



**CDPP**

*Australia's Federal Prosecution Service*



**COMMONWEALTH DIRECTOR  
OF PUBLIC PROSECUTIONS**



**ANNUAL REPORT  
2021–22**

# Contents

About this report	iv
Letter of transmittal	1
Director's review	2
Part 1: About the CDDP	5
Part 2: Annual performance statements	13
Part 3: Financial statements	19
Part 4: Management and Accountability	47
Appendices	64

# ★ About this report

## Acknowledgement of Country

The Commonwealth Director of Public Prosecutions (CDPP) acknowledges First Nations Australians as the traditional owners and custodians of Country throughout Australia and recognises their continuing connection to land, sea and community. We pay our respects to the people, the cultures and the Elders past, present and emerging.

## About this report

This is the Director's report to the Commonwealth Attorney-General on the performance of the Office of the CDPP for the financial year 2021–22.

The report has been prepared in accordance with Resource Management Guide No. 135: *Annual reports for non-corporate Commonwealth entities*.

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# ★ Letter of transmittal



## CDPP

*Australia's Federal Prosecution Service*

**Commonwealth Director  
of Public Prosecutions**

11 October 2022

The Hon Mark Dreyfus KC MP  
Attorney-General  
Parliament House  
Canberra ACT 2600

Dear Attorney-General

It is my pleasure to present to you the annual report of the Office of the Commonwealth Director of Public Prosecutions (CDPP) for the financial year 2021–22 page.

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 2022.

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 2022.

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

Yours sincerely

Scott Bruckard PSM  
Acting Commonwealth Director of Public Prosecutions

# ★ Director's review

The Office of the Commonwealth Director of Public Prosecutions (CDPP) is an independent prosecution service employing 439 people in 10 offices across Australia. We prosecute crimes against Commonwealth law in all jurisdictions of Australia.

During the 2021–22 financial year we had 4,330 matters before the courts. During the same period we received over 2,081 new referrals from 46 referring agencies and dealt with 7,929 charges involving 116 separate Acts and Regulations. Clearly none of this could have been done without our committed staff. With an employee engagement score of 74%<sup>1</sup>, we are very fortunate to have people who are happy to go the extra mile at work (94%) and feel committed to our goals (87%).



We remain committed to modernising our prosecution services. We have adopted contemporary practices in response to the challenges of an increasingly complex operating environment. We remain committed to implementing our digital transformation agenda, Transforming your CDPP, to ensure that we can continue to deliver an effective, efficient and independent prosecution service, which meets current and future operational demands.

We have established a Digital Transformation Office (DTO) to drive the development and implementation of new and innovative digital solutions. Taking a co-design approach, the DTO has developed digital capabilities including our eTrial Solution, Collaboration Platform and an enhanced Referral Gateway, while supporting lawyers to effectively use Digital Litigation Software. These capabilities are critical as CDPP deals with the diversity and complexity of modern Commonwealth criminal offending and the increasingly large volumes of digital evidentiary and other materials.

In May 2022, in response to recommendations from an internal review of the CDPP's national practice operating model, we implemented a refreshed national legal practice structure to better support our partners and to have an enhanced focus on capability development. The new structure also helps us to take advantage of the opportunities offered by a changing prosecutorial environment.

Our new structure comprises 5 practice groups, namely Legal Capability and Performance, Fraud and Specialist Agencies, Human Exploitation and Border Protection, Organised Crime and National Security and Serious Financial and Corporate Crime. The newly established Legal Capability and Performance practice group, together with the wonderful staff in our Enabling Services Group, provide support to our legal practice. We seek continuous improvement by investing in our people and drawing on the learnings from all our prosecutions.

Our performance is measured across our key activities and shows a team of legal professionals and an enabling services team that continue to strive for results, while displaying commitment, resilience and an openness to innovation.

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1 Australian Public Service Commission 2022 census results.

Reported under Key Activity One – Prosecute with Integrity, this year the CDPP has once again met our target of 100% compliance in addressing the terms of the test for prosecution in the Prosecution Policy of the Commonwealth. More information about our prosecution targets is reported in the annual performance statement.

This year we have also undertaken our biennial Partner Agency Survey. This is an important reflection of our partners' satisfaction with our prosecution service and is the way we assess our success under Key Activity Two – Work in Partnership. Our target is to reach 90% satisfaction and over the past 3 surveys we have consistently scored close to this target, with a partner satisfaction score of 86% in 2022.

On a personal note, I want to express my appreciation to the outgoing Director, Sarah McNaughton SC, and congratulate her on her appointment as a judge of the Supreme Court of New South Wales. During her term as Director, Sarah displayed a relentless commitment to embracing our digital future. Early in her term Sarah committed the CDPP to upskilling staff in the use of new technology and encouraging the use of databases to manage large cases. Sarah was a role model for how to support and interact with colleagues in a courteous and respectful way. She provided a consistently strong voice for diversity, more opportunities for women and respect for others.

I also express my gratitude to Deputy Director Berdj Tchakerian, who retired in May 2022. For more than 35 years Berdj upheld the vision and aims of the CDPP, supporting the practice to deliver results and nurture new talent.

Sarah and Berdj will be missed, not only by me, but by everyone they have worked with across the Commonwealth.

**Scott Bruckard PSM**

Acting Commonwealth Director of Public Prosecutions

# Year in review

## Prosecution statistics



**7,929**

Charges dealt with\*



**4,330**

Matters before the courts\*



**2,081**

New referrals



**1,996**

Cases finalised\*

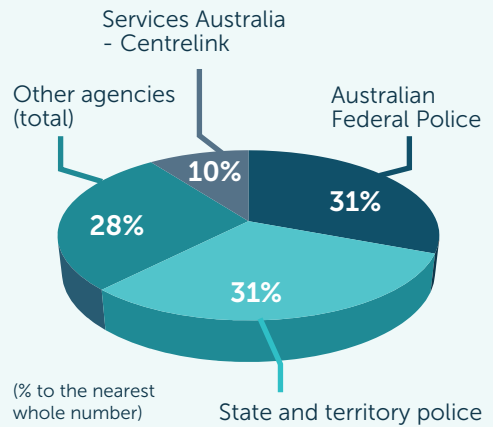


**1,503**

Prosecutions resulting in conviction\*

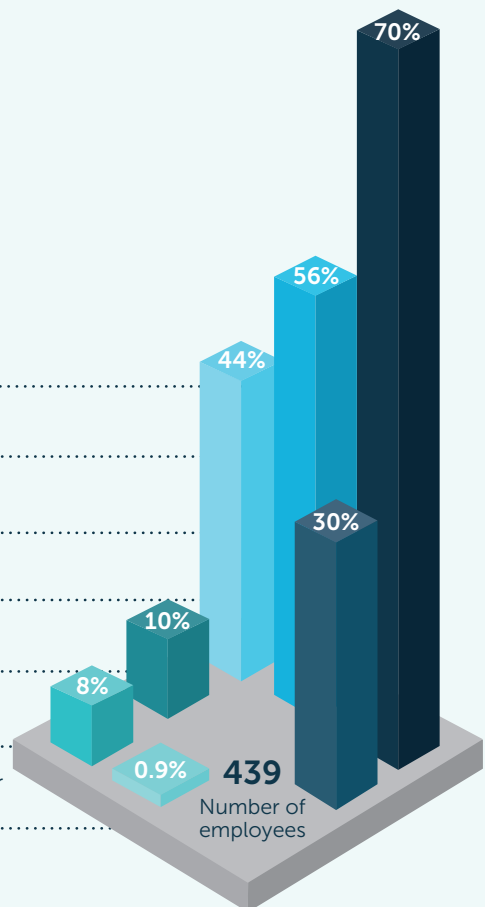
\*includes matters carried over from previous reporting periods

## Top referring agencies



## Our people

- Employees who self-identify as female
- Employees who self-identify as male
- Substantive SES who self-identify as female
- Substantive SES who self-identify as male
- Part-time employees
- Non-ongoing employees
- Employees who self-identify as Aboriginal and/or Torres Strait Islander





# ★ Part 1: About the CDPP

## Establishment

The CDPP was established under the *Director of Public Prosecutions Act 1983* (the DPP Act) and began operations on 5 March 1984. The CDPP operates as an independent agency within the Attorney-General's portfolio and is led by the Director, who is appointed by the Attorney-General for a term of up to 7 years.

## Purpose

The CDPP's purpose and outcome 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* (the prosecution policy). 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 strategic framework is based on 3 themes, which focus and guide our efforts and underpin how we set priorities to enable us to achieve our purpose and deliver our stated outcome.



## Role and functions

The CDPP plays a critical role in our criminal justice system by prosecuting crimes against Commonwealth laws, from online child exploitation through to counter-terrorism and war crimes. We aim to provide an effective, ethical, high quality and independent criminal prosecution service for Australia in accordance with the prosecution policy, which applies to all Commonwealth prosecutions.

The CDPP is a Commonwealth statutory agency with offices in Adelaide, Brisbane, Cairns, Canberra, Darwin, Hobart, Melbourne, Perth, Sydney and Townsville. The matters we prosecute are diverse and complex, reflecting the evolving and expanding criminal law enforcement and regulatory environment in Australia. We undertake our legal work in the courts of every Australian state and territory, as well as the Federal Court of Australia. We are also responsible for prosecuting offences in Jervis Bay and Australia's external territories.

## Role of the Director

**Sarah McNaughton SC** was initially appointed as the Commonwealth Director of Public Prosecutions on 5 May 2016 and reappointed on 13 May 2021.

In addition to the powers and functions set out in the DPP Act, the Director 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 Director delegates many of these functions and powers to our staff.

## Role of the Commonwealth Solicitor for Public Prosecutions

**Scott Bruckard PSM** was appointed Commonwealth Solicitor for Public Prosecutions (Commonwealth Solicitor) in April 2021.

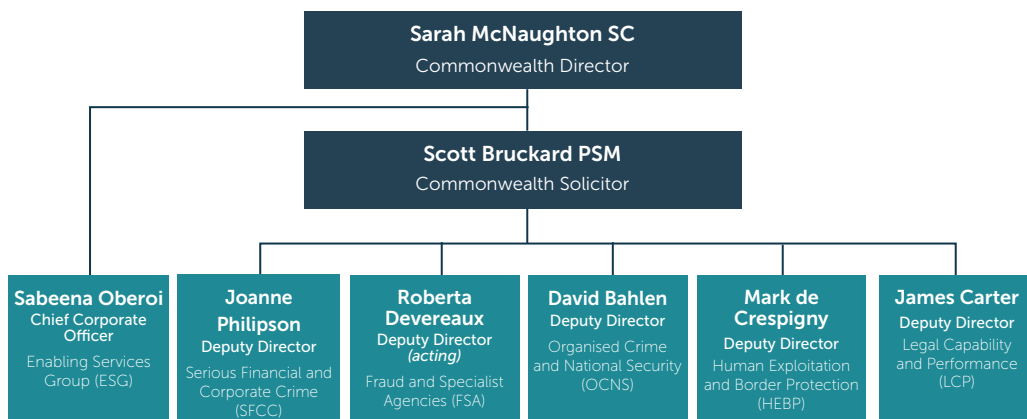
The role of Commonwealth Solicitor is a senior executive service position under the *Public Service Act 1999*. The Commonwealth Solicitor takes a lead role in supporting the Director to fulfil her statutory obligations and works with our practice groups and Enabling Services Group to ensure we have the essential systems, processes, people and culture in place to fulfil our purpose and deliver our outcomes.

## Accountable Authority

The Director, Ms Sarah McNaughton SC, was the accountable authority for the full reporting period.

## Our structure

The CDPP is primarily a legal practice through which the Commonwealth conducts prosecutions. The following organisational chart shows the operational groups that carry out the work of the CDPP, as at 30 June 2022.



as at 30 June 2022

The Commonwealth Solicitor supports the Director to meet all statutory obligations. Our Deputy Directors (practice group leaders) and the Chief Corporate Officer oversee legal and corporate functions respectively.

Further information about our executive is at Appendix 9.

## National practice group model

To most effectively manage the broad range of crime types prosecuted by the Commonwealth, we operate under a national practice group model led by the Director and our executive. The national practice group model:

- creates consistency, agility and flexibility in our workforce
- enables us to adapt and respond to the needs of our partner agencies, having regard to the complexity, location and diversity of prosecutions
- supports our people to build capability, enabling them to work across a range of crime types and jurisdictions.

Following an internal review, on 30 May 2022 we implemented changes to the national practice group structure. Supported by our new Legal Capability and Performance practice group (LCP) and our Enabling Services Group (ESG), the practice groups are now:

- Human Exploitation and Border Protection
- Serious Financial and Corporate Crime
- Organised Crime and National Security
- Fraud and Specialist Agencies.

Each practice group is led by a Practice Group Leader who is responsible for:

- prosecutions conducted nationally
- national liaison and delivery of prosecution services
- contribution to policy development and law reform initiatives.

## Legal Capability and Performance

The aim of LCP is to further build capability and improve performance across the legal practice to enable the CDPP to effectively and efficiently deliver a high-quality independent prosecution service. As part of the CDPP legal practice, LCP will achieve this by:

- leading strategic and business planning for the legal practice
- identifying areas for capability development and working across the legal practice and ESG to address these and deliver solutions
- reviewing CDPP performance, and identifying opportunities for improvement
- working with ESG to deliver business innovation and modernisation to improve performance
- delivering legal, data and reporting, international and witness assistance support and resources
- engaging and collaborating with staff, partner agencies and stakeholders.

LCP includes the CDPP's national Witness Assistance Service (WAS), provided by a team of qualified social workers who work with vulnerable victims and witnesses involved in matters prosecuted by our office. The WAS team provides a range of information and support services including updates on the progress of the 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.

All services provided by the WAS are delivered in accordance with the prosecution policy and the Victims of Crime policy. More information can be found at Appendix 7.

## Human Exploitation and Border Protection

The Human Exploitation and Border Protection practice group (HEBP) prosecutes Commonwealth offences relating to the integrity of Australia's borders and the exploitation of persons within and outside of Australia. The HEBP practice is a high volume, arrest driven, indictable practice, undertaking the largest number of trials conducted by the CDPP.

Prosecutors in HEBP prosecute a wide range of offence types including:

- drug and drug-precursor importation and trafficking
- general and drug-related money laundering
- child exploitation offending within Australia and overseas
- firearms importation and trafficking
- quarantine breaches and wildlife smuggling
- illicit tobacco, agriculture products and steroids
- human trafficking and slavery
- people smuggling

- passport and immigration offences
- cybercrime, computer and telecommunications offences.

A considerable proportion of this work involves victims, including vulnerable and child victims. Our prosecutors work closely with partner agency investigators and the WAS to ensure that victims are consulted and treated with courtesy, compassion, cultural sensitivity and respect for their dignity.

## Serious Financial and Corporate Crime

The Serious Financial and Corporate Crime practice group (SFCC) 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.

The white-collar crimes prosecuted by SFCC 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 and include:

- complex and large-scale tax frauds including referrals from the Serious Financial Crime Taskforce
- tax fraud and compliance matters including income tax and GST fraud, and other fraud on the ATO such as evasion of duties on taxable imports
- fraud by company directors and employees, and 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.

## Organised Crime and National Security

The Organised Crime and National Security practice group (OCNS) is responsible for the prosecution of all counter-terrorism, serious organised crime, espionage and foreign interference and national security offences including:

- domestic terrorism plots, as well as matters where the alleged offender engaged in, or prepared to engage in, hostile activity in a foreign country
- large transnational drug and tobacco importations
- firearms trafficking
- money laundering
- espionage and foreign interference, as well as secrecy offences.

OCNS 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 security-classified information and voluminous briefs of evidence.

## Fraud and Specialist Agencies

The Fraud and Specialist Agencies practice group (FSA) has a wide-ranging practice and is responsible for prosecuting fraud against the Australian government including:

- social security fraud
- Medicare fraud
- National Disability Insurance Scheme fraud
- counterfeit currency
- money laundering
- fraud against the *Bankruptcy Act 1966*
- identity fraud.

FSA also prosecutes the important and complex referrals from several specialist agencies, who refer diverse offences spanning a variety of complicated legislative schemes.

FSA has responsibility for prosecutions in the Jervis Bay territory and provides an independent prosecution service for Norfolk Island, applying a combination of Commonwealth, Norfolk Island and New South Wales laws within this jurisdiction.

## Enabling Services Group

Led by the Chief Corporate Officer, ESG is responsible for corporate services and functions. Consisting of 5 business areas, ESG provides support to the organisation through the delivery of corporate services and continued digital transformation.

- People, Communication and Change provides quality, professional and informed people and communication advice and services to our executive, managers, employees, partner agencies and other key stakeholders.
- Governance and Legal Practice Services provides governance, strategic planning, risk, audit, national administration support and library and research functions to support the work of our legal practice.
- Financial Services 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.
- Information and Communications Technology delivers the technology platform and systems to support the CDPP's operations, creating opportunity for the efficient implementation of core business functions by focusing on information governance, security and enabling digital practices.
- The Digital Transformation Office provides leadership in the development, delivery and embedding of digital capabilities that support the effective and efficient delivery of our prosecution services.

## Our partners

To achieve our purpose we work with partner agencies to assist them in advancing their goals and priorities in accordance with the prosecution policy, and provide information to the public about Commonwealth criminal law and prosecutions.

### Law enforcement and compliance agencies

The CDPP is not an investigative agency. We serve the public interest by maintaining effective partnerships with law enforcement and compliance agencies and rely on them to investigate matters and refer briefs of evidence to us for consideration. Our specialised pre-brief advice services help investigative agencies to more effectively target their limited resources to gather the evidence needed to support a successful prosecution before the courts.

Our partner agency engagement strategy aims to ensure that our engagement is effective and meets the needs of a diverse range of investigative agencies. We provide prosecution services to around 59 Commonwealth partner agencies, as well as state and territory police. The CDPP also plays an important role in maintaining the integrity of the Australian Public Service, conducting prosecutions for more serious fraud and corruption offences.

During the reporting period 2,081 cases were referred to us from 46 different referring agencies. Our top 3 referring agencies represent more than 70% of all combined cases referred.

### International engagement

Despite the ongoing impacts of the COVID-19 pandemic, during 2021–22 the CDPP continued to assist and support our international partners and neighbours including the following.

- In September 2021 prosecutors from the Townsville and Cairns offices delivered training to Solomon Islands prosecutors and investigators on the prosecution of environmental crime, including the importance of environmental impact statements, forfeiture and the prosecution of companies.
- CDPP prosecutors worked with the Departments of Home Affairs and Foreign Affairs and Trade to deliver a series of presentations to Indonesian Government officials on terrorism financing offences and provided input into a counter-terrorism financing guide for use by local prosecutors.
- We provided expert input on the revised OECD Recommendation for Further Combating Bribery of Foreign Public Officials, which contains provisions for strengthening foreign bribery enforcement, protecting whistle blowers, improving communication between public officials and law enforcement authorities and includes the OECD Good Practice Guidance on Internal Controls, Ethics and Compliance. We also responded to multiple requests for information to assist the OECD Anti-Corruption Working Group.
- CDPP prosecutors participated in a United Nations Office of Drugs and Crime expert working group on the prevention of and responses to terrorist attacks based on xenophobia, racism and other forms of intolerance or in the name of religion or belief and contributed to the drafting of a practitioner's manual on the topic.

