



Commonwealth  
Director of Public  
Prosecutions

ANNUAL REPORT  
2012/13





**Commonwealth  
Director of Public  
Prosecutions**

2 October 2013

Attorney-General  
Parliament House  
Canberra

Dear Attorney

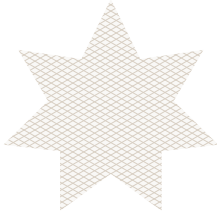
I have the honour to submit my report on the operations of the Office of the Commonwealth Director Public Prosecutions for the year ended 30 June 2013, in accordance with section 33(1) of the *Director of Public Prosecutions Act 1983*.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Robert Bromwich', written in a cursive style.

ROBERT BROMWICH SC  
Commonwealth Director of Public Prosecutions

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## Compliance statement

This report has been prepared for the purpose of section 33 of the *Director of Public Prosecutions Act 1983*.

Section 33(1) requires that the Director of Public Prosecutions shall, as soon as practicable after 30 June each year, prepare and furnish a report to the Attorney-General with regard to the operations of the Office during the year. Section 33(2) provides that the Attorney-General shall cause a copy of the report to be laid before each House of Parliament within 15 days of receipt.

This report has been prepared in accordance with the *Requirements for Annual Reports for Departments, Executive Agencies and FMA Act Bodies* issued on 24 June 2013 by the Department of the Prime Minister and Cabinet.

The report incorporates several aids to access, including a table of contents, a list of abbreviations, and an alphabetical index.

Anyone interested in knowing more about the CDPP should refer to the following documents:

- *Prosecution Policy of the Commonwealth*
- CDPP Strategic Directions
- Portfolio Budget Statements for the Attorney-General's Portfolio.

The CDPP homepage can be accessed at [www.cdpp.gov.au](http://www.cdpp.gov.au) and our email address is [inquiries@cdpp.gov.au](mailto:inquiries@cdpp.gov.au).

For additional inquiries, phone the Media Contact Officer at CDPP Head Office on (02) 6206 5606.



## Director's overview

I am writing this overview after being in the position of Director of the Office of the Director of Public Prosecutions of the Commonwealth (CDPP) for nine months since my appointment on 17 December 2012.

Prosecution and related services are fundamental to encouraging compliance with Commonwealth law and essential to the proper functioning of Government. Effective prosecutions are also important in maintaining confidence by the Australian public in Commonwealth laws and law enforcement. The CDPP is in a unique position to provide to Government a comprehensive practical perspective on Commonwealth law enforcement across the entire spectrum of Commonwealth offences.

The CDPP is the public face of Commonwealth law enforcement in prosecuting cases openly in the courts. This requires a professional prosecution service with specialist skills and expertise to present cases to courts not only fairly and justly, but also fearlessly, vigorously and skillfully. The capacity to do this is under increasing strain as budgets tighten and resources correspondingly diminish. In 2013-14 the CDPP's budget reduces by \$11.8m, a reduction of approximately 12% compared to 2012-13.

### The past, present and future

Over the 29 years in which the CDPP has been in existence, law enforcement has changed in range and complexity, as has the world, especially in relation to information and communications technology. The change in law enforcement has been significant in the Commonwealth sphere. No longer are Commonwealth offences at the fringe of criminal law in Australia.

When the CDPP started operations in Canberra and Melbourne in March 1984, there were a relatively small number of Commonwealth offences. The *Crimes Act 1914* (Cth) was a slender tome; and there was little in the way of specific Commonwealth law enforcement powers and requirements. Corporations offences were the province of the States and Territories and the *Criminal Code* (Cth) was almost 20 years from commencement.

In 1984 there were no offences dealing with computers – the personal computer had only been in existence a short time and the internet was still confined to the military and universities – and therefore none of the computer and internet offences or modern terrorism offences existed. Money laundering offences did not exist, with only currency export regulations addressing in a very limited way criminal dealings in the proceeds of crime. A very large drug importation was 20kg compared to the huge quantities regularly detected today, in some cases exceeding 1,000kg. The scope of Commonwealth laws generally, and therefore of corresponding criminal offences, was much less than today.

The only constant has been large scale tax fraud, with the bottom of the harbour schemes of the 1970s–1980s being replaced in recent years with tax haven related offshore fraud schemes detected, investigated and prosecuted as part of Project Wickenby.

