



CDPP

Australia's Federal Prosecution Service

ANNUAL REPORT
2020–21

COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

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About this report

This is the Director's report to the Attorney-General on the performance of the Commonwealth Director of Public Prosecutions (CDPP) for the financial year 2020–21.

This report has been prepared in accordance with the Resource Management Guide No. 135: Annual reports for non-corporate Commonwealth entities, as issued by the Department of Finance.

Further information about the CDPP and an online version of this report are available at cdpp.gov.au/publications. This report can also be found at transparency.gov.au.

Aids to access

The CDPP welcomes comments and feedback on this report. If you have feedback or seek alternative access to this report, please contact:

CDPP Strategic Planning and Governance team

T: 02 6206 5763

E: governance@cdpp.gov.au W: www.cdpp.gov.au

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Acknowledgement of Country

The Commonwealth Director of Public Prosecutions acknowledges the traditional owners and custodians of Country throughout Australia and acknowledges their continuing connection to land, waters and community. We pay our respects to the people, the cultures and the elders past, present and emerging.

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LETTER OF TRANSMITTAL



CDPP

Australia's Federal Prosecution Service

Sarah McNaughton SC
Director

**Commonwealth Director
of Public Prosecutions**

**Level 11, 175 Liverpool Street
Sydney NSW 2000**

www.cdpp.gov.au

24 September 2021

Attorney-General
Senator the Hon. Michaelia Cash
Parliament House
Canberra ACT 2600

Dear Attorney-General

It is my pleasure to present to you the annual report of the Commonwealth Director of Public Prosecutions (CDPP) for the financial year 2020–21.

The report has been prepared pursuant to section 46 of the *Public Governance, Performance and Accountability Act 2013* and reflects the matters CDPP dealt with and the legislation it administered in pursuing its purpose for the year to 30 June 2021.

I certify I am satisfied CDPP has, in accordance with section 10 of the Public Governance, Performance and Accountability Rule 2014:

- prepared fraud risk assessments and a fraud control plan
- put into place appropriate fraud prevention, detection, investigation recording and reporting mechanisms that meet CDPP's needs
- taken all reasonable measures to minimise the potential incidence of fraud in the CDPP.

There have been no instances of fraud identified for the year to 30 June 2021.

In presenting this annual report, I would like to acknowledge the contribution made throughout the year by my colleagues in the CDPP.

Yours sincerely

Sarah McNaughton SC
Commonwealth Director of Public Prosecutions



PART 1

DIRECTOR'S REVIEW & KEY ACHIEVEMENTS



DIRECTOR'S REVIEW

The onset of the COVID-19 pandemic required our agency to adapt quickly to changing circumstances. I have been delighted, but not surprised, by the effectiveness of our response and the continued resilience and strength of the people in this organisation that I am so proud to lead.

As the year progressed, the pandemic impacted our various states offices to different degrees at different times, sometimes with severe restrictions impacting our operations and the courts'. Our staff continued to provide a seamless, robust service while working from home, from the office or through a hybrid of both. These changed ways of working were guided by the principles in our COVID-Safe Plan and facilitated by rapid improvements in technology and underpinned by our Flexible Work Arrangements Framework. The coming year will continue to provide opportunities to fully realise the benefits of the reimagined work environment and to make sure there is an optimal balance between on-the-job-training, mentoring and collaboration in a shared environment and the benefits that working from home can provide.

We employ around 430 people in 10 offices across Australia, covering all jurisdictions and have a high representation of female staff (68 per cent female, 32 per cent male). We continue to invest in our people including through a strong focus on wellbeing. This investment was shown to be very effective by our 2020 Australian Public Service Census 'wellbeing index' result of 71 per cent.

We are pleased to have received \$2.8 million to further advance our digital transformation agenda. This investment—the product of additional funding under the Proceeds of Crime Act—will be used to improve our Referrals Gateway, establish a collaboration platform and to develop an e-trial solution. These will all support modernising the way we undertake our prosecutions by providing an efficient end-to-end prosecution service.

During the year we also launched our Partner Agency Engagement Strategy. This is now the cornerstone of our suite of resources guiding our partner agency engagement and ensures our alliance with partner agencies is effective and adaptive. It will help to better meet the needs of our diverse range of investigative partner agencies.

In 2020–21 we also made improvements to our partner agency portal and released a range of materials to strengthen our relations with our partners, including updates to the guidelines for dealings between the agency and investigators, the National Legal Direction – prosecution services for partner agencies, as well as our internal document prosecution services for partner agencies – a practical guide for prosecutors.

This multi-faceted approach reinforces our commitment to our partner agencies and sets the tone for our relationships as we move into the new financial year.

We continue to measure our performance against three key measures. Our compliance performance against the Prosecution Policy of the Commonwealth was excellent, again meeting our target of 100 per cent as we have done each year since 2016–17.

Our second measure, which is partner agency satisfaction with our service, is measured through our biennial partner survey, and we value and act upon the feedback this provides us.

Our third reporting measure is prosecutions resulting in a finding of guilt (conviction rate). We report both on the conviction rate recorded in all prosecutions as well as the conviction rate recorded in defended matters where an accused contests the charges and enters a plea of not guilty. In 2020–21 we achieved an overall conviction rate of 99 per cent, with a rate of 72 per cent in defended matters. More information on these measures and outcomes is available at page 99.

These results are a testament to the incredible work ethic and commitment of all our staff. Information about various aspects of our work is spread throughout this report but, of necessity, that is only a fraction of the story. Some other statistics, which are also illuminating are that we currently have over 4,300 matters before the courts; and during the reporting period we received over 2,200 new referrals from 45 referring agencies for more than 6,400 breaches of 60 separate Acts and Regulations.

The legal practice groups could not be as successful as they are without the skilled support from our enabling services personnel. Their dedication and resilience have been an important part of our success in maintaining a continuous prosecution service over the reporting period.

As I look to the coming year, I am reinvigorated by the opportunity to lead this wonderful organisation for a further two years, working alongside a team of outstanding people. Over the coming year we will continue to modernise our prosecution service, delivering critical digital transformation initiatives and harnessing these enhancements to strengthen and support our partner agencies, to effectively contribute to the safety of the Australian community and to uphold and maintain the rule of law.

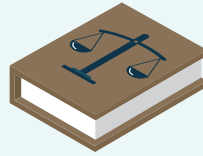
In closing, and on a personal note, I want to express my deep appreciation to Andrea Pavleka, our Commonwealth Solicitor for Public Prosecutions, who, in April 2021 bade farewell to us after a career spanning 30 years. We wish Andrea all the very best for her future as she explores new opportunities. We will miss Andrea's wisdom, humour, and her tireless dedication to the people and the work of the organisation. I thank her for the enormous support she provided to me personally since I became Director.

Sarah McNaughton SC

Commonwealth Director of Public Prosecutions

KEY ACHIEVEMENTS

Prosecution statistics



2288

New referrals



6420

Charges



1503

Prosecutions resulting in conviction*



4356

Matters currently before the courts*



1998

Cases finalised*

(*includes matters carried over from previous reporting periods)

Refer page 102–105

Top referring agencies

Australian Securities and Investments Commission

Australian Border Force

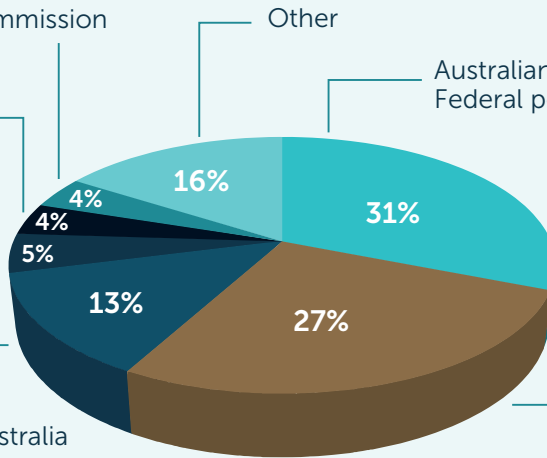
Australian Financial Security Authority

Services Australia - Centrelink

Other

Australian Federal police

State and territory Police



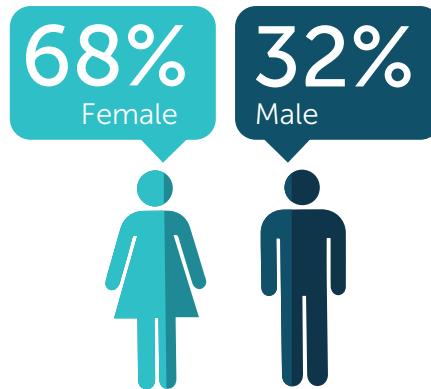
Refer page 50

Performance outcome

Criterion 1	Prosecution policy compliance = 100% (met)
Criterion 2	Partner agency satisfaction = Not applicable during reporting period
Criterion 3A	Prosecutions resulting in a finding of guilt (total matters) = 99% (met)
Criterion 3B	Prosecutions resulting in a finding of guilt (defended matters) = 72% (met)

Refer page 99

Gender diversity







PART 2

OUR ROLE,
FUNCTION &
STRUCTURE

OUR PURPOSE

The Commonwealth Director of Public Prosecutions' (CDPP) core purpose is to prosecute crimes against Commonwealth law through an independent prosecution service responsive to the priorities of our law enforcement and regulatory partners, to effectively contribute to the safety of the Australian community and to uphold and maintain the rule of law.

Our strategic framework

To achieve our purpose, our strategic framework is based on three themes which underpin how we set our priorities and enable us to deliver our stated outcome:



Service—To provide an efficient and effective prosecution service

Partners—To effectively engage with partner agencies and stakeholders



People—To invest in our people.

Our strategic themes focus and direct our effort. The matters we prosecute are diverse and complex, reflecting the evolving and expanding nature of offences against Commonwealth laws.

An independent prosecution service

The CDPP was established under the *Director of Public Prosecutions Act 1983* (DPP Act) and began operating on 5 March 1984. The DPP Act sets out the functions and powers of the Director, including independent responsibility for carrying out prosecutions for offences against Commonwealth laws. The Commonwealth Solicitor for Public Prosecutions takes a lead role in supporting the Director to fulfil all statutory obligations, while the practice group leaders and the Chief Corporate Officer oversee legal and corporate functions respectively.

While the agency is part of the Commonwealth Attorney-General's portfolio, we operate independently of both the Attorney-General and the political process. However, under s.8 of the DPP Act, the Attorney-General has the power to issue directions or guidelines to the Director. Prior to being issued, the Attorney-General must consult with the Director, and any directions or guidelines must be in writing and tabled in Parliament. The agency is bound by any directions or guidelines issued by the Attorney-General. Since the CDPP was established, eight directions have been issued. No s.8 directions were issued during the reporting period.

The CDPP is an integral part of the Australian justice system and is committed to upholding the highest professional and ethical standards. We liaise with state and territory prosecuting authorities, and attend valuable national prosecution forums, including the Conference of Australian Directors of Public Prosecutions and the National Executive Officers' Meeting. We work collaboratively with stakeholders contributing to legislative and procedural reforms to improve the delivery of our prosecution service and meet the expectations of the broader community.

We conduct prosecutions in every state and territory of Australia. Our national reach provides us with valuable insights as well as opportunities to build and maintain working relationships with key partners and stakeholders at every level of the justice system throughout Australia.

We remain committed to delivering an efficient and effective prosecution service. Despite the challenges presented by the COVID-19 pandemic, we continued to provide a full suite of prosecution services to partner agencies (including pre-brief, brief assessment and litigation services). Many engagements with the courts and stakeholders occurred online.

We were able to quickly adapt to changed ways of doing business, meeting the varying digital platform requirements of different courts and jurisdictions across the country.

Although jury trials were initially suspended at the start of the pandemic, they have recommenced with some changes and adaptations to meet the requirements around social distancing and ensured the courts provided a safe workplace for all participants.

We actively assisted the courts to ensure that jury trials recommenced as soon as possible, and as safely as possible.

While delivering an effective prosecution service we continued to ensure the health and wellbeing of all our staff. Our technology and flexible working arrangements continue to facilitate our agility in responding to rapid pandemic-related changes in the environment.

We also work to ensure victims, witnesses, alleged offenders and others engaged in the criminal justice process are treated fairly.

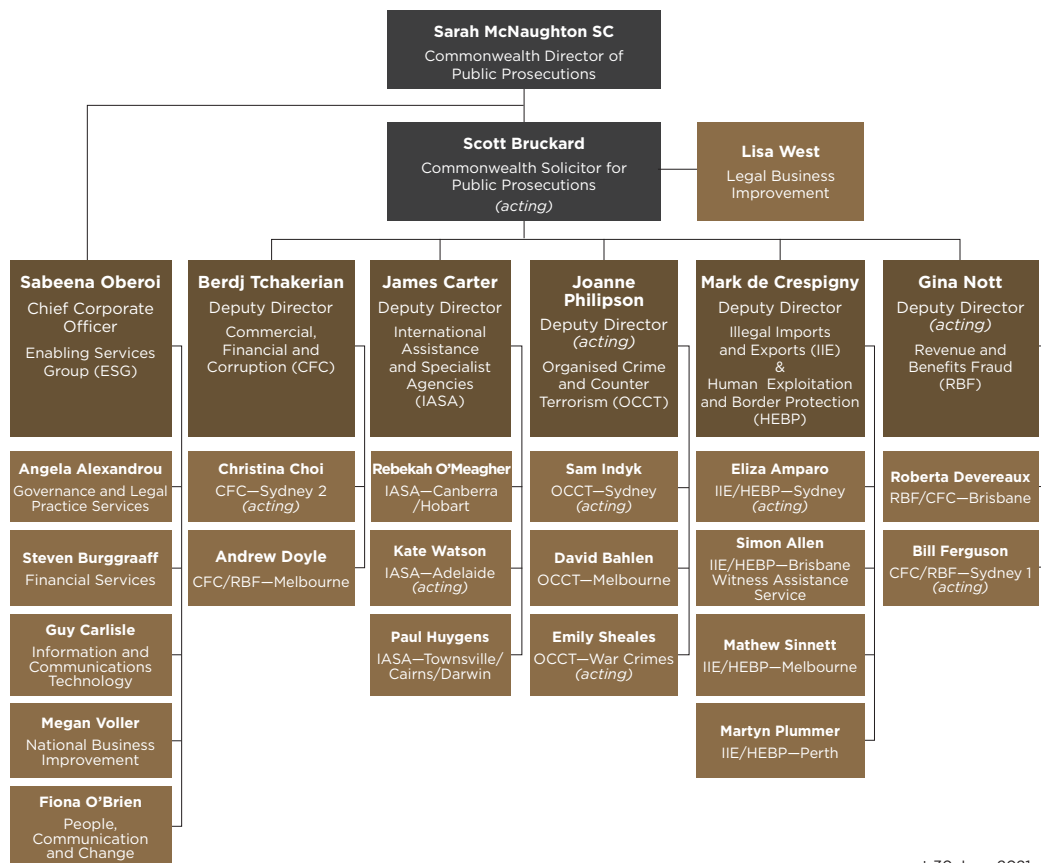
With offices located in Sydney, Brisbane, Melbourne, Adelaide, Perth, Canberra, Hobart, Darwin, Cairns and Townsville, we carry out legal work in the courts of every Australian state and territory. We are also responsible for prosecuting offences in Jervis Bay and Australia's external territories, including Norfolk Island, Christmas Island and the Cocos Keeling Islands.

OUR OUTCOME

By acting in accordance with our stated purpose, we contribute to a fair, safe and just society by delivering an effective, independent prosecution service in accordance with the [Prosecution Policy of the Commonwealth](#).

By delivering this outcome, we build public confidence in the Australian justice system, where the laws of the Commonwealth are respected, offenders are brought to justice and potential offenders are deterred.

OUR STRUCTURE



as at 30 June 2021

The role of the Director

The DPP Act establishes the Office of the Director of Public Prosecutions. It sets out the functions and powers of the Director, including independent responsibility for carrying out prosecutions for offences against Commonwealth law.

The Director delegates many of these functions and powers to our staff. Together, the Director and staff constitute a statutory agency, led by the Director.

The Director also has a range of miscellaneous functions, including providing legal advice to Commonwealth investigators, and applying for superannuation forfeiture orders under Commonwealth law.

As the CDPP's accountable authority, the Director also has a range of administrative responsibilities relating to governance, business operations and outcomes.

The role of Director is a statutory appointment for a term of up to seven years.

The role of the Commonwealth Solicitor for Public Prosecutions

The Commonwealth Solicitor for Public Prosecutions takes a lead role in supporting the Director to fulfil their statutory obligations and works with our legal practice groups and Enabling Services Group to ensure we have the essential systems, processes, people and culture in place to fulfil our purpose and deliver outcomes.

The Commonwealth Solicitor is committed to ensuring the agency is a contemporary and innovative legal practice that operates in a nationally consistent manner and focuses on:

- ensuring staff have access to key legal resources and harness their combined knowledge and experiences in the most efficient way possible
- encouraging early and efficient preparation and management of cases, including appropriate digital solutions and engagement of counsel
- continuing to foster a greater team-based approach to the way we manage our matters
- continuing our deep engagement with partner agencies when it comes to liaison, pre-brief advice and court work
- continuing to improve our service to partner agencies
- developing a strong culture and agile workforce by embracing more flexible ways of working
- developing staff via diverse work experiences (within and outside our organisation) and ensuring access to relevant and high-quality training and education.

The role of Commonwealth Solicitor is a senior executive service position under the *Public Service Act 1999*.

Our executive

Sarah McNaughton SC

Commonwealth Director of Public Prosecutions

On 13 May 2021, the Attorney-General, Senator the Hon. Michaelia Cash, announced the re-appointment of Ms Sarah McNaughton SC for a further two years as the Commonwealth Director of Public Prosecutions. This was an extension to Ms McNaughton's initial five year term which was announced on 5 May 2016, by the former Attorney-General, Senator the Hon. George Brandis QC.

Ms McNaughton has 31 years' experience as a legal practitioner, having held a range of roles in private practice and with the CDPP. She has been a respected member of the New South Wales Bar since 1996 and was appointed Senior Counsel in 2011. With specialist expertise in offences related to taxation, corporate crime, drug importation and counter terrorism, Ms McNaughton has appeared as prosecution and defence counsel in complex criminal trials and appeals. Ms McNaughton's role as Director includes an appellate practice in intermediate appellate courts across the nation and in the High Court of Australia.

Ms McNaughton holds bachelor degrees in Arts (Hons) and Law (Hons), and a Master of Laws from the University of Sydney.

Scott Bruckard PSM

Commonwealth Solicitor for Public Prosecutions (*acting*)

Mr Bruckard was appointed acting Commonwealth Solicitor for Public Prosecutions in April 2021. Prior to this appointment, Mr Bruckard was the Practice Group Leader of the Organised Crime and Counter-Terrorism practice group, a position he had occupied since 2014.

Mr Bruckard joined the CDPP in 1987. He has been a member of the senior executive since 2000 and a member of the organisation's national executive since 2014. In over 30 years working as a Commonwealth prosecutor, Mr Bruckard has managed many teams prosecuting allegations such as revenue frauds, drug importations and trafficking, foreign incursions, money laundering and domestic terrorism. In June 2016, Mr Bruckard was awarded a Public Service Medal in recognition of his distinguished service to the law enforcement and justice communities, particularly his role in leading significant counter-terrorism prosecutions.

Mr Bruckard has used his considerable experience as a prosecutor to contribute to the development of important law reform initiatives. As a result of his work on many long and complex criminal cases, Mr Bruckard also has a particular interest in working with partners and stakeholders to develop more efficient ways to manage criminal litigation, particularly through the application of technology.

Mr Bruckard holds degrees in Arts and Law from the University of Melbourne.

James Carter

Practice Group Leader, International Assistance and Specialist Agencies

Mr Carter has extensive experience in Commonwealth criminal law, having commenced his legal career at the CDPP in 1987. After prosecuting matters in the Australian Capital Territory and New South Wales, he worked in the areas of law reform and practice management. In 2014 he became the Practice Group Leader for Revenue and Benefits Fraud and was responsible for this practice group until 19 May 2021. In 2019 he also assumed responsibility for the International Assistance and Specialist Agencies practice group and continues in this role.

Mr Carter has national responsibility for the agency's relationships with many Commonwealth agencies and for the prosecution of a wide range of criminal offences across Australia. He is responsible for the development of specialist capability to prosecute diverse and sensitive regulatory matters. Mr Carter has contributed extensively to the development of Commonwealth criminal law, working closely with partner agencies on law reform projects.

Mr Carter has been a member of the senior executive of the organisation since 2004 and a practice group leader since 2007. He holds degrees in Law and Arts from the Australian National University and is a graduate of the Australian Institute of Company Directors.

Mark de Crespigny

Practice Group Leader, Illegal Imports and Exports & Human Exploitation and Border Protection

Mr de Crespigny has national responsibility for a large variety of crime types, including general drug and precursor importation offences, money laundering, child exploitation offences, human trafficking, slavery and people smuggling.

He joined the CDPP in 1989 and has worked in our Sydney, Canberra and Adelaide offices. Mr de Crespigny's experience in successfully prosecuting a range of crime types and managing relationships with key stakeholders underpins his ability to coordinate a broad and complex area of national practice.

As a member of the senior executive for more than 14 years, Mr de Crespigny became responsible for the Illegal Imports and Exports practice group and the Human Exploitation and Border Protection practice group in 2017.

Mr de Crespigny holds degrees in Law and Commerce from the Australian National University.

Berdj Tchakerian

Practice Group Leader, Commercial, Financial and Corruption

Mr Tchakerian joined the CDPP in 1986 and has prosecuted a wide range of cases including fraud and drug matters. He was the agency's representative on Project Wickenby, a whole-of-government taskforce focused on combatting tax fraud and continues in a similar role as the agency's senior representative on the Serious Financial Crime taskforce, working closely with partner agencies to contribute to the success of the taskforce and maintain strong links in this area of law enforcement.

Mr Tchakerian became a member of our senior executive in 2000, and in 2017 he became responsible for the Commercial, Financial and Corruption practice group.

Mr Tchakerian is the inaugural CDPP Diversity Champion, a position he still holds.

He holds degrees in Law and Arts from Monash University.

Gina Nott

Practice Group Leader, Revenue and Benefits Fraud, (acting)

Ms Nott joined the CDPP in 2006 and has worked in our Perth, Canberra, Brisbane and Sydney offices as well as some of our external territories such as Christmas and Cocos Islands. Ms Nott has wide experience across the agency's various practice groups including International Assistance and Specialist Agencies, Illegal Imports and Exports, Commercial Financial and Corruption, and Revenue and Benefits Fraud. Ms Nott was appointed as acting Practice Group Leader Revenue and Benefits Fraud practice group in April 2021.

Ms Nott holds a Bachelor of Law from the University of Western Sydney and a Bachelor of Social Science from Charles Sturt University.

Joanne Philipson

Practice Group Leader, Organised Crime and Counter Terrorism (acting)

Ms Philipson joined the CDPP in 1989 and has conducted prosecutions across several different crime types including drugs, fraud and commercial prosecutions. She has extensive experience as a federal prosecutor, having served as the Assistant Director of the agency's Sydney-based operations for the Organised Crime and Counter Terrorism branch and the Commercial Financial and Corruption branch for over 13 years.

Ms Philipson has a strong interest in developing better ways to manage disclosure in complex criminal matters and was awarded a Churchill Fellowship in 2019 to make a comparative assessment of strategies to effectively manage prosecution disclosure in the United Kingdom, Canada and the United States of America.

Ms Philipson joined the CDPP's senior executive in 2007 and was appointed acting Practice Group Leader of the Organised Crime and Counter Terrorism group in April 2021.

Ms Philipson holds bachelor degrees in Arts and Law from the University of Sydney.

Sabeena Oberoi

Chief Corporate Officer

Ms Oberoi joined the CDPP in November 2019 as the Chief Corporate Officer heading up the Enabling Services Group and her responsibilities include people, communication, governance, risk, audit, administrative support, library, finance, property, information and communications technology, data and reporting, and digital transformation.

Ms Oberoi has been with the Australian Public Service for more than 26 years and a senior executive for more than 13 years. She has extensive experience at senior levels in a wide range of areas including policy development and implementation, program design and delivery, business transformation, building capability, driving organisational change and complex stakeholder management.

Ms Oberoi holds a Bachelor of Mathematics (Hons) from the University of Delhi and a Bachelor of Commerce in Banking and Finance from the University of Canberra.

OUR FUNCTIONS



International engagement



Commonwealth prosecution service



Community education and building confidence



Commonwealth prosecution service

The Prosecution Policy of the Commonwealth applies to all Commonwealth prosecutions. It outlines the principles and matters which our prosecutors must consider when making decisions regarding the prosecution process.

The policy underpins and promotes consistency and efficiency. It guides decision-making throughout the prosecution process for every matter, regardless of the crime type or practice group.

Criteria governing the decision to prosecute—the prosecution test

When deciding whether to prosecute, the CDPP must ensure the test for prosecution is met, as set out under the policy. The test requires that the prosecutor be satisfied there is sufficient evidence to prosecute a case and that the prosecution is in the public interest.

To determine if there is sufficient evidence to prosecute a case, there must be both *prima facie* evidence of the elements of the offence and a reasonable prospect of obtaining a conviction. In making this decision, our prosecutors must evaluate how strong the case is likely to be when presented in court. They must take into account matters such as the availability, competence and credibility of witnesses, and the admissibility of relevant evidence, including any alleged confession or admission. Our prosecutors also consider any lines of defence open to the alleged offender, and any other factors that could affect the likelihood of a conviction.

In addition, our prosecutors consider if a court might exclude any evidence. If that evidence is crucial to the case, this may substantially affect the decision whether to prosecute. Our prosecutors need to look closely at the available evidence in every matter.

Once satisfied there is sufficient evidence to justify starting or continuing with a prosecution, we then consider whether such a prosecution would be in the public interest.

Public interest factors may include the following matters:

- whether the offence is serious or trivial
- mitigating or aggravating circumstances
- age, intelligence, physical health, mental health or vulnerability of the alleged offender, witness or victim
- alleged offender's criminal history and background
- passage of time since the alleged offence
- availability and efficacy of any alternatives to prosecution
- prevalence of the alleged offence and the need for general and personal deterrence
- attitude of the victim or victims
- need to apply regulatory or punitive imperatives
- likely outcome in the event of a finding of guilt.

The decision to prosecute must be made impartially and must not be influenced by matters such as the race, religion, sex or national origin of the alleged offender. Personal feelings for the victim, political advantage or possible embarrassment to the Australian Government are also matters which play no part in any decision to prosecute.

The Prosecution Policy of the Commonwealth is available on our website at www.cdpp.gov.au.

Measuring compliance with the prosecution test

Our prosecutors are required to certify compliance in addressing the test for prosecution in the policy by completing a Prosecution Policy Declaration. Since introducing this performance metric, we have achieved 100 per cent compliance.

These declarations are entered electronically into our case management system. This has been an important initiative to confirm and capture evidence that the policy has been addressed.



Community education and building confidence

To educate the community about our role and build confidence in the federal justice system we:

- promote prosecution outcomes on our website at www.cdpp.gov.au
- highlight the positive working relationships we have with partner agencies and state and territory counterparts
- regularly participate in court users' forums and committees
- attend relevant legal conferences and events
- provide input into legislative reform.

Promoting prosecution outcomes educates the community about the consequences of committing crimes against Commonwealth law and also deters potential offenders.



International engagement

The COVID-19 pandemic directly impacted upon our usual level of international engagement, with many plans for 2020–21 being cancelled. Despite these limitations, we were able to support and satisfy a number of international requests for assistance online. We remain committed to assisting and supporting our international partners and neighbours where and by whatever means we can.

Australia's external territories

Throughout the reporting period prosecutors continued to conduct cases in Australia's external territories, including in Norfolk Island, Christmas Island and the Cocos Keeling Islands.

Turks and Caicos Islands

In August 2020, the Director of Public Prosecutions for the Turks and Caicos Islands, one of the British Caribbean overseas territories, contacted us regarding our website and requested permission to adapt these resources for use on its own website.

We were pleased to provide permission and to support their work.

Canada

In November 2020, we received a request from Integrated Justice Services in Canada, which was undertaking a jurisdictional scan to determine how other countries were managing the impacts of COVID-19 on their criminal justice system. The Research and Implementation branch sits within the Ministries of Justice and Corrections and Policing, and is in Saskatchewan, Canada.

As the request related to Australia's national response it was coordinated by the Attorney-General's Department, and we contributed to this response by providing information about the use and uptake of technology by the courts including online hearings, the adjournment of cases and court appearance statistics.

Japan

In June 2019, the Organisation for Economic Cooperation and Development's (OECD) Working Group on Bribery adopted a 'Phase 4' report in relation to Japan's implementation and enforcement actions for combatting bribery of foreign public officials in international business transactions. The OECD uses a 'Phase 4' peer evaluation to ensure an identified country's compliance with the principles of the OECD Anti Bribery Convention; implementation of the Convention and related legal instruments; and to give the identified country the opportunity to benefit from the experience of other countries. A Phase 4 review also determines a country's progress towards implementing recommendations from previous phases.

The team for Japan's Phase 4 evaluation was comprised of lead examiners from Australia and Norway as well as members of the OECD Anti-Corruption division. Members from the Attorney-General's Department, the Australian Federal Police, and our organisation formed the Australian delegation. The June 2019 Phase-4 report made 17 recommendations primarily in the areas of detection, enforcement and corporate liability.

In December 2020, the Attorney-General's Department requested our assistance in responding to a survey request from the Ministry of Justice in Japan on the subject of the digitalisation of court procedure, as part of a wider international scan of criminal justice responses to the pandemic.

We prepared a response addressing the areas of online hearings and digitally filed court documents.

Israel

In February 2021, we assisted the Attorney-General's Department in responding to a request from the Office of the Deputy Attorney-General in the Ministry of Justice in Israel regarding the way in which Australian courts deal with various issues in relation to search warrants.

Philippines

In March 2021, two CDPP prosecutors provided training via webinar to police and prosecutors in the Philippines on terrorism offences. The training was delivered as part of a series of webinars in response to new counter-terrorism legislation that was implemented in the Philippines in 2020. The CDPP has previously supported the Australian Government's efforts to help the Philippines respond to the threat of terrorism.

Vanuatu

In April 2021 our Witness Assistance Service team established a professional relationship with the Office of the Public Prosecutor (Vanuatu). We provide training to prosecution staff in relation to victim-related issues and provide a mentoring role to their recently appointed Victim Support Officer. The first training session was provided by the Witness Assistance Manager in June 2021 and it is expected that further sessions will be delivered in the coming financial year.

United Nations Office of Drugs and Crime

The Conference of the States Parties to the United Nations Convention Against Corruption adopted resolution 8/12, entitled Preventing and combating corruption as it relates to crimes that have an impact on the environment, at its eighth session. The United Nations Office of Drugs and Crime (UNODC) was tasked with conducting research on topics within the scope of the resolution and requested assistance on Australia's experiences and good practices in this area. In May 2021, the Attorney-General's Department approached us for assistance in responding to a questionnaire circulated by the UNODC to assist with their research. Through our International Assistance and Specialist Agencies practice group, which has experience in environmental prosecutions, we provided information to assist in Australia's response to the questionnaire.



PART 3

MANAGEMENT & ACCOUNTABILITY

CORPORATE GOVERNANCE

Key legislative and policy frameworks establish the role of our organisation and the statutory position of Director. Key elements include:

- *Director of Public Prosecutions Act 1983* (DPP Act)
- *Public Governance, Performance and Accountability Act 2013* (PGPA Act)
- Public Governance, Performance and Accountability Rule 2014 (PGPA Rule)
- *Public Service Act 1999* (PS Act)
- Prosecution Policy of the Commonwealth

Governance provides a framework to ensure we meet the standards of fairness, openness, consistency, accountability and efficiency in prosecuting offences against the Commonwealth and, in meeting these standards, maintain the confidence of the public we serve.

Good governance considers both performance and accountability within a risk management framework, rather than trading one off against the other.

We continually refine our governance arrangements to ensure they are fit-for-purpose and clear to everyone. Our governance structure provides clarity on accountabilities and responsibilities. This enables us to work with our partners to achieve the outcome and purpose expressed in our corporate plan.

Primary Committees

Audit Committee

The Audit Committee provides independent advice and assistance to the Director on the organisation's financial and performance reporting responsibilities, system of risk oversight and management, and system of internal control under the PGPA Act and its associated Rule. The role of the committee is consistent with its charter which is available on our website at www.cdpp.gov.au/publications.

The committee is chaired by independent member, Mr Ken Moore, and includes two additional independent members. Our representatives, who attend regular meetings, are the Commonwealth Solicitor for Public Prosecutions, the Chief Corporate Officer, the Chief Financial Officer, the Assistant Director Governance and Legal Practice Services, and the Chief Audit Executive.

One senior officer also attends the meetings as an observer. Representatives from the Australian National Audit Office and other presenting officers attend meetings to address particular agenda items or as agreed with the chair.

The Audit Committee remuneration disclosure can be found at page 144.

Executive Leadership Group

The Executive Leadership Group is the key advisory group to the Director, our accountable authority. Although it has no formal decision-making authority, it provides a broad range of strategic and specialist legal expertise in support of outcomes. Chaired by the Director, the group is comprised of the Commonwealth Solicitor for Public Prosecutions, the practice group leaders and our Chief Corporate Officer.

The group meets monthly to identify and consider emerging strategic issues in both the enabling services and legal domains. The enabling services matters include human resource management, communications, planning, information and technology management, security, governance, strategic planning, budget oversight and financial strategy, and risk identification and management. The group also monitors and considers legal practice performance and outcomes, and ensures national consistency in legal practice and enabling services policies.

Secondary Committees

National Health and Safety Representative Committee

In accordance with the *Work Health and Safety Act 2011*, we take all reasonably practicable steps to protect the health, safety and wellbeing of our staff and other workers. This includes consulting with workers, who are, or are likely to be, directly affected by a work health or safety matter.