Throughout the reporting period prosecutors also continued to conduct cases in Australia's external territories.

## Mutual assistance and extradition

The CDPP is involved in 2 main categories of international work that support the investigation and prosecution of Commonwealth offences: extradition and mutual assistance.

Extradition and mutual assistance are formal international processes that allow cooperation between governments in the investigation and prosecution of criminal matters. Australia participates in these systems through the International Crime Cooperation Central Authority (ICCCA), which is part of the Commonwealth Attorney-General's Department.

We work with the ICCCA during the mutual assistance process to seek foreign evidence for CDPP prosecutions in a form that meets Australia's evidentiary standards and conforms to Australia's admissibility requirements. We also work with the ICCCA and investigators to formulate an effective extradition strategy, to meet country specific extradition requirements, and to prepare documentation in support of requests for extradition in cases where a person is wanted in Australia for prosecution for a serious offence against Commonwealth law or to serve a sentence of imprisonment.

The ICCCA has responsibility for Australia's international mutual assistance in criminal matters and extradition relationships, except for the conduct of extradition matters with New Zealand. Information about extradition and mutual assistance can be found on the Attorney-General's Department website.



# ★ Part 2: Annual performance statements

## Statement of preparation



**CDPP**

*Australia's Federal Prosecution Service*

**Commonwealth Director  
of Public Prosecutions**

11 October 2022

As the accountable authority of the Office of the Commonwealth Director of Public Prosecutions (CDPP), I present the 2021-22 annual performance statement of the CDPP as required under paragraph 39(1)(a) of the *Public Governance, Performance and Accountability Act 2013* (the PGPA Act).

In my opinion, this annual performance statement accurately reflects the performance of the entity and complies with subsection 39(2) of the PGPA Act.

A handwritten signature in black ink, appearing to read 'S. Bruckard'.

Scott Bruckard PSM  
Acting Commonwealth Director of Public Prosecutions

## Performance framework

The CDPP manages its performance through a combination of careful planning, effective measurement and monitoring of performance, and appropriate, transparent reporting.

As outlined in the 2021–25 Corporate Plan, we achieve our purpose through 2 key activities that describe our functions and align with our strategic themes of service, partners and people:

- Key Activity 1 – Prosecute with Integrity
- Key Activity 2 – Work in Partnership.

## Our results

We measure our performance against 3 annual targets and through a biennial client survey. These measures of success align with our key activities and allow us to assess how well we deliver an effective independent prosecution service.

Our 2021–22 performance results are mostly consistent with previous years, as summarised in the following table.

**Table 1: Summary of performance results**

Key activity	Performance measure	Target	Results		
			2021–22	2020–21	2019–20
1	Compliance in addressing the terms of the test for prosecution in the Prosecution Policy.	100%	100%	100%	100%
1	Prosecutions resulting in a finding of guilt (total matters).	90%	98%	99%	98%
1	Prosecutions resulting in a finding of guilt (defended matters).	70%	56%	72%	68%
2	Partner agency satisfaction with CDPP service delivery.	90%	86%	n/a	88%

**Note:** Targets have remained consistent across the relevant reporting periods.

We endeavour to present performance information to the public and Parliament that is meaningful and provides an appropriate level of public accountability. We continue to review our performance information to improve the clarity and reliability of information and facilitate a clear read across our portfolio budget statements, corporate plan and annual report as well as across reporting cycles.

The processes or methodologies we use to determine our performance results are outlined in our corporate plan. Additional information has been included in this report where necessary to help the reader to understand the results.

In addition to the performance information below, examples of significant cases concluded during the reporting period can be found at Appendix 8.

## Key Activity 1 – Prosecute with integrity

The CDPP prides itself on its integrity. To prosecute fairly, we must act ethically in everything we do.

Well-targeted prosecutions help create and maintain public confidence in the Australian justice system. We serve the public interest by making prosecutorial decisions independently of those responsible for the investigation of federal offences.

### Performance measure 1.1 – Prosecution Policy Compliance

Measure	Target	Result
Compliance in addressing the terms of the test for prosecution in the Prosecution Policy, namely the existence of a <i>prima facie</i> case, reasonable prospects of conviction and that prosecution is required in the public interest, when deciding to commence or continue a prosecution.	100%	100% <b>Achieved</b>

This performance measure provides assurance that the prosecution test in the Prosecution Policy of the Commonwealth has been addressed. The test is integral to all cases considered and prosecuted by the CDPP.

As set out at page 17 of our corporate plan, compliance is measured throughout the prosecution process. Certification that the test for prosecution has been applied occurs by way of a Prosecution Policy Declaration (PPD), which records information about the relevant decision and refers to evidence of the application of the prosecution policy. PPDs may be generated at a number of different decision points depending on the nature of the case and the course it takes. Key legal decision-making tasks cannot be finalised in our casework database, caseHQ, until a PPD is completed, providing assurance the test in the prosecution policy has been met.

Decisions to discontinue or not to commence proceedings under the prosecution policy are collated and reviewed with the aim of identifying any systemic issues that require addressing by the CDPP or by partner agencies.

We have consistently met our target for 100% compliance with the prosecution policy since implementing this performance measure in 2015, demonstrating our continued contribution and commitment to a fair, safe and just society. We once again met the target in 2021–22 and this performance measure is therefore **achieved**.

## Performance measure 1.2 – Prosecutions resulting in a finding of guilt

Measure	Target	Result
Prosecutions resulting in a finding of guilt (as a percentage of total matters).	90%	98% <b>Achieved</b>
Prosecutions resulting in a finding of guilt (as a percentage of defended matters).	70%	56% <b>Not achieved</b>

This performance measure assesses the percentage of prosecutions commenced by the CDPP that result in a finding of guilt being imposed by a court. It is interrelated with performance measure 1.1, in that a proper application of the prosecution policy test should inevitably link to prosecution outcomes, including the level of convictions.

As detailed in our corporate plan, the finding of guilt rate is calculated by taking the total number of defendants found guilty as a percentage of the number of defendants prosecuted (total matters or defended matters, as applicable). Defendants may be prosecuted for more than one offence; a defendant is counted as being convicted if at least one offence is proven.

This measure relies on 2 targets that are weighted equally. Achievement of the measure is determined by reference to the number of targets achieved. Neither target achieved equates to the measure not being achieved. One target achieved equates to the measure being partly achieved. Both targets achieved equates to the measure being achieved.

In 2021–22 we met our target for total matters but not for defended matters. This performance measure was therefore **partly achieved**.

### 1.2.1 Prosecutions resulting in a finding of guilt (total matters)

The finding of guilt rate for this target 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.

‘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.

The calculation does not include defendants where the CDPP discontinued the prosecution in its entirety or where a prosecution was commenced and the defendant failed to appear before the court. Information about discontinuances is at Appendix 6. There can be a variety of reasons why a matter might be discontinued after it has been 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.

The CDPP has consistently exceeded the 90% target for this measure, with a result of 98% in 2021–22.

## 1.2.2 Prosecutions resulting in a finding of guilt (defended matters)

A defended matter is a trial on indictment, or a summary hearing or trial. The target for findings of guilt in defended matters is lower than the target for total matters reflecting the added complexity and uncertainty that is part of most defended hearings.

The finding of guilt rate for this target 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. The calculation covers findings of guilt that result in a non-conviction sentencing outcome. It does not include matters where the CDPP discontinued the prosecution in its entirety or where a prosecution was commenced and the defendant failed to appear before the court.

We failed to achieve this target in 2021–22. At 56%, this was a decrease from our result for 2020–21 (72%). COVID-19 impacted on the number of defended matters able to proceed, with fewer matters in this cohort than previous years. COVID-19 also delayed matters being finalised and disrupted the conduct of some proceedings before the court. The CDPP is monitoring performance in the ongoing context of the pandemic.

## Key Activity 2: Work in partnership

The CDPP aims to support partner agencies to meet their enforcement and compliance objectives. Effective collaboration with our partners enables key priority areas to be more effectively addressed through the development and refinement of enforcement strategies. Understanding partner agency perceptions of the CDPP across a range of service areas provides valuable insights that help shape and improve our processes, procedures and performance.

### Performance measure 2.1 – Partner agency satisfaction with CDPP service delivery

Measure	Target	Result
Partner agency satisfaction with CDPP service delivery.	90%	86% Not achieved

The CDPP conducts a partner agency satisfaction survey every 2 years to assess the level of satisfaction with a range of service areas including:

- responsiveness and timeliness in the provision of legal services
- relevance to partner agency business
- information
- communication and engagement
- working relationships and interactions.

Understanding partner agency perceptions of the CDPP provides valuable insights that help shape and improve our processes and performance, enabling us to be more responsive to the priorities of our law enforcement and regulatory partners.

## How the survey was conducted

In 2021–22 we engaged Woolcott Research & Engagement to conduct the survey on CDPP's behalf. Woolcott has conducted the biennial survey for CDPP since 2016.

Survey fieldwork commenced on 6 June and concluded on 30 June 2022. Woolcott emailed partner agency contacts a unique link to access the survey online, with respondents remaining anonymous.

The methodology for selection of the survey population is at Appendix 3.

## Survey results and analysis

This performance measure is calculated from responses to a single question in the survey: 'thinking about your dealings with CDPP staff overall, how satisfied have you been in your dealings with them?'. Recipients are asked to rate the CDPP using a score out of 10, where 10 is extremely satisfied and 0 is extremely dissatisfied. In determining the final result:

- a score of 0 to 4 is considered unfavourable
- a score of 5 to 6 is considered neutral
- a score of 7 to 10 is considered favourable.

We received 181 responses to the survey, which is a 30% response rate. In response to the relevant question, 86% of respondents indicated satisfaction with their dealings with the CDPP over the last 2 years. This is a slight decrease (2%) since the last survey, which was conducted in 2020.

The results of the survey are very positive, with respondents reporting:

- high levels of satisfaction with the level of professionalism of CDPP staff (93% favourable)
- high levels of satisfaction with the commitment of CDPP staff (89% favourable)
- the CDPP has an effective working relationship with their agency through their liaison arrangements (93% favourable).

We continue to strive for a target of 90% overall satisfaction for our partner agencies and will use the survey results to improve our performance. The survey results have identified opportunities to improve and enhance our service offering in the following areas:

- timeliness in relation to the provision of pre-brief advice (68% favourable)
- timeliness in relation to brief assessments (74% favourable).

# ★ Part 3: Financial statements

## Financial performance 2021-22

Our operations are primarily funded through parliamentary appropriations, with a component of revenue under memoranda of understanding (MOU) agreements with partner agencies.

The operating result for 2021–22 was a surplus of \$8.5 million compared to a surplus of \$9.1 million in 2020–21, as reported in note 3 to the financial statements. We received a significant increase in both 2021–22 and 2020–21 funding from the 2018–19 Additional Estimates budget measure, Strengthening Enforcement Capability for Corporate Crime. The level of prosecution activity relating to this measure fell below forecasts, with the agency electing to retain the resulting surplus.

The Australian National Audit Office issued an unmodified opinion for the financial statements.

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

## Contents

<b>Independent auditors report</b>	<b>20</b>
<b>Statement by Director and Chief Financial Officer</b>	<b>22</b>
<b>Statement of comprehensive income</b>	<b>23</b>
<b>Statement of financial position</b>	<b>24</b>
<b>Statement of changes in equity</b>	<b>25</b>
<b>Cash flow statement</b>	<b>26</b>
<b>Notes to the financial statements</b>	<b>27</b>



## 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 2022:

- (a) comply with Australian Accounting Standards – Simplified Disclosures 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 2022 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 2022 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.

#### Other information

The Accountable Authority is responsible for the other information. The other information comprises the information included in the annual report for the year ended 30 June 2022 but does not include the financial statements and my auditor's report thereon.

My opinion on the financial statements does not cover the other information, and accordingly I do not express any form of assurance conclusion thereon.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact. I have nothing to report in this regard.

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



### **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 – Simplified Disclosures 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.

### **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



Fiona Sheppard  
Acting Executive Director  
Delegate of the Auditor-General  
Canberra  
11 October 2022

## Commonwealth Director of Public Prosecutions

### STATEMENT BY THE ACCOUNTABLE AUTHORITY AND CHIEF FINANCIAL OFFICER

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In our opinion, the attached financial statements for the year ended 30 June 2022 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

Scott Bruckard PSM  
Acting Director  
(Accountable Authority)

11 October 2022



Signed

John Barnes  
Acting Chief Financial Officer

11 October 2022

## Commonwealth Director of Public Prosecutions STATEMENT OF COMPREHENSIVE INCOME

For the period ended 30 June 2022

		Actual 2022 \$'000	Actual 2021 \$'000	Original Budget \$'000
<b>NET COST OF SERVICES</b>				
<b>EXPENSES</b>	<b>Notes</b>			
Employee benefits	4A	52,195	51,899	55,327
Suppliers	4B	36,462	32,268	41,329
Depreciation and amortisation	7	11,596	11,049	9,711
Finance costs	4C	392	871	10
Write-down and impairment of other assets		-	35	-
Costs awarded against the Commonwealth		1,161	135	570
<b>Total expenses</b>		<b>101,806</b>	<b>96,257</b>	<b>106,947</b>
<b>OWN-SOURCE INCOME</b>				
<b>Own-source revenue</b>				
Revenue from contracts with customers	5A	10,178	9,740	10,324
Other	5B	2,434	651	1,519
<b>Total own-source revenue</b>		<b>12,612</b>	<b>10,391</b>	<b>11,843</b>
<b>Gains</b>				
Other		8	183	-
<b>Total gains</b>		<b>8</b>	<b>183</b>	<b>-</b>
<b>Total own-source income</b>		<b>12,620</b>	<b>10,574</b>	<b>11,843</b>
<b>Net cost of service</b>		<b>89,186</b>	<b>85,683</b>	<b>95,104</b>
Revenue from Government	5C	92,980	90,293	92,980
<b>Surplus (Deficit)</b>		<b>3,794</b>	<b>4,610</b>	<b>(2,124)</b>
<b>Total comprehensive income (Loss)</b>		<b>3,794</b>	<b>4,610</b>	<b>(2,124)</b>

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

### Budget Variances Commentary

#### Expenses

The 2018–19 additional estimates budget measure "Strengthening Enforcement Capability for Corporate Crime" provided the CDPP \$10.3 million funding in 2021–22, including an increase of 20 to the average staffing level (ASL). Subsequent referrals and prosecution work have been lower than anticipated under this budget measure, being the main contributor to the 2021–22 surplus.

Supplier expenses are \$4.9 million lower than budgeted, predominately a result of prosecution work being lower than anticipated as noted above.

Employee benefits are \$3.1 million lower than budgeted. The CDPP achieved an ASL of 403, compared to a budgeted ASL of 430. In addition, employee leave provision values reduced due to interest rate movements during the financial year.

#### Own-source income

Total own-source revenue is \$0.8 million higher than budgeted. 2020–21 unearned revenue, in relation to *Proceeds of Crime Act 2002* funding for the development of national digital capabilities, under a Memorandum of Understanding (MOU) with the Department of Home Affairs, was recognised in the 2021–22 year.

## Commonwealth Director of Public Prosecutions STATEMENT OF FINANCIAL POSITION

As at 30 June 2022

	Notes	Actual 2022 \$'000	Actual 2021 \$'000	Original Budget \$'000
<b>ASSETS</b>				
<b>Financial Assets</b>				
Cash and cash equivalents		464	424	505
Trade and other receivables	6A	31,630	25,185	20,743
<b>Total financial assets</b>		<b>32,094</b>	<b>25,609</b>	<b>21,248</b>
<b>Non-Financial Assets<sup>1</sup></b>				
Property	7	38,977	47,133	52,840
Plant and equipment	7	3,352	3,816	3,186
Intangibles	7	2,813	3,347	5,337
Prepayments		2,562	1,341	1,893
<b>Total non-financial assets</b>		<b>47,704</b>	<b>55,637</b>	<b>63,256</b>
<b>Total assets</b>		<b>79,798</b>	<b>81,246</b>	<b>84,504</b>
<b>LIABILITIES</b>				
<b>Payables</b>				
Suppliers		4,554	3,318	3,715
Other	8A	1,668	2,478	891
<b>Total payables</b>		<b>6,222</b>	<b>5,796</b>	<b>4,606</b>
<b>Provisions</b>				
Employee leave provisions		17,213	18,696	17,354
Other	9A	668	584	1,111
<b>Total provisions</b>		<b>17,881</b>	<b>19,280</b>	<b>18,465</b>
<b>Interest bearing liabilities</b>				
Leases	10A	34,635	40,749	42,992
<b>Total interest bearing liabilities</b>		<b>34,635</b>	<b>40,749</b>	<b>42,992</b>
<b>Total Liabilities</b>		<b>58,738</b>	<b>65,825</b>	<b>66,063</b>
<b>Net Assets</b>		<b>21,060</b>	<b>15,421</b>	<b>18,441</b>
<b>EQUITY</b>				
Contributed equity		23,910	22,065	23,910
Reserve		18,491	18,491	18,491
Accumulated deficit		(21,341)	(25,135)	(23,960)
<b>Total Equity</b>		<b>21,060</b>	<b>15,421</b>	<b>18,441</b>

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 \$10.9 million higher than budgeted, predominately due to unspent appropriations consistent with the 2021–22 surplus.

Non-Financial assets are \$15.5 million lower than budgeted. CDPD recognised \$0.8 million in right-of-use asset acquisitions in 2021–22, compared to budgeted acquisitions of \$7.8 million. For several projects, the proportion of expenditure which met intangible asset recognition requirements was lower than budgeted.

#### Liabilities

Total Liabilities are \$7.4 million lower than budgeted. Lease liabilities are recognised for right-of-use asset acquisitions, which were lower than budgeted as noted above.

**Commonwealth Director of Public Prosecutions  
STATEMENT OF CHANGES IN EQUITY**

*For the period ended 30 June 2022*

	Retained earnings			Asset revaluation surplus			Contributed equity/capital			Total equity		
	Actual 2022 \$'000	Actual 2021 \$'000	Original Budget \$'000	Actual 2022 \$'000	Actual 2021 \$'000	Original Budget \$'000	Actual 2022 \$'000	Actual 2021 \$'000	Original Budget \$'000	Actual 2022 \$'000	Actual 2021 \$'000	Original Budget \$'000
<b>Opening balance as at 1 July</b>	(25,135)	(29,745)	(21,836)	18,491	18,491	18,491	22,065	20,213	22,065	15,421	8,959	18,720
<b>Comprehensive income</b>												
Surplus (Deficit) for the period	3,794	4,610	(2,124)	-	-	-	-	-	-	3,794	4,610	(2,124)
<b>Total comprehensive income</b>	3,794	4,610	(2,124)	-	-	-	-	-	-	3,794	4,610	(2,124)
<b>Contributions by owners</b>												
Departmental Capital Budget funding	-	-	-	-	-	-	1,845	1,852	1,845	1,845	1,852	1,845
<b>Total transactions with owners</b>	-	-	-	-	-	-	1,845	1,852	1,845	1,845	1,852	1,845
<b>Closing balance as at 30 June</b>	(21,341)	(25,135)	(23,960)	18,491	18,491	18,491	23,910	22,065	23,910	21,060	15,421	18,441

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 CDDP \$10.3 million funding in 2021–22. Subsequent referrals and prosecution work have been lower than anticipated under this budget measure, being the main contributor to the 2021–22 surplus.

