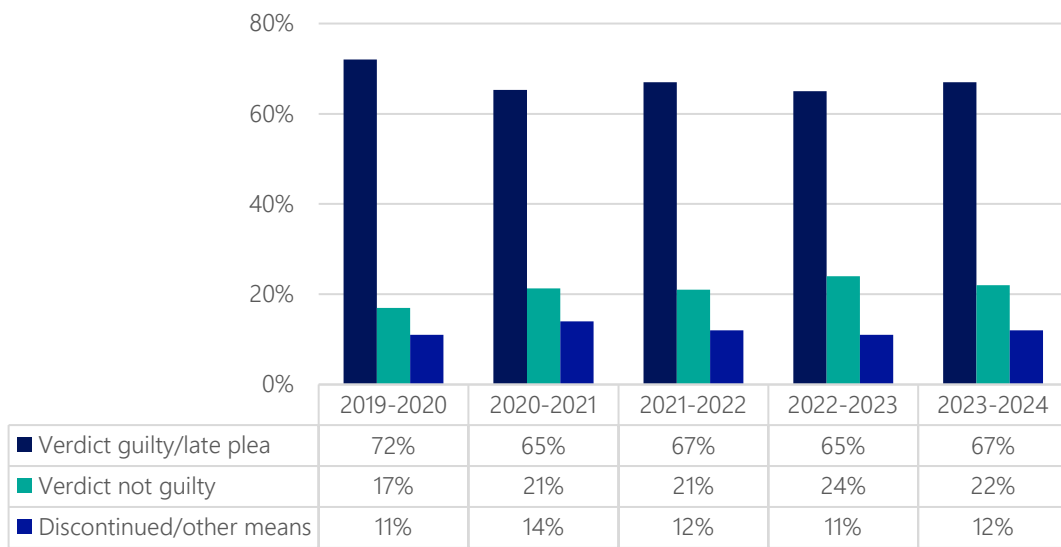
Number of District Court trials received and completed (by location) 2023-2024



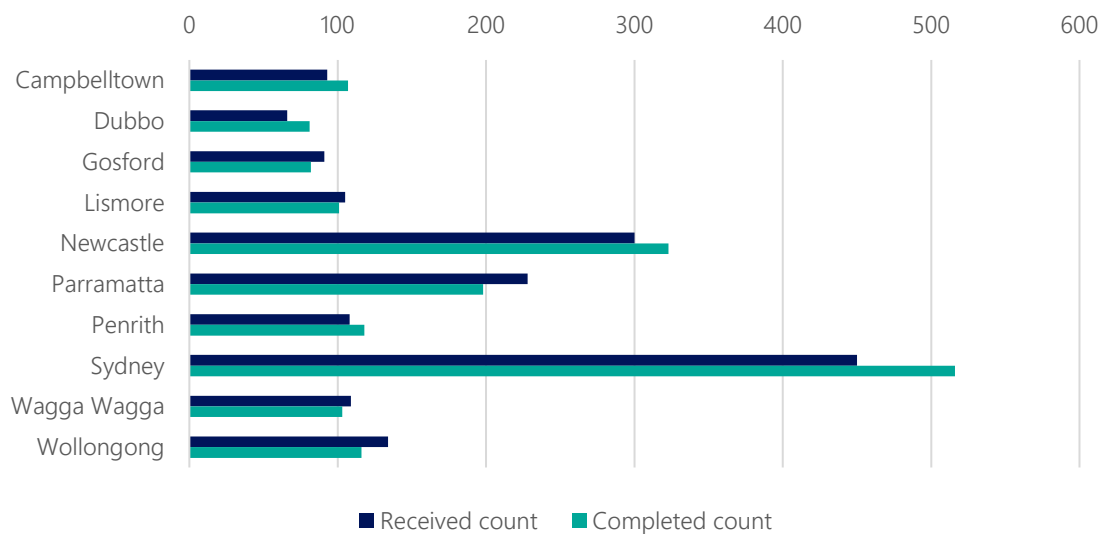
Results of District Court trials 2023-2024		Number	%
Late plea		472	42%
Trial	Verdict guilty	278	25%
	Verdict not guilty	247	22%
	Verdict by direction	5	0%
Discontinued/other means		132	12%
Total		1,134	100%



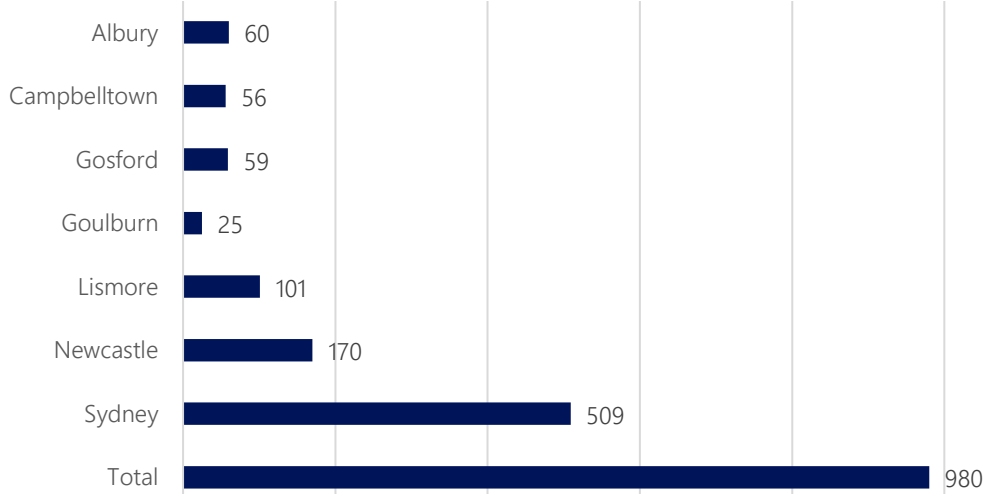
Number of District Court sentences received and completed



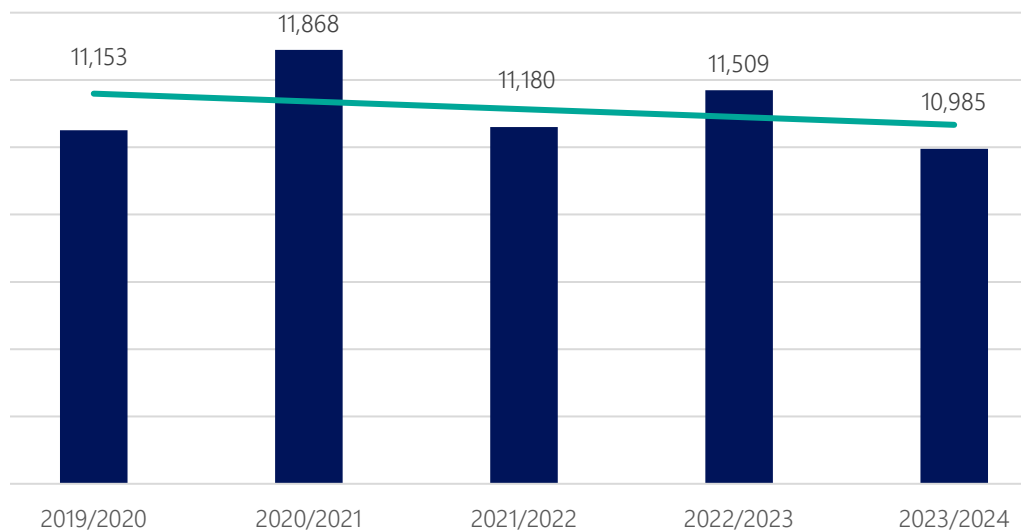
Number of District Court sentences received and completed (by location) 2023-2024



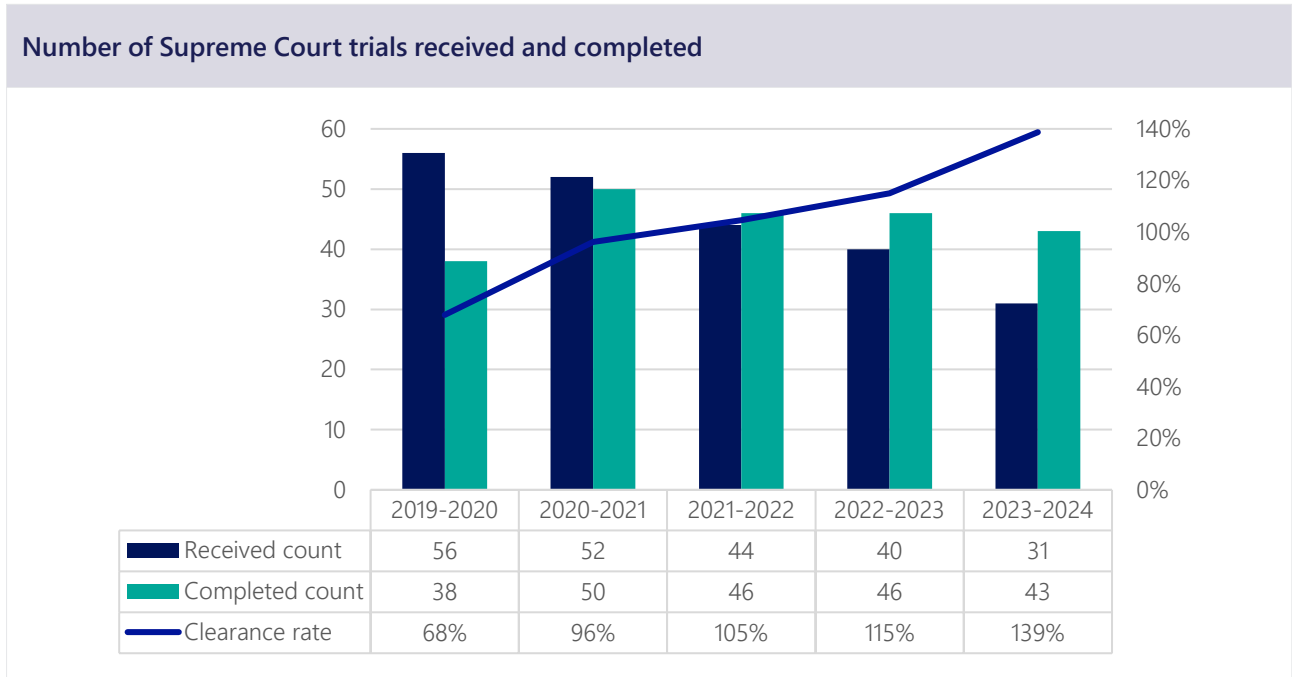
Super Callovers – District Court sitting days saved 2023-2024



District Court sitting days (actual)

