



CDPP

Australia's Federal Prosecution Service

**COMMONWEALTH DIRECTOR
OF PUBLIC PROSECUTIONS**



**ANNUAL REPORT
2022–23**

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.





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★ About this report

This is the Director's report to the Commonwealth Attorney-General on the performance of the Office of the Commonwealth Director of Public Prosecutions (CDPP) for the financial year 2022–23. 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**

28 September 2023

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 2022–23.

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 2023.

I certify I am satisfied the 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 the 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 2023.

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 responsible for delivering an effective, ethical and independent prosecution service to the people of Australia.

The CDPP conducts some of Australia's largest and most complex criminal prosecutions. We prosecute offences relating to, amongst other things, large-scale and cross-border organised crime, serious drug offences, criminal cartels, foreign bribery, child exploitation, human trafficking, slavery and terrorism offences. We work to support our partner agencies in an increasingly dynamic and challenging law enforcement and regulatory operating environment. The prosecutions we undertake often involve multiple agencies, numerous defendants or victims, and evidence gathered from overseas. Our prosecutions are also becoming more resource intensive, especially as data volumes rise.



We received 2,192 referrals from 50 partner agencies during the reporting period, representing 6,754 alleged breaches of 106 Acts and Regulations. As at 30 June 2023, more than half the matters we had on hand were highly complex.

We recognise the importance of early and targeted engagement with our partners to provide specialised legal advice on complex criminal investigations. A key focus over the last year has been to improve the quality and effectiveness of the process we have in place to receive and manage digital briefs of evidence. Close and ongoing collaboration with our partners throughout the lifecycle of a prosecution is critical to any successful outcome.

In March 2023 we completed the trial phase of 5 of 17 related prosecutions arising out of Operation Elbrus, a joint Australian Federal Police (AFP) and Australian Taxation Office (ATO) investigation also known as the Plutus Payroll fraud. Our prosecutors worked closely with investigators from the outset of this matter as a brief of evidence containing hundreds of thousands of documents was prepared and submitted for our consideration. All 5 defendants were found guilty of tax and money laundering conspiracies involving a loss to the Commonwealth of over \$105 million. This jury trial took 11 months to complete and required our prosecutors to electronically adduce more than 28,000 pages of documentary evidence and summaries.

Child exploitation matters represent a growing proportion of the CDPP's workload. These matters make up one fifth of current active prosecutions. The breadth of our work also continues to expand with prosecutions now underway for foreign interference offences and war crimes arising from investigations conducted by the Office of the Special Investigator (OSI).

Notwithstanding these challenges, we continued to maintain a high overall conviction rate of 97%. We also improved our conviction rate for defended matters with a result of 65%. This year the CDPP has once again met its target of 100% compliance in addressing the terms of the test for prosecution in the Prosecution Policy of the Commonwealth. These results reflect the commitment, dedication and hard work of our legal professionals and enabling services team. Our business modernisation program, *Transforming your CDPP*, aims to make sure we can continue to deliver high quality prosecution services now and in the future.

This year the program delivered an enhancement of the Referrals Gateway and Evidence Management Solution, as well as further development of our evidence presentation and management platforms. The program is designed to optimise the value of our specialised legal skills by modernising our evidence management systems and innovating with technology.

The current challenges posed by a competitive legal recruitment and retention environment, including levels of remuneration, has significantly impacted the CDPP's ability to attract and retain legal staff. Our Workforce Plan 2022–26 provides a robust framework for attracting and retaining talent and building and enhancing capability. Supporting our workforce plan is the newly established *Legal Learning and Professional Development Program* which aims to deliver more effective legal induction, targeted ongoing training and technical skills enhancement. This program will be critical in building and retaining the specialised legal skills we need for the future.

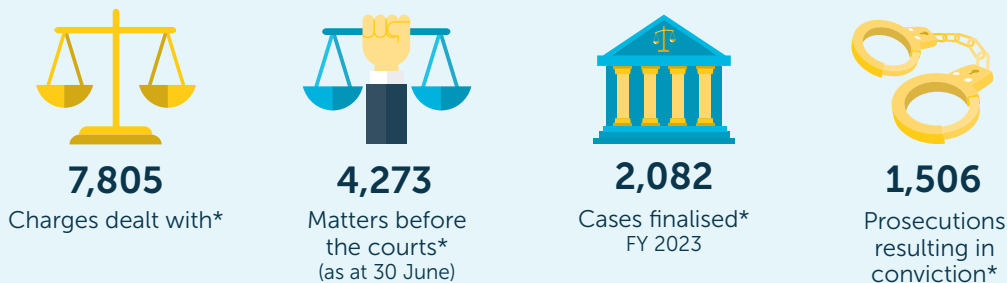
The CDPP is committed to embedding an organisational culture of continual learning and skills development that strengthens capability and reflects our commitment to invest in our people. We continue to remain focussed on staff wellbeing. Recognising the challenging environment in which we operate, we aim to make sure that our wellbeing program remains contemporary and fit-for-purpose through regular reviews and updates. Supporting our staff as they work with confronting materials and traumatised victims remains a key priority for our agency.

It has been a privilege to act as the Commonwealth Director of Public Prosecutions during the last 12 months. Our dedicated staff are committed to serving the community by providing an independent prosecution service that contributes to a fair, safe and just Australia, where Commonwealth laws are respected, offenders are brought to justice and potential offenders are deterred.

Scott Bruckard PSM
Acting Commonwealth Director of Public Prosecutions

Year in review

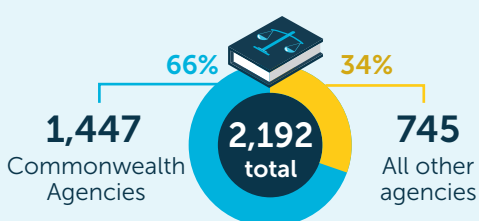
Prosecution statistics 2022-23



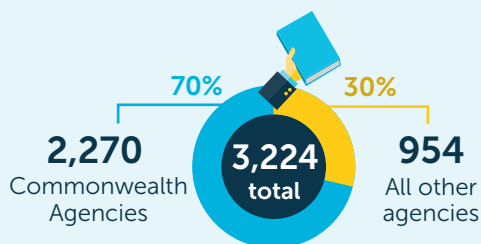
*includes matters carried over from previous reporting periods

Breakdown of referrals

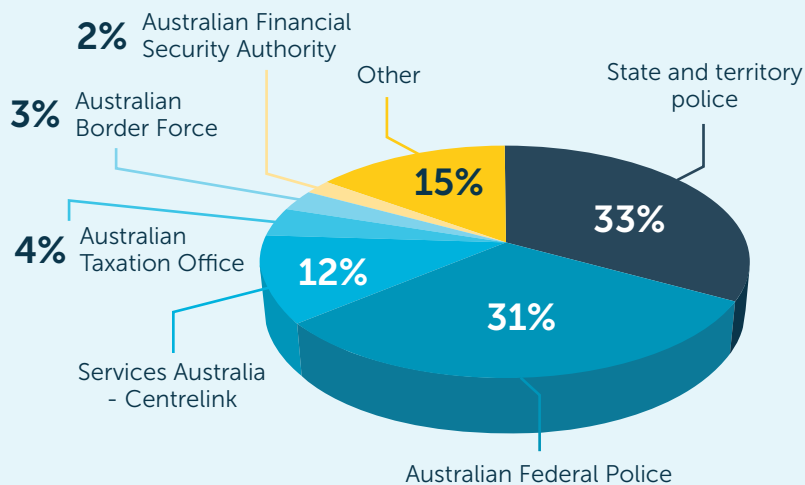
Referrals received



Referrals on hand at 30 June 2023



Top referring agencies



★ Part 1: About the CDPP

Purpose

As outlined in the Corporate Plan 2022–26 and the Portfolio Budget Statements, the CDPP’s purpose 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’s strategic framework is based on 3 themes, which focus and guide effort and underpin how priorities are set, enabling achievement of the purpose and delivery of outcomes:



Entity overview

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 Governor-General for a term of up to 7 years.

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. It works to 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.

The matters the CDPP prosecutes are diverse and complex, reflecting the evolving and expanding Commonwealth criminal law enforcement and regulatory environment in Australia.

Responsible Minister

The Attorney-General, the Hon Mark Dreyfus KC MP, was the CDPP’s responsible Minister for the reporting period.

Directions

The Attorney-General has power under section 8 of the DPP Act to issue directions or guidelines to the Director. Directions or guidelines must be in writing and tabled in Parliament, and there must be prior consultation between the Attorney-General and the Director.

No section 8 directions were issued during the reporting period.

Director of Public Prosecutions

The Director's powers and functions, as set out in the DPP Act, include to institute and carry on prosecutions on indictment for indictable offences against the laws of the Commonwealth and to institute and carry on proceedings for the summary conviction of persons in respect of offences against the laws of the Commonwealth.

In addition, the Director has a range of other powers and functions including to:

- discontinue a prosecution
- take over a prosecution instigated by another person
- grant an indemnity
- consent to proceedings
- provide legal advice to Commonwealth investigators
- apply 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.

Reported powers and functions exercised by the Director, or their delegate, during 2022–23 are set out in Appendix 5 – Exercise of the Director's statutory functions and powers.

Accountable Authority

Sarah McNaughton SC served as Director of the CDPP from 16 May 2016 to 2 September 2022. Ms McNaughton was appointed as a judge of the Supreme Court of NSW in October 2022.

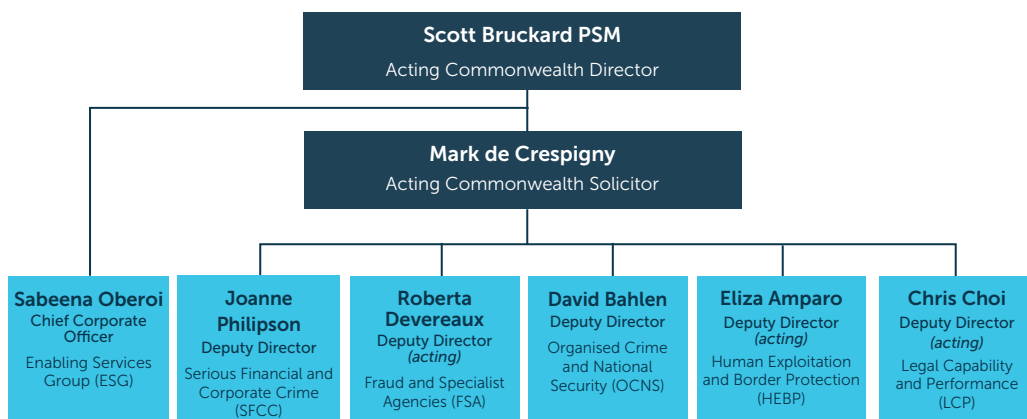
On 3 September 2022, Scott Bruckard PSM commenced as Acting Director pursuant to an existing instrument which provided for acting arrangements.

On 4 October 2022, the Attorney-General signed a new instrument appointing Mr Bruckard as Acting Director. Mr Bruckard continued as Acting Director throughout the remainder of the reporting period.

Structure

The Director is supported by the Commonwealth Solicitor for Public Prosecutions (CSPP) to meet his or her statutory obligations. The CSPP is a senior executive service position under the *Public Service Act 1999*. Deputy Directors, also known as Practice Group Leaders, and the Chief Corporate Officer oversee legal and enabling services functions respectively. Each Deputy Director reports to the CSPP while the Chief Corporate Officer reports to the Director.

Figure 1: CDPP organisational structure as at 30 June 2023



A National Practice

The CDPP prosecutes in the courts of every Australian state and territory, as well as the Federal Court of Australia. It has offices in Adelaide, Brisbane, Cairns, Canberra, Darwin, Hobart, Melbourne, Perth, Sydney and Townsville.

To most effectively manage the broad range of crime types prosecuted by the Commonwealth, the CDPP operates under a national practice model with 4 Legal Practice Groups and a Legal Capability and Performance Group, each led by a Deputy Director.

While the CDPP’s 4 Legal Practice Groups are organised by broadly compatible crime types, each is responsible for the prosecution of offences that are serious in nature and require a high level of specialisation. The Legal Capability and Performance Group works to build capability and improve performance across the legal practice and is also responsible for the CDPP’s Witness Assistance Service.

The Enabling Services Group gives the practice timely, quality advice and services, while delivering modern business solutions and systems to equip lawyers with tools to conduct prosecutions effectively and efficiently. It is also responsible for ensuring CDPP meets its obligations and requirements under the *Public Governance, Performance and Accountability Act 2013* and related policies and frameworks.

The national practice group model enables the CDPP to harness the expertise of our staff and respond to the changing nature and complexity of criminal activity, while delivering a cohesive federal prosecution service. A summary of the work undertaken by each practice group is provided at Table 1. Further details are available on the CDPP’s website.