## Commonwealth Director of Public Prosecutions CASH FLOW STATEMENT

For the period ended 30 June 2022

	Actual 2022 \$'000	Actual 2021 \$'000	Original Budget \$'000
<b>OPERATING ACTIVITIES</b>			
<b>Cash received</b>			
Appropriations <sup>1</sup>	98,354	91,856	103,555
Sale of goods and rendering of services	10,553	9,923	10,574
Net GST received	4,387	3,908	4,377
Other	984	1,880	984
<b>Total cash received</b>	<b>114,278</b>	<b>107,567</b>	<b>119,490</b>
<b>Cash used</b>			
Employees	53,447	50,651	55,327
Suppliers	41,494	35,080	45,422
Other	410	135	570
Appropriation cash returned to the Official Public Account <sup>1</sup>	10,960	14,787	10,574
Interest payments on lease liabilities	384	450	10
<b>Total cash used</b>	<b>106,695</b>	<b>101,103</b>	<b>111,903</b>
<b>Net cash from (used by) operating activities</b>	<b>7,583</b>	<b>6,464</b>	<b>7,587</b>
<b>INVESTING ACTIVITIES</b>			
<b>Cash used</b>			
Purchase of property, plant and equipment	880	1,958	2,333
Purchase of intangibles	658	1,564	-
<b>Total cash used</b>	<b>1,538</b>	<b>3,522</b>	<b>2,333</b>
<b>Net cash from (used by) investing activities</b>	<b>(1,538)</b>	<b>(3,522)</b>	<b>(2,333)</b>
<b>FINANCING ACTIVITIES</b>			
<b>Cash received</b>			
Contributed equity	856	3,532	1,845
<b>Total cash received</b>	<b>856</b>	<b>3,532</b>	<b>1,845</b>
<b>Cash used</b>			
Principal payments of lease liabilities	6,861	6,555	7,099
<b>Total cash used</b>	<b>6,861</b>	<b>6,555</b>	<b>7,099</b>
<b>Net cash from (used by) financing activities</b>	<b>(6,005)</b>	<b>(3,023)</b>	<b>(5,254)</b>
<b>Net increase (decrease) in cash held</b>	<b>40</b>	<b>(81)</b>	<b>-</b>
Cash and cash equivalents at the beginning of the reporting period	424	505	505
<b>Cash and cash equivalents at the end of the reporting period</b>	<b>464</b>	<b>424</b>	<b>505</b>

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

<sup>1</sup> Comparative figures for Appropriations cash received and Appropriation cash returned to the Official Public Account have been restated by \$3.05 million to account for a prior year overstatement of PGPA Act section 74 receipts. The impact of this restatement on closing cash balances is nil. Refer to Note 1.6 for details.

**Commonwealth Director of Public Prosecutions**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

*For the period ended 30 June 2022*

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**Note 1: Overview**

**Note 2: Events After the Reporting Period**

**Note 3: Net Cash Appropriation Arrangements**

**Note 4: Expenses**

**Note 5: Own-Source Income and Revenue from Government**

**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**

# Commonwealth Director of Public Prosecutions

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2022

### Note 1: Overview

#### 1.1 Objectives of the 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*.

The CDPP is a not-for-profit, Commonwealth statutory agency domiciled in Australia. The CDPP's registered office is 28 Sydney Avenue, Forrest in the Australian Capital Territory. The CDPP undertakes its legal work in the courts of every Australian state and territory, as well as in the Federal Court of Australia.

#### 1.2 The Basis of Preparation

The financial statements 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 and Interpretations - including simplified disclosures for Tier 2 Entities under AASB 1060 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.

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 12 months.

#### 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.

Standard/ Interpretation	Nature of change in accounting policy, transitional provisions, and adjustment to financial statements
AASB 1060 General Purpose Financial Statements – Simplified Disclosures for For-Profit and Not-for-Profit Tier 2 Entities	AASB 1060 applies to annual reporting periods beginning on or after 1 July 2021 and replaces the reduced disclosure requirements (RDR) framework.  The application of AASB 1060 involves some reduction in disclosure compared to the RDR with no impact on the reported financial position, financial performance and cash flows of the entity.

#### 1.5 Taxation

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



## Commonwealth Director of Public Prosecutions NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2022

### 1.6 Restatement of 2020–21 Comparative Figures for Prior Period Error

Comparative figures for the Cash Flow Statement and Note 15 Appropriations have been restated to account for a prior year overstatement of PGPA Act section 74 receipts, as shown in the tables below. The restatement has nil impact on the 2020–21 operating result and nil impact on balances for cash and appropriation receivable.

#### Cash Flow Statement

	Original \$'000	Restated \$'000	Variance \$'000
Appropriations	94,906	91,856	(3,050)
Total (operating) cash received	110,617	107,567	(3,050)
Appropriation cash returned to the Official Public Account	17,837	14,787	(3,050)
Total (operating) cash used	104,153	101,103	(3,050)
Net cash from (used by) operating activities	6,464	6,464	-
Net increase (decrease) in cash held	505	505	-
Cash and cash equivalents at the end of the reporting period	424	424	-

#### Note 15: Appropriations

	Original \$'000	Restated \$'000	Variance \$'000
PGPA Act section 74 receipts	17,836	14,786	(3,050)
Total available appropriation	109,981	106,931	(3,050)
Appropriations applied <sup>1</sup>	98,438	95,060	(3,378)
Variance <sup>1</sup>	11,543	11,871	328
Closing unspent appropriation balance (ordinary annual services) <sup>2</sup>	N/A	23,444	N/A
Closing unspent appropriation balance (other services) <sup>2</sup>	N/A	726	N/A
Total unspent appropriation	24,170	24,170	-

<sup>1</sup> Additional movements resulting from the restructure of CDDP's appropriation note to:

- o separately report appropriations for ordinary annual services and other services; and
- o reconcile to the balance of unspent appropriation, including the movement in cash at bank.

<sup>2</sup> Note 15 Appropriations of the 2020–21 financial statements did not identify separate totals for ordinary annual services and other services closing unspent appropriation balances.

**Commonwealth Director of Public Prosecutions**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

*For the period ended 30 June 2022*

**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**

	<b>2022</b>	2021
	<b>\$'000</b>	\$'000
<b>Total comprehensive income/(loss) - as per the Statement of Comprehensive Income</b>	<b>3,794</b>	4,610
Plus: depreciation/amortisation of assets funded through appropriations (Departmental Capital Budget funding and/or equity injections) <sup>1</sup>	<b>4,679</b>	4,424
Plus: depreciation of right-of-use assets <sup>2</sup>	<b>6,917</b>	6,625
Less: lease principal repayments <sup>2</sup>	<b>(6,861)</b>	(6,555)
<b>Net Cash Operating Surplus/(Deficit)</b>	<b>8,529</b>	<b>9,104</b>

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.

**Commonwealth Director of Public Prosecutions**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

For the period ended 30 June 2022

**Note 4: Expenses**

	2022	2021
	\$'000	\$'000
<b>Note 4A: Employee benefits</b>		
Wages and salaries	41,150	39,667
Superannuation		
Defined contribution plans	4,709	4,449
Defined benefit plans	2,660	2,776
Leave and other entitlements	3,363	4,941
Separation and redundancies	243	-
Other employee benefits	70	66
<b>Total employee benefits</b>	<b>52,195</b>	<b>51,899</b>

**Accounting Policy**

See note 9: Provisions

**Note 4B: Suppliers**

**Goods and services supplied or rendered**

Prosecution legal costs	15,581	14,928
Services Advice and Training	10,478	8,105
Information and Communication Technology	5,221	4,172
Property	2,200	2,294
Library	1,539	1,448
Other	1,279	1,231
<b>Total goods and services supplied or rendered</b>	<b>36,298</b>	<b>32,178</b>

Goods Supplied	2,385	2,548
Services Rendered	33,913	29,630
<b>Total goods and services supplied or rendered</b>	<b>36,298</b>	<b>32,178</b>

**Other suppliers**

Low value leases	9	8
Workers compensation expenses	155	82
<b>Total other suppliers</b>	<b>164</b>	<b>90</b>
<b>Total suppliers</b>	<b>36,462</b>	<b>32,268</b>

The CDPP had no short-term lease commitments as at 30 June 2022.

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	384	863
Unwinding of discount	8	8
<b>Total finance costs</b>	<b>392</b>	<b>871</b>

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

## Commonwealth Director of Public Prosecutions NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2022

### Note 5: Own-Source Income and Revenue from Government

	2022 \$'000	2021 \$'000
<b>Note 5A: Revenue from contracts with customers</b>		
Prosecution Services	10,178	9,740
<b>Total rendering of services</b>	<b>10,178</b>	<b>9,740</b>

#### Disaggregation of revenue from contracts with customers

Australian Government entities (related parties)	10,178	9,740
	<b>10,178</b>	<b>9,740</b>

#### Accounting Policy

The CDDP provides prosecution services to partner agencies under Memorandum of Understanding (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 - auditor's remuneration	82	82
Sublease	189	177
Proceeds of Crime Act 2002	2,163	324
Other	-	68
<b>Total other revenue</b>	<b>2,434</b>	<b>651</b>

#### Commitments for sublease rental income receivables are as follows:

Within 1 year	171	167
One to two years	176	120
Two to three years	181	119
Three to four years	61	121
Four to five years	63	-
More than 5 years	5	-
<b>Total sublease rental income commitments</b>	<b>657</b>	<b>527</b>

As at 30th June 2022, the CDDP had sublease arrangements at 2 locations with Australian Government entities (2021: 2 locations).

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.

## Commonwealth Director of Public Prosecutions NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2022

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### 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 2022–23 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.

	2022 \$'000	2021 \$'000
<b>Note 5C: Revenue from Government</b>		
<b>Appropriations:</b>		
Departmental appropriations	92,980	90,293
<b>Total revenue from Government</b>	<b>92,980</b>	<b>90,293</b>

### **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. Appropriation receivables are recognised at their nominal amounts.

**Commonwealth Director of Public Prosecutions**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

For the period ended 30 June 2022

**Note 6: Financial Assets**

	2022 \$'000	2021 \$'000
<b>Note 6A: Trade and Other Receivables</b>		
<b>Good and Services</b>		
Goods and services	284	683
<b>Total goods and services receivables</b>	<b>284</b>	<b>683</b>
<b>Appropriation receivables</b>		
For existing programs	30,321	23,746
<b>Total appropriation receivables</b>	<b>30,321</b>	<b>23,746</b>
<b>Other receivables</b>		
GST receivable from the Australian Taxation Office	892	712
Other receivables	133	50
<b>Total other receivables</b>	<b>1,025</b>	<b>762</b>
<b>Total trade and other receivables (gross)</b>	<b>31,630</b>	<b>25,191</b>
<b>Less impairment loss allowance</b>		
Goods and services	-	(6)
<b>Total impairment loss allowance</b>	<b>-</b>	<b>(6)</b>
<b>Total trade and other receivables (net)</b>	<b>31,630</b>	<b>25,185</b>

Credit terms for goods and services was 30 days (2021: 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 nil was recognised as at 30 June 2022 (2021: \$5,976).

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

**Commonwealth Director of Public Prosecutions**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

For the period ended 30 June 2022

**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
<b>As at 1 July 2021</b>				
Gross book value	65,136	6,797	7,268	<b>79,201</b>
Accumulated depreciation/amortisation and impairment	(18,003)	(2,981)	(3,921)	<b>(24,905)</b>
<b>Total as at 1 July 2021</b>	<b>47,133</b>	<b>3,816</b>	<b>3,347</b>	<b>54,296</b>
Additions				
Purchase or internally developed	-	880	738	<b>1,618</b>
Right-of-use assets	801	-	-	<b>801</b>
Other movements	47	1	-	<b>48</b>
Right-of-use assets adjustment	(22)	(3)	-	<b>(25)</b>
Depreciation and amortisation	(2,109)	(1,298)	(1,272)	<b>(4,679)</b>
Depreciation on right-of-use assets	(6,873)	(44)	-	<b>(6,917)</b>
<b>Total as at 30 June 2022</b>	<b>38,977</b>	<b>3,352</b>	<b>2,813</b>	<b>45,142</b>
<b>Total as at 30 June 2022 represented by</b>				
Gross book value	65,962	7,672	8,006	<b>81,640</b>
Accumulated depreciation/amortisation and impairment	(26,985)	(4,320)	(5,193)	<b>(36,498)</b>
<b>Total as at 30 June 2022</b>	<b>38,977</b>	<b>3,352</b>	<b>2,813</b>	<b>45,142</b>
Carrying amount of right-of-use assets	29,569	51	-	29,620

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. CDPP engaged the services of an independent valuer to conduct the revaluations as at 30 June 2018. No revaluation was performed for 2021–22. 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 2022 there were capital commitments of \$50,326 (GST exclusive) for plant and equipment (2021: \$220,206).

## Commonwealth Director of Public Prosecutions NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2022

### 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 CDDP 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:

	<b>Useful Life (years)</b>	<b>Threshold (\$)</b>
Property	lease term	20,000 or 5% of total value
Plant and equipment	2 to 30 years	2,000
Intangibles	3 to 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:

<b>Asset class</b>	<b>Fair value measured at</b>
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.



## Commonwealth Director of Public Prosecutions NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2022

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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 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 include 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 (2021: 3 to 6 years).

All software assets were assessed for indications of impairment as at 30 June 2022.

## 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.

**Commonwealth Director of Public Prosecutions**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

*For the period ended 30 June 2022*

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**Note 7: Non-Financial Assets (Continued)**

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.

<b>Note 7B: Transfers to acquire or construct a non-financial asset</b>	<b>Closing balance \$'000</b>	Opening balance \$'000
Funding transferred	<b>309</b>	1,488
Funding transfer obligations	<b>(309)</b>	(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 \$984,600 was transferred to the CDPP during the reporting period. \$1,511,272 was recognised as revenue relating to operating expenses incurred.

Revenue of \$651,916 relating to the acquisition and construction of non-financial assets was also recognised, with an obligation balance remaining of \$309,314 as disclosed above.

**Accounting Policy**

*Proceeds of Crime Act 2002*

Refer to note 5B for accounting policy relating to *Proceeds of Crime Act 2002* revenue.

**Commonwealth Director of Public Prosecutions**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

*For the period ended 30 June 2022*

**Note 8: Payables**

	2022	2021
	\$'000	\$'000
<b>Note 8A: Other payables</b>		
Wages and salaries	972	773
Superannuation	173	139
Unearned Revenue - Proceeds of Crime Act 2002	309	1,488
Other	214	78
<b>Total other payables</b>	<b>1,668</b>	<b>2,478</b>

**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.

## Commonwealth Director of Public Prosecutions NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2022

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### Note 9: Provisions

#### Accounting Policy

Liabilities for short-term employee benefits and termination benefits expected within 12 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 2022 (2021: 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.

**Commonwealth Director of Public Prosecutions**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

*For the period ended 30 June 2022*

**Note 9: Provisions (Continued)**

	2022 \$'000	2021 \$'000
<b>Note 9A: Other Provisions</b>		
Provisions for restoration <sup>1</sup>	668	584
<b>Total other provisions</b>	<u>668</u>	<u>584</u>
		<b>Provision for Restoration \$'000</b>
<b>As at 1 July 2021</b>		584
Additional provisions made		76
Unwinding of discount or change in discount rate		8
<b>Total as at 30 June 2022</b>		<u>668</u>

<sup>1</sup> CDPP had agreements for 10 leased premises (2021: 10 leased premises). 2 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.

**Commonwealth Director of Public Prosecutions**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

For the period ended 30 June 2022

**Note 10: Interest Bearing Liabilities**

	2022 \$'000	2021 \$'000
<b>Note 10A: Leases</b>		
Lease Liabilities		
Property	34,581	40,649
Plant and equipment	54	100
<b>Total leases</b>	<b>34,635</b>	<b>40,749</b>

Cash outflow for leases for the year ended 30 June 2022 was \$7,244,805 (GST exclusive) (2021: \$7,005,550).

**Maturity analysis - contractual undiscounted cash flows**

Within 1 year	7,462	7,255
Between 1 to 5 years	20,721	23,017
More than 5 years	7,612	11,935
<b>Total leases</b>	<b>35,795</b>	<b>42,207</b>

As at 30 June 2022, the CDPP in its capacity as lessee, had recognised lease liabilities in relation to leases of office space at 10 premises (2021: 10) and 8 automobiles (2021: 8). The CDPP had not committed to any leases which had not yet commenced (2021: nil (GST exclusive)).

Five 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.

All 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.

# Commonwealth Director of Public Prosecutions NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2022

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## Note 11: Contingent Assets and Liabilities

### Quantifiable Contingencies

As at 30 June 2022, the CDPP had no quantifiable contingent assets or liabilities (2021: 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, the Director (Accountable Authority), the Executive Leadership Group (made up of the Commonwealth Solicitor for Public Prosecutions, Deputy Directors and the Chief Corporate Officer), the 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.

**Commonwealth Director of Public Prosecutions**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

For the period ended 30 June 2022

**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), the Executive Leadership Group and the Chief Financial Officer. Key management personnel remuneration is reported in the table below:

	2022 \$'000	2021 \$'000
<b>Note 13: Key Management Personnel Remuneration</b>		
Short-term employee benefits	2,572	2,386
Post-employment benefits	441	421
Other long-term employee benefits	62	58
<b>Total key management personnel remuneration expenses<sup>1,2</sup></b>	<b>3,075</b>	<b>2,865</b>

**Notes**

<sup>1</sup> The total number of key management personnel that are included in the above table are 11 (2021: 10) representing the people who individually occupied the key management personnel position during the year.

<sup>2</sup> 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**

	2022 \$'000	2021 \$'000
<b>Note 14: Categories of Financial Instruments</b>		
<b>Financial Assets</b>		
<b>At amortised cost:</b>		
Cash and cash equivalents	464	424
Trade and other receivables	417	727
<b>Total</b>	<b>881</b>	<b>1,151</b>
<b>Carrying amount of financial assets</b>	<b>881</b>	<b>1,151</b>
<b>Financial Liabilities</b>		
<b>At amortised cost:</b>		
Suppliers payable	4,554	3,318
<b>Total</b>	<b>4,554</b>	<b>3,318</b>
<b>Carrying amount of financial liabilities</b>	<b>4,554</b>	<b>3,318</b>

The CDPP recognised a gain on financial instruments of \$5,976 for the year ended 30 June 2022 (2021: \$1,514). There were no losses on financial instruments (2021: nil).