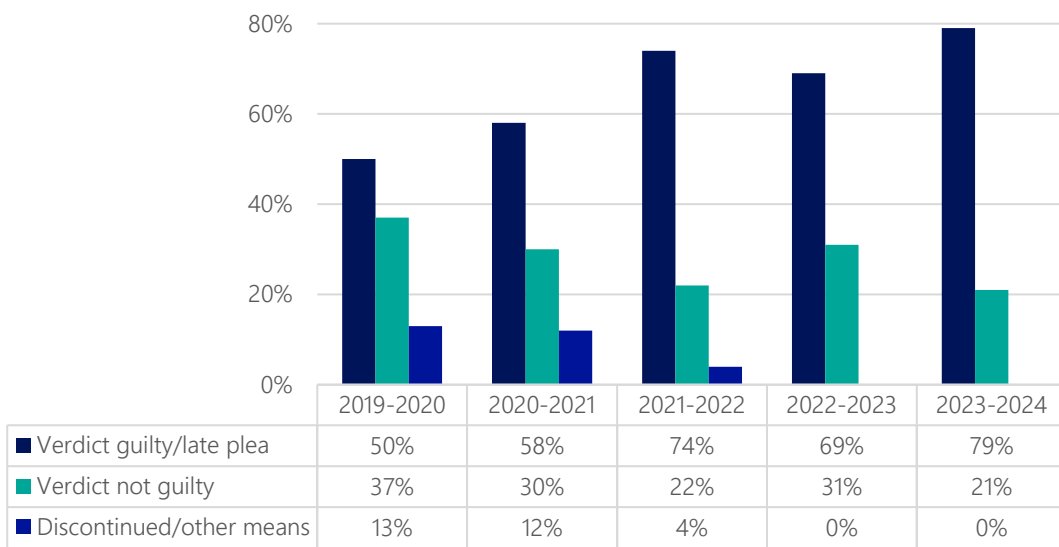


Matters in the Supreme Court

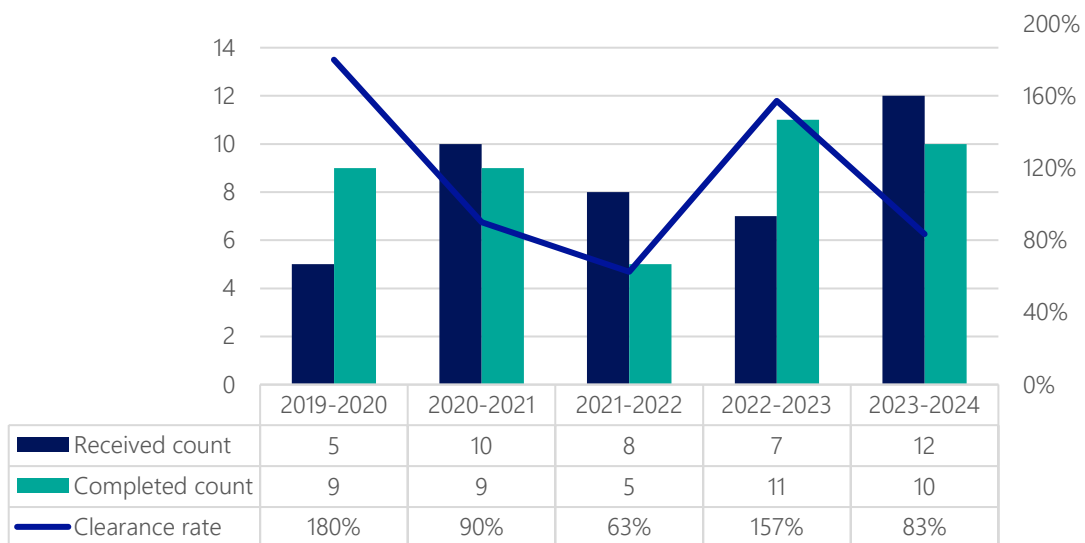


Supreme Court trial results 2023-2024		Number	%
Late plea		13	30%
Trial	Verdict guilty	21	49%
	Verdict not guilty	9	21%
Discontinued/other means		0	0%
Total		43	100%

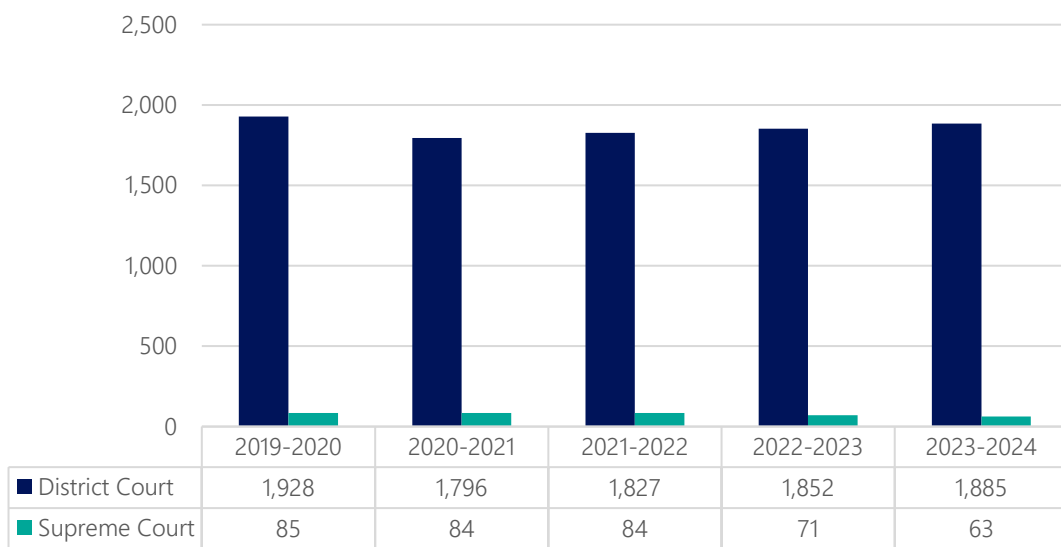
Supreme Court trial results



Number of Supreme Court sentences received and completed



Trials on hand at the end of the year



Matters in the Court of Criminal Appeal

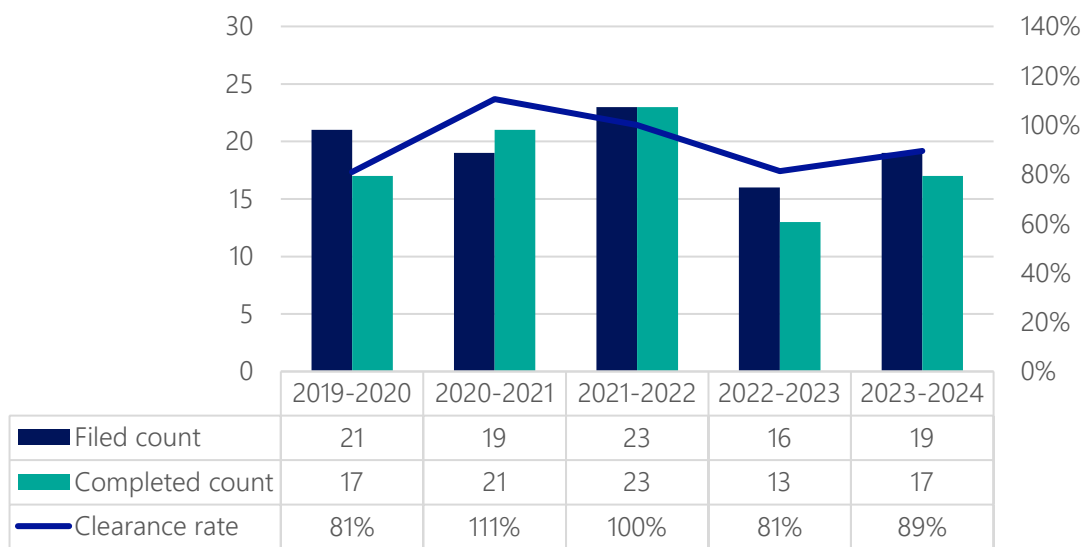
Completed Court of Criminal Appeal matters 2023-2024	Number
Crown interlocutory appeals	5
Defence interlocutory appeals	8
Crown appeals: inadequacy of sentence	17
Defence conviction (including conviction and sentence) appeals	102
Defence sentence-only appeals	119
Total	251

Results of Crown interlocutory appeals 2023-2024	Number	%
Allowed	4	80%
Dismissed	1	20%
Total	5	100%

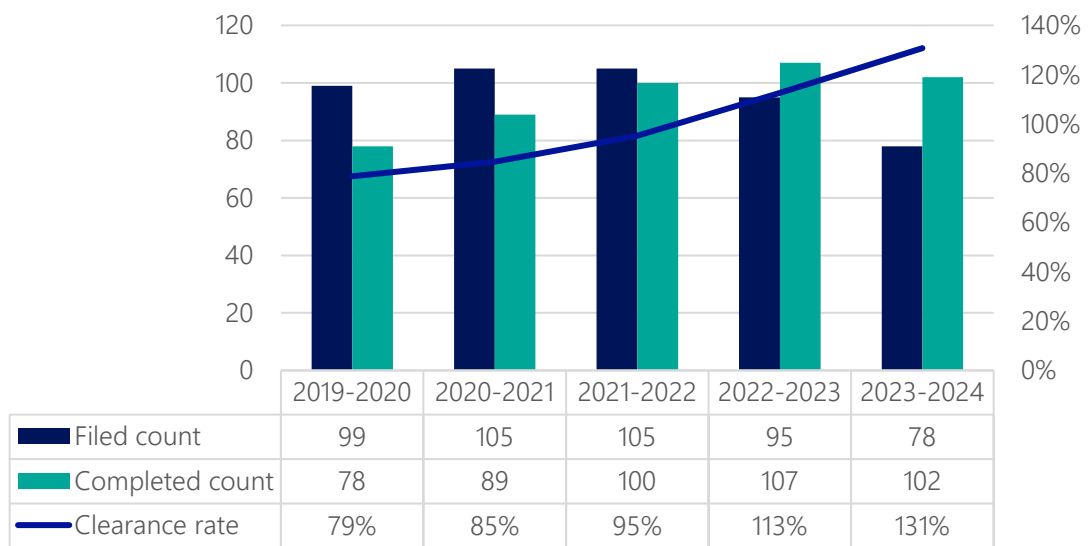
Results of Defence interlocutory appeals 2023-2024	Number	%
Allowed	2	25%
Dismissed	6	75%
Total	8	100%

Results of Crown appeals 2023-2024	Number	%	
Inadequacy appeals	Allowed	8	47%
	Dismissed	3	18%
	Abandoned	6	35%
Total	17	100%	

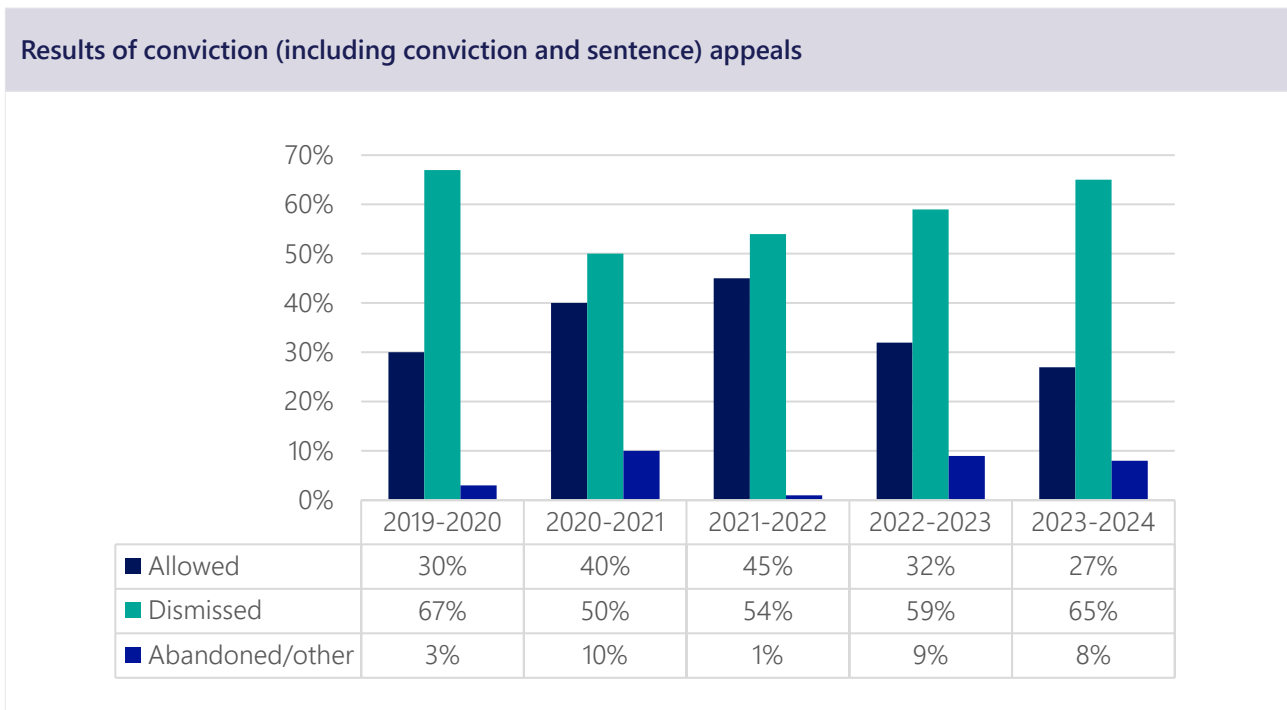
**Court of Criminal Appeal
Number of Crown appeals against inadequacy of sentence filed and completed**