The National Health and Safety Representative Committee is the consultative mechanism between management, staff and other workers on work health and safety (WHS) matters. The committee meets quarterly to assist and advise us on matters affecting the health, safety and wellbeing of its staff and other workers. The committee is also responsible for disseminating WHS information, in a regular and timely way. Chaired by the National Manager People, Communications and Change branch, the committee draws its membership from management and employees, with representatives from across work groups and office locations.

National Consultative Committee

The National Consultative Committee was established as part of the agency's Enterprise Agreement 2017–2020 to facilitate communication and consultation on agency employment and workplace matters related to the implementation of the enterprise agreement. It is chaired by the Commonwealth Solicitor for Public Prosecutions and comprises both staff and management representatives from across work groups and office locations.

Workforce Planning Committee

The Workforce Planning Committee is the key advisory body to the Executive Leadership Group on all matters relating to forecasting the organisation's human resourcing requirements and assists the leadership group to make informed decisions on workforce planning.

The committee is chaired by the Commonwealth Solicitor for Public Prosecutions and comprises the practice group leaders, the Chief Corporate Officer, the Chief Finance Officer, and the National Manager People, Communication and Change branch.

The committee meets monthly to consider and review a range of workforce planning requirements including the organisation's short, medium and long-term workforce needs and structure, strategic priorities, workloads, vacancies, staffing levels and budget implications. The committee also considers succession planning and leadership capability building including talent management strategies and job rotations to support short- and medium-term capability requirements of the workforce.

Information Governance Committee

The Information Governance Committee is the key advisory group on the governance arrangements for the information, record and data assets held by the organisation. The committee has no decision-making remit. Chaired by the Chief Corporate Officer, the committee draws its 12 members from across the organisation to ensure broad representation.

The committee acts as our point of contact for whole-of-government information initiatives; ensures the implementation of information management standards including business systems functionality, metadata and interoperability capabilities; establishes, monitors and reviews the effectiveness of the organisation's information governance framework, strategies, policies and architecture. It ensures that information risks are managed, including those associated with compliance, security, access, privacy, continuity, management and cost. The committee also ensures we meet our digital continuity 2020 policy targets and the new building trust in the public record policy (2021).

Enterprise Board

The Enterprise Board is chaired by the Commonwealth Solicitor for Public Prosecutions and provides focused oversight for major projects across the organisation to ensure delivery of the stated outcomes. It monitors, evaluates and reports to the Executive Leadership Group on project progress and risk profiles. The Enterprise Board meets monthly and provides a status update at each Executive Leadership Group meeting.

Fraud and risk management

Risk management

Risk management is an integral part of our strategy and planning processes. In compliance with the PGPA Act and its associated Rule, as well as the Commonwealth Risk Management Policy, the Director has established a Risk Management Framework.

The Executive Leadership Group and Audit Committee actively monitor and manage our Strategic Risk Register, ensuring risk management is effective and continues to support organisational performance. This is supported by a strategic risk traffic light report which provides a snapshot of the risks and mitigations to enhance their oversight. The Executive Leadership Group reviews the risk register and the risk appetite statement on a regular basis.

During the reporting period, the risk register was updated to incorporate additional risks emanating from the COVID-19 pandemic. These risks continued to be monitored and managed in the reporting period as part of the broader risk management program.

We continue to work towards building a proactive and mature risk management culture by using risk information to support and inform decision-making. We empower and enable our people to actively engage with risk by providing them with the education, tools and guidance they need to confidently identify, measure and manage organisational risks within our risk tolerances and without stifling opportunities for innovation.

The organisation takes a proactive risk management approach in our litigation management plans, which helps us manage complex cases by promoting active planning of case activities and regular updates as matters proceed through the prosecution process.

During the reporting period, we participated in the revised biennial Comcover Risk Management Benchmarking Survey. The survey's timing, format, questions and maturity model were amended from previous years, allowing for 2021 to present a new baseline from which to measure maturity. We self-assessed as 'embedded', which reflects the critical work the agency undertook during the reporting period. Following a review of our risk management mechanisms in 2019, the Risk Management Framework, Strategic Risk Register and Risk Appetite Statements were refreshed. In addition, the governance team was restructured in late 2020 to separate out the internal audit and risk functions, ensuring appropriate consideration and resourcing. We continue to work towards developing an internal risk management capability and increasing its maturity.

Fraud management

The organisation works diligently to minimise the potential for fraud and corruption through continuous improvement of our fraud control framework and control mechanisms. Our fraud control policy helps employees, contractors, consultants and the public understand what fraud is and encourages employees at all levels to participate in protecting public resources.

Our fraud control plan is regularly updated in response to our fraud risk register and management plan, which is a live document used to capture and manage fraud risks. It is reviewed and updated by the Executive Leadership Group biannually. The COVID-19 pandemic has heightened the risk of fraud for all organisations and we remain vigilant for the new ways in which fraud could potentially be perpetrated and have taken steps to proactively safeguard against it.

Through the Audit Committee, the Director is assured that fraud prevention, detection, investigation and reporting mechanisms are in place to meet the requirements of the Commonwealth Fraud Control Framework 2017, and specifically s.10(b) of the PGPA Rule.

During the reporting period there were no reported incidents of fraud.

Internal audit

Internal Audit is an independent function which seeks to improve our operations by providing objective assurance and advice that supports decision-making. It is a major component of our governance framework and helps us achieve objectives by bringing a systematic, disciplined approach to risk management, optimisation of controls, and effective governance.

The activities of our internal auditor are risk-based and detailed in a strategic internal audit plan that is endorsed by the Audit Committee. The strategic internal audit plan coordinates internal audit activity with other assurance activities and mechanisms including external audits.

During the reporting period, our internal audit service provider undertook a range of audits. No significant control breakdowns were identified in the reporting period.

Public interest disclosure

We are committed to the highest standards of ethical and accountable conduct, encouraging, supporting and protecting public officials who report disclosable conduct in accordance with the *Public Interest Disclosure Act 2013*.

We recognise it is important to have an effective system for reporting and investigating disclosable conduct. We provide training for our authorised officer network and have a dedicated email address for disclosures to be made to authorised officers, who report to the Director.

Our public interest disclosure procedure and supporting documents are published on our intranet and on our website at www.cdpp.gov.au.

There were no public interest disclosures in the reporting period.

Ethical standards

Part of developing strong leadership for an organisation is bringing an ethical framework to decision-making. Everyone joining our organisation undertakes to follow these standards and is expected to adhere to the standards throughout their time with us.

The Australian Public Service Commission's Ethics Advisory Service is available to all employees who wish to discuss and seek advice on ethical issues that occur in the workplace and make sound decisions around these issues. Our people can also access policies, guidance and support from our Human Resources Advice and Support team and through the employee assistance program.

We also rigorously pursue disclosure and management of conflict of interest.

Our Audit and Risk team reviews and strengthens the conflict of interest policy and related guidance and procedures each year to enable all officials under the PGPA Act, including the Director as the accountable authority, to meet their disclosure requirements.

Privacy

Our obligations under the *Privacy Act 1988* and the Australian Privacy Principles guide our privacy policy and National Legal Direction. These cover all privacy considerations in relation to our collection, storage, release and disposal of personal information.

During the reporting period the Executive Leadership Group approved a revised privacy policy, national legal direction and the 2020–21 Privacy Management Plan. This plan identifies specific, measurable privacy goals and targets and sets out how we will meet our privacy compliance obligations.

No notifiable data breaches identified during the reporting period.

Financial management

Asset management

Our major assets are right-of-use leased premises, office fit out, office furniture, computer equipment, purchased software, and library holdings. We conduct an annual stocktake to ensure the accuracy of our asset records.

Purchasing

We undertook our procurement and purchasing in the reporting period in accordance with the principles set out in the Commonwealth Procurement Rules.

Our procurement policies and practices are informed by the Director's Finance Instructions and supporting guidelines. These have been developed to ensure we undertake competitive, non-discriminatory procurement processes; obtain value for money; encourage competition among actual and potential suppliers; promote the use of resources in an efficient, effective, economical and ethical manner; and are accountable and transparent during the procurement process.

Consultancy services

We engage consultants where we lack specialist expertise or when independent research, review or assessment is required. Typically, we engage consultants to investigate or diagnose a defined issue or problem, carry out defined reviews or evaluations, or provide independent advice, information or creative solutions to assist in our decision-making.

Before we engage consultants, we consider the skills and resources required for the task, the skills available internally, and the cost-effectiveness of engaging external expertise. We make decisions to engage a consultant in line with the PGPA Act and related regulations (including the Commonwealth Procurement Rules and relevant internal policies).

The tables below contain information about actual expenditure on reportable consultancy contracts and reportable non-consultancy contracts. Information on the value of reportable consultancy contracts and reportable non-consultancy contracts is also available on the AusTender website at www.tenders.gov.au.

Reportable consultancy services

During the reporting period, we entered into seven new reportable consultancy contracts with a total actual expenditure of \$371,657 (including GST). In addition, three ongoing consultancy contracts were active during 2020–21, involving a total actual expenditure of \$133,453 (including GST).

Table 1: Reportable consultancy contract expenditure 2020–21

Reportable consultancy contracts 2020–21	Number	Expenditure \$
New contracts entered into during the reporting period	7	371,657
Ongoing contracts entered into during a previous reporting period	3	133,453
Total	10	505,110

Table 2: Top five consultancy organisations in 2020–21

Organisations receiving a share of reportable consultancy contract expenditure 2020–21	Expenditure \$	Proportion of 2020–21 total expenditure
Gartner Australasia Pty Limited	171,820	34%
KPMG	123,936	25%
Fiscal Advisors	79,200	16%
Pricewaterhouse Coopers	50,875	10%
Workplace Research Associates Pty Ltd	47,520	9%
Total of top five consultants	473,351	94%

Reportable non-consultancy services

During the reporting period, we entered into 120 new reportable non-consultancy contracts with a total actual expenditure of \$6,151,571 (including GST). In addition, 160 ongoing non-consultancy contracts were active during 2020–21, involving a total actual expenditure of \$21,785,749 (including GST).

Table 3: Reportable non-consultancy contracts 2020–21

Reportable non-consultancy contracts 2020–21	Number	Expenditure \$
New contracts entered into during the period	120	6,151,571
Ongoing contracts entered into during a previous period	160	21,785,749
Total	280	27,937,320

Table 4: Top five non-consultancy organisations in 2020–21

Organisations receiving a share of reportable non-consultancy contract expenditure 2020–21	Expenditure \$	Proportion of 2020–21 total expenditure
Sicard Pty Ltd	3,285,252	12%
GPT Pty Limited	1,820,985	7%
Charter Hall Wholesale Management	1,153,004	4%
Shape Australia Pty Ltd	1,142,920	4%
Intuit Technologies Pty Ltd	839,666	3%
Total of top five consultants	8,241,827	30%

Australian National Audit Office access clauses

During the reporting period, we did not enter into any contracts for \$100,000 or more (including GST) that do not provide for the Auditor-General to have access to the contractor's premises.

Exempt contracts

We have exempted the publication of details of prosecution legal counsel on the basis that to do so would disclose exempt matters under the *Freedom of Information Act 1982*.

Procurement initiatives to support small business

The organisation supports small business participation in the Commonwealth Government procurement market. Small and medium enterprises (SME) and small enterprise participation statistics are available on the Department of Finance's website at www.finance.gov.au.

We recognise the importance of ensuring that small businesses are paid on time. The results of the survey of Australian Government Payments to Small Business are available on the Treasury website at www.treasury.gov.au.

Some of the ways our procurement practices support SMEs include:

- using the Commonwealth Contracting Suite for low-risk procurements valued under \$200,000
- communicating in clear, simple language and presenting information in an accessible format
- adhering to the Pay-on-Time Policy relating to paying small business suppliers.

Legal services expenditure

The Legal Services Directions 2017 require agencies to report expenditure on legal services.

These directions are not intended to cover the handling of criminal prosecutions and related proceedings (see General Note 4 to the Directions). Therefore, our report relates to our administrative activities only.

Our total expenditure on legal services (excluding the handling of criminal prosecutions and related proceedings) during 2020–21 was \$39,705 (excluding GST). Further details are contained in the following table which outlines CDPP legal services expenditure and is published in compliance with paragraph 11.1(ba) of the Legal Services Directions 2017.

Table 5: Legal services expenditure in 2020–21

Expenditure	Amount 2020–21	Amount 2019–20
Total (external and internal) expenditure	\$39,705	\$64,695
Total internal legal services expenditure	\$0	\$0
Total external legal services expenditure	\$39,705	\$64,695
Summary of external legal services expenditure		
Total value of briefs to counsel (A)	\$0	\$0
Total value of disbursements (excluding counsel) (B)	\$55	\$85
Total value of professional fees paid (C)	\$39,650	\$64,610
Total external legal services expenditure (A + B + C)	\$39,705	\$64,695

Note: Excludes the handling of criminal prosecutions and related proceedings

EXTERNAL SCRUTINY

The Auditor-General issued an unqualified audit report for the organisation's 2020–21 financial statements.

During the reporting period, there were no decisions of administrative tribunals or the Australian Information Commissioner that have had or may have a significant impact on our operations.

ENVIRONMENTAL PERFORMANCE

We are committed to the ongoing efficient and effective management of resources and have initiatives in place that contribute to a more sustainable environment.

Our range of energy saving methods include:

- using technology to minimise energy use, including automatic power-down devices on electrical equipment
- transitioning to an electronic document and records management system, reducing the need to print and retain paper copies of documents
- shared data centre locations where possible to reduce our air conditioning requirements
- use of energy-efficient lighting control systems throughout our offices to reduce energy usage
- ensuring all our computer equipment is energy-star enabled
- recycling of printer toner cartridges
- a small corporate fleet of hybrid vehicles
- reducing the need for staff to travel by providing access to technologies that facilitate online connectivity
- incorporating an energy efficient design in our office fit-out projects with the aim of reducing overall energy usage.

The following table details our environmental performance results over the reporting period.

Table 6: Environmental performance 2020–21

Item	Performance 2020–21	Performance 2019–20
Office tenancy light and power		
Electricity (kWh)	542,407	589,571
Green power (kWh)	19,134	15,927
Total (GJ)	2,022	2,180
Total electricity consumed per employee (MJ)	5,055	5,116
Passenger vehicles		
Petrol (litres)	2,335 litres	5,565 litres
Total (GJ)	80 gigajoules	190 gigajoules
Distance (km)	45,063 kilometres	92,394 kilometres
Megajoules/100 kilometres	1.59 megajoules/100km	2.06 megajoules/100km
Total consumption (GJ)	2,102 gigajoules	2,370 gigajoules





PART 4

OUR PEOPLE

OUR PEOPLE

Our people are at the centre of our work. Ensuring our workforce is safe, healthy and continually learning in an inclusive workplace is key to delivering an efficient and effective prosecution service.

Learning and development

We are committed to investing in the development of our people through learning and development opportunities. We aim to embed an organisational culture of continual learning and skills transfer that drives high performance, builds capability and supports our people to successfully deliver on strategic priorities. The Learning and Development Strategy 2020–23 and Legal Learning and Professional Development Strategy 2020–23 shaped the learning and development initiatives across the agency in 2020–21.

In September 2020, LearnHub was implemented—our first learning management system. LearnHub provides easily accessible, convenient learning and development opportunities for employees via e-learning modules.

The system enables tracking of participation in learning and development activities which supports performance conversations and also allows the organisation to evaluate its investment in learning and development.

Our Legal Learning and Professional Development (LLPD) program delivers an effective and efficient career development pathway, consistent with the national practice group model. The program upskills the capabilities of lawyers at all stages and levels of their career through targeted activities and training programs.

The National Advocacy Program is an integral part of the LLPD program ensuring our lawyers are continually developing their core competencies and skills in prosecutorial advocacy. After being offered as an in-person workshop for the past five years, in May 2021 we saw the successful delivery of the first online Australian Advocacy Institute advocacy skills training workshop.

The National Continuing Legal Education (CLE) Framework was launched in November 2020, and the National CLE Committee, which is refreshed every year, is facilitating the delivery of high quality, up-to-date and relevant legal training aligned to the core capabilities needed to prosecute Commonwealth crime in accordance with the framework. It has empowered our prosecutors to progress their own learning needs and for the organisation to embrace a culture of ongoing legal learning.

In 2020, we developed a program concentrating on building and embedding leadership and management capabilities within our middle management and the senior executive cohort. This program, which comprises participation in formal training initiatives and executive coaching, supports succession planning. In particular, it ensures our current and future leadership cohorts are equipped with the core skills and capabilities necessary to drive and support achievement of the organisation's strategic objectives.

We are also investing in cultural awareness development and inclusivity programs. We pride ourselves on having a diverse and inclusive workplace culture made up of individuals who contribute to our success through their personal perspectives, experience and ideas. To continue our support of this, we have provided our workforce with relevant e-learning modules through LearnHub including a series of modules aimed at building awareness and knowledge of diversity and inclusion issues, including unconscious bias. The program provides specific modules on age, gender, disability, Aboriginal and Torres Strait Islanders, cultural diversity and LGBTQI+. Delivering this training via a convenient and easily accessible platform facilitates wider access to the modules across the organisation and supports building a culturally aware workforce.

Flexible work

In keeping with our Flexible Work Framework, we continued to promote flexible work arrangements during the reporting period. To support the transition of our workforce to home-based work due to the pandemic and from home-based work back to our offices across Australia as COVID-19 restrictions eased, we amended our remote working and flexible working policies, following extensive consultation with our workforce.

Mobile devices, including laptops, were rolled out across the year to all staff, ensuring that we can quickly transition our workforce when required to facilitate flexible work arrangements.

Thirty-three per cent of our workforce have a work-from-home arrangement in place. Of those, most do so one or two days per week. This does not include arrangements which are mandated by state or territory government restrictions.

Workplace wellbeing

Our wellbeing program fosters a supportive environment for our employees, encouraging and facilitating health and wellbeing through culture, policies, awareness programs and initiatives. The 2020 APS Census wellbeing index of 71 per cent reflects the important role our wellbeing program has in sustaining a safe and healthy working environment. Immediate supervisors also play an important role in supporting employees with 88 per cent of respondents to the census confirming that their supervisor cares about their health and wellbeing.

Wellbeing checks are an important component of the program. All employees are offered an opportunity for a wellbeing check, with checks being scheduled for our lawyers and legal support staff within three months of commencing employment and every six months thereafter. These checks mitigate the risk of psychological injury, including vicarious trauma and accumulative stress. Wellbeing checks are conducted by registered psychologists through our wellbeing provider. During 2020–21, a total of 797 wellbeing checks were conducted across the CDPP.

We offer a confidential employee assistance service at no cost to employees and their immediate families, as well as a manager assistance hotline. During the reporting period, the employee assistance provider delivered 147.5 hours of support to employees and their families.

To further mitigate the risk of vicarious trauma, during the reporting period we developed vicarious trauma guidelines and resources for managers and employees to support identification of early signs of vicarious trauma and its management should it arise. Targeted training for managers and employees commenced in June 2021 and will continue to be delivered during 2021–22.

Our annual influenza vaccination program was undertaken in April/May 2021, offering free vaccinations to all employees and our labour hire workforce.

The organisation recognises that staff who are fit and healthy will be more productive in the workplace. The enterprise agreement provides for reimbursement of up to \$250 a year for approved health and wellbeing activities or equipment. During the pandemic, we have extended use of this provision for the purchase of ergonomic equipment to facilitate safer and healthier work practices when working from home.

During the reporting period, 316 employees (75 percent of our workforce) received a reimbursement under this provision.

Workplace diversity and inclusion

Diversity and inclusion are important values in our agency. We recognise that our people are fundamental to our ability to provide a fair, equitable and consistent prosecution service for the Australian community. To enable employees to contribute and thrive, and to support a workplace culture where employees are recognised, valued and respected, we have developed resources aimed at fostering a diverse and inclusive workplace.

Our commitment to diversity and inclusion is strongly influenced by the Diversity Network. The network is championed by a practice group leader and is comprised of staff from across the organisation, including those at the senior executive level. Diversity and inclusion are core drivers of engagement for our staff with 78 per cent of CDPP respondents to the Australian Public Service Census agreeing or strongly agreeing that we actively promote a diverse and inclusive culture, and 86 per cent of respondents indicating that they felt respected in the workplace. The organisation is developing its next diversity and inclusion plan which will be finalised during 2021–22.

National Disability Strategy

The National Disability Strategy 2010–20 is Australia's overarching framework for disability reform. It acts to ensure the principles underpinning the United Nations Convention on the Rights of Persons with Disabilities are incorporated into Australia's policies and programs that affect people with disability, their families and carers.

All levels of government will continue to be held accountable for the implementation of the strategy through biennial progress reporting to the Council of Australian Governments. Progress reports can be found at www.dss.gov.au.

Disability reporting is included in the Australian Public Service Commission's State of the Service reports and the APS Statistical Bulletin. These reports are available at www.apsc.gov.au.

Work health and safety

The organisation's Work Health and Safety Management System provides a framework of policies and guidelines and helps to maintain a safe workplace for staff and treats health and safety risks that may arise in the workplace.

Managers and employees are equipped to adequately manage work health and safety in their immediate workplace, consistent with the requirements under the *Work Health and Safety Act 2011*.

Work health and safety incident reporting

All hazards, incidents and injuries are reported in accordance with our work health and safety reporting procedures. Of the 12 hazards, incidents and injuries reported during the reporting period, none were notifiable incidents required to be reported to Comcare. No enforcement measures or improvement notices were issued to the organisation during the reporting period.

WORKFORCE STATISTICS

Tables 7 to 22 show the CDPP's workforce statistics for the current reporting period and the 2019–20 reporting period where indicated, including staffing numbers, whether they are ongoing or non-ongoing employees, their substantive classification and their gender, as well as their location and any disclosed diversity indicators.

All ongoing employees

Table 7: All ongoing employees—current period (2020–21)

	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total Male	Full-time	Part-time	Total Female	Full-time	Part-time	Total Indeterminate	
NSW	50	0	50	81	10	91	0	0	0	141
QLD	21	0	21	30	5	35	0	0	0	56
SA	2	0	2	12	3	15	0	0	0	17
TAS	3	0	3	5	1	6	0	0	0	9
VIC	27	0	27	58	10	68	0	0	0	95
WA	6	0	6	16	4	20	0	0	0	26
ACT	15	1	16	38	6	44	0	0	0	60
NT	1	0	1	2	0	2	0	0	0	3
External territories	0	0	0	0	0	0	0	0	0	0
Overseas	0	0	0	0	0	0	0	0	0	0
TOTAL	125	1	126	242	39	281	0	0	0	407

This table include inoperative employees

Table 8: All ongoing employees—previous period (2019–20)

	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total Male	Full-time	Part-time	Total Female	Full-time	Part-time	Total Indeterminate	
NSW	53	0	53	84	8	92	0	0	0	145
QLD	22	0	22	27	10	37	0	0	0	59
SA	3	0	3	14	2	16	0	0	0	19
TAS	4	0	4	3	2	5	0	0	0	9
VIC	27	0	27	55	12	67	0	0	0	94
WA	5	0	5	15	5	20	0	0	0	25
ACT	17	0	17	29	5	34	0	0	0	51
NT	1	0	1	2	1	3	0	0	0	4
External territories	0	0	0	0	0	0	0	0	0	0
Overseas	0	0	0	0	0	0	0	0	0	0
TOTAL	132	0	132	229	45	274	0	0	0	406

This table includes inoperative employees

All non-ongoing employees

Table 9: All non-ongoing employees—current period (2020–21)

	Male		Female		Indeterminate		Total		
	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Indeterminate	
NSW	1	0	1	0	0	0	0	0	1
QLD	1	0	1	2	0	2	0	0	3
SA	1	0	1	1	0	1	0	0	2
TAS	0	0	0	0	0	0	0	0	0
VIC	0	0	0	0	0	0	0	0	0
WA	0	0	0	0	0	0	0	0	0
ACT	2	0	2	3	0	3	0	0	5
NT	0	0	0	1	0	1	0	0	1
External territories	0	0	0	0	0	0	0	0	0
Overseas	0	0	0	0	0	0	0	0	0
TOTAL	5	0	5	7	0	7	0	0	12

This table does not include statutory office holders

Table 10: All non-ongoing employees—previous period (2019–20)

	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total Male	Full-time	Part-time	Total Female	Full-time	Part-time	Total Indeterminate	
NSW	1	0	1	5	0	5	0	0	0	6
QLD	1	0	1	2	0	2	0	0	0	3
SA	0	0	0	0	0	0	0	0	0	0
TAS	0	0	0	0	0	0	0	0	0	0
VIC	0	0	0	3	0	3	0	0	0	3
WA	0	0	0	0	0	0	0	0	0	0
ACT	2	0	2	7	0	7	0	0	0	9
NT	0	0	0	0	0	0	0	0	0	0
External territories	0	0	0	0	0	0	0	0	0	0
Overseas	0	0	0	0	0	0	0	0	0	0
TOTAL	4	0	4	17	0	17	0	0	0	21

This table does not include statutory office holders

Public Service Act employees by classification and gender

Table 11: Public Service Act 1999 ongoing employees by classification and gender—current period (2020–21)

	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total Male	Full-time	Part-time	Total Female	Full-time	Part-time	Total Indeterminate	
SES 3	0	0	0	1	0	1	1	0	0	1
SES 2	4	0	4	1	0	1	1	0	0	5
SES 1	7	0	7	8	0	8	8	0	0	15
PPF**	11	0	11	20	7	27	27	0	0	38
EL 2	7	0	7	6	0	6	6	0	0	13
SFP*	28	0	28	53	18	71	71	0	0	99
EL 1	5	0	5	12	1	13	13	0	0	18
APS 6	6	1	7	15	0	15	15	0	0	22
FP2##	28	0	28	61	9	70	70	0	0	98
APS 5	4	0	4	8	1	9	9	0	0	13
FPI#	10	0	10	28	0	28	28	0	0	38
APS 4	6	0	6	19	2	21	21	0	0	27
APS 3	6	0	6	10	1	11	11	0	0	17
APS 2	1	0	1	0	0	0	0	0	0	1
APS 1	2	0	2	0	0	0	0	0	0	2
Other	0	0	0	0	0	0	0	0	0	0
TOTAL	125	1	126	242	39	281	281	0	0	407

** Principal Federal Prosecutor This table:

- * Senior Federal Prosecutor • reports employees at their substantive classification
- ## Federal Prosecutor 2 • includes inoperative employees
- # Federal Prosecutor 1 • does not include statutory office holders

Table 12: Public Service Act 1999 ongoing employees by classification and gender—previous period (2019–20)

	Male		Female		Indeterminate		Total
	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time	
SES 3	0	0	1	0	1	0	1
SES 2	5	0	1	0	1	0	6
SES 1	7	0	8	0	8	0	15
PFP**	12	0	22	7	29	0	41
EL 2	6	0	5	0	5	0	11
SFP*	27	0	49	19	68	0	95
EL 1	3	0	9	0	9	0	12
APS 6	8	0	9	1	10	0	18
FP2##	24	0	56	9	65	0	89
APS 5	4	0	5	3	8	0	12
FPI#	22	0	30	1	31	0	53
APS 4	5	0	23	3	26	0	31
APS 3	5	0	11	2	13	0	18
APS 2	1	0	0	0	0	0	1
APS 1	3	0	0	0	0	0	3
Other	0	0	0	0	0	0	0
TOTAL	132	0	132	45	274	0	406

** Principal Federal Prosecutor

* Senior Federal Prosecutor

Federal Prosecutor 2

Federal Prosecutor 1

This table:

- reports employees at their substantive classification
- includes inoperative employees
- does not include statutory office holders

Table 13: Public Service Act 1999 non-ongoing employees by classification and gender—current period (2020–21)

	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total Male	Full-time	Part-time	Total Female	Full-time	Part-time	Total Indeterminate	
SES 3	0	0	0	0	0	0	0	0	0	0
SES 2	0	0	0	0	0	0	0	0	0	0
SES 1	0	0	0	0	0	0	0	0	0	0
PFP**	0	0	0	0	0	0	0	0	0	0
EL 2	2	0	2	0	0	0	0	0	0	2
SFP*	0	0	0	0	0	0	0	0	0	0
EL 1	1	0	1	2	0	2	0	0	0	3
APS 6	1	0	1	1	0	1	0	0	0	2
FP2##	0	0	0	0	0	0	0	0	0	0
APS 5	0	0	0	0	0	0	0	0	0	0
FPI#	1	0	1	2	0	2	0	0	0	3
APS 4	0	0	0	2	0	2	0	0	0	2
APS 3	0	0	0	0	0	0	0	0	0	0
APS 2	0	0	0	0	0	0	0	0	0	0
APS 1	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0
TOTAL	5	0	5	7	0	7	0	0	0	12

** Principal Federal Prosecutor

* Senior Federal Prosecutor

Federal Prosecutor 2

Federal Prosecutor 1

This table:

- reports employees at their substantive classification
- does not include statutory office holders

Table 14: Public Service Act 1999 non-ongoing employees by classification and gender—previous period (2019–20)

	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	
SES 3	0	0	0	0	0	0	0	0	0	0
SES 2	0	0	0	0	0	0	0	0	0	0
SES 1	0	0	0	0	0	0	0	0	0	0
PFPP**	0	0	0	0	0	0	0	0	0	0
EL 2	0	0	0	0	0	0	0	0	0	0
SFP*	0	0	0	0	0	0	0	0	0	0
EL 1	3	0	3	1	0	1	0	0	0	4
APS 6	1	0	1	6	0	6	0	0	0	7
FP2##	0	0	0	0	0	0	0	0	0	0
APS 5	0	0	0	2	0	2	0	0	0	2
FPI#	0	0	0	2	0	2	0	0	0	2
APS 4	0	0	0	5	0	5	0	0	0	5
APS 3	0	0	0	1	0	1	0	0	0	1
APS 2	0	0	0	0	0	0	0	0	0	0
APS 1	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0
TOTAL	4	0	4	17	0	17	0	0	0	21

** Principal Federal Prosecutor

* Senior Federal Prosecutor

Federal Prosecutor 2

Federal Prosecutor 1

This table:
 • reports employees at their substantive classification
 • does not include statutory office holders

Employment type by full-time and part-time status

Table 15: Public Service Act 1999 employees by full-time and part-time status—current period (2020–21)

	Ongoing		Total Ongoing	Non-Ongoing		Total Non-ongoing	Total
	Full-time	Part-time		Full-time	Part-time		
SES 3	1	0	1	0	0	0	1
SES 2	5	0	5	0	0	0	5
SES 1	15	0	15	0	0	0	15
PFPP**	31	7	38	0	0	0	38
EL 2	13	0	13	2	0	2	15
SFP*	81	18	99	0	0	0	99
EL 1	17	1	18	3	0	3	21
APS 6	21	1	22	2	0	2	24
FP2##	89	9	98	0	0	0	98
APS 5	12	1	13	0	0	0	13
FP1#	38	0	38	3	0	3	41
APS 4	25	2	27	2	0	2	29
APS 3	16	1	17	0	0	0	17
APS 2	1	0	1	0	0	0	1
APS 1	2	0	2	0	0	0	2
Other	0	0	0	0	0	0	0
TOTAL	367	40	407	12	0	12	419

** Principal Federal Prosecutor

* Senior Federal Prosecutor

Federal Prosecutor 2

Federal Prosecutor 1

This table:

- reports employees at their substantive classification
- includes inoperative employees
- does not include statutory office holders

Table 16: Public Service Act 1999 employees by full-time and part-time status—previous period (2019–20)

	Ongoing			Non-Ongoing			Total
	Full-time	Part-time	Total Ongoing	Full-time	Part-time	Total Non-ongoing	
SES 3	1	0	1	0	0	0	1
SES 2	6		6	0	0	0	6
SES 1		0	15	0	0	0	15
PFPP**	34	7	41	0	0	0	41
EL 2	11	0	11	0	0	0	11
SFP*	76	19	95	0	0	0	95
EL 1	12	0	12	4	0	4	16
APS 6	17	1	18	7	0	7	25
FP2##	80	9	89	0	0	0	89
APS 5	9	3	12	2	0	2	14
FP1#	52	1	53	2	0	2	55
APS 4	28	3	31	5	0	5	36
APS 3	16	2	18	1	0	1	19
APS 2	1	0	1	0	0	0	1
APS 1	3	0	3	0	0	0	3
Other	0	0	0	1	0	1	1
TOTAL	361	45	406	22	0	22	428

** Principal Federal Prosecutor
 * Senior Federal Prosecutor
 ## Federal Prosecutor 2
 # Federal Prosecutor 1

This table:

- reports employees at their substantive classification
- includes inoperative employees

Employment type by location

Table 17: Public Service Act 1999 employees—employment type by location—current period (2020–21)

	Ongoing	Non-Ongoing	Total
NSW	141	1	142
QLD	56	3	59
SA	17	2	19
TAS	9	0	9
VIC	95	0	95
WA	26	0	26
ACT	60	5	65
NT	3	1	4
External territories	0	0	0
Overseas	0	0	0
TOTAL	407	12	419

This table:

- includes inoperative employees
- does not include statutory office holders

Table 18: Public Service Act 1999 employees—employment type by location—previous period (2019–20)

	Ongoing	Non-Ongoing	Total
NSW	145	6	151
QLD	59	3	62
SA	19	0	19
TAS	9	0	9
VIC	94	3	97
WA	25	0	25
ACT	51	9	60
NT	4	0	4
External territories	0	0	0
Overseas	0	0	0
TOTAL	406	21	427

This table:

- includes inoperative employees
- does not include statutory office holders

Indigenous employment

Table 19: Public Service Act 1999 employees—indigenous employment—current period (2020–21)

	Total
Ongoing	3
Non-Ongoing	0
TOTAL	3

Table 20: Public Service Act 1999 employees—indigenous employment—previous period (2019–20)

	Total
Ongoing	5
Non-Ongoing	0
TOTAL	5

EMPLOYMENT ARRANGEMENTS

Non senior executive service (SES) staff employed under the PS Act continue to be covered by the Enterprise Agreement 2017–2020 and a s.24(1) determination under the PS Act for pay increases providing two per cent annual salary increases between 2020 and 2022.