**Commonwealth Director of Public Prosecutions**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

For the period ended 30 June 2022

**Note 15: Appropriations**

	2022 \$'000	2021 \$'000
<b>Ordinary annual services</b>		
Annual Appropriation		
Operating	92,980	90,293
Capital	1,845	1,852
PGPA Act section 74 receipts <sup>3</sup>	12,020	14,786
<b>Total available appropriation</b>	<b>106,845</b>	<b>106,931</b>
Appropriation applied (current and prior years) <sup>2,3</sup>	(100,230)	(95,060)
<b>Variance<sup>4</sup></b>	<b>6,615</b>	<b>11,871</b>
Opening unspent appropriation balance	23,444	11,573
<b>Closing unspent appropriation balance</b>	<b>30,059</b>	<b>23,444</b>
<b>Balance comprises appropriations as follows: <sup>1</sup></b>		
Appropriation Act (No. 1) - Operating 2020–21	-	22,755
Appropriation Act (No. 1) - Departmental Capital Budget (DCB) 2020–21	-	265
Appropriation Act (No. 1) - Operating 2021–22	28,340	-
Appropriation Act (No. 1) - Departmental Capital Budget (DCB) 2021–22	1,255	-
Cash at bank	464	424
<b>Total unspent appropriation - ordinary annual services</b>	<b>30,059</b>	<b>23,444</b>
<b>Other services</b>		
Annual Appropriation		
Annual appropriation - Equity	-	-
<b>Total available appropriation</b>	-	-
Appropriation applied (current and prior years)	-	(408)
<b>Variance</b>	-	(408)
Opening unspent appropriation balance	726	1,134
<b>Closing unspent appropriation balance</b>	<b>726</b>	<b>726</b>
<b>Balance comprises appropriations as follows:</b>		
Appropriation Act (No. 2) 2019–20	726	726
<b>Total unspent appropriation - other services</b>	<b>726</b>	<b>726</b>
<b>Total unspent appropriation</b>	<b>30,785</b>	<b>24,170</b>

<sup>1</sup> 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.

<sup>2</sup> Appropriation applied includes payments for non-financial asset purchases which have been capitalised.

<sup>3</sup> Comparative figures for PGPA Act section 74 receipts and Appropriation applied (current and prior years) have been restated by \$3.05 million to account for a prior year overstatement of PGPA Act section 74 receipts. The impact of this restatement on closing appropriation balances is nil. Refer to Note 1.6 for details.

<sup>4</sup> The CDPP reported a 2021–22 net cash operating surplus of \$8.5 million (Note 3), resulting in additional unspent appropriation. The surplus predominately relates to \$10.3 million in 2021–22 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.

**Commonwealth Director of Public Prosecutions**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

*For the period ended 30 June 2022*

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

	2022 \$'000	2021 \$'000
<b>Note 16A: Current/Non-current Distinction for Assets and Liabilities</b>		
<b>Assets expected to be recovered in:</b>		
<b>No more than 12 months</b>		
Cash and cash equivalents	464	424
Trade and other receivables	31,630	25,185
Prepayments	2,529	1,315
<b>Total no more than 12 months</b>	<b>34,623</b>	<b>26,924</b>
<b>More than 12 months</b>		
Land and buildings	38,977	47,133
Plant and equipment	3,352	3,816
Computer software	2,813	3,347
Prepayments	33	26
<b>Total more than 12 months</b>	<b>45,175</b>	<b>54,322</b>
<b>Total assets</b>	<b>79,798</b>	<b>81,246</b>
<b>Liabilities expected to be settled in:</b>		
<b>No more than 12 months</b>		
Suppliers	4,554	3,318
Other payables	1,668	2,478
Leases	7,117	6,873
Employee provisions	4,958	4,895
<b>Total no more than 12 months</b>	<b>18,297</b>	<b>17,564</b>
<b>More than 12 months</b>		
Leases	27,518	33,876
Employee provisions	12,255	13,801
Other provisions	668	584
<b>Total more than 12 months</b>	<b>40,441</b>	<b>48,261</b>
<b>Total liabilities</b>	<b>58,738</b>	<b>65,825</b>

# ★ Part 4: Management and Accountability

## Governance structures

The CDPP's governance framework supports the achievement of our purpose. The framework is an effective system for managing risk and fraud as well as human and financial resources through planning and assurance processes.

### Governance committees

The following committees support the Director and ensure effective governance within the CDPP.

**Table 2: Governance committees overview**

Committee	Chair	Responsibilities
Executive Leadership Group	Director	Provides strategic and specialist legal expertise in support of outcomes
Audit Committee	Ken Moore	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
Enterprise Board	Commonwealth Solicitor for Public Prosecutions (CSPP)	Provides focused oversight for major projects
Information Governance Committee	Chief Corporate Officer	Provides advice on governance arrangements for information assets
National Consultative Committee	National Manager People, Communications and Change	Facilitates communication and consultation on agency employment and workplace matters related to the enterprise agreement
National Health and Safety Representative Committee	National Manager People, Communications and Change	Provides assistance and advice on matters affecting the health, safety and wellbeing of CDPP staff and other workers
Workforce Planning Committee	CSPP	Provides advice on all matters relating to forecasting CDPP's human resourcing requirements

### Executive Leadership Group

The Executive Leadership Group (ELG) is the key advisory group to the Director. Although it has no formal decision-making authority, ELG provides strategic and specialist legal expertise in support of outcomes. Chaired by the Director, ELG is comprised of the Commonwealth Solicitor for Public Prosecutions, the Practice Group Leaders and the Chief Corporate Officer.

The ELG meets monthly to discuss, identify and consider emerging strategic issues in both the legal and enabling services domains. The ELG monitors and considers legal practice performance and outcomes and ensures national consistency in legal practice and enabling services policies.

## Audit Committee

The Director has established the Audit Committee in accordance with section 45 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) and section 17 of the PGPA Rule. 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. The role of the committee is consistent with its charter, which is available at <https://www.cdpp.gov.au/publications/cddp-audit-committee-charter>.

The Audit Committee comprised of 3 external members and met 4 times during the reporting period.

**Table 3: CDPP Audit Committee membership 2021–22**

Member name	Relevant qualifications, knowledge, skills or experience	Period of membership	Meetings attended / total meetings	Total annual remuneration (GST inc.)
Ken Moore (Chair)	<p>Bachelor of Arts (Economics/Accounting). Fellow CPA Australia.</p> <p>Fellow Australian Institute of Company Directors.</p> <p>Member of 2 federal and territory government agency audit committees and a federal government agency client services committee.</p> <p>Holds directorships for 2 organisations.</p> <p>Previously held SES positions in the Australian Public Service.</p>	May 2015 – current	4/4	\$14,400
Ian Govey	<p>Bachelor of Laws (Hons). Bachelor of Economics.</p> <p>Fellow Australian Academy of Law.</p> <p>Chair of a Commonwealth audit committee and a financial services compliance committee.</p> <p>Member of an ACT Government audit committee.</p> <p>Director of 2 not-for-profit companies.</p> <p>Previously Chief Executive Officer of the Australian Government Solicitor and held SES positions in the Australian Public Service.</p>	June 2019 – current	4/4	\$13,200

Member name	Relevant qualifications, knowledge, skills or experience	Period of membership	Meetings attended / total meetings	Total annual remuneration (GST inc.)
Elizabeth Montano	<p>Bachelor of Arts.</p> <p>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>	February 2021 – current	4/4	\$13,200

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 attend audit committee meetings as CDPP representatives and advisers. One senior officer also attends the meetings as an observer. Representatives from the Australian National Audit Office and other CDPP officers may attend meetings to address agenda items or as agreed with the Chair.

## 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. The Enterprise Board meets monthly. It monitors, evaluates and reports to the ELG on project progress and risk profiles.

## Information Governance Committee

The Information Governance Committee is the key advisory group to the Chief Information Governance Officer on governance arrangements for information assets of the CDPP. The committee has no decision-making remit.

Chaired by the Chief Corporate Officer, the committee is made up of representatives from business areas responsible for ICT, legal capability, business, records and information management, security, communication, privacy and freedom of information. It met 4 times in 2021–22.

## 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.

The committee is chaired by the National Manager People, Communications and Change and comprises staff and management representatives from across work groups and office locations. The committee met 3 times in 2021–22.

## National Health and Safety Representative Committee

The National Health and Safety Representative Committee is the consultative mechanism between management, staff and other workers on work health and safety matters. The committee meets quarterly to assist and advise on matters affecting the health, safety and wellbeing of CDPP staff and other workers. The committee is also responsible for disseminating work health and safety information in a timely way.

Chaired by the National Manager People, Communications and Change, the committee draws its membership from management and employees, with representatives from across work groups and office locations. The committee met 3 times during 2021–22.

## Workforce Planning Committee

The Workforce Planning Committee is the key advisory body to the ELG 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 and comprises the Practice Group Leaders, the Chief Corporate Officer, the Chief Financial Officer and the National Manager People, Communication and Change.

The committee meets monthly to consider and review a range of workforce planning requirements including the organisation's short, medium and long-term resourcing and capability needs. It also discusses structure, strategic priorities, workloads, vacancies and budget implications.

## Fraud prevention and control

The CDPP 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 reviewed and updated by the ELG biannually.

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 section 10(b) of the PGPA Rule. During the reporting period there were no reported incidents of fraud.

## Risk management

Risk management is an integral part of our strategy and planning processes. The Director has established a Risk Management Framework, which complies with the PGPA Act and PGPA Rule and aligns with the Commonwealth Risk Management Policy.

The ELG and Audit Committee actively monitor and manage our Strategic Risk Register, ensuring risk management is effective and continues to support organisational performance. During the reporting period, the risk register was updated to incorporate control assessment criteria for each risk. These risks were monitored and managed in the reporting period as part of our 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.

The Commonwealth Risk Management Policy, under element 7, requires that shared risks be identified, managed and reported with appropriate partner agencies. Each entity must implement arrangements to understand and contribute to the management of shared risks. We have commenced initial investigation into how shared risk is managed in partner agencies.

## Internal audit

Internal audit is an independent function that 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 broad range of audits, with no significant control breakdowns identified in the reporting period.

## 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. In addition, our Privacy Management Plan identifies specific, measurable privacy goals and targets and sets out how we will meet our privacy compliance obligations.

There were no notifiable data breaches identified during 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 the importance of 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 website.

## Commonwealth Child Safe Framework

The CDPP is committed to keeping children safe, as outlined in the Commonwealth Child Safe Framework. We are compliant with all 4 requirements of the framework.

The safety and wellbeing of children and young people is a priority for our leadership team and staff with particular emphasis on providing support for victims of child abuse crime. As Australia's federal prosecution service, we have a significant role and responsibility for ensuring that all CDPP staff treat victims with courtesy, compassion, cultural sensitivity and respect for their dignity and entitlements. Ensuring the safety of children and respecting their rights underpins the important work of the CDPP.

The CDPP reviews its risk register annually to ensure risks related to child safety are documented and treatments are applied to reduce levels of risk. A risk assessment in 2021–22 rated our child safety risk as low. The CDPP has limited interaction with children, however this interaction usually occurs during the process of prosecuting offences against Commonwealth law where the child or young person is a victim of crime.

In ensuring a child-safe environment the CDPP has implemented the following initiatives:

- published our Child Safety and Wellbeing Policy, which includes a list of Child Safe Professional Behaviours
- provided training to all CDPP staff on vicarious trauma and implemented specific trauma informed training for Witness Assistance Service staff
- included Child Safety and Wellbeing Policy requirements in the standard terms and conditions when briefing private barristers.

Our Annual Statement of Compliance can be viewed on our website.

## External scrutiny

During the reporting period there were no decisions of judicial or administrative tribunals or the Australian Information Commissioner, or any report from the Commonwealth Ombudsman or a Parliamentary committee, that had or may have had a significant impact on our operations. The Auditor-General issued an unqualified audit report for the organisation's 2021–22 financial statements.



# Our people

## Workplace agreements

Non-senior executive service (SES) staff employed under the *Public Service Act* (PS Act) continue to be covered by the Enterprise Agreement 2017–2020. A section 24(1) determination under the PS Act for pay increases providing 2% annual salary increases between 2020 and 2022, with the last increase taking effect from 8 August 2022.

The terms and conditions of employment for SES staff are provided for under individual common law contracts. A remuneration increase for SES officers was provided in July 2021 under a section 24(1) determination, capped in line with the wage price index effective June 2021.

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

The CDPP also offers staff non-salary benefits including:

- flexible working arrangements
- salary packaging
- learning and development opportunities, including a continuing legal education program and studies assistance for eligible employees
- access to our Wellbeing Program.

## Employment arrangements

Tables 4 and 5 show CDPP's employment arrangements for SES and non-SES staff.

**Table 4: Employment arrangements of SES and non-SES employees as at 30 June 2022**

	SES	Non-SES	Total
Section 249(1) determinations	1	18	19
Individual flexibility agreements	0	3	3
Common law contracts	16	8	24
<b>Total</b>	<b>17</b>	<b>29</b>	<b>46</b>

**Note:** Non-SES employees who are acting for a continuous period of more than 6 months are usually placed on SES contracts.

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 or common law contracts.

**Table 5: Public Service Act 1999 employment salary ranges by classification and level—current period (2021–22)**

	Minimum salary	Maximum salary
SES 3	\$325,461	\$325,461
SES 2	\$233,631	\$258,951
SES 1	\$209,768	\$237,525
PFP	\$135,042	\$143,646
EL 2	\$123,767	\$165,546
SFP	\$102,719	\$124,992
EL 1	\$102,719	\$129,815
APS 6	\$81,099	\$96,895
FP2	\$74,266	\$97,510
APS 5	\$73,784	\$85,469
FP1	\$66,234	\$73,273
APS 4	\$66,234	\$73,273
APS 3	\$59,509	\$65,437
APS 2	\$53,760	\$59,109
APS 1	\$27,930	\$52,153
Other	0	0
<b>Minimum/maximum range</b>	<b>\$27,930</b>	<b>\$325,461</b>

## Employee profile

All staffing information is prepared in accordance with the instrument issued under subsection 17A(4) of the PGPA Rule.

As at 30 June 2022 the CDPP had 439 employees. For information related to workforce statistics including numbers and locations of staff, employment arrangements and remuneration, refer to Appendix 4: Workforce statistics.

## Workforce strategies

### Capability development

We remain 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.

Changes to our national practice model, implemented in May 2022, are designed to support a more structured approach to professional development and job rotation between practice groups. The new Legal Capability and Performance practice group will progress this important work, building on the work already undertaken by the former Legal Business Improvement Branch. We aim to further invest in the development of CDPP's internal legal and management capability and create enhanced career development opportunities for our workforce.

### Workforce planning

The CDPP is undertaking a more sophisticated approach to its workforce planning practices. The CDPP Workforce Plan 2022–26 will address and mitigate key workforce capability and capacity risks to position the organisation to proactively manage and respond to emerging and evolving work challenges. The Workforce Plan will also ensure a sustainable approach to managing workforce supply and capability into the future.

### Diverse workforce

Diversity and inclusion are fundamental elements of the CDPP's culture. Our individual views, values, experiences and perspectives shape and strengthen how we deliver a fair, equitable and consistent prosecution service to a diverse Australian community.

We recognise diversity comprises many forms including gender, sexual orientation, educational or professional background, cultural and linguistic backgrounds, caring responsibilities, age, ability and life experiences. We celebrate this through our achievements against our strategic themes.

The CDPP's commitment to diversity and inclusion is supported and shaped by our Diversity and Inclusion Network which is comprised of employees from across the organisation and led by our Diversity and Inclusion Champion and Network Chair.

### Diversity and Inclusion Strategy

In February 2021 we launched the CDPP 2021–2023 Diversity and Inclusion Strategy and Action Plan. Aimed at increasing the level of understanding and awareness of diversity and inclusion across the organisation, this strategy has been designed to prepare us for more ambitious efforts in future years, underpinned by 3 key principles:

- **Visibility** – our commitment to diversity and inclusion is actively and visibly promoted.
- **Capability** – our workforce is equipped with the knowledge needed to embrace and embed workplace inclusion across the organisation and identify unconscious bias, addressing it where it may exist.
- **Inclusion** – we drive a consistent, supportive and respectful approach to inclusion and seek to create career pathways for diverse talent.

The Strategy and Action Plan builds on our ongoing commitment to the goals established in our Diversity and Inclusion Strategy 2018–20. It provides a 3-year strategic roadmap to help the CDPP continue to build a more inclusive culture and progress our diversity efforts through practical actions.

## Australia's Disability Strategy 2021–2031

Australia's Disability Strategy 2021–2031 is the overarching framework for inclusive policies, programs and infrastructure that will support people with disability to participate in all areas of Australian life. The disability strategy sets out where practical changes will be made to improve the lives of people with disability in Australia. 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 have committed to deliver more comprehensive and visible reporting under the disability strategy. A range of reports on progress of the actions and outcome areas will be published and available at <https://www.disabilitygateway.gov.au/ads>.

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](http://www.apsc.gov.au).

## Work health and safety

The CDPP's Work Health and Safety Management System (WHSMS) provides a framework of policies and guidelines that help to build a safe workplace for staff, allowing health and safety risks to be effectively assessed and managed.

The WHSMS supports managers and staff through education and training on potential work health and safety issues in their immediate workplace, consistent with requirements under the *Work Health and Safety Act 2011*.

## Reporting incidents and enforcement measures

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 in financial year 2021–22 one was a notifiable incident that was required to be reported to Comcare. No additional actions, enforcement measures or improvement notices were issued to the organisation during the reporting period.

## Wellbeing program

We prioritise our employee health and wellbeing through the CDPP Wellbeing Program, which fosters a supportive environment and encourages and facilitates health and wellbeing practices through culture, policies, awareness programs and initiatives.

- All staff are offered wellbeing checks conducted by registered psychologists through our wellbeing provider. Checks are scheduled with all staff within 4 weeks of commencing employment at CDPP and every 6 months thereafter for our legal workforce and staff in identified areas within the organisation. Staff in other business areas are provided the option to undertake annual wellbeing checks. These checks mitigate the risk of psychological injury, including vicarious trauma and cumulative stress.

- We also 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 65 hours of support to employees and their families.

The CDPP recognises that staff who are fit and healthy will likely be more productive and engaged in the workplace. Our enterprise agreement provides for reimbursement of up to \$250 a year for approved health and wellbeing activities or equipment or for work-related items to assist with remote working. During the reporting period 75% of our workforce received a reimbursement under this program.

In addition, our annual influenza vaccination program was undertaken in March/April 2022, offering free vaccinations to all staff.

## Asset management, purchasing and grants

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.

### Small-to-medium enterprises

The CDPP 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.