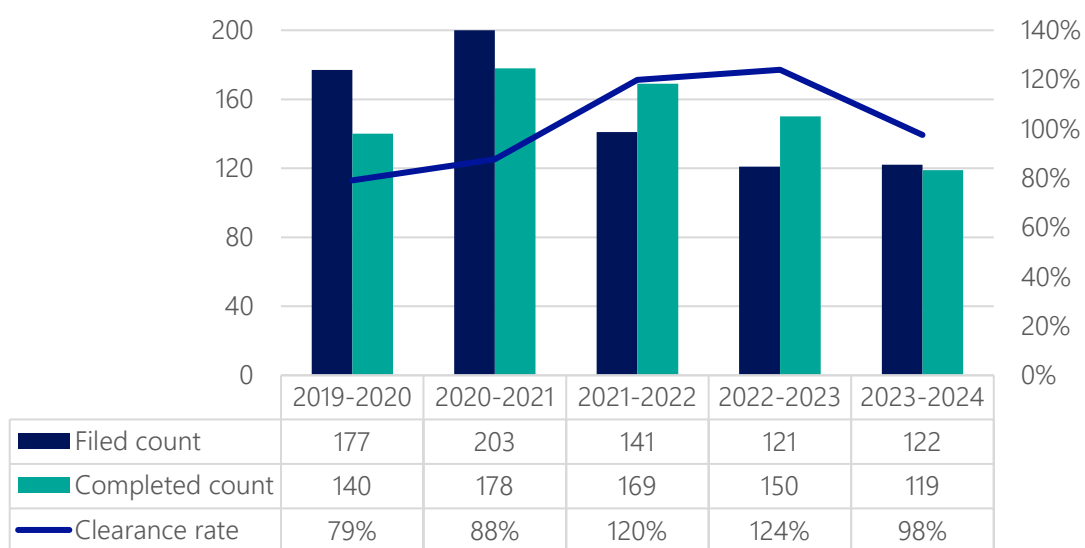
**Court of Criminal Appeal
Number of conviction (including conviction and sentence) appeals filed and completed**



Results of conviction (including conviction and sentence) appeals 2023-2024		Number	%
Allowed	Retrial	9	9%
	Acquittal	9	9%
	Allowed in part	6	6%
	Sentence varied only	2	2%
	Remitted to the District Court	2	2%
Abandoned/withdrawn		8	8%
Dismissed		66	65%
Total		102	100%

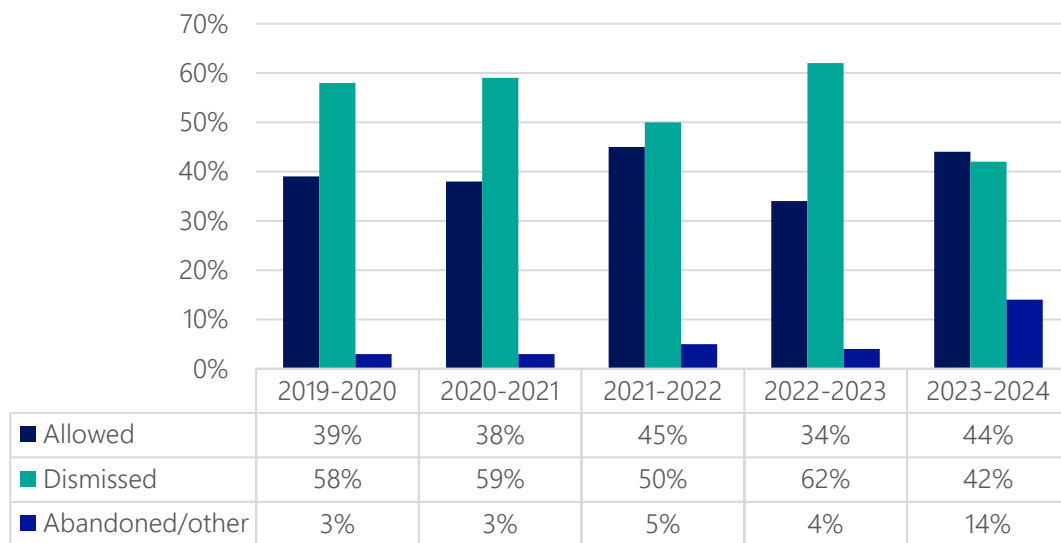


**NSW Court of Criminal Appeal
Number of sentence appeals filed and completed**



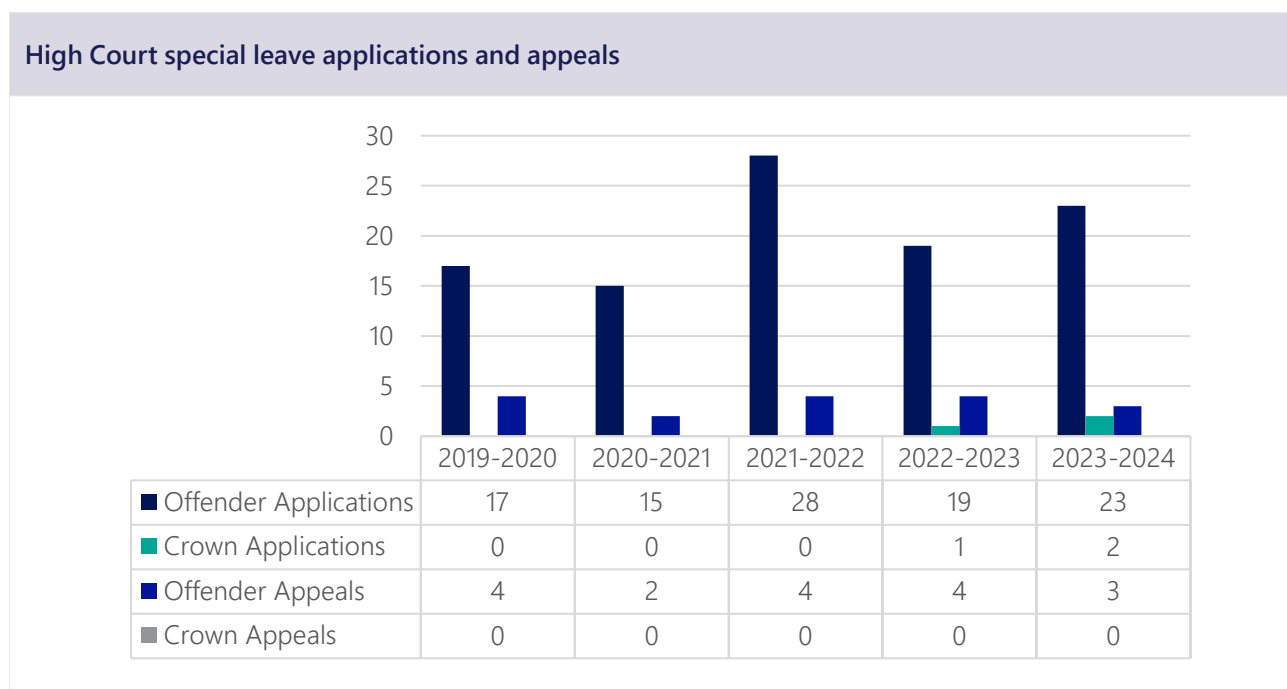
Results of sentence appeals 2023-2024	Number	%
Allowed	52	44%
Dismissed	50	42%
Abandoned/other	17	14%
Total	119	100%

Results of sentence appeals

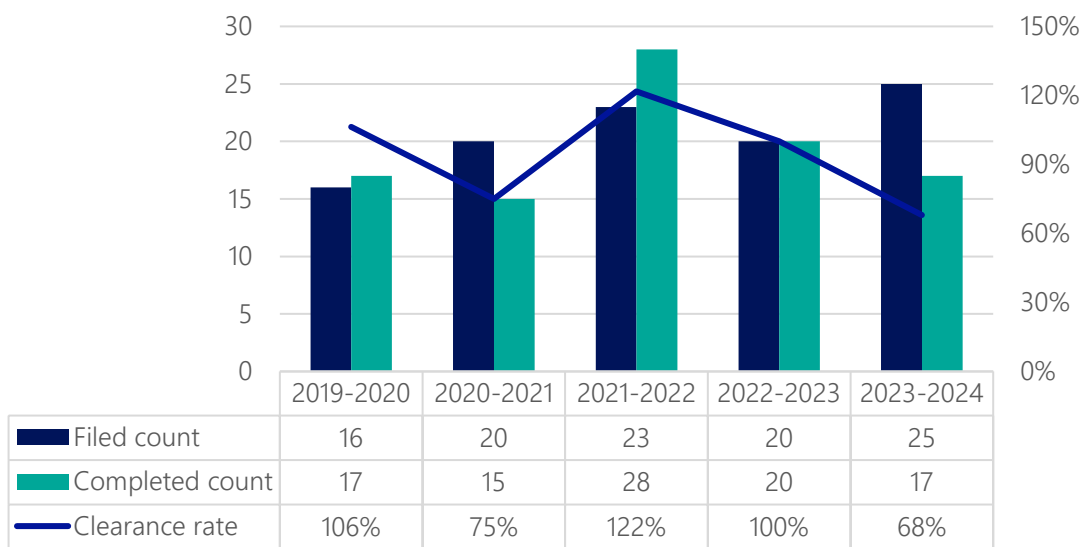


Matters in the High Court of Australia

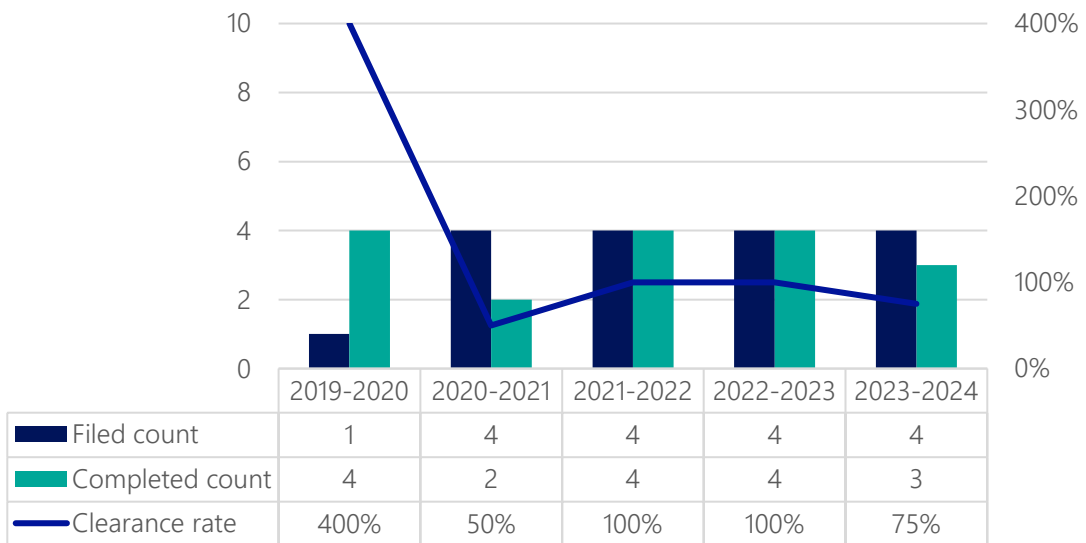
High Court special leave applications and appeals					
	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
Completed Applications for special leave to appeal					
Applications by the offender	17	15	28	19	23
Applications by the Crown	0	0	0	1	2
Hearings conducted after grant of special leave					
Appeals by the offender	4	2	4	4	3
Appeals by the Crown	0	0	0	0	0