The first of these pay increases was deferred for six months in accordance with the determination made by the Assistant Minister to the Prime Minister and Cabinet under s.24(3) of the PS Act, in response to the impact of the COVID-19 pandemic. This pay increase was implemented with effect from 8 February 2021 (deferred from 8 August 2020). The next two per cent increase is scheduled to take effect from 8 August 2021.

The terms and conditions of employment for SES staff are provided for under individual common law contracts.

A small number of employees have remuneration and employment conditions covered by s.24(1) determinations made under the PS Act, or individual flexibility agreements.

Employment arrangements of SES and non-SES employees

Table 21: Employment arrangements for SES and non-SES staff as at 30 June 2021

	SES	Non-SES	Total
Individual Flexibility Agreement	0	3	
SES contract	21	7	28
Section 24 (1) determination	1	18	
TOTAL	22	28	50

- Non-SES employees who are acting for a continuous period of more than six months are placed on SES contracts
- Section 24(1) determinations are primarily used to match salaries of individuals transferring from other APS agencies.

Non-salary benefits

The organisation offers staff several non-salary benefits including:

- flexible working arrangements
- salary packaging
- learning and development opportunities, including a continuing legal education program
- access to health and wellbeing programs and a confidential 24-hour Employee Assistance Program for employees and their immediate families
- regular wellbeing checks with qualified psychologists
- studies assistance to eligible employees
- reimbursement of practising certificate and other professional membership fees where appropriate
- annual influenza vaccination.

Salary ranges by classification level

Table 22: Public Service Act 1999 employment salary ranges by classification and level—current period (2020–21)

	Minimum Salary	Maximum Salary
SES 3	\$320,021	\$320,021
SES 2	\$241,748	\$254,622
SES 1	\$194,240	\$233,555
PF [*]	\$132,394	\$140,829
EL 2	\$121,340	\$162,300
SFP ^{**}	\$100,705	\$122,541
EL 1	\$100,705	\$129,815
APS 6	\$79,509	\$96,895
FP2 [#]	\$72,810	\$89,306
APS 5	\$72,337	\$78,179
FP1 [#]	\$64,935	\$72,756
APS 4	\$64,935	\$75,918
APS 3	\$58,342	\$64,154
APS 2	\$53,706	\$57,950
APS 1	\$31,946	\$51,130
Other	0	0
TOTAL	\$31,946	\$320,021

*Principal Federal Prosecutor

** Senior Federal Prosecutor

Federal Prosecutor 2

##Federal Prosecutor 1

The salary ranges by classification level are available under an enterprise or collective agreement, maintained salaries from agency movements, individual flexibility agreements, subsection 24(1) determinations and/or common law contracts





PART 5

OUR SERVICES

OUR STRUCTURE

The CDPP is primarily a legal practice through which the Commonwealth conducts prosecutions. To most effectively manage the broad range of crime types prosecuted by the Commonwealth, we operate under a model which allows our prosecutors to specialise in a range of crime types while having flexibility to explore work in different jurisdictions and practice groups when the opportunity or need arises.

Each practice group is led by a practice group leader, who is responsible for:

- prosecutions conducted by the practice group across Australia
- national liaison and delivering prosecution services in relation to the practice group
- policy development for issues that concern the practice group
- our contribution to law reform related to the crime types prosecuted by the practice group.

The Legal Business Improvement (LBI) branch provides support through the delivery of technical legal training, policy and advice work for the legal practice groups.

The Enabling Services Group, led by our Chief Corporate Officer, supports the work of our national practice groups.

PROSECUTING COMMONWEALTH OFFENCES

We work in a dynamic environment prosecuting a diverse range of complex crimes, which are often transnational in nature and regularly involve large quantities of electronic evidence.

Our caseload of complex matters continues to expand and evolve. It includes criminal cartels, foreign bribery, online child exploitation, sophisticated revenue and benefits fraud, complex tax fraud, fraud by company directors, breaches of directors' duties, large-scale and cross-border organised criminal activity including drug offences, human trafficking, slavery and terrorism offences.

We anticipate the profile of our work will continue to change as emerging crime types, such as foreign interference, workplace safety, cartel conduct, foreign bribery, and cybercrime shape our prosecutions in the future. To ensure we can meet these challenges, we must continue to invest in people, new technology and the partnerships and relationships that underpin so much of the work we do.

THE NATIONAL PRACTICE GROUP MODEL

Our operating model allows prosecutors to specialise in a range of crime types, while having flexibility to explore work in different jurisdictions and practice groups when the opportunity or need arises, and provide specialist support to partner agencies.

The Prosecution Policy of the Commonwealth outlines the principles and matters to which our prosecutors have regard when making decisions regarding the prosecution process. It provides the framework for decision-making in all our prosecutions. While the work of each practice group is different, the consistent application of the Prosecution Policy of the Commonwealth provides a foundation for our prosecutors to work effectively in any practice group.

PARTNER AGENCIES

We serve the public interest by maintaining strong and effective working relationships with partner agencies.

During the reporting period 2,288 cases were referred to us from 45 different referring agencies.

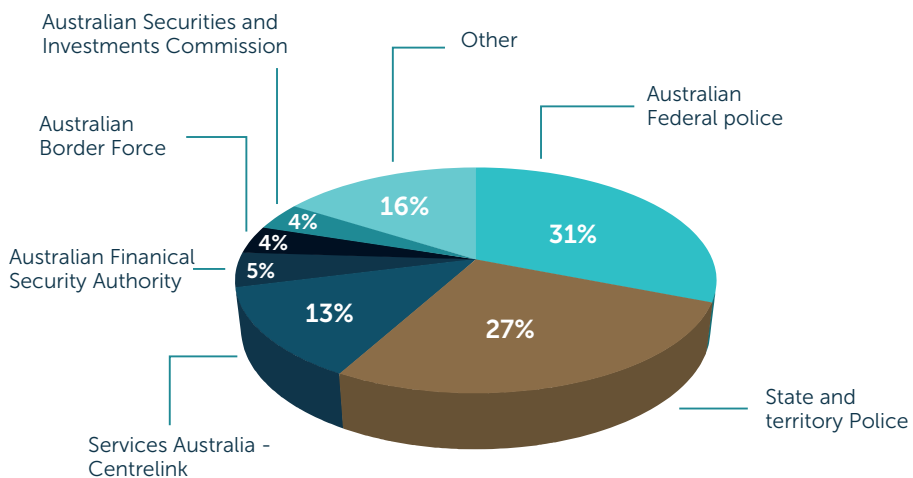
We continue to refine and improve our prosecution services for our partner agencies. These services cover every aspect of the criminal prosecution process, from pre-brief advice to brief assessment, litigation services during the court process, creation of specialist resources for agencies and liaison activity.

We also collaborate extensively with our partners to build capability and deliver more effective prosecution outcomes. This collaboration ranges from tailored training and secondments to participation in joint initiatives such as government taskforces.

During the reporting period over 90 per cent of all briefs were referred electronically. This was a four per cent increase on the previous reporting period. Without electronic briefs we could not have delivered a prosecution service via a substantially remote workforce during the pandemic.

During the reporting period we commenced work on enhancing the Digital Referrals Gateway to maximise the types and size of the e-briefs we can receive. The enhancements will also include receipt of digital referrals from partner agencies directly into our case management system, caseHQ, giving prosecutors instant access to the materials they need to assess the brief.

The enhancement to the Digital Referrals Gateway is a critical component of the digital transformation agenda, which is a key priority for the agency.



OUR LEGAL PRACTICE GROUPS

Commercial, Financial and Corruption

Practice Group Leader: Berdj Tchakerian

Top five referring agencies

81 cases from the Australian Securities and Investments Commission	58.7%
35 cases from the Australian Federal Police	25.4%
12 cases from state and territory police forces	8.7%
6 cases Australian Competition and Consumer Commission	4.3%
3 cases from the Australian Taxation Office	2.2%



138
REFERRALS



329
MATTERS ON
HAND

Matters managed

- Complex tax fraud, often with an international dimension
- Fraud by company directors and employees, other breaches of company directors' duties
- *Corporations Act 2001* offences, including insider trading, market manipulation, insolvent trading, and publishing false or misleading information about company affairs
- Offences involving financial services or consumer credit such as operating unregistered managed investment schemes or breaches of relevant licensing requirements
- Offences of the type identified during the Royal Commission into misconduct in the banking superannuation and financial services industry
- Bribery of foreign public officials and corruption involving Commonwealth officials
- Serious cartel offences, including price fixing, rigged tenders and restricting outputs
- Money laundering linked to financial crime

Role

Our Commercial, Financial and Corruption (CFC) practice group prosecutes serious financial crimes, focusing on offences involving corporations, financial markets and services, large-scale tax fraud, criminal cartel conduct and bribery and corruption of Commonwealth and foreign officials.

These white-collar crimes are typically complex, difficult to detect and challenging to investigate, while prosecutions are often hard-fought by well-resourced defendants. Our prosecutions play an essential role in maintaining the integrity of Australia's taxation and financial systems.

Trends in prosecutions

While the disruption caused by COVID-19 has continued to impact on our work, prosecutors have adapted well and met the many challenges of working effectively in different ways. Following the suspension of jury trials in March 2020 due to the pandemic, trials resumed in all jurisdictions with modified arrangements to ensure the safety of those who attend court, including a modified jury empanelment process and social distancing of jury members. Other hearings such as appeal and sentencing hearings which have continued since the pandemic began, are often conducted by video conferencing.

Flexible working arrangements were encouraged, and many staff continue to work from home one or two days per week.

The Australian Securities and Investments Commission (ASIC) remained the source of the most referrals to the CFC team. During the reporting period, in addition to the usual types of matters referred by ASIC, we saw an increase in the number of cases being referred, including some as a result of the Royal Commission into misconduct in the banking, superannuation and financial services industry.

We continued to see a consistent pattern of referrals from the Australian Competition and Consumer Commission (ACCC) relating to criminal cartel offences, which has become an entrenched area of our work. We are currently prosecuting a number of cartel matters with a total of 13 entities (both corporate and individual) facing charges. Of specific note, the first contested trial involving cartel offences commenced in the Federal Court on 15 March 2021 and concluded on 2 June 2021, with the jury returning verdicts of 'not guilty' in respect of one corporation and two individuals. Additionally, another complex matter involving allegations against three banks and six senior executives has been listed to proceed for trial in April 2022.

With a view to assisting future prosecutions coming before the Federal Court of Australia without delay, and noting the suite of case management procedures available in the Federal Court, in appropriate circumstances the Director will consider exercising the power under s.6(2A) of the DPP Act which enables the Director, with the consent of the person concerned, to institute a prosecution on indictment for an indictable offence in respect of which the person has not been examined or committed for trial.

In other words, in appropriate cases, where the person consents, the prosecution will be initiated in the Federal Court without having to go through the conventional state/territory process of charges being laid and the case then proceeding through the committal process, which can sometimes result in significant delay.

Foreign bribery cases continued to be another major focus, with a number of complex prosecutions against both corporations and individuals at various stages of proceedings. The agency also has carriage of a number of domestic corruption cases involving allegations of corrupt conduct by public officials.

We continued to be an active member of the Serious Financial Crime Taskforce (SFCT) which focuses on offshore tax evasion and illegal phoenix activity, transnational and technology-enabled crime and serious financial crime affecting measures of the Commonwealth Coronavirus Economic Response Package administered by the Australian Taxation Office (ATO).

We continued to work with partner agencies in relation to Operation Elbrus, an SFCT matter involving large-scale tax fraud of more than \$100 million. We are currently prosecuting eight individuals with seven others having already pleaded guilty, and two of whom are the subject of a Crown severity appeal. One defendant has been acquitted.

IMPRISONMENT FOR FIVE IN MONEY LAUNDERING AND TAX CLAIM SYNDICATE—OPERATION SPINEL

Date of judgment: Last offender was sentenced on 23 November 2020

Court: County Court Victoria

Partner agency: Australian Federal Police (lead agency) and the Australian Taxation Office

Five people were sentenced following a series of investigations over an eight-year period by the Australian Federal Police (AFP) and the Australian Taxation Office (ATO). The offenders conspired to defraud the Commonwealth through an intricate money laundering and fraudulent tax claim scheme involving hundreds of stolen identities, shell companies, bank accounts and false business activity statements. The syndicate conspired with the intention of dishonestly obtaining more than \$5 million in tax refunds, of which they ultimately obtained approximately \$2.5 million.

In 2012, safe deposit boxes controlled by Mr Marc Christian, Mr Michael Ray and Mr Mathew Briscoe were searched and approximately \$1.5 million in cash was seized. In 2014, following further investigations by the AFP and the ATO, Mr Christian, Mr Ray and Mr Briscoe were successfully prosecuted by the CDPP for money laundering offences contrary to s. 400.9(1) of the *Criminal Code*.

One of the victims, who had their identity stolen, found their name listed on the internet and brought the list to the attention of the AFP. A joint investigation by the AFP and the ATO commenced, code named Operation Spinel.

Operation Spinel initially investigated then ATO employee Mr Catlan Bell whose involvement led to an undertaking to provide evidence for the prosecution against his co-conspirators.

From 2014, further investigation uncovered that in 2012, Mr Christian had commenced a criminal scheme where he, Mr Ray and Ms Melissa Briscoe acquired identity documentation from unsuspecting victims with the assistance of Mr Bell. The syndicate used those identity documents, details from other sources and taxpayer details provided by Mr Bell to set up hundreds of companies with hundreds of bank accounts. The syndicate's fake companies were then used to lodge fraudulent expense claims to the ATO and receive refunds for those claims. In doing so, the syndicate members dishonestly obtained a financial advantage from the Commonwealth.

We successfully prosecuted the crimes undertaken by the syndicate, obtaining guilty pleas from the accused.

In relation to the money laundering offences contrary to s. 400.9(1) of the *Criminal Code*, Mr Christian and Mr Ray were each sentenced to 12 months' imprisonment, Mr Christian was released after six months on a recognisance release order (RRO) for two years and \$1,000, and Mr Ray was released immediately on an RRO for 18 months and \$1,000. Mr Briscoe was sentenced to three months' imprisonment and released upon entering an RRO for two years and \$1,000. Mr Bell was sentenced to 32 months' imprisonment released forthwith on an RRO for 15 months.

In relation to the conspiracy to dishonestly obtain a gain from the Commonwealth contrary to s.135.4(1) of the *Criminal Code*, Mr Christian and Mr Ray were each sentenced to five years' imprisonment with a non-parole period of three years and Ms Briscoe was sentenced to two years and six months' imprisonment released forthwith on an RRO for two years.

GLOBAL SHIPPING COMPANY CONVICTED OF CARTEL CONDUCT

Date of judgment: 4 February 2021

Court: Federal Court of Australia

Partner agency: Australian Competition and Consumer Commission

On 4 February 2021, Justice Wigney of the Federal Court of Australia convicted Wallenius Wilhelmsen Ocean AS (WVO) with criminal cartel conduct and fined the company \$24 million.

The conviction relates to cartel conduct regarding the international shipping of vehicles to Australia contrary to s.44ZZRG(1) of the *Competition and Consumer Act 2010* (Cth).

Between June 2011 and July 2012, WVO intentionally gave effect to a cartel provision in an agreement it had reached with competitors for the supply of ocean shipping services. At least two other parties were involved in WVO's conduct, Nippon Yusen Kabushiki Kaisha (NYK) and Mitsui OSK Lines Ltd (MOL). This involved what was said to be a 'rule of respect' or 'guiding principle' meaning parties in the agreement would seek to allocate certain customers between themselves on certain international shipping routes, including routes to Australia. They would not attempt to win each other's existing business ensuring their existing market shares were 'respected'.

On 18 June 2020, WVO pleaded guilty to a single rolled-up charge of intentionally giving effect to cartel provisions contrary to s. 44ZZRG of the Competition and Consumer Act. WVO also admitted guilt in relation to two further offences of giving effect to cartel provisions in November 2009, which were considered in sentencing. Although WVO indicated at an early stage of negotiations with the ACCC that it intended to plead guilty, the plea was only entered following significant and extensive negotiations between the CDPP and WVO's legal representatives over a period of almost nine months.

This outcome marks the culmination of an extensive and complex criminal cartel investigation by the ACCC. The investigation led to the successful prosecution and conviction of three international shipping companies and resulting in fines totalling \$83.5 million. In August 2017, NYK was fined \$25 million and in August 2019 Kawasaki Kisen Kaisha (K-Line) was fined \$34.5 million. The penalty imposed on K-Line remains the largest criminal fine ordered under the Competition and Consumer Act.

The three shipping companies were the ACCC's first criminal cartel investigations after the introduction in July 2009 of provisions into the Competition and Consumer Act, which criminalised cartel conduct.

The ACCC's investigation into this cartel, which was assisted by the United States Department of Justice, Federal Bureau of Investigation, the Japan Fair Trade Commission and the European Commission, shows the ACCC's commitment to tackling criminal cartels and the value of strong networks between competition agencies worldwide.

During sentencing, Justice Wigney remarked on the difficulty of detecting, investigating and prosecuting cartel conduct of corporate offenders who can deploy considerable resources and position themselves to minimise the risk of detection. His honour also observed that general deterrence was a weighty consideration in sentencing and that the importance of general deterrence had also been accepted in imposing penalties for anti-competitive conduct in the civil penalty context.

Human Exploitation and Border Protection

Practice Group Leader: Mark de Crespigny

Top five referring agencies

389 cases from state and territory police	53.6%
237 cases from the Australian Federal Police	32.6%
61 cases from state and territory departments of corrections	8.4%
31 cases from the Australian Border Force	4.3%
2 cases from the Administrative Appeals Tribunal	0.3%



726
REFERRALS



844
MATTERS ON
HAND

Matters managed

- Commonwealth child sex offences
- Trafficking in persons and slavery
- People-smuggling
- Passport, visa and other migration fraud
- Telecommunications offences
- Computer offences
- Aircraft and airport offences
- Federal community policing

Role

The Human Exploitation and Border Protection (HEBP) practice group prosecutes a wide variety of offence types including those related to child exploitation, trafficking in persons and slavery, people smuggling, passport and migration, and offences committed by way of telecommunications services or computers.

A significant proportion of the work involved victims, including child victims. Our prosecutors in this area worked closely with investigators and our Witness Assistance Service to ensure that, while dealing with this very challenging work, victims were consulted and treated with courtesy, compassion, cultural sensitivity and respect for their dignity.

During the reporting period, our prosecutors in the Human Exploitation and Border Protection practice group continued the crucial but difficult work of prosecuting the sexual abuse of children, occurring online and overseas, and the criminal exploitation of people through slavery and human trafficking. This practice group also covers a diverse range of other offences including people smuggling, cybercrime, migration and passport offences. There is an increasing prevalence and detection of online child sex offences, and a significant increase in the number and complexity of Commonwealth child sex offences being referred to us by our partner agencies.

There have been numerous cases involving offenders actively engaging online with significant numbers of child victims and a number involving live-streaming of sexual abuse. This is in addition to child abuse material prosecutions where the ongoing harm to victims and the gravity and volume of videos, images and written descriptions of abuse is of great concern.

We responded to these challenges by actively engaging with investigators in each region and through the Australian Centre to Counter Child Exploitation to streamline briefs of evidence and optimise the use of digital forensic resources. As investigators transition to the broader INTERPOL system of child abuse material classification, we worked with them to ensure that courts are adequately informed about the nature of the material and the offender's engagement with it.

The other significant response was to ensure that the charges brought before the court adequately reflect the defendant's alleged offending and that we have consistency in our approach to charging matters throughout Australia. In addition, the range of Criminal Code offences is now such that it is unusual for online or overseas offending not to be covered entirely by federal offences, without reliance on state or territory offences.

In June 2020, the Commonwealth Parliament passed the *Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Act 2020* which involves significant legislative reform aimed at combatting the evolving use of the internet in child sexual abuse and to better protect the community. The reforms are principally aimed at ensuring adequate sentences are imposed in Commonwealth child sex matters. We developed resources to provide information about the practical implications of these reforms. We made this material publicly available and gave presentations to the broader legal community and to federal and state investigators.

We continued to build on our close relationships with Australian Border Force, the Australian Federal Police (AFP) and state and territory police forces, which refer a high proportion of our prosecutions. Prosecutors continued to be closely involved with investigators on individual cases. In many jurisdictions we met regularly with the Joint Anti-Child Exploitation Team, a joint initiative between the AFP and state and territory police forces.

Our Victims and Witnesses website, with resources available in many languages, continued to be a helpful resource. In May 2021, we reviewed the guidelines about how certain critical decisions are made in some situations for child sex offences, slavery-like offences and some other offences. If a decision has the potential to discontinue all charges relating to a complainant in a serious case, the complainant involved is notified of their right to have the Director review that decision.

The agency contributed to the Australian Government's national action plan to combat human trafficking and slavery, through involvement with government and civil society providing case studies and information from a prosecution perspective and through domestic and international training and engagement with investigators and prosecutors.

TAMIL WOMAN ENSLAVED IN MELBOURNE FOR EIGHT YEARS

Date of sentence: 21 July 2021*

Court: Supreme Court of Victoria

Partner agency: Australian Federal Police

In July 2007, the then 55-year-old victim travelled from Tamil Nadu, India to Melbourne, Australia on a one-month tourist visa to provide domestic services to Mrs Kumunthini Kannan and Mr Kandasamy Kannan at their Mount Waverly home. An oral agreement as to domestic services to be provided by the victim was made prior to her departure by the offenders and the victim's son-in-law, who resided in India. The victim's travel costs and visa were organised and paid for by the offenders and, upon her arrival, the victim commenced domestic duties including undertaking household chores and caring for the offenders' three children, then aged between three and six years old.

In July 2015, Mrs Kannan made an emergency call requesting an ambulance attend at her home. Following the attendance by the ambulance, the victim required immediate hospitalisation and was found to be suffering from extreme hypothermia, emaciation, altered consciousness and severe urinary sepsis. In the months following the victim's hospitalisation, the offenders gave false and conflicting accounts to medical staff and police about the victim's name, their relationship with her, the nature of the victim's stay in Australia and the whereabouts of her identifying documents such as her passport. The conflicting accounts resulted in the matter being referred to the AFP's Human Trafficking team and an investigation commenced shortly thereafter.

At trial, the victim gave evidence that the offenders had taken her passport upon her arrival in Melbourne, that she had been subjected to physical and verbal abuse and that she had been largely confined to the Kannans' house, including during their annual trips to India. The victim also told authorities that her health had deteriorated from around 2012, that she had asked the offenders to return her to India in 2013 but was refused and that her limited communication with her family was only made in the presence of the offenders.

We worked closely with the AFP throughout the prosecution of the matter, including obtaining evidence from relevant overseas witnesses, which proved crucial to explaining the circumstances in which the victim was brought to Australia by the Kannans.

The prosecution relied on several characteristics of the of the victim's circumstances from which the jury could infer she was in a condition of slavery, namely:

- the Kannans' power to control the victim's freedom of movement
- the power to determine if and when the victim could return to her native country
- the power to determine how the victim conducted her daily life including when she worked, ate, slept and showered
- the power to determine when and how the victim communicated with her family in India
- the power to curtail the victim's capacity to communicate with other Tamil speakers in Australia
- the power to determine what remuneration the victim was to receive
- the power to determine what health care the victim required and when such care would be administered.

Following a 12-week trial in the Victorian Supreme Court, a jury found each offender guilty of one count of intentionally possess a slave and one count of intentionally exercise over a slave any of the powers attaching to the right of ownership, contrary to s.270.3(1) of the *Criminal Code*.

* Outside of the reporting period, on 21 July 2021, Mrs Kumunthini Kannan was sentenced to eight years' imprisonment in respect of the charge of using a slave and four years' imprisonment in respect of the charge of possessing a slave, to be served concurrently, with a non-parole period of four years.

Mr Kandasamy Kannan was sentenced to six years' imprisonment in respect of the charge of using a slave and three years' imprisonment in respect of the charge of possessing a slave, to be served concurrently, with a non-parole period of three years.

DIRECTOR'S APPEAL LENGTHENS SENTENCE FOR CHILD EXPLOITATION CASE

Date of judgment: 22 January 2021

Court: Court of Appeal of the Supreme Court of Queensland

Partner agency: Queensland Police Service

CCQ (a pseudonym) was arrested on 18 November 2017 by Queensland Police and was charged with a number of offences relating to the transmission, receipt, access and possession of child abuse material.

CCQ's offending spanned almost two years during which CCQ used the internet and online messaging apps including Kik and Telegram to prolifically request, send, make available, receive and access abhorrent child abuse material. The material was significant in quantity (tens of thousands of images and videos) and included the exploitation and abuse of babies, toddlers and young children.

On 5 December 2019, CCQ pleaded guilty to seven federal offences and one Queensland state offence. Seven of those eight charges have maximum penalties of 14 or 15 years' imprisonment. The primary aggravated offence, of making available child pornography material under s. 474.24A(1) of the *Criminal Code*, has a maximum sentence of 25 years' imprisonment. On 18 February 2020, CCQ was sentenced in the Supreme Court of Queensland to 12 years' imprisonment with a non-parole period of six years.

The Director appealed the sentence on the basis that both the head sentence and non-parole period imposed were manifestly inadequate. The Crown argued the offending conduct was at a level of objective seriousness well beyond that contemplated by the sentencing judge. The Court of Appeal found the offending to be so objectively serious that no meaningful comparison could be made with decided cases. They also found that the learned sentencing judge, while accepting there were no appropriate comparative authorities to guide the court in the sentencing exercise, risked being distracted from a proper assessment of the objective seriousness of the offending conduct by examining the non-comparable cases at length.

The Court of Appeal held that in all the circumstances, the sentence imposed was manifestly inadequate and demonstrated that the offending did not fall at the mid-point of the available sentences but rather sat well above it. Morrison JA provided commentary in relation to the use of comparative decisions in matters of this nature and type, and about the use of comparatives more generally. Accordingly, the sentence was increased to 16 years' imprisonment with a non-parole period of 10 years.

International Assistance and Specialist Agencies

Practice Group Leader: James Carter

Top five referring agencies

121 cases from the Australian Financial Security Authority	32.9%
78 cases from the Australian Federal Police	21.2%
63 cases from the Great Barrier Reef Marine Park Authority	17.1%
31 cases from state and territory police	8.4%
16 cases from the Australian Maritime Safety Authority	4.4%



368
REFERRALS



415
MATTERS ON
HAND

Matters managed

- Administration of justice offences
- Aged care
- Aviation
- Bankruptcy
- Building and construction industry
- Census offences
- Clean energy schemes
- Crimes at sea
- Criminal justice certificates and visas
- Defence
- Education and training compliance
- Electoral offences
- Environment
- Extradition
- Family day care fraud
- Fisheries
- Indigenous corporations
- Industrial chemicals
- Intellectual property
- Marine safety
- Measurement
- Mutual assistance
- Offences against Commonwealth officials or property
- Radiocommunications
- Royal Commission Act offences
- Secrecy, browsing and unauthorised disclosure
- Space activities
- Sports integrity
- Specific regulatory offences
- Therapeutic goods
- Tobacco advertising and plain packaging
- Wildlife trafficking
- Work, health and safety

Role

Through the International Assistance and Specialist Agencies (IASA) practice group, the agency is responsible for international assistance including extradition and mutual assistance, and prosecuting matters referred by specialist agencies. Our partners refer diverse offences spanning a variety of complex legislative schemes.

Trends in prosecutions

We continued to experience an increase in the complexity and size of briefs referred from a number of our partner agencies as they target key areas of enforcement concern. Our referrals are diverse and encompass a wide range of sensitive and important specialist areas. We continued to work closely with over 40 partner agencies from the pre-brief stage throughout the prosecution process to prosecute in these significant areas.

During the reporting period, the agency, through the IASA practice group, had considerable work in the areas of bankruptcy, the environment, family day care fraud, fisheries, maritime safety, therapeutic goods, and workplace safety.

Prosecution services

Much of our work in this practice group is specialised and compliance focused. To ensure we respond effectively and efficiently to this diverse caseload, we use a centralised referral model for many matters. Referrals are assessed by prosecutors with specialist expertise and prosecuted in courts across Australia.

The IASA practice group coordinates the proceeds of crime functions and *Freedom of Information Act 1982* (Cth) work. It also has responsibility for prosecutions in the Jervis Bay territory and Norfolk Island.

Jervis Bay

Matters prosecuted are usually referred as a result of community policing and include driving offences, assault, family violence and theft.

Norfolk Island

The agency provides an independent prosecution service for Norfolk Island. Prosecutors rely on a combination of Commonwealth laws, continued Norfolk Island laws and applied New South Wales laws when prosecuting matters in this jurisdiction.

The practice is conducted from our Brisbane Office. In addition to regular travel to the Island for court appearances, our prosecutors often appear via video-link.

A number of summary matters were prosecuted in the Court of Petty Sessions, covering a range of offending. Overall, 48 Norfolk Island matters were finalised before the courts during the reporting period.

Pre-brief engagement

The agency regards the provision of pre-brief advice to investigative agencies as a valuable practice that is in our interests and our partners' interests.

Training

During the reporting period we:

- presented to the General Counsel Network for regulatory agencies on a range of issues relating to the investigation and prosecution process
- provided brief preparation training to the Department of Education, Skills and Employment investigators around Australia
- participated in a workshop for Department of Defence investigators
- delivered training to a range of other key partners, including the Australian Financial Security Authority, Australian Fisheries Management Authority, Australian Commission for Law Enforcement Integrity, Department of Agriculture, Water and Environment, and the Therapeutic Goods Administration.

We continued to engage in joint Commonwealth initiatives such as the:

- Family Day Care Payment Integrity Interdepartmental Committee, working closely with the Department of Education, Skills and Employment as part of the multi-agency Family Day Care Integrity surge initiative
- Regulatory Powers Act Community of Practice.

Family day care

In collaboration with the Department of Education, Skills and Employment, we continued to prosecute family day care service operators, educators and parents who engage in fraud and court action continues to contribute to deterrence.

Work health and safety

Our work health and safety practice continued to expand as we partner with Comcare and the National Offshore Petroleum Safety and Environmental Management Authority to address work health and safety compliance across the Commonwealth.

Law reform

During the reporting period, our prosecutors provided input from a prosecution perspective on a number of legislative proposals.

International engagement

In November 2020 we collaborated with the Attorney-General's Department to provide a video highlighting the role of the prosecutor in Australia, which was presented to a conference hosted by the Thai Office of the Attorney-General.

In May 2021 we provided input into a survey by the United Nations Convention against Corruption dealing with combating corruption as it relates to crimes that have an impact on the environment.

During the reporting period, we collaborated in capacity building initiatives with our partners in a number of areas, including the:

- Australian Federal Police international liaison officers pre-embarkation program
- Defence domestic maritime security operations course.

We remain committed to supporting our stakeholders to develop expertise and will continue to seek opportunities to build capacity in our partner agencies as well as within the agency.

International assistance

Extradition and mutual assistance are crucial for the effective investigation and prosecution of serious offences such as terrorism, people smuggling, drug trafficking, sexual servitude, bribery of foreign officials, money laundering, and offences relating to child exploitation and abuse material.

The primary responsibility for international assistance rests with the Attorney-General's Department, Australia's central authority for mutual assistance in criminal matters and extradition. Our international assistance team plays a critical role in enabling requests to be made.

Mutual assistance underpins the international cooperation framework

Mutual assistance is a formal process that countries use to assist each other to investigate and prosecute criminal offences and recover the proceeds of crime.

The agency collaborates with prosecutors during the mutual assistance process to seek and assess required foreign evidence material that meets evidentiary needs and conforms to Australia's admissibility requirements.

Requests are often made in conjunction with Commonwealth investigative agencies or joint taskforces comprising law enforcement officers from Commonwealth, state and territory agencies.

During the reporting period we collaborated with the Attorney-General's Department on the preparation of 52 outgoing requests by Australia to 20 foreign countries.

The formal mutual assistance regime runs parallel with the less formal system of international cooperation between investigating agencies, known as agency-to-agency assistance. Formal mutual assistance channels are most commonly used when the request for assistance involves the use of coercive powers, or when the material requested is required in a form that is admissible in criminal proceedings.

The mutual assistance regime rests on a network of international relations and obligations, together with the willingness of participating countries to assist each other. Australia has ratified 30 bilateral mutual assistance treaties and a number of multilateral conventions, which bind the signatories to provide mutual assistance to each other. Countries that are not signatories to mutual assistance treaties or conventions may also request assistance under the principle of reciprocity.

Extradition ensures criminals cannot evade justice by crossing borders

Extradition is a formal process where offenders outside the jurisdiction are returned to the country requesting extradition to be prosecuted or to serve a sentence of imprisonment.

The Attorney-General's Department has sole responsibility for international extradition for all countries, except New Zealand. Our role in extradition proceedings is requesting extradition be sought in Commonwealth matters and the execution of incoming requests from New Zealand.

We formulate effective extradition strategies to meet country-specific extradition requirements and prepare documentation in support of requests for extradition in serious cases where a person is wanted for prosecution for an offence against Commonwealth law or to serve a sentence of imprisonment.

Outgoing requests

During the reporting period, we made four requests to the Attorney-General's Department seeking extradition from foreign countries. We were not involved in making any new request to New Zealand.

One person was surrendered to Australia during the reporting period as a result of an extradition request made in previous years. A further nine requests from previous years remain ongoing.

Incoming requests

Requests from New Zealand are made on a police-to-police basis and are referred to us by the Australian Federal Police. We provide extensive assistance to the AFP to give effect to these requests, including the preparation of documents essential to the extradition process.