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.

### Consultants

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).

Annual reports contain information about actual expenditure on reportable consultancy contracts. Information on the value of reportable consultancy contracts can be found on the AusTender website.

During 2021–22 we entered into 8 new reportable consultancy contracts involving total actual expenditure of \$379,898. In addition, 2 ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$340,480.

The following organisations received a share of reportable consultancy contract expenditure during the reporting period.

**Table 6: Top 5 consultancy organisations current report period (2021–22)**

Name of organisation	Expenditure \$ (GST inc.)
Coolamon Advisors Pty Ltd (ABN 18 904 562 875)	231,000
Gartner Australasia Pty Limited (ABN 69 003 708 601)	180,840
KPMG (ABN 51 194 660 183)	159,640
Cyconsol Pty Ltd (ABN 95 630 287 544)	48,366
35 South Advisors Pty Ltd (ABN 31 646 395 397)	37,345

## Contracts

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.

During 2021–22 we entered into 103 new reportable non-consultancy contracts involving total actual expenditure of \$7.398 million. In addition, 145 ongoing reportable non-consultancy contracts were active during the period, involving total actual expenditure of \$22.511 million.

The following organisations received a share of reportable non-consultancy contract expenditure during the reporting period.

**Table 7: Top 5 non-consultancy organisations current report period (2021–22)**

Name of organisation	Expenditure \$ (GST inc.)
Sicard Pty Ltd (ABN 92 102 981 500)	3,499,866
Hays Specialist Recruitment (Australia) Pty Limited (ABN 47 001 407 281)	3,192,489
GPT Pty Limited (ABN 88 073 246 009)	1,926,352
Thomson Reuters (Professional) Australia Limited (ABN 64 058 914 668)	1,216,771
Charter Hall Wholesale Management Limited (ABN 75 006 765 206)	1,189,528

No contracts of \$100,000 or more (inclusive of GST) were entered into during 2021–22 that did not provide for the Auditor-General to have access to the contractor’s premises where appropriate.

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

## 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 2021–22 was \$25,820 (excluding GST). The following table outlines CDPP legal services expenditure and is published in compliance with paragraph 11.1(ba) of the Legal Services Directions 2017.

**Table 8: Legal services expenditure 2021–22**

Description	Cost \$
<b>Expenditure</b>	
Total (external and internal) expenditure	25,820
Total internal legal services expenditure	0
Total external legal services expenditure	25,820
<b>Summary of external legal services expenditure</b>	
Total value of briefs to Counsel (A)	0
Total value of disbursements (excluding counsel) (B)	133
Total value of professional fees paid (C)	25,687
Total external legal services expenditure (A + B + C)	25,820

## Advertising and market research

The CDPP did not conduct applicable advertising campaigns during the reporting period.

Further information on advertising is contained in the reports on Australian Government advertising prepared by the Department of Finance, which are available on the Department of Finance website.

## Ecological sustainability

We are committed to the ongoing efficient and effective management of resources and have initiatives in place that contribute to a more sustainable environment. We are embracing technology to minimise energy consumption, reduce the need for paper-based records and limit the environmental impact of staff travel.

The following table details our environmental performance results over the reporting period and comparison with the previous reporting period.

**Table 9: Environmental performance**

Item	Performance 2021–22	Performance 2020–21
<b>Office tenancy light and power</b>		
Electricity (kWh)	520,985	542,407
Green power (kWh)	Nil	19,134
Total (GJ)	1,876	2,022
Total electricity consumed per employee (MJ)	3,916	5,055
<b>Passenger vehicles</b>		
Petrol (litres)	1,987	2,335
Total (GJ)	55	80
Distance (km)	46,080	45,063
Megajoules/100 kilometres	1.19	1.59
<b>Total consumption (GJ)</b>	<b>2,077</b>	<b>2,102</b>

## Freedom of information

Entities subject to the *Freedom of Information Act 1982* (FOI Act) are required to publish information to the public as part of the Information Publication Scheme (IPS). This requirement is set out in Part II of the FOI Act and has replaced the former requirement to publish a section 8 statement in an annual report.

The CDPP's plan showing the information we publish in accordance with the IPS requirements is available on our website.



## Corrections to previous annual reports

The CDPP's 2020–21 Annual Report contained minor errors.

Table 22 contained incorrect figures. The correct figures are provided in the following table.

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

Classification	Minimum salary	Maximum salary
SES 3	\$320,021	\$320,021
SES 2	\$241,748	\$254,622
SES 1	\$194,240	\$233,555
PFP	\$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	\$72,8210	\$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	\$52,706	\$57,950
APS 1	\$27,382	\$51,130
Other	0	0
<b>Minimum/maximum range</b>	<b>\$27,382</b>	<b>\$320,021</b>

Table 31 contained incorrect figures. The correct figures are provided in the following table.

**Table 31: Prosecution performance indicators for 2018–21**

Description	Target %	Outcome %		
		2020–21	2019–20	2018–19
Prosecutions resulting in a conviction <sup>1</sup>	90	99	98	97
Defendants in defended summary hearings resulting in conviction	70 <sup>2</sup>	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

**Notes**

- 1 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 CDDP discontinued the prosecution against them in its entirety or where a prosecution was commenced and the court has issued a warrant to bring the defendant before the court.
- 2 The target for defendants in defended summary hearings in 2018–19 was 60%. The target was increased to 70% from the 2019–20 financial year.

The CDDP’s 2019–20 Annual Report contained minor errors.

Table 8 contained incorrect figures. The correct figures are provided in the following table.

**Table 8: Prosecution indicators for 2019–20**

Description	Target	Outcome	No. successful (total)
Prosecutions resulting in a conviction <sup>1</sup>	90%	98%	1476 (1513)
Defendants in defended summary hearings resulting in conviction	70%	80%	28 (35)
Defendants in defended committals resulting in a committal order	80%	98%	225 (229)
Defendants tried on indictment and convicted	70%	64%	53 (83)
Prosecution sentence appeals in summary prosecutions upheld	60%	100%	1 (1)
Prosecution sentence appeals in a prosecution on indictment upheld	60%	63%	5 (8)

**Note:**

- 1 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 CDDP 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.

Table 9 contained incorrect figures. The correct figures are provided in the following table.

**Table 9: Prosecution performance indicators for 2017–20**

Description	2019–20		2018–19		2017–18	
	Target	Outcome	Target	Outcome	Target	Outcome
Prosecutions resulting in a conviction <sup>1</sup>	90%	98%	90%	97%	90%	97%
Defendants in defended summary hearings resulting in conviction	70%	80%	60%	69%	60%	81%
Defendants in defended committals resulting in a committal order	80%	98%	80%	98%	80%	99%
Defendants tried on indictment and convicted	70%	64%	60%	72%	60%	59%
Prosecution sentence appeals in summary prosecutions upheld	60%	100%	60%	67%	60%	100%
Prosecution sentence appeals in a prosecution on indictment upheld	60%	63%	60%	50%	60%	56%

**Note:**

- 1 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 CDDP 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.

# ★ Appendices

## Appendix 1 – Entity resource statement

**Table 10: Entity resource statement 2021–22**

Departmental expenses	Actual available appropriation for 2021–22 \$'000 (a)	Payments made 2021–22 \$'000 (b)	Balance remaining 2021–22 \$'000 (a)-(b)
Annual appropriations – ordinary annual services <sup>1,2</sup>	130,289	100,230	30,059
Annual appropriations – other services – non operating <sup>3</sup>	726	0	726
<b>Total resourcing and payments</b>	<b>131,015</b>	<b>100,230</b>	<b>30,785</b>

**Notes:**

- 1 *Appropriation Act (No 1) 2021–22* prior year departmental appropriation and retained revenue receipts under section 74 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).
- 2 Includes an amount of \$1.845 million in 2021–22 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.

**Table 11: Expenses and resources for Outcome 1 2021–22**

Outcome 1: Contribution to a fair, safe and just society by delivering an effective, independent prosecution service in accordance with the Prosecution Policy of the Commonwealth.	Budget <sup>1</sup> 2021–22 \$'000 (a)	Actual Expenses 2021–22 \$'000 (b)	Variation 2021–22 \$'000 (a)-(b)
<b>Program 1.1: An independent service to prosecute alleged offences against the criminal law of the Commonwealth</b>			
Departmental expenses			
Departmental Appropriation <sup>2</sup>	102,787	97,045	5,742
Expenses not requiring appropriation <sup>3</sup>	4,160	4,761	(601)
Total expenses for Outcome 1	106,947	101,806	5,141
	<b>Budget</b>	<b>Actual</b>	
Average staffing level (number)	430	403	

**Notes:**

- 1 Full-year budget including any subsequent adjustment made to the 2021–22 budget at Additional Estimates.
- 2 Departmental appropriation combines Ordinary annual services (Appropriation Act No 1) and retained revenue receipts under section 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 tables: key management personnel and SES

The following tables are prepared on an accrual accounting basis. Benefits expenses in previous financial years (such as leave taken) are excluded from 2021–22 remuneration.

### Executive remuneration for key management personnel

Table 12: Remuneration for key management personnel 2021–22

Name	Position	Short-term benefits			Other allowances <sup>1</sup>	Post-employment benefits	Other long-term benefits			Termination benefits	Total remuneration
		Base Salary	Bonuses	Benefits and allowances <sup>1</sup>			Superannuation contributions	Long service leave	Other long-term benefits		
McNaughton, Sarah <sup>2</sup>	Director	\$480,987	\$0	\$2,274	\$59,746	\$11,855	\$0	\$0	\$0	\$554,862	
Bruckard, Scott	Commonwealth Solicitor for Public Prosecutions	\$315,038	\$0	\$1,955	\$52,116	\$8,025	\$0	\$0	\$0	\$377,134	
Bahlen, David <sup>3</sup>	Deputy Director	\$37,542	\$0	\$248	\$5,786	\$836	\$0	\$0	\$0	\$44,412	
Carter, James	Deputy Director	\$261,757	\$0	\$1,994	\$47,083	\$6,385	\$0	\$0	\$0	\$317,219	
De Crespigny, Mark	Deputy Director	\$264,777	\$0	\$1,744	\$46,196	\$6,385	\$0	\$0	\$0	\$319,102	
Devereaux, Roberta <sup>4</sup>	Deputy Director	\$31,473	\$0	\$277	\$7,393	\$901	\$0	\$0	\$0	\$40,044	
Nott, Gina <sup>5</sup>	Deputy Director	\$190,124	\$0	\$1,701	\$25,265	\$4,099	\$0	\$0	\$0	\$221,189	
Phillipson, Joanne	Deputy Director	\$228,979	\$0	\$250	\$41,530	\$5,761	\$0	\$0	\$0	\$276,519	
Tchakerian, Bernd <sup>6</sup>	Deputy Director	\$254,479	\$0	\$1,955	\$46,196	\$6,385	\$0	\$0	\$0	\$309,015	
Oberoi, Sabeena	Chief Corporate Officer	\$263,135	\$0	\$1,744	\$50,491	\$6,385	\$0	\$0	\$0	\$321,754	
Burggraaff, Steven	Chief Financial Officer	\$228,258	\$0	\$1,744	\$45,417	\$5,481	\$0	\$0	\$0	\$280,899	

**Notes:**

1. Other Benefits include employee health initiative reimbursements and car parking.
2. The Director's remuneration is set by the Remuneration Tribunal. The 2021–22 determined amount of \$554,220 excludes annual and long service leave accruals, and includes a notional superannuation component of \$59,746 (15.4% of \$387,960 superannuation salary). Actual defined benefit superannuation contributions, including employer productivity components total \$72,937. Note 13 of the financial statements reports actual defined benefit superannuation contributions.
3. Part year period of service 9 May 2022 to 30 June 2022.
4. Part year period of service 2 May 2022 to 30 June 2022.
5. Part year period of service 1 July 2021 to 30 March 2022.
6. Part year period of service 1 July 2021 to 27 May 2022.

## Executive remuneration by salary band

**Table 13: Remuneration for senior executives 2021–22**

Total remuneration bands	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	Average superannuation contributions	Average long service Leave	Average Other longterm benefits	Average termination benefits	Average total remuneration				
\$0 – \$220,000	7	\$112,863	\$0	\$802	\$19,093	\$2,527	\$0	\$0	\$0	\$135,284			
\$220,001 – \$245,000	5	\$193,614	\$0	\$1,465	\$31,074	\$4,026	\$0	\$0	\$0	\$230,179			
\$245,001 – \$270,000	5	\$210,163	\$0	\$2,179	\$36,947	\$4,256	\$0	\$0	\$0	\$253,545			
\$270,001 – \$295,000	4	\$228,418	\$0	\$1,977	\$43,078	\$5,575	\$0	\$0	\$0	\$279,047			
\$370,001 – \$395,000	1	\$125,678	\$0	\$1,553	\$21,590	\$2,868	\$0	\$0	\$0	\$230,081			
												\$381,770	

**Notes:**

1. Remuneration reported includes part-year periods of service, including acting arrangements of greater than 3 months.
2. Other Benefits include employee health initiative reimbursements, car parking and First Aid Officer allowance.

## Remuneration of other highly paid staff

No other staff received remuneration greater than \$235,000 during the 2021–22 financial year.

## Appendix 3 – Partner agency satisfaction survey methodology

The results of the 2022 partner agency survey are at Part 2: Annual Performance Statement. Our aim was to survey staff of partner agencies who have dealt with the CDPP over the last 2 years about the quality of the CDPP's service.

### Which agencies are partner agencies?

The agencies that investigate and refer cases to the CDPP comprise the largest cohort of partner agencies that the CDPP deals with (for example, Australian Federal Police, state and territory police, Services Australia).

There are other agencies that work closely with the CDPP including in relation to law reform and international engagement (for example, Attorney-General's Department (AGD), Department of Home Affairs) that are also partner agencies.

### Methodology for identifying survey population

The following methodology was used to provide a representative sample and assure a consistent and robust approach.

- A total of 5,842 respondents were selected from partner agencies.
- The population was divided into 2 strata.

#### First stratum

Approximately two-thirds (390, or 67%) of the respondents were informants (case officers from referring agencies) randomly selected from cases that were active in our databases – caseHQ or CRIMS – between 2 May 2020 and 1 May 2022 (the referral period).

These informants were from referring agencies listed in the 2020–21 CDPP Annual Report as well as additional agencies (identified through caseHQ) that had referred briefs during 2021–22.

The population of informants in the randomised list was stratified by referring agency. The total number of survey respondents per agency was determined through the proportion of files that were active during the referral period. For example, if an agency contributed 10% of the referrals during the referral period they would constitute 39 of the total respondents (10% of 390).

Upon determining the number of informants per referring agency the random selection of informants was weighted by number of referrals. That is, informants that had made more referrals and subsequently would have had more interactions with the CDPP would be more likely to be selected.

## Second stratum

Approximately one-third (194 or 33%) of the respondents were selected from a data set comprising names provided by CDPP prosecutors. This group was provided the same survey questionnaire as the randomised group of 390 respondents. Respondents identified by the CDPP prosecutors were staff from partner agencies who were:

- involved in liaison, policy, law reform, training or similar activities
- a lawyer
- a team leader or senior manager
- a member of an intelligence agency
- an investigator in a case who was not the informant but who was a key member of the investigative team and had significant dealings with CDPP prosecutors during the referral period.

It should be noted that the CDPP does not hold a data set of these sorts of people on its business management systems. The only method of accurately surveying these people is to ask CDPP staff who they have been dealing with. The reason for also including an investigator (who is not an informant on a particular case) within this group is to ensure that the survey is representative and includes investigators who have significant, as well as current, experience of working with the CDPP. This is particularly relevant in larger, more complex matters where teams of investigators work on cases, but where there may only be one informant listed on the CDPP's computer system for each case.

### Master partner agencies list

There were some agencies identified in the second stratum that are partner agencies but not referring agencies for the survey period, such as AGD. Every new partner agency identified was added to the master referring agency list to form an overall master list of 65 partner agencies.

Attempts were made to send at least one survey to each of the 65 partner agencies on the master partner agency list. Ultimately, we were successful in sending at least one survey to 62 partner agencies on the master partner agency list.



## Appendix 4 – Workforce statistics

### Ongoing employees

The following tables include inoperative employees. They do not include statutory office holders.

**Table 14: All ongoing employees—current period (2021–22)**

	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total Male	Full-time	Part-time	Total Female	Full-time	Part-time	Total Indeterminate	
NSW	44	0	44	84	8	92	0	0	0	136
QLD	24	0	24	33	8	41	0	0	0	65
SA	3	0	3	12	4	16	0	0	0	19
TAS	5	0	5	4	3	7	0	0	0	12
VIC	27	1	28	48	9	57	0	0	0	85
WA	5	0	5	14	4	18	0	0	0	23
ACT	17	1	18	39	6	45	0	0	0	63
NT	0	0	0	3	0	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
<b>TOTAL</b>	<b>125</b>	<b>2</b>	<b>127</b>	<b>237</b>	<b>42</b>	<b>279</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>406</b>

**Table 15: All ongoing employees—previous 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
<b>TOTAL</b>	<b>125</b>	<b>1</b>	<b>126</b>	<b>242</b>	<b>39</b>	<b>281</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>407</b>

The following tables report employees at their substantive classification. They do not include inoperative employees or statutory office holders.

**Table 16: Public Service Act 1999 ongoing employees by classification and gender—current period (2021–22)**

	Male			Female			Indeterminate			Total
	Full-time	Part-time	Total Male	Full-time	Part-time	Total Female	Full-time	Part-time	Total Indeterminate	
SES 3	1	0	1	0	0	0	0	0	0	1
SES 2	4	0	4	2	0	2	0	0	0	6
SES 1	4	0	4	5	0	5	0	0	0	9
PFP	17	0	17	23	8	31	0	0	0	48
EL 2	6	0	6	8	0	8	0	0	0	14
SFP	22	0	22	48	21	69	0	0	0	91
EL 1	6	0	6	10	0	10	0	0	0	16
APS 6	6	1	7	14	2	16	0	0	0	23
FP2	45	1	46	89	8	97	0	0	0	143
APS 5	4	0	4	9	1	10	0	0	0	14
FP1	0	0	0	0	0	0	0	0	0	0
APS 4	3	0	3	22	1	23	0	0	0	26
APS 3	4	0	4	7	1	8	0	0	0	12
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
<b>TOTAL</b>	<b>125</b>	<b>2</b>	<b>127</b>	<b>237</b>	<b>42</b>	<b>279</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>406</b>

**Table 17: Public Service Act 1999 ongoing employees by classification and gender—previous 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	0	0	0	1
SES 2	4	0	4	1	0	1	0	0	0	5
SES 1	7	0	7	8	0	8	0	0	0	15
PPF	11	0	11	20	7	27	0	0	0	38
EL 2	7	0	7	6	0	6	0	0	0	13
SFP	28	0	28	53	18	71	0	0	0	99
EL 1	5	0	5	12	1	13	0	0	0	18
APS 6	6	1	7	15	0	15	0	0	0	22
FP2	28	0	28	61	9	70	0	0	0	98
APS 5	4	0	4	8	1	9	0	0	0	13
FP1	10	0	10	28	0	28	0	0	0	38
APS 4	6	0	6	19	2	21	0	0	0	27
APS 3	6	0	6	10	1	11	0	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
<b>TOTAL</b>	<b>125</b>	<b>1</b>	<b>126</b>	<b>242</b>	<b>39</b>	<b>281</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>407</b>

## Non-ongoing employees

The following tables include inoperative employees. They do not include statutory office holders.