Table 1: CDPP group functions as at 30 June 2023

Group name	Key responsibilities
Fraud and Specialist Agencies (FSA)	<ul style="list-style-type: none"> • Prosecute fraud against the Commonwealth. • Prosecute matters referred from specialist regulatory agencies. • Prosecute matters in the Jervis Bay territory and Norfolk Island. • Offence types include general tax fraud, social security fraud, Medicare fraud, NDIS fraud, family day care fraud, childcare benefits fraud, disaster relief payment fraud, fraud-related money laundering, fraud against the <i>Bankruptcy Act</i>, counterfeit currency and identity fraud. • Offence types referred from specialist agencies include fisheries, marine safety, secrecy, crimes at sea, offences involving Commonwealth officials and property, and aviation.
Human Exploitation and Border Protection (HEBP)	<ul style="list-style-type: none"> • Prosecute crimes relating to the integrity of Australia’s borders and the exploitation of persons within and outside Australia. • Offence types include drug and drug precursor importation and trafficking, money laundering, child exploitation offending within Australia and overseas, human trafficking and slavery, cybercrime, computer and telecommunications offences, illicit tobacco and quarantine and wildlife offences.
Organised Crime and National Security (OCNS)	<ul style="list-style-type: none"> • Prosecute crimes relating to counter-terrorism, serious organised crime, and national security. • Offence types include terrorism, large transnational drug importations, espionage and foreign interference offences.
Serious Financial and Corporate Crime (SFCC)	<ul style="list-style-type: none"> • Prosecute 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. • Offence types include fraud offences under the <i>Criminal Code</i> (Cth) and financial offences under the <i>Corporations Act 2001</i>, bribery of foreign public officials and corruption involving Commonwealth officials, and cartel offences such as price fixing and rigged tenders.
Legal Capability and Performance (LCP)	<ul style="list-style-type: none"> • Build capability and improve performance across the legal practice to support the delivery of an effective and efficient prosecution service. • Lead strategic and business planning for the legal practice. • Work collaboratively to deliver business innovation and modernisation to improve performance. • Manage data and reporting functions for the legal practice. • Assist with international assistance requests including mutual assistance and extradition, to effectively investigate and prosecute serious offences. • Provide, through the Witness Assistance Service, support to vulnerable victims and witnesses involved in matters prosecuted by the CDPP.
Enabling Services Group (ESG)	<p>The ESG is led by the Chief Corporate Officer and consists of 5 business areas supporting the organisation through the delivery of the key enabling services:</p> <ul style="list-style-type: none"> • finance, property and security • people services • ICT, records and information management • governance, risk, audit services and parliamentary coordination • administrative support and library and research services • digital transformation, change and communication.

Working with partners

The CDPP serves the public interest by maintaining effective partnerships with enforcement and compliance agencies, while ensuring prosecutorial decisions are made independently of those responsible for the investigation of federal offences.

The CDPP has no investigative function and can only prosecute where there has been a criminal investigation. Consistent with previous years, in 2022–23 briefs of evidence were received from 50 partner agencies, including state and territory police.

A range of services are provided by the CDPP to ensure the effective delivery of prosecutions. These services cover various aspects of the criminal prosecution process, from pre-brief advice to brief assessment, specialist resources and liaison activity.

We continue to refine and improve our services, collaborating closely with our partners to build capability, drive improvements in the prosecution process, and support our partners to meet their enforcement and compliance objectives.

Further information on prosecution services is available on the CDPP's website.

Victim and Witness Support

The CDPP treats victims of crime with courtesy, compassion, cultural sensitivity and respect for their dignity and entitlements.

The Witness Assistance Service (WAS) is a national service provided by qualified social workers located in our Sydney and Melbourne offices. WAS staff provide a range of information and support services to victims of crime including updates on the progress of a prosecution, general information about the prosecution process, court tours, referrals to support services, support at court and during conferences with legal staff, and information concerning victim impact statements and reparation orders. The WAS delivers these services in accordance with the *Prosecution Policy of the Commonwealth* and *Victims of Crime Policy*. As at 30 June 2023, the service consisted of 6 full-time equivalent staff.

The WAS referral guidelines require that the most vulnerable victims of crime, including all identifiable child victims, and victims of slavery, sexual servitude and forced marriage, be referred to the WAS within 21 days of CDPP receiving a brief of evidence. The number of accepted WAS referrals has remained steady for the last 3 financial years. During 2022–23, the WAS accepted 589 referrals which compares to 599 in 2021–22 and 493 in 2020–21. The lower figure in 2020–21 potentially reflects the impact of COVID-19 on court processes.

In 2022–23, a total of 214 (approximately 36%) of all new victims/witnesses referred were children.

Table 2: Witness Assistance Service Referrals 2022–23

Offence type	Number of matters	Victims / witnesses*
Online child sexual exploitation	73	453
Other child sex offences	4	9
Work health and safety	4	32
Use a carriage service to menace, harass, cause offence, threaten to kill	4	14
Human trafficking (inc slavery offences)	4	10
Other	22	71
Total	111	589*

Note: *This figure includes parents and caregivers of child victims, including 143 victims/witnesses involved in 9 existing matters referred to the WAS in previous years.

Business modernisation

Transforming your CDP was launched in 2021 with a vision to achieve a highly efficient, effective and end-to-end digital prosecution service. Now, halfway through the planned modernisation of our systems, services and support, we are seeing tangible benefits.

Covering the gamut of our business modernisation from technology, business processes and capability, *Transforming your CDP* was strengthened in 2022–23 with funding for our Evidence Management Solution (EMS). We have approached the EMS with a holistic system, service and support model, assisting our prosecutors with evidence management throughout the prosecution lifecycle. We intend to use the learnings from this approach to ensure future systems improvements are delivered with a suite of support, process enhancements and resources.

During the reporting period the CDP successfully conducted a pilot of our eTrial Solution in the District Court of NSW. Feedback from the pilot and interest from other jurisdictions is informing the maturation of the solution including the development of an eTrial framework to share more widely.

In line with the increasing complexity and volume of evidence, we are also building and testing a service offering to replace printed evidence with shared evidence on electronic notepads, or Evidence e-Books.

We have progressed enhancements to our Referrals Gateway, which was a showcase project for the partnership between ESG and our legal practice. Co-designed improvements now include:

- improved integration with our internal case management system – shrinking what was once a labour intensive step
- increased size of files our referring agencies can upload
- improved guides so people can effectively use the system and associated processes.

Contributing to law reform

With responsibility for the conduct of prosecutions against the laws of the Commonwealth in all Australian jurisdictions, the CDPP is in a unique position to provide feedback to policy formulators and law-makers about the operation of Commonwealth criminal law from our practical experience working with these laws in matters before the courts. The CDPP aims to support policy agencies to develop and deliver laws and policies which are more effective in achieving justice outcomes.

The CDPP's assistance includes providing input on how proposed offences might operate in practice and highlighting issues that may arise during a potential prosecution.

International engagement

In recognition of the ever-changing and global nature of crime, the CDPP actively participates in a range of international forums each year to engage, share knowledge and learn from international counterparts.

In June 2023 the Acting Director attended the Heads of Prosecuting Agencies Conference in Montreal, Canada and delivered a joint presentation on prosecutor wellness and vicarious trauma. The conference provided opportunities for useful formal and informal discussions with Directors of Public Prosecutions from other common law jurisdictions that are facing similar issues to the CDPP.

In November 2022 the CDPP presented on Australian judicial and financial approaches in the fight against drug trafficking to the International Symposium on the Fight Against Drug Trafficking in the Pacific Zone. Law enforcement officials gathered in Papeete, Tahiti, to share approaches to policing and prosecuting transnational drug trafficking and form connections of mutual benefit.

In 2022–23 the CDPP also attended:

- The fourth Pacific Islands Law Officers Network Cybercrime Workshop titled 'Combatting Cybercrime: Trends and Tools in a Changing World' in Nadi, Fiji.
- The Roundtable on Addressing Vulnerabilities to Racially or Ethnically Motivated Violent Extremism/Extreme Right-Wing Terrorism Radicalisation in London, UK.
- The United Nations Office of Drugs and Crime Mock Trial on the International Convention for the Suppression of Acts of Nuclear Terrorism in Vienna, Austria.

★ Part 2: Annual performance statements

Statement of preparation



CDPP

Australia's Federal Prosecution Service

**Commonwealth Director
of Public Prosecutions**

28 September 2023

As the accountable authority of the Office of the Commonwealth Director of Public Prosecutions (CDPP), I present the 2022–23 annual performance statements 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, the annual performance statements accurately present the entity's performance in the reporting period and comply with subsection 39(2) of the PGPA Act (section 16F of the PGPA Rule).

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

Scott Bruckard PSM
Acting Commonwealth Director of Public Prosecutions

Performance framework

The CDPP's performance is managed through careful planning, monitoring and measurement of key performance targets. These targets provide an overall assessment of the CDPP's achievement of its purpose through 2 key activities that describe its functions and align with its strategic themes of service, partners and people:

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

The CDPP continues to review performance information to ensure it is fit-for-purpose and to facilitate a 'clear read' across the portfolio budget statements, corporate plan and annual report, including across reporting cycles.

The CDPP's performance against its targets for 2022–23 is detailed under *Results* and further context is provided under *Operating Environment*.

Results

The processes or methodologies the CDPP used to determine the 2022–23 performance results are outlined in the CDPP Corporate Plan 2022–26. Additional information has been included in this report where necessary to provide further context for the results.

Performance under Key Activity 1 is measured against 3 annual targets and under Key Activity 2 through a biennial survey. These measures allow the CDPP to assess how well it delivers an effective independent prosecution service.

The 2022–23 performance results are mostly consistent with previous years, as summarised in the following table.

Table 3: Summary of performance results

Key activity	Performance measure	Target	Results		
			2022–23	2021–22	2020–21
1	Compliance in addressing the terms of the test for prosecution in the <i>Prosecution Policy of the Commonwealth</i> .	100%	100%	100%	100%
1	Prosecutions resulting in a finding of guilt (total matters).	90%	97%	98%	99%
1	Prosecutions resulting in a finding of guilt (defended matters).	70%	65%	56%	72%
2	Partner agency satisfaction with CDPP service delivery.	90%	n/a	86%	n/a

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

Performance measure 1.1 – Prosecution Policy Compliance

Measure	Target	Result	
Compliance in addressing the terms of the test for prosecution in the <i>Prosecution Policy of the Commonwealth</i> , 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%	Achieved

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 outlined in the CDPP Corporate Plan 2022–26, 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 the CDPP’s case management database until a PPD is completed, providing assurance the test in the *Prosecution Policy of the Commonwealth* has been met.

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

The CDPP has consistently met the target for 100% compliance with the *Prosecution Policy of the Commonwealth* since implementing this performance measure in 2015, demonstrating continued contribution and commitment to a fair, safe and just society. The CDPP once again met the target in 2022–23 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%	97%	Achieved
Prosecutions resulting in a finding of guilt (as a percentage of defended matters).	70%	65%	Not Achieved

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.

The method for assessing the finding of guilt rate is set out at page 13 of the Corporate Plan 2022–26. 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 the 2 targets above, which 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 2022–23 the CDPP once again met the 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 commenced and the defendant failed to appear before the court. Information about discontinuances is at Appendix 4 – Prosecution statistics. There can be a variety of reasons why a matter might be discontinued after it has commenced, including evidence no longer being available (for example, the death of a witness) or factors changing that mean it is no longer in the public interest to prosecute.

The CDPP has consistently exceeded the 90% target, with a result of 97% in 2022–23.

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.

The CDPP achieved a result of 65% against this target in 2022–23. While below the target of 70%, this is an improvement from the previous year (56%) and the CDPP remains committed to monitoring our performance.

Performance measure 2.1 – Partner agency satisfaction with CDPP service delivery

The CDPP’s performance against Key Activity 2 is measured through a partner agency satisfaction survey which is conducted every 2 years. The last survey was conducted in 2022 and the results were reported in the 2021–22 annual report. Understanding partner agency perceptions of the CDPP across a range of service areas provides valuable insight to help shape and improve our processes, procedures and performance.

The strong and effective partnerships that CDPP has developed with stakeholders is reflected in the ongoing positive feedback and the results of the biennial partner agency satisfaction survey. The CDPP continues to strive for a target of 90% overall satisfaction for our partner agencies (see Table 3). The next survey is scheduled to be conducted in 2024 with results to be reported in the CDPP 2023–24 Annual Report.

Operating environment

The CDPP manages some of Australia's largest and most complex criminal litigation and works with a range of partner agencies in an increasingly dynamic and challenging operating environment.

With this environment in mind, the CDPP continues to focus effort on business modernisation, improving capability and attracting and retaining talented staff.

We work in a dynamic and complex operating environment with a workload determined by the investigative priorities and operational activities of our partner agencies.

Federal prosecutors regularly work on matters involving criminal conspiracies reaching across international borders, multiple child victims of sexual exploitation, complex financial, corporate and commercial arrangements, sensitive or security classified evidence and highly technical regulatory regimes requiring the assistance of expert witnesses.

The nature of our casework often results in trials which run for weeks or months and in recent years, we have seen an increase in size and complexity of matters referred to us for prosecution. Some of this complexity arises from the increasing volume of digital evidence gathered during a modern criminal investigation of serious crime.

The CDPP's performance management is informed and supported by regular reviews and analysis of outcomes across its key activities, including matters referred by our partner agencies, information about the conduct and outcomes of prosecutions and engagement with our stakeholders.

In 2022–23:

- 2,082 cases were finalised
- 1,506 prosecutions resulted in conviction
- 2,192 cases were referred from 50 different referring agencies.

The top 3 referring agencies – state and territory police, the AFP and Services Australia – represent more than 76% of all combined cases referred.

As at 30 June 2023, 3,402 summary and 4,403 indictable charges under Commonwealth and state and territory legislation were dealt with.

At the conclusion of the reporting period, the CDPP had 4,273 matters before the courts and 3,224 referrals on hand (including some received in prior reporting periods).

Changing nature of work

Child exploitation matters, including possessing, accessing and transmitting child abuse material and grooming/procuring sexual activity with children domestically and overseas, make up a growing proportion of the CDPP's work. These offences now make up one fifth of the CDPP's active prosecutions, doubling in number over the last 5 years.

Alongside the increasing number of these matters, the complexity, volume and seriousness of offending involving child exploitation continues to increase. Many cases involve large data sets and large numbers of victims. The depravity of the material is also increasing.