We appear on behalf of New Zealand in extradition proceedings to determine whether a person will be surrendered, or in any review or appeal arising from those proceedings. In 2020–21, we appeared on behalf of New Zealand in relation to extradition proceedings for four people, which resulted in the surrender of two people to New Zealand.

Confiscation of criminal assets

Following the establishment of the Criminal Assets Confiscation Taskforce in 2012, the AFP has primary responsibility for confiscation and recovery action under the *Proceeds of Crime Act 2002* (Cth) (POCA).

Under a memorandum of understanding signed in 2014, we have responsibility for conducting applications for:

- a forfeiture order pursuant to s.48 of the POCA where no restraining order has been sought at the time the application is made
- a pecuniary penalty order pursuant to s.116 of the POCA relating to a person's conviction where no restraining order has been sought at the time the application is made.

In the reporting period, a total of \$578,942 was recovered through our actions under POCA.

Corruption offences and superannuation orders

Pursuant to the *Crimes (Superannuation Benefits) Act 1989* (Cth), we are responsible for bringing applications seeking forfeiture of the employer-funded component of superannuation payable to the Commonwealth. Under Part VA of the *Australian Federal Police Act 1979* (Cth), we can seek forfeiture of the employer-funded component of superannuation funds of AFP employees who have been convicted of corruption offences.

One superannuation order was made in the reporting period pursuant to the *Crimes (Superannuation Benefits) Act 1989* (Cth).

No forfeiture action was taken in relation to Part VA of the *Australian Federal Police Act 1979* (Cth).

Freedom of information

The IASA team is responsible for producing national freedom of information (FOI) guidance, coordinating reporting responsibilities, and liaising with the Office of the Australian Information Commissioner to ensure we comply with our obligations under the *Freedom of Information Act 1982* (Cth).

The CDPP received 32 FOI requests in the reporting period. Details of these can be found on our website at www.cdpp.gov.au/freedom-information.

FAMILY DAY CARE FRAUD PROSECUTED

Date of judgment: 2 November 2020

Court: District Court of New South Wales

Partner agency: Department of Education, Skills and Employment and the Australian Federal Police

Three co-conspirators defrauded the Commonwealth Department of Education, Skills and Employment of more than \$9 million through childcare fraud. The offenders set up companies and installed directors as front people to distance themselves from the fraud. One conspirator has been sentenced to four years imprisonment with a non-parole period of two-and-a-half years. The two other conspirators are awaiting sentencing.

Between January and July 2017, the three conspirators implemented a scheme to purchase two pre-existing childcare services called iWonder and iGrow as front companies (the companies) and falsely claimed child care benefits on their behalf, for 398,936 family day care sessions relating to 2,132 children, which were never provided. Those claims were accepted as genuine and as a result, the department paid childcare payments amounting to nearly \$9.3 million into bank accounts operated by these two entities in the period from February to July 2017.

The scheme involved the use of identity information of numerous children, parents and educators. This identity information was either purchased on the black market or purchased directly from parents for a fee. No actual childcare took place, and the conspirators bought the children's identity information specifically to lodge false claims for childcare benefits.

The front people were appointed directors of the purported family day care services and signatories to the respective company bank accounts.

The front person for the second company, iGrow, was the co-offender Ms Zahraa Saadi Majeed Lami. The conspirators promised Ms Lami \$80,000 for her involvement in the scheme, and she was paid \$10,000 in cash on 20 July 2017 as a first down-payment. Ms Lami pleaded guilty and was sentenced for an offence of recklessly dealing with proceeds of crime, money or property worth \$1 million or more, contrary to s.400.3(2) of the *Criminal Code*. Ms Lami dealt with the proceeds of the childcare fraud in excess of \$4 million. Her offending involved attending branches of the Commonwealth Bank of Australia between 19 and 21 July 2017 and drawing down and handing or transferring the proceeds of the childcare fraud to the principals. Ms Lami was sentenced to imprisonment for four years with a non-parole period of two years. The two other conspirators are awaiting sentencing.

DEPARTMENT OF DEFENCE FINED FOR UNSAFE WORK PRACTICES IN TOWNSVILLE

Date of judgment: 15 March 2021

Court: Townsville Magistrates Court

Partner agency: Comcare

The defendant, the Department of Defence, pleaded guilty to one offence of failing to comply with a health and safety duty (category 2); contrary to s.32 of the *Work Health and Safety Act 2011* (Cth). The maximum penalty for this offence is a fine of \$1.5 million.

The charged offences arose from a Comcare investigation into a crush injury suffered by Corporal James Dwyer during maintenance work on 16 August 2017 at the Royal Australian Airforce base in Townsville.

The maintenance work involved the removal of some nylon tape from an aircraft arrestor unit which is used to stop planes during landings. The tape was on a reel on the back of a flat-bed truck. Corporal Dwyer climbed onto the back of the truck to obtain a closer view of the tape as it unravelled. The straps holding down the unit broke when the tape ran out and the unit and Corporal Dwyer were pulled from the truck. As a result, Corporal Dwyer's lower right leg was completely severed between his knee and ankle and his left foot sustained serious damage and required several surgeries.

On the day of the incident, the Department of Defence failed to comply with its duty to ensure the health and safety of workers, as far as reasonably practicable. It failed to provide and implement a safe system of work that included two measures that would have minimised or eliminated a health and safety risk. Comcare identified that the eight-tonne unit should have been replaced or removed only when properly secured and there should have been warning markers to indicate the end of the tape was close. As a result, workers (including Corporal Dwyer) were exposed to a risk of death or serious injury.

In sentencing, his Honour, Acting Magistrate Luxton regarded the seriousness of the breach as being mid-range for offending of this type. His Honour noted the likelihood of the risk was not remote but obvious and foreseeable. His Honour also noted the department was not a first-time offender, having previously been convicted of a similar offence.

The Department of Defence was given credit for its early guilty plea and its contrition—demonstrated by the timely remedial action taken following the incident and the support provided by the department to Corporal Dwyer and his family was also recognised.

The Department of Defence was convicted and fined \$350,000.

Such a penalty serves as a means of encouraging employers to maintain constant vigilance with respect to ensuring the safety of their employees in the workplace.

Illegal Imports and Exports

Practice Group Leader: Mark de Crespigny

Top five referring agencies

151 cases from the Australian Federal Police	43.1%
from state and territory police forces	38.3%
48 cases from the Australian Border Force	13.7%
8 cases from the Department of Agriculture, Water and the Environment	2.3%
from state and territory departments of corrections	2.0%



350
REFERRALS



554
MATTERS ON
HAND

Matters managed

- Serious drug and precursor importation
- Tobacco importation
- Firearms importation
- Money laundering
- Other importation and exportation offences

Role

The CDPP, through the Illegal Imports and Exports practice group, prosecutes crimes relating to the integrity of Australia's borders, including drug and drug-precursor importation, general and drug-related money laundering, firearms importation and trafficking, quarantine breaches, wildlife smuggling and other import and export contraventions including illicit tobacco, agriculture products and steroids.

The impacts of these offences on the Australian community and economy can be devastating. The agency prosecutes these matters, most of which are indictable, across all 10 offices. The practice is high-volume and arrest-driven.

Law reform

During the reporting period, we worked collaboratively with the Department of Agriculture, Water and the Environment to manage an issue that had arisen out of a biosecurity prosecution in Adelaide. The legal issue related to the validity of the Biosecurity (Prohibited and Conditionally Non-prohibited Goods) Determination 2016 ('Goods Determination') and whether it could be relied upon in prosecutions involving s.186 of the *Biosecurity Act 2015* (Cth).

The issue was addressed by the *Biosecurity Amendment (Clarifying Conditionally Non-Prohibited Goods) Act 2021* (the Act) being passed to address the above issue. The Act commenced on 1 April 2021, and it inserted s. 639A into the *Biosecurity Act 2015* (Cth), among other things, that the Goods Determination is, and always has been, valid for all purposes.

Stakeholder engagement

A continuing key strategic theme during the reporting period was building strong and effective alliances with our partner agencies and stakeholders, fostering cooperation, collaboration and innovation across the criminal justice system. We work closely with partner agencies at all stages of the prosecution process. Our prosecutors maintain strong relationships with stakeholders, which are of significant benefit in this area, especially as matters are often complex, time-critical and fluid.

Our partner agencies include the Australian Federal Police (AFP), Australian Border Force (ABF) under the Department of Home Affairs, the Department of Agriculture, Water and the Environment, Austrade, and state and territory police. We receive regular requests from partner agencies for the development of National Offence Guides and other resources made available through our partner agency portal.

Apart from providing core prosecution services to partner agencies, the practice group also engaged in regular national and regional liaison meetings to ensure a comprehensive understanding of the strategic objectives of each agency. These forums provide a valuable opportunity to discuss trends, identify systemic issues within investigative or prosecution processes, and identify potential law reform and training requirements.

As part of its liaison work, the agency continues to develop and deliver targeted training to the AFP, ABF and state and territory police.

Taskforce participation

As an active member of the Illicit Tobacco Taskforce, the CDPP maintains an ongoing focus on matters involving the illegal importation of tobacco products.

Taskforce activities have led to an increase in the complexity of briefs of evidence being referred to us for consideration and prosecution, along with an increase in requests for pre-brief advice.

The taskforce aims to disrupt organised and systemic illicit tobacco through a multi-disciplinary approach. This includes collaborating with international partners and law enforcement agencies, to facilitate the production of evidence to support prosecutions.

As a member of the taskforce, we attend the National Illicit Tobacco Management Group and the National Illicit Tobacco Senior Management Group meetings. The senior management group meets quarterly and provides strategic oversight over the taskforce and the management group which meet monthly. The taskforce hosted a domestic conference on 18 November 2020, which focused on Australia's law enforcement strategy to combat illicit tobacco and provided an opportunity for state and federal agencies to come together to discuss the issue.

APPEAL OVER CROSS-BORDER FIREARM TRAFFICKING EXTENDS DEALER'S TIME IN JAIL

Date of judgment: 16 November 2020

Court: Supreme Court of Western Australia Court of Appeal

Partner agencies: Queensland Police Service, Western Australian Police Force

In December 2016, Mr Trevor Manuel applied for a Western Australian firearm dealers' licence, purportedly to import pistols for resale to Australian gun clubs and Australian retailers. On 17 February 2017, the licence was granted with a number of conditions including:

- that the holder can only sell, deliver or dispose of a firearm to another person, or permit another person to take possession of a firearm or ammunition if that person is the holder of a licence or permit under the *Firearms Act 1973* (WA) entitling them to such possession
- that any firearm sold to a person (or dealer) interstate shall be sent by post to a firearm dealer in that state, or can be transported using an approved commercial carrier.

Mr Manuel was also required to maintain adequate records of guns bought and sold and had to report monthly to police regarding firearm sales.

In late February 2017, Mr Manuel placed one order for nine and one order for 10 semi-automatic handguns at a cost of around \$20,000 from a Queensland dealer. Despite requests to hand over the firearms in person, the Queensland dealer posted them to Mr Manuel using Australia Post as per their own obligations. The firearms were received by Mr Manuel on 9 and 13 March and on-sold to an unknown buyer. Mr Manuel failed to report the sales to the Western Australian Police in accordance with his obligations as a firearm dealer licence holder.

On 1 March 2017, Mr Manuel paid around \$16,500 in cash for twenty 9mm pistols from a second Queensland-based dealer. Mr Manuel collected the firearms in person. A week later an associate acting for Mr Manuel used Mr Manuel's firearm dealer license to purchase an additional 26 handguns for \$26,000. Mr Manuel also failed to report the sale of these weapons to the Western Australian Police.

On 2 March 2017, Mr Manuel purchased an additional 22 firearms for around \$21,000 from a Sydney-based dealer and took the weapons with him that day.

The 22 firearms were consigned as 'electrical goods' to Perth via a Sydney transport company however another associate of Mr Manuel took the box of weapons before it was sent.

On 27 March 2017, Western Australian Police executed a search warrant at Mr Manuel's home and business address however none of the purchased firearms were at this location. A small number of the purchased firearms have been recovered subsequently through police investigations of other alleged crimes.

Mr Manuel was subsequently charged with three counts of cross-border firearm offences contrary to Division 360 of the *Criminal Code*.

On 17 December 2018, Mr Manuel pleaded guilty to all three counts. The sentencing judge noted the 87 firearms were unlawfully acquired and distributed to criminals, most likely outlaw motorcycle gang members. Mr Manuel was sentenced on 8 November 2019, to three years for each count with the first and second counts to be served concurrently. The total effective sentence was five years and six months with a non-parole period of three years.

The Director appealed the sentence on the grounds that each sentence and the total effective sentence were manifestly inadequate. The maximum penalty for each count is 10-years imprisonment. The Crown also argued the total effective sentence failed to properly reflect the objective seriousness of the offending and the importance of general deterrence, punishment and denunciation as sentencing factors.

On 16 November 2020, the Western Australian Court of Appeal found that the sentence of three years on each count and the total sentence of five years and six months were not merely lenient but was substantially less than the sentencing outcome that was properly open to his Honour and was unreasonable or plainly unjust. Similarly, the court found a substantially longer non-parole period than three years was the only conclusion reasonably open.

The appeal was allowed, and the court re-sentenced the offender to a term of four years and six months' imprisonment for each of the three counts. The total effective sentence imposed following appeal was seven years and six months' imprisonment, with a non-parole period of five years.

Organised Crime and Counter Terrorism

Practice Group Leader: Joanne Philipson (acting)

Referring agencies

195 cases from the Australian Federal Police	89.5%
20 cases from state and territory police	9.2%
3 cases from the Australian Border Force	1.3%



218
REFERRALS



432
MATTERS ON
HAND

Matters managed

- Terrorism
- Organised crime such as transnational drug and tobacco importations, firearms trafficking and money laundering
- National security
- War crimes

Role

The CDPP, through the Organised Crime and Counter Terrorism (OCCT) practice group, is responsible for the prosecution of all counter-terrorism, serious organised crime and national security offences. Terrorism prosecutions include domestic terrorism plots, as well as matters where the offender engaged in, or prepared to engage in, hostile activity in a foreign country. Organised crime prosecutions include large transnational drug and tobacco importations, firearms trafficking and money laundering prosecutions.

The OCCT practice group also manages prosecutions referred from the Special Investigator appointed to investigate allegations of war crimes committed by Australian Defence personnel in Afghanistan.

Prosecutions referred to the practice group are routinely large, complex and resource-intensive. They often involve multiple offenders, police informers, undercover police operatives, highly sensitive or national-security-classified information and voluminous briefs of evidence.

Trends in prosecutions

Although stakeholders in the criminal justice system, including our prosecutors and the courts, embraced the use of digital tools during the COVID-19 lockdowns, there were significant delays in the progression and resolution of matters because of the pandemic. This included a reduction in the number of jury trials conducted across Australia. However, the number of new referrals to the agency associated with organised crime and counter-terrorism has increased during the reporting period as a result of Operation Ironside, an international, covert investigation targeting an encrypted communications platform over nearly three years.

Serious drug offences, involving local and international crime syndicates, continued to be the focus of our organised crime work. A case study on our successful prosecution of a large international drug syndicate in Operation Kungur-Oak, can be found at page 76.

During the reporting period, referrals relating to ideologically motivated violent extremism increased. This follows the guilty verdict of the first ideologically motivated terrorist prosecuted in Australia. The Supreme Court of Victoria sentenced Mr Philip Galea on 20 November 2020, to a total effective sentence of 12 years' imprisonment with a non-parole period of nine years. A case study on this prosecution of ideologically motivated violent extremism can be found at page 75.

The agency received an increasing number of counter-terrorism referrals for breaches of control orders and supervision orders. The Australian Federal Police (AFP) and the High-Risk Terrorism Offenders Management Team (within the Department of Home Affairs) monitor a number of terrorism offenders released into the community following the conclusion of their sentences.

We also continued to provide pre-brief advice to partner agencies regarding Australians who have travelled to the armed conflicts in Syria and Iraq. This specialist and independent advice aims to assist partner agencies make informed operational decisions during significant investigations.

Law reform

The agency is committed to providing insight on the practical application of federal criminal laws to inform the legislative and policy work of the government. While the nature and scope of these laws is a matter for government, we aim to help inform legislative and policy development through regular consultation with partner agencies.

Our prosecutors continue to work closely with the Department of Home Affairs and other partners on the money laundering offence reforms contained in the *Crimes Legislation Amendment (Economic Disruption) Act 2021*. Prosecutors have also assisted the Parliamentary Joint Commission on Intelligence and Security (PJCIS) review into the declared areas offences contained in the *Criminal Code* and provided input into the cross-agency submissions prepared for the PJCIS review into AFP powers.

In the reporting period, we responded to requests related to the Independent National Security Legislation Monitor's review of the operation of s.22 of the *National Security Information (Criminal and Civil Proceedings) Act 2004* as it applied in the 'Alan Johns' matter (a pseudonym).

Stakeholder engagement

The agency has strong working relationships with partners and stakeholders which foster inter-agency partnerships in the delivery of prosecution services. We have strong working relationships with the Attorney-General's Department, the AFP, state and territory police and the Department of Home Affairs. Our prosecutors also regularly engage with staff from the courts, legal aid commissions and corrective services agencies. This provides an opportunity for collaboration on current legal and policy issues.

We provide information and feedback to partners and stakeholders on prosecution cases including statistical information, as well as regular reports to ensure they have timely and accurate information relating to current prosecutions.

Training

We regularly support training programs offered to the joint counter-terrorism teams and counter-terrorism investigators across Australia. This training assists police to stay up to date with legal developments, as well as court procedure and evidence.

Although travel was restricted during the reporting period, our prosecutors provided training to the Department of Home Affairs, Attorney-General's Department and the AFP on the reforms to money laundering offences. Criminal procedure training has also been provided to staff at the Department of Home Affairs, and the Department of Foreign Affairs and Trade received training on terrorism and sanctions offences.

PHILLIP GALEA JAILED FOR TERRORIST OFFENCES

Date of judgment: 20 November 2020

Court: Supreme Court of Victoria

Partner agency: Australian Federal Police

The Victorian Joint Counter Terrorism Team (JCTT) commenced an investigation of Mr Philip Galea in January 2016, following concerns he was preparing or planning to carry out acts of violence in support of his radical right-wing beliefs. In August 2016, the JCTT executed a search warrant on Mr Galea's residence and he was subsequently charged with one count of doing acts in preparation for, or planning a terrorist act, contrary to s.101.6 of the *Criminal Code* and one count of attempting to collect or make a document likely to facilitate a terrorist act contrary to ss.11.1 and 101.5 of the *Criminal Code*.

The first charge related to Mr Galea's conduct in preparation for, or planning to, attack sites or persons associated with left-wing ideology, including a socialist centre and a trade union hall. The preparatory acts undertaken by Mr Galea included researching methods of making explosive devices, conducting a reconnaissance of the locations and attempting to recruit others to assist him. His conduct spanned several months.

The second charge related to Mr Galea's conduct in attempting to make a document called *The Patriot's Cookbook*. Mr Galea intended this document would expound his anti-leftist political or ideological views and would contain information about making and using bombs and other explosive devices, torturing people and waging war against Muslims and 'lefties'. Upon completion of the cookbook, Mr Galea intended to distribute it to people who shared his views to equip and encourage them to go out and commit violent acts against common enemies.

Mr Galea's trial commenced on 14 October 2019 before Justice Hollingworth. On 5 December 2019, after a trial lasting seven weeks, the jury found Mr Galea guilty of both charges.

On 20 November 2020, Mr Galea was sentenced to 10 years imprisonment for the first offence of doing acts in preparation for, or planning, a terrorist act. The sentencing judge found Mr Galea's offending to be a low to mid-range example of this offence, noting that the acts Mr Galea planned to carry out were only of a kind likely to cause damage to buildings rather than people.

For the second offence of making a document likely to facilitate a terrorist act, Mr Galea was sentenced to six years' imprisonment. The sentencing judge found Mr Galea's offending to be a moderately serious example of the offence noting the document contained information which aimed to help like-minded people undertake acts of violence.

Mr Galea received a total effective sentence of 12 years imprisonment with a non-parole period of nine years imprisonment.

In sentencing Mr Galea, the judge stressed the importance of punishment, denunciation and general deterrence, noting that Mr Galea committed these offences intending to intimidate sections of the public and the government. The court found that Mr Galea had aligned himself with a number of extremist groups, including with the most militant factions he could find. In addition to his plans for a specific terrorist attack, Mr Galea also sought to create a document that would enable other extremists to follow in his footsteps. The court noted that Mr Galea had demonstrated no remorse for his crimes and that a sentence of imprisonment was required which would deter Mr Galea from further offending, as well as protect the community.

INTERNATIONAL DRUG SYNDICATE IN SUBURBAN MELBOURNE— OPERATION KUNGUR-OAK

Date of judgment: 14 August 2020; 21 August 2020; 5 October 2020

Court: County Court of Victoria

Partner agency: Australian Federal Police

Between May and September 2018, the Australian Federal Police (AFP) conducted Operation Kungur-Oak, an investigation into drug trafficking in Melbourne's western suburbs. The investigation primarily focused on the drug syndicate controlled by Mr Paul Ngo. Mr Ngo was responsible for sourcing and purchasing methamphetamine and heroin from importers and other wholesale suppliers. Initially with his co-offender Mr William Do and later with Mr Huy Hoang and Mr Tony Tran, Mr Ngo engaged in multiple and frequent instances of trafficking large quantities of both methamphetamine and heroin. Mr Do and Mr Hoang were responsible for storing, guarding and concealing a supply of the controlled drugs and managing significant amounts of cash paid to the enterprise. They were also each responsible for conducting drug trafficking transactions and maintaining payments and debts owed to the syndicate. Mr Tran was responsible for providing his residence to the syndicate to store and conceal its drug supply.

At the time of their arrests in September 2018, the syndicate members were found to be in possession of over \$200,000 in cash, a hydraulic block press, over three kilograms of methamphetamine, over a kilogram of heroin and a cannabis grow house. During the period of the offending, Mr Ngo dealt with over \$1 million being the proceeds of the syndicate's criminal activity. Mr Ngo and Mr Do were also each sentenced for having dealt with money reasonably suspected of being the proceeds of crime prior to this offending (Mr Ngo having dealt with more than \$1.9 million and Mr Do having dealt with in excess of \$280,000).

The fifth man, Mr Nguyen, was later sentenced for having trafficked in a commercial quantity of methamphetamine in July 2018 and having further trafficked in methamphetamine and dealt with the proceeds of crime in December 2018.

The principal offender and head of the drug trafficking syndicate, Mr Ngo, was sentenced to a total effective sentence of 18 years and eight months' imprisonment with a non-parole period of 12 years and 10 months.

Mr Do was sentenced to 13 years' imprisonment for his involvement in the trafficking enterprise between May 2018 and August 2018. Mr Do's sentence also related to his dealing with monies reasonably suspected of being the proceeds of crime and cannabis offending. A non-parole period of eight years and four months was fixed.

Mr Hoang was sentenced to 12 years' imprisonment with a non-parole period of eight years and two months for his role in the syndicate between August and September 2018. Mr Tran was sentenced for his role in the enterprise during that same period and received a total effective sentence of 10 years and two months' imprisonment with a non-parole period of seven years and two months.

Mr Nguyen was sentenced to a term of imprisonment of 14 years and 10 months for his related offending and will be eligible for parole after serving nine years and four months.

In sentencing the offenders, Judge Doyle of the County Court of Victoria described the syndicate's drug trafficking enterprise as a very serious example of these offences. His Honour observed that the quantity of money dealt with by the syndicate was illustrative of the scale of the trafficking and the sophistication of their offending. In sentencing the principal offender Mr Ngo, Judge Doyle described his moral culpability as very significant and observed that his offending involved thousands of individual criminal acts. His Honour described the role of Mr Do and Mr Hoang as that of trusted assistants, who were each involved in most aspects of the business and essential to the syndicate's ongoing operations. Judge Doyle described Mr Tran's role, in concealing and storing controlled drugs, as having been critical to the ongoing success of the enterprise.

Revenue and Benefits Fraud

Practice Group Leader: Gina Nott (acting)

Top five referring agencies

286 cases from Services Australia (Centrelink)	58.6%
62 cases from Services Australia (Medicare)	12.7%
39 cases from state and territory police	8.0%
29 cases from the Australian Taxation Office	5.9%
27 cases from the Department of Health	5.5%



488
REFERRALS



814
MATTERS ON
HAND

Matters managed

- General tax fraud and tax compliance including income tax and goods and services tax (GST) fraud
- Social security fraud
- Medifraud
- Fraud-related money laundering
- Identity fraud
- Child support offences
- Counterfeit currency offences
- Other frauds against the Commonwealth including grants fraud and fraud against the National Disability Insurance Scheme

Role

The agency, through the Revenue and Benefits Fraud practice group, is responsible for prosecuting fraud against the Australian government, including general tax fraud, social security fraud, Medicare fraud (patient and provider fraud), National Disability Insurance Scheme (NDIS) fraud (provider and participant fraud), postal, grants, counterfeit currency and identity fraud. We also prosecute fraud-related money laundering.

Commonwealth revenue and benefit systems rely heavily on the integrity and honesty of all Australians. We are called upon to prosecute where people have intentionally engaged in conduct that has resulted in the receipt of money to which they knew they were not entitled. These prosecutions play an essential role in protecting Commonwealth resources and ensuring support is provided where it is needed most in the community.

Trends in prosecutions

In response to the COVID-19 pandemic, we supported our partner agencies as they navigated this new environment by assessing briefs in a timely manner and by providing pre-brief advice. However, referral numbers have been impacted. The way in which we appear in court was also impacted with the increased use of new digital platforms.

Services Australia (Centrelink/Medicare/Child Support) remained the source of most referrals to this practice group. While we continued to prosecute what could be termed the more traditional frauds, with people claiming single parent benefits when they are in relationships or failing to declare income from employment, there was a significant increase in complex prosecutions that involve a greater level of sophistication in offending.

We continued to see an increase in referrals involving multi-defendant, multi-benefit, multi-agency matters with an amplified use of the digital environment by offenders. This was especially so in re-directed payments and identity theft fraud cases. Consequently, there was a greater emphasis on digital and financial forensic analysis, which increases the complexity of briefs of evidence.

Operational matters involving joint police and agency investigations, often with multiple defendants, are increasingly referred in such areas as Australian Government Disaster Recovery Payment fraud, Medicare fraud, NDIS fraud, identity theft, taxation fraud, and illicit tobacco (excise fraud). These referrals are more resource-intensive with voluminous briefs and evidentiary complexity. We actively assisted, and continue to assist, our partner agencies with this challenging environment, particularly when dealing with digital material and the volume of potential evidentiary material.

Fraud, in the context of family day care, continued to be an area of focus for Services Australia referrals. Typically, these offences involve benefit recipients failing to correctly declare their income to Centrelink or claiming benefits for children who are not in their care, to obtaining benefits to which they are not entitled.

A new area of focus for our partner agencies, including Services Australia, the Australian Taxation Office (ATO) and the federal and state police forces, was COVID-19 stimulus-related fraud, resulting in increased referrals that involved fraud against the JobSeeker, JobKeeper, Coronavirus Supplement, Economic Support Payment, National Health Emergency Crisis Payment, Pandemic Leave Disaster Payment, and the early release of superannuation funds.

We continued to prosecute referrals from Services Australia (Medicare) as they investigated offending against the Pharmaceutical Benefits Scheme and Medicare system (patient fraud).

Our Department of Health Medifraud referrals are becoming more complex with significant alleged provider fraud. This often involves medical practices operating via complex corporate structures and claiming benefits to which they were not entitled. The reporting period saw an almost 50 per cent increase in referrals as compared to the previous reporting period. We increased our liaison with the Department of Health and continue to work closely with them to effectively prosecute in this area.

In the reporting period, we continued to work closely with the National Disability Insurance Agency (NDIA) and the NDIS Fraud Taskforce to successfully prosecute significant fraud in this new and growing area.

We received 13 referrals in the reporting period, including complex multi-defendant, multi-million-dollar alleged fraud matters. Significantly, pleas of guilty have been entered by all defendants in Operation Apus, where a conspiracy charge was laid against six persons relating to \$1.5 million obtained using companies to fraudulently claim services. Five co-offenders have been sentenced to significant jail terms. The sentencing of the sixth co-offender was delayed due to COVID-19 restrictions imposed in New South Wales in July 2021. A case study on this prosecution is included at page 81.

During the reporting period, we also prosecuted a variety of matters referred by the ATO involving alleged frauds against the taxation system. These matters may involve intermediaries such as tax agents and accountants who use their clients' taxation accounts and details to obtain benefits to which they are not entitled.

The prosecution of goods and services tax (GST) fraud continues to form a significant part of our practice. Prosecuting these matters is integral to ensuring compliance with the GST system and protecting Australia's revenue system through effective deterrence.

Prosecution services

We maintained our focus on liaison during the reporting period with regular national and regional liaison meetings to support our partner agencies to navigate the challenges presented by COVID-19. This included working with partner agencies to facilitate the provision of electronic briefs via our digital referrals gateway and, consequently, most briefs provided are now electronic.

Our liaison included focusing on our capability development and that of our partner agencies. With Services Australia, we have a joint capability review committee to identify training needs and develop resources in relation to our social security fraud work and have presented several training sessions.

In this reporting period we held joint annual conferences with the ATO and with Services Australia. These conferences enabled us to gain insight into our partner agencies' strategic goals and processes, to build capability and identify areas for further development. Given the pandemic, most of our conferences and meetings have been held online using a range of digital platforms. Smaller regional meetings focused on investigators and prosecutors identifying trends and issues in our complex fraud cases and included case scenarios and presentations on identity fraud and re-directed (hijacked) payment fraud.

We liaised closely with the ATO by holding regular national and regional liaison meetings supported by regular contact at the regional and national level. We continued to support the work of ATO in-house prosecutors who prosecute less complex summary matters under the *Taxation Administration Act 1953* (Cth).

Law reform and stakeholder engagement

The agency supports partner agencies in relation to new policy proposals by providing advice on the practical application of laws in the prosecution context.

We continued to work with partner agencies in taskforce settings. We are an advisory member of Taskforce Integrity, the Illicit Tobacco Taskforce, the Black Economy Taskforce and the NDIS Fraud Taskforce. While operational decisions are a matter for investigative agencies, our membership of these multiagency taskforces provides an opportunity to contribute practical advice in relation to prosecuting criminal offences and allows us to prepare a coordinated and consistent prosecution response that is linked to the overall goals and objectives of the taskforces.

The agency is a member of the Family Day Care Fraud Interdepartmental Committee. Fraud and non-compliance in the family day care sector impacts on several partner agencies including Services Australia, the ATO and the Department of Education, Skills and Employment. We have been working closely with Services Australia to address this significant risk to Australia's revenue and benefit system.

NATIONAL DISABILITY INSURANCE SCHEME FRAUD—OPERATION APUS

Date of judgment: 18 September 2020, 30 April 2021*

Court: District Court of New South Wales

Partner agency: National Disability Insurance Agency (NDIA)

Between October 2017 and May 2019, the offenders, Mr Alaedine Rifai and Ms Amal Hilmi, alongside their relatives and co-offenders Mr Mostafa Hilmi, Mr Alhassane Hilmi, Ms Sumaiah Al Shakhshir, and Ms Michelle Ross, were the originators and principal architects of a sophisticated conspiracy to defraud the National Disability Insurance Scheme (NDIS) of \$1.5 million as a result of falsely claimed payments.

The conspirators made 88 false payment claims against the plans of 68 different persons with disabilities who had no association with the conspirators. They identified that they were able to view the details of support budgets extended to participants in the scheme by randomly entering a combination of numbers into the website portal made available to service providers. The co-offenders also realised that they could submit requests for payment against under-utilised support budgets that had expired within the preceding 90 days, for which they coined the term 'back-charging', thereby reducing the risk of detection.

Despite the NDIA commencing a review of the co-offenders' businesses a year after their registration, the conspirators continued the fraud by registering four new entities as service providers. Attempting to meet NDIA's review, the co-conspirators tried to locate particular participants in the scheme, with whom they had no relationship, with a view to having them sign false documents to hide the fraud.

A complex NDIS taskforce investigation involving the NDIA, the Department of Human Services and the Australian Federal Police led to the arrest of the co-offenders on 22 May 2019. The taskforce investigators continued to work closely with prosecutors throughout the process. The successful prosecution of this matter is testament to the strong collaboration between the taskforce and our agency.

This matter is the first prosecution in New South Wales for fraud on the federal Government's NDIS.

It resulted from an investigation by the NDIS taskforce, which was formed for the purpose of investigating serious fraud against the NDIS.

It highlights the emergence of new, highly organised groups of people systematically exploiting new government payments using digital technology.

The offending impacted and distressed NDIS participants and their carers, particularly when they were left with insufficient funds to purchase essential personal items. Some were unable to make genuine claims because the offenders had drawn monies from their plans. A victim impact statement from one carer, who was unable to pay for her disabled son's nappies, was read out in court during sentencing.

The offenders defrauded the Commonwealth of \$1.5 million to fund their purchases of luxury items such as expensive motor vehicles, watches and jewellery, and real estate in Australia and overseas.

All co-offenders pleaded guilty to one charge of conspiring with one other person to dishonestly obtain a gain from a Commonwealth entity, contrary to s.135.4(1) of the *Criminal Code*. The maximum penalty for such an offence is 10 years' imprisonment.

The court found that the offenders' conduct was motivated by greed and placed an additional burden on all taxpayers. There was no regard by the offenders to the harm caused to the vulnerable people whom they purported to assist.

Mr Rifai and Ms Hilmi were sentenced on 18 September 2020 to four years and six months of imprisonment with a non-parole period of three years for Mr Rifai, and a non-parole period of two years and nine months for Ms Hilmi.