The CDPP prosecutes in all 8 State and Territory jurisdictions, so must constantly balance regional variations in practice, procedure, evidence and outcomes, with the demands of national consistency. That is a constant challenge with regular and frequent change in both statute and judge-made law, both as to rules of evidence and substantive law. The CDPP has a smaller presence than our State and Territory counterparts in each jurisdiction, but nationally is larger than our counterparts, apart from the NSW DPP. The CDPP has a very different legal practice to other DPPs with a wider range and more complex set of laws overall to enforce with a greater focus on carefully planned "white collar", large scale and otherwise organised or complex crime – what I like to call "crimes of contemplation".

Over the past financial year, the CDPP received briefs from 36 Commonwealth investigative agencies, as well as State and Territory police. The range of alleged offences is immense. The prosecution and advice work performed includes areas as diverse as drug and drug precursor importation and trafficking, tax fraud, insider trading, market manipulation and other corporations offences, people smuggling, welfare fraud, child exploitation, human trafficking, slavery and servitude, money laundering, firearms importation, corruption offences, environmental and regulatory offences and many others. The size of briefs of evidence vary enormously, but few these days are small or simple. Some number in the hundreds of lever arch folders, and are increasingly in electronic form. Long gone are the days of large volumes of relatively uncomplicated and low level welfare fraud cases, each in a small manila folder.

The way in which Commonwealth offences are investigated has also changed, with an exponential increase in the size and complexity of many investigations, and increasing reliance on computer, email and internet evidence, as well as evidence obtained by electronic surveillance.

A recent appeal against conviction and sentence for terrorism offences in Sydney saw an electronic appeal book being used to present some 200 lever arch folders of material, which enabled proceedings to be conducted with much greater efficiency. E-books are routinely used in Queensland appeals. Similar use of technology is being used for major briefs of evidence at the investigation and trial stage, especially in Melbourne. Greater efficiency and effectiveness in all aspects of law enforcement, especially by the use of technology, is the way of the future and must be embraced, especially in Commonwealth criminal litigation.

## Strategic review of CDPP operations

It is not just laws that have changed. In the mid-1980s, most if not all Commonwealth investigative agencies were run on a federated model, with largely autonomous regional offices dealing with regional CDPP offices. On both sides, there was national coordination, but operations were overwhelmingly regional. That has changed, with almost all investigations now being run within a national structure. In some respects, the CDPP has recognised this, but there are further steps that can be taken. To that end, by the time this report is published, a major strategic review of the CDPP will be well advanced, with a view to improving the way the Office operates nationally based on functional or practice groups, to make sure we provide the very best Commonwealth prosecution service possible. The major advantage I have in conducting that review and implementing change is the vital resource of high quality and dedicated staff that the Office has been able to recruit and retain.

Before the end of the financial year a corporate reorganisation was well advanced and some 28 voluntary redundancies had taken place, with the loss of long serving and valued staff. I thank them all for their service. This reorganisation reflected efficiencies that were able to be harnessed, especially by the use of information technology to reduce duplication and to enable functions to be centralised in Canberra and elsewhere. Extending that process of improving efficiency and effectiveness will be part of the wider strategic review of the Office, with a view to doing as much as possible with what we have.

## Partner agencies and pre-brief advice

The CDPP is not an investigative agency and has no powers or statutory function to carry out its own investigations. We therefore rely upon our investigative partners to provide us with briefs of evidence. We work closely with investigators to prepare and present cases in court. Requisitions and advice regarding further and better evidence is a common feature of many, if not most, cases.

Through liaison relationships and ongoing dialogue, the CDPP aims to support agencies to meet their enforcement and compliance objectives. Better collaboration between investigative agencies and the CDPP enables key priority areas to be more effectively addressed through the development and refinement of enforcement strategies and better targeted briefs and prosecutions.

In recent years, due to funding constraints, the CDPP made the difficult decision to impose limits on providing pre-brief advice and training to investigative agencies. However those restrictions on providing pre-brief advice have been relaxed in several important respects as it became apparent that the short-term savings were being exceeded by the longer term costs and other disadvantages of not providing that assistance. The return to providing limited pre-brief advice is the first step towards my goal of further strengthening our links and building more effective partnerships with investigative agencies.

Pre-brief advice has therefore resumed its place as an important part of the work of the Office, with the aim of helping investigative agencies to improve the focus and quality of the briefs of evidence provided, as well as identifying cases or parts of cases that are not likely to be viable. That in turn helps the CDPP to provide a better service when briefs are received. We recognise the mutual value of providing pre-brief advice more widely than is presently possible. We would like to do more, and we will if and when resources permit.

## Acknowledgements

I extend my thanks to those who have come before me, in particular His Honour Judge Chris Craigie SC DCJ, who immediately preceded me in this position.