In 2022–23 there was a significant increase in the number of prosecutions for federal offences related to GST fraud, primarily due to Operation Protego – an ATO operation to combat an increase in GST related refund fraud.

The CDPP is prosecuting the first war crimes matter flowing from the operations of the OSI. This is the first time the war crimes provisions in the Criminal Code have been used. This matter is currently before the courts and has involved the application of the *National Security Information (Criminal and Civil Proceedings) Act 2004* to proceedings.

The CDPP continues to see an increase in the size and complexity of the matters referred for prosecution. As at 30 June 2023, 51% of the 3,224 matters on hand were highly complex, taking longer to prosecute and requiring more resources.

Some of the drivers behind increased complexity include:

- scale of alleged offending including in organised and structured offending
- reliance on technology as an enabler for serious crime
- large volumes of digital evidence gathered in criminal investigations
- new areas of prosecuting requiring specialist expertise, for example cartels, war crimes, and foreign interference
- cross-border activity requiring foreign evidence and/or extradition of alleged offenders
- multiple victims, particularly involving child victims of sexual exploitation.

Collaborating with our partners

The CDPP proactively collaborates with partners to build capability and drive improvements in the prosecution process. We engage with partners throughout the prosecution life cycle from pre-brief stage to brief assessment and during the conduct of litigation. This engagement is critical in delivering successful prosecutorial outcomes.

Following analysis of the 2021–22 Partner Agency Satisfaction Survey results, opportunities for improvement were identified to further enhance CDPP's collaboration with partners. Throughout the reporting period, the CDPP:

- encouraged an increased use of our collaboration platform with partners and counsel
- enhanced focus on early engagement
- developed a more robust case review process for feedback from partners.

Examples of cases prosecuted

Five co-offenders in large-scale tax fraud found guilty in NSW (Operation Elbrus)

On 21 March 2023, following an 11-month trial and 23 days of jury deliberations, guilty verdicts were delivered in the joint trial of 5 Operation Elbrus defendants. The 5 co-offenders involved in this large scale tax fraud and money laundering conspiracy were each found guilty in the NSW Supreme Court. The Crown case took over 6 months to present as the jury heard approximately 70 hours of surveillance device and telephone intercept evidence and considered over 28,000 pages of documentary evidence and summaries.

Domestic slavery appeal dismissed

In March 2023, the Victorian Court of Appeal dismissed the application of 2 offenders to file appeals out of time. The offenders had been sentenced in 2021 following a 12-week jury trial in the Victorian Supreme Court where each was found guilty of domestic slavery offences. The AFP's investigation of the matter commenced in 2015 following a distressed call from the victim, a 55 year-old Indian national brought to Australia to undertake domestic duties. At trial, the prosecution relied on offending conduct from as far back as 2007 as indicia of slavery, including the offenders' control of the freedom of movement of the victim as well as how she conducted her daily life and communicated with her family in India.

Offender sentenced for contact offending against children in the Philippines

On 21 April 2023, a single judge of the NSW District Court sentenced a male to 16 years' imprisonment with a non-parole period of 11 years for contact sexual offending against children in the Philippines. An examination of devices seized by investigators at a search warrant of the offender's house in 2021 revealed his possession of child abuse material, including self-produced child pornography material from his offending in the Philippines. The offender pleaded guilty to 27 charges including engaging in sexual intercourse with children under 16 and producing child abuse material outside Australia. At least 13 different child victims were identified by investigators.

Sentence of imprisonment for importation of over 10 million cigarettes undisturbed on appeal

On 28 April 2023, the Victorian Court of Appeal dismissed an appeal brought by a male who had been sentenced for his involvement in the illegal importation of over 10 million cigarettes, with duty payable on the cigarettes of over \$8 million. The offender pleaded guilty to importing tobacco products with the intention of defrauding the revenue, by paying to release the container and hiring others to unload the container and unloading some of the cigarettes himself. In view of the serious nature of the offending and the integral role played by the offender, the sentence of 3 years' imprisonment with 18 months to be served was undisturbed on appeal.

Conspiring to defraud the Pharmaceutical Benefits Scheme

On 23 April 2023, following 37 sitting days before the NSW District Court, a defendant was found guilty by a jury of one count of conspiracy to dishonestly obtain a gain from the Commonwealth. Over a 16 month period, the offender and his co-offender used their pharmacy to defraud the Pharmaceutical Benefits Scheme of \$19.35 million by falsifying repeat drug prescriptions for medication. The offender was subsequently convicted and sentenced to imprisonment for 6 years and 4 months with a non-parole period of 4 years.

Final offender convicted for his role in terrorist shooting of NSW Police Force employee

In March 2023, after a fourth jury trial, a jury convicted the final offender for his role in the fatal shooting of a NSW Police Force employee in an act of terror in 2015. The shooter was killed but numerous co-conspirators, including those who supplied the firearm, were prosecuted for terrorism offences. This offender was initially tried in 2018 but the jury was discharged during deliberations. A 2019 jury returned a guilty verdict, and the offender was sentenced to 28 years with a non-parole period of 21 years. However, the conviction was quashed on appeal. A third trial was conducted in late 2022 and the jury was hung. In March 2023, a jury once again returned a guilty verdict. The offender is awaiting sentencing.

Fines for failure to protect deep sea divers

In May 2023, in Perth Magistrates Court, the registered company DOF Subsea was given fines totalling \$945,000 for 3 offences contrary to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Cth). The prosecution concerned DOF Subsea's failures to take reasonably practicable steps to protect the health and safety of deep-sea divers engaged to conduct work to repair subsea infrastructure located on the seabed at depths between 230 to 270 metres. A contested trial took place in 2021–22 and involved the application of highly technical subject matter to a voluminous and largely untested regulatory regime in the context of criminal prosecutions.

Life sentences for importing methamphetamine

The Operation Ligar trials, involving the importation of 1.2 tonnes of methamphetamine into Geraldton in 2017, concluded in 2023. Following an AFP investigation, 8 of the 10 accused were arrested in WA and 2 were subsequently extradited from Sydney to Perth. Three accused pleaded guilty and were sentenced in 2018 and 2019, with all 3 providing statements against the other 7 accused. Affected by COVID restrictions, a jury being discharged, one accused being severed from a joint indictment and one accused matter being discontinued, 5 accused eventually stood trial before a jury from August to November 2022. A trial of the severed accused took place in March 2023. In total there were 8 convictions with 3 offenders being sentenced to life imprisonment. Notices of appeal have been lodged in relation to 5 of the offenders.

★ Part 3: Financial statements

Financial performance 2022-23

The work of the CDPP is primarily funded through parliamentary appropriations, with a component of revenue under memoranda of understanding agreements with partner agencies.

The CDPP reported a total comprehensive loss of \$5.05 million in 2022–23. Excluding the impact of depreciation and asset revaluations, the result for the 2022–23 financial year was an operating deficit of \$2.85 million (Note 3.2 to the financial statements).

Employees and engagement of counsel are CDPP's largest individual costs, making up approximately 49% and 14% of total expenses respectively.

While CDPP's average staffing level grew to 423 for 2022–23 (403 in 2021–22), high levels of attrition continue to offset recruitment and retention strategies, ultimately resulting in lower than budgeted employee expenses for the year.

Prosecution legal costs (predominately engagement of counsel) have risen significantly against recent years, driven by a combination of individually high-cost prosecutions and increased activity after easing of pandemic restrictions.

Further, 2022–23 saw significant costs awarded against the Commonwealth, with expenses of \$3.23 million compared to \$0.57 million budgeted. Unsuccessful prosecutions may result in the CDPP being required to meet costs of the defendant. Awards of costs are made by the Courts, and the CDPP is unable to control or predict the quantum or number of such awards.

Whilst the CDPP reported an operating deficit in the Statement of Comprehensive Income, it has a sound financial position. As at 30 June 2023, the CDPP's total assets of \$70.85 million exceeded total liabilities of \$51.50 million. The CDPP had sufficient financial assets to fund its liabilities and commitments as they fall due.

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.



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 2023:

- (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 2023 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 2023 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 2023 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 of Public Prosecutions 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 of Public Prosecutions is also responsible for such internal control as the Director of Public Prosecutions 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 of Public Prosecutions 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 of Public Prosecutions 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
Executive Director
Delegate of the Auditor-General
Canberra
29 September 2023

Commonwealth Director of Public Prosecutions
STATEMENT BY THE ACCOUNTABLE AUTHORITY AND CHIEF FINANCIAL OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2023 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)

27 September 2023



Signed

John Barnes
Acting Chief Financial Officer

27 September 2023

Commonwealth Director of Public Prosecutions

STATEMENT OF COMPREHENSIVE INCOME

For the period ended 30 June 2023

	Notes	2023 \$'000	2022 \$'000	Budget \$'000
NET COST OF SERVICES				
Expenses				
Employee benefits	1.1A	55,664	52,195	58,223
Suppliers	1.1B	43,208	36,462	38,068
Depreciation and amortisation	2.2A	11,634	11,596	10,996
Finance costs	1.1C	372	392	400
Write-down and impairment of other assets		5	-	-
Costs awarded against the Commonwealth		3,233	1,161	570
Total expenses		114,116	101,806	108,257
Own-source income				
Own-source revenue				
Revenue from contracts with customers	1.2A	11,637	10,178	9,320
Other	1.2B	586	2,434	290
Total own-source revenue		12,223	12,612	9,610
Gains				
Other		-	8	-
Total gains		-	8	-
Total own-source income		12,223	12,620	9,610
Net cost of services		101,893	89,186	98,647
Revenue from Government	1.2C	94,594	92,980	94,594
Surplus / (deficit)		(7,299)	3,794	(4,053)
OTHER COMPREHENSIVE INCOME				
Items not subject to subsequent reclassification to net of cost of services				
Changes in asset revaluation	2.2A	2,252	-	-
Total other comprehensive income		2,252	-	-
Total comprehensive income / (loss)		(5,047)	3,794	(4,053)

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

Commonwealth Director of Public Prosecutions
STATEMENT OF FINANCIAL POSITION
As at 30 June 2023

	Notes	2023 \$'000	2022 \$'000	Budget \$'000
ASSETS				
Financial assets				
Cash and cash equivalents		450	464	464
Trade and other receivables	2.1A	30,959	31,630	32,575
Total financial assets		31,409	32,094	33,039
Non-financial assets¹				
Property	2.2A	32,351	38,977	40,703
Plant and equipment	2.2A	2,779	3,352	3,946
Intangibles	2.2A	1,614	2,813	2,644
Prepayments		2,692	2,562	2,462
Total non-financial assets		39,436	47,704	49,755
Total assets		70,845	79,798	82,794
LIABILITIES				
Payables				
Suppliers		3,416	4,554	4,649
Other payables	2.3A	1,692	1,668	1,454
Total payables		5,108	6,222	6,103
Interest bearing liabilities				
Leases	2.4A	27,533	34,635	35,523
Total interest bearing liabilities		27,533	34,635	35,523
Provisions				
Employee leave provisions	4.1	16,940	17,213	19,313
Other provisions	2.5A	1,916	668	668
Total provisions		18,856	17,881	19,981
Total liabilities		51,497	58,738	61,607
Net assets		19,348	21,060	21,187
EQUITY				
Contributed equity		27,245	23,910	27,971
Reserves		20,743	18,491	18,491
Accumulated deficit		(28,640)	(21,341)	(25,275)
Total equity		19,348	21,060	21,187

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.

Commonwealth Director of Public Prosecutions STATEMENT OF CHANGES IN EQUITY

For the period ended 30 June 2023

	Notes	2023 \$'000	2022 \$'000	Budget \$'000
CONTRIBUTED EQUITY				
Opening balance				
Balance carried forward from previous period		23,910	22,065	23,910
Transactions with owners				
Distributions to owners				
Return of equity	3.1A	(726)	-	-
Contributions by owners				
Equity injection	3.1A	2,200	-	2,200
Departmental capital budget	3.1A	1,861	1,845	1,861
Closing balance as at 30 June		27,245	23,910	27,971
ACCUMULATED DEFICIT				
Opening balance				
Balance carried forward from previous period		(21,341)	(25,135)	(21,222)
Comprehensive income				
Surplus/(deficit) for the period		(7,299)	3,794	(4,053)
Closing balance as at 30 June		(28,640)	(21,341)	(25,275)
RESERVES				
Opening balance				
Balance carried forward from previous period		18,491	18,491	18,491
Comprehensive income				
Other comprehensive income		2,252	-	-
Closing balance as at 30 June		20,743	18,491	18,491
TOTAL EQUITY				
Opening balance				
Balance carried forward from previous period		21,060	15,421	21,179
Comprehensive income				
Surplus/(deficit) for the period		(7,299)	3,794	(4,053)
Other comprehensive income		2,252	-	-
Transactions with owners				
Distributions to owners				
Returns of capital		(726)	-	-
Contributions by owners				
Equity injection		2,200	-	2,200
Departmental capital budget		1,861	1,845	1,861
Closing balance as at 30 June		19,348	21,060	21,187

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

Commonwealth Director of Public Prosecutions

CASH FLOW STATEMENT

For the period ended 30 June 2023

	2023	2022	Budget
	\$'000	\$'000	\$'000
OPERATING ACTIVITIES			
Cash received			
Appropriations	101,508	98,354	93,649
Sale of goods and rendering of services	11,534	10,553	9,528
Net GST received	4,792	4,387	4,483
Other	309	984	-
Total cash received	118,143	114,278	107,660
Cash used			
Employees	55,612	53,447	56,123
Suppliers	48,432	41,494	42,369
Interest payments on lease liabilities	348	384	400
Appropriation cash returned to the Official Public Account	3,464	10,960	-
Other	2,789	410	570
Total cash used	110,645	106,695	99,462
Net cash from / (used by) operating activities	7,498	7,583	8,198
INVESTING ACTIVITIES			
Cash used			
Purchase of property, plant and equipment	543	880	5,316
Purchase of intangibles	311	658	-
Total cash used	854	1,538	5,316
Net cash from / (used by) investing activities	(854)	(1,538)	(5,316)
FINANCING ACTIVITIES			
Cash received			
Contributed equity	530	856	4,061
Total cash received	530	856	4,061
Cash used			
Principal payments of lease liabilities	7,188	6,861	6,943
Total cash used	7,188	6,861	6,943
Net cash from / (used by) financing activities	(6,658)	(6,005)	(2,882)
Net increase / (decrease) in cash held	(14)	40	-
Cash and cash equivalents at the beginning of the reporting period	464	424	464
Cash and cash equivalents at the end of the reporting period	450	464	464

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

Commonwealth Director of Public Prosecutions

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2023

Overview

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.