Mr Mostafa Hilmi and Mr Alhassane Hilmi were each sentenced on 30 April 2021 to three years of imprisonment, to be released after serving two years, upon entering into a recognisance in the sum of \$200 to be of good behaviour for one year.

Ms Al Shakhshir was sentenced on 30 April 2021 to two years of imprisonment, to be served by way of an Intensive Correction Order, with the standard conditions and a treatment condition.

*Ms Ross is yet to be sentenced due to delays resulting from the COVID-19 lockdown in Sydney.

NEWSTART FRAUD SENTENCE UPHeld ON APPEAL

Date of judgment: 8 February 2021

Court: Court of Appeal – Victoria

Partner agency: Services Australia

Between 13 March 2013 and 27 November 2017, Ms Dowlat Soliman dishonestly obtained a financial advantage in excess of \$65,000 from Services Australia in the form of payments of Newstart Allowance, to which she was not entitled. During the period of the offending, the Ms Soliman reported her income on 124 occasions, actively making 51 false nil income declarations and 72 false under-declarations. Over a period of around four and a half years she earned gross income in excess of \$236,000 but declared only \$22,126.76 to Services Australia, being less than 10 per cent of her earnings. The offending was not voluntarily disclosed but detected following an anonymous tip off.

On 19 August 2016, she was contacted by Services Australia regarding irregularities in her declarations. Ms Soliman advised Services Australia that her job provider had brought to her attention that she had not been declaring all her earnings to Services Australia and provided her with an overview on how to correctly report her earnings. She further advised that she now understood how to correctly declare her earnings. Services Australia encouraged her to contact them should she require assistance in the future. Subsequently, Ms Soliman continued to offend.

On 30 November 2020, Ms Soliman entered a plea of guilty to one charge of obtaining a financial advantage by deception contrary to s.134.2(1) of the *Criminal Code*. She was sentenced to 20 months' imprisonment to be released after serving five months and entering into a Recognisance Release Order (RRO) in an amount of \$1,000. On 24 December 2020, Ms Soliman appealed against her sentence on the ground that the sentence was manifestly excessive. The matter was heard on 1 February 2021.

On application for leave to appeal, the sentencing judge's conclusion that a term of imprisonment was warranted and that a period of custody was required, was not challenged by Ms Soliman. The submission concentrated almost entirely on the period of actual custody; specifically, it was submitted that no more than three months' imprisonment should be required before Ms Soliman be eligible for release on recognisance. The Court of Appeal found the submission flawed, stating that the length of the sentence is determined at the sentencing judge's discretion.

The Court of Appeal found that the sentence imposed upon Ms Soliman was within the discretionary range, and in fact, had considerable weight not been given to the mitigating factors raised during sentencing, a longer period of time to serve would have been required, given the seriousness of the offending and deception.

The Court of Appeal refused the application for leave to appeal on 8 February 2021.

LEGAL BUSINESS IMPROVEMENT

Role

The Legal Business Improvement (LBI) branch focuses on the many operational aspects of enabling, supporting and modernising our legal practice. The branch also supports the Commonwealth Solicitor for Public Prosecutions and the Director by providing specialist advice and support in the areas of policy development, law reform, engagement of external counsel, partner agency engagement, legal learning and professional development, and post-trial analysis.

Key activities include:

- developing and maintaining key resources, internal policies and guidelines relating to the legal practice
- maintaining and refreshing a list of experienced barristers appointed to the agency's External Counsel Panel, together with a number of junior and senior counsel briefed who are not part of the panel
- working with internal stakeholders to develop and maintain resources integral to the work of partner agencies including guidelines and offence guides
- managing and developing induction resources and the Continuing Legal Education (CLE) program for all prosecutors
- coordinating external advocacy training
- providing partner agencies and our prosecutors with analysis of post-trial reports and case reviews to identify any systemic issues arising in investigations and prosecutions, including through regular liaison with the Australian Federal Police's Investigations Standards Practices team
- managing and analysis of complaints and feedback, with a view to identifying any systemic issues that need addressing
- liaising and engaging with the Attorney-General's Department and the Department of Home Affairs regarding law reform issues.

Legal learning and professional development

The LBI branch incorporates the Legal Learning and Professional Development (LLPD) team. This team delivers a coordinated and structured education program designed to build the knowledge and skills of our federal prosecutors.

The programs and activities align the strategic objectives and goals set out in our Legal Learning and Professional Development Strategy for 2020–2023 which aims to:

- provide the skills to build capability for lawyers at all stages and levels of their career
- deliver sustainable continuous improvement in the performance of our prosecutors

- instil confidence so that lawyers perform their work with the knowledge they are supported in their work
- reinforce national consistency of prosecutions in accordance with the Prosecution Policy of the Commonwealth and the national practice group model.

The strategy provides a framework for building capability and embedding a learning culture across the legal practice, by providing information and training at induction, comprehensive e-resources, on-the-job learning, and targeted activities and training programs.

Delivery of the technical legal training component of the strategy is through the National Continuing Legal Education (NCLE) Framework. During the reporting period, dedicated staff from the professional development team worked on developing and designing the framework, which aims to deliver a more systematic and enhanced continuing legal education program that aligns with the core skills and competencies required of our prosecutors. The NCLE Committee is responsible for the delivery of the education program, which is overseen by LBI.

As noted in the 2019–20 Annual Report, the COVID-19 pandemic changed the way we conducted our continuing legal education program. Moving to digital platforms during the pandemic resulted in a significant increase in attendance numbers. This continues to be the preferred method of delivery despite the easing of restrictions over the reporting period, with record numbers of staff attending.

During the reporting period, LBI facilitated the following activities:

- Over two days in December 2020, 49 federal prosecutors attended a federal prosecutors induction workshop. These workshops are integral for newly-recruited federal prosecutors and are usually conducted at one location face-to-face. This year as some jurisdictions were transitioning through various stages of COVID-19 restrictions, the workshop was held via teleconference.

Some staff were able to attend the workshop in person in their office and to have staff from our smaller offices travel to Brisbane (from Townsville, Cairns and Darwin) and Canberra (from Hobart). This was a great opportunity for federal prosecutors who recently joined the office (some who started during lockdown periods) to get to know other federal prosecutors and senior managers in their office and around the country. Additionally, the workshop introduced our new federal prosecutors to the organisational values and goals and the importance of our role as prosecutors serving the Australian community.

- In collaboration with our NCLE Committee, LBI helped deliver a program for lawyers on a diverse range of topics and in line with the framework. Given the onset of the pandemic, during 2020 these programs were delivered online to lawyers and were extremely well attended with between 100 and 150 participants from around the country. This trend continued in 2021 as active engagement in the program continues to be embedded into the agency's culture. Delivery of the program has benefited from the engagement of experts to deliver sessions, including presentations from the judiciary and members from the private bar, senior managers, staff and the Director. Various formats have been employed to maximise interactivity and staff engagement, including panel format presentations and pre-reading, as well as real-time questions and post-event polling of participants for evaluation and to identify improvements. The delivery of the program through digital platforms has also allowed some of our partner agencies, including the Attorney-General's Department and the AFP, to attend particular sessions of interest.

- In May 2021, the Australian Advocacy Institute conducted the Advocacy Skills Training Workshop for 24 federal prosecutors. In previous years, the institute provided this course face-to-face; however, the pandemic resulted in the course being redesigned into an online format. The workshop provided federal prosecutors with theoretical training, practical demonstrations and appearances in simulated courtroom proceedings. Participants are recorded and personal review and feedback is provided. This year the course contained bespoke content directed to the work undertaken by federal prosecutors.

Key policies and guidelines

The LBI team continues its important work in delivering new and revised policies and guidelines to the legal practice. Of particular significance during the reporting period was the review and revision of the guidelines for dealings between investigators and the agency, which was published on our website and partner agency portal on 6 January 2021. The guidelines have been thoroughly updated and revised to establish a governance framework which outlines the roles, responsibilities, and expectations of the investigative agency and the CDPP, throughout the life of a prosecution. The guidelines are a significant step by us to move away from bespoke memoranda of understanding with agencies, and to establishing a uniform set of governance arrangements that covers all our partner agencies.

The team is also responsible for facilitating and overseeing the publication of the Federal Sentencing Guide. Now in its fourth edition, this piece of work is an invaluable guide to not only our staff, but to all practitioners and the courts engaging with the federal sentencing regime. Our team has long collaborated with counsel Desmond Lane of the Victorian Bar on this project and recognises the importance of this body of work as a guide for users navigating what can be a complex area of law.

Governance support

The LBI team continued to support the work of the governance team and the internal Audit Committee, and in collaboration with the NBI is responsible for our external performance reporting which is included in the annual report each year.

The team maintains and updates the Director's statutory delegations and authorisations and those associated with our joint trial arrangements with the states and territories in jointly prosecuting commonwealth and state offences.

External counsel

One of the most significant stakeholders we partner with is the private bar, as we engage counsel to appear and advise on some of our more complex cases. The LBI team manages and provides the vetting process for applications for appointment of suitable counsel to our external junior counsel panel and advises the legal practice in relation to the consistent setting of counsel fees and terms and conditions of engagement. In undertaking the vetting process for new counsel, staff identify areas of expertise which are entered into an external counsel dashboard in our case management system which can be searched by lawyers wishing to engage counsel in their cases.

Our staff assist in developing this rich resource by updating counsel's expertise and experience through data gathered from past briefings, bar profiles and information supplied by counsel.

Our panel approach has helped us to improve gender equity and diversity in our briefing practices, and build relevant capability at the private bar, while providing a simple application process for counsel seeking to work with us.

Panel counsel, those directly briefed who are not on the panel, and senior counsel together make up a cohort of over 730 junior and senior counsel available to be briefed by the agency.

In October 2020, we commenced our second external counsel biennial fee review. Completed in January 2021, the review undertook individual assessment of close to 300 junior and senior counsel briefed by the office over the last two years.

The Commonwealth Solicitor for Public Prosecutions also established a regular e-newsletter for our external counsel which allows us to keep counsel informed of developments, initiatives and events relevant to their work. This mechanism has been used, for example, to communicate with counsel during the COVID-19 pandemic. This enabled us to confirm our approach and priorities, including our intention to have a strong focus on early resolution to ensure any potential backlog of cases (particularly jury trials) was minimised.

Complaints and feedback

In November 2018, we established a dedicated feedback and complaints page on our external website. The page sets out the process for making a complaint or providing feedback to either a dedicated email address, or via a web form. The page also includes a link to our complaints policy and summarises what an accused person, witness, victim of crime or member of the public can expect when they lodge a complaint.

The formalisation of the complaints and feedback handling processes is a direct response to recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse.

The following is a summary of statistical information regarding complaints and feedback received in the reporting period. The Executive Leadership Group reviews this data annually with a view to identifying and actioning any systemic issues.

There were 10 complaints received by the CDPP during the reporting period. Of these:

- four were submitted via the web form on our website
- one was received via the Victim and Witness feedback form
- four were received via email
- one was received by telephone.

Of the 10 complaints:

- five were made by defendants that were or are being prosecuted by CDPP
- one was made by a defence solicitor
- one was made by a member of the public
- one was made by a victim of crime
- two were made by a defendant to a third party (such as a partner agency) and referred to CDPP.

Of the 10 complaints:

- four related to dissatisfaction with the behaviour of CDDP staff
- one related to the process undertaken
- five related to perceived unfair decision-making.

Each of the complaints were acknowledged in writing within two business days and nine of these were investigated. One complaint was not investigated as it was withdrawn by the complainant prior to investigation. A written response was provided to seven complaints within the reporting period. The CDPP's investigation of two complaints were ongoing as at the end of the reporting period.

Of those complaints that were finalised, the length of time taken to investigate and provide a written response varied from between one and 182 days, with an average time taken of 64 days.

VICTIMS AND WITNESSES

It is important in all prosecution action that victims are treated with courtesy, compassion, cultural sensitivity and respect for their dignity and entitlements.

The Victims of Crime policy sets out our obligations towards victims of crime including our responsibility to keep them informed of the progress of the prosecution, to consult with them where appropriate and to ensure that they are aware of any right of review in appropriate cases.

In addition to establishing effective processes and procedures linked to the Prosecution Policy of the Commonwealth, we have a dedicated and valued Witness Assistance Service (WAS) to support the most vulnerable victims and witnesses involved in the matters we prosecute.

Witness assistance service

The Witness Assistance Service (WAS) is a national service provided by a team of qualified social workers and provides support to vulnerable victims and witnesses involved in matters we are prosecuting.

Staff provide a range of information and support services including updates on the progress of a prosecution, general information about the prosecution process, court tours, referrals to support services, support at court and during conferences with legal staff, and information concerning victim impact statements and reparation orders.

These services are delivered in accordance with the Prosecution Policy of the Commonwealth and Victims of Crime policy.

In July 2020 the WAS transitioned to our current case and document management system, caseHQ. This represented a significant change to the work practices of the WAS team, many of whom were working from home for much of the year. While much progress was made, the team's transition to caseHQ continues and further enhancements will remain a priority in the coming year.

Referrals to the service

The WAS Referral Guidelines require that all identifiable child victims and victims of slavery, sexual servitude and forced marriage offences be referred to the service by prosecutors. Likewise, any direct family member of a person who has died as a result of an alleged offence, or any victim suffering serious physical or psychological harm as a result of an alleged offence must be referred to the service. Such matters, known as Category A matters, must be referred to the WAS within 21 days of their arrival in the office in order to ensure that the most vulnerable victims of crime are provided with information and support as early as possible in the prosecution process.

During the reporting period, WAS received and accepted 493 new victim/witness referrals, relating to 78 new prosecution matters and 13 previously referred matters.

A total of 155 (approximately 31 per cent) of all new victims/witnesses referred were children. There were 10,459 instances of contact with victims/witnesses referred to the service.

We anticipated that the COVID-19 pandemic may raise additional questions and concerns for victims and witnesses involved in Commonwealth prosecutions. In response, we introduced a duty service via our victims and witness website in early 2020. This service enables any victim or witness to contact the office and speak with a social worker who will assist with any questions or concerns they may have. This service remained in place during the reporting period and will continue to be available to victims and witnesses in the coming year.

Table 23: New witness assistance service referrals in 2020–21

Offence type	Matters	Victims/witnesses*
Online child sexual exploitation	51	400*
Other child sex offences	7	16
Use a carriage service to menace, harass, cause offence	6	12
Human trafficking	3	10
Work health and safety	2	4
Forced marriage	1	1
Miscellaneous	8	50
TOTAL	78	493*

*This figure includes parents/caregivers of child victims of crime

*Includes parents/caregivers of child victims

Information resources for victims including the Witness Assistance Service Referral Guidelines are available on our website at www.cdpp.gov.au

Training and education

The WAS team provides presentations and training to our prosecutors and administrative support staff. As a result of the COVID-19 pandemic our work in this area was largely performed online during the reporting period.

In December 2020 the team delivered a presentation at the formal national induction program for new prosecutors to ensure they understand our policy obligations towards victims of crime and the role of the service. Numerous online induction sessions were provided to new prosecutors across the office by the team throughout the reporting period.

We also delivered training and presentations to various external stakeholder agencies.

We contributed to the Australian Federal Police's National Interview Vulnerable Person Program delivering four presentations during the reporting period. Topics covered included our victims of crime policy, the WAS referral guidelines, and the role of the WAS. These sessions were co-presented with our prosecutors, who delivered content regarding the legislative provisions relevant to vulnerable witnesses.

We regularly liaised with staff from the Red Cross Support for Trafficked People Program to help ensure that victims and witnesses involved in trafficking-related prosecutions are provided with information and support. In June 2021, Sydney-based WAS staff, along with two federal prosecutors participated in a cross-agency training session with staff from the Red Cross Support for Trafficked People Program in Sydney. These training sessions assist both agencies to better understand each other's respective roles and responsibilities and promote more effective working relationships.

The COVID-19 pandemic created an environment that resulted in an increased focus on online training and learning opportunities. During the reporting period staff attended various online training sessions delivered by external agencies concerning a diverse range of topics including cultural considerations to support children from migrant and refugee backgrounds; supporting children after trauma; child exploitation—a Philippine perspective; labour exploitation in the context of COVID-19; the impact of child sexual abuse on relationships; learnings from practice with violence, abuse and trauma; and privacy in practice. Internal training was also provided to staff regarding case notes.

National victims of crime liaison group

Comprising staff from each of our offices throughout Australia, the National Victims of Crime Liaison Group is co-chaired by the manager of the WAS team, and senior executives of the Illegal Imports and Exports, and Human Exploitation and Border Protection practice groups. This group met quarterly during the reporting period to ensure the best possible support for victims of crime is provided. This group is an important channel to share information and identify opportunities for ongoing improvement.

ENABLING SERVICES GROUP

Chief Corporate Officer: Sabeena Oberoi

Consisting of five branches, the Enabling Services Group (ESG) provides support to the legal practice groups through the delivery of corporate services and continued digital transformation.

National Business Improvement branch

Through our National Business Improvement (NBI) branch, we foster innovation and business improvement. The agency's digital transformation agenda helps to build capability and digital literacy across our workforce and with our referring agencies. Our ability to operate in a complex litigation environment is underpinned by the NBI branch, which takes the lead in driving the digital transformation agenda.

We were successful in obtaining funding under the *Proceeds of Crime Act 2002* to deliver end-to-end digital prosecution services. A program was established during the reporting period to deliver three capabilities:

- enhancement of the referrals gateway to maximise the types and size of the e-briefs that can be received from partner agencies
- a collaboration platform to enable prosecutors to more effectively work in real time with partner agencies and key stakeholders
- an e-trial capability to enable the electronic presentation of evidence to juries.

We are taking a user-centric approach in designing these capabilities with partner agencies, courts and other stakeholders.

The COVID-19 pandemic provided further impetus to our digital transformation agenda and drove further innovative responses, in particular in providing training to our staff in the use of modern digital tools and products. We effectively transitioned from primarily face-to-face training to online training including self-guided learning with a total of 63 digital training sessions delivered to our staff during the reporting period.

During the reporting period, we undertook continuous improvement activities to our case management system, caseHQ, to deliver further efficiencies including more robust and streamlined support services and enhancements that facilitated effective remote working and case management to the agency's staff.

We successfully met an increased demand from referring agencies for support in preparing the standardised e-briefs essential to maintaining a prosecution service, particularly during the pandemic. Over 90 per cent of all briefs were referred electronically, an increase of four per cent on the previous year. We also established an innovative approach for secure provision of electronic briefs to courts in Victoria enabling prosecutions to continue during the pandemic.

Data collection and analysis continue to be a focus and enhancing our reporting capability will allow us to focus on strategic business insights and identify potential efficiency gains.

Governance and Legal Practice Services branch

The Governance and Legal Practice Services branch delivers governance, strategic planning, risk, audit, national administration support and library functions.

Strategic planning and governance

The Strategic Planning and Governance team is responsible for planning and governance activities for the agency. The team provides strategic and operational advice and support to the Executive Leadership Group and senior management on all aspects of governance and reporting, in accordance with the relevant legislation and government policy, and has concentrated on improving business practices and performance. During the reporting period, the team concentrated on strengthening governance practices, took ownership of the parliamentary liaison function, delivered the annual report and corporate plan, and focused on developing relationships with key stakeholders.

Audit and risk

The Audit and Risk team has carriage of the second line risk management oversight function as well as third line independent assurance. In the risk space, the team works with stakeholders across the agency to provide them with tools, guidance and assistance with identifying, measuring and actively managing risks and opportunities at strategic and operational levels, including fraud and compliance risks. The team is responsible for central management of the enterprise risk management framework and risk artefacts as well as reporting on risk. The internal audit arm of the team provides advice to the Audit Committee and Director on our systems of internal control and risk management and supports management in improving performance.

National administrative support

The National Administrative Support team provides a range of specialist and general administrative support services to our prosecutors. The team focuses on delivering timely, quality services to support the day-to-day needs of the legal practice and has a physical presence in each office. In 2020–21 the team focused on further developing its capabilities to meet the changing needs of the legal practice through increased digital literacy and stronger engagement with broader business improvement activities. The team was, for the first time, fully equipped to work online, which enhanced its ability to support the agency's work during the pandemic. The team also developed and implemented a national induction and training program to enable staff to be onboarded efficiently across all offices.

Library and research services

The Library and Research Services team provides specialist research services and manage access to legal resources and training. The team operates a national research support helpdesk that delivers a high quality and efficient research service to all staff. In 2020–21, the team developed a strategy to ensure the capture of key knowledge documents that will enable better retention of, and access to knowledge created within the legal practice. Additionally, the ability to provide feedback and include further detail in knowledge resources was added to the library catalogue, which enables the legal practice to further share knowledge.

Information and Communications Technology branch

During the reporting period, we developed and adopted a range of technologies to better enable us to work with our partner agencies, streamline processes, and deliver our core business of prosecuting crimes against the Commonwealth. The newly developed ICT Roadmap and Strategy focuses on a 'cloud first' strategy.

During the reporting period, we rolled out new laptops and phones across the organisation. Integrating mobile technology into the way we work has made every part of our business even more efficient as staff can now access digital platforms and information where and when we need it.

Accompanying the rollout of new laptops and phones was the migration of all devices to Microsoft 365. This enhanced our ability to work online and allowed greater collaboration across the organisation as well as with our partner agencies and external counsel. These technological platforms have significantly assisted our staff to continue to deliver effective and efficient prosecution services.

Data and information are key for effective operations. Policies and information architecture have been developed for data and information management. We are moving to a cloud-based data warehouse solution including data integrity improvements to enhance data analytics and reporting capabilities.

In May 2021 we commenced the rollout of our new electronic digital record management system (EDRMS). In the first phase of the rollout, most of the enabling services functions are using the new system and migrating records to the new system. In subsequent phases, it is envisaged all of the organisation's documents will be managed through the new EDRMS.

We also launched the new look partner agency portal during the reporting period, which refreshed the existing content with a more usable structure and improved security. The new portal provides better insights into how we can improve prosecutorial services to our partner agencies which will result in better outcomes for the Australian public.

As part of the Transforming your CDPP program, our ongoing modernisation over the next few years includes a wider use of digital e-briefs for legal matters and a more seamless use of technology for presenting evidence.

Financial Services branch

The Financial Services branch provides enabling, advisory and technical services supporting office accommodation and related services, physical security and security vetting, procurement, travel, budget and financial reporting, accounts payable and receivable, financial management information system administration, and financial policy and guidance.

Our property team delivered a renewed Perth office, with our new lease officially starting on 7 July 2020. The office fit-out is a contemporary, open plan design delivering on the needs of our Western Australian staff and in line with Commonwealth requirements. In May 2021, the Executive Leadership Group endorsed our strategic property plan, which outlines key property and accommodation requirements, challenges and proposed actions over the next four to five years.

The Financial Services branch is focused on continual improvement and efficiency in financial processes to reduce administrative impost and allow our legal practice to focus on prosecution services.

The reporting period saw our e-procurement processes embedded as business-as-usual, significantly reducing the volume of manual paperwork, duplicate data entry, and providing visibility of contract payments and budgets to contract managers.

Digitisation of travel bookings was implemented in April 2021, with new electronic workflows replacing a manual process of paper-based forms, multi-handling, and duplicate data entry. The agency can expect improved efficiency in travel bookings as these processes are embedded and travel demand increases.

Financial management and long-term financial strategy are critical to the sustainable delivery of the Commonwealth's prosecution service. Our budgeting team, together with practice group leaders and representatives, secured both short-term and ongoing funding related to new and increased prosecution work, extensions of existing funding and the implementation of an end-to-end digital litigation solution.

Long-term stability of funding remains a priority focus. We have made significant progress in identifying and communicating a pathway to sustainable funding and will continue to pursue all available options to ensure strategic investment in our practice, people and systems can be made with informed confidence.

People, Communication and Change branch

The People, Communication and Change branch provides quality, professional and informed people and communication advice and services to our executive, managers, employees, partner agencies and other key stakeholders.

In late 2020 the branch added change management capability to its service offer to support ongoing modernisation across the agency, including business transformation, new technologies and business process improvement.

Playing an important role in influencing and shaping the workforce, work environment, culture and corporate narrative, the branch provides strategic and operational advice on a full range of people-related matters. This includes our people strategy, workforce planning and reporting, workplace and industrial relations, work, health and safety and learning and development. The team also delivers key people services including recruitment and case management; manages proactive and reactive communication and media activities; collaborates across the agency to deliver advice around change, people and communication management; and facilitates engagement, information sharing and relationships with partner agencies, stakeholders and the public.

Throughout the reporting period, the branch continued to contribute to our response to the COVID-19 pandemic through the provision of ongoing support to the executive, managers and our workforce. The branch led the development of transition plans to and from home-based working and office sites, monitoring and communicating government advice and accessing supporting resources and materials. Other key achievements during the reporting period included the delivery of a user-centric, scalable, modern partner agency portal; the implementation of the People Strategy 2020–23 and Learning Strategy 2020–23; development of change management frameworks to support modernisation and business transformation; and the development and implementation of policy guidelines and training programs to mitigate the risk of vicarious trauma and accumulative stress.



PART 6

OUR PERFORMANCE

FINANCIAL PERFORMANCE

Our operations are primarily funded through parliamentary appropriations, but we also receive a small component (9.7 per cent) of revenue independently, for prosecution services under memoranda of understanding (MOU). The amount receipted in 2020–21 under various MOU arrangements are recorded as revenue and retained for use by the CDPP pursuant to s. 74 of the *Public Governance, Performance and Accountability Act 2013*.

In February 2021, we received approval for \$2.8 million in total funding across 2020–21 and 2021–22 financial years, under s.298 of the *Proceeds of Crime Act 2002*, for the development of a digital solution for prosecution services. The CDPP has recognised \$0.3 million as revenue in the 2020–21 financial statements.

Operating results

The operating result for 2020–21 was a surplus of \$9.1 million, as reported in note 3 to the financial statements.

While we received a significant increase in 2020–21 funding from the 2018–19 Additional Estimates budget measure, Strengthening Enforcement Capability for Corporate Crime, the level of prosecution activity fell below 2020–21 forecasts, with the agency electing to retain the resulting surplus in 2020–21.

Operating revenue for 2020–21 was \$100.9 million, a net increase of \$5.5 million from 2019–20. Operating revenue in 2020–21 includes \$12.0 million from the aforementioned budget measure. Operating expenses (adjusted for depreciation, amortisation and lease principle repayments) for 2020–21 were \$91.7 million. This is a decrease of \$2.7 million compared with 2019–20. An increase in employee expenses was offset by reductions in costs awarded against the Commonwealth, prosecution legal costs, and other supplier expenses.

ANNUAL PERFORMANCE STATEMENTS



CDPP

Australia's Federal Prosecution Service

Sarah McNaughton SC
Director

**Commonwealth Director
of Public Prosecutions**

**Level 11, 175 Liverpool Street
Sydney NSW 2000**

www.cdpp.gov.au

24 September 2021

I, Sarah McNaughton SC, as the accountable authority of the Commonwealth Director of Public Prosecutions, present the 2020–21 annual performance statements of the Commonwealth Director of Public Prosecutions, as required under paragraph 39(1)(a) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). In my opinion, the annual performance statements are based on properly maintained records, accurately reflect the CDPP's performance in the reporting period and comply with subsection 39(2) of the PGPA Act.

Sarah McNaughton SC
Commonwealth Director of Public Prosecutions

ENTITY PURPOSE

To prosecute crimes against Commonwealth law through an independent prosecution service responsive to the priorities of our law enforcement and regulatory partners, to effectively contribute to the safety of the Australian community and to uphold and maintain the rule of law.

ENTITY OUTCOME 1

Contribute to a fair, safe and just society by delivering an effective, independent prosecution service in accordance with the Prosecution Policy of the Commonwealth.

ANALYSIS OF PERFORMANCE AGAINST OUR PURPOSE

Table 24: Performance outcomes

Performance criterion number 1: prosecution policy compliance

Source: Portfolio Budget Statements 2020–21; CDPP Corporate Plan 2020–24

Compliance in addressing the terms of the test for prosecution in the Prosecution Policy of the Commonwealth, namely existence of a prima facie case; reasonable prospects of conviction; and that prosecution is required in the public interest, when deciding to commence or continue a prosecution.

Quantitative and qualitative evidence is gathered via a biennial survey about partner agency satisfaction with CDPP timeliness, relevance to partner agency business, responsiveness, and level of communication. The results deliver a comprehensive evidence base to inform continuous improvement.

3A. Total matters: The finding of guilt rate is calculated by taking the total number of defendants found guilty as a percentage of the total number of defendants found guilty or acquitted. The calculation covers both defended matters and matters where the defendant has pleaded guilty. The calculation does not include defendants where the CDPP discontinued the prosecution against them in its entirety or where a prosecution has commenced and the defendant failed to appear before the court.

3B. Defended matters: The finding of guilt rate is calculated by taking the total number of defendants found guilty in defended matters as a percentage of the total number of defendants found guilty or acquitted in defended matters. A defended matter is a trial on indictment or a summary hearing/summary trial. It does not include defendants where the CDPP discontinued the prosecution against them in its entirety or where a prosecution has commenced and the defendant failed to appear before the court.

Result against performance criterion

2020–21
Target: 100%
Result: 100%

2019–20
Target: 100%
Result: 100%

2018–19
Target: 100%
Result: 100%

Result against performance criterion

2020–21
Target: N/A
Result: N/A

2019–20
Target: 90%
Result: 88%

2018–19
Target: N/A
Result: N/A

Result against performance criterion

2020–21
Target: 3A : 90% Result: 3A: 99%
Target: 3B: 70% Result: 3B: 72%

2019–20
Target: 3A : 90% Result: 3A: 98%
Target: 3B: 70% Result: 3B: 68%
(Note: 3B only measured from 2019–20)

2018–19
Target: 90% Result: 97%

This performance measure has been in place since 2015. Following various system changes, the collection of data is now wholly electronic and Prosecution Policy Declarations (PPDs) are now generated at up to 19 decision points, giving a far richer data set for monitoring compliance than was originally the case.

The practice of undertaking an internal review of a sample of individual case files—a practice first introduced in 2019—continues to provide additional assurance that supporting documents on file properly evidenced and supported the application of the Prosecution Policy.

The independent biennial survey results are reported in the annual report.

The next survey will be activated in May/June of 2022 and the results will be published in the 2021–22 annual report.

Records stretch back more than 15 years in relation to Measure 3A, providing a useful, quantitative measure of outputs. We consider it is useful to retain this quantitative indicator in support of performance measurement into the future.

Measure 3B was introduced as a performance measure from the 2019–20 year and represents a move towards more comprehensive reporting.

Multiple statutory, prosecution, and performance statistics are also collected, analysed and provided on our website for interested stakeholders.

Performance criterion 1: Compliance in addressing the terms of the test for prosecution in the Prosecution Policy of the Commonwealth

This performance measure has been in place since November 2015. The prosecution test under the Prosecution Policy of the Commonwealth requires the prosecutor—when deciding to commence or continue the prosecution—to determine whether there is a prima facie case and reasonable prospects of a conviction, and whether a prosecution is required in the public interest. Compliance for this measure occurs via a Prosecution Policy Declaration, which must be completed by the decision maker, confirming the application of the prosecution test.

The declaration is directed at providing assurance that the prosecution test has been addressed and also references information on the file that supports the decision made (for example, summaries, file notes, minutes, submissions). The test set out in the prosecution policy is integral to all cases considered and prosecuted by the agency. It is of fundamental importance to the way we undertake our work, and its proper application reinforces our independence. Consequently, assurance that the prosecution policy is being applied at key junctures in the prosecution process is vital.

Our legal case management system, caseHQ, provides that assurance. The system is designed in such a way that it is not possible to finalise key legal decision-making tasks in caseHQ until a declaration is completed.

In addition, the agency undertakes a sampling and ‘deep dive’ examinations of prosecution files from across all practice groups to enable verification that supporting documents properly evidence the application of the prosecution test. All files assessed during the reporting period were found to be compliant with the prosecution policy.

These various approaches increase the overall reliability and completeness of the measure and enhance our capacity to monitor and audit performance against this measure on an ongoing basis, and effectively address any potential lack of timely compliance.

Performance criterion 2: Partner agency satisfaction with our service delivery

Understanding partner agency perceptions of our organisation across a range of service areas provides valuable insights that help shape and improve processes, procedures and performance, thereby allowing us to be responsive to the priorities of our law enforcement and regulatory partners.

Every two years, we undertake a partner agency satisfaction survey. This survey, first introduced in 2015–16, established a methodology and baseline to track satisfaction on an ongoing basis. As we prepare for the next survey, which will be undertaken in the first half of 2022, we continue to analyse the feedback from the previous survey and explore ideas and strategies to ensure that our service delivery to partner agencies continues to improve.

Performance criterion 3: Prosecutions resulting in a finding of guilt

3A—Total matters: The finding of guilt rate is calculated by taking the total number of defendants found guilty as a percentage of the total number of defendants found guilty or acquitted. The calculation covers defended matters, matters where the defendant has pleaded guilty and findings of guilt that result in a non-conviction sentencing outcome. The calculation does not include defendants where the agency discontinued the prosecution against them in its entirety or where a prosecution has commenced and the defendant failed to appear before the court. Information relating to discontinuances can be found at page 99.

We have consistently exceeded the target of 90 per cent set for this measure. There can be a variety of reasons for why a matter might be discontinued after it has commenced, including evidence no longer being available (for example, the death of a witness) or factors changing that mean it is no longer in the public interest to prosecute.

'Conviction' includes any finding of guilt by jury or tribunal of fact including but not limited to where a conviction is recorded. As to the latter, a court may proceed to impose a 'non-conviction' disposition. This most commonly occurs in less serious matters, where extenuating circumstances exist.

Defendants may be prosecuted for more than one offence; a defendant is counted as being convicted if at least one offence proven.

This measure is inter-related with Performance criterion 1, in that a proper application of the Prosecution Policy test should inevitably link to prosecution outcomes, including the level of convictions.