I also express my thanks for the support of the Attorneys-General alongside whom I have worked, the Honourable Nicola Roxon MP and the Honourable Mark Dreyfus QC MP. I also look forward to working with the newly appointed Attorney-General, Senator the Honourable George Brandis QC.

At the commencement of my appointment I sought to meet with many of the heads of our investigative agencies and I wish to express my thanks to each of all those agencies that refer briefs to the CDPP. I single out for particular mention the Commissioner of the AFP, Tony Negus APM for his assistance and the support provided to the Office by the AFP. I would also like to thank specifically the Secretary of the Attorney-General's Department, Roger Wilkins AO, the Chairman of ASIC, Greg Medcraft, and the Chairman of the ACCC, Rod Sims.

The Office has seen individual achievement with the appointment of one of our prosecutors, Anthony Gett, as a Queensland Magistrate, the latest in a number of judicial appointments. Anthony has a considerable reputation in relation to the prosecution of Commonwealth offences, including in particular online offending and child exploitation offences. He dealt with some very significant cases in that field and addressed national and international conferences about that these subjects. Anthony commenced his appointment in Cairns, North Queensland.

This year also saw the retirement of one of our longer serving Deputy Directors, Jim Jolliffe. Jim commenced with the CDPP in 1989 as part of a lengthy career in the Australian Public Service including positions within the Attorney-General's Department, Federal Court and National Crime Authority. Jim was the Deputy Director of our Sydney office for 16 years prior to retiring in July 2013. I wish him well in his retirement.

For the compilation of this year's Report I thank James Carter, Deputy Director Legal, Penny McKay and other staff who assisted with and contributed to this record of the work of the office.

More generally, I record my sincere thanks and appreciation for the efforts of the staff of the Office, often well beyond the call of duty. The dedication of our staff is an essential part of our continuing success.

### **New Structure of the Annual Report**

This Annual Report is not only different in format but also in content. Whilst in previous years we provided a number of detailed case reports representing the significance and breadth of the CDPP's work, this year we are redesigning our website and including details of individual cases. Along with case reports for the past five years, our website will include an extensive range of information relevant to our practice and the prosecution of Commonwealth criminal law. I am proud of our achievements and encourage everyone to visit [www.cdpp.gov.au](http://www.cdpp.gov.au).

I am fortunate to have returned to the Office of the CDPP, having worked in the Sydney Office from 1985 to 1997, and having acted for and against the CDPP during my 15 years at the private Bar in Sydney. I have also had many dealings in matters involving key Commonwealth and State investigation agencies at the Bar, which brings another useful perspective.

I am immensely proud to be given the opportunity to lead an organisation for which I have a deep commitment and affection. I look forward to serving the Australian community in this capacity.

I am pleased to present the Annual Report for 2012–13.



**Robert Bromwich SC**  
Commonwealth Director of Public Prosecutions



## ABOUT US

## CHAPTER 1 : ABOUT US

### The CDPP

The Office of the Commonwealth Director of Public Prosecutions (CDPP) is an independent prosecution service established by Parliament to prosecute alleged offences against Commonwealth law.

We aim to provide an effective, ethical, high-quality and independent criminal prosecution service for Australia in accordance with the *Prosecution Policy of the Commonwealth*.

#### Our vision

Our vision is 'a fair, safe and just society where the laws of the Commonwealth are respected and maintained and there is public confidence in the justice system'.

#### Our purpose

Our purpose is 'to operate an ethical, high-quality and independent prosecution service for Australia in accordance with the *Prosecution Policy of the Commonwealth*'.

#### Our core values

We value:

- applying the highest ethical standards to prosecutions and proceeds of crime action
- applying the highest professional standards of competence, commitment and hard work to prosecutions and proceeds of crime action
- maintaining the CDPP's prosecutorial independence
- providing, and being recognised as providing, a high-quality, timely, efficient and cost-effective prosecution service
- treating everyone with courtesy, dignity and respect
- giving due recognition to the status of victims
- the knowledge, skills and commitment of our people
- leadership from senior lawyers and managers
- accountability and excellence in governance within the CDPP, and
- protecting the natural environment.



## Our establishment

The CDPP was established under the *Director of Public Prosecutions Act 1983* (the DPP Act) and began operations on 8 March 1984. The Office of the CDPP is under the control of the Director, who is appointed for a term of up to seven years. Our current Director, Robert Bromwich SC, was appointed on 17 December 2012 for a term of five years.