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.

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 – assessed at market value or current replacement costs as determined by an independent valuer, with the last valuation being performed as at 30 June 2023. Fair value is subject to management assessment in between formal valuations; and
- employee provisions – involves assumptions based on the expected tenure of existing staff, patterns of leave claims and payouts, future salary movements and future discount rates

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.

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.

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 2023

Restatement of 2021–22 Comparative Figures for Prior Period Error

Comparative figures for Note 3.1A Appropriations have been restated to account for a prior year understatement of PGPA Act section 74 receipts, as shown in the table below. The restatement has nil impact on the 2021–22 operating result and nil impact on balances for cash and appropriation receivable.

Note 3.1A: Appropriations

Line Description	Original \$'000	Restated \$'000	Variance \$'000
PGPA Act section 74 receipts	12,020	13,395	1,375
Total available appropriation	106,845	108,220	1,375
Total appropriation applied	(100,230)	(101,605)	1,375
Closing unspent appropriation balance (ordinary annual services)	30,059	30,059	-
Closing unspent appropriation balance (other services)	726	726	-
Total unspent appropriation	30,785	30,785	-

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.

Commonwealth Director of Public Prosecutions

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2023

Budget Variances

The following table provides high-level commentary on major variances between budgeted information for the CDPP as published in the Attorney General's October 2022–23 Portfolio Budget Statements and the 2022–23 final outcome as presented in accordance with Australian Accounting Standards. Major variances are those relevant to an analysis of CDPP's performance and are not focused merely on numerical differences between the budget and actual results.

Explanation of major variances	Affected line items
<p>While CDPP's average staffing level (ASL) grew to 423 for 2022–23 (403, 2021–22), continued high levels of attrition offset recruitment and retention strategies ultimately resulting in lower than budgeted staffing levels. This contributed to:</p> <ul style="list-style-type: none"> Employee benefits \$2.6 million lower than budgeted. Employee leave provisions \$2.4 million lower than budgeted. 	<p>Statement of comprehensive income, <i>Employee benefits</i></p> <p>Statement of financial position, <i>Employee leave provisions</i></p>
<p>Prosecution legal costs (predominately engagement of counsel) increased significantly against recent years and budget expectations. A combination of individually high-cost prosecutions and increased activity after easing of pandemic restrictions contributed to:</p> <ul style="list-style-type: none"> Supplier expenses \$5.1 million higher than budgeted. Operating cash used (suppliers) \$6.1 million higher than budgeted. 	<p>Statement of comprehensive income, <i>Suppliers</i></p> <p>Cash flow statement, <i>Operating cash used (Suppliers)</i></p>
<p>Unsuccessful prosecutions may result in CDPP being required to meet costs of the defendant. Awards of costs are made by the Courts, and the CDPP is unable to control or predict the quantum or number of such awards. Cost decisions during 2022–23 contributed to:</p> <ul style="list-style-type: none"> Costs awarded against the Commonwealth \$2.7 million higher than budgeted. Operating cash used (other) \$2.2 million higher than budgeted. 	<p>Statement of comprehensive income, <i>Costs awarded against the Commonwealth</i></p> <p>Cash flow statement, <i>Operating cash used (Other)</i></p>
<p>In response to higher than budgeted prosecution costs, CDPP obtained supplementation of prosecution services revenue, in addition to budgeted amounts, under two MOUs with partner agencies. Supplementation contributed to:</p> <ul style="list-style-type: none"> Revenue from contracts with customers \$2.3 million higher than budgeted. Operating cash received (sale of goods and rendering of services) \$2.0 million higher than budgeted. 	<p>Statement of comprehensive income, <i>Revenue from contracts with customers</i></p> <p>Cash flow statement, <i>Operating cash received (Sale of Goods and rendering of services)</i></p>
<p>CDPP undertook a full asset revaluation during the financial year. Asset revaluation results are not budgeted, resulting in:</p> <ul style="list-style-type: none"> Changes in asset revaluation \$2.3 million higher than budgeted. Reserves \$2.3 million higher than budgeted. 	<p>Statement of comprehensive income, <i>Changes in asset revaluation</i></p> <p>Statement of financial position, <i>Reserves</i></p>
<p>CDPP recognised no right-of-use property asset acquisitions in 2022–23, against a notional budget of \$7.8 million in right-of-use asset acquisitions. This contributed to:</p> <ul style="list-style-type: none"> Property \$8.4 million lower than budgeted. Lease liabilities \$8.0 million lower than budgeted. 	<p>Statement of financial position, <i>Property</i></p> <p>Statement of financial position, <i>Leases</i></p>
<p>CDPP had to withdraw more cash from appropriation than was budgeted to meet higher than budgeted expenses. This contributed to:</p> <ul style="list-style-type: none"> Operating cash received (appropriations) \$7.9 million higher than budget. 	<p>Cash flow statement, <i>Operating cash received (Appropriations)</i></p>

Commonwealth Director of Public Prosecutions

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2023

Financial Performance	This section analyses the financial performance of the CDPP for the year ended 2023.	
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Note 1.1: Expenses

	2023	2022
	\$'000	\$'000
Note 1.1A: Employee benefits		
Wages and salaries	43,007	41,150
Superannuation		
Defined contribution plans	5,197	4,709
Defined benefit plans	2,386	2,660
Leave and other entitlements	4,863	3,363
Separation and redundancies	93	243
Other employee benefits	118	70
Total employee benefits	55,664	52,195

Accounting Policy

Accounting policies for employee related expenses are contained in the People and Relationships section.

Note 1.1B: Suppliers

Goods and services

Prosecution legal costs	18,770	15,581
Services Advice and Training	11,330	10,478
Information and Communication Technology	6,588	5,221
Property	2,530	2,200
Library	1,590	1,539
Other	2,192	1,279
Total goods and services	43,000	36,298

Other suppliers

Workers compensation expenses	176	155
Low value leases	32	9
Total other suppliers	208	164
Total suppliers	43,208	36,462

The CDPP had no short-term lease commitments as at 30 June 2023.

The above lease disclosures should be read in conjunction with the accompanying notes 1.1C, 1.2B, 2.2A and 2.4A.

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 per asset). The CDPP recognises the lease payments associated with these leases as an expense on a straight-line basis over the lease term.

Note 1.1C: Finance costs

Interest on lease liabilities	348	384
Unwinding of discount	24	8
Total finance costs	372	392

The above lease disclosures should be read in conjunction with the accompanying notes 1.1B, 1.2B, 2.2A and 2.4A.

Commonwealth Director of Public Prosecutions

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2023

Note 1.2: Revenue and Gains

	2023	2022
	\$'000	\$'000
Note 1.2A: Revenue from contracts with customers		
Prosecution Services	11,637	10,178
Total rendering of services	11,637	10,178
Disaggregation of revenue from contracts with customers		
Australian Government entities (related parties)	11,637	10,178
	11,637	10,178

Accounting Policy

The CDPP 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 1.2B: Other revenue

Resources received free of charge - auditor's remuneration	82	82
Sublease	195	189
Proceeds of Crime Act 2002	309	2,163
Total other revenue	586	2,434

Maturity analysis of sublease rental income receivables:

Within 1 year	176	171
One to two years	181	176
Two to three years	61	181
Three to four years	63	61
Four to five years	5	63
More than 5 years	-	5
Total undiscounted lease payments receivable	486	657

As at 30 June 2023, the CDPP had sublease arrangements at 2 locations with Australian Government entities (2022: 2 locations).

The above lease disclosures should be read in conjunction with the accompanying notes 1.1B, 1.1C, 2.2A and 2.4A.

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 2023

Note 1.2: Revenue and Gains (continued)

Proceeds of Crime Act 2002

The CDPP received *Proceeds of Crime Act 2002* funding for the development of national digital capabilities under an MOU with the Department of Home Affairs. The MOU outlines specific deliverables relating to the completion of three separately identifiable projects which were 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.

The above disclosure should be read in conjunction with the accompanying note 2.2B.

	2023	2022
	\$'000	\$'000

Note 1.2C: Revenue from Government

Appropriations

Departmental appropriations	94,594	92,980
Total revenue from Government	94,594	92,980

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 2023

Financial Position

This section analyses the CDPP's assets used to conduct its operations and the operating liabilities incurred as a result.

Employee related information is disclosed in the People and Relationships section.

Note 2.1: Financial Assets

	2023	2022
	\$'000	\$'000
Note 2.1A: Trade and other receivables		
Goods and services		
Goods and services	319	284
Total goods and services receivables	319	284
Appropriation receivables		
For existing programs	29,676	30,321
Total appropriation receivables	29,676	30,321
Other receivables		
GST receivable from the Australian Taxation Office	843	892
Other receivables	121	133
Total other receivables	964	1,025
Total trade and other receivables (gross)	30,959	31,630
Total trade and other receivables (net)	30,959	31,630

Credit terms for goods and services was 30 days (2022: 30 days).

Accounting Policy

Cash and cash equivalents

Cash is recognised at its nominal amount.

Trade receivables

Trade and other 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.

CDPP recognises a loss allowance and impairment expense at an amount equal to lifetime expected credit losses. No impairment has been recognised as at 30 June 2023 (2022: nil).

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 2023

Note 2.2: Non-Financial Assets

Note 2.2A: Reconciliation of the opening and closing balances of property, plant and equipment and intangibles

	Property	Plant and equipment	Intangibles	Total
	\$'000	\$'000	\$'000	\$'000
As at 1 July 2022				
Gross book value	65,962	7,672	8,006	81,640
Accumulated depreciation, amortisation and impairment	(26,985)	(4,320)	(5,193)	(36,498)
Total as at 1 July 2022	38,977	3,352	2,813	45,142
Additions				
Purchase or internally developed	76	503	214	793
Right-of-use assets	-	86	-	86
Depreciation and amortisation	(2,112)	(1,244)	(1,413)	(4,769)
Depreciation on right-of-use assets	(6,828)	(37)	-	(6,865)
Revaluation recognised in other comprehensive income	2,128	124	-	2,252
Other movements	3	-	-	3
Other movements of right-of-use assets	107	-	-	107
Disposals	-	(5)	-	(5)
Total as at 30 June 2023	32,351	2,779	1,614	36,744
Total as at 30 June 2023 represented by				
Gross book value	58,847	2,893	8,220	69,960
Accumulated depreciation, amortisation and impairment	(26,496)	(114)	(6,606)	(33,216)
Total as at 30 June 2023	32,351	2,779	1,614	36,744
Carrying amount of right-of-use assets	22,847	100	-	22,947

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 2023.

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

As at 30 June 2023 there were capital commitments of \$42,016 (GST exclusive) for plant and equipment (2022: \$50,326) and \$1,385,640 (GST exclusive) for property (2022: nil).

Commonwealth Director of Public Prosecutions

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2023

Note 2.2: Non-Financial Assets (continued)

Accounting Policy

Recognition and Depreciation

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

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

Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate.

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

	Useful Life (years)	Threshold (\$)
Property	lease term	20,000 or 5% of total value
Plant and equipment	2 to 100 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:

Asset class	Fair value measured at
Property	Depreciated replacement cost
Plant and equipment	Market selling price and depreciated replacement cost

Following initial recognition at cost, property, plant and equipment (excluding right-of-use assets) are carried at fair value less subsequent accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets do not differ materially from the assets' fair values as at the reporting date. The regularity of independent valuations depends upon the volatility of movements in market values for the relevant assets. The most recent independent valuation was conducted on 30 June 2023. An 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 2023

Note 2.2: Non-Financial Assets (continued)

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.

Derecognition

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 (2022: 3 to 6 years).

All software assets were assessed for indications of impairment as at 30 June 2023.

Note 2.2B: Transfers to acquire or construct a non-financial asset

	Closing balance	Opening balance
	\$'000	\$'000
Funding transferred	-	309
Funding transfer obligations	-	(309)

The CDPP received *Proceeds of Crime Act 2002* funding for the development of national digital capabilities under an MOU with the Department of Home Affairs. The MOU outlines specific deliverables relating to the completion of three separately identifiable projects which were completed in the 2022–23 financial year.

During the reporting period, movements in the liability arose from income recognised of \$309,314 as a result of acquiring or constructing non-financial assets.

The above disclosure should be read in conjunction with the accompanying note 1.2B.

Commonwealth Director of Public Prosecutions
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
For the period ended 30 June 2023

Note 2.3: Payables

	2023	2022
	\$'000	\$'000
Note 2.3A: Other payables		
Wages and salaries	1,188	972
Superannuation	208	173
Other	296	523
Total other payables	1,692	1,668

Accounting Policy

Supplier and other payables

Supplier and other payables are recognised at amortised 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.