**Table 18: All non-ongoing employees—current period (2021–22)**

	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	6	0	6	0	0	0	7
QLD	0	0	0	3	0	3	0	0	0	3
SA	0	0	0	2	0	2	0	0	0	2
TAS	0	0	0	1	0	1	0	0	0	1
VIC	2	0	2	6	0	6	0	0	0	8
WA	1	0	1	2	0	2	0	0	0	3
ACT	0	0	0	7	1	8	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
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>4</b>	<b>28</b>	<b>1</b>	<b>29</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>33</b>

**Table 19: All non-ongoing employees—previous 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	1	0	1	0	0	0	0	0	0	1
QLD	1	0	1	2	0	2	0	0	0	3
SA	1	0	1	1	0	1	0	0	0	2
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	2	0	2	3	0	3	0	0	0	5
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
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>5</b>	<b>7</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12</b>

The following tables report employees at their substantive classification. They do not include inoperative employees or statutory office holders.

**Table 20: Public Service Act 1999 non-ongoing employees by classification and gender—current period (2021–22)**

	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
PPF	0	0	0	0	0	0	0	0	0	0
EL 2	0	0	0	1	0	1	0	0	0	1
SFP	1	0	1	4	0	4	0	0	0	5
EL 1	0	0	0	1	0	1	0	0	0	1
APS 6	0	0	0	4	0	4	0	0	0	4
FP2	1	0	1	2	0	2	0	0	0	3
APS 5	0	0	0	1	0	1	0	0	0	1
FP1	0	0	0	0	0	0	0	0	0	0
APS 4	0	0	0	2	1	3	0	0	0	3
APS 3	2	0	2	13	0	13	0	0	0	15
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
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>4</b>	<b>28</b>	<b>1</b>	<b>29</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>33</b>

**Table 21: Public Service Act 1999 non-ongoing employees by classification and gender—previous 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
PPF	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
FP1	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
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>5</b>	<b>7</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12</b>

## Employment type by full-time and part-time status

The following tables report employees at their substantive classification. They do not include inoperative employees or statutory office holders.

**Table 22: Public Service Act 1999 employees by full-time and part-time status—current period (2021–22)**

	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	0	6	0	0	0	6
SES 1	9	0	9	0	0	0	9
PF2	40	8	48	0	0	0	48
EL 2	14	0	14	1	0	1	15
SFP	70	21	91	5	0	5	96
EL 1	16	0	16	1	0	1	17
APS 6	20	3	23	4	0	4	27
FP2	134	9	143	3	0	3	146
APS 5	13	1	14	1	0	1	15
FP1	0	0	0	0	0	0	0
APS 4	25	1	26	2	1	3	29
APS 3	11	1	12	15	0	15	27
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
<b>TOTAL</b>	<b>362</b>	<b>44</b>	<b>406</b>	<b>32</b>	<b>1</b>	<b>33</b>	<b>439</b>

**Table 23: Public Service Act 1999 employees by full-time and part-time status—previous period (2020–21)**

	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	5	0	5	0	0	0	5
SES 1	15	0	15	0	0	0	15
PFP	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
<b>TOTAL</b>	<b>367</b>	<b>40</b>	<b>407</b>	<b>12</b>	<b>0</b>	<b>12</b>	<b>419</b>

## Employment type by location

The following tables do not include inoperative employees or statutory office holders.

**Table 24: Public Service Act 1999 employment type by location—current period (2021–22)**

	Ongoing	Non-Ongoing	Total
NSW	136	7	143
QLD	65	3	68
SA	19	2	21
TAS	12	1	13
VIC	85	8	93
WA	23	3	26
ACT	63	8	71
NT	3	1	4
External territories	0	0	0
Overseas	0	0	0
<b>TOTAL</b>	<b>406</b>	<b>33</b>	<b>439</b>



**Table 25: Public Service Act 1999 employment type by location—previous 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
<b>TOTAL</b>	<b>407</b>	<b>12</b>	<b>419</b>

## Indigenous employment

**Table 26: Public Service Act 1999 employees—indigenous employment—current period (2021–22)**

	Total
Ongoing	4
Non-Ongoing	0
<b>TOTAL</b>	<b>4</b>

**Table 27: Public Service Act 1999 employees—indigenous employment—previous period (2020–21)**

	Total
Ongoing	3
Non-Ongoing	0
<b>TOTAL</b>	<b>3</b>

## Appendix 5 – Prosecution statistics

The CDDP's core prosecution case data is sourced from available digital solutions where data governance practices ensure the information is accurate, up to date and consistent. We continue to enhance our reporting and data analytics capability to track progress, report on the work we do and analyse and enhance our business decision making.

Current prosecution statistics can be found on our website.

### Matters dealt with 2021–22

The following tables provide statistics in relation to matters dealt with as at 30 June 2022.

**Table 28: Legislation under which charges dealt with summarily and on indictment 2021–22**

Legislation	Summary (charges)	Indictable (charges)
A New Tax System (Family Assistance) (Administration) Act 1999 (Cth)	36	0
Anti-Money Laundering and Counter Terrorism Financing Act 2006 (Cth)	8	8
Australian Citizenship Act 2007 (Cth)	5	0
Australian Passports Act 2005 (Cth)	3	23
Australian Securities and Investments Commission Act 2001 (Cth)	4	2
Autonomous Sanctions Act 2011 (Cth)	0	1
Aviation Transport Security Act 2004 (Cth)	3	0
Aviation Transport Security Regulations 2005 (Cth)	8	0
Bankruptcy Act 1966 (Cth)	137	18
Biosecurity Act 2015 (Cth)	0	5
Census and Statistics Act 1905 (Cth)	25	0
Charter of the United Nations Act 1945 (Cth)	0	1
Child Support (Registration and Collection) Act 1988 (Cth)	1	0
Civil Aviation Act 1988 (Cth)	6	1
Civil Aviation Regulations 1988 (Cth)	19	0
Civil Aviation Safety Regulations 1998 (Cth)	20	0
Competition and Consumer Act 2010 (Cth)	0	94
Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth)	2	70
Corporations Act 2001 (Cth)	138	107
Crimes (Aviation) Act 1991 (Cth)	4	5
Crimes (Currency) Act 1981 (Cth)	33	10
Crimes Act 1914 (Cth)	11	50
Criminal Code (Cth)	2,500	2,798
Customs Act 1901 (Cth)	6	0
Customs Act 1901 (Cth)	117	100
Defence Act 1903 (Cth)	29	0

Legislation	Summary (charges)	Indictable (charges)
Environment Protection and Biodiversity Conservation Act 1999 (Cth)	3	0
Environment Protection and Biodiversity Conservation Regulations 2000 (Cth)	1	0
Excise Act 1901 (Cth)	1	0
Fair Work Act 2009 (Cth)	2	3
Fisheries Management Act 1991 (Cth)	1	0
Great Barrier Reef Marine Park Act 1975 (Cth)	24	0
Great Barrier Reef Marine Park Regulations 2019 (Cth)	43	0
Health Insurance Act 1973 (Cth)	1	1
Industrial Chemicals Act 2019 (Cth)	2	0
Marine Safety (Domestic Commercial Vessel) National Law Act 2012 (Cth)	20	0
Maritime Transport and Offshore Facilities Security Act 2003 (Cth)	1	0
Migration Act 1958 (Cth)	17	84
National Consumer Credit Protection Act 2009 (Cth)	7	0
National Vocational Education and Training Regulator Act 2011 (Cth)	4	0
Passports Act 1938 (Cth)	3	0
Protection of the Sea (Prevention of Pollution from Ships) Act 1983 (Cth)	4	0
Public Order (Protection of Persons and Property) Act 1971 (Cth)	35	0
Quarantine Act 1908 (Cth)	0	1
Radiocommunications Act 1992 (Cth)	1	0
Social Security (Administration) Act 1999 (Cth)	9	0
Social Security Act 1991 (Cth)	25	0
Statutory Declarations Act 1959 (Cth)	0	1
Taxation Administration Act 1953 (Cth)	249	8
Therapeutic Goods Act 1989 (Cth)	77	70
Tobacco Plain Packaging Act 2011 (Cth)	4	0
Torres Strait Fisheries Act 1984 (Cth)	2	0
Trade Marks Act 1995 (Cth)	0	4
Trespass on Commonwealth Lands Ordinance 1932 (Cth)	11	0
Work Health and Safety Act 2011 (Cth)	9	0
Non Commonwealth Legislation	339	453
<b>TOTAL</b>	<b>4,010</b>	<b>3,919</b>

**Table 29: Referring agencies - defendants dealt with summarily and on indictment 2021–22**

Referring agency	Summary	Indictable
Australian Border Force	26	43
Australian Bureau of Statistics	6	0
Australian Commission for Law Enforcement Integrity	3	2
Australian Competition and Consumer Commission	0	9
Australian Federal Police	190	371
Australian Financial Security Authority	117	6
Australian Fisheries Management Authority	1	0
Australian Maritime Safety Authority	17	0
Australian Pesticides and Veterinary Medicines Authority	1	0
Australian Securities and Investments Commission	37	21
Australian Skills Quality Authority	1	0
Australian Taxation Office	29	20
Civil Aviation Safety Authority	4	1
Clean Energy Regulator	1	0
COMCARE	7	0
Department of Agriculture, Water and the Environment	3	3
Department of Defence	3	1
Department of Education, Skills and Employment	5	4
Department of Foreign Affairs and Trade	3	1
Department of Health	8	6
Department of Home Affairs	0	2
Department of Social Services	4	0
Department of Veterans' Affairs	0	1
Great Barrier Reef Marine Park Authority	52	0
National Disability Insurance Agency	0	2
National Indigenous Australians Agency	1	0
Office of the Registrar of Indigenous Corporations	0	2
Services Australia	8	0
Services Australia - Centrelink	360	42
Services Australia - Child Support Agency	1	0
Services Australia - Medicare	61	1
Therapeutic Goods Administration	3	2
Non Commonwealth agencies	183	315
<b>TOTAL</b>	<b>1,135</b>	<b>855</b>

'Defendants dealt with' includes not only convictions and findings of guilt but also:

- matters resulting in acquittals
- prosecutions that are discontinued in accordance with the Prosecution Policy of the Commonwealth based on evidentiary or public interest considerations
- discontinuances as part of a charge negotiation
- when a matter scheduled for trial resolves into a guilty plea
- when there is a hung jury
- when a warrant has been issued and the defendant has absconded
- determinations that a defendant is unfit to be tried
- matters where a charge is issued but is unable to be served.

It does not include:

- matters where the CDPP has provided pre-brief advice to an investigative agency
- brief assessments that do not proceed to prosecution on evidentiary or public interest grounds
- breach proceedings
- matters determined on appeal.

## Prosecution appeals

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.

The prosecution policy 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 based on 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.

In addition to the above considerations, we only institute appeal proceedings when there are reasonable prospects of success.

In 2021–22 a total of 7 prosecution sentence appeals were decided, with 5 appeals being successful. This represents an outcome of 71% of appeals being upheld.

**Table 30: Prosecution appeals and outcomes 2021-22**

Description of appeal	Number of appeals	Appeal upheld
Prosecution sentence appeals in summary prosecutions	0	0
Prosecution sentence appeals in a prosecution on indictment	7	5

In some cases, our sentence appeal may not be upheld despite the court finding there has been an error in law or in the application of sentencing principles. In all sentence appeal cases appellate courts have a residual discretion not to intervene and re-sentence. While appellate interventions did not occur in 2 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.

# Appendix 6 – Exercise of the Director’s statutory functions and powers

The DPP Act empowers the Director to exercise a range of statutory functions and powers including to:

- discontinue a prosecution
- take over a prosecution instigated by another person
- grant an indemnity
- consent to proceedings.

During the reporting period the Director, or her delegate, exercised the powers and functions outlined below.

## Discontinuance of a prosecution

### Discontinuance following commitment to trial or the filing of an indictment

After a defendant has been committed to trial, the question sometimes arises whether the prosecution should continue. This can arise because of an application by the defendant or on the CDPP’s initiative.

The Director’s power to discontinue a prosecution is derived from section 9(4) of the 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.

In 2021–22 a total of 53 prosecutions the CDPP had carriage of were discontinued following commitment for trial or the filing of an indictment because there was either insufficient evidence to proceed or for compelling public interest reasons. Five matters were discontinued for other reasons, for example death of an accused.

### Discontinuance in the summary jurisdiction

The CDPP also discontinued 171 matters in the summary jurisdiction on either evidentiary or public interest grounds.

## Taking over private prosecutions

Section 13 of the *Crimes Act 1914* protects the right for any person to bring a private prosecution in a Commonwealth matter. This right is expressly preserved under section 10(2) of the DPP Act.

Under section 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 exercised this power on 5 occasions during the reporting period.

## Indemnities

The DPP Act empowers the Director to give an undertaking, referred to as an indemnity, to a potential witness in 3 circumstances:

- section 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
- section 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
- section 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.

During the reporting period the Director provided 2 indemnities under section 9(6) and one indemnity under section 9(6D).

## *Ex-officio* indictments

Under sections 6(2A)–(2D) of the DPP Act the Director may institute prosecutions on indictment, referred to as *ex-officio* indictments. 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.

The powers in section 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 they 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.

During the reporting period the Director or her delegate exercised *ex-officio* powers on 19 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 53 defendants in relation to 24 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 section 121 of the *Family Law Act 1975*, which restricts publication of court proceedings. During 2021–22 the Director gave consent under this provision in relation to one defendant.



## Appendix 7 – Witness Assistance Service

As set out in the following table, during the reporting period the WAS accepted 599 victim/witness referrals, 237 of whom were children.

**Table 31: Witness assistance matters 2021–22**

Offence type	Number of matters	Victims / Witnesses
Online child sexual exploitation	59	457
Other child sex offences	6	25
Use a carriage service to menace, harass, cause offence	9	44
Human trafficking (inc slavery offences)	4	28
Work health and safety	3	9
Other	8	36
<b>TOTAL</b>	<b>89</b>	<b>599<sup>1</sup></b>

1 This figure includes parents and caregivers of child victims, including 47 victims/witnesses involved in 13 existing matters referred to WAS in previous years.

## Appendix 8 – Case examples

### Operation Donabate

**Date of sentence:** 7 September 2021

**Court:** County Court of Victoria

**Partner agency:** Australian Federal Police (AFP)

**Outcome:** Hanifi Halis, Samed Eriklioglu and Ertunc Eriklioglu were each sentenced to 10 years' imprisonment with non-parole periods of 7 years and 6 months, having pleaded guilty to a single charge of conspiracy to do acts in preparation for a terrorist act.

Police had been investigating the activities of the offenders since March 2017 when 'Ali', a covert police operative, befriended the group. During November 2018 the offenders met with 'John', another covert operative who they believed was an acquaintance of 'Ali', to arrange the purchase of a firearm from an unknown seller on their behalf. The offenders negotiated and agreed with 'John' to purchase an unregistered .22 calibre semi-automatic rifle for \$1,800 and paid 'John' a deposit for the purchase.

The offenders purported to be purchasing the firearm to learn how to hunt; however, police determined the real purpose was to engage in training with the firearm in preparation for, or planning, an attack on members of the public using a firearm. Evidence gathered demonstrated that each of the co-accused believed in the righteousness of violent jihad to be waged against the perceived enemies of Islam and that violence could legitimately be directed at civilians of Western countries who were non-believers.

In sentencing the offenders, his Honour Judge O'Connell stated:

*'These men embraced an opportunity to acquire a firearm in order to learn how to use that firearm in preparation for, or planning, a terrorist act. That terrorist act was an action or threat of action involving an attack on members of the public with a firearm, with the intention of advancing what has been rightly called a 'depraved and evil ideology'... that sort of conduct is calculated to sow fear and terror in our community, and any sentence imposed in response to such conduct must seek to protect the public and deter others from resorting to similar action or threats of action.'*

### R v Avanteos Investments Limited

**Date of sentence:** 15 June 2022

**Court:** County Court of Victoria

**Partner agency:** Australian Securities and Investment Commission

**Outcome:** Avanteos Investments Limited (Avanteos) was convicted and fined \$1.71 million following a plea of guilty to 18 charges pursuant to section 1021J of the *Corporations Act*.

The offending conduct was the subject of evidence at the Banking Royal Commission in relation to 'fees for no service' conduct in the financial sector. At the time of the offending Avanteos was a Commonwealth Bank subsidiary.

This was the first matter prosecuted by the CDPP for an offence contrary to section 1021J which relates to failing to rectify or prevent further distribution of disclosure statements upon becoming aware that the statements are defective.

Avanteos issued superannuation products that were sold to retail customers via their financial advisers. Avanteos deducted various fees from its members' cash accounts, including an 'adviser service fee' paid for advice provided in relation to the superannuation product. Avanteos continued deducting this fee even after it had been notified that the member had died, unless it received an instruction from the members' estate to cease the payment.

On 6 January 2016 Avanteos' senior management became aware that the Product Disclosure Statements for 18 of its superannuation products were defective because they did not contain relevant information regarding the deduction of adviser services fees and in fact contained an implied representation that Avanteos would not deduct those fees after death. Nevertheless, Avanteos continued this practice until 1 May 2018.

At sentence His Honour Judge Wraight found that Avanteos' offending could '*...only be described as a very serious failure of corporate governance and an example of a financial corporation putting its own interests above those of its investors in breach of the law.*'

## Comcare v Commonwealth of Australia (Department of Defence)

Work health and safety is an example of a highly complex emerging crime type that is shaping CDDP's future workload. It is also a practice area that requires close collaboration between the partner agency and the CDDP, particularly during the pre-brief phase, and it directly contributes to the safety of the community.

**Date of sentence:** 1 September 2021

**Court:** Darwin Local Court

**Partner agency:** Comcare

**Outcome:** The Department of Defence (the defendant) was ordered to pay a \$1 million fine. A 33% discount was given, taking into account the strength of the prosecution case and the defendant's guilty plea, contrition, cooperation and reparation.

On 10 May 2017, as part of a live-fire military exercise in the Northern Territory, an activity was undertaken that involved teams entering a mock village, moving through buildings and engaging 'enemy targets' within those buildings. During a break in the exercise a Private, who had been in the Defence Force for approximately 10 months, remained behind a building in a location where he could not be seen by other members. His absence was not noted before the exercise recommenced and as a result he was killed by a gunshot wound to the head.