Oversight of progress against this measure is provided by the Audit Committee and reported monthly to the Executive Leadership Group.

3B–Defended matters: The finding of guilt rate is calculated by taking the total number of defendants found guilty in defended matters as a percentage of the total number of defendants found guilty or acquitted in defended matters. A defended matter is a trial on indictment or a summary hearing/summary contest. The calculation covers findings of guilt that result in a non-conviction sentencing outcome. It does not include defendants where the agency discontinued the prosecution against them in its entirety or where a prosecution was commenced and the defendant failed to appear before the court.

Defended matters can absorb significant resources and reporting on this aspect of our work represents a move towards more comprehensive reporting.

PROSECUTION STATISTICS

Table 25: Outcomes of successful prosecutions in 2020–21

Description	No.
Defendants convicted of offences prosecuted summarily	926
Defendants convicted of offences prosecuted on indictment	577
Defendants committed for trial or sentence	703

Table 26: Summary prosecutions in 2020–21

Description	No.
Defendants convicted after a plea of guilty	849
Defendants convicted after a plea of not guilty	26
Defendants convicted <i>ex parte</i>	51
Total defendants convicted	926
Defendants acquitted after a plea of not guilty	6
Total defendants convicted and acquitted	932

Table 27: Committals in 2020–21

Description	No.
Defendants committed after a plea of guilty	384
Defendants committed after a plea of not guilty	319
Total defendants committed	703
Defendants discharged after a plea of not guilty	1
Total defendants committed and discharged	704

Table 28: Prosecutions on indictment in 2020–21

Description	No.
Defendants convicted after a plea of guilty	549
Defendants convicted after a plea of not guilty	28
Total defendants convicted	577
Defendants acquitted after a plea of not guilty	15
Total defendants convicted and acquitted	592

Table 29: Prosecution appeals against sentence in 2020–21

Appeal Type	Outcome	Summary	Indictable
Appeals against sentence	Upheld	1	2
	Dismissed	0	4
TOTAL		1	6

Table 30: Defence appeals in 2020–21

Appeal Type	Outcome	Summary	Indictable
Against Conviction Only	Upheld	2	5
	Dismissed	2	9
Against Sentence Only	Upheld	25	23
	Dismissed	10	20
Conviction and Sentence	Upheld	1	5
	Dismissed	2	3
TOTAL		42	65

Prosecution performance indicators

Table 31: Prosecution performance indicators for 2018–21

Description	Target	2020–21 Outcome	2019–20 Outcome	2018–19 Outcome
Prosecutions resulting in a conviction*	90%	99%	98%	97%
Defendants in defended summary hearings resulting in conviction	60%	81%	80%	69%
Defendants in defended committals resulting in a committal order	80%	100%	98%	98%
Defendants tried on indictment and convicted	70%	65%	64%	72%
Prosecution sentence appeals in summary prosecutions upheld	60%	100%	100%	67%
Prosecution sentence appeals in a prosecution on indictment upheld	60%	33%	63%	50%

* The conviction rate is calculated by taking the number of defendants convicted as a percentage of defendants convicted or acquitted. The calculation does not include defendants where the CDPP discontinued the prosecution against them in its entirety or where a prosecution has commenced and the court has issued a warrant to bring the defendant before the court.

BRIEF ASSESSMENTS

The table below lists the finalised brief assessment decisions made by the agency under the Prosecution Policy of the Commonwealth as at 30 June 2021. Decisions not to commence matters under the Prosecution Policy are reviewed with a view to identifying any systemic issues which require addressing by the CDPP or by partner agencies.

Table 32: Brief Assessment Outcomes 2020–21

Item	Summaries Count
Decision to commence proceedings	715
Decision not to commence due to insufficient evidence	88
Decision not to commence due to public interest factors	27

*This data does not include finalisation of brief assessments where no decision was made by CDPP under the Prosecution Policy, for example, due to the defendant dying, termination of the investigation by the investigative agency, the investigating agency seeking return of the brief of evidence, where matters are transferred to a state agency to consider prosecution action, or for other relevant reasons.

Statistics about relevant legislation and partner agencies

The following tables provide statistics covering relevant legislation and referring agencies in relation to matters dealt with as at 30 June 21.

Table 33: Legislation under which charges dealt with summarily and on indictment 2020–21

Legislation	Summary (charges)	Indictable (charges)
<i>A New Tax System (Family Assistance) (Administration) Act 1999</i> (Cth)	21	0
<i>Aboriginal Land Rights (NT) Act 1976</i> (Cth)	2	0
<i>Anti-Money Laundering and Counter Terrorism Financing Act 2006</i> (Cth)	10	11
<i>Australian Citizenship Act 1948</i> (Cth)	2	0
<i>Australian Crime Commission Act 2002</i> (Cth)	0	3
<i>Australian Passports Act 2005</i> (Cth)	4	1
<i>Australian Security Intelligence Organisation Act 1979</i> (Cth)	1	0
<i>Aviation Transport Security Regulations 2005</i> (Cth)	6	0
<i>Bankruptcy Act 1966</i> (Cth)	152	4
<i>Biosecurity Act 2015</i> (Cth)	16	7
<i>Civil Aviation Act 1988</i> (Cth)	6	0
<i>Civil Aviation Regulations 1988</i> (Cth)	30	0
<i>Civil Aviation Safety Regulations 1998</i> (Cth)	38	0
<i>Commonwealth Electoral Act 1918</i> (Cth)	1	0
<i>Commonwealth Places (Application of Laws) Act 1970</i> (Cth)	2	0
<i>Competition and Consumer Act 2010</i> (Cth)	0	1
<i>Copyright Act 1968</i> (Cth)	0	1
<i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> (Cth)	4	0
<i>Corporations Act 2001</i> (Cth)	121	9
<i>Crimes (Aviation) Act 1991</i> (Cth)	15	0
<i>Crimes (Currency) Act 1981</i> (Cth)	46	10
<i>Crimes (High Risk Offenders) Act 2006</i> (Cth)	0	2

Legislation	Summary (charges)	Indictable (charges)
<i>Crimes Act 1914</i> (Cth)	10	21
Criminal Code (Cth)	2237	1855
<i>Customs Act 1901</i> (C.I.) (Cth)	3	1
<i>Customs Act 1901</i> (Cth)	80	145
<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)	23	60
Environment Protection and Biodiversity Conservation Regulations 2000 (Cth)	8	0
<i>Excise Act 1901</i> (Cth)	0	2
<i>Export Control Act 1982</i> (Cth)	0	120
<i>Family Law Act 1975</i> (Cth)	1	0
<i>Financial Transaction Reports Act 1988</i> (Cth)	2	0
<i>Fisheries Management Act 1991</i> (Cth)	1	0
<i>Foreign Passports (Law Enforcement and Security) Act 2005</i> (Cth)	2	3
<i>Great Barrier Reef Marine Park Act 1975</i> (Cth)	36	0
Great Barrier Reef Marine Park Regulations 1983 (Cth)	1	0
Great Barrier Reef Marine Park Regulations 2019 (Cth)	39	0
<i>Health Insurance Act 1973</i> (Cth)	35	3
<i>Imported Food Control Act 1992</i> (Cth)	2	0
<i>Intelligence Services Act 2001</i> (Cth)	2	0
<i>Marine Safety (Domestic Commercial Vessel) National Law Act 2012</i> (Cth)	27	0
<i>Migration Act 1958</i> (Cth)	34	133
<i>National Consumer Credit Protection Act 2009</i> (Cth)	17	0
National Vocational Education and Training Regulator Act 2011 (Cth)	10	0
<i>Navigation Act 2012</i> (Cth)	2	0
Norfolk island legislation	88	11
<i>Primary Industries Levies and Charges Collection Act 1991</i> (Cth)	1	0
<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i> (Cth)	4	0
<i>Public Order (Protection of Persons and Property) Act 1971</i> (Cth)	6	0
<i>Quarantine Act 1908</i> (Cth)	1	0
<i>Radiocommunications Act 1992</i> (Cth)	1	0
<i>Social Security (Administration) Act 1999</i> (Cth)	9	0
<i>Social Security Act 1991</i> (Cth)	1	0
<i>Taxation Administration Act 1953</i> (Cth)	157	9
<i>Telecommunications Act 1997</i> (Cth)	1	0
<i>Therapeutic Goods Act 1989</i> (Cth)	9	71
<i>Torres Strait Fisheries Act 1984</i> (Cth)	21	0
<i>Work Health and Safety Act 2011</i> (Cth)	15	0
Non-Commonwealth legislation	187	387
Total	3550	2870

Table 34: Referring agencies and defendants dealt with summarily and on indictment

Referring agency	Summary	Indictable
Australian Border Force	19	66
Australian Commission for Law Enforcement Integrity	4	6
Australian Communications and Media Authority	1	0
Australian Competition and Consumer Commission	1	3
Australian Criminal Intelligence Commission	0	3
Australian Electoral Commission	1	0
Australian Federal Police	185	326
Australian Financial Security Authority	72	2
Australian Fisheries Management Authority	12	0
Australian Maritime Safety Authority	23	0
Australian Securities and Investments Commission	32	10
Australian Skills Quality Authority	3	0
Australian Taxation Office	33	21
Australian Trade and Investment Commission	1	0
Civil Aviation Safety Authority	11	0
Comcare	3	0
Department of Agriculture, Water and the Environment	15	19
Department of Defence	2	1
Department of Education, Skills and Employment	5	0
Department of Foreign Affairs and Trade	5	0
Department of Health	4	4
Department of Home Affairs	1	0
Department of Social Services	2	0
Great Barrier Reef Marine Park Authority	68	0
National Disability Insurance Agency	1	8
Office of the Registrar of Indigenous Corporations	3	0
Services Australia	10	0
Services Australia - Centrelink	448	49
Services Australia - Child Support Agency	4	0
Services Australia - Medicare	51	0
Therapeutic Goods Administration	2	2
Non-Commonwealth agencies	181	271
Total	1203	791

PROSECUTION APPEALS

Table 35: Prosecution appeals and outcomes

Description of appeal	2020–21 outcome	2019–20 outcome	2018–19 outcome
Prosecution sentence appeals in summary prosecutions	1 appeal, 1 upheld	1 appeal, 1 upheld	3 appeals, 2 upheld
Prosecution sentence appeal in a prosecution on indictment	6 appeals, 2 upheld	8 appeals, 5 upheld	12 appeals, 6 upheld

The Prosecution Policy of the Commonwealth provides that the Director’s right to appeal against sentence should be exercised with appropriate restraint. Factors we may consider when deciding to appeal include whether:

- the sentence is manifestly inadequate
- the sentence reveals an inconsistency in sentencing standards
- the sentence proceeded on the basis of a material error of law or fact requiring appellate correction
- the sentencing is substantially and unnecessarily inconsistent with other relevant sentences
- an appeal to a Court of Appeal will enable the court to lay down some general principles for the governance and guidance of sentencing courts
- an appeal will enable the court to establish and maintain adequate standards of punishment for crime
- an appeal will ensure, so far as the subject matter permits, uniformity in sentencing
- an appeal will enable an appellate court to correct an error of legal principle
- we only institute appeal proceedings when there are reasonable prospects of success.

Our appellate practice plays an important role in providing an effective prosecution service. It also contributes to maintaining public respect in the justice system by seeking to remedy sentences that are significantly out of touch with sentencing standards.

In some cases, our appeals may not be upheld, despite the court finding there has been an error in law or in the application of sentencing principles. In all appeal cases, the appellate courts have a residual discretion not to intervene and re-sentence if the court believes that to do so would result in an injustice to the offender due to other circumstances. Such cases are still critically important as they provide future guidance about the proper application of legal principles in the sentencing of Commonwealth offenders.

In 2020–21, a total of six prosecution sentence appeals were decided for indictable matters, with two of the appeals being successful. That represents an outcome of 33 per cent of appeals being upheld, which is below our target of 60 per cent.

While appellate interventions did not occur in four of the appeals brought by the CDPP, the judgments provided useful guidance in relation to sentencing principles, and in the exercise of the residual discretion on appeal.

Table 36: Prosecution appeals in indictable matters by practice group

Practice Group	Offence	Total number of appeals	Number of appeals upheld	Number of appeals not allowed
Human Exploitation and Border Protection (HEBP)	Child sex offences	2	1	1
Commercial Financial and Corruption (CFC)	Serious financial crime (taxation)	1	0	1
Organised Crime and Counter Terrorism (OCCT)	Terrorism, serious and organised Crime	3	1	2
Total		6	2	4

Notes:

HEBP appeal upheld was in Queensland (1), appeal dismissed was in South Australia (1)

CFC appeal dismissed was in New South Wales (1)

OCCT appeal upheld was in Victoria (1), appeals dismissed were in New South Wales (2)

EXAMPLES OF OUR APPEALS AGAINST SENTENCE

DIRECTOR OF PUBLIC PROSECUTIONS (CTH) v ALI KHALIF SHIRE ALI [2020] VSCA 330

Mr Ali Khalif Shire Ali (23) pleaded guilty to intentionally doing an act in preparation for, or planning, a terrorist act. The maximum penalty for the offence was life imprisonment. Mr Ali planned to carry out a terrorist attack at Federation Square in Melbourne while New Year’s Eve celebrations were taking place in 2017. The core features of the planned attack were the killing of civilians; targeting a crowd of people to maximise casualties; and Mr Ali’s eventual death, to achieve martyrdom. Mr Ali planned to repeatedly shoot into the crowd moments before midnight using a rapid-fire assault rifle, before taking hostages in a neighbouring bar, and making one of the hostages hold the Islamic State flag up to a window. Mr Ali’s intention to carry out the plan persisted until he was arrested, and it was likely that he would have carried out the attack had authorities not intervened.

The Supreme Court of Victoria sentenced Mr Ali to imprisonment for 10 years with a non-parole period of seven years and six months. The Director appealed on the single ground that the sentence and non-parole period were manifestly inadequate. The Director did not submit that the sentencing judge had fallen into any specific error, but instead that the sentence was so low as to bespeak error of principle. The Director contended that the sentence was wholly outside the range of sentencing options available to the sentencing judge.

The Court of Appeal agreed, allowing the Director’s appeal, and resented Mr Ali to a term of imprisonment for 16 years with a non-parole period of 12 years. The court noted that the purpose of the offence is to prevent conduct which increases the prospect of a terrorist act occurring, to punish and denounce those who contemplate doing such acts, and to incapacitate those who prepare for or plan them so that the community may be protected from consequent danger.

Identification of the seriousness of the contemplated terrorist act is always a sentencing consideration of fundamental importance. Principles of general deterrence and protection of the community are also given substantial weight.

Mitigating personal factors such as prospects of rehabilitation will often be given substantially less weight than might be the case with other offences. The court held that it could not be doubted that the terrorist act Mr Ali planned and prepared for was of the most terrible kind. The whole plan was designed with the objective of instilling widespread fear in the community, and to inspire others by Mr Ali's example. The court concluded, after taking account of sentences in comparable cases, that a sentence of 10 years' imprisonment, in circumstances where the maximum is life imprisonment, was, on the facts of the case, outside the range reasonably open. The court accepted the Director's submission that the sentence was such a significant departure from sentences in comparable cases that it may point to an error of principle. The court held the sentence was outside the permissible range and the appeal must be allowed because the sentence imposed failed to sufficiently denounce the offending or to serve as a general deterrent of this kind of conduct.

R V RALSTON [2020] ACTCA 47

Mr Andrew James Ralston (48) was found guilty by jury of using a carriage service to transmit a communication to a recipient under 16 years of age, with the intention of making it easier to procure the child to engage in sexual activity with him. The maximum penalty for the charge was 12 years' imprisonment. The child in question was the 11-year-old daughter of a woman that Mr Ralston was dating at the time. He communicated with the child initially via text message on the child's mothers' telephone and then via Instagram.

The prosecution alleged that the conduct constituting the offence occurred on four separate dates between 25 March 2018 and 13 April 2018 with the final two messages being sent by Mr Ralston on 13 April 2018. The Supreme Court of the Australian Capital Territory sentenced Mr Ralston on the factual basis that the offending was constituted only by the two messages sent on 13 April

2018. Mr Ralston was sentenced to two years' imprisonment to be released forthwith upon giving security by recognisance in the sum of \$500 to be of good behaviour for a period of three years and to comply with supervision by the Director-General of Australian Capital Territory Corrective Services.

The Director appealed against sentence on two grounds, firstly that the sentencing judge erred in finding that the offending was constituted only by communications sent on 13 April 2018 (rather than over the period 25 March to 13 April 2018) and secondly that the sentence was manifestly inadequate. The first ground was conceded by Mr Ralston.

The Court of Appeal agreed that there had been a specific error of fact but held that no issue of principle arose from the factual error identified, and notwithstanding the factual error the sentencing judge's statement that the objective seriousness of the offence was 'below medium' remained accurate. Further, the court found that the sentence was lenient but not manifestly inadequate and on a resentence any increase in the sentence would be modest. The court declined to intervene, and the appeal was dismissed.

R V SARA [2020] NSWCCA 119

Benjamin Sara (34) pleaded guilty to one charge of conspiring to import a commercial quantity of a border-controlled drug, namely approximately 18 kilograms of pure heroin. Mr Sara participated in the international drug importation conspiracy for a little more than two months, during which time he was an Australian point of contact and an intermediary between the overseas and Australian participants providing the service of bringing the drugs from Fiji to Australia. The initial planning pursuant to the conspiracy was actioned by co-conspirators other than Mr Sara. He knew the weight of the drug, how it would be packaged and the type of drug to be imported.

There was some plan for Mr Sara to receive a financial reward for his participation however the precise amount was not known.

The District Court of New South Wales sentenced Mr Sara to imprisonment for seven years and six months with a non-parole period of five years. The Director appealed on the basis that the sentence was manifestly inadequate, contending that the sentence did not adequately reflect Mr Sara's criminality; was infected by findings of fact that were not open on the evidence; was infected by legal errors; gave undue weight to subjective features and insufficient weight to the need for general and specific deterrence, and required appellate intervention to maintain the public's confidence in the justice system and the sentencing of high-level offenders involved in international conspiracies to import commercial quantities of border controlled drugs. The Court of Appeal disagreed, noting that the identification of the role and importance of a particular offender in cases concerned with the importation of drugs is notoriously difficult and that the sentencing judge's findings and conclusions were a proper exercise of judicial discretion.

The court found that the assessment of the significance or importance of various pieces of evidence is both a matter for the particular sentencing judge to consider as well as something about which informed minds might reasonably differ. The appeal was dismissed.

High Court appeals

In addition to the appeals against sentences summarised above, the Director appealed to the High Court in respect of a successful defence appeal against conviction in the South Australian Court of Criminal Appeal.

R V ABDIRAHMAN-KHALIF (2020) 384 ALR 1; [2020] HCA 36

Ms Zainab Abdirahman-Khalif (25) was found guilty, following her trial in the Supreme Court of South Australia, of intentionally being a member of a terrorist organisation, namely Islamic State, between 14 July 2016 and 23 May 2017. The maximum penalty for the offence was 10 years' imprisonment.

At trial, the prosecution established that Ms Abdirahman-Khalif, who had immigrated from Kenya to Australia in 2009, had engaged in a number of steps, intentionally taken by her to become a member of the terrorist organisation Islamic State. These steps included attempting to travel on a one-way ticket to Istanbul, Turkey in order to engage with Islamic State; possessing and accessing material promoting Islamic State and violent jihad; communicating with members of Islamic State; pledging an oath of allegiance (bay'ah) to the then leader of Islamic State, Abu Bakr al-Baghdadi; expressing support for Islamic State and violent jihad including by recitation of Islamic State and extremist nasheeds; and identifying herself as a 'muwahideen', a term used as an identifier by Islamic State members.

The court sentenced Ms Abdirahman-Khalif to three years' imprisonment with a non-parole period of two years and three months. Ms Abdirahman-Khalif appealed against her conviction to the Full Court of the Supreme Court of South Australia sitting as the Court of Criminal Appeal, which (by majority) quashed her conviction. The court found that there was no evidence against which to evaluate any connection between the proved conduct of Ms Abdirahman-Khalif with formal or informal membership of Islamic State. The Director appealed against that judgment to the High Court of Australia.

The High Court of Australia (Bell, Keane, Nettle, Gordon JJ; Gageler J dissenting) upheld the Director's appeal, setting aside the orders of the Full Court and in their place ordering that Ms Abdirahman-Khalif's appeal against conviction be dismissed. The principal issue on appeal was whether the majority of the Full Court erred in holding that the evidence that the Crown adduced at trial was incapable of sustaining the conviction because it did not establish how members of the organisation were recruited or selected, or the process by which members were induced and finally accepted into the organisation. The majority noted the nature and purpose of the provisions found in Part 5.3 and, in particular, Division 102 of the Criminal Code.

The court found that the offences must be taken to extend to groups devoid of structural hierarchy that function in secrecy, with little formality, without a written constitution or set of rules, and without a contractual relationship between members. Where evidence establishes that persons have informally associated together for the purposes of carrying out terrorist acts or supporting those who carry out terrorist acts, it is open to a jury to find that they are members of that terrorist organisation despite the absence of a constitution or rules of membership.

The court held that it was for the jury to discern the nature of the organisation and, in effect, from the nature of its membership as it emerged from the evidence, to decide whether the steps which Ms Abdirahman-Khalif was proved to have taken were steps intentionally taken to become a member of Islamic State. The question for the jury was not whether Ms Abdirahman-Khalif had taken all, or even any, of the steps necessary to become a member of Islamic State, but whether, by taking the steps that she was shown to have taken, she had engaged in conduct with the intention of becoming a member of Islamic State. The court held that it was open to the jury to conclude on the evidence that Ms Abdirahman-Khalif intentionally took steps to become a member of Islamic State.

Following the High Court's judgment, Ms Abdirahman-Khalif was taken back into custody to serve the balance of the term of imprisonment imposed by the Supreme Court of South Australia.

STATUTORY FUNCTIONS AND POWERS

Discontinuance of a prosecution following commitment to trial or the filing of an indictment

After a defendant has been committed for trial, the question sometimes arises whether the prosecution should continue. This can arise either as a result of an application by the defendant or on the CDPP's own initiative. The Director's power to discontinue a prosecution is derived from s.9(4) of the *Director of Public Prosecutions Act 1983* (DPP Act). A submission made to the Director to discontinue such a matter is known as a 'no bill' application.

The Director's power to discontinue is delegated to the Commonwealth Solicitor for Public Prosecutions, practice group leaders and branch heads who make these decisions in certain circumstances.

During the reporting period, a total of 28 prosecutions the CDPP had carriage of, were discontinued. These prosecutions were discontinued following commitment to trial or the filing of an indictment because there was either insufficient evidence to proceed or for compelling public interest reasons. Two matters were discontinued because the accused person died.

Taking matters over and discontinuing—private prosecutions

The right for any person to bring a private prosecution is protected in Commonwealth matters by s.13 of the *Crimes Act 1914* and is expressly preserved under s.10(2) of the DPP Act.

Under s.9(5) of the DPP Act, the Director has the power to take over a prosecution for a Commonwealth offence that has been instituted by another person. The Director is empowered to either carry on the prosecution or, if appropriate, to discontinue it.

The Director was not required to exercise this power during reporting period.

Discontinuances in the summary jurisdiction

Apart from the cases that were discontinued in the circumstances outlined above, we also discontinued 72 matters in the summary jurisdiction in the reporting period on either evidentiary or public interest grounds.

Review of discontinuances

The Executive Leadership Group reviews the reasons for discontinuances annually with a view to identifying any systemic issues and/or areas for improvement for either the CDPP or partner agencies.

Indemnities

The DPP Act empowers the Director to give an undertaking—referred to as an indemnity—to a potential witness in three circumstances:

- s.9(6) authorises the Director to give an indemnity to a potential witness in Commonwealth proceedings that any evidence the person may give, and anything derived from that evidence, will not be used in evidence against the person, other than in proceedings for perjury

- s.9(6B) empowers the Director to give an indemnity to a person that any evidence he or she may give in proceedings under state or territory law will not be used in evidence against them in a Commonwealth matter
- s.9(6D) empowers the Director to give an indemnity to a person that he or she will not be prosecuted under Commonwealth law in respect of a specified offence.

In the reporting period, the Director provided six indemnities under s.9(6).

Ex-officio indictments

The Director has the function under s.6(2A)(2D) of the DPP Act to institute prosecutions on indictment, referred to as *ex-officio* indictments. These powers in s.6(2A)-(2C) are used in circumstances where a defendant consents to a prosecution on indictment without being examined or committed for trial, or where a defendant having been committed on either Commonwealth, state or territory offences, is indicted on different charges from those on which they were committed.

Section 6(2D) of the DPP Act provides that in any other case, where the Director considers it appropriate to do so, the Director may institute a prosecution of a person on indictment for an indictable offence against the laws of the Commonwealth, in respect of which the person has not been examined or committed for trial.

In certain circumstances the decision to present an *ex-officio* indictment is delegated to the Commonwealth Solicitor for Public Prosecutions, practice group leaders and branch heads. During the reporting period, the Director, a practice group leader or branch head exercised *ex-officio* powers on 24 occasions.

Consent to conspiracy proceedings

The Director's consent is required before proceedings for Commonwealth conspiracy offences can commence. During the reporting period, the Director consented to the commencement of conspiracy proceedings against 55 defendants in relation to 20 alleged conspiracies.

Consent under section 121(8) of the *Family Law Act 1975*

The Director's consent is required before proceedings are commenced for an offence against s.121 of the *Family Law Act 1975*, which restricts publication of court proceedings.

During the reporting period, the Director was required to give consent in relation to seven defendants under this provision. We successfully met an increased demand from referring agencies for support in preparing the standardised e-briefs essential to maintaining a prosecution service.

Over 91 per cent of all briefs were referred electronically, an increase of two per cent on the previous reporting period. We also established an innovative approach for secure provision of e-briefs to courts in Victoria, enabling prosecutions to continue during the pandemic.

PART 7

FINANCIAL STATEMENTS

FINANCIAL STATEMENTS

The audited financial statements included in this report were prepared in accordance with the Public Governance, Performance and Accountability (Financial Reporting) Rule 2015. Detailed information on the accounting policies used to prepare the audited financial statements is included in the notes to the financial statements.

Under current Budget arrangements, the CDPP has one government outcome with one program of activities to achieve this outcome.

Further information about our agency’s budget can be found in the Attorney-General’s Portfolio Budget Statements.

There were no significant instances of non-compliance with the finance law.

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INDEPENDENT AUDITOR'S REPORT

To the Attorney-General

Opinion

In my opinion, the financial statements of the Office of the Commonwealth Director of Public Prosecutions (the Entity) for the year ended 30 June 2021:

- (a) comply with Australian Accounting Standards – Reduced Disclosure Requirements and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and
- (b) present fairly the financial position of the Entity as at 30 June 2021 and its financial performance and cash flows for the year then ended.

The financial statements of the Entity, which I have audited, comprise the following as at 30 June 2021 and for the year then ended:

- Statement by the Accountable Authority and Chief Financial Officer;
- Statement of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity;
- Cash Flow Statement; and
- Notes to and forming part of the financial statements, comprising a summary of significant accounting policies and other explanatory information.

Basis for opinion

I conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Entity in accordance with the relevant ethical requirements for financial statement audits conducted by the Auditor-General and his delegates. These include the relevant independence requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) to the extent that they are not in conflict with the *Auditor-General Act 1997*. I have also fulfilled my other responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Accountable Authority's responsibility for the financial statements

As the Accountable Authority of the Entity, the Director is responsible under the *Public Governance, Performance and Accountability Act 2013* (the Act) for the preparation and fair presentation of annual financial statements that comply with Australian Accounting Standards – Reduced Disclosure Requirements and the rules made under the Act. The Director is also responsible for such internal control as the Director determines is necessary to enable the preparation of 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 ability of the Entity to continue as a going concern, taking into account whether the Entity's operations will cease as a result of an administrative restructure or for any other reason. The Director is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the assessment indicates that it is not appropriate.

GPO Box 707, Canberra ACT 2601
38 Sydney Avenue, Forrest ACT 2603
Phone (02) 6203 7300

Auditor's responsibilities for the audit of the financial statements

My objective is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian National Audit Office Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with the Australian National Audit Office Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Accountable Authority;
- conclude on the appropriateness of the Accountable Authority's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Entity to cease to continue as a going concern; and
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Accountable Authority regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Australian National Audit Office



Mark Vial
Acting Executive Director
Delegate of the Auditor-General

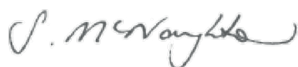
Canberra

24 September 2021

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS
STATEMENT BY THE ACCOUNTABLE AUTHORITY AND CHIEF FINANCIAL OFFICER**

In our opinion, the attached financial statements for the year ended 30 June 2021 comply with subsection 42(2) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), and are based on properly maintained financial records as per subsection 41(2) of the PGPA Act.

In our opinion, at the date of this statement, there are reasonable grounds to believe that the Office of the Commonwealth Director of Public Prosecutions (CDPP) will be able to pay its debts as and when they fall due.



Signed

Sarah McNaughton SC
Director
(Accountable Authority)

24 September 2021



Signed

Steven Burggraaf
Chief Financial Officer

24 September 2021

OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS STATEMENT OF COMPREHENSIVE INCOME

For the period ended 30 June 2021

	Notes	Actual 2021 \$'000	Actual 2020 \$'000	Original Budget \$'000
NET COST OF SERVICES EXPENSES				
Employee benefits	4A	51,899	50,753	54,538
Suppliers	4B	32,268	36,419	39,473
Depreciation and amortisation	7	11,049	10,337	9,490
Finance costs	4C	871	12	10
Impairment loss on financial instruments		-	10	-
Write-down and impairment of other assets		35	345	-
Costs awarded against the Commonwealth		135	1,146	570
Total expenses		96,257	99,022	104,081
OWN-SOURCE INCOME				
Own-source revenue				
Revenue from contracts with customers	5A	9,740	11,464	10,887
Other	5B	651	501	284
Total own-source revenue		10,391	11,965	11,171
Gains				
Other		183	255	-
Total gains		183	255	-
Total own-source income		10,574	12,220	11,171
Net cost of service		85,683	86,802	92,910
Revenue from Government	5C	90,293	83,211	90,293
Surplus (Deficit)		4,610	(3,591)	(2,617)
Total comprehensive income (Loss)		4,610	(3,591)	(2,617)

The above statement should be read in conjunction with the accompanying notes.

Budget Variances Commentary

Expenses

Total Expenses are \$7.8m lower than budgeted.

The 2018-19 additional estimates budget measure "Strengthening Enforcement Capability for Corporate Crime" provided the CDPP \$12.0 million funding in 2020-21. Related referrals and prosecution work were lower than budget expectations, being the main contributor to the 2020-21 surplus and lower than budgeted expenses.

Supplier Expenses are \$7.2 million lower than budgeted. Predominately as a result of prosecution legal costs noted above. Pandemic restrictions contributed to a reduction in external legal costs more generally.

Employee benefits are \$2.6m (4.8%) lower than budgeted. CDPP achieved an average staffing level of 400 for the year, being 17 (4.1%) lower than the budgeted cap of 417.

Finance costs are \$0.9 million higher than budgeted following an update of right-of-use lease calculations recognised in the 2020-21 financial year.

Depreciation on right-of-use leased assets is \$0.9 million higher than original budget modelling.

Own-source income

Total own-source revenue is \$0.8 million lower than budgeted.

Two budgeted Memoranda of Understanding (MOU) for prosecution services did not proceed as anticipated and minor adjustments were made against existing MOU values for the year.

An additional \$0.3 million in other revenue was recognised in relation to *Proceeds of Crime Act 2002* funding for the development of national digital capabilities under an MOU with the Department of Home Affairs.

OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS
STATEMENT OF FINANCIAL POSITION

As at 30 June 2021

	Notes	Actual 2021 \$'000	Actual 2020 \$'000	Original Budget \$'000
ASSETS				
Financial Assets				
Cash and cash equivalents		424	505	505
Trade and other receivables	6A	25,185	13,446	11,743
Total financial assets		25,609	13,951	12,248
Non-Financial Assets¹				
Property	7	47,133	53,656	52,152
Plant and equipment	7	3,816	2,984	4,062
Intangibles	7	3,347	3,555	3,435
Prepayments		1,341	1,893	1,893
Total non-financial assets		55,637	62,088	61,542
Total assets		81,246	76,039	73,790
LIABILITIES				
Payables				
Suppliers		3,318	3,596	3,715
Other	8A	2,478	853	891
Total payables		5,796	4,449	4,606
Provisions				
Employee leave provisions		18,696	17,354	17,354
Other	9A	584	989	1,111
Total provisions		19,280	18,343	18,465
Interest bearing liabilities				
Leases	10A	40,749	44,288	42,525
Total interest bearing liabilities		40,749	44,288	42,525
Total Liabilities		65,825	67,080	65,596
Net Assets		15,421	8,959	8,194
EQUITY				
Contributed equity		22,065	20,213	22,065
Reserve		18,491	18,491	18,491
Accumulated deficit		(25,135)	(29,745)	(32,362)
Total Equity		15,421	8,959	8,194

1. Right-of-use assets are included in the Property and Plant and equipment line items.

The above statement should be read in conjunction with the accompanying notes.

Budget Variances Commentary

Assets

Trade and other receivables are \$13.4 million higher than budgeted, predominately due to unspent appropriations consistent with the 2020-21 surplus.

Non-Financial assets are \$5.9 million lower than budgeted. Following the introduction of AASB 16 in 2019-20, incremental borrowing rates were reviewed in 2020-21, reducing the discounted value of right-of-use assets and lease liabilities. Higher than modelled depreciation further reduced asset balances compared to budget.