Note 2.4: Interest Bearing Liabilities

	2023	2022
	\$'000	\$'000
Note 2.4A: Leases		
Lease Liabilities		
Property	27,431	34,581
Plant and equipment	102	54
Total leases	27,533	34,635
Maturity analysis - contractual undiscounted cash flows		
Within 1 year	7,152	7,462
Between 1 to 5 years	20,033	20,721
More than 5 years	1,237	7,612
Total leases	28,422	35,795

Cash outflow for leases for the year ended 30 June 2023 was \$7,536,832 (GST exclusive) (2022: \$7,244,805).

The CDPP in its capacity as lessee, has recognised lease liabilities in relation to leases of office space at 10 premises (2022: 10) and 8 automobiles (2022: 8). All of these leases have a fixed schedule of rent payments.

Five of the property 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.

The above lease disclosures should be read in conjunction with the accompanying notes 1.1B, 1.1C, 1.2B and 2.2A.

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

For the period ended 30 June 2023

Note 2.4: Interest Bearing Liabilities (continued)

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.

Note 2.5: Other Provisions

	Provision for restoration \$'000	Other provisions \$'000	Total \$'000
Note 2.5A: Other provisions			
As at 1 July 2022	668	-	668
Additional provisions made	-	1,114	1,114
Remeasurement of provisions	110	-	110
Unwinding of discount or change in discount rate	24	-	24
Total as at 30 June 2023	802	1,114	1,916

The CDPP currently has 2 (2022: 2) agreements for the leasing of premises which have provisions requiring the CDPP to restore the premises to their original condition at the conclusion of the lease. The CDPP has made a provision 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 2023

Funding

This section identifies the CDP's funding structure.

Note 3.1: Appropriations

	2023	2022
	\$'000	\$'000
Note 3.1A: Annual appropriations ('recoverable GST exclusive')		
Ordinary annual services		
Annual appropriation		
Ordinary annual services	94,594	92,980
Departmental capital budget ¹	1,861	1,845
PGPA Act section 74 receipts ²	13,277	13,395
Total available appropriation	109,732	108,220
Appropriation applied (current and prior years)		
Ordinary annual services ²	(111,335)	(100,749)
Departmental capital budget	(530)	(856)
Total appropriation applied	(111,865)	(101,605)
Variance³	(2,133)	6,615
Opening unspent ordinary annual services appropriation balance	30,059	23,444
Closing unspent ordinary annual services appropriation balance	27,926	30,059
Other services		
Annual appropriation		
Equity injection	2,200	-
Total available appropriation	2,200	-
Appropriation applied (current and prior years)	-	-
Variance⁴	2,200	-
Opening unspent other services appropriation balance	726	726
Other services appropriation repealed	(726)	-
Closing unspent other services appropriation balance	2,200	726
Total closing unspent appropriation balance	30,126	30,785

¹ Departmental capital budgets are appropriated through Appropriation Acts (No. 1 and 3). They form part of ordinary annual services and are not separately identified in the Appropriation Acts.

² Comparative figures for PGPA Act section 74 receipts and Appropriation applied have been restated by \$1.38 million to account for a prior year understatement of PGPA Act section 74 receipts. The impact of this restatement on closing appropriation balances is nil. Refer to Overview section for details.

³ The CDP reported a 2022–23 net cash operating deficit of \$2.9 million (see Note 3.2), resulting in additional appropriation applied. The deficit predominately relates to prosecution legal costs (specifically engagement of counsel) being higher than budgeted expectations, as well as an increase in costs awarded against the Commonwealth.

⁴ The CDP received \$2.2 million to fund specific property and software projects. These projects are expected to be delivered in 2023–24.

Commonwealth Director of Public Prosecutions
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
For the period ended 30 June 2023

Note 3.1: Appropriations (continued)

	2023	2022
	\$'000	\$'000
Note 3.1B: Unspent annual appropriations ('recoverable GST exclusive')		
Departmental		
<i>Appropriation Act (No. 2) 2019–2020</i>	-	726
<i>Appropriation Act (No. 1) 2021–2022</i>	725	29,595
<i>Supply Act (No. 1) 2022–2023</i>	775	-
<i>Supply Act (No. 3) 2022–2023</i>	10,680	-
<i>Appropriation Act (No. 1) 2022–2023</i>	15,296	-
<i>Appropriation Act (No. 2) 2022–2023</i>	2,200	-
Cash at bank	450	464
Total departmental	30,126	30,785

Note 3.2: Net Cash Appropriation Arrangements

	2023	2022
	\$'000	\$'000
Total comprehensive income / (loss) - as per the Statement of Comprehensive Income	(7,299)	3,794
Plus: depreciation/amortisation of assets funded through appropriations (departmental capital budget funding and/or equity injections) ¹	4,769	4,679
Plus: depreciation of right-of-use assets ²	6,865	6,917
Less: lease principal repayments ²	(7,188)	(6,861)
Net Cash Operating Surplus / (Deficit)	(2,853)	8,529

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 appropriations. 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 2023

People and relationships

This section describes a range of employment and post-employment benefits provided to our people and our relationships with other key people.

Note 4.1: Employee 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 and pay increases through promotion and inflation.

Separation and Redundancy

Provision is made for separation and redundancy benefit payments. There were no provisions for termination as at 30 June 2023 (2022: 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' defined benefit superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government. The CDPP accounts for the contributions as if they were contributions to defined contribution plans. The liability for superannuation recognised as at 30 June represents outstanding contributions.

Commonwealth Director of Public Prosecutions

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

For the period ended 30 June 2023

Note 4.2: 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) and the Executive Leadership Group (made up of the Commonwealth Solicitor for Public Prosecutions, Deputy Directors and the Chief Corporate Officer)¹. Key management personnel remuneration is reported in the table below:

	2023	2022
	\$'000	\$'000
Note 4.2A: Key management personnel remuneration		
Short-term employee benefits	2,249	2,572
Post-employment benefits	383	441
Other long-term employee benefits	98	62
Total key management personnel remuneration expenses^{1,2}	2,730	3,075

The total number of key management personnel that are included in the above table are 10 (2022: 11) representing the people who individually occupied the key management personnel position during the year.

¹ In 2021–22, key management personnel also included the Chief Financial Officer. A 2022–23 review determined that the role and duties of the Chief Financial Officer no longer meets the criteria for being a key management personnel.

² The above key management personnel remuneration excludes the remuneration and other benefits of the Portfolio Minister. The Portfolio Minister's remuneration and other benefits are set by the Remuneration Tribunal and are not paid by the CDPP.

Note 4.3: Related Party Disclosures

Related party relationships:

The CDPP is an Australian Government controlled entity. Related parties to this entity are key management personnel, including the Portfolio Minister 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.

Given 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 2023

Managing uncertainties

This section analyses how the CDPP manages financial risks with its operating environment

Note 5.1: Contingent Assets and Liabilities

Quantifiable Contingencies

As at 30 June 2023, the CDPP had no quantifiable contingent assets or liabilities (2022: nil).

Unquantifiable Contingencies

If a matter is unsuccessfully prosecuted by the CDPP, the Courts may order that the CDPP pay certain costs to the defendant. Costs so awarded are met from the CDPP and/or client organisation's annual appropriations.

Costs 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 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.

Accounting Policy

Contingent assets and liabilities 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 5.2: Financial Instruments

	2023	2022
	\$'000	\$'000
Note 5.2A: Categories of financial instruments		
Financial assets		
Financial assets at amortised cost		
Cash and cash equivalents	450	464
Trade and other receivables	440	417
Total financial assets at amortised cost	890	881
Total financial assets	890	881
Financial liabilities		
Financial liabilities measured at amortised cost		
Suppliers payable	3,416	4,554
Total financial liabilities measured at amortised cost	3,416	4,554
Total financial liabilities	3,416	4,554

There were no gains on financial instruments for the year ended 30 June 2023 (2022: \$5,976).

There were no losses on financial instruments for the year ended 30 June 2023 (2022: nil).

Commonwealth Director of Public Prosecutions
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
For the period ended 30 June 2023

Other Information

Note 6.1: Current/Non-Current Distinction for Assets and Liabilities

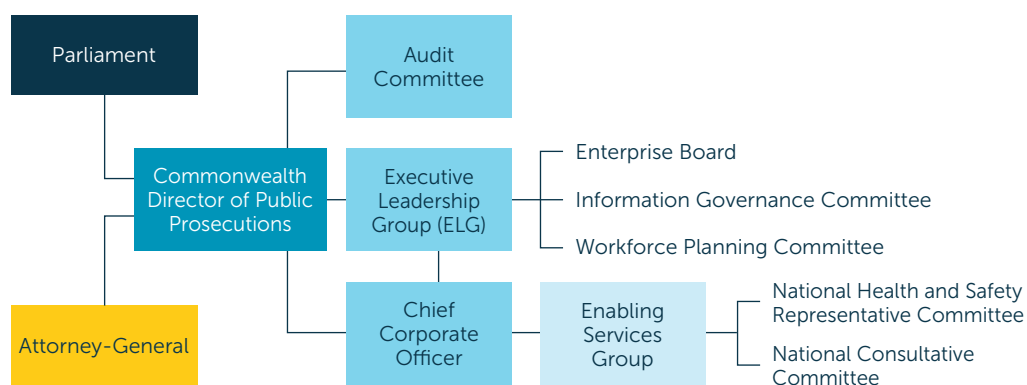
	2023	2022
	\$'000	\$'000
Note 6.1A: Current/non-current distinction for assets and liabilities		
Assets expected to be recovered in:		
No more than 12 months		
Cash and cash equivalents	450	464
Trade and other receivables	30,959	31,630
Prepayments	2,590	2,529
Total no more than 12 months	33,999	34,623
More than 12 months		
Property	32,351	38,977
Plant and equipment	2,779	3,352
Intangibles	1,614	2,813
Prepayments	102	33
Total more than 12 months	36,846	45,175
Total assets	70,845	79,798
Liabilities expected to be settled in:		
No more than 12 months		
Suppliers	3,416	4,554
Other payables	1,692	1,668
Leases	6,883	7,117
Employee leave provisions	5,098	4,958
Other provisions	1,114	-
Total no more than 12 months	18,203	18,297
More than 12 months		
Leases	20,650	27,518
Employee leave provisions	11,842	12,255
Other provisions	802	668
Total more than 12 months	33,294	40,441
Total liabilities	51,497	58,738

★ Part 4: Management and Accountability

Governance structures

The governance framework, as depicted in Figure 2, supports the achievement of the CDP's purpose. The governance framework is an effective system for managing risk and fraud as well as human and financial resources through planning and assurance processes.

Figure 2: CDP's governance framework



Governance committees

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

Table 4: Governance committees overview

Committee	Reports to	Responsibilities	Frequency of meetings
Primary committees			
Executive Leadership Group (ELG)	Director	Key advisory group to the Director. Chaired by the Director and comprising of the Commonwealth Solicitor for Public Prosecutions, Practice Group Leaders and the Chief Corporate Officer (CCO). Advises the Director on key strategic, operational, financial and corporate matters, identifies and mitigates risks, and provides strategic and specialist legal expertise in support of agency performance and outcomes.	At least quarterly
Audit Committee	-	Provides independent advice to the Director on the organisation's financial and performance reporting responsibilities, system of risk oversight and management, and system of internal control.	Quarterly

Committee	Reports to	Responsibilities	Frequency of meetings
Secondary committees			
Enterprise Board	ELG	Provides focused oversight for major projects. Monitors, evaluates and reports on project progress and risk profiles.	Monthly
Information Governance Committee	ELG (through the Chief Information Governance Officer, as required)	Provides advice on governance arrangements for information assets.	Quarterly
Workforce Planning Committee	ELG (through the CCO, as required)	Provides advice on all matters relating to forecasting CDPP's human resourcing requirements. Considers and reviews a range of workforce planning requirements including the organisation's short, medium and long-term resourcing and capability needs.	Monthly
Consultative committees			
National Consultative Committee	-	Facilitates communication and consultation on agency employment and workplace matters related to the enterprise agreement.	At least 3 times a year
National Health and Safety Representative Committee	-	Provides assistance and advice on matters affecting the health, safety and wellbeing of CDPP staff and other workers.	Quarterly

Audit Committee

The Director 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 CDPP Audit Committee charter can be found at <https://www.cdpp.gov.au/publications/cddp-audit-committee-charter>.

Table 5 sets out details for the CDPP Audit Committee as required under section 17AG(2A) of the PGPA Rule.

Table 5: CDPP Audit Committee membership 2022–23

Member name	Relevant qualifications, knowledge, skills or experience	Period of membership	Meetings attended / total meetings	Total annual remuneration (GST inc.)
Ken Moore (Chair / independent member)	Bachelor of Arts (Economics/Accounting). Fellow CPA Australia. Fellow Australian Institute of Company Directors. Holds directorships for 2 organisations. Previously held SES positions in the Australian Public Service.	May 2015 – current	4/4	\$18,000

Member name	Relevant qualifications, knowledge, skills or experience	Period of membership	Meetings attended / total meetings	Total annual remuneration (GST inc.)
Ian Govey (Deputy Chair / independent member)	<p>Bachelor of Laws (Hons).</p> <p>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 – June 2023	3/4	\$9,900
Elizabeth Montano (independent member)	<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>First woman to lead a Commonwealth regulatory/law enforcement agency as former Chief Executive Officer of the Australian Transaction Reports and Analysis Centre (AUSTRAC).</p> <p>Former 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	\$13,470

Fraud prevention and control

The CDPP works diligently to minimise the potential for fraud and corruption through continuous improvement of the fraud control framework and control mechanisms. The 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. The fraud control plan is regularly updated in response to our fraud risk register and management plan, which is updated biannually and reviewed by the ELG.