Number of High Court special leave applications filed and completed

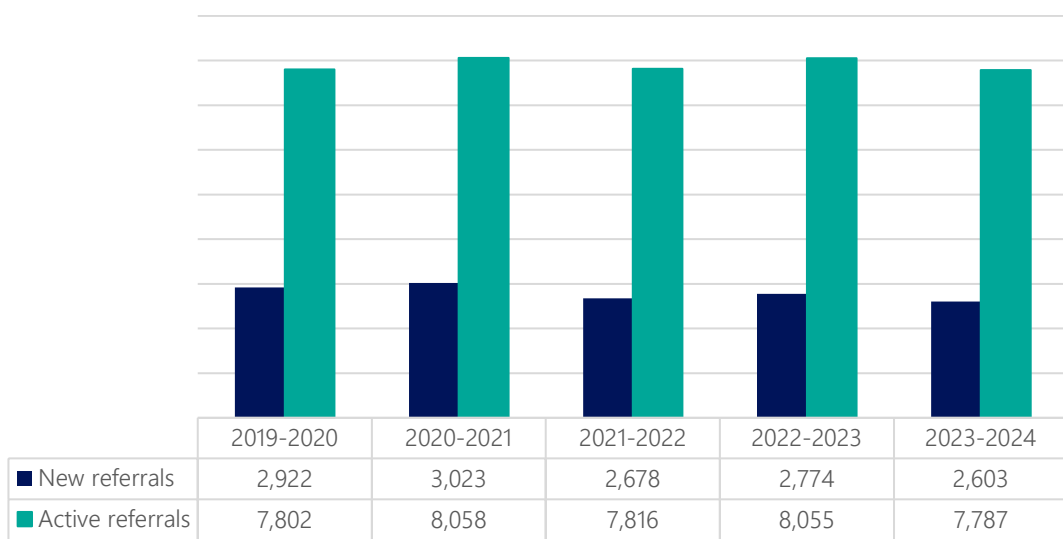


Number of High Court Full Court hearings completed

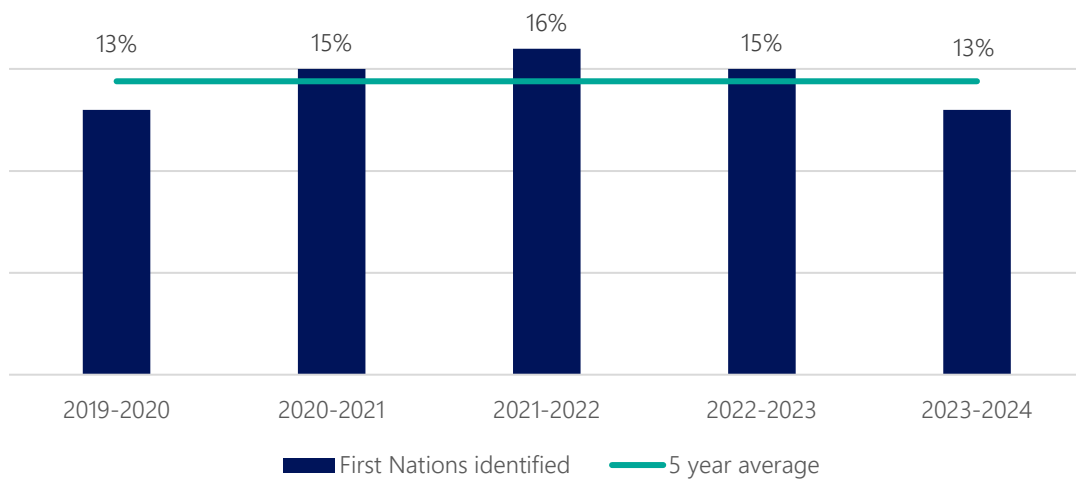


ODPP Witness Assistance Service

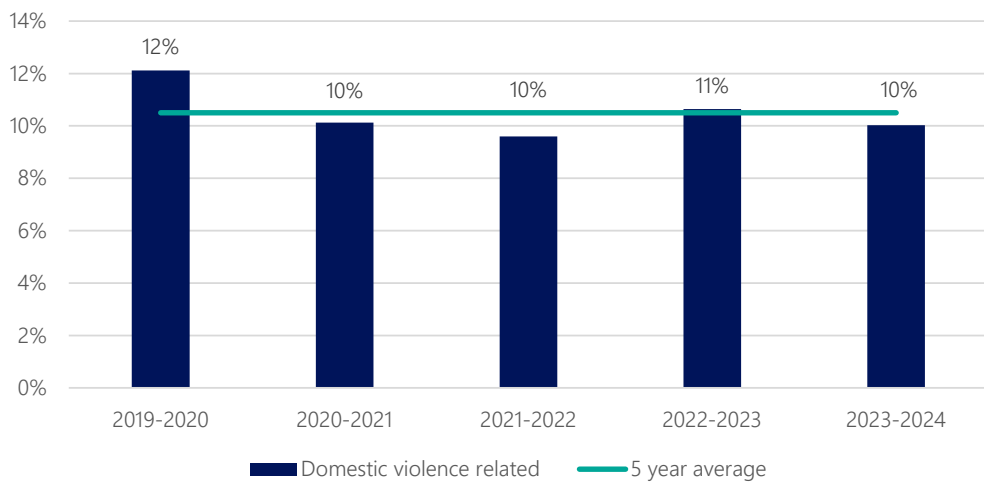
Witness Assistance Service referrals



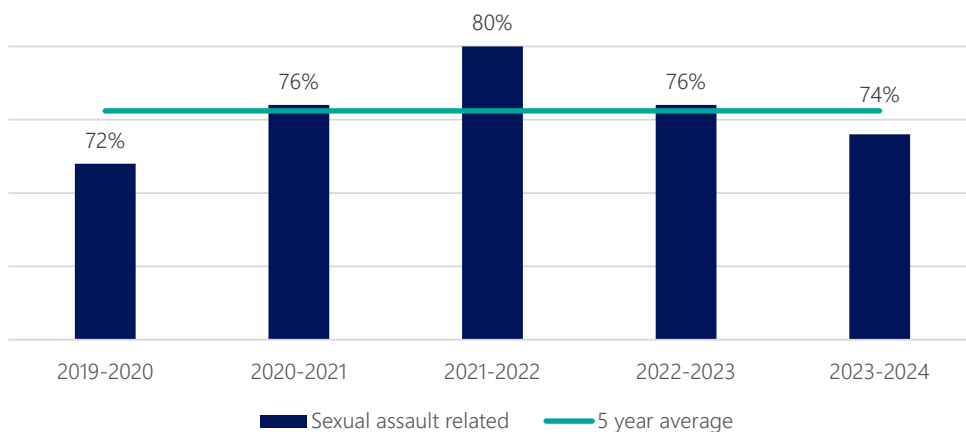
First Nations referrals as a percentage of new referrals



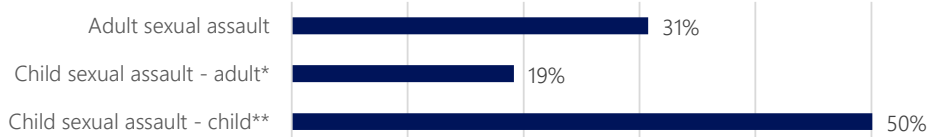
Percentage of new referrals relating to domestic violence



Percentage of new referrals relating to sexual assault



Sexual assault referrals by type 2023-2024



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

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

Chapter 4

Management and Accountability

Number and remuneration of Senior Executives

SES Band	30 June 2023					30 June 2024				
	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	245,064	2.38	15	7	8	240,247	2.36
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 2020	30 June 2021	30 June 2022	30 June 2023	30 June 2024
Statutory appointed and senior executive	118.2	120.8	123.8	129.7	123.8
Solicitors	418.3	466.6	486.1	492.6	534.1
Administrative staff	261.3	291.0	294.5	273.3	268.5
Total	798.8	878.4	904.4	895.6	926.4

Consultants

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

- Spencer Maurice was engaged to prepare a business case for forfeited flex time. The cost of the management service was \$94,000
- Spencer Maurice were also engaged to prepare a business case for a digital brief project. The cost of the management service was \$50,800
- Deloitte Consulting Pty Ltd were engaged to co-design the ODPP's Artificial Intelligence Strategy. The engagement cost was \$136,364.

Nine further consultants, each costing less than \$50,000, were engaged by the ODPP at a total cost of \$185,675.

Promotion

The Director of Public Prosecutions, Sally Dowling SC, attended the International Association of Prosecutors Conference in London, United Kingdom from 24 to 27 September 2023.

Crown Prosecutor Mark Hay attended the Pacific Prosecutors Conference in Fiji from 5 to 6 October 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

On 9 August 2024 a claim was lodged at the Industrial Court of New South Wales by the Public Service Association and Professional Officers' Association Amalgamated Union of NSW. The claim was also provided to the ODPP. The claim is for compensation for forfeited (previously unpaid) flex time and also unreported, and therefore unpaid, overtime for some Legal Officers dating back to 2016.

The value of this claim, and its likelihood of success, cannot be assessed at this point.

Risk Management and Insurance Activities

Risk Management

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

Insurance activities

Motor vehicles

The ODPP's 2023-2024 motor vehicle claims totalled 12, the total cost of which was \$37,342. This represents an average damage/loss net cost payment of \$3,112 per claim. The number of claims has decreased by nine, and the average net damage/loss per claim has decreased by \$1,960 compared to the previous financial year.

Property

There were no property claims lodged by the ODPP in 2023-2024 or in the previous financial year.

Miscellaneous

The ODPP had no miscellaneous claims for the 2023-2024 financial year. There were also no miscellaneous claims in the previous financial year.

Internal audit and risk management policy attestation

Internal audit and risk management policy attestation for the 2023-2024 financial year for the Office of the Director of Public Prosecutions

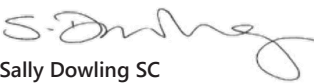
I, Sally Dowling SC, am of the opinion that the Office of the Director of Public Prosecutions has internal audit and risk management processes in operation that are compliant with the seven (7) core requirements set out in the Internal Audit and Risk Management Policy for the General Government Sector, specifically:


Core Requirements	Compliance
Risk Management Framework 1.1 The Agency Head is ultimately responsible for and accountable for risk management in the agency 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 Compliant
Internal Audit Function 2.1 An internal audit function has been established and maintained that is fit for purpose 2.2 The operation of the internal audit function is consistent with the International Standards for the Professional Practice of Internal Auditing 2.3 The agency has an Internal Audit Charter that is consistent with the content of the 'model charter'	Compliant Compliant 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 managements and control frameworks, and its external accountability obligations 3.2 The Audit and Risk Committee has a Charter that is consistent with the content of the 'model charter'	Compliant Compliant

Membership

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

- Jan McClelland, Independent Chairperson, 8 October 2024 – 7 October 2026; Independent member 1 September 2021 – 31 August 2024
- Robyn Gray, Independent member, 1 February 2018 – 31 January 2026
- Wayne Evans, Independent member, 1 July 2024 – 30 June 2027
- Ian Gillespie, Independent Chairperson, 8 October 2018 – 7 October 2023; Independent member 8 October 2023 – 30 June 2024.


Sally Dowling SC
Director of Public Prosecutions
 Date 25 October 2024


Frank Veltro SC
Deputy Director of Public Prosecutions
Chief Audit Executive (Audit and Risk)
 Date 25 October 2024

Compliance

Privacy and Personal Information

2023-2024 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

2023-2024

Obligations under the GIPA Act and clause 8 of the GIPA Regulation 2018

Review of proactive release program – Clause 8(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. It was conducted by the ODPP's Right to Information Officer on 6 December 2023.

Our agency's program for the proactive release of information involves review of material that may be published on the ODPP website. Some policies on the website were added and others replaced with new versions. An Agency Information Guide on the ODPP website details ODPP publications that are available upon request.

Number of access applications received – Clause 8(b)

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

One application which was not invalid resulted in a determination that involved partial disclosure, a partial conclusion that there were public interest factors against disclosure as listed in the table to s 14 of the Act, and a decision not to deal with part of the application.

The second application which was not invalid was from the media. The ODPP did not hold the information requested.

Number of refused applications for Schedule 1 information – Clause 8(c)

During the reporting period, the ODPP refused no access applications either wholly or in part because the information requested was referred to in Schedule 1 to the GIPA Act (information where there is a conclusive presumption of an overriding public interest against disclosure).

Statistical information about access applications – Clause 8(d) and Schedule 2

During the reporting period, the ODPP received 55 applications which were found to be invalid due to the request being for 'excluded information' of the agency applying Schedule 2 clause 1. Of these, 52 requests were from members of the public, 46 of which were made by a legal representative on behalf of that person. Two of these requests were from the media.

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

There were two applications for review under Part 5 of the Act. After the internal review the decision was upheld.



Public Interest Disclosures

There were no disclosures made in 2023-2024.

The ODPP published a new Public Interest Disclosure Policy to coincide with the commencement on 1 October 2023 of the *Public Interest Disclosures Act 2022* (NSW). This is published on the ODPP's internal and external websites.

To accompany the new Act, the Director recorded a video to promote the new policy to all staff and encourage a 'speak up' culture at the ODPP. The ODPP provides training on Public Interest Disclosure procedures to all new staff at induction. Every ODPP office has a Disclosure Officer, and their names and contact details are listed at the back of the policy. All managers and Disclosure Officers have received mandatory training in handling Public Interest Disclosures.