The CDPP is within the Commonwealth Attorney-General's portfolio, but we operate independently of the Attorney-General and the political process. The Commonwealth 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 27 August 2012 the then Attorney-General, the Hon Nicola Roxon MP, issued a direction to the CDPP relating to the circumstances in which the CDPP should institute, carry on or continue prosecutions for people smuggling offences pursuant to section 233C of the *Migration Act 1958*. This was the fifth direction to be issued to the CDPP since the Office was established.

## Our work

The role of the CDPP is to prosecute offences against Commonwealth law and, in some circumstances, confiscate the proceeds of crime. We are also responsible for prosecuting offences against the laws of Jervis Bay and Australia's external territories, other than Norfolk Island.

The CDPP has a wide and varied practice ranging from the prosecution of offences for the importation of serious drugs, fraud on the Commonwealth (including tax and social security fraud) and commercial prosecutions to counter-terrorism, money laundering, human trafficking, slavery and servitude, child exploitation including on-line sexual exploitation, offences impacting upon the environment, and safety prosecutions. As Commonwealth criminal activity continues to evolve and expand so does the variety of offences incorporated into Commonwealth criminal law.

Our work is not limited to just litigation in Court. We are also involved in a range of other work, such as assessing evidence, drafting charges, and providing legal advice and assistance to investigators. Offences against Commonwealth law can often involve very large and complex briefs of evidence which may take significant time and expertise to consider and strategies to prosecute.

CDPP prosecutors appear in all levels of the Courts—from Magistrates' Courts to the High Court—and we are involved at all stages of the prosecution process, including mentions, bail, summary matters, committals, trials and appeals. This differs somewhat from the majority of State and Territory DPPs where the emphasis is mainly on committals and trials, and where there are police prosecutors who handle many matters at earlier stages.

Most Commonwealth prosecutions are conducted by the CDPP. However, the following Australian Government agencies conduct summary prosecutions for straightforward regulatory offences by arrangement with the CDPP:

- in 2012–13 the Australian Taxation Office conducted nearly 2,000 prosecutions of almost 1,400 individuals and 500 companies. Fines totalling more than \$7.6 million were imposed and reparations orders for \$138,000 were also obtained
- the Australian Securities and Investments Commission prosecuted 533 defendants for 973 offences and obtained fines and costs totalling \$1,149,378
- the Australian Electoral Commission prosecuted some electoral offences.
- some cases where a State or Territory agency conducted a Commonwealth prosecution, usually for reasons of convenience.

## Our partnerships

The CDPP serves the public interest by maintaining effective partnerships with Commonwealth law enforcement agencies. Effective investigation–prosecution partnerships and well-targeted prosecutions create and maintain the Australian public’s confidence in Commonwealth law enforcement and regulatory frameworks. Through ongoing dialogue and liaison relationships, we aim to help agencies meet their enforcement and compliance strategy objectives. Better collaboration with investigative agencies enables key priority areas to be more effectively addressed through the development and refinement of enforcement strategies and targeted prosecutions.

We make decisions independently of those responsible for the investigation of Commonwealth offences. We have no investigative function and we can only prosecute where there has been an investigation by another agency. In 2012–13, we received briefs of evidence from 36 investigative agencies.

We recognise the benefits of pre-brief advice and we are available to provide this advice to investigative agencies in certain matters, by mutual agreement and as our respective resources permit. This includes matters that are:

- significant, complex or major
- sensitive
- of particular importance for the investigative agency’s enforcement strategy, or
- likely to have an impact on a broader class of cases.

We also provide assistance to agencies through our Client Agency portal on our website which provides aids, guides and manuals on topics such as:

- obtaining search warrants
- warrants for listening device or telephone interception
- detailed offence guides, and
- the use of surveillance devices to gather evidence.

## Prosecution Policy of the Commonwealth

The *Prosecution Policy of the Commonwealth* underpins all the decisions made by the CDPP throughout the prosecution process and promotes consistency in decision making. It is a public document and applies to all Commonwealth prosecutions. The *Prosecution Policy* is publicly available from any of our offices listed at the front of this report or at [www.cdpp.gov.au](http://www.cdpp.gov.au).

The *Prosecution Policy* outlines the relevant factors and considerations that are taken into account when our prosecutors are exercising their discretion. The policy also serves to inform the public and practitioners of the principles guiding the decisions we make.

The *Prosecution Policy* provides a two-stage test that must be satisfied before a prosecution is commenced:

- there must be **sufficient evidence** to prosecute the case, and
- it must be evident from the facts of the case, and all the surrounding circumstances, that the prosecution would be in the **public interest**.