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 the CDPP's strategy and planning processes. The CDPP Risk Management Framework aligns with the international standard AS/NZ ISO 31000:2018 – Risk Management – Principles and Guidelines, the PGPA Act and PGPA Rule, and the Commonwealth Risk Management Policy.

The ELG and Audit Committee actively monitor and manage the CDPP's Strategic Risk Register, ensuring risk management is effective and continues to support organisational performance. During the reporting period, the risk register was reviewed each quarter with updates made to risk controls and treatment details as required. Risks were monitored and managed as part of the broader risk management program.

Maintaining a positive risk culture within the CDPP is critical to promoting an open and proactive approach to managing risk that considers both threat and opportunity. Staff are empowered and enabled to actively engage with risk through education, tools and guidance to confidently identify, measure and manage organisational risks within risk tolerances and without stifling opportunities for innovation.

The organisation takes a proactive risk management approach in litigation management plans, which helps to 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. The CDPP is working with the Attorney-General's Department to establish procedures for reporting and managing shared risks in the portfolio.

Internal audit

Internal audit is an independent function that seeks to improve operations by providing objective assurance and advice that supports decision-making. It is part of the CDPP's governance framework and helps achieve objectives by bringing a systematic, disciplined approach to risk management, optimisation of controls, and effective governance.

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

The internal audit service provider undertook a broad range of audits, with no significant control breakdowns identified in the reporting period.

Privacy

Obligations under the *Privacy Act 1988* and the Australian Privacy Principles guide the CDPP's 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, the Privacy Management Plan identifies specific, measurable privacy goals and targets and sets out how it will meet privacy compliance obligations.

There were no notifiable data breaches identified during the reporting period.

Public interest disclosure

The CDPP is 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*.

The organisation recognises the importance of an effective system for reporting and investigating disclosable conduct and provides appropriate training for our authorised officers. There is also a dedicated email address for disclosures to be made to authorised officers.

The CDPP's public interest disclosure procedure and supporting documents are published on the CDPP website at <https://www.cdpp.gov.au/about-us/accountability-and-reporting/public-interest-disclosure-act>.

Commonwealth Child Safe Framework

The safety and wellbeing of children and young people is a priority for the CDPP leadership team and staff, with particular emphasis on providing support for victims of child abuse crime. As Australia's Federal Prosecution Service, the organisation has a significant role and responsibility for ensuring 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 is compliant with the 4 core requirements of the Commonwealth Child Safe Framework. The Annual Statement of Compliance, published in November 2022, can be viewed on the CDPP website.

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. The risk assessment conducted for the annual reporting period rated the 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 embedded the following initiatives:

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

External scrutiny

The CDPP considers judicial or administrative decisions and reports, and recommendations from Parliamentary committees and other governing or oversight bodies, that may impact its operations. Progress against implementation of recommendations is reported to the ELG and the Audit Committee for oversight, where applicable.

In May 2023, the Auditor-General handed down a report on *Implementation of Parliamentary Committee and Auditor-General Recommendations – Attorney-General’s Portfolio* which included recommendations relating to governance and reporting arrangements, systems, and assurance and evaluation. The CDPP has accepted the recommendations of the Auditor-General and is monitoring implementation as part of its regular processes.

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 have had or may have a significant impact on CDPP operations.

Complaints and feedback

In November 2018, in response to recommendations made by the Royal Commission into Institutional Responses to Child Abuse, the CDPP established a dedicated Feedback and Complaints page on the CDPP website. The page sets out the process for making a complaint or providing feedback, includes a link to the complaints policy, and summarises what an accused person, witness, victim of crime or member of the public can expect when they lodge a complaint.

The ELG reviews complaints and feedback data annually to identify any systemic issues and take appropriate action. In accordance with recommendations made by the Royal Commission, the WAS aims to ensure that victims of crime who have been referred to the WAS are provided with information on feedback and complaints processes.

In 2022–23 the CDPP received 48 submissions, of which 10 have been the subject of an investigation. The remaining 38 submissions were not investigated because they were either a misdirected complaint, reporting an alleged crime, or providing feedback on a current prosecution.

Of the 10 complaints the subject of an investigation, 6 were found to be without basis and 3 led to remedial action being undertaken. There is one complaint where the investigation is ongoing.

Right of Review

Complainants who are victims of offences involving a child (person under 18 years); offences involving slavery, servitude and forced marriage; or offences which result in serious physical or psychological harm, are entitled to ask the CDPP to review any decision made to wholly discontinue a prosecution. This review process also extends to matters involving the death of a person as a result of any alleged offences.

The Right of Review process is an important way of ensuring complainants feel heard and are consulted in regard to prosecutorial decision making. Any review is personally undertaken by the Director.

In 2022–23 the CDPP received one request to review a decision to discontinue a prosecution. Following the review, the decision to discontinue the prosecution was upheld.

Our people

Workplace agreements

Non-senior executive service (SES) staff employed under the *Public Service Act 1999* (PS Act) continue to be covered by the *Office of the Commonwealth Director of Public Prosecutions (CDPP) Enterprise Agreement 2017 - 2020*. A section 24(1) determination under the PS Act provided 2% annual salary increases between 2020 and 2022, with the last increase during the reporting period taking effect on 8 August 2022.

The terms and conditions of employment for SES staff are provided for under individual common law agreements. 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 the Wellbeing Program.

Employment arrangements

Tables 6 and 7 show CDPP's employment arrangements for SES and non-SES staff.

Table 6: Employment arrangements of SES and non-SES employees as at 30 June 2023

	SES	Non-SES	Total
Section 24(1) determinations	2	17	19
Individual flexibility agreements	0	7	7
Common law contracts	20	3	23
Total	22	27	49

The salary ranges by classification level are available under an enterprise agreement, subsection 24(1) determinations, common law agreements, individual flexibility agreements or maintenance of current salaries.

Table 7: Public Service Act 1999 employment salary ranges by classification and level—current period (2022–23)

	Minimum salary	Maximum salary
SES 3	\$281,357	\$335,225
SES 2	\$240,640	\$290,000
SES 1	\$203,468	\$244,651
PFP	\$137,743	\$146,519
EL 2	\$126,242	\$175,479
SFP	\$104,773	\$141,099
EL 1	\$104,773	\$132,411
APS 6	\$82,721	\$107,593
FP2	\$75,751	\$99,460
APS 5	\$75,260	\$87,863
FP1	\$67,559	\$74,738
APS 4	\$67,559	\$74,738
APS 3	\$60,669	\$66,746
APS 2	\$54,835	\$60,291
APS 1	\$28,489	\$53,196
Other	0	0
Minimum/maximum range	\$28,489	\$335,225

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 2023, the CDPP had 452 employees. For information related to workforce statistics including numbers and locations of staff, employment arrangements and remuneration, refer to Appendix 3 – Workforce statistics.

Workforce strategies

Capability development

The CDPP remains committed to investing in the development of its people through learning and development opportunities. It aims to embed an organisational culture of continual learning and skills development that drives high performance, builds capability and supports our people to successfully deliver on strategic priorities.

This commitment is captured in the Legal Capability Strategy 2023–26. This strategy sets out a framework for the CDPP to respond to capability challenges, risks and opportunities presented by the current and future operating environment. The strategy recognises the importance of building the CDPP's legal capability through on the job learning and training programs. Leadership and management expertise are the other key areas of capability development addressed through the strategy.

Workforce planning

The CDPP Workforce Plan 2022–26 addresses and mitigates key workforce capability and capacity risks to position the organisation to proactively manage and respond to emerging and evolving work challenges. The workforce plan also ensures 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. Individual views, values, experiences and perspectives shape and strengthen how the organisation delivers a fair, equitable and consistent prosecution service to a diverse Australian community.

The CDPP recognises diversity comprises many forms including gender, sexual orientation, educational or professional background, cultural and linguistic backgrounds, caring responsibilities, age, ability and life experiences.

The CDPP's commitment to diversity and inclusion is supported and shaped by the Diversity and Inclusion Network, comprising of employees from across the organisation and led by the Diversity and Inclusion Champion and Deputy Champions.

Diversity and inclusion Strategy

The CDPP 2021–23 Diversity and Inclusion Strategy and Action Plan reached its maturity on 30 June 2023. It provided a 3 year strategic roadmap to help the organisation continue to build a more inclusive culture and progress diversity efforts and focus through practical actions. The strategy was underpinned by 3 key principles:

- **Visibility** – the commitment to diversity and inclusion is actively and visibly promoted.
- **Capability** – the 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** – the organisation drives a consistent, supportive and respectful approach to inclusion and seek to create career pathways for diverse talent.

Each of these principles demonstrated our ongoing commitment to increasing the level of understanding and awareness of diversity and inclusion across the organisation.

Australia's Disability Strategy 2021–2031

Australia's Disability Strategy 2021–31 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 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 strategy. A range of reports on progress of the strategy's actions and outcome areas will be published and available at www.aspc.gov.au.

Work health and safety

The CDPP considers the safety and wellbeing of all employees and other workers as a high priority. This commitment is informed by adherence to compliance requirements under the *Work Health and Safety Act 2011*, *Work Health and Safety Regulations 2011* and the *Safety, Rehabilitation and Compensation Act 1988*.

The CDPP's Work Health and Safety Management System provides a framework of policies, procedures, and guidelines to help build a safe workplace and to ensure risk of injury and/or illness are effectively assessed and managed.

Reporting incidents and enforcement measures

All hazards and incidents are reported in accordance with the CDPP Work Health Safety Incident reporting procedures.

Twenty-five hazard incident reports were received during 2022–23. None of the reports required notification to Comcare. No additional actions, enforcement measures or improvement notices were issued to the organisation during the reporting period.

Wellbeing program

The CDPP prioritises employee health and wellbeing through the CDPP Wellbeing Program. The program fosters a supportive environment and facilitates health and wellbeing practices. In 2022–23 the program was reviewed to include a renewed focus on mental health. CDPP employee's mental health is supported by regular wellbeing checks (conducted by registered psychologists) and the Employee Assistance Program that offers confidential and free employee assistance services to employees and their immediate families as well as a manager assistance service. During the reporting period the employee assistance provider delivered 136 hours of support to employees and their families and over 570 wellbeing checks.

The CDPP recognises that employees who are fit and healthy are likely to be more productive and engaged in the workplace. The 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.

The annual influenza vaccination program was undertaken in April 2023. Free vaccinations were accessible to all employees.

Asset management, purchasing and grants

The CDPP's major assets are right-of-use leased premises, office fit out, office furniture, computer equipment, purchased software, and library holdings, which are subject to 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.

The CDPP's procurement policies and practices are informed by the Director's Finance Instructions and supporting guidelines. These have been developed to ensure the organisation undertakes competitive, non-discriminatory procurement processes; obtains value for money; encourages 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 and 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 the organisation's 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

The CDPP engages consultants where it lacks specialist expertise or when independent research, review or assessment is required. Typically, the CDPP engages 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 decision-making.

Before engaging consultants, the CDPP considers the skills and resources required for the task, the skills available internally, and the cost-effectiveness of engaging external expertise. Decisions to engage a consultant are made 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 2022–23, the CDPP entered into 8 new reportable consultancy contracts involving total actual expenditure of \$296,448. In addition, 4 ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$256,754.

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

Table 8: Top 5 consultancy organisations current report period (2022–23)

Name of organisation	Expenditure \$ (GST inc.)
Gartner Australasia Pty Limited	302,500
Australian Government Solicitor	123,926
35 South Advisors Pty Ltd	56,100
Cyconsol Pty Ltd	32,843
Jones Lang LaSalle Advisory Services Pty Limited	26,950

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 2022–23, the CDPP entered into 112 new reportable non-consultancy contracts involving total actual expenditure of \$8.810 million. In addition, 207 ongoing reportable non-consultancy contracts were active during the period, involving total actual expenditure of \$24.526 million.

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

Table 9: Top 5 non-consultancy organisations current report period (2022–23)

Name of organisation	Expenditure \$ (GST inc.)
Sicard Pty Ltd	3,199,793
Hays Specialist Recruitment (Australia) Pty Limited	2,946,430
GPT Pty Limited	1,820,650
ThinkStream Pty Ltd	1,328,061
Macquarie Telecom Pty Limited	1,161,113

No contracts of \$100,000 or more (inclusive of GST) were entered into during 2022–23 that did not provide for the Auditor-General to have access to the contractor’s premises where appropriate. The CDPP has not published 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 2022–23 was \$154,872 (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 10: Legal services expenditure 2022–23

Description	Cost \$
Expenditure	
Total (external and internal) expenditure	154,872
Total internal legal services expenditure	0
Total external legal services expenditure	154,872
Summary of external legal services expenditure	
Total value of briefs to Counsel (A)	523
Total value of disbursements (excluding counsel) (B)	220
Total value of professional fees paid (C)	154,129
Total external legal services expenditure (A + B + C)	154,872

Note: Excludes the handling of criminal prosecutions and related proceedings.

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

The CDPP is committed to the ongoing efficient and effective management of resources and has initiatives in place that contribute to a more sustainable environment. The organisation embraces technology to minimise energy consumption, reduce the need for paper-based records and limit the environmental impact of staff travel.

APS Net Zero 2030 is the Government's policy for the Australian Public Service to reduce its greenhouse gas emissions to net zero by 2030, and transparently report on its emissions. As part of this, non-corporate and corporate Commonwealth entities are required to report on their operational greenhouse gas emissions.

Table 11 presents greenhouse gas emissions for the entity over the 2022–23 period. Results are presented on the basis of Carbon Dioxide Equivalent emissions. Greenhouse gas emissions reporting has been developed with methodology that is consistent with the Whole-of-Australian Government approach as part of the APS Net Zero 2030 policy. Not all data sources were available at the time of the report and adjustments to baseline data may be required in future reports.