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, 12 related to the conduct of a member of staff, nine related to court proceedings including the outcome of cases, four related to prosecutorial decisions, three related to the ODPP's response to a previous complaint filed, one related to witness expenses, one related to a request from a Judge's Associate of the District Court in relation to an ODPP template and one related to a nil response from relating to a *Government Information (Public Access) Act 2009* request. 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 the right to request a review are to be informed of this in writing when they are notified of the decision. This year, 14 requests were received.

Other Information

In the 2023-2024 financial year the ODPP incurred \$728.20 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

In conjunction with the Australian Network on Disability, the ODPP will continue work on an Accessibility Action Plan. The successful development this financial year of the Workplace Adjustment Policy and Procedure positions the ODPP well for the future launch of the Accessibility Action Plan.

Modern Slavery Act 2018 reporting

There The ODPP has an obligation to take reasonable steps to ensure that goods and services procured by and for the ODPP are not the product of modern slavery.

No concerns were raised by the NSW Anti-slavery Commissioner during the 2023-2024 financial year regarding the ODPP's operations, nor were any contentious issues raised by the Commissioner.

Since the inception of the *Modern Slavery Act 2018* (Cth), the ODPP has ensured that goods and services procured for and by the ODPP are compliant. These steps include:

- participation in Portfolio-led Modern Slavery Policy development. Progress is underway to implement an independent Modern Slavery Policy in 2024-2025 that aligns with the NSW Ant-Slavery Commissioner's Guidance on Reasonable Steps (GRS) and the Commissioner's policy template
- promoting awareness to the ODPP procurement team of the GRS to manage modern slavery risks in operations and supply chains
- predominantly procuring goods and services through NSW Government schemes and contracts which include the GRS model tender clauses if a procurement is assessed as high-risk, requiring heightened modern slavery due diligence, or lower risk requiring light, minimal or standard modern slavery due diligence

- procuring goods and services by utilising standard NSW Government contracts, which are being updated to include the GRS model contract clauses when required, consistent with the above.

Work Health and Safety

The ODPP was not required to report any incident under the *Work Health and Safety Act 2017*. There were three workers compensation claims lodged during the year. Further information on the ODPP's Health and Wellbeing initiatives are detailed in Chapter 2.

Workforce Diversity

Portfolio	Reporting Entity
Communities and Justice	Office of the Director of Public Prosecutions

1. Size of agency (headcount)	2022	2023	2024
Non-casual Headcount as Census Date	937	956	968
Non-casual Headcount as Census Date (year on year %)	2.4%	2.0%	1.3%
Headcount as Census Date	937	956	968
Census Head Count (year on year %)	2.4%	2.0%	1.3%

The percentage change is set to display as '*' if a percentage change cannot be calculated. This occurs in cases where the previous year's value is 0 and the current year is a different number. Where percentage change is * the actual values should be reviewed in the relevant years.

2. Workforce Diversity Survey Response Rate (non casual)	2022	2023	2024
Non-casual Headcount as Census Date	937	956	968
Non-casual Workforce Diversity Survey Respondents at Census Date	837	869	764
Response Rate	89.3%	90.9%	78.9%

Note: Survey Respondents are employees who have provided an answer for any of the Workforce Diversity questions, whether they have chosen to withdraw their response or not. In other words, a respondent is an employee with at least one non-missing value for the set of Workforce Diversity questions.

3. Workforce Diversity Actual Staff Numbers (non-casual Headcount at Census Date)						
Remuneration level of substantive position	Total Staff (Men, Women and unspecified)	Respondents	Men	Women	Unspecified gender	
\$0.00 - <\$53826.00	2	1	0	2	0	
\$53826.00 - <\$70694.00	13	6	2	11	0	
\$70694.00 - <\$79032.00	89	70	12	77	0	
\$79032.00 - <\$100011.00	223	138	55	168	0	
\$100011.00 - <\$129331.00	210	176	45	165	0	
\$129331.00- <\$161663.00	271	233	95	176	0	
> \$161663.00 – Non SES	146	127	81	65	0	
\$161663.00 – SES	14	13	6	8	0	
Total	968	764	296	672	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
\$0.00 - <\$53826.00	2	0	0	0	0	0
\$53826.00 - <\$70694.00	13	0	0	1	1	0
\$70694.00 - <\$79032.00	89	2	16	17	5	1
\$79032.00 - <\$100011.00	223	3	23	14	4	0
\$100011.00 - <\$129331.00	210	5	36	34	5	2
\$129331.00- <\$161663.00	271	0	37	34	11	1
> \$161663.00 – Non SES	146	1	13	7	4	2
\$161663.00 – SES	14	0	2	2	1	0
Total	968	11	127	109	31	6

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

4. Workforce Diversity Actual and Estimated Staff Numbers (Non-casual Headcount at Census Date)							Estimated (Diversity Metrics only)	
Remuneration level of substantive position	Total Staff (Men, Women and unspecified)	Respondents	Men	Women	Unspecified gender			
\$0.00 - <\$53826.00	2	1	0	2	0			
\$53826.00 - <\$70694.00	13	6	2	11	0			
\$70694.00 - <\$79032.00	90	71	12	78	0			
\$79032.00 - <\$100011.00	223	138	55	168	0			
\$100011.00 - <\$129331.00	211	177	46	165	0			
\$129331.00- <\$161663.00	271	233	95	176	0			
> \$161663.00 – Non SES	146	127	81	65	0			
\$161663.00 – SES	14	13	6	9	0			
Total	970	766	297	673	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		
\$0.00 - <\$53826.00	2	0	0	0	0	0		
\$53826.00 - <\$70694.00	13	0	0	2	2	0		
\$70694.00 - <\$79032.00	90	3	20	22	6	1		
\$79032.00 - <\$100011.00	223	5	37	23	6	0		
\$100011.00 - <\$129331.00	211	6	43	41	6	2		
\$129331.00- <\$161663.00	271	0	43	40	13	1		
> \$161663.00 – Non SES	146	1	15	8	5	2		
\$161663.00 – SES	14	0	2	2	1	0		
Total	970							

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				Estimated (Diversity Metrics only)		
Remuneration level of substantive position	Total Staff (Men, Women and unspecified)	Respondents	Men	Women	Unspecified gender	
\$0.00 - <\$53826.00	2	50.0%	0.0%	100.0%	0.0%	
\$53826.00 - <\$70694.00	13	46.2%	15.4%	84.6%	0.0%	
\$70694.00 - <\$79032.00	90	78.9%	13.3%	86.7%	0.0%	
\$79032.00 - <\$100011.00	223	61.9%	24.7%	75.3%	0.0%	
\$100011.00 - <\$129331.00	211	83.9%	21.8%	78.2%	0.0%	
\$129331.00 - <\$161663.00	271	86.0%	35.1%	64.9%	0.0%	
> \$161663.00 – Non SES	146	87.0%	55.5%	44.5%	0.0%	
\$161663.00 – SES	14	92.0%	57.1%	0.0%	0.0%	
Total	970					

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
\$0.00 - <\$53826.00	2	0.0%	0.0%	0.0%	0.0%	0.0%
\$53826.00 - <\$70694.00	13	0.0%	0.0%	16.7%	16.7%	0.0%
\$70694.00 - <\$79032.00	90	2.8%	22.5%	23.9%	7.0%	1.4%
\$79032.00 - <\$100011.00	223	2.2%	16.7%	10.1%	2.9%	0.0%
\$100011.00 - <\$129331.00	211	2.8%	20.3%	19.2%	2.8%	1.1%
\$129331.00 - <\$161663.00	271	0.0%	15.9%	14.6%	4.7%	0.4%
> \$161663.00 – Non SES	146	0.8%	10.2%	5.5%	3.1%	1.6%
\$161663.00 – SES	14	0.0%	15.4%	15.4%	7.7%	0.0%
Total	970					

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.

5a. Trends in the Representation of Workforce Diversity Groups

Workforce Diversity Group	Benchmark	2022	2023	2024
Women	50%	67.3%	67.5%	69.4%
Aboriginal and/or Torres Strait Islander People	3.3%	2.2%	1.8%	1.5%
People whose language first spoken as a child was not English	23.2%	12.6%	13.7%	14.1%
People with a disability	5.6%	4.7%	4.2%	4.1%
People with a disability requiring work related adjustment	N/A	1.2%	1.2%	0.7%

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 2019-2025 takes a career pathway approach in that it sets an ambitious target of 3% Aboriginal employment at each non-executive grade of the public sector by 2025

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	2022	2023	2024
Women	100	87	89	88
Aboriginal and/or Torres Strait Islander People	100	82	N/A	N/A
People whose language first spoken as a child was not English	100	92	93	95
People with a disability	100	95	100	96
People with a disability requiring work related adjustment	100	N/A	N/A	N/A

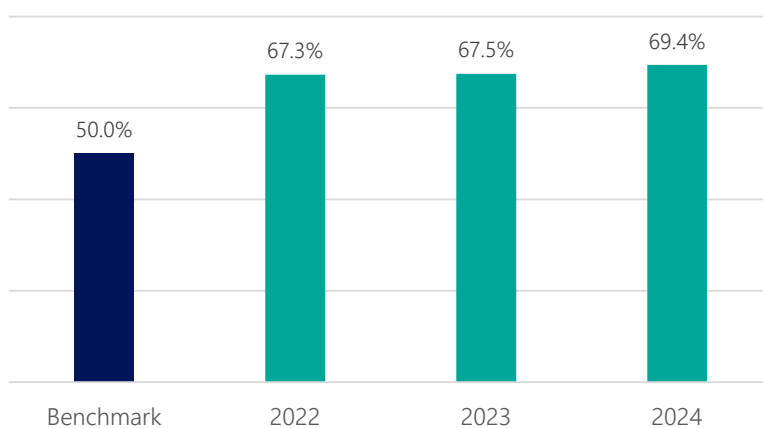
Note 1: A Distribution Index score of 100 indicates that the distribution of members of the Workforce Diversity group across salary bands is equivalent to that of the rest of the workforce. A score less than 100 means that members of the Workforce Diversity group tend to be more concentrated at lower 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

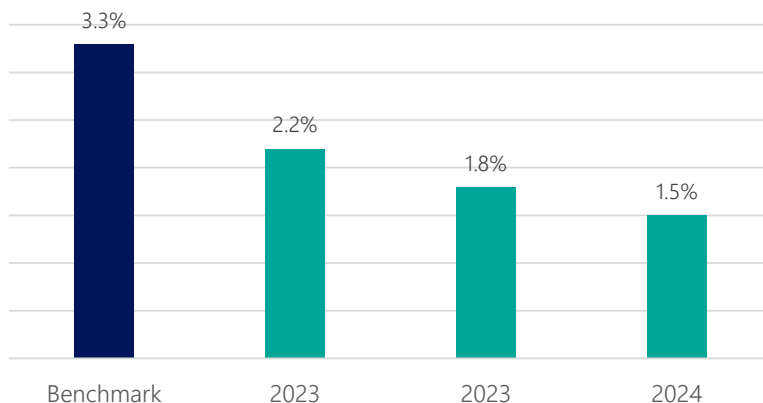
Workforce Diversity Group	Benchmark	2022	2023	2024
Women	50%	67.3%	67.5%	69.4%

Diversity Group - Women



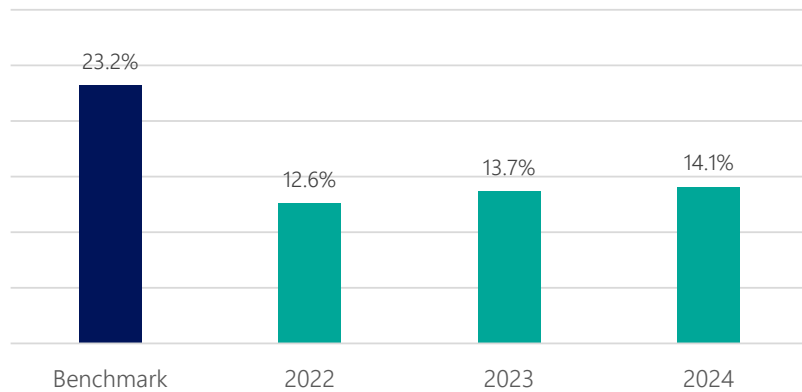
Workforce Diversity Group	Benchmark	2022	2023	2024
Aboriginal and/or Torres Strait Islander People	3.3%	2.2%	1.8%	1.5%