The defendant was charged with one offence of failing to comply with a health and safety duty, namely exposing a person to a risk of death, injury or illness, contrary to section 32 of the *Work Health and Safety Act 2011*. The defendant pleaded guilty, accepting that it failed to provide and maintain a safe system of work. It consented to a reparation order to compensate the victim's family for financial losses and pain and suffering.

In sentencing, the judge considered that the breach fell within the worst category for this type of offending stating:

*'The risk was the highest there is, a risk of death. That risk was not only foreseeable it was foreseen. In response to other serious incidents the Department had indicated it would ensure its safety polices were complied with, but it failed to institute a mechanism that had that effect.'*

## R v Moyle

**Date of sentence:** 15 December 2021<sup>2</sup>

**Court:** South Australian Court of Appeal

**Partner agencies:** South Australia Police and AFP

**Outcome:** Geoffrey Moyle was sentenced on appeal to 12 years' imprisonment, with a non-parole period of 7 years.

The offending involved Moyle engaging in sexual acts with girls aged between 10 and 14 years old between 2002 and 2005 in Cambodia, where he was living and working for international development agencies. Moyle took photos and video footage of the offending conduct. In January 2020 Moyle pleaded guilty to 9 Commonwealth child sex offences, including 5 counts of engaging in sexual conduct with a child under 16 years outside of Australia and 4 counts of engaging in sexual intercourse with a child under 16 years outside of Australia. Moyle was also charged with 2 further state offences of possession of child exploitation material.

The maximum penalty for the sexual conduct offences was 12 years' imprisonment and for the sexual intercourse offences was 17 years' imprisonment. Moyle received a 20% reduction on sentence on account of his guilty pleas. On 17 September 2021 Moyle was sentenced by the Adelaide District Court to 8 years, 9 months and 19 days' imprisonment.

The Director appealed the sentence imposed in the District Court, arguing the sentence was manifestly inadequate. The South Australian Court of Appeal found that the sentence did not adequately reflect the seriousness of the offending and that it failed to recognise the harm caused to the many victims.

The court held that the sentence imposed for the Commonwealth offences was *'...so substantially below the range of sentences warranted by the offending as to require correction to maintain proper sentencing standards'*.

The court set aside the original sentence and imposed a sentence of 12 years imprisonment with a non-parole period of 7 years. As Chief Justice Kourakis and Justices Lovell and Doyle stated, *'Mr Moyle's participation in the commercial exploitation of children played its part in supporting the ongoing trade of those who peddle in the misery of children.'*

## Citigroup Global Markets Australia Pty Limited and others (Operation Deacon)

On 11 February 2022 the Director announced her decision to decline to further proceed in the criminal prosecutions of Citigroup Global Markets Australia Pty Limited, Deutsche Bank AG and 4 senior banking executives for cartel offences arising from an ANZ institutional share placement in August 2015. The prosecutions were very complex, in part due to the highly technical nature of many of the elements that needed to be proved to establish criminal liability.

These prosecutions commenced in June 2018 following an investigation and referral to CDPP by the Australian Competition and Consumer Commission and had been listed to proceed for trial in June 2022 with an estimated duration of 5 to 6 months.

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<sup>2</sup> Resentenced on appeal.

All decisions relating to the conduct of federal criminal prosecutions are made in accordance with the prosecution policy, including any decision to discontinue a prosecution already commenced. Prosecutors apply the prosecution policy at all stages of the prosecution process to ensure that proceedings continue to be adequately supported by admissible evidence and continue to be in the public interest.

In these matters, following a further careful review of the evidence and consideration of detailed submissions received from the legal representatives acting for the accused, the Director determined that there were no longer reasonable prospects of conviction for the charges before the court. This resulted in the Director's decision to decline to proceed further in the proceedings against the accused in this complex matter.

## R v Choi, Chan Han

**Date of sentence:** 23 July 2021

**Court:** Supreme Court of New South Wales

**Partner agency:** AFP

**Outcome:** Chan Han Choi was sentenced to 3 years and 6 months' imprisonment, having pleaded guilty during his trial to breaching sanctions imposed on the Democratic People's Republic of Korea (North Korea).

This was the first prosecution in Australia for breaching North Korean sanctions. The defendant contravened the United Nations sanctions regime by brokering a service for the sale of arms and related material and tactical inertial measurement units from North Korea and the sale of refined petroleum products to North Korea. Additionally, by brokering a service for the sale of coal from North Korea to Indonesia and the sale of pig iron from North Korea to South Korea, the defendant also breached Australia's autonomous sanctions regime.

Mr Choi was arrested by the AFP on 16 December 2017. The investigation involved police gathering a significant quantity of evidence, including evidence from witnesses in Australia and the United States of America with expertise in nuclear weapons and North Korea's missile programs, sanctions evasion activities, the types and components of missiles and coal and pig iron products. The investigation uncovered Mr Choi's connections with various associates in North Korea, China and Russia.

In sentencing the defendant, the Court found that Mr Choi was brokering the sale of 'Man-Portable Air Defence systems' surface to air missiles which can be fired from a person's shoulder or from a launcher mounted on a vehicle and can shoot down aeroplanes at lower altitudes. The purpose of this and other military equipment was to kill people and destroy equipment and infrastructure. The Court was also satisfied that, although none of the transactions came to fruition, the cessation of the negotiations was not due to any voluntary act by the defendant, finding the defendant acted deliberately, motivated by personal gain and by a desire to undermine a sanctions regime designed to put pressure on the North Korean government to comply with international law. Although none of the transactions that Mr Choi brokered were completed and thus there was no actual injury, loss or damage caused by Mr Choi's conduct, the potential damage was significant.

## R v Flower

**Date of sentence:** 11 February 2021

**Court:** District Court of New South Wales

**Partner agency:** AFP

**Outcome:** Ex-horse racing personality Damien Flower was sentenced to 28 years' imprisonment with a non-parole period of 17 years after pleading guilty to one count of importing a commercial quantity of a border-controlled drug contrary to section 307.1(1) of the Criminal Code and one count of dealing with the proceeds of crime contrary to section 400.4(1) of the Criminal Code.

Between 2016 and 2019 Flower arranged for the importation of a total of 228 kilograms of cocaine<sup>3</sup> from South Africa into Sydney on 12 separate occasions. At the time of the offending in 2019, the estimated bulk price of 48 kilograms of cocaine was between \$7.92 million and \$10.08 million. At the time of his arrest Flower had almost \$4 million in unexplained wealth to his name.

Flower used inside knowledge obtained during previous employment as a baggage handler for Qantas to arrange for his co-offender, Mafiti, to intercept and collect luggage containing the cocaine unloaded from planes arriving from South Africa. The operation involved Flower using 3 falsely subscribed mobile telephones to discuss the importation with Mafiti, who was a baggage handler at Sydney Airport, using a sophisticated code. Flower and Mafiti would discuss the scores in various sporting matches and predict upcoming sporting results under the guise of placing bets, when in fact the figures discussed corresponded with the relevant flight numbers and baggage container numbers from which Mafiti was to collect the bags containing the cocaine. Mafiti was also approved for numerous overtime shifts, allowing him to intercept and collect the bags upon their arrival, and used the staff exit, which was not accessible by the public to leave the airport undetected.

At sentence her Honour Judge Huggett commented that this was '*...an extremely serious example of such an offence*' that was '*...far from a case of fleeting or spontaneous involvement in a scheme to import illegal drugs.*'

Her Honour found Flower played '*...a significant managerial and organisational role*', describing the scheme and operation as '*...far from amateur.*'

## R v Power

**Date of sentence:** 25 August 2021

**Court:** District Court of Queensland

**Partner agency:** Department of Human Services

**Outcome:** Power was sentenced to 5 years' imprisonment with a non-parole period of 9 months. Pre-sentence custody of 133 days was declared as time served. A reparation order was made in the sum of \$50,938.31.

Power used stolen personal identification details sourced from an encrypted messaging app to redirect the Centrelink benefits of 68 genuine customers on 233 occasions. She also used some of the stolen identification details to make 73 false claims for Medicare benefits using forged invoices. Through this method, Power obtained \$50,938.31 in 78 false bank accounts, which she had created, and attempted to obtain a further \$21,086.37 which was not ultimately paid.

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<sup>3</sup> 114 times the commercial threshold (2kg).

Pre-brief engagement with the Department of Human Services – Centrelink (now Services Australia) and contributions from multiple agencies combined with valuable financial and digital analysis resulted in Power’s pleas of guilty and a further period of actual imprisonment. The sentencing Judge commented that her offending:

*‘Cuts at the heart of the social security system ... it places a burden on the whole of the community ... was persistent, calculated and sophisticated and very protracted. It is a significantly aggravating feature of your offending that you were subject to a parole order at the time of this offending.’*

## R v Wallis

**Date of sentence:** 10 June 2022

**Court:** Supreme Court of the Australian Capital Territory

**Partner agencies:** AFP, Commonwealth Scientific and Industrial Research Organisation (CSIRO)

**Outcome:** Wallis was sentenced to a term of imprisonment of 2 years to be released on a recognisance release order after serving 12 months.

In 2011 Wallis commenced employment with CSIRO in the Senior Executive Service position of General Manager of Property Services, receiving a generous annual salary with an additional performance bonus, a motor vehicle allowance and access to a fleet vehicle. He was also issued with a CSIRO credit card that was provided for work-related expenses. Due to his position, Wallis was granted a credit limit of up to \$15,000. In January 2016 Wallis signed a cardholder agreement for a temporary credit increase from \$15,000 per month to \$50,000 per month for the purpose of overseas travel.

During a more than 3-year period between April 2012 and June 2017 Wallis made personal purchases, including a jetski, using his CSIRO credit card to a total cost of \$71,892.47. He also dishonestly claimed a gym membership for his wife paid with CSIRO funds. He claimed that all the expenses incurred were for a legitimate work purpose.

Wallis also used forged documents to obtain 2 luxury vehicles, a Lexus LX570 and a Toyota Hilux, to a value of \$245,391.81. He relied on his position within CSIRO to have other employees accept the documents and process payment for the vehicles using CSIRO funds. Wallis claimed the invoices were to pay for necessary costs associated with CSIRO fleet vehicles.

A comprehensive investigation by the AFP, with cooperation from the CSIRO, resulted in Wallis entering pleas of guilty to charges of general dishonesty causing loss and using forged documents dishonestly. At sentence the Honourable Chief Justice McCallum described the expenditure as *‘ranging from the banal to the luxurious’*, that the objective seriousness of the offending was high and that it was a planned and premeditated continual course of conduct. The length of the sentence and the ratio of imprisonment to time spent on recognisance release order was reduced due to Wallis’s complex mental health conditions and an immunosuppressed condition, which meant serving a term of imprisonment put him at greater risk of catching COVID-19 and other viral infections.

## Appendix 9 – Executive officer biographies

### **Sarah McNaughton SC – Commonwealth Director of Public Prosecutions**

Ms McNaughton was appointed as the Commonwealth Director of Public Prosecutions on 5 May 2016 for an initial term of 5 years. On 13 May 2021 she was reappointed to the role of Director for a further 2 years. Ms McNaughton resigned as Director on 2 September 2022 to take up an appointment as a judge of the Supreme Court of New South Wales.

Ms McNaughton has 33 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 included an appellate practice in intermediate appellate courts across the nation and in the High Court of Australia.

Ms McNaughton holds bachelor's 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**

Mr Bruckard has been the Commonwealth Solicitor since April 2021 and acting Director since September 2022. Mr Bruckard joined the CDPP in 1987 and has been a senior executive for more than 20 years. In his extensive career as a federal prosecutor, Mr Bruckard led prosecution teams working on a broad range of crime types.

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 contributed to the development of important law reform initiatives, sharing insights gained in the practical application of legislation with policy makers. 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 complex criminal litigation, particularly through the application of technology.

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

### **David Bahlen, Practice Group Leader – Organised Crime and National Security**

Mr Bahlen has national responsibility for large scale organised crime matters as well as terrorism, foreign incursions, war crimes, espionage and related offences.

Mr Bahlen joined the CDPP in 2007. He has extensive experience in Commonwealth criminal law, having conducted complex prosecutions across several different crime types, including counter-terrorism, drugs and organised crime, commercial, tax and fraud. Mr Bahlen has a strong interest in building partnerships and working closely together with our partner agencies. He is an avid supporter of early engagement and the effective use of pre-brief advice to deliver better prosecution outcomes and service for our partners.



Mr Bahlen has been a member of the senior executive of the CDPP since 2016 and was appointed Deputy Director of the Organised Crime and National Security practice group in 2022. He holds a Bachelor of Arts from the University of Melbourne and a Bachelor of Laws (Hons) from La Trobe University.

## **James Carter, Practice Group Leader – Legal Capability and Performance**

Mr Carter has extensive experience in Commonwealth criminal law, having joined the CDPP in 1987. After prosecuting matters in the Australian Capital Territory and New South Wales, Mr Carter has held national CDPP roles in law reform, practice management and as Deputy Director and practice group leader for the former Revenue and Benefits Fraud and International Assistance and Specialist Agencies' practice groups. In these roles he has had national responsibility for the prosecution of a wide range of criminal offences across Australia and for the CDPP's relationships with many Commonwealth agencies.

Since 31 May 2022 Mr Carter has headed the new Legal Capability and Performance practice group. This practice group focuses on the CDPP's capability and performance including through developing our lawyers, improving the way we do our work and contributing to the CDPP's present and future success.

## **Mark de Crespigny, Practice Group Leader – 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 15 years, Mr de Crespigny became responsible for the practice groups now known as the Human Exploitation and Border Protection practice group in 2017.

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

## **Roberta Devereaux, Practice Group Leader – Fraud and Specialist Agencies**

Ms Devereaux commenced with the CDPP in 2001, prior to which she was a Principal Legal Officer with the Parliamentary Criminal Justice Commissioner Office in the role of counsel assisting. During her career she has also worked as a solicitor in the community legal centre sector, in private practice in criminal defence and at Legal Aid Queensland.

A member of the Senior Executive since 2017, Ms Devereaux was appointed as practice group leader of the Fraud and Specialist Agencies group earlier this year. With extensive experience fostering relationships with key external stakeholders in the revenue fraud and medifraud space, and with her previous experience as Assistant Director supervising the prosecutorial practice on Norfolk Island, she is uniquely placed to manage the fraud-based practice of the organisation, build upon existing relationships, and provide personalised liaison with our specialist partner agencies.

Ms Devereaux holds a Bachelor of Laws from the Queensland University of Technology.

## **Sabeena Oberoi, Chief Corporate Officer**

Ms Oberoi joined the CDPP in November 2019 as the Chief Corporate Officer heading up the Enabling Services Group. 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.

## **Joanne Philipson, Practice Group Leader – Serious Financial and Corporate Crime**

Ms Philipson joined the CDPP in 1989 and has extensive experience as a federal prosecutor, having conducted prosecutions across several crime types including drugs, fraud and commercial prosecutions. Prior to being appointed as practice group leader of the Serious Financial and Corporate Crime group earlier this year, she served as acting practice group leader of the Organised Crime and Counter Terrorism group from April 2021.

Ms Philipson joined the executive in 2007 and was 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. She 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 holds bachelor's degrees in Arts and Law from the University of Sydney.

## Aids to access

### Glossary of terms

#### **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 and so on given to the CDPP by the police or other investigating agency after it has finished its 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* (Commonwealth of Australia).

#### **Defended matter**

A trial on indictment or a hearing or trial in a summary jurisdiction.

#### **Evidence**

Information provided to the court that is used to prove or disprove a fact in issue in court proceedings.

#### **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 may be heard in a local (magistrates') 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 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 that 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 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 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.

## Prosecution policy declaration

A declaration, completed by the relevant decision-maker, that affirms that the prosecution test has been applied in accordance with the Prosecution Policy of the Commonwealth.

## Prosecution Policy of the Commonwealth/the prosecution policy

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.

## Prosecution counsel

A CDPP lawyer or private barrister who presents the prosecution case in court on behalf of the CDPP.

## **Prosecutor**

The CDPP lawyer or lawyers conducting a criminal case before the court. Also referred to as federal prosecutors.

## **Sentence**

A range of penalties available to be imposed on an offender including imprisonment, community service orders, good behaviour bonds, and fines.

## **Sentencing**

The phase of a trial where a sentence is handed down by the court.

## **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
AASB	Australian Accounting Standards Board
AFP	Australian Federal Police
APS	Australian Public Service
ATO	Australian Taxation Office
CDPP	Office of the Commonwealth Director of Public Prosecutions
CPA	Certified practicing accountant
CSIRO	Commonwealth Scientific and Industrial Research Organisation
CSPP	Commonwealth Solicitor for Public Prosecutions
Cth	Commonwealth
FOI	Freedom of Information
FP1	Federal Prosecutor 1
FP2	Federal Prosecutor 2
GST	Goods and services tax
ICT	Information and communications technology
OECD	Organisation for Economic Cooperation and Development
PFPP	Principal Federal Prosecutor
PSM	Public Service Medal
SES	Senior Executive Service
SFP	Senior Federal Prosecutor
SME	Small and medium-sized enterprises
WAS	Witness Assistance Service

## List of requirements

Below is the table set out in Schedule 2 of the PGPA Rule. Subsection 17AJ (d) requires this table to be included in annual reports as an aid to access.