Table 11: Greenhouse Gas Emissions inventory – location-based approach

Emission source	Scope 1 kg CO _{2-e}	Scope 2 kg CO _{2-e}	Scope 3 kg CO _{2-e}	Total kg CO _{2-e}
Electricity	N/A	405,916	42,652	448,568
Natural gas	0	0	0	0
Fleet vehicles	6,008	0	1,528	7,536
Domestic flights	0	0	354,942	354,942
Other energy	0	0	0	0
Total kg CO_{2-e}	6,008	405,916	399,122	811,046

Note: CO_{2-e} = Carbon Dioxide Equivalent

Since 2020, 100% of the Australian Capital Territory (ACT) electricity comes from renewable energy sources, marking ACT with the highest renewable electricity target within Australia. This has had a direct impact on the carbon emissions associated with the CDPP Canberra office. For more details, visit <https://www.climatechoices.act.gov.au/energy>.

The electricity emissions reported in Table 11 are calculated using the location-based approach. When applying the market-based method, which accounts for activities such as Greenpower, purchased LGCs and/or being located in the ACT, the total emissions for electricity are as set out in Table 12.

Table 12: Greenhouse Gas Emissions inventory – market-based method

Emission source	Scope 1 kg CO _{2-e}	Scope 2 kg CO _{2-e}	Scope 3 kg CO _{2-e}	Total kg CO _{2-e}
Electricity	N/A	348,700	46,151	394,851
Natural gas	0	0	0	0
Fleet vehicles	6,008	0	1,528	7,536
Domestic flights	0	0	354,942	354,942
Other energy	0	0	0	0
Total kg CO_{2-e}	6,008	348,700	402,622	757,330

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 published in accordance with the IPS requirements is available on the website at www.cdpp.gov.au.

★ Appendices

Appendix 1 – Entity resource statement

Entity resource statement 2022–23

Departmental expenses	Actual available appropriation for 2022–23 \$'000 (a)	Payments made 2022–23 \$'000 (b)	Balance remaining 2022–23 \$'000 (a)-(b)
Annual appropriations – ordinary annual services ^{1,2}	139,791	111,865	27,926
Annual appropriations – other services – non operating ³	2,926	726	2,200
Total resourcing and payments	142,717	112,591	30,126

1 *Appropriation Act (No. 1) 2022–23*, prior year departmental appropriation, and retained revenue receipts under section 74 of the *Public Governance, Performance and Accountability Act 2013*.

2 Includes an amount of \$1.861m in 2022–23 for the departmental capital budget. For accounting purposes, this amount has been designated as 'contributions by owners'.

3 *Appropriation Act (No 2) 2022–23* and prior year departmental appropriation.

Expenses by outcome

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 ¹ 2022–23 \$'000 (a)	Actual Expenses 2022–23 \$'000 (b)	Variation 2022–23 \$'000 (a)-(b)
Program 1.1: An independent service to prosecute alleged offences against the criminal law of the Commonwealth			
Departmental expenses			
Departmental Appropriation ²	103,173	109,264	(6,091)
Expenses not requiring appropriation ³	5,084	4,852	232
Total expenses for Outcome 1	108,257	114,116	(5,859)
	Budget	Actual	
Average staffing level (number)	473	423	

1 Full-year budget including any subsequent adjustment made to the 2022–23 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 2022–23 remuneration.

Executive remuneration for key management personnel

Table 13: Remuneration for key management personnel 2022–23

Name	Position	Short-term benefits			Post-employment benefits	Other long-term benefits			Total remuneration
		Base Salary	Bonuses	Benefits and allowances ¹		Other and contributions	Long service leave	Other long-term benefits	
McNaughton, Sarah	Director of Public Prosecutions ²	87,838	0	984	12,343	1,157	0	0	102,323
Bruckard, Scott	Acting Director of Public Prosecutions	483,942	0	1,990	60,330	11,498	0	0	557,759
Carter, James	Acting Commonwealth Solicitor for Public Prosecutions	244,509	0	1,705	47,310	4,374	0	0	297,899
Bahlen, David	Deputy Director	244,510	0	2,240	43,484	6,659	0	0	296,892
De Crespigny, Mark	Deputy Director	237,924	0	1,539	49,134	9,352	0	0	297,950
Devereaux, Roberta	Acting Deputy Director	240,966	0	2,137	42,753	14,885	0	0	300,741
Philipson, Joanne	Deputy Director	240,619	0	250	44,572	25,349	0	0	310,790
Amparo, Eliza	Acting Deputy Director ²	107,968	0	1,141	18,840	3,637	0	0	131,586
Choi, Christina	Acting Deputy Director ²	73,330	0	712	9,061	3,294	0	0	86,397
Oberoi, Sabeena	Chief Corporate Officer	272,656	0	2,003	54,956	18,059	0	0	347,673

Notes:

1. Other benefits include employee health initiative reimbursements and carparking.
2. Part year period of service.

Executive remuneration by salary band

Table 14: Remuneration for senior executives 2022–23

Total remuneration bands ¹	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 ²	Average superannuation contributions	Average long service Leave	Average Other long-term benefits	Average termination benefits	Average total remuneration		
\$0 - \$220,000	11	113,656	0	864	18,377	4,333	0	0	0	137,230	
\$220,001 - \$245,000	1	187,253	0	0	31,143	3,452	0	0	0	221,847	
\$245,001 - \$270,000	4	215,869	0	1,623	33,302	10,820	0	0	0	261,613	
\$270,001 - \$295,000	8	227,293	0	1,494	41,247	8,131	0	0	0	278,165	
\$370,001 - \$395,000	1	243,866	0	1,539	45,532	5,020	0	0	0	295,957	

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 \$220,000 during the 2022–23 financial year.

Appendix 3 – Workforce statistics

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

Ongoing employees

Table 15: All ongoing employees—current period (2022–23)

	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	
NSW	47	1	48	81	8	89	0	0	0	0	0	0	0	0	0	137
QLD	20	0	20	36	8	44	0	0	0	0	0	0	0	0	0	64
SA	6	0	6	12	5	17	0	0	0	0	0	0	0	0	0	23
TAS	5	0	5	2	2	4	0	0	0	0	0	0	0	0	0	9
VIC	30	0	30	50	8	58	0	0	0	0	0	0	0	0	0	88
WA	6	0	6	17	3	20	0	0	0	0	0	0	0	0	0	26
ACT	17	1	18	46	2	48	0	0	0	0	0	0	0	0	0	66
NT	0	0	0	3	1	4	0	0	0	0	0	0	0	0	0	4
External territories	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Overseas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	131	2	133	247	37	284	0	0	0	0	0	0	0	0	0	417

Table 16: All ongoing employees—previous period (2021–22)

	Male			Female			indeterminate			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	
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
TOTAL	125	2	127	237	42	279	0	0	0	406

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

Table 17: Public Service Act 1999 ongoing employees by classification and gender—current period (2022–23)

	Man/Male		Woman/Female		Non-Binary		Prefers not to answer		Uses a different term		Total
	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time	
SES 3	1	0	0	0	0	0	0	0	0	0	1
SES 2	3	0	2	0	0	0	0	0	0	0	5
SES 1	7	0	8	0	0	0	0	0	0	0	15
PFP	15	0	27	8	35	0	0	0	0	0	50
EL 2	6	0	7	2	9	0	0	0	0	0	15
SFP	23	1	58	19	77	0	0	0	0	0	101
EL 1	11	0	13	0	13	0	0	0	0	0	24
APS 6	6	1	7	15	0	15	0	0	0	0	22
FP 2	45	0	45	77	3	80	0	0	0	0	125
APS 5	3	0	3	12	1	13	0	0	0	0	16
FP 1	0	0	0	0	0	0	0	0	0	0	0
APS 4	5	0	5	25	4	29	0	0	0	0	34
APS 3	3	0	3	3	0	3	0	0	0	0	6
APS 2	1	0	1	0	0	0	0	0	0	0	1
APS 1	2	0	2	0	0	0	0	0	0	0	2
Other	0	0	0	0	0	0	0	0	0	0	0
TOTAL	131	2	133	247	37	284	0	0	0	0	417

Table 18: Public Service Act 1999 ongoing employees by classification and gender—previous 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
PPF	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
TOTAL	125	2	127	237	42	279	0	0	0	406

Non-ongoing employees

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

Table 19: All non-ongoing employees—current period (2022–23)

	Male		Female		Non-binary		Prefers not to answer		Uses a different term		Total	
	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time		
NSW	4	0	4	0	6	0	0	0	0	0	0	10
QLD	1	0	1	2	0	2	0	0	0	0	0	3
SA	0	0	0	0	0	0	0	0	0	0	0	0
TAS	0	0	0	0	0	0	0	0	0	0	0	0
VIC	3	0	3	11	0	11	0	0	0	0	0	14
WA	0	0	0	3	0	3	0	0	0	0	0	3
ACT	0	0	0	2	0	2	0	0	0	0	0	2
NT	2	0	2	1	0	1	0	0	0	0	0	3
External territories	0	0	0	0	0	0	0	0	0	0	0	0
Overseas	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	10	0	10	25	0	25	0	0	0	0	0	35

Table 20: All non-ongoing employees—previous 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
TOTAL	4	0	4	28	1	29	0	0	0	33

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

Table 21: Public Service Act 1999 non-ongoing employees by classification and gender—current period (2022–23)

	Male			Female			Non-binary			Prefers not to answer			Uses a different term		
	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total	Full-time	Part-time	Total
SES 3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SES 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SES 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PFP	0	0	0	3	0	3	0	0	0	0	0	0	0	0	0
EL 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SFP	0	0	0	4	0	4	0	0	0	0	0	0	0	0	0
EL 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
APS 6	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0
FP2	9	0	9	5	0	5	0	0	0	0	0	0	0	0	14
APS 5	0	0	0	2	0	2	0	0	0	0	0	0	0	0	2
FP1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
APS 4	0	0	0	4	0	4	0	0	0	0	0	0	0	0	4
APS 3	1	0	1	6	0	6	0	0	0	0	0	0	0	0	7
APS 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
APS 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	10	0	10	25	0	25	0	0	0	0	0	0	0	0	35

Table 22: Public Service Act 1999 non-ongoing employees by classification and gender—previous 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
TOTAL	4	0	4	28	1	29	0	0	0	33

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 23: Public Service Act 1999 employees by full-time and part-time status—current period (2022–23)

	Ongoing			Non-ongoing			Total
	Full-time	Part-time	Total	Full-time	Part-time	Total	
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	42	8	50	3	0	3	53
EL 2	13	2	15	0	0	0	15
SFP	81	20	101	4	0	4	105
EL 1	24	0	24	0	0	0	24
APS 6	21	1	22	1	0	1	23
FP2	122	3	125	14	0	14	139
APS 5	15	1	16	2	0	2	18
FP1	0	0	0	0	0	0	0
APS 4	30	4	34	4	0	4	38
APS 3	6	0	6	7	0	7	13
APS 2	1	0	1	0	0	0	1
APS 1	2	0	2	0	0	0	2
Other	0	0	0	0	0	0	0
TOTAL	378	39	417	35	0	35	452

Table 24: Public Service Act 1999 employees by full-time and part-time status—previous 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
PPF	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
TOTAL	362	44	406	32	1	33	439

Employment type by location

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

Table 25: Public Service Act 1999 employment type by location—current period (2022–23)

	Ongoing	Non-Ongoing	Total
NSW	137	10	147
QLD	64	3	67
SA	23	0	23
TAS	9	0	9
VIC	88	14	102
WA	26	3	29
ACT	6	2	68
NT	4	3	7
External territories	0	0	0
Overseas	0	0	0
TOTAL	417	35	452

Table 26: Public Service Act 1999 employment type by location—previous 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
TOTAL	406	33	439

Indigenous employment

Table 27: Public Service Act 1999 employees—indigenous employment—current period (2022–23)

	Total
Ongoing	5
Non-Ongoing	1
TOTAL	5

Table 28: Public Service Act 1999 employees—indigenous employment—previous period (2021–22)

	Total
Ongoing	4
Non-Ongoing	0
TOTAL	4

Appendix 4 – 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. Reporting and data analytics capability are continuously enhanced to track progress, report on work delivered and analyse and enhance business decision making.

Additional prosecution statistics can be found at www.cdpp.gov.au.

Matters dealt with 2022–23

The following tables provide statistics in relation to matters dealt with as at 30 June 2023.