Liabilities

Other payables are \$1.6 million higher than budgeted. The CDPP recognised \$1.5 million unearned revenue in relation to *Proceeds of Crime Act 2002* funding for the development of national digital capabilities under an MOU with the Department of Home Affairs.

Following the introduction of AASB 16 in 2019 20, incremental borrowing rates were reviewed in 2020-21, reducing the discounted value of right-of-use assets and lease liabilities.

OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS
STATEMENT OF CHANGES IN EQUITY

For the period ended 30 June 2021

	Retained earnings			Asset revaluation surplus			Contributed equity/capital			Total equity		
	Actual 2021 \$'000	Actual 2020 \$'000	Original Budget \$'000	Actual 2021 \$'000	Actual 2020 \$'000	Original Budget \$'000	Actual 2021 \$'000	Actual 2020 \$'000	Original Budget \$'000	Actual 2021 \$'000	Actual 2020 \$'000	Original Budget \$'000
Opening balance												
Balance carried forward from previous period				18,491	18,491	18,491	20,213	16,010	20,213	8,959	(2,053)	8,959
Adjustment on initial application of AASB 15/AASB 1058	-	-	-	-	-	-	-	-	-	-	-	-
Adjustment on initial application of AASB 16	-	10,400	-	-	-	-	-	-	-	-	10,400	-
Adjusted opening balance	(29,745)	(36,554)	(29,745)	18,491	18,491	18,491	20,213	16,010	20,213	8,959	8,347	8,959
Comprehensive income												
Surplus (Deficit) for the period	4,610	(3,591)	(2,617)	-	-	-	-	-	-	4,610	(3,591)	(2,617)
Other comprehensive income	-	-	-	-	-	-	-	-	-	-	-	-
Total comprehensive income	4,610	(3,591)	(2,617)	-	-	-	-	-	-	4,610	(3,591)	(2,617)
Contributions by owners												
Equity injection - appropriation	-	-	-	-	-	-	-	2,345	-	-	2,345	-
Departmental Capital Budget funding	-	-	-	-	-	-	1,852	1,858	1,852	1,852	1,858	1,852
Total transactions with owners	-	-	-	-	-	-	1,852	4,203	1,852	1,852	4,203	1,852
Closing balance as at 30 June	(25,135)	(29,745)	(32,362)	18,491	18,491	18,491	22,065	20,213	22,065	15,421	8,959	8,194

The above statement should be read in conjunction with the accompanying notes.

Accounting Policy

Equity injections

Amounts appropriated which are designated as 'equity injections' for a year (less any formal reductions) and Departmental Capital Budgets are recognised directly in contributed equity in that year.

Budget Variances Commentary

The 2018-19 additional estimates budget measure "Strengthening Enforcement Capability for Corporate Crime" provided the CDPP \$12.0 million funding in 2020-21. Related referrals and prosecution work were lower than budget expectations, being the main contributor to the 2020-21 surplus. Pandemic restrictions contributed to a reduction in external legal costs more generally.

OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS
CASH FLOW STATEMENT

For the period ended 30 June 2021

	Actual 2021 \$'000	Actual 2020 \$'000	Original Budget \$'000
OPERATING ACTIVITIES			
Cash received			
Appropriations	94,906	95,633	102,883
Sale of goods and rendering of services	9,923	11,732	10,887
Net GST received	3,908	4,211	4,189
Other	1,880	-	-
Total cash received	110,617	111,576	117,959
Cash used			
Employees	50,651	49,065	54,368
Suppliers	35,080	42,146	43,391
Other	135	1,521	448
Appropriation cash returned to the Official Public Account	17,837	12,800	10,887
Interest payments on lease liabilities	450	4	10
Total cash used	104,153	105,536	109,104
Net cash from (used by) operating activities	6,464	6,040	8,855
INVESTING ACTIVITIES			
Cash used			
Purchase of property, plant and equipment and intangibles	3,522	3,240	3,834
Total cash used	3,522	3,240	3,834
Net cash from (used by) investing activities	(3,522)	(3,240)	(3,834)
FINANCING ACTIVITIES			
Cash received			
Contributed equity	3,532	2,928	1,852
Total cash received	3,532	2,928	1,852
Cash used			
Principal payments of lease liabilities	6,555	5,826	6,873
Total cash used	6,555	5,826	6,873
Net cash from (used by) financing activities	(3,023)	(2,898)	(5,021)
Net increase (decrease) in cash held	(81)	(98)	-
Cash and cash equivalents at the beginning of the reporting period	505	603	505
Cash and cash equivalents at the end of the reporting period	424	505	505

The above statement should be read in conjunction with the accompanying notes.

OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2021

Note 1: Overview

Note 2: Events After the Reporting Period

Note 3: Net Cash Appropriation Arrangements

Note 4: Expenses

Note 5: Own-Source Income

Note 6: Financial Assets

Note 7: Non-Financial Assets

Note 8: Payables

Note 9: Provisions

Note 10: Interest Bearing Liabilities

Note 11: Contingent Assets and Liabilities

Note 12: Related Party Disclosures

Note 13: Key Management Personnel Remuneration

Note 14: Financial Instruments

Note 15: Appropriations

Note 16: Current/Non-Current Distinction for Assets and Liabilities

OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2021

Note 1: Overview

1.1 Objectives of the Entity

The CDPP is an Australian Government controlled entity. It is a not-for-profit entity. The objective of the CDPP is to contribute to a fair, safe and just society by delivering an effective, independent prosecution service in accordance with the *Prosecution Policy of the Commonwealth*.

1.2 The Basis of Preparation

The financial statements are general purpose financial statements and are required by Section 42 of the PGPA Act.

The financial statements have been prepared in accordance with:

- *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015* (FRR); and
- Australian Accounting Standards - Reduced Disclosure Requirements, and Interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The financial statements have been prepared on an accrual basis and in accordance with the historical cost convention, except for certain assets and liabilities at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position. The financial statements are presented in Australian dollars and values are rounded to the nearest thousand dollars unless otherwise specified.

1.3 Significant Accounting Judgments and Estimates

In the process of applying the accounting policies listed in the notes, the CDPP has made judgements in relation to:

- the fair value of property, plant and equipment and the related make good; and
- employee provisions

that have a significant impact on the amounts recorded in the financial statements.

COVID-19 and potential, related uncertainties have been considered in relation to the above judgements. No accounting assumptions or estimates have been identified that have a significant risk of causing a material adjustment to carrying amounts of assets and liabilities within the next reporting period.

1.4 New Australian Accounting Standards

All new/revised/amending standards and/or interpretations that were issued prior to the sign-off date and are applicable to the current reporting period did not have a material effect on the CDPP's financial statements.

1.5 Taxation

The CDPP is exempt from all forms of taxation except Fringe Benefits Tax (FBT) and the Goods and Services Tax (GST).

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

For the period ended 30 June 2021

Note 2: Events After the Reporting Period

There have been no events that have the potential to significantly affect the ongoing structure and financial activities of the CDPP.

Note 3: Net Cash Appropriation Arrangements

	2021 \$'000	2020 \$'000
Total comprehensive income/(loss) - as per the Statement of Comprehensive Income	4,610	(3,591)
Plus: depreciation/amortisation of assets funded through appropriations (Departmental Capital Budget funding and/or equity injections) ¹	4,424	4,090
Plus: depreciation of right-of-use assets ²	6,625	6,247
Less: lease principal repayments ²	<u>(6,555)</u>	<u>(5,826)</u>
Net Cash Operating Surplus/ (Deficit)	<u>9,104</u>	<u>920</u>

1. From 2010-11, the Government introduced net cash appropriation arrangements where revenue appropriations for depreciation/amortisation expenses of non-corporate Commonwealth entities and selected corporate Commonwealth entities were replaced with a separate capital budget provided through equity injections. Capital budgets are to be appropriated in the period when cash payment for capital expenditure is required.

2. The inclusion of depreciation/amortisation expenses related to right-of-use leased assets and the lease liability principal repayment amount reflects the impact of AASB 16 Leases, which does not directly reflect a change in appropriation arrangements.

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

For the period ended 30 June 2021

Note 4: Expenses

	2021 \$'000	2020 \$'000
Note 4A: Employee benefits		
Wages and salaries	39,667	38,261
Superannuation		
Defined contribution plans	4,449	4,093
Defined benefit plans	2,776	3,495
Leave and other entitlements	4,941	4,692
Other employee benefits	66	212
Total employee benefits	51,899	50,753

Accounting Policy

See note 9: Provisions

Note 4B: Suppliers

Goods and services supplied or rendered

Prosecution legal costs	14,928	17,006
Information and Communication Technology	4,172	4,235
Property	2,294	2,218
Library	1,448	1,524
Services Advice and Training	8,105	7,351
Other	1,231	2,034
Total goods and services supplied or rendered	32,178	34,368

Goods Supplied	2,548	2,625
Services Rendered	29,630	31,743
Total goods and services supplied or rendered	32,178	34,368

Other suppliers

Short-term leases	-	1,540
Low value leases	8	7
Workers compensation expenses	82	504
Total other suppliers	90	2,051
Total suppliers	32,268	36,419

The CDPP had no short-term lease commitments as at 30 June 2021.

The above lease disclosures should be read in conjunction with the accompanying notes 4C, 5B, 7A and 10A.

Accounting Policy

Short-term leases and leases of low-value assets

The CDPP has elected not to recognise right-of-use assets and lease liabilities for short-term asset leases with a lease term of 12 months or less and leases of low-value assets (less than \$10,000). The CDPP recognises the payments associated with these leases as an expense on a straight-line basis over the lease term.

Note 4C: Finance costs

Interest on lease liabilities	863	4
Unwinding of discount	8	8
Total finance costs	871	12

The above lease disclosures should be read in conjunction with the accompanying notes 4B, 5B, 7A and 10A.

OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2021

Note 5: Own-Source Income

	2021 \$'000	2020 \$'000
Note 5A: Revenue from contracts with customers		
Prosecution Services	9,740	11,464
Total rendering of services	9,740	11,464
Disaggregation of revenue from contracts with customers		
Australian Government entities (related parties)	9,740	11,464
	9,740	11,464

Accounting Policy

The CDPP provides prosecution services to partner agencies under MOU. MOUs contain the specific performance obligation to provide a stand ready prosecution service over specified financial years. Revenue is recognised over-time in line with agreed annual funding set out in each MOU.

Receivables for goods and services, which have 30-day terms, are recognised at the nominal amounts due less any impairment allowance. Collectability of debts is reviewed at the end of the reporting period. Allowances are made when collectability of the debt is no longer probable.

Note 5B: Other Revenue

Resources received free of charge - services from external parties	-	14
Resources received free of charge - auditor's remuneration	82	82
Sublease	177	366
Proceeds of Crime Act 2002	324	-
Other	68	39
Total other revenue	651	501

Commitments for sublease rental income receivables are as follows:

Within 1 year	167	162
One to two years	120	167
Two to three years	119	120
Three to four years	121	119
Four to five years	-	121
More than 5 years	-	-
Total sublease rental income commitments	527	689

As at 30th June 2021, the CDPP had sublease arrangements at 2 locations with Australian Government entities (2020: 3 locations). Rent for these locations of \$161,671 (2020: \$143,997) relates to the sublease of CDPP right-of-use assets.

The above lease disclosures should be read in conjunction with the accompanying notes 4B, 4C, 7A and 10A.

Accounting Policy

Resources Received Free of Charge

Resources received free of charge are recognised as revenue when, and only when, a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense. Resources received free of charge are recorded as either revenue or gains depending on their nature.

OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2021

Proceeds of Crime Act 2002

The CDPP receives *Proceeds of Crime Act 2002* funding for the development of national digital capabilities under an MOU with the Department of Home Affairs. The MOU outlines specific deliverables relating to the completion of three separately identifiable projects expected to be completed in the 2021-22 financial year.

Transfers that relate to the construction of recognisable non-financial assets are recognised as income when obligations under the MOU are satisfied. Other transfers under this MOU are recognised as income upon transfer.

	2021 \$'000	2020 \$'000
<u>Note 5C: Revenue from Government</u>		
Appropriations:		
Departmental appropriations	<u>90,293</u>	<u>83,211</u>
Total revenue from Government	<u>90,293</u>	<u>83,211</u>

Accounting Policy

Revenue from Government

Amounts appropriated for departmental appropriations for the year (adjusted for any formal additions and reductions) are recognised as Revenue from Government when the CDPP gains control of the appropriation. Appropriations receivable are recognised at their nominal amounts.

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

For the period ended 30 June 2021

Note 6: Financial Assets

	2021 \$'000	2020 \$'000
Note 6A: Trade and Other Receivables		
Good and Services		
Goods and services	683	446
Total goods and services receivables	683	446
Appropriations receivables		
For existing programs	23,746	12,202
Total appropriations receivables	23,746	12,202
Other receivables		
GST receivable from the Australian Taxation Office	712	735
Other receivables	50	79
Total other receivables	762	814
Total trade and other receivables (gross)	25,191	13,462
Less impairment loss allowance		
Goods and services	(6)	(16)
Total impairment loss allowance	(6)	(16)
Total trade and other receivables (net)	25,185	13,446

Credit terms for goods and services was 30 days (2020: 30 days).

Accounting Policy

Cash and Cash Equivalents

Cash is recognised at its nominal amount.

Trade receivables

Trade receivables that are held for the purpose of collecting the contractual cash flows where the cash flows are solely payments of principal and interest that are not provided at below-market interest rates, are subsequently measured at amortised cost using the effective interest method adjusted for any loss allowance. Receivables are assessed for impairment at the end of each reporting period. A loss allowance of \$5,976 was recognised as at 30 June 2021 (2020: \$15,632).

The fair value of CDP's financial assets and liabilities approximate their carrying amounts. The CDP derived no interest income from financial assets in either the current or prior year.

OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2021

Note 7: Non-Financial Assets

Note 7A: Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment and Intangibles

	Property \$'000	Plant & equipment \$'000	Intangibles \$'000	Total \$'000
As at 1 July 2020				
Gross book value	62,930	4,814	7,019	74,763
Accumulated depreciation/amortisation and impairment	(9,274)	(1,830)	(3,464)	(14,568)
Total as at 1 July 2020	53,656	2,984	3,555	60,195
Additions				
Purchase	27	1,574	981	2,582
Right-of-use assets	3,381	103	-	3,484
Lease Incentive	1,161	321	-	1,482
Right-of-use assets adjustment ¹	(2,363)	-	-	(2,363)
Depreciation and amortisation	(2,148)	(1,112)	(1,164)	(4,424)
Depreciation on right-of-use assets	(6,581)	(44)	-	(6,625)
Write-down and impairments	-	(10)	(25)	(35)
Total as at 30 June 2021	47,133	3,816	3,347	54,296
Total as at 30 June 2021 represented by				
Gross book value	65,136	6,797	7,268	79,201
Accumulated depreciation/amortisation and impairment	(18,003)	(2,981)	(3,921)	(24,905)
Total as at 30 June 2021	47,133	3,816	3,347	54,296
Carrying amount of right-of-use assets	35,663	98	-	35,761

1. This update of initial right-of-use asset balances under AASB 16 *Leases* of \$2,362,922 was matched by a corresponding decrease in initial lease liability balances. Impact as at 30 June 2021 was a \$161,496 decrease in Net Assets (relating to an increase in Finance Costs of \$413,128 and reduction in Depreciation expense of \$251,632). Comparative figures have not been restated.

No indicators of impairment were found for property, plant and equipment and intangibles. Intangibles includes both purchased software and internally generated software.

No significant property, plant and equipment and intangibles are expected to be sold or disposed of within the next 12 months.

Revaluations of non-financial assets

All revaluations were conducted in accordance with the revaluation policy. CDPD engaged the services of an independent valuer to conduct the revaluations as at 30 June 2018. No revaluation was performed for 2020-21. Management has determined that the carrying value is not materially different to the fair value for property and plant and equipment asset classes.

Contractual commitments for the acquisition of property, plant and equipment and intangible assets

As at 30 June 2021 there were capital commitments of \$220,206 (GST exclusive): nil for property (2020: \$1,179,124); \$220,206 for plant and equipment (2020: \$763,333); and nil for intangibles (2020: \$187,153).

OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2021

Accounting Policy

Recognition and Depreciation

Assets are recognised initially at cost on acquisition in accordance with the table below.

Depreciable property, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to the CDPP using, in all cases, the straight-line method of depreciation. Intangible assets are amortised on a straight-line basis.

Depreciation rates applying to each class of depreciable asset are based on the following useful lives:

	Useful Life (years)	Threshold (\$)
Property	lease term	20,000 or 5% of total value
Plant and equipment	2-30 years	2,000
Intangibles	3-6 years	5,000

The depreciation rates for right-of-use assets are based on the commencement date to the earlier of the end of the useful life of the right-of-use asset or the end of the lease term.

Lease Right-of-Use Assets

Leased right-of-use assets are capitalised at the commencement date of the lease and comprise of the initial lease liability amount, estimated restoration costs and initial direct costs incurred when entering into the lease, less any lease incentives received. These assets are accounted for as separate asset classes to corresponding assets owned outright but included in the same column as where the corresponding underlying assets would be presented if they were owned.

Following initial application, an impairment review is undertaken for any right-of-use lease asset that shows indicators of impairment and an impairment loss is recognised against any right-of-use lease asset that is impaired.

Revaluations

Fair values for each class of asset are determined as shown below:

Asset class	Fair value measured at
Property	Depreciated replacement cost
Plant and equipment	Market selling price and depreciated replacement cost

Following initial recognition at cost, property, plant and equipment (excluding right-of-use assets) are carried at fair value less subsequent accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets do not differ materially from the assets' fair values as at the reporting date. The regularity of independent valuations depends upon the volatility of movements in market values for the relevant assets. The most recent independent valuation was conducted on 30 June 2018. Impairment assessment is carried out on an annual basis.

Assets are revalued in accordance with AASB 116 *Property, Plant and Equipment* approximately every five years unless the annual fair value assessment suggests that there is a material difference between carrying value of assets and their fair value. Where there is a material difference, all assets in that category are revalued.

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reversed a previous revaluation decrement of the same asset class that was previously recognised in the surplus/deficit. Revaluation decrements for a class of

OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2021

assets are recognised directly in the surplus/deficit except to the extent that they reversed a previous revaluation increment for that class.

Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amount of the asset and the asset restated to the revalued amount.

Impairment

All assets are assessed annually for impairment. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

De-recognition

An item of property, plant and equipment is derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

Intangibles

CDPP's intangibles includes purchased software and internally generated software for internal use. These assets are carried at cost less accumulated amortisation and accumulated impairment losses.

Software is amortised on a straight-line basis over its anticipated useful life. The useful lives of the CDPP's software are 3 to 6 years (2020: 3 to 6 years).

All software assets were assessed for indications of impairment as at 30 June 2021.

Accounting Judgements and Estimates

Fair value measurement

An annual assessment is undertaken to determine whether the carrying amount of assets differs materially from the fair value. Comprehensive valuations are undertaken at least once every five years. The fair value of property, plant and equipment is determined using either the Market Approach or the Cost Approach.

Market Approach

The Market Approach seeks to estimate the current value of an asset in its highest and best use with reference to recent market evidence including transactions of comparable assets. Certain items of land, buildings, leasehold improvements, plant and equipment are valued using the Market Approach. Inputs utilised under the Market Approach comprise market transactions of comparable assets adjusted to reflect differences in price sensitive characteristics including:

- recent market sales of comparable land and buildings adjusted for size and location; and
- current prices for comparable or substitute items of property, plant and equipment available within local second-hand markets or adjusted for location.

Cost Approach

The Cost Approach seeks to estimate the amount required to replace the service capacity of an asset in its highest and best use. In cases where sufficient observable market evidence is unavailable, the Cost Approach is applied and determined as the Depreciated Replacement Cost.

Certain items of land, buildings, leasehold improvements, plant and equipment are valued using Depreciated Replacement Cost. Under Depreciated Replacement Cost the replacement costs of new assets are adjusted for physical depreciation and obsolescence such as physical deterioration, functional or technical obsolescence and conditions of the economic environment specific to the asset. This is determined based on the estimated physical, economic and external obsolescence factors relevant to the asset under consideration.

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

For the period ended 30 June 2021

Note 7: Non-Financial Assets (Continued)

Note 7B: Transfers to acquire or construct a non-financial asset	Closing balance \$'000	Opening balance \$'000
Funding transferred	1,488	-
Funding transfer obligations	(1,488)	-

The CDPP receives *Proceeds of Crime Act 2002* funding for the development of national digital capabilities under an MOU with the Department of Home Affairs.

Total *Proceeds of Crime Act 2002* funding of \$1,812,000 was transferred to the CDPP during the reporting period. \$324,097 was recognised as revenue relating to operating expenses incurred.

The balance of \$1,487,903 is disclosed above as an obligation for acquiring or constructing non-financial assets.

Accounting Policy

Proceeds of Crime Act 2002

Refer to note 5B for accounting policy relating to *Proceeds of Crime Act 2002* revenue.

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

For the period ended 30 June 2021

Note 8: Payables

	2021	2020
	\$'000	\$'000
Note 8A: Other payables		
Wages and salaries	773	610
Superannuation	139	108
Unearned Revenue - Proceeds of Crime Act 2002	1,488	-
Other	78	135
Total other payables	2,478	853

Accounting Policy

Supplier and other payables

Supplier and other payables are recognised at cost. Liabilities are recognised to the extent that the goods or services have been received. Supplier and other payables are derecognised on payment. Supplier payables are settled within 20 days.

Proceeds of Crime Act 2002

Refer to note 5B for accounting policy relating to *Proceeds of Crime Act 2002* revenue.

OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2021

Note 9: Provisions

Accounting Policy

Liabilities for short-term employee benefits and termination benefits expected within twelve months of the end of reporting period are measured at their nominal amounts.

Leave

The liability for employee benefits includes provision for annual leave and long service leave.

The leave liabilities are calculated on the basis of employees' remuneration at the estimated salary rates that will be applied at the time the leave is taken, including the CDPP's employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination.

The liability for long service leave has been determined using an employee-based spreadsheet model developed by the Australian Government Actuary for the 2020-21 financial year and future years. The estimate of the present value of the liability takes into account attrition rates, pay increases through promotion and inflation. Reviews are conducted with sufficient frequency to ensure the adequacy of the provision.

Separation and Redundancy

Provision is made for separation and redundancy benefit payments. There were no provisions for termination as at 30 June 2021 (2020: nil).

Superannuation

CDPP's staff are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS) or the PSS accumulation plan (PSSap), or other superannuation funds held outside the Australian government.

The CSS and PSS are defined benefit schemes for the Australian Government. The PSSap is a defined contribution scheme.

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. This liability is reported in the Department of Finance's administered schedules and notes.

The CDPP makes employer contributions to the employees' superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government. The CDPP accounts for the contributions as if they were contributions to defined contribution plans.

The liability for superannuation recognised as at 30 June 2021 represents outstanding contributions.

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

For the period ended 30 June 2021

Note 9: Provisions (Continued)

	2021 \$'000	2020 \$'000
Note 9A: Other Provisions		
Provisions for restoration ¹	584	576
Provisions for superannuation ²	-	413
Total other provisions	584	989

	Provision for Restoration \$'000	Other provisions \$'000	Total \$'000
As at 1 July 2020	576	413	989
Additional provisions made	-	-	-
Amounts used	-	(299)	(299)
Amounts reversed	-	(114)	(114)
Unwinding of discount or change in discount rate	8	-	8
Total as at 30 June 2021	584	-	584

¹ As at 30 June 2021, the CDPP had agreements for 10 leased premises (2020: 10 leased premises). Two of these have provisions requiring the CDPP to restore the premises to their original condition at the end of the lease. The CDPP made provisions to reflect the present value of these obligations.

² Additional lump sum superannuation contributions are payable where a shortfall is found in the statutory payments for an employee in a Commonwealth defined benefit scheme. During the 2020-21 financial year, the provision for superannuation was reduced to zero with an anticipated lump sum contribution paid and the balance recognised in Other Gains.

OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2021

Note 10: Interest Bearing Liabilities

	2021 \$'000	2020 \$'000
Note 10A: Leases		
Lease Liabilities		
Property	40,649	44,248
Plant and equipment	100	40
Total leases	40,749	44,288

Total cash outflow for leases for the year ended 30 June 2021 was \$7,005,550 (GST exclusive) (2020: \$5,830,730).

	2021 \$'000	2020 \$'000
Maturity analysis - contractual undiscounted cash flows		
Within 1 year	7,255	6,580
Between 1 to 5 years	23,017	23,776
More than 5 years	11,935	13,760
Total leases	42,207	44,116

As at 30 June 2021, the CDPP in its capacity as lessee, had recognised lease liabilities in relation to leases of office space at 10 premises (2020: 9) and 8 automobiles (2020: 8). The CDPP had not committed to any leases which had not yet commenced (2020: \$4,364,928 (GST exclusive))

Six of the office space lease agreements include extension options ranging from 2 to 5 years. The likelihood of exercising these options is reviewed regularly and incorporated into the measurement of the lease liability where appropriate.

One office lease will be subject to a market rent review during its expected term. The resulting variable lease payments will be reflected in the measurement of the lease liability when the new rate has been agreed. All other leases where CDPP is lessee have a fixed schedule of rent payments.

The above lease disclosures should be read in conjunction with the accompanying notes 4B, 4C, 5B and 7A.

Accounting Policy

For all new contracts entered into, the CDPP considers whether the contract is, or contains a lease. A lease is defined as 'a contract, or part of a contract, that conveys the right to use an asset (the underlying asset) for a period of time in exchange for consideration'.

Once it has been determined that a contract is, or contains a lease, the lease liability is initially measured at the present value of the lease payments unpaid at the commencement date, discounted using the interest rate implicit in the lease, if that rate is readily determinable, or the department's incremental borrowing rate.

Subsequent to initial measurement, the liability will be reduced for payments made and increased for interest. It is remeasured to reflect any reassessment or modification to the lease. When the lease liability is remeasured, the corresponding adjustment is reflected in the right-of-use asset or profit and loss depending on the nature of the reassessment or modification.

OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2021

Note 11: Contingent Assets and Liabilities

Quantifiable Contingencies

As at 30 June 2021, the CDPP had no quantifiable contingent assets or liabilities (2020: nil).

Unquantifiable Contingencies

If a matter prosecuted by the CDPP is defended successfully, the court may order that the CDPP meet certain costs incurred by the defendant.

If a matter is being prosecuted by the CDPP and assets are frozen under the *Proceeds of Crime Act 1987* or the *Proceeds of Crime Act 2002*, the CDPP gives an undertaking against potential losses in respect of assets administered by the Commonwealth. If the related prosecution is unsuccessful, damages can be awarded against the CDPP. Costs and damages so awarded are met from the CDPP and/or client organisation's annual appropriations.

Costs and damages have been awarded against the CDPP by the Courts on some occasions in past financial years. On this basis, it is anticipated that this will occur on some occasions during the next financial year. However, since awards of costs and damages are made by the Courts and the CDPP is unable to control or predict the quantum or number of such awards, the CDPP is unable to quantify its potential future liabilities in this regard. For that reason, the quantum of the anticipated future awards of costs and damages against the CDPP, has not been quantified.

Accounting Policy

Contingent Liabilities and Contingent Assets are not recognised in the Statement of Financial Position but are reported in the notes. They may arise from uncertainty as to the existence of a liability or asset or represent an asset or liability in respect of which the amount cannot be reliably measured. Contingent assets are disclosed when settlement is probable but not virtually certain and contingent liabilities are disclosed when settlement is greater than remote.

Note 12: Related Party Disclosures

Related party relationships: The CDPP is an Australian Government controlled entity. Related parties to this entity include the Portfolio Minister and Director (Accountable Authority), Executive Leadership Group, Chief Financial Officer and other Australian Government entities.

Transactions with related parties: Given the breadth of Government activities, related parties may transact with the government sector in the same capacity as ordinary citizens. These transactions have not been separately disclosed in this note.

Giving consideration to relationships with related entities, and transactions entered into during the reporting period by the entity, it has been determined that there are no related party transactions to be separately disclosed.

OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2021

Note 13: Key Management Personnel Remuneration

Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity. The CDPP has determined key management personnel to be the Director (Accountable Authority), Commonwealth Solicitor for Public Prosecutions, Deputy Directors, Chief Corporate Officer and the Chief Financial Officer. Key management personnel remuneration is reported in the table below:

	2021 \$'000	2020 \$'000
Note 13: Key Management Personnel Remuneration		
Short-term employee benefits	2,386	2,537
Post-employment benefits	421	440
Other long-term employee benefits	58	62
Termination benefits	-	12
Total key management personnel remuneration expenses^{1,2}	2,865	3,051

Notes

¹ The total number of key management personnel that are included in the above table are 10 (2020:10) representing the people who individually occupied the key management personnel position during the year.

² The above key management personnel remuneration excludes the remuneration and other benefits of the Portfolio Minister. The Portfolio Minister's remuneration and other benefits are set by the Remuneration Tribunal and are not paid by the CDPP.

Note 14: Financial Instruments

	2021 \$'000	2020 \$'000
Note 14: Categories of Financial Instruments		
Financial assets at amortised cost		
Cash and cash equivalents	424	505
Trade and other receivables	727	509
Total	1,151	1,014
Carrying amount of financial assets	1,151	1,014
Financial Liabilities		
At amortised cost:		
Suppliers payable	3,318	3,596
Total	3,318	3,596
Carrying amount of financial liabilities	3,318	3,596

The CDPP recognised a gain on financial instruments of \$1,514 for the year ended 30 June 2021 (2020: nil). There were no losses on financial instruments (2020: \$9,784).

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

For the period ended 30 June 2021

Note 15: Appropriations

Table A: Annual Appropriations ('Recoverable GST exclusive')

	2021 \$'000	2020 \$'000
Annual Appropriation - ordinary annual services	90,293	83,211
Annual Departmental Capital Budget ¹	1,852	1,858
Equity Injections	-	2,345
PGPA Act s74	17,836	12,800
Total appropriation	109,981	100,214
Appropriation applied (current and prior years) ²	98,438	98,560
Variance³	11,543	1,654

¹ Departmental Capital Budgets are appropriated through Appropriation Acts (No.1, 3 & 5). They form part of ordinary annual services and are not separately identified in the Appropriation Acts.

² Appropriation applied includes payments for non-financial asset purchases which have been capitalised.

³ The CDPP reported a 2020-21 net cash operating surplus of \$9.1 million (Note 3), resulting in additional unspent appropriation. The surplus predominately relates to \$12.0 million in 2020-21 funding received under the 2018-19 additional estimates budget measure "Strengthening Enforcement Capability for Corporate Crime", with related referrals and prosecution work lower than budgeted expectations.

In addition, the CDPP received *Proceeds of Crime Act 2002* funding for the development of national digital capabilities under an MOU with the Department of Home Affairs. Funding of \$1.8 million was transferred to the CDPP during the reporting period with \$1.5 million carried forward as unearned revenue.

Table B: Unspent Annual Appropriations ('Recoverable GST exclusive')

DEPARTMENTAL		
Cash	424	505
Appropriation Act (No.1) 2019-20	-	9,531
Supply Act (No.1) 2019-20 – Departmental Capital Budget	-	523
Appropriation Act (No.1) 2019-20 - Departmental Capital Budget	-	1,014
Appropriation Act (No.2) 2019-20	726	1,134
Appropriation Act (No.1) 2020-21	22,755	-
Appropriation Act (No.1) 2020-21 - Departmental Capital Budget	265	-
Total	24,170	12,707

OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2021

Note 16: Current/Non-Current Distinction for Assets and Liabilities

	2021 \$'000	2020 \$'000
Note 16A: Current/Non-current Distinction for Assets and Liabilities		
Assets expected to be recovered in:		
No more than 12 months		
Cash and cash equivalents	424	505
Trade and other receivables	25,185	13,446
Prepayments	1,315	1,832
Total no more than 12 months	<u>26,924</u>	<u>15,783</u>
More than 12 months		
Land and buildings	47,133	53,656
Plant and equipment	3,816	2,984
Computer software	3,347	3,555
Prepayments	26	61
Total more than 12 months	<u>54,322</u>	<u>60,256</u>
Total assets	<u>81,246</u>	<u>76,039</u>
Liabilities expected to be settled in:		
No more than 12 months		
Suppliers	3,318	3,596
Other payables	2,478	853
Leases	6,873	6,584
Employee provisions	4,895	4,627
Other provisions	-	413
Total no more than 12 months	<u>17,564</u>	<u>16,073</u>
More than 12 months		
Leases	33,876	37,704
Employee provisions	13,801	12,727
Other provisions	584	576
Total more than 12 months	<u>48,261</u>	<u>51,007</u>
Total liabilities	<u>65,825</u>	<u>67,080</u>



APPENDICES

APPENDIX 1 – ENTITY RESOURCE STATEMENT AND EXPENSES BY OUTCOME

Entity resource statement

Table 37: Entity resource statement 2020–21

Item	Actual available appropriation for 2020–21 \$'000 (a)	Payments made 2020–21 \$'000 (b)	Balance remaining 2020–21 \$'000 (a)-(b)
Departmental			
Annual appropriations – ordinary annual services ^{1,2}	121,554	98,110	23,444
Annual appropriations – other services – non-operating ³	1,134	408	726
Total resourcing and payments	122,688	98,518	24,170

Notes:

- 1 Supply Act (No. 1) 2020-2021, Appropriation Act (No. 1) 2020–2021, prior-year departmental appropriation, and retained revenue receipts under s.74 of the PGPA Act.
- 2 Includes an amount of \$1.852m in 2020–21 for the departmental capital budget. For accounting purposes, this amount has been designated as 'contributions by owners'.
- 3 Appropriation Act (No. 2) 2019-20 prior-year departmental appropriation.