Diversity Group - Aboriginal and/or Torres Strait Islander People



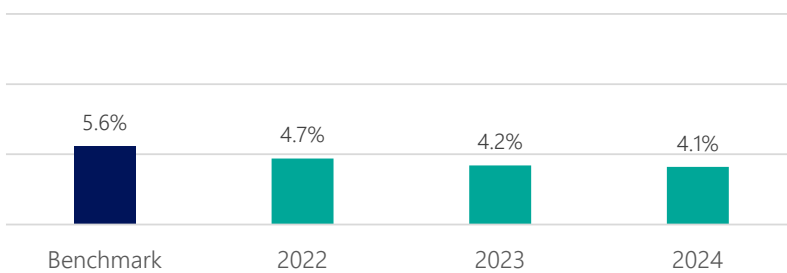
Workforce Diversity Group	Benchmark	2022	2023	2024
People whose first language spoken as a child was not English	23.2%	12.6%	13.7%	14.1%

Diversity Group - People whose language first spoken as a child was not English



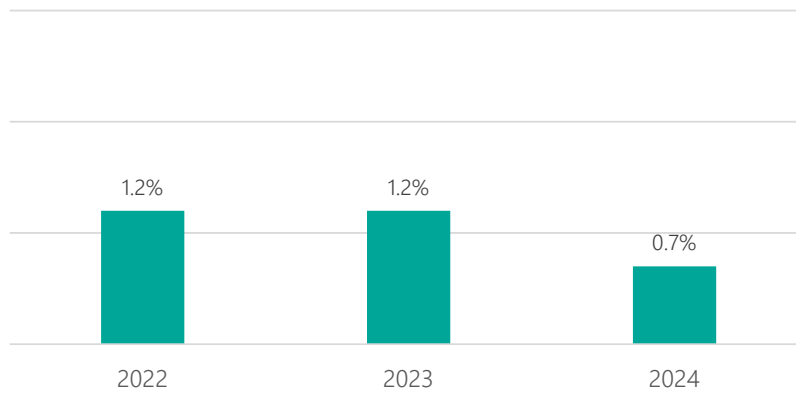
Workforce Diversity Group	Benchmark	2022	2023	2024
People with a disability	5.6%	4.7%	5.2%	4.1%

Diversity Group - People with a disability



Workforce Diversity Group	Benchmark	2022	2023	2024
People with a disability requiring work-related adjustment	N/A	1.2%	1.2%	0.7%

Diversity Group - People with a disability requiring work-related adjustment



Chapter 6

Financial Performance



Financial Statements

Audited Financial Statements

Office of the Director of Public Prosecutions

Financial Statements for the year ended 30 June 2024



**Office of the Director of Public Prosecutions
Statement by Director for the year ended 30 June 2024**

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

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



Sally Dowling SC
Director of Public Prosecutions

Sydney
17 September 2024

Office of the Director of Public Prosecutions
Statement of Comprehensive Income for the year ended 30 June 2024

	Notes	Budget 2024 \$'000	Actual 2024 \$'000	Actual 2023 \$'000
Continuing operations				
Expenses excluding losses				
Employee-related expenses	2(a)	174,997	167,166	155,043
Operating expenses	2(b)	39,388	35,812	36,232
Depreciation and amortisation	2(c)	3,687	2,932	2,735
Finance costs	2(d)	5	9	6
Other expenses	2(e)	<u>4,760</u>	<u>4,330</u>	<u>3,649</u>
Total expenses excluding losses		<u>222,837</u>	<u>210,249</u>	<u>197,665</u>
Revenue				
Appropriation	3(a)	211,001	198,165	191,235
Sale of goods and services from contracts with customers	3(b)	97	-	1
Grants and other contributions	3(c)	100	100	610
Acceptance by the Crown of employee benefits and other liabilities	3(d)	8,911	6,215	5,120
Other income	3(e)	<u>42</u>	<u>405</u>	<u>220</u>
Total revenue		<u>220,151</u>	<u>204,885</u>	<u>197,186</u>
Operating result		<u>(2,686)</u>	<u>(5,364)</u>	<u>(479)</u>
Gains / (losses) on disposal	4	<u>5</u>	<u>(3)</u>	<u>(263)</u>
Net result from continuing operations		<u>(2,681)</u>	<u>(5,367)</u>	<u>(742)</u>
Net result		<u>(2,681)</u>	<u>(5,367)</u>	<u>(742)</u>
TOTAL COMPREHENSIVE INCOME / (DEFICIT)		<u>(2,681)</u>	<u>(5,367)</u>	<u>(742)</u>

The accompanying notes form part of these financial statements.

**Office of the Director of Public Prosecutions
Statement of Financial Position as at 30 June 2024**

	Notes	Budget 2024 \$'000	Actual 2024 \$'000	Actual 2023 \$'000
ASSETS				
Current assets				
Cash and cash equivalents	6	5,602	5,452	8,542
Receivables	7	<u>4,494</u>	<u>5,385</u>	<u>4,494</u>
Total current assets		<u>10,096</u>	<u>10,837</u>	<u>13,036</u>
Non-current assets				
Plant and equipment	8	8,865	8,690	8,520
Right-of-use assets	9	216	243	247
Intangible assets	10	<u>1,130</u>	<u>983</u>	<u>1,090</u>
Total non-current assets		<u>10,211</u>	<u>9,916</u>	<u>9,857</u>
Total assets		<u>20,307</u>	<u>20,753</u>	<u>22,893</u>
LIABILITIES				
Current liabilities				
Payables	11	7,261	6,130	7,244
Borrowings	12	120	147	160
Provisions	13	16,300	21,112	17,441
Other current liabilities	14	<u>191</u>	<u>275</u>	<u>191</u>
Total current liabilities		<u>23,872</u>	<u>27,664</u>	<u>25,036</u>
Non-current liabilities				
Borrowings	12	83	91	88
Provisions	13	2,072	2,457	2,072
Other non-current liabilities	14	<u>580</u>	<u>416</u>	<u>205</u>
Total non-current liabilities		<u>2,735</u>	<u>2,964</u>	<u>2,365</u>
Total liabilities		<u>26,607</u>	<u>30,628</u>	<u>27,401</u>
Net liabilities	1(b)	<u>(6,300)</u>	<u>(9,875)</u>	<u>(4,508)</u>
EQUITY				
Accumulated deficits		<u>(6,300)</u>	<u>(9,875)</u>	<u>(4,508)</u>
Total equity		<u>(6,300)</u>	<u>(9,875)</u>	<u>(4,508)</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 2024**

	Accumulated Funds	Total
	\$'000	\$'000
Balance at 1 July 2023	(4,508)	(4,508)
Net result for the year	(5,367)	(5,367)
Other comprehensive income / (deficit)	-	-
Total other comprehensive deficit	(5,367)	(5,367)
Total comprehensive deficit for the year	(5,367)	(5,367)
Balance at 30 June 2024	(9,875)	(9,875)

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

**Office of the Director of Public Prosecutions
Statement of Cash Flows for the year ended 30 June 2024**

	Budget 2024 \$'000	Actual 2024 \$'000	Actual 2023 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee related	(166,319)	(157,270)	(148,026)
Suppliers for goods and services	(44,165)	(45,071)	(42,330)
Finance costs	(5)	(9)	(6)
Total payments	<u>(210,489)</u>	<u>(202,350)</u>	<u>(190,362)</u>
Receipts			
Appropriations (excluding equity appropriations)	211,001	198,165	191,235
Sale of goods and services	97	-	24
Grants and other contributions	100	100	413
Other	418	3,846	3,791
Total receipts	<u>211,616</u>	<u>202,111</u>	<u>195,463</u>
NET CASH FLOWS FROM OPERATING ACTIVITIES	19	<u>1,127</u>	<u>(239)</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Proceeds from sale of plant and equipment	5	-	-
Purchase of plant and equipment	(2,916)	(2,308)	(3,429)
Purchase of intangible assets	(905)	(338)	(358)
NET CASH FLOWS FROM INVESTING ACTIVITIES		<u>(3,816)</u>	<u>(2,646)</u>
CASH FLOWS FROM FINANCING ACTIVITIES			
Payment of principal portion of lease liabilities		(251)	(205)
NET CASH FLOWS FROM FINANCING ACTIVITIES		<u>(251)</u>	<u>(205)</u>
NET INCREASE / (DECREASE) IN CASH AND CASH EQUIVALENTS		(2,940)	(3,090)
Opening cash and cash equivalents		<u>8,542</u>	<u>8,542</u>
CLOSING CASH AND CASH EQUIVALENTS	6	<u>5,602</u>	<u>5,452</u>

The accompanying notes form part of these financial statements.

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

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

1 Statement of Material Accounting Policy Information

(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 2024 have been authorised for issue by the Director on 17 September 2024.

(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.

Although the Office has negative net assets at the reporting date, the financial statements have been prepared on a going-concern basis. This decision is based on anticipated future funding from government appropriations. Cash flow forecasts indicate that with the expected funding from the NSW Government, the Office will have sufficient funds to meet its debts as they become due for at least the next 12 months.

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 2023-24

The accounting policies applied in 2023-24 are consistent with those of the previous years except as a result of the following revised Australian Accounting Standard that has been applied for the first time in 2023-24.

AASB 2021-2 Amendments to AASB Standards - Disclosure of Accounting Policies and Definition of Accounting Estimates

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

1 Statement of Material Accounting Policy Information (cont'd)

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

Specifically, AASB 2021-2 *Amendments to Australian Accounting Standards - Disclosure of Accounting Policies and Definition of Accounting Estimates* amends:

- AASB 7 *Financial Instrument Disclosures*, to clarify that information about the measurement basis for financial instruments is material to the Office's financial statements. The amendment clarifies that details on how financial instruments are measured (e.g., fair value, amortised cost) should be included if they are important to understanding the financial statements.

The Office has neither granted nor received loans, and most of its receivables have short-term maturities. Therefore, the associated risk is not material.

- AASB 101 *Presentation of Financial Statements*, to require entities to disclose their material accounting policy information rather than their significant accounting policies. The amendment mandates that entities should focus on providing accounting policy details that are essential for understanding the financial statements.
- AASB 108 *Accounting Policies, Changes in Accounting Estimates and Errors*, to clarify how entities should distinguish changes in accounting policies and changes in accounting estimates. The amendment provides clear guidance on differentiating between changes in accounting policies (new methods) and changes in accounting estimates (Updated assumptions).
- AASB 134 *Interim Financial Reporting*, to identify material accounting policy information as a component of a complete set of financial statements. The amendment ensures interim financial reports include key accounting policy information as part of the full financial statement package.
- AASB Practice Statement 2 *Making Materiality Judgements*, to provide guidance on how to apply the concept of materiality to accounting policy disclosures. The amendment offers guidance on determining which accounting policy information is important enough to disclose, helping entities provide relevant details without overloading their reports.

Several other amendments and interpretations apply for the first time in 2023-24. However, the Office has assessed them and does not anticipate a material impact on the financial statements.

(ii) Issued but not yet effective, as per NSW Treasury Policy and Guidelines TPG 24-06 Mandates of options and major policy decisions under Australian Accounting Standards.

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 17 *Insurance Contracts*
- AASB 2020-1 *Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current*
- AASB 2021-7c *Amendments to Australian Accounting Standards – Effective Date of Amendments to AASB 10 and AASB 128 and Editorial Corrections*
- AASB 2022-6 *Amendments to Australian Accounting Standards – Non-current Liabilities with Covenants*
- AASB 2022-9 *Amendments to Australian Accounting Standards – Insurance Contracts in the Public Sector*

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

1 Statement of Material Accounting Policy Information (cont'd)

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

(ii) Issued but not yet effective, as per NSW Treasury Policy and Guidelines TPG 24-06 Mandates of options and major policy decisions under Australian Accounting Standards. (cont'd)

- *AASB 2022-10 Amendments to Australian Accounting Standards – Fair Value Measurement of Non-Financial Assets of Not-for-Profit Public Sector entities*
- *AASB 2023-3 Amendments to Australian Accounting Standards – Disclosure of Non-current liabilities with Covenants: Tier 2*
- *AASB 2022-5 Amendments to Australian Accounting Standards – Lease Liability in a Sale and Leaseback*
- *AASB 2023-1 Amendments to Australian Accounting Standards – Supplier Finance Arrangements*
- *AASB 2023-5 Amendments to Australian Accounting Standards – Lack of Exchangeability.*

The potential impact of these Standards during the initial application period was considered, and it was assessed that there will be no impact on the Statement of Comprehensive Income and Statement of Financial Position.