Table 29: Legislation under which charges dealt with 2022–23

Legislation	Summary (charges)	indictable (charges)
Agricultural and Veterinary Chemicals Code Act 1994 (Cth)	207	0
Airports (Control of On-Airport Activities) Regulations 1997 (Cth)	9	0
Anti-Money Laundering and Counter Terrorism Financing Act 2006 (Cth)	8	3
Australian Border Force Act 2015 (Cth)	2	0
Australian Capital Territory National Land (Unleased) Ordinance 2022 (Cth)	6	0
Australian Passports Act 2005 (Cth)	12	1
Australian Securities and Investments Commission Act 2001 (Cth)	37	0
Aviation Transport Security Act 2004 (Cth)	6	0
Aviation Transport Security Regulations 2005 (Cth)	4	0
Bankruptcy Act 1966 (Cth)	180	39
Biosecurity Act 2015 (Cth)	1	0
Census and Statistics Act 1905 (Cth)	39	0
Child Support (Registration and Collection) Act 1988 (Cth)	24	0
Civil Aviation Act 1988 (Cth)	23	10
Civil Aviation Regulations 1988 (Cth)	17	0
Civil Aviation Safety Regulations 1998 (Cth)	44	0
Competition and Consumer Act 2010 (Cth)	0	21
Corporations Act 2001 (Cth)	68	75
Counter-Terrorism (Temporary Exclusion Orders) Act 2019 (Cth)	2	0
Crimes (Aviation) Act 1991 (Cth)	26	0
Crimes (Currency) Act 1981 (Cth)	13	22
Crimes (Foreign Incursions and Recruitment) Act 1978 (Cth)	0	4
Crimes Act 1914 (Cth)	17	61
Criminal Code (Cth)	1,611	3,481
Customs Act 1901 (CI) (Cth)	2	1
Customs Act 1901 (Cth)	72	73

Legislation	Summary (charges)	Indictable (charges)
Environment Protection and Biodiversity Conservation Act 1999 (Cth)	7	0
Environment Protection and Biodiversity Conservation Regulations 2000 (Cth)	2	0
Excise Act 1901 (Cth)	1	2
Fisheries Management Act 1991 (Cth)	46	0
Foreign Passports (Law Enforcement and Security) Act 2005 (Cth)	1	2
Great Barrier Reef Marine Park Act 1975 (Cth)	36	0
Great Barrier Reef Marine Park Regulations 2019 (Cth)	26	0
Health Insurance Act 1973 (Cth)	9	0
Intelligence Services Act 2001 (Cth)	0	5
Law Enforcement Integrity Commissioner Act 2006 (Cth)	3	0
Marine Order 21 (Safety and emergency arrangements) 2016 (Cth)	3	0
Marine Safety (Domestic Commercial Vessel) National Law Act 2012 (Cth)	6	1
Marriage Act 1961 (Cth)	3	0
Migration Act 1958 (Cth)	21	29
National Health Act 1953 (Cth)	0	3
National Measurement Act 1960 (Cth)	2	0
Navigation Act 2012 (Cth)	2	0
Offshore Petroleum and Greenhouse Gas Storage Act 2006 (Cth)	9	0
Passports Act 1938 (Cth)	1	0
Primary Industries Levies and Charges Collection Act 1991 (Cth)	3	0
Protection of the Sea (Prevention of Pollution from Ships) Act 1983 (Cth)	12	0
Public Order (Protection of Persons and Property) Act 1971 (Cth)	16	0
Radiocommunications Act 1992 (Cth)	7	1
Statutory Declarations Act 1959 (Cth)	2	0
Taxation Administration Act 1953 (Cth)	149	15
Therapeutic Goods Act 1989 (Cth)	236	0
Tobacco Plain Packaging Act 2011 (Cth)	6	2
Torres Strait Fisheries Act 1984 (Cth)	2	0
Trespass on Commonwealth Lands Ordinance 1932 (Cth)	4	0
Work Health and Safety Act 2011 (Cth)	2	0
Non Commonwealth Legislation (total)	355	552
TOTAL	3,402	4,403

Table 30: Referring agencies - defendants dealt with 202–2023

Referring agency	Summary	indictable
Australian Border Force	25	45
Australian Bureau of Statistics	10	0
Australian Commission for Law Enforcement Integrity	1	0
Australian Communications and Media Authority	2	0
Australian Competition and Consumer Commission	0	2
Australian Federal Police	288	397
Australian Financial Security Authority	103	10
Australian Fisheries Management Authority	38	0
Australian Maritime Safety Authority	14	0
Australian Pesticides and Veterinary Medicines Authority	4	0
Australian Securities and Investments Commission	24	25
Australian Taxation Office	21	24
Civil Aviation Safety Authority	5	0
Clean Energy Regulator	2	0
COMCARE	2	0
Department of Agriculture, Water and the Environment	4	0
Department of Climate Change, Energy, the Environment and Water	1	0
Department of Defence	1	3
Department of Education, Skills and Employment	2	0
Department of Foreign Affairs and Trade	5	1
Department of Health and Aged Care	6	17
Department of Immigration and Border Protection	1	0
Department of Social Services	1	2
Director of National Parks	1	0
Great Barrier Reef Marine Park Authority	44	0
National Disability Insurance Agency	4	1
National Measurement Institute	1	0
National Offshore Petroleum Safety and Environmental Management Authority	1	0
Office of the Special Investigator (OSI)	1	0
Services Australia	2	0
Services Australia - Centrelink	241	36
Services Australia - Child Support Agency	1	0
Services Australia - Medicare	56	0
Non Commonwealth Agencies	142	461
Therapeutic Goods Administration	4	0
TOTAL	1,058	1,024

'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
- 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

The CDPP 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 of the Commonwealth* provides that the Director's right to appeal against sentence should be exercised with appropriate restraint. Factors which may be considered 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, the CDPP only institutes appeal proceedings when there are reasonable prospects of success.

In 2022–23, a total of 5 prosecution sentence appeals were decided, and 2 appeals were successful. This represents an outcome of 40% of appeals being upheld.

Table 31: Prosecution appeals and outcomes

Description of appeal	Number of appeals		Appeal upheld	
	2022–23	2021–22	2022–23	2021–22
Prosecution sentence appeals in summary prosecutions	0	0	0	0
Prosecution sentence appeals in a prosecution on indictment	5	7	2	5

In some cases, the CDPP 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 3 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 5 – Exercise of the Director’s statutory functions and powers

The DPP Act empowers the Director to exercise a range of statutory functions and powers. During the reporting period the Director, or a 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 for 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 2022–23, a total of 36 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. In addition, one prosecution was discontinued by the Attorney-General pursuant to section 71 of the *Judiciary Act 1903*.

Discontinuance in the summary jurisdiction

The CDPP also discontinued 134 matters in the summary jurisdiction on either evidentiary or public interest grounds. Nine of these were because of death of an accused.

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 20 indemnities under section 9(6) and 3 indemnities 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 a delegate exercised *ex-officio* powers on 33 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 65 defendants in relation to 37 alleged conspiracies.

Appendix 6 – Corrections to previous annual reports

The CDPP’s 2021–22 Annual Report contained minor errors.

Page 5 incorrectly states that the Director is appointed by the Attorney-General, and omitted information regarding the power of the Attorney-General to issue directions under the DPP Act. The correct details are as follows.

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 Governor-General for a term of up to 7 years.

The Attorney-General has power under section 8 of the DPP Act to issue directions or guidelines to the Director. Directions or guidelines must be in writing and tabled in Parliament, and there must be prior consultation between the Attorney-General and the Director.

On 25 March 2022, the Attorney-General issued a direction under section 8(1) of the DPP Act, requiring the Director not to institute criminal proceedings for the commitment for trial of a person for an alleged offence under Division 102 of the *Criminal Code* (Cth), without the written consent of the Attorney-General, where the facts constituting the alleged offence relate to the person’s conduct in connection with Hamas.

Table 4 incorrectly referred to ‘section 249(1) determinations’. The correct details are provided in the following table.

	SES	Non-SES	Total
Section 24(1) Determinations	1	18	19
Individual Flexibility Agreements	0	3	3
Common Law Contracts	16	8	24
TOTAL	17	29	46

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

Table 22 contained a typographical error in the minimum salary figure for the FP2 employment classification. The correct details 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
PPF	\$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	\$72,821	\$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
Minimum/maximum range	\$27,382	\$320,021

Aids to access

Glossary of terms

Term	Definition
Brief / brief of evidence	A collection of witness statements, reports and other materials 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.
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 <i>Criminal Code Act 1995</i> .
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 issued in court proceedings.
Guilty	To be legally responsible for a criminal offence.
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'.
<i>prima facie</i>	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.
<i>Prosecution policy of the Commonwealth / the prosecution policy</i>	The <i>Prosecution Policy of the Commonwealth</i> 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.
Sentencing	The phase of a trial where a sentence is handed down by the court.
Sentence	A range of penalties available to be imposed on an offender including imprisonment, community service orders, good behaviour bonds, and fines.
Victim	A person who has suffered harm as a direct result of an offence or offences.
Witness	Any person who provides answers to a magistrate, judge or jury as part of a trial.

Acronyms and abbreviations

Acronym	Abbreviation
AFP	Australian Federal Police
APS	Australian Public Service
ATO	Australian Taxation Office
FBT	Fringe Benefits Tax
CCO	Chief Corporate Officer
CDPP	Office of the Commonwealth Director of Public Prosecutions
CO2-e	Carbon Dioxide Equivalent
CPA	Certified practicing accountant
CSPP	Commonwealth Solicitor for Public Prosecutions
Cth	Commonwealth
Director	Director of Public Prosecutions
DPP Act	<i>Director of Public Prosecutions Act 1983</i>
ELG	Executive Leadership Group
EMS	Evidence Management Solution
FOI	Freedom of Information
FP1	Federal Prosecutor 1
FP2	Federal Prosecutor 2
GST	Goods and services tax
ICT	Information and communications technology
IPS	Information Public Scheme
KC	King's Counsel
OSI	Office of the Special Investigator
PFP	Principal Federal Prosecutor
PGPA Act	<i>Public Governance, Performance and Accountability Act 2013</i>
PGPA Rule	<i>Public Governance, Performance and Accountability Rule 2014</i>
PPD	Prosecution Policy Declaration
PSM	Public Service Medal
SC	Senior Counsel
SES	Senior Executive Service
SFP	Senior Federal Prosecutor

Acronym	Abbreviation
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 2022–23

PGPA Rule Reference	Page number	Description	Requirement
17AD(g) Letter of transmittal			
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
17AD(h) Aids to access			
17AJ(a)	i	Table of contents (print only).	Mandatory
17AJ(b)	93	Alphabetical index (print only).	Mandatory
17AJ(c)	83	Glossary of abbreviations and acronyms.	Mandatory
17AJ(d)	85	List of requirements.	Mandatory
17AJ(e)	ii	Details of contact officer.	Mandatory
17AJ(f)	ii	Entity's website address.	Mandatory
17AJ(g)	ii	Electronic address of report.	Mandatory
17AD(a) Review by accountable authority			
17AD(a)	2	A review by the accountable authority of the entity.	Mandatory
17AD(b) Overview of the entity			
17AE(1)(a)(i)	5	A description of the role and functions of the entity.	Mandatory
17AE(1)(a)(ii)	6	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
17AD(c) Report on the Performance of the entity			
Annual performance Statements			
17AD(c)(i); 16F	12	Annual performance statement in accordance with paragraph 39(1)(b) of the Act and section 16F of the Rule.	Mandatory
17AD(c)(ii) Report on Financial Performance			
17AF(1)(a)	20	A discussion and analysis of the entity's financial performance.	Mandatory
17AF(1)(b)	60	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.
17AD(d) Management and Accountability			
Corporate Governance			
17AG(2)(a)	1	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)	46	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
Audit Committee			
17AG(2A)(a)	47	A direct electronic address of the charter determining the functions of the entity's audit committee.	Mandatory
17AG(2A)(b)	47-48	The name of each member of the entity's audit committee.	Mandatory

PGPA Rule Reference	Page number	Description	Requirement
17AG(2A)(c)	47-48	The qualifications, knowledge, skills or experience of each member of the entity's audit committee.	Mandatory
17AG(2A)(d)	47-48	Information about the attendance of each member of the entity's audit committee at committee meetings.	Mandatory
17AG(2A)(e)	47-48	The remuneration of each member of the entity's audit committee.	Mandatory
External Scrutiny			
17AG(3)	51	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	Mandatory
17AG(3)(a)	51	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)	51	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
Management of Human Resources			
17AG(4)(a)	54	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives.	Mandatory
17AG(4)(aa)	63-73	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)(b)	63-73	Statistics on the entity's employees on an ongoing and non-ongoing basis, including the following: statistics on full-time employees; statistics on part-time employees; statistics on gender; statistics on staff location.	Mandatory
17AG(4)(c)	52	Information on any enterprise agreements, individual flexibility arrangements, Australian workplace agreements, common law contracts and determinations under subsection 24(1) of the <i>Public Service Act 1999</i> .	Mandatory
17AG(4)(c)(i)	52	Information on the number of SES and non SES employees covered by agreements etc identified in paragraph 17AG(4)(c).	Mandatory
17AG(4)(c)(ii)	53	The salary ranges available for APS employees by classification level.	Mandatory
17AG(4)(c)(iii)	52	A description of non salary benefits provided to employees.	Mandatory

PGPA Rule Reference	Page number	Description	Requirement
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
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
Assets Management			
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
Purchasing			
17AG(6)	56	An assessment of entity performance against the <i>Commonwealth Procurement Rules</i> .	Mandatory
Reportable consultancy contracts			
17AG(7)(a)	56	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)	56	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)	56	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)	56	A statement that <i>"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."</i>	Mandatory
Reportable non-consultancy contracts			
17AG(7A)(a)	57	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
17AG(7A)(b)	57	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

PGPA Rule Reference	Page number	Description	Requirement
17AD(daa)			
Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts			
17AGA	57	Additional information, in accordance with section 17AGA, about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts.	Mandatory
Australian National Audit Office Access Clauses			
17AG(8)	N/A	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
Exempt contracts			
17AG(9)	57	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
Small business			
17AG(10)(a)	56	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)	56	An outline of the ways in which the procurement practices of the entity support small and medium enterprises.	Mandatory
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
Financial Statements			
17AD(e)	20	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act.	Mandatory
Executive Remuneration			
17AD(da)	61	Information about executive remuneration in accordance with Subdivision C of Division 3A of Part 2-3 of the Rule.	Mandatory

PGPA Rule Reference	Page number	Description	Requirement
17AD(f)	Other Mandatory information		
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)	58	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)	55	Outline of mechanisms of disability reporting, including reference to website for further information.	Mandatory
17AH(1)(d)	59	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)	81	Correction of material errors in previous annual report.	If applicable, mandatory
17AH(2)	58; 59	Information required by other legislation.	Mandatory

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