Expenses by Outcome

Table 38: Expenses and resources for Outcome 1 2020–21

Outcome 1: Contribute to a fair, safe and just society by delivering an effective, independent prosecution service in accordance with the Prosecution Policy of the Commonwealth	Budget ¹ 2020–21 \$'000 (a)	Actual Expenses 2020–21 \$'000 (b)	Variation 2020–21 \$'000 (a)-(b)
Program 1.1: An independent service to prosecute alleged offences against the criminal law of the Commonwealth			
Departmental expenses			
Departmental Appropriation ²	99,988	91,751	8,237
Expenses not requiring appropriation ³	4,093	4,506	(413)
Total expenses for Outcome 1	104,081	96,257	7,824
	Budget	Actual	
Average staffing level (number)	417	400	

Notes:

- 1 Full-year budget, including any subsequent adjustment made to the 2020–21 budget at Additional Estimates.
- 2 Departmental appropriation combines ordinary annual services (Supply Act No. 1 and Appropriation Act No. 1) and retained revenue receipts under s.74 of the PGPA Act.
- 3 Expenses not requiring appropriation in the budget year are made up of services received free of charge, depreciation and amortisation expenses.

APPENDIX 2 – REMUNERATION

Audit committee remuneration

Table 39: Audit committee remuneration disclosure

Member name	Qualifications, knowledge, skills and experience	Meetings attended / meetings held	Total annual remuneration (GST inc.)	Additional information
Mr Ken Moore (Chair)	<p>Bachelor of Arts (Economics/Accounting)</p> <p>Fellow CPA Australia Fellow Australian Institute of Company Directors</p> <p>Member of two federal and territory government agency audit committees and a federal government agency client services committee</p> <p>Holds directorships for two organisations</p> <p>Previously held a number of SES positions in the Australian Public Service</p>	4/4	\$13,200	NA
Mr Ian Govey AM	<p>Bachelor of Laws (Hons), Bachelor of Economics.</p> <p>Fellow Australian Academy of Law.</p> <p>Chair of a Commonwealth audit committee.</p> <p>Member of and ACT Government audit committee.</p> <p>Chair of a financial services compliance committee.</p> <p>Director of two not-for-profit companies.</p> <p>Previously Chief Executive Officer of the Australian Government Solicitor and held a number of SES positions in the Australian Public Service.</p>	4/4	\$13,200	NA
Ms Gabrielle Drennan	<p>Bachelor of Legal Studies</p> <p>Extensive experience as a lawyer</p> <p>Previously held SES positions, in both state and federal public services</p> <p>Previously held registrar positions in a state superior court</p>	2/2	\$6,600	Ms Drennan's term with the Audit Committee concluded in January 2021
Ms Elizabeth Montano	<p>Bachelor of Arts and Bachelor of Laws.</p> <p>Fellow of the Australian Institute of Company Directors.</p> <p>Chair and member of various Commonwealth audit committees.</p> <p>Director of boards in the public and not-for-profit sectors.</p> <p>Former Chief Executive Officer of the Australian Transaction Reports and Analysis Centre (AUSTRAC), and SES officer with the Australian Securities and Investments Commission.</p> <p>Senior experience in private legal practice in financial services.</p>	2/2	\$6,600	Ms Montano was appointed to the Audit Committee in February 2021

Executive remuneration for key management personnel

Table 40: Remuneration for key management personnel

Name	Position title	Short-term benefits			Post-employment benefits		Other long-term benefits		Termination benefits	Total remuneration
		Base salary	Bonuses	Other benefits and allowances	Superannuation contributions	Long service leave	Other long-term benefits			
Sarah McNaughton	Director ²	\$481,696	\$0	\$2,274	\$59,746	\$11,866	\$0	\$0	\$555,582	
Andrea Pavleka	Commonwealth Solicitor for Public Prosecutions ³	\$287,349	\$0	\$1,982	\$59,048	\$7,891	\$0	\$0	\$356,270	
Scott Bruckard	Commonwealth Solicitor for Public Prosecutions ⁵	\$263,272	\$0	\$1,982	\$46,341	\$6,278	\$0	\$0	\$317,873	
James Carter	Deputy Director/ Practice Group Leader	\$255,670	\$0	\$1,695	\$46,341	\$6,278	\$0	\$0	\$309,985	
Mark de Crespigny	Deputy Director/ Practice Group Leader	\$245,516	\$0	\$1,445	\$45,449	\$5,961	\$0	\$0	\$298,371	
Berdj Tchakerian	Deputy Director/ Practice Group Leader	\$252,033	\$0	\$2,232	\$45,449	\$5,961	\$0	\$0	\$305,675	
Joanne Philipson	Deputy Director/ Practice Group Leader (acting) ⁶	\$58,138	\$0	\$0	\$9,166	\$1,202	\$0	\$0	\$68,506	
Gina Nott	Deputy Director/ Practice Group Leader (acting) ⁶	\$45,179	\$0	\$420	\$6,214	\$995	\$0	\$0	\$52,808	
Sabeena Oberoi	Chief Corporate Officer	\$272,810	\$0	\$1,445	\$45,908	\$6,278	\$0	\$0	\$326,441	
Steven Burggraaf	Chief Financial Officer	\$209,506	\$0	\$1,445	\$44,301	\$5,086	\$0	\$0	\$260,337	

Notes:

This table is prepared on an accrual accounting basis. Benefits expensed in previous financial years (such as leave taken) are excluded from 2020–21 remuneration.

² The Director's remuneration is set by the Remuneration Tribunal. The 2020–21 determined amount of \$554,220.

³ Other benefits and allowances include:

a) health and wellbeing reimbursements
b) car parking

⁴ Part-year period of service 1 July 2020 to 16 April 2021.

⁵ Deputy Director from 1 July 2020 to 16 April 2021. CSPP from 19 April to 30 June 2021.

⁶ Part-year period of service 19 April to 30 June 2021.

Note 13 of the financial statements reports actual defined benefit superannuation contributions.

Executive remuneration by salary band

Table 41: Remuneration for senior executives

Total remuneration bands ²	Number of senior executives	Short-term benefits			Post-employment benefits		Other long-term benefits		Termination benefits	Total remuneration
		Average Base salary	Average bonus	Average Other benefits and allowances ³	Average superannuation contributions	Average long service Leave	Average Other longterm benefits	Average total termination benefits		
\$0-\$220,000	6	\$102,703	\$0	\$696	\$13,528	\$2,125	\$0	\$0	\$0	\$119,053
\$220,001-\$245,000	5	\$195,616	\$0	\$1,776	\$36,507	\$4,059	\$0	\$0	\$0	\$237,957
\$245,001-\$270,000	6	\$217,478	\$0	\$1,967	\$38,631	\$5,005	\$0	\$0	\$0	\$263,081
\$270,001-\$295,000	4	\$227,081	\$0	\$2,650	\$41,441	\$5,481	\$0	\$0	\$0	\$276,653
\$295,001-\$320,000	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$320,001-\$345,000	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$345,001-\$370,000	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$370,001-\$395,000	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$395,001-\$420,000	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$420,001-\$445,000	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$445,001-\$470,000	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$470,001-\$495,000	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$495,001- ...	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Notes:

- 1 This table is prepared on an accrual accounting basis. Benefits expensed in previous financial years (such as leave taken) are excluded from 2019-20 remuneration.
- 2 Remuneration reported includes part-year periods of service, including acting arrangements of greater than three months.
- 3 Other Benefits include:
 - a) Health and wellbeing reimbursements
 - b) Car parking relocation assistance.

Remuneration of other highly paid staff

Table 42: Other highly paid staff

Total remuneration bands ²	Number of senior executives	Short-term benefits			Post-employment benefits		Other long-term benefits			Termination benefits	Total remuneration
		Average Base salary	Average bonus	Average Other benefits and allowances ³	Average superannuation contributions	Average long service Leave	Average Other longterm benefits	Average termination benefits	Average total remuneration		
\$0-\$220,000	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$220,001-\$245,000	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$245,001-\$270,000	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$270,001-\$295,000	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$295,001-\$320,000	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$320,001-\$345,000	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$345,001-\$370,000	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$370,001-\$395,000	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$395,001-\$420,000	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$420,001-\$445,000	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$445,001-\$470,000	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$470,001-\$495,000	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$495,001-	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

No other staff received remuneration greater than \$230,000 during the 2020-21 financial year.

APPENDIX 3 – OTHER MANAGEMENT MATTERS

Privacy

Our obligations under the *Privacy Act 1988* and the Australian Privacy Principles are realised through our Privacy Policy and National Legal Direction. These cover privacy considerations in relation to the collection and release of personal information.

During the reporting period, the Executive Leadership Group approved a revised Privacy Policy, National Legal Direction and the 2020–21 Privacy Management Plan. This plan identifies specific, measurable privacy goals and targets and sets out how we will meet our privacy compliance obligations.

No notifiable data breaches were reported in the reporting period.

Information publication scheme

The agency is subject to the *Freedom of Information Act 1982* (FOI Act) and is required to publish information to the public as part of the Information Publication Scheme (IPS).

The requirement is in Part 11 of the FOI Act and has replaced the former requirement to publish a s.8 statement in an annual report. Each entity must display on its website a plan showing what information it publishes in accordance with the IPS requirements.

Our website displays a plan showing what information is published in accordance with the IPS requirements. It can be found at cdpp.gov.au/freedom-information/information-publication-scheme.

Members of the public can provide comment on our information publication plan to our FOI team by emailing foi@cdpp.gov.au, or by contacting our FOI team at:

FOI Coordinator
Commonwealth DPP
GPO Box 3104
Canberra ACT 2601

Advertising and market research

During the reporting period the CDPP did not undertake any advertising or market research projects.

APPENDIX 4 – CORRECTIONS TO PREVIOUS ANNUAL REPORTS

Organised crime and counter terrorism referrals

At page 50, the 2019–20 CDPP annual report stated: “*The volume of OCCT referrals received by the CDPP in 2019–20 increased by 19 per cent and our workload continues to increase in complexity.*” By way of clarification, this figure of 19 per cent referred to matters received by the OCCT practice group. The report should have noted that some other CDPP practice groups also receive and prosecute OCCT matters. When regard is had to these matters, the overall increase in OCCT referrals across all CDPP practice groups in the 2019–20 reporting period was 1.7 per cent.

Prosecution Performance Indicators

At page 77 of the 2019–20 CDPP Annual Report, Table 9 Prosecution performance indicators for 2017–20:

- the 2019–20 performance indicator for defendants in *defended committals resulted in a committal order* incorrectly reported an outcome of 99 per cent (472 of 476). The correct outcome for this indicator is 98 per cent (225 of 229).
- the target indicator for *defendants tried on indictment and convicted* was incorrectly reported as 60 per cent. The correct target for this indicator is 70 per cent.

Workforce statistics

The following tables (43–49) were omitted from Appendix 7 of the 2019–20 CDPP Annual Report (pages 148–157).

Workforce statistics

The following tables were omitted from Appendix 7 of the 2019–20 Annual Report (pages 148–157):

All ongoing employees

Table 43: All ongoing employees by location—current period (2019–20)

	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total Male	Full-time	Part-time	Total Female	Full-time	Part-time	Indeterminate	
NSW	53	0	53	84	8	92	0	0	0	145
QLD	22	0	22	27	10	37	0	0	0	59
SA	3	0	3	14	2	16	0	0	0	19
TAS	4	0	4	3	2	5	0	0	0	9
VIC	27	0	27	55	12	67	0	0	0	94
WA	5	0	5	15	5	20	0	0	0	25
ACT	17	0	17	29	5	34	0	0	0	51
NT	1	0	1	2	1	3	0	0	0	4
EXTERNAL TERRITORIES	0	0	0	0	0	0	0	0	0	0
OVERSEAS	0	0	0	0	0	0	0	0	0	0
TOTAL	132	0	132	229	45	274	0	0	0	406

This table includes inoperative employees

All ongoing employees by location—previous period (2018–19)

Table 44: All ongoing employees—previous period (2018–19)

	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total Male	Full-time	Part-time	Total Female	Full-time	Part-time	Total Indeterminate	
NSW	45	3	48	79	13	92	0	0	0	140
QLD	19	0	19	27	7	34	0	0	0	53
SA	3	0	3	15	3	18	0	0	0	21
TAS	4	0	4	5	1	6	0	0	0	10
VIC	28	0	28	52	8	60	0	0	0	88
WA	6	0	6	12	4	16	0	0	0	22
ACT	18	1	19	27	5	32	0	0	0	51
NT	0	0	0	2	1	3	0	0	0	3
EXTERNAL TERRITORIES	0	0	0	0	0	0	0	0	0	0
OVERSEAS	0	0	0	0	0	0	0	0	0	0
TOTAL	123	4	127	219	42	261	0	0	0	388

'This table includes inoperative employees'

All non-ongoing employees by location—current period (2019–20)

Table 45: All non-ongoing employees—current period (2019–20)

	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total Male	Full-time	Part-time	Total Female	Full-time	Part-time	Total Indeterminate	
NSW	1	0	1	5	0	5	0	0	0	6
QLD	1	0	1	2	0	2	0	0	0	3
SA	0	0	0	0	0	0	0	0	0	0
TAS	0	0	0	0	0	0	0	0	0	0
VIC	0	0	0	3	0	3	0	0	0	3
WA	0	0	0	0	0	0	0	0	0	0
ACT	2	0	2	7	0	7	0	0	0	9
NT	0	0	0	0	0	0	0	0	0	0
EXTERNAL TERRITORIES	0	0	0	0	0	0	0	0	0	0
OVERSEAS	0	0	0	0	0	0	0	0	0	0
TOTAL	4	0	4	17	0	17	0	0	0	21

This table does not include statutory office holders

All non-ongoing employees by location—previous period (2018–19)

Table 46: All non-ongoing employees—previous period (2018–19)

	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total Male	Full-time	Part-time	Total Female	Full-time	Part-time	Total Indeterminate	
NSW	1	0	1	1	-	1	0	0	0	2
QLD	0	0	0	2	1	3	0	0	0	3
SA	0	0	0	0	0	0	0	0	0	0
TAS	0	0	0	0	0	0	0	0	0	0
VIC	0	0	0	0	0	0	0	0	0	0
WA	0	0	0	0	0	0	0	0	0	0
ACT	1	0	1	6	1	7	0	0	0	8
NT	0	0	0	1	0	1	0	0	0	1
EXTERNAL TERRITORIES	0	0	0	0	0	0	0	0	0	0
OVERSEAS	0	0	0	0	0	0	0	0	0	0
TOTAL	2	0	2	10	2	12	0	0	0	14

This table does not include statutory office holders

Public Service Act employment type by location—current period

Table 47: Public Service Act 1999—employment type by location—current period (2019–20)

	Ongoing	Non-Ongoing	Total
NSW	145	6	151
QLD	59	3	62
SA	19	0	19
TAS	9	0	9
VIC	94	3	97
WA	25	0	25
ACT	51	9	60
NT	4	0	4
EXTERNAL TERRITORIES	0	0	0
OVERSEAS	0	0	0
TOTAL	406	21	427

This table:

- includes inoperative employees
- does not include statutory office holders

Table 48: Public Service Act 1999—employment type by location—previous period (2018–19)

	Ongoing	Non-Ongoing	Total
NSW	140	2	141
QLD	53	3	56
SA	21	0	21
TAS	10	0	10
VIC	88	0	88
WA	22	0	22
ACT	51	8	59
NT	3	1	4
EXTERNAL TERRITORIES	0	0	0
OVERSEAS	0	0	0
TOTAL	388	14	402

This table:

- includes inoperative employees
- does not include statutory office holders

Employment arrangement of SES and non-SES employees

Table 49: Employment arrangements of SES and non-SES employees as at 30 June 2020

	SES	Non-SES	Total
Individual Flexibility Agreement	0	3	3
SES contract	21	7	28
Section 24 (1) determination	1	18	19
TOTAL	22	28	50



PART 8

REFERENCE
MATERIAL

GLOSSARY, ABBREVIATIONS AND ACRONYMS

Glossary of terms

Acquit/acquittal/acquitted

When a magistrate, jury, or appeal court find a defendant not guilty of a crime.

Arbiter of fact

When a defendant enters a plea of guilty, they accept responsibility for the offence. Where a defendant pleads not guilty in the magistrates' court or a local court, a magistrate is the *arbiter of fact* and is responsible for determining the guilt of the defendant. Where a defendant pleads not guilty and the matter proceeds as a trial in a higher court, a jury is the *arbiter of fact*.

Brief/brief of evidence

A collection of statements from witnesses (both police and ordinary witnesses), documents, expert reports, medical reports, photographs, bail papers, charge sheets etc. given to the CDPP by the police or investigating agency after they have finished their investigation. We use the material contained in the brief of evidence to decide whether a prosecution should take place and, if so, to prosecute the accused.

Commonwealth federal offence

A criminal offence against a Commonwealth federal law (as opposed to a state or territory law).

Conviction

When a person accused of committing a criminal offence is found guilty of that offence and is convicted, and a record of their conviction is recorded on their criminal history.

Criminal Code

The *Criminal Code* is contained in the Schedule to the *Criminal Code Act 1995* (Cth).

the Crown

In higher courts the prosecution may be referred to as 'the Crown', the person representing the Queen, who is head of Australia's system of government.

Defendants dealt with (per the Referring Agency table on page 106)

'Defendants dealt with' includes convictions and findings of guilt, matters resulting in acquittals; prosecutions that are discontinued in accordance with the Prosecution Policy of the Commonwealth; discontinuances as part of a charge negotiation; a matter scheduled for trial resolves into a guilty plea; where there is a hung jury; a warrant has been issued and the defendant has absconded; and determinations that a defendant is unfit to be tried. It also includes matters where a charge is issued but is unable to be served; and prosecutions commenced in one jurisdiction and recommenced in another because a defendant has moved.

Defended matter

A trial on indictment or a summary hearing/summary trial.

Evidence

Information provided to the court that is used to prove or disprove a fact in issued in court proceedings.

Finding of guilt rate: total matters

The finding of guilt rate is calculated by taking the total number of defendants found guilty as a percentage of the total number of defendants found guilty or acquitted, includes defended matters, matters where the defendant has pleaded guilty, and findings of guilt that result in a non-conviction sentencing outcome. Full details can be found at page 99.

Finding of guilt rate: defended matters

The finding of guilt rate is calculated by taking the total number of defendants found guilty in defended matters as a percentage of the total number of defendants found guilty or acquitted in defended matters. Full details can be found at page 99.

Guilty

To be legally responsible for a criminal offence. When a defendant enters a plea of guilty, they accept responsibility for the offence. Where a defendant pleads not guilty in the magistrates' court or local court, the magistrate determines the guilt of the defendant. When a defendant pleads not guilty in a higher court, a jury will determine their guilt if the matter proceeds as a trial.

Indictable offence

A serious criminal offence that is usually heard in a higher court before a judge and jury. Less serious indictable offences and summary offences are usually heard in a local court.

Matter

A prosecution or a proceeding in a court (a 'case') may be referred to as a 'matter'.

No bill/no further proceedings

Where the decision is made that a case will not proceed further, for example due to insufficient evidence, this may be referred to as a 'no bill'. A prosecution is discontinued when the court is advised of this.

Offender

A person who convicted of a criminal offence. Prior to a guilty finding, the person is referred to as an 'alleged offender', 'the defendant', or 'the accused'.

PGPA Act

The *Public Governance, Performance and Accountability Act 2013*, is an Act of the Parliament of the Commonwealth of Australia which establishes a coherent system of governance and accountability for public resources, with an emphasis on planning, performance and reporting. The PGPA Act applies to all Commonwealth entities and Commonwealth companies.

PGPA Rule

The Public Governance, Performance and Accountability Rule 2014 (PGPA Rule) and other legislative instruments establish the requirements and procedures necessary to give effect to the governance, performance and accountability matters covered by the PGPA Act.

Prima facie

A legal term meaning that there is some evidence to prove each of the elements of the offence for which the person has been or is intended to be charged. In determining if there are reasonable prospects of conviction, rather than simply a *prima facie* case, consideration is given to the strength of the evidence and any possible rebuttal evidence.

Prosecution policy declaration

A declaration, completed by the relevant decision-maker, which affirms that the prosecution test has been applied in accordance with the Prosecution Policy of the Commonwealth. Refer to Performance Criterion 1, page 99.

Prosecution policy of the Commonwealth

The Prosecution Policy of the Commonwealth underpins all decisions made by the CDPP throughout the prosecution process and promotes consistency in decision making. It is a public document and applies to all Commonwealth prosecutions. The policy can be found at [Prosecution Policy | Commonwealth Director of Public Prosecutions \(cdpp.gov.au\)](https://www.cdpp.gov.au/prosecution-policy).

Prosecutor/prosecution

The CDPP lawyer or lawyers conducting a criminal case before the court. Also referred to as federal prosecutors.

Prosecution counsel

A CDPP lawyer or private barrister who presents the prosecution case in court on behalf of the CDPP.

Sentencing

The phase of a trial where a sentence is handed down by the court.

Sentence

A range of penalties available to be imposed on an offender including imprisonment, community service orders, good behaviour bonds, and fines.

Victim

A person who has suffered harm as a direct result of an offence or offences.

Witness

Any person who provides answers to a magistrate, judge, or jury as part of a trial.

Acronyms and abbreviations

ACRONYM	ABBREVIATION
ABF	Australian Border Force
ACCC	Australian Competition and Consumer Commission
AFP	Australian Federal Police
APS	Australian Public Service
ASIC	Australian Securities and Investments Commission
ASL	Average staffing level
ATO	Australian Taxation Office
CDPP	Commonwealth Director of Public Prosecutions
CFC	Commercial, Financial and Corruption practice group
CLE	Continuing legal education
CPA	Certified practicing accountant
CSPP	Commonwealth Solicitor for Public Prosecutions
DPP	Director of Public Prosecutions
EAP	Employee assistance provider
EDRMS	Electronic document and record management system
FOI	Freedom of Information
FTE	Full-time equivalent
GST	Goods and services tax
IASA	International Assistance and Specialist Agency practice group
ICT	Information and communications technology
INTERPOL	International Criminal Police Organization
IPS	Information publication scheme
JCTT	Joint counter-terrorism team
LBI	Legal Business Improvement branch
LLPD	Legal learning and professional development
MOU	Memorandum of understanding
NBI	National Business Improvement branch
NCLE	National continuing legal education
NDIA	National Disability Insurance Agency

ACRONYM	ABBREVIATION
NDIS	National Disability Insurance Scheme
OCCT	Organised Crime and Counter-Terrorism practice group
OECD	Organisation for Economic Co-operation and Development
PGPA Act	<i>Public Governance, Performance and Accountability Act 2013</i>
PGPA Rule	Public Governance, Performance and Accountability Rule
POCA	<i>Proceeds of Crime Act 2002</i>
RRO	Recognisance release order
SES	Senior executive service
SFCT	Serious Financial Crime Taskforce
SME	Small and medium-sized enterprises
WAS	Witness Assistance Scheme
WHS	Workplace health and safety

LIST OF REQUIREMENTS

Table 50: List of requirements 2020–21

PGPA Rule Reference	Description	Requirement	Page
17AD(g)	Letter of transmittal		
17AI	A copy of the letter of transmittal signed and dated by accountable authority on date final text approved, with statement that the report has been prepared in accordance with section 46 of the Act and any enabling legislation that specifies additional requirements in relation to the annual report.	Mandatory	iv
17AD(h)	Aids to access		
17AJ(a)	Table of contents.	Mandatory	iii
17AJ(b)	Alphabetical index.	Mandatory	170–
17AJ(c)	Glossary of abbreviations and acronyms.	Mandatory	160–161
17AJ(d)	List of requirements.	Mandatory	162–167
17AJ(e)	Details of contact officer.	Mandatory	i
17AJ(f)	Entity's website address.	Mandatory	i
17AJ(g)	Electronic address of report.	Mandatory	i
17AD(a)	Review by accountable authority		
17AD(a)	A review by the accountable authority of the entity.	Mandatory	1–2
17AD(b)	Overview of the entity		
17AE(1)(a)(i)	A description of the role and functions of the entity.	Mandatory	15
17AE(1)(a)(ii)	A description of the organisational structure of the entity.	Mandatory	9
17AE(1)(a)(iii)	A description of the outcomes and programmes administered by the entity.	Mandatory	8
17AE(1)(a)(iv)	A description of the purposes of the entity as included in corporate plan.	Mandatory	7
17AE(1)(aa)(i)	Name of the accountable authority or each member of the accountable authority	Mandatory	10
17AE(1)(aa)(ii)	Position title of the accountable authority or each member of the accountable authority	Mandatory	10
17AE(1)(aa)(iii)	Period as the accountable authority or member of the accountable authority within the reporting period	Mandatory	11
17AE(1)(b)	An outline of the structure of the portfolio of the entity.	Portfolio departments - mandatory	49–50
17AE(2)	Where the outcomes and programs administered by the entity differ from any Portfolio Budget Statement, Portfolio Additional Estimates Statement or other portfolio estimates statement that was prepared for the entity for the period, include details of variation and reasons for change.	If applicable, Mandatory	N/A
17AD(c)	Report on the Performance of the entity		

PGPA Rule Reference	Description	Requirement	Page
Annual performance Statements			
17AD(c)(i); 16F	Annual performance statement in accordance with paragraph 39(1)(b) of the Act and section 16F of the Rule.	Mandatory	99
17AD(c)(ii) Report on Financial Performance			
17AF(1)(a)	A discussion and analysis of the entity's financial performance.	Mandatory	97
17AF(1)(b)	A table summarising the total resources and total payments of the entity.	Mandatory	143
17AF(2)	If there may be significant changes in the financial results during or after the previous or current reporting period, information on those changes, including: the cause of any operating loss of the entity; how the entity has responded to the loss and the actions that have been taken in relation to the loss; and any matter or circumstances that it can reasonably be anticipated will have a significant impact on the entity's future operation or financial results.	If applicable, Mandatory.	N/A
17AD(d) Management and Accountability			
Corporate Governance			
17AG(2)(a)	Information on compliance with section 10 (fraud systems)	Mandatory	iv
17AG(2)(b)(i)	A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared.	Mandatory	iv
17AG(2)(b)(ii)	A certification by accountable authority that appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with, and recording or reporting fraud that meet the specific needs of the entity are in place.	Mandatory	iv
17AG(2)(b)(iii)	A certification by accountable authority that all reasonable measures have been taken to deal appropriately with fraud relating to the entity.	Mandatory	iv
17AG(2)(c)	An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance.	Mandatory	21–24
17AG(2)(d)–(e)	A statement of significant issues reported to Minister under paragraph 19(1)(e) of the Act that relates to non-compliance with Finance law and action taken to remedy non-compliance.	If applicable, Mandatory	N/A
Audit Committee			
17AG(2A)(a)	A direct electronic address of the charter determining the functions of the entity's audit committee.	Mandatory	21
17AG(2A)(b)	The name of each member of the entity's audit committee.	Mandatory	144
17AG(2A)(c)	The qualifications, knowledge, skills or experience of each member of the entity's audit committee.	Mandatory	144
17AG(2A)(d)	Information about the attendance of each member of the entity's audit committee at committee meetings.	Mandatory	144
17AG(2A)(e)	The remuneration of each member of the entity's audit committee.	Mandatory	144
External Scrutiny			
17AG(3)	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	Mandatory	28

PGPA Rule Reference	Description	Requirement	Page
17AG(3)(a)	Information on judicial decisions and decisions of administrative tribunals and by the Australian Information Commissioner that may have a significant effect on the operations of the entity.	If applicable, Mandatory	N/A
17AG(3)(b)	Information on any reports on operations of the entity by the Auditor General (other than report under section 43 of the Act), a Parliamentary Committee, or the Commonwealth Ombudsman.	If applicable, Mandatory	N/A
17AG(3)(c)	Information on any capability reviews on the entity that were released during the period.	If applicable, Mandatory	N/A
Management of Human Resources			
17AG(4)(a)	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives.	Mandatory	31–33
17AG(4)(aa)	Statistics on the entity's employees on an ongoing and non-ongoing basis, including the following: (a) statistics on full-time employees; (b) statistics on part-time employees; (c) statistics on gender (d) statistics on staff location	Mandatory	34–37
17AG(4)(b)	Statistics on the entity's APS employees on an ongoing and non-ongoing basis; including the following: • Statistics on staffing classification level; • Statistics on full-time employees; • Statistics on part-time employees; • Statistics on gender; • Statistics on staff location; • Statistics on employees who identify as Indigenous.	Mandatory	38–45
17AG(4)(c)	Information on any enterprise agreements, individual flexibility arrangements, Australian workplace agreements, common law contracts and determinations under subsection 24(1) of the <i>Public Service Act 1999</i> .	Mandatory	45
17AG(4)(c)(i)	Information on the number of SES and non SES employees covered by agreements etc identified in paragraph 17AG(4)(c).	Mandatory	45
17AG(4)(c)(ii)	The salary ranges available for APS employees by classification level.	Mandatory	46
17AG(4)(c)(iii)	A description of non salary benefits provided to employees.	Mandatory	46
17AG(4)(d)(i)	Information on the number of employees at each classification level who received performance pay.	If applicable, Mandatory	N/A
17AG(4)(d)(ii)	Information on aggregate amounts of performance pay at each classification level.	If applicable, Mandatory	N/A
17AG(4)(d)(iii)	Information on the average amount of performance payment, and range of such payments, at each classification level.	If applicable, Mandatory	N/A
17AG(4)(d)(iv)	Information on aggregate amount of performance payments.	If applicable, Mandatory	N/A
Assets Management			
17AG(5)	An assessment of effectiveness of assets management where asset management is a significant part of the entity's activities	If applicable, mandatory	25

PGPA Rule Reference	Description	Requirement	Page
Purchasing			
17AG(6)	An assessment of entity performance against the <i>Commonwealth Procurement Rules</i> .	Mandatory	25
Reportable consultancy contracts			
17AG(7)(a)	A summary statement detailing the number of new contracts engaging consultants entered into during the period; the total actual expenditure on all new consultancy contracts entered into during the period (inclusive of GST); the number of ongoing consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting year on the ongoing consultancy contracts (inclusive of GST).	Mandatory	25
17AG(7)(b)	A statement that <i>"During [reporting period], [specified number] new consultancy contracts were entered into involving total actual expenditure of \$[specified million]. In addition, [specified number] ongoing consultancy contracts were active during the period, involving total actual expenditure of \$[specified million]"</i> .	Mandatory	25
17AG(7)(c)	A summary of the policies and procedures for selecting and engaging consultants and the main categories of purposes for which consultants were selected and engaged.	Mandatory	25
17AG(7)(d)	A statement that <i>"Annual reports contain information about actual expenditure on contracts for consultancies. Information on the value of contracts and consultancies is available on the AusTender website."</i>	Mandatory	25
Reportable non-consultancy contracts			
17AG(7A)(a)	A summary statement detailing the number of new reportable non-consultancy contracts entered into during the period; the total actual expenditure on such contracts (inclusive of GST); the number of ongoing reportable non-consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).	Mandatory	26
17AG(7A)(b)	A statement that <i>"Annual reports contain information about actual expenditure on reportable non-consultancy contracts. Information on the value of reportable non-consultancy contracts is available on the AusTender website."</i>	Mandatory	25
17AD(daa) Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts			
17AGA	Additional information, in accordance with section 17AGA, about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts.	Mandatory	25–26
Australian National Audit Office Access Clauses			
17AG(8)	If an entity entered into a contract with a value of more than \$100 000 (inclusive of GST) and the contract did not provide the Auditor-General with access to the contractor's premises, the report must include the name of the contractor, purpose and value of the contract, and the reason why a clause allowing access was not included in the contract.	If applicable, Mandatory	N/A

PGPA Rule Reference	Description	Requirement	Page
Exempt contracts			
17AG(9)	If an entity entered into a contract or there is a standing offer with a value greater than \$10 000 (inclusive of GST) which has been exempted from being published in AusTender because it would disclose exempt matters under the FOI Act, the annual report must include a statement that the contract or standing offer has been exempted, and the value of the contract or standing offer, to the extent that doing so does not disclose the exempt matters.	If applicable, Mandatory	27
Small business			
17AG(10)(a)	A statement that "[Name of entity] supports small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises (SME) and Small Enterprise participation statistics are available on the Department of Finance's website."	Mandatory	27
17AG(10)(b)	An outline of the ways in which the procurement practices of the entity support small and medium enterprises.	Mandatory	27
17AG(10)(c)	If the entity is considered by the Department administered by the Finance Minister as material in nature—a statement that "[Name of entity] recognises the importance of ensuring that small businesses are paid on time. The results of the Survey of Australian Government Payments to Small Business are available on the Treasury's website."	If applicable, Mandatory	N/A, but 27
Financial Statements			
17AD(e)	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act.	Mandatory	119–141
Executive Remuneration			
17AD(da)	Information about executive remuneration in accordance with Subdivision C of Division 3A of Part 2-3 of the Rule.	Mandatory	145–147
17AD(f) Other Mandatory Information			
17AH(1)(a)(i)	If the entity conducted advertising campaigns, a statement that "During [reporting period], the [name of entity] conducted the following advertising campaigns: [name of advertising campaigns undertaken]. Further information on those advertising campaigns is available at [address of entity's website] and in the reports on Australian Government advertising prepared by the Department of Finance. Those reports are available on the Department of Finance's website."	If applicable, Mandatory	N/A
17AH(1)(a)(ii)	If the entity did not conduct advertising campaigns, a statement to that effect.	If applicable, Mandatory	148
17AH(1)(b)	A statement that "Information on grants awarded by [name of entity] during [reporting period] is available at [address of entity's website]."	If applicable, Mandatory	N/A
17AH(1)(c)	Outline of mechanisms of disability reporting, including reference to website for further information.	Mandatory	33
17AH(1)(d)	Website reference to where the entity's Information Publication Scheme statement pursuant to Part II of FOI Act can be found.	Mandatory	148
17AH(1)(e)	Correction of material errors in previous annual report	If applicable, mandatory	149–155
17AH(2)	Information required by other legislation	Mandatory	28

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