(g) Impact of Climate-related matters on Financial Reporting for 2023-24

In the current year, the Office has not been materially affected by any climate change related events in relation to the carrying values and disclosures reported in the financial statements.

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

2 Expenses Excluding Losses

(a) Employee related expenses

	2024 \$'000	2023 \$'000
Salaries and wages (including annual leave)*	135,466	126,446
Superannuation - defined benefit plans	431	596
Superannuation - defined contribution plans	13,852	12,548
Long service leave	6,033	4,518
Workers' compensation insurance	643	685
Payroll tax and fringe benefit tax	8,189	7,777
On-cost on long service leave	669	52
Temporary staff	1,883	2,421
	<u>167,166</u>	<u>155,043</u>

* Employee related costs of \$0.385 million (2023: \$0.249 million) have been capitalised in fixed assets, and therefore excluded from the above.

(b) Other operating expenses include the following:

	2024 \$'000	2023 \$'000
Auditor's remuneration - audit of the financial statements	86	75
Cleaning	635	595
Consultants	467	339
Insurance	2,069	1,716
Motor vehicle expenses	200	222
Telephone	912	895
Fees for services – occupancy agreements with Property NSW	10,120	9,770
Printing	571	601
Stores and equipment	671	533
Training	569	440
Travel	2,960	2,314
Other expenses	1,056	1,271
Outgoings	1,692	1,257
Books and online services	694	669
Fees - private barristers	1,960	2,384
Fees - practising certificates	595	543
Fees - security	325	312
Gas and electricity	303	338
Postage	141	172
Fees For Services - Other	3,619	7,530
Maintenance*	6,167	4,256
	<u>35,812</u>	<u>36,232</u>

	2024 \$'000	2023 \$'000
* <i>Reconciliation - Total maintenance expense</i>		
Maintenance expense - contracted labour and other (non-employee related), as above	6,167	4,256
Employee related maintenance expense included in Note 2(a)	776	643
Total maintenance expenses included in Note 2(a) + 2(b)	<u>6,943</u>	<u>4,899</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.



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

2 Expenses Excluding Losses (cont'd)

(b) Other operating expenses include the following: (cont'd)

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.

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; and
- 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.

(c) Depreciation and amortisation expense

	2024	2023
	\$'000	\$'000
Depreciation		
Plant and equipment	1,700	1,505
Plant and equipment - right-of-use assets	199	217
Computer equipment	575	453
Library collection	13	20
Total depreciation	2,487	2,195
Amortisation		
Intangible assets	445	540
	2,932	2,735

Refer to Notes 8, 9 and 10 for recognition and measurement policies on depreciation and amortisation.

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

(d) Finance costs

	2024	2023
	\$'000	\$'000
Interest expense from lease liabilities	9	6
	9	6

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

2 Expenses Excluding Losses (cont'd)

(e) Other expenses

	2024 \$'000	2023 \$'000
Allowances to witnesses	4,329	3,621
Living expenses of defendant non-Australian citizens	1	28
	4,330	3,649

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

3 Revenue

(a) Appropriations and transfers to the Crown

The *Appropriation Act 2023 (Appropriations Act)* (and the subsequent variations, if applicable) appropriates the sum of \$209.311 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 2023–24.

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.

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

Summary of Compliance

	2024 \$'000	2023 \$'000
Amount Appropriated per Appropriation Act	211,001	203,610
Standing or Special Appropriations		
Variations made to the appropriations during the financial year		
– Changes to appropriation	(1,690)	(457)
Total spending authority from parliamentary appropriations, other than deemed appropriations	209,311	203,153
Add:		
The spending authority from deemed appropriations during the current year	3,946	4,228
The unutilised spending authority from deemed appropriations in prior years	11,012	6,784
Total	224,269	214,165
Less: total expenditure out of Consolidated Fund	205,201	194,370
Variance	19,068	19,795
Less:		
The spending authority from appropriations lapsed at 30 June	(4,110)	(8,783)
Deemed appropriations balance carried forward to following years	14,958	11,012

**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 a 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.

(b) Sale of goods and services

	2024	2023
	\$'000	\$'000
Rendering of services to other agencies	-	1
	<u>-</u>	<u>1</u>

(c) Grants and contributions

	2024	2023
	\$'000	\$'000
Grants without sufficiently specific performance obligations	100	610
	<u>100</u>	<u>610</u>

Grants were received from the Department of Communities and Justice for Coercive Control Training.

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).

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

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

	2024	2023
	\$'000	\$'000
Superannuation - defined benefit	431	596
Long service leave provision	5,759	4,492
Payroll tax	25	32
	<u>6,215</u>	<u>5,120</u>

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

3 Revenue (cont'd)

(e) Other income

	2024 \$'000	2023 \$'000
Miscellaneous Revenue	<u>405</u>	<u>220</u>
	<u>405</u>	<u>220</u>

Miscellaneous Revenue includes \$0.402 million workers compensation insurance recoveries (2023: \$0.173 million).

4 Gains / (Losses) on Disposal

	2024 \$'000	2023 \$'000
Gain / (losses) on disposal		
Gain / (Losses) on disposal of Intangible assets	-	(105)
Gain / (Losses) on disposal of Plant and equipment	<u>(3)</u>	<u>(158)</u>
	<u>(3)</u>	<u>(263)</u>

5 Major Activity Group Descriptions

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

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 activity.

6 Current Assets - Cash and Cash Equivalents

	2024 \$'000	2023 \$'000
Cash at bank and on hand	<u>5,452</u>	<u>8,542</u>
	<u>5,452</u>	<u>8,542</u>

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

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:

	2024 \$'000	2023 \$'000
Cash and cash equivalents (per Statement of Financial Position)	<u>5,452</u>	<u>8,542</u>
Closing cash and cash equivalents (per Statement of Cash Flows)	<u>5,452</u>	<u>8,542</u>

Refer Note 20 for details regarding credit risk and market risk arising from financial instruments.

7 Current Assets - Receivables

	2024 \$'000	2023 \$'000
Current Receivables		
Goods and Services Tax recoverable from the ATO	675	565
Prepayments	3,962	3,836
Advances	126	61
Other receivables	<u>622</u>	<u>32</u>
	<u>5,385</u>	<u>4,494</u>



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

7 Current Assets - Receivables (cont'd)

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. Other 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 generate income; as a result, there are no trade receivables and no anticipated significant credit loss on its trade receivables. The nature of the Office's receivables is considered to be risk free, and expected credit loss calculations are typically required for financial assets that pose a significant credit risk throughout their lifespan. However, since the Office does not engage in income generating activities, it does not have receivables classified as financial assets. The remaining receivables are of a short-term nature and the Office's past experience is that there is a low default rate for receivables of a short-term nature.

8 Plant and Equipment

Plant and equipment held and used by the Office

	Plant and Equipment \$'000
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
Purchases of assets	3,429
Disposals	(158)
Depreciation expense	(1,978)
Non cash addition	<u>224</u>
Net carrying amount at end of year	<u>8,520</u>
 At 1 July 2023 - fair value	
Gross carrying amount	33,782
Accumulated depreciation	<u>(25,262)</u>
Net carrying amount	<u>8,520</u>
 Year ended 30 June 2024	
Net carrying amount at beginning of year	8,520
Purchase of assets	2,308
Disposal of assets	(3)
Depreciation expense - asset owned	(2,288)
Non cash addition	<u>153</u>
Net carrying amount	<u>8,690</u>

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

8 Plant and Equipment (cont'd)

At 30 June 2024 - fair value

Gross carrying amount	34,732
Accumulated depreciation	(26,042)
At Fair Value	-
Net carrying amount	8,690

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.

Restoration costs

The present value of the expected cost for the restoration or cost of dismantling 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.

	2024	2023
Computer laptops	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
Office furniture and fittings	10 years or lease period, whichever is shorter	10 years or lease period, whichever is shorter
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 9.



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

8 Plant and Equipment (cont'd)

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 *Fair Value Measurement*, AASB 116 *Property, Plant and Equipment* 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.

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.

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.

9 Leases

Entity as a lessee

The Office leases motor vehicles. Lease contracts are typically made for fixed periods of three 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 is within the control of the lessee.

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

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

9 Leases (cont'd)

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

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
Balance at 1 July 2023	247
Addition of right-of-use assets	195
Depreciation expenses	<u>(199)</u>
Balance at 30 June 2024	<u>243</u>
	Plant and Equipment \$'000
Balance at 1 July 2022	258
Addition of right-of-use assets	206
Depreciation expenses	<u>(217)</u>
Balance at 30 June 2023	<u>247</u>

Lease liabilities

The following table presents liabilities under leases.

	2024 \$'000	2023 \$'000
Balance at 1 July	248	262
Additions	195	206
Interest expenses	9	6
Payments	<u>(214)</u>	<u>(226)</u>
Carrying amount at end of financial year	<u>238</u>	<u>248</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:

	2024 \$'000	2023 \$'000
Depreciation expense of right-of-use assets	199	217
Interest expense on lease liabilities	9	6
Total amount recognised in the Statement of Comprehensive Income	<u>208</u>	<u>223</u>

The Office had total cash outflows for leases of \$0.214 million in the year ending 30 June 2024 (2023: \$0.226 million).

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

9 Leases (cont'd)

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:

- Motor vehicles three years

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**

10 Non-Current Assets - Intangible Assets

	Total \$'000
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 1 July 2023	
Cost (gross carrying amount)	6,687
Accumulated amortisation	<u>(5,597)</u>
Net carrying amount	<u>1,090</u>
Year ended 30 June 2024	
Net carrying amount at beginning of year	1,090
Additions	338
Amortisation (recognised in "depreciation and amortisation")	<u>(445)</u>
Net carrying amount at end of year	<u>983</u>
At 30 June 2024	
Cost (gross carrying amount)	6,917
Accumulated amortisation	<u>(5,934)</u>
Net carrying amount	<u>983</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 four 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**

11 Current Liabilities - Payables

	2024 \$'000	2023 \$'000
Payables		
Accrued salaries, wages and on-costs	3,440	3,401
Creditors	386	1
Accruals	<u>2,304</u>	<u>3,842</u>
	<u>6,130</u>	<u>7,244</u>

Details regarding liquidity risk including a maturity analysis of the above payables, are disclosed in Note 20.

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.

12 Current / Non-Current Liabilities - Borrowings

	2024 \$'000	2023 \$'000
Current Borrowings		
Lease liabilities (see Note 9)	<u>147</u>	<u>160</u>
	<u>147</u>	<u>160</u>
	2024 \$'000	2023 \$'000
Non-current Borrowings		
Lease liabilities (see Note 9)	<u>91</u>	<u>88</u>
	<u>91</u>	<u>88</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**

13 Current / Non-Current Liabilities - Provisions

	2024 \$'000	2023 \$'000
Current		
Employee benefits and related on-costs		
Annual leave*	10,808	10,034
On-cost on annual leave and long service leave	5,541	4,766
Legal Officers' flexible working hours leave**	2,038	-
Payroll tax on-cost for annual leave and long service leave	1,760	1,699
Fringe benefits tax	16	18
Parental leave	801	889
	20,964	17,406
* Of the annual leave \$0.645 million is expected to be taken after 12 months (2023: \$0.856 million).		
** On January 12th 2024 the NSW Industrial Relations Commission published the Crown Employees (Office of the Director of Public Prosecutions, Flexible Working Hours) Legal Officers Award 2023. The award has resulted in a provision being required for all Legal Officers' unused Flexible Working Hours Credits (FWHC) at the balance sheet date. The valuation of the provision reflects the Office's expected staff utilisation of these credits in the coming year. This is a mixture of some of the credits expected to be taken in-service as leave, as an additional payment during the year akin to an overtime payment or as a final payment on separation of the Legal Officer from the organisation. All such overtime and separation payments are paid at 1.5 times the Legal Officer's hourly rate.		
During the year any Legal Officer who accrues flexible working hours credits in excess of 50 hours during a six-week settlement period has the option to either take special leave in-service or receive payment at an overtime rate of 1.5 times their hourly rate. According to the Award Provisions, the obligation to pay out excess flexible working hours credits qualifies as a short-term employee benefit and would be considered an accumulating and vesting obligation.		
Other provisions		
Restoration costs	148	35
Total provisions - current	21,112	17,441
	2024	2023
	\$'000	\$'000
Non-current		
Employee benefits and related on-costs		
On-cost on long service leave	377	314
Payroll tax on-cost for long service leave	196	168
	573	482
Other provisions		
Restoration costs	1,884	1,590
Total provisions - non-current	2,457	2,072
	2024	2023
	\$'000	\$'000
Aggregate employee benefits and related on-costs		
Provisions - current	20,964	17,406
Provisions - non-current	573	482
Accrued salaries, wages and on-costs (Note 11)	3,440	3,401
	24,977	21,289

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

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

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
2024	
Carrying amount at 1 July 2023	1,625
Amount used	(35)
Additional provisions recognised	153
Unwinding / change in the discount rate	<u>289</u>
Carrying amount at 30 June 2024	<u>2,032</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 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.