**Table 32: List of requirements 2021–22**

PGPA Rule Reference	Page number	Description	Requirement
<b>17AD(g) Letter of transmittal</b>			
17AI	1	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
<b>17AD(h) Aids to access</b>			
17AJ(a)	N/A	Table of contents (print only).	Mandatory
17AJ(b)	N/A	Alphabetical index (print only).	Mandatory
17AJ(c)	98	Glossary of abbreviations and acronyms.	Mandatory
17AJ(d)	99 - 104	List of requirements.	Mandatory
17AJ(e)	v.	Details of contact officer.	Mandatory
17AJ(f)	v.	Entity's website address.	Mandatory
17AJ(g)	v.	Electronic address of report.	Mandatory
<b>17AD(a) Review by accountable authority</b>			
17AD(a)	2 - 4	A review by the accountable authority of the entity.	Mandatory
<b>17AD(b) Overview of the entity</b>			
17AE(1)(a)(i)	5	A description of the role and functions of the entity.	Mandatory
17AE(1)(a)(ii)	7 - 10	A description of the organisational structure of the entity.	Mandatory
17AE(1)(a)(iii)	5	A description of the outcomes and programmes administered by the entity.	Mandatory
17AE(1)(a)(iv)	5	A description of the purposes of the entity as included in corporate plan.	Mandatory
17AE(1)(aa)(i)	6	Name of the accountable authority or each member of the accountable authority.	Mandatory
17AE(1)(aa)(ii)	6	Position title of the accountable authority or each member of the accountable authority.	Mandatory
17AE(1)(aa)(iii)	6	Period as the accountable authority or member of the accountable authority within the reporting period.	Mandatory
17AE(1)(b)	N/A	An outline of the structure of the portfolio of the entity.	Portfolio departments - mandatory

PGPA Rule Reference	Page number	Description	Requirement
17AE(2)	N/A	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
<b>17AD(c)</b>	<b>Report on the Performance of the entity</b>		
<b>Annual performance Statements</b>			
17AD(c)(i); 16F	13 - 18	Annual performance statement in accordance with paragraph 39(1)(b) of the Act and section 16F of the Rule.	Mandatory
<b>17AD(c)(ii)</b>	<b>Report on Financial Performance</b>		
17AF(1)(a)	19	A discussion and analysis of the entity's financial performance.	Mandatory
17AF(1)(b)	64	A table summarising the total resources and total payments of the entity.	Mandatory
17AF(2)	N/A	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.
<b>17AD(d)</b>	<b>Management and Accountability</b>		
<b>Corporate Governance</b>			
17AG(2)(a)	50-51	Information on compliance with section 10 (fraud systems).	Mandatory
17AG(2)(b)(i)	1	A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared.	Mandatory
17AG(2)(b)(ii)	1	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
17AG(2)(b)(iii)	1	A certification by accountable authority that all reasonable measures have been taken to deal appropriately with fraud relating to the entity.	Mandatory
17AG(2)(c)	47 - 50	An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance.	Mandatory
17AG(2)(d) – (e)	N/A	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



PGPA Rule Reference	Page number	Description	Requirement
<b>Audit Committee</b>			
17AG(2A)(a)	48	A direct electronic address of the charter determining the functions of the entity's audit committee.	Mandatory
17AG(2A)(b)	48 - 49	The name of each member of the entity's audit committee.	Mandatory
17AG(2A)(c)	48 - 49	The qualifications, knowledge, skills or experience of each member of the entity's audit committee.	Mandatory
17AG(2A)(d)	48 - 49	Information about the attendance of each member of the entity's audit committee at committee meetings.	Mandatory
17AG(2A)(e)	48 - 49	The remuneration of each member of the entity's audit committee.	Mandatory
<b>External Scrutiny</b>			
17AG(3)	52	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	Mandatory
17AG(3)(a)	N/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
17AG(3)(b)	N/A	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
17AG(3)(c)	N/A	Information on any capability reviews on the entity that were released during the period.	If applicable, Mandatory
<b>Management of Human Resources</b>			
17AG(4)(a)	53 - 57	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives.	Mandatory
17AG(4)(aa)	69 - 77	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
17AG(4)(c)(ii)	54	The salary ranges available for APS employees by classification level.	Mandatory
17AG(4)(c)(iii)	53	A description of non-salary benefits provided to employees.	Mandatory
17AG(4)(d)(i)	N/A	Information on the number of employees at each classification level who received performance pay.	If applicable, Mandatory
17AG(4)(d)(ii)	N/A	Information on aggregate amounts of performance pay at each classification level.	If applicable, Mandatory

PGPA Rule Reference	Page number	Description	Requirement
17AG(4)(d)(iii)	N/A	Information on the average amount of performance payment, and range of such payments, at each classification level.	If applicable, Mandatory
17AG(4)(d)(iv)	N/A	Information on aggregate amount of performance payments.	If applicable, Mandatory
<b>Assets Management</b>			
17AG(5)	N/A	An assessment of effectiveness of assets management where asset management is a significant part of the entity's activities.	If applicable, mandatory
<b>Purchasing</b>			
17AG(6)	57	An assessment of entity performance against the <i>Commonwealth Procurement Rules</i>	Mandatory
<b>Reportable consultancy contracts</b>			
17AG(7)(a)	57 - 59	A summary statement detailing the number of new reportable consultancy contracts entered into during the period; the total actual expenditure on all such contracts (inclusive of GST); the number of ongoing reportable 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
17AG(7)(b)	58	A statement that <i>"During [reporting period], [specified number] new reportable consultancy contracts were entered into involving total actual expenditure of \$[specified million]. In addition, [specified number] ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$[specified million]"</i> .	Mandatory
17AG(7)(c)	57 - 58	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
17AG(7)(d)	58	A statement that "Annual reports contain information about actual expenditure on reportable consultancy contracts. Information on the value of reportable consultancy contracts is available on the AusTender website."	Mandatory
<b>Reportable non-consultancy contracts</b>			
17AG(7A)(a)	58	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

PGPA Rule Reference	Page number	Description	Requirement
17AG(7A)(b)	58	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
<b>17AD(daa) Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts</b>			
17AGA	58	Additional information, in accordance with section 17AGA, about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts.	Mandatory
<b>Australian National Audit Office Access Clauses</b>			
17AG(8)	59	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
<b>Exempt contracts</b>			
17AG(9)	59	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
<b>Small business</b>			
17AG(10)(a)	57	A statement that <i>“[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.”</i>	Mandatory
17AG(10)(b)	57	An outline of the ways in which the procurement practices of the entity support small and medium enterprises.	Mandatory

PGPA Rule Reference	Page number	Description	Requirement
17AG(10)(c)	N/A	If the entity is considered by the Department administered by the Finance Minister as material in nature—a statement that  <i>"[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."</i>	If applicable, Mandatory
<b>Financial Statements</b>			
17AD(e)	19 - 46	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act.	Mandatory
<b>Executive Remuneration</b>			
17AD(da)	65 - 66	Information about executive remuneration in accordance with Subdivision C of Division 3A of Part 2-3 of the Rule.	Mandatory
<b>17AD(f) Other Mandatory Information</b>			
17AH(1)(a)(i)	N/A	If the entity conducted advertising campaigns, a statement that  <i>"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."</i>	If applicable, Mandatory
17AH(1)(a)(ii)	59	If the entity did not conduct advertising campaigns, a statement to that effect.	If applicable, Mandatory
17AH(1)(b)	N/A	A statement that  <i>"Information on grants awarded by [name of entity] during [reporting period] is available at [address of entity's website]."</i>	If applicable, Mandatory
17AH(1)(c)	56	Outline of mechanisms of disability reporting, including reference to website for further information.	Mandatory
17AH(1)(d)	60	Website reference to where the entity's Information Publication Scheme statement pursuant to Part II of FOI Act can be found.	Mandatory
17AH(1)(e)	61 - 63	Correction of material errors in previous annual report.	If applicable, mandatory
17AH(2)	-	Information required by other legislation.	Mandatory
	51	<i>Privacy Act 1988</i>	
	52	<i>Public Interest Disclosure Act 2013</i>	
	56	<i>Work Health and Safety Act 2011</i>	

# Index

## A

### Acts

- Appropriation Acts, 45
- Appropriation Act (No. 1) 2020–21*, 45
- Appropriation Act (No. 1) 2021–22*, 45, 64
- Appropriation Act (No. 2) 2019–20*, 45, 64
- Bankruptcy Act 1996*, 10
- Corporations Act 2001*, 9, 86
- Crimes Act 1914*, 83
- Criminal Code Act 1995*, 95
- Director of Public Prosecutions Act 1983*, 5, 83–84
- Family Law Act 1975*, 84
- Freedom of Information Act 1982*, 59–60
- legislations under which charges death with, 78–79
- Privacy Act 1988*, 51
- Proceeds of Crimes Act 2002*, 33, 37, 43
- Public Governance, Performance and Accountability Act 2013*, 22, 28, 45, 48, 51, 58, 64, 96
- Public Interest Disclosure Act 2013*, 52
- Public Service Act 1999*, 6, 53–54, 61, 70–77
- Work Health and Safety Act 2011*, 56

advertising, 59

appeals, 81–82

- for longer sentence, 88

Audit Committee, 48–49

- fraud and corruption control, 51

- and internal audit plan, 51

- membership 2021–22, 48–49

- Strategic Risk Register management, 51

AusTender website, 58

Australian Accounting Standards and Interpretations, 28

Australian Federal Police, 86, 88–91

Australian Privacy Principles, 51

Australian Securities and Investment Commission, 86–87

Australia's Disability Strategy 2021–2031, 56

## B

Bahlen, David, 65, 92–93

banking offences, 9

borders, Australia, 8

brief of evidence, term definition, 95

Bruckard, Scott PSM, 2–3, 6–7, 13, 22, 65, 92

Burggraaff, Steven, 22, 65

## C

Carter, James, 93

case examples

Chan Han Choi – breaching North Korean sanctions, 89

Damien Flower – drug importation, 90

Mark Wallis – dishonesty, 91

Operation Deacon – Citigroup Global Markets Australia, 88–89

Operation Donabate – conspiracy to do acts in preparation for terrorism, 86

R v Avanteos Investments Limited [2022] VCC 869 – fees for no service, 86–87

R v Department of Defence – work health and safety, 87

R v Moyle [2022] SASCA 61 (child sex offences), 88

Tammy Power – social security fraud, 90–91

CDPP. see Commonwealth Director of Public Prosecutions

Centrelink, 4

child sex offences, 88

children and young people, safety and wellbeing, 52

client survey, biennial, 14

Comcare, 87

Commonwealth Child Safety Framework, 52

Commonwealth Director of Public Prosecutions

Acting Commonwealth Director of Public Prosecutions, 3

asset management, purchasing and grants, 57–60

committees, 47–50

corrections to previous reports, 61–63

Deputy Director, 3

Director's review, 2–3

Diversity and Inclusion Strategy and Action Plan 2021–23, 55–56

executive biographies, 92–94

external scrutiny, 52

financial statements, 19–46

freedom of information, 60

governance framework, 47–50

leases, 42

new legal practice structure, 2

organisational structure, 7

outgoing Director, 3

performance statements, 13–18

practice groups, 2

property, plant and equipment, 35–37

prosecution statistics, 2, 4

revenue, 32–33

role and functions, 5

three themes of strategic framework, 5

Wellbeing Program, 56

- Work Health and Safety Management System, 56
- Workforce Plan 2022–26, 55
- Commonwealth Fraud Control Framework 2017, 50
- Commonwealth Procurement Rules, 57
- Commonwealth Risk Management Policy, 51
- Commonwealth Solicitor for Public Prosecutions, 6
  - biography, 92
- contracts, consultant, 57–58
  - CDPP expenditure, 58
- contracts, non-consultant, 58–59
  - CDPP expenditure, 58–59
  - conviction, term definition, 95
  - Corporate Plan 2021-25, 14–15
  - Criminal Code, 90, 95
  - CSIRO, 91

## D

- data breaches. *see* privacy
- databases
  - caseHQ, 67
  - CRIMS, 67
- de Crespigny, Mark, 65, 93
- defended matter, definition, 95
- Department of Home Affairs, 11
- Department of Human Services, 90–91
- Devereaux, Roberta, 65, 93
- Digital Transformation Office, 2, 10
- digital transformation agenda, 2
- Director, CDPP. *see also* Bruckard, Scott PSM; McNaughton, Sarah
  - biography, 92
  - Director’s review, 2–3
  - role, 6
- Director of Public Prosecutions Act 1983*
  - empowering Director to grant indemnity, 84
  - empowering Director to take over private matters, 83
  - and ex-officio indictments, 84
- disability reporting, 56
- dishonesty, 91
- diversity and inclusion, 55
- Diversity and Inclusion Network, 55
- Diversity and Inclusion Strategy and Action Plan 2021–23, 55–56
- drug offences, 8
  - importation of cocaine (case example), 90

## E

- ecological sustainability, 60
- Enabling Services Group, 7
  - five business areas, 10
- Enterprise Agreement 2017–2020, 50, 53, 57
- Enterprise Board, 47, 49
- entity resource statement, 64
- environmental performance. *see* ecological sustainability
- evidence, term definition, 95
- Executive biographies
  - David Bahlen, 92–93
  - James Carter, 93
  - Joanne Philipson, 94
  - Mark de Crespigny, 93
  - Roberta Devereaux, 93
  - Sabeena Oberoi, 94
  - Sarah McNaughton SC, 92
  - Scott Bruckard PSM, 92
- Executive Leadership Group, 47
  - Strategic Risk Register management, 51
- extradition, 12

## F

- financial crimes, 9
- Financial Services, 10
- financial statements
  - cash flow, 26
  - changes in equity, 25
  - comprehensive income, 23
  - financial position, 24
  - Independent Auditor’s report, 20–21
  - notes to, 27–46
- financial statements, notes to, 27–46
  - appropriations, 45
  - contingent assets and liabilities, 43
  - current/non-current distinction for assets and liabilities, 46
  - events after the reporting period, 30
  - expenses, 31
  - financial assets, 32
  - financial instruments, 44
  - interest bearing liabilities, 42
  - key management personnel remuneration, 44
  - net cash appropriation arrangements, 30
  - non-financial assets, 35–38



- overview, 28
- own-source income and revenue from Government, 32–33
- payables, 39
- provisions, 40–41
- related party disclosures, 43
- finding of guilt calculation, 16–17
- Foreign Affairs and Trade, 11
- fraud, 9
  - social security (case example), 90–91
- Fraud and Specialist Agencies practice group, 7, 10, 93
  - fraud types prosecuted, 10
- fraud prevention and control, 50
- freedom of information, 60

## G

- Governance and Legal Practice Services, 10
- Govey, Ian, 48
- guilty, term definition, 95

## H

- Human Exploitation and Border Protection practice group, 7–9, 93
  - offence types prosecuted, 8–9

## I

- indemnity, 84
- indictable offence, term definition, 95
- Information and Communication Technology, 10
- Information Governance Committee, 47, 49
- Information Publication Scheme, 60
- International Crime Cooperation Central Authority, 12

## L

- Legal Capability and Performance practice group, 7–8, 55, 93
- Legal Services Directions 2017, 59
- legal services, expenditure 2021–22, 59
- legislations, 78–79. *see also* Acts

## M

- matter, term definition, 97
- McNaughton, Sarah, 3, 6–7, 66, 92
- Moore, Ken, 48
- mutual assistance, 12

## N

National Consultative Committee, 47, 50  
National Health and Safety Representative Committee, 47, 50  
national practice group model, changes to structure, 7  
no bill, term definition. *see also* prosecution, discontinuances  
Nott, Gina, 65

## O

Oberoi, Sabeena, 65, 94  
OECD Anti-Corruption Working Group, 11  
OECD Good Practice Guidance on Internal Controls, Ethics and Compliance, 11  
OECD Recommendation for Further Combating Bribery of Foreign Public Officials, 11  
offender, term definition, 96  
Organised Crime and National Security practice group, 7, 92–93  
    crimes prosecuted, 9–10  
outgoing Director. *see also* McNaughton, Sarah

## P

partner agency engagement, 11, 17–18  
    and risk management, 51  
    which agencies included, 67  
partner agency satisfaction survey, 3, 17–18  
    methodology, 67–68  
Pay-on-Time Policy, 57  
people. *see* staff  
People, Communication and Change, 10  
people with a disability, 56  
performance, 13–18  
    annual targets and results, 14  
    Key Activity 1, 15  
    Key Activity 2, 17  
performance measures, 15–18  
Philipson, Joanne, 94  
Police, South Australian, 88  
police, state and territory, 4  
Practice Group Leaders, 8  
    Fraud and Specialist Agencies, 93  
    Human Exploitation and Border Protection, 93  
    Legal Capability and Performance, 93  
    Organised Crime and National Security, 92–93  
    Serious Financial and Corporate Crime, 94  
practice groups, 2, 7–8  
    Fraud and Specialist Agencies, 7  
    Human Exploitation and Border Protection, 7

- Organised Crime and National Security, 7
- Serious Financial and Corporate Crime, 7
- prima facie*, term definition, 96
- privacy, 51
- Proceeds of Crimes Act 2002*, 33, 43
  - funding to CDPP, 37
- procurement and purchasing, 57
- prosecution
  - appeals, 81–82
  - compliance and integrity, 15
  - conspiracy offences, 84
  - defendants' referring agencies, 80
  - discontinuances, 16, 83, 88–89
  - ex-officio* indictments, 84
  - finding of guilt (defended matters), 17
  - finding of guilt (total matters), 16
  - granting of indemnity, 84
  - indicators, corrections to, 62–63
  - kinds of defendants, 81
  - legislations under which charges dealt with, 78
  - legislations under which charges dealt with, 79
  - matters dealt with 2021–22, 78
  - offences under *Family Law Act 1975*, 84
  - statistics, 4
  - taking over private matters, 83
  - use of test, 15–16
- prosecution counsel, term definition, 97
- prosecution policy. *see* *Prosecution Policy of the Commonwealth*
- Prosecution Policy Declaration, 15, 97
- Prosecution Policy of the Commonwealth*, 3, 5, 15, 28, 64, 96
- prosecutors, term definition, 96
- Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*, 28
- Public Governance, Performance and Accountability Rule 2014*, 1, 48, 50–51, 54, 96
- public interest disclosure, 52
- Public Service Act 1999*
  - salary ranges, 54, 61

## R

- referring agencies, 4, 11, 80
- remuneration
  - key management personnel and executive staff, 44, 65–66
  - non-senior executive, 53
  - PS salaries, 54, 61

- risk management, 51
  - child safety, 52
  - litigation management, 51
  - psychological injury, 56

## S

- sale of arms, 89
- sentence, term definition, 97
- sentencing, term definition, 97
- Serious Financial and Corporate Crime practice group, 7, 94
  - crimes prosecuted, 9
- Serious Financial Crimes Taskforce, 9
- small and medium enterprises, support for, 57
- software assets, 37
- Solomon Islands prosecutors, training, 11
- staff, 2
  - diversity and inclusion, 55
  - employee assistance, 57
  - employee benefits, 31, 40
  - employment arrangements, 53
  - employment statistics, 4, 54, 69–72
  - Enterprise Agreement 2017–2020, 50, 53
  - Indigenous employment, 77
  - key management personnel remuneration, 44, 65
  - learning and development, 55
  - non-salary benefits, 53
  - non-senior executive, 53
  - partner agency satisfaction, 18
  - salary ranges, Public Service, 54
  - senior executive, 53
  - superannuation, 40
  - trauma training, 52
  - vaccinations, 57
  - wellbeing program, 56
  - work health and safety, 56–57
  - workforce planning, 50, 55
- Strategic Risk Register management, 51
- surveys
  - biennial client survey, 14
  - partner agencies, 17–18, 67
  - responses, 18

## T

tax fraud, 9

Tchakerian, Berdj, 3, 65

terrorism

- based on intolerance, 11

- domestic, 9

preparation for (case example), 86

terrorism financing offences, 11

training

- for Solomon Islands prosecutors, 11

- trauma, 52

- work, health and safety, 56

*Transforming your CDPP*, 2

## U

United Nations Convention on the Rights of Persons with Disabilities, 56

United Nations Office of Drugs and Crime expert working group, 11

## V

victim, term definition, 97

victims, vulnerable, 8–9, 52

## W

war crimes, 10

white-collar crimes. see financial crimes

witness, term definition, 97

Witness Assistance Service, 8–9, 85

- referral types 2021–22, 85

- trauma training for staff, 52

witnesses, 8

Woolcott Research and Engagement, 18

work health and safety, 56–57

- Department of Defence (case example), 87

- reporting procedures, 56

Workforce Plan 2022–26, 55

Workforce Planning Committee, 47, 50