	Restoration costs \$'000
2023	
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>

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 wholly settled before 12 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.

According to the Crown Employees (Office of the Director of Public Prosecutions Flexible Working Hours) Legal Officers Award 2023, the unused FWHC of Legal Officers at the time of separation from the Office, and any flexible working hours credits in excess of 50 hours at the end of a six week settlement period, give rise to an Office liability to pay out these credits at an overtime rate equivalent to 1.5 of legal officer's hourly rate, see clauses 9.1 and 13.4 of the Award.

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.

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

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

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 the 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.

14 Current / Non-Current Liabilities - Other Liabilities

	2024 \$'000	2023 \$'000
Other current liabilities		
Occupancy Incentive	275	191
	<u>275</u>	<u>191</u>
	2023 \$'000	2023 \$'000
Other non-current liabilities		
Occupancy Incentive	416	205
	<u>416</u>	<u>205</u>

Property & Development NSW has agreed to a rent-free period as an occupancy incentive for the Campbelltown, Penrith and Wollongong properties. Costs associated with this rent-free period are expensed during the rent-free period and credited to the occupancy incentive liability. The occupancy incentive liability is amortised over the occupancy term, with the unamortised amount remaining as a liability.

15 Equity

Accumulated Funds / (Deficits)

The category 'Accumulated Funds (Deficit)' includes all current and prior period accumulated deficits.



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

16 Commitments

	2024	2023
	\$'000	\$'000
Capital Commitments		
Aggregate capital expenditure contracted for at balance date and not provided for:		
Within one year	<u>74</u>	<u>60</u>
Total (including GST)	<u>74</u>	<u>60</u>

Input tax credit of \$6,750 (2023: \$5,434) recoverable from the Australian Taxation Office, is included above.

17 Contingent Liabilities and Contingent Assets

The Office was not aware of any contingent assets or liabilities as at 30 June 2024 (2023: \$nil) that may materially affect the future results of the Office.

18 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 \$2.7 million mainly due to the following factors:

Total Expenses excluding losses - \$12.6 million favourable to budget:

- Employee-related expenses are \$7.8 million lower than budget due to: \$7.9 million arising from recruitment delays as a consequence of labour market conditions plus \$2.7 million lower than budgeted long service leave as a result of favourable staff leave actuarial adjustments, offset by the creation of a new provision for Legal Officers Flexible Working Hours Credits (FWHC) of \$2.0 million and \$0.8 million of higher in-year overtime and equivalent staff payments.
- Operating Expenses are \$3.6 million lower than budget due to an underspend of \$4.3 million of private barrister's fees, due to an increase in in-house briefing, plus \$0.5 million of other operating expenses underspends, offset by higher software and other assets maintenance of \$1.2 million mainly related to the implementation of the new case management system.
- Depreciation is \$0.8 million below budget due to delays in assets acquisition.
- Other Expenses are lower than budget by \$0.4 million due to slightly lower witness expenses payments made in the year.

Total Revenue - \$15.3 million unfavourable to budget:

- Appropriation revenue is lower than budget by \$12.8 million, which is aligned with the lower than budgeted cash expenses discussed above.
- Acceptance by the Crown of employee benefits and other liabilities is lower than budget by \$2.7 million due to a favourable actuarial valuation of long service leave obligations of \$2.4 million, plus favourable defined benefits superannuation and payroll tax expenses of \$0.3 million.
- Other Income (including sale of services from contracts with customers) is higher than budget by \$0.2 million reflecting higher Workers Compensation recoveries

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

18 Budget Review (cont'd)

Assets and Liabilities

Total current assets are \$0.7 million higher than budget; A \$0.9 million increase in current receivables due to rise in intercompany receivables due to delays in the reimbursement of seconded staff salaries, offset by a \$0.2 million decrease in cash and cash equivalents due to tighter day to day cash management practices.

Total non-current assets are \$0.3 million lower than budget; \$0.2 million lower in plant and equipment due in-part to delays in regional office upgrades, plus \$0.1 million lower in intangible assets due to small In-house system development delays

Total current liabilities are \$3.8 million higher than budget. This is due to the creation of a new provision of \$2.0 million for Legal Officers' FWHC, \$0.8 million for unbudgeted staff parental leave obligations, plus \$1.0 million of other staff leave impacts.

Total non-current liabilities are \$0.2 million higher than budget, due to the creation of a new regional office lease restoration provision in the year.

Cash flows

Net cash flows from activities are \$0.2 million higher than budget mainly due to the following factors:

- Total Payments are \$8.1 million lower than budget mainly due to lower staff employed during the year, slightly offset by higher software and other asset maintenance costs.
- Total Receipts are \$9.5 million lower than budget reflecting lower cash drawdowns required due to lower in year operating expenditure, plus lower capital expenditure made due to delays in regional office upgrades.
- Net cash flows from investing activities are lower than budget by \$1.2 million mainly a result of reduced capital expenditure due to delays in regional office upgrades.

19 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:

	2024 \$'000	2023 \$'000
Net cash flow from operating activities	(239)	5,101
Depreciation and amortisation expense	(2,932)	(2,735)
Decrease / (increase) in provisions	(4,056)	(1,604)
Increase / (decrease) in prepayments and other assets	1,034	1,118
Decrease / (increase) in payables	1,114	(2,623)
Decrease/ (increase) in other liabilities	(285)	264
Net gain / loss) on disposed assets	(3)	(263)
Net result	(5,367)	(742)

20 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.



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

20 Financial Instruments (cont'd)

(a) Financial instrument categories

Class:	Note	Category	2024 Carrying Amount \$'000	2023 Carrying Amount \$'000
Financial Assets				
Cash and cash equivalents	6	Amortised cost	5,452	8,542
Receivables ¹	7	Amortised cost	748	93
Financial Liabilities				
Payables ²	11	Financial liabilities measured at amortised cost	8,162	7,057
Borrowings	12	Financial liabilities measured at amortised cost	238	248

Notes

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

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

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

(b) Derecognition of financial assets and financial liabilities

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

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

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

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

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

(c) Offsetting financial instruments

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

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

20 Financial Instruments (cont'd)

(d) Financial risks

(i) Credit Risk

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

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

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

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

Cash and cash equivalents

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

Accounting policy for impairment of trade debtors and other financial assets

Receivables - trade receivables

Collectability of trade receivables is reviewed on an ongoing basis.

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

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

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

The Office is not materially exposed to concentrations of credit risk to a single debtor or group of debtors as at 30 June 2024 and 30 June 2023. 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 receivables as at 30 June 2024 and 30 June 2023.

(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 2023-24 (2022-23: \$nil).



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

20 Financial Instruments (cont'd)

(d) Financial risks (cont'd)

(ii) Liquidity risk (cont'd)

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
2024							
Payables	-	8,162	-	8,162	8,162	-	-
Lease liabilities	3.78	238	238	-	147	91	-
		<u>8,400</u>	<u>238</u>	<u>8,162</u>	<u>8,309</u>	<u>91</u>	<u>-</u>

	Weighted Average Effective Int. Rate	Nominal Amount	Interest Rate Exposure		Maturity Dates		
			Fixed Interest Rate	Non- interest bearing	\$'000		
					< 1 yr	1-5 yrs	> 5 yrs
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>

(iii) Market risk

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

(e) Fair value measurement

(i) Fair value compared to carrying amount

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

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

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

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

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

21 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:

	2024	*2023
	\$'000	\$'000
Short-term employee benefits	2,963	3,249
Post-employment benefits	280	294
Other long-term benefits	118	151
Total remuneration	3,361	3,694

*The prior year amounts, originally stated as \$4.292 million have been revised to \$3.694 million. The main changes include the removal of leave payouts previously reported as termination payments, and the exclusion of short-term acting KMPs (less than 3 months when previously reported as KMPs).

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

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

These transactions include:

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

22 Events after the Reporting Period

On 9 August 2024, a claim was lodged at the Industrial Court of New South Wales (NSW) by the Public Service Association (PSA) and Professional Officers' Association Amalgamated Union of NSW. The claim was also provided to the ODPP. The claim is for compensation for forfeited (previously unpaid) flex time and also unreported, and therefore unpaid, overtime for some Legal Officers dating back to 2016.

The value of this claim, and its likelihood of success, cannot be assessed at this point.

End of audited financial statements





INDEPENDENT AUDITOR'S REPORT

Office of the Director of Public Prosecutions

To Members of the New South Wales Parliament

Opinion

I have audited the accompanying financial statements of the Office of the Director of Public Prosecutions (the Office), which comprise the Statement by Director, the Statement of Comprehensive Income for the year ended 30 June 2024, the Statement of Financial Position as at 30 June 2024, the Statement of Changes in Equity and the Statement of Cash Flows, for the year then ended, and notes to the financial statements, including a Statement of Material Accounting Policy Information, 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 2024* (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.

The Director's Responsibilities for the Financial Statements

The Director is responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards, the GSF Act, GSF 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.

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.



Jan-Michael Perez
Director, Financial Audit

Delegate of the Auditor-General for New South Wales

18 September 2024
SYDNEY

Accounts performance

Unaudited financial statements

Accounts payment performance 1 July 2023 to 30 June 2024

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	\$80,698	\$15,692	\$394	\$2,300	-
Small business suppliers	-	-	-	-	-
December					
All suppliers	-	\$9,874	-	\$394	-
Small business suppliers	-	-	-	-	-
March					
All suppliers	\$239,334	\$2,153	-	\$9,946	-
Small business suppliers	-	-	-	-	-
June					
All suppliers	\$108,740	\$4,299	\$3,315	-	-
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 or offender
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
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 of the Children's Court to be dealt with in the District or Supreme Court
Confiscation	Action taken by the government to take money and assets used in or obtained through crime
Conviction	A finding that the accused is guilty of a crime
CoPoCA	<i>Confiscation of Proceeds of Crime Act 1989</i>
Counsel	Another word for barrister
Crime	A breach of criminal laws as set down in legislation or by the courts
Crown Prosecutor	Counsel that conduct and prosecute the more serious matters on behalf of the Crown
CSOEP	Child Sexual Offence Evidence Provisions
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
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
HCA	High Court of Australia
ICAC	Independent Commission Against Corruption
IM&T	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 person who hears cases in the District or Supreme Court
Legal support officer	Provide 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
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
Prosecution	The criminal case, or the party running the criminal case (also currently referred to as the Crown)
Prosecutor	An ODPP solicitor or a Crown Prosecutor, including a solicitor acting for the DPP and private counsel briefed by the DPP
SC	Senior Counsel
Sentence	The penalty imposed by a Judge or Magistrate on an offender
Solicitor Advocate	Appear as advocates in less complex District Court trials and more difficult Local Court prosecutions
Solicitor with carriage	The ODPP solicitor who is responsible for a particular case

Summary hearing	Similar to a trial but heard before a magistrate in the Local Court or the Children's Court
Summary offence	An offence that cannot be dealt with on indictment
Supreme Court	The court in NSW where the most serious criminal cases are heard, eg murder
Table offence	An indictable offence listed in Table 1 and 2 in Schedule 1 of the <i>Criminal Procedure Act 1986</i> (NSW) 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 only for eligible adult Aboriginal and Torres Strait Islander 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
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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