In determining whether there is sufficient evidence to prosecute a case, we must be satisfied that there is *prima facie* evidence of the elements of the offence and a reasonable prospect of obtaining a conviction. The existence of a *prima facie* case is not sufficient.

In making this decision, our prosecutors must evaluate how strong the case is likely to be when it is presented in Court. They must take into account matters such as the availability, competence and credibility of witnesses, their likely effect on the arbiter of fact, and the admissibility of any alleged confession or other evidence. The prosecutor should also have regard to any lines of defence open to the alleged offender and any other factors that could affect the likelihood or otherwise of a conviction.

Prosecutors should also take into account the possibility that any evidence might be excluded by a Court. If that evidence is crucial to the case, this may substantially affect the decision about whether or not to institute or proceed with a prosecution. Prosecutors need to look beneath the surface of the evidence in a matter, particularly in borderline cases.

Having been satisfied that there is sufficient evidence to justify the initiation or continuation of a prosecution, the prosecutor must then consider whether the public interest requires a prosecution to be pursued. In determining whether this is the case, prosecutors will consider all of the provable facts and all of the surrounding circumstances. The public interest factors to be considered vary from case to case but they may include:

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

These are not the only factors—other relevant factors are contained in the *Prosecution Policy*.

Generally, the more serious the alleged offence is, the more likely it will be that the public interest will require that a prosecution be pursued.

The decision to prosecute must be made impartially and must not be influenced by any inappropriate reference to race, religion, sex, national origin or political association. The decision to prosecute must not be influenced by any political advantage or disadvantage to the government.

## Joint trials – State and Territory DPPs

The Director is empowered to prosecute indictable offences against State and Territory laws where the Director holds an authority to do so under the laws of the relevant State or Territory. In addition, the Director is empowered to conduct committal proceedings and summary prosecutions for offences against State or Territory law where a Commonwealth officer is the informant.

The CDPP has arrangements in place with each of the Directors of Public Prosecutions in Australia concerning procedures for conducting trials which involve both Commonwealth and State or Territory offences.

## Other functions

The Director also has a number of miscellaneous functions, including to:

- prosecute indictable offences against State law where the Director holds an authority to do so under the laws of that state
- conduct committal proceedings and summary prosecutions for offences against State law where a Commonwealth officer is the informant
- provide legal advice to Commonwealth investigators
- appear in proceedings under the *Extradition Act 1988* and the *Mutual Assistance in Criminal Matters Act 1987*, and
- apply for superannuation forfeiture orders under Commonwealth law.

The CDPP does not conduct proceedings under Part XIV of the *Customs Act 1901*, which are called prosecutions, but which are enforced by a quasi-criminal process. The responsibility for prosecuting those matters rests with the Australian Government Solicitor. However, we do prosecute all criminal matters arising under the *Customs Act*, including offences of importing and exporting narcotic goods and offences of importing and exporting 'Tier 1' and 'Tier 2' goods.

Figure 1: Outcome and program chart 2012–13

**Commonwealth Director of Public Prosecutions**

Director: Robert Bromwich SC

Total price of outputs	\$97.233 million
Departmental outcome appropriation	\$90.704 million

**Outcome 1:**

Maintenance of law and order for the Australian community through an independent and ethical prosecution service in accordance with the *Prosecution Policy of the Commonwealth*.

Total price	\$97.233 million
Departmental output appropriation	\$90.704 million

**Program 1.1:**

An independent service to prosecute alleged offences against the criminal law of the Commonwealth, in appropriate matters, in a manner which is fair and just and to ensure that offenders, where appropriate, are deprived of the proceeds and benefits of criminal activity.

Total price	\$97.233 million
Appropriation	\$90.704 million



## OUR NATIONAL PRACTICE

## CHAPTER 2 : OUR NATIONAL PRACTICE

### Our organisation

The CDPP is a national prosecution service: we operate in each State and Territory of Australia. The CDPP has a Head Office in Canberra and Regional Offices in Sydney, Melbourne, Brisbane, Perth, Adelaide, Hobart and Darwin. There are sub-offices of the Brisbane Office in Townsville and Cairns, which perform prosecutions in central and north Queensland.

Head Office provides advice to the Director and coordinates the work of the Office across Australia. Head Office is also responsible for case work in the Australian Capital Territory. The CDPP Regional Offices are responsible for conducting prosecutions and any confiscation action in the relevant region.

The CDPP has staff located throughout its offices Australia-wide, the largest being Sydney. The Deputy Director in Melbourne has the senior management responsibility for the Tasmania Office. The Deputy Director in Brisbane has a similar role in relation to the Northern Territory and North Queensland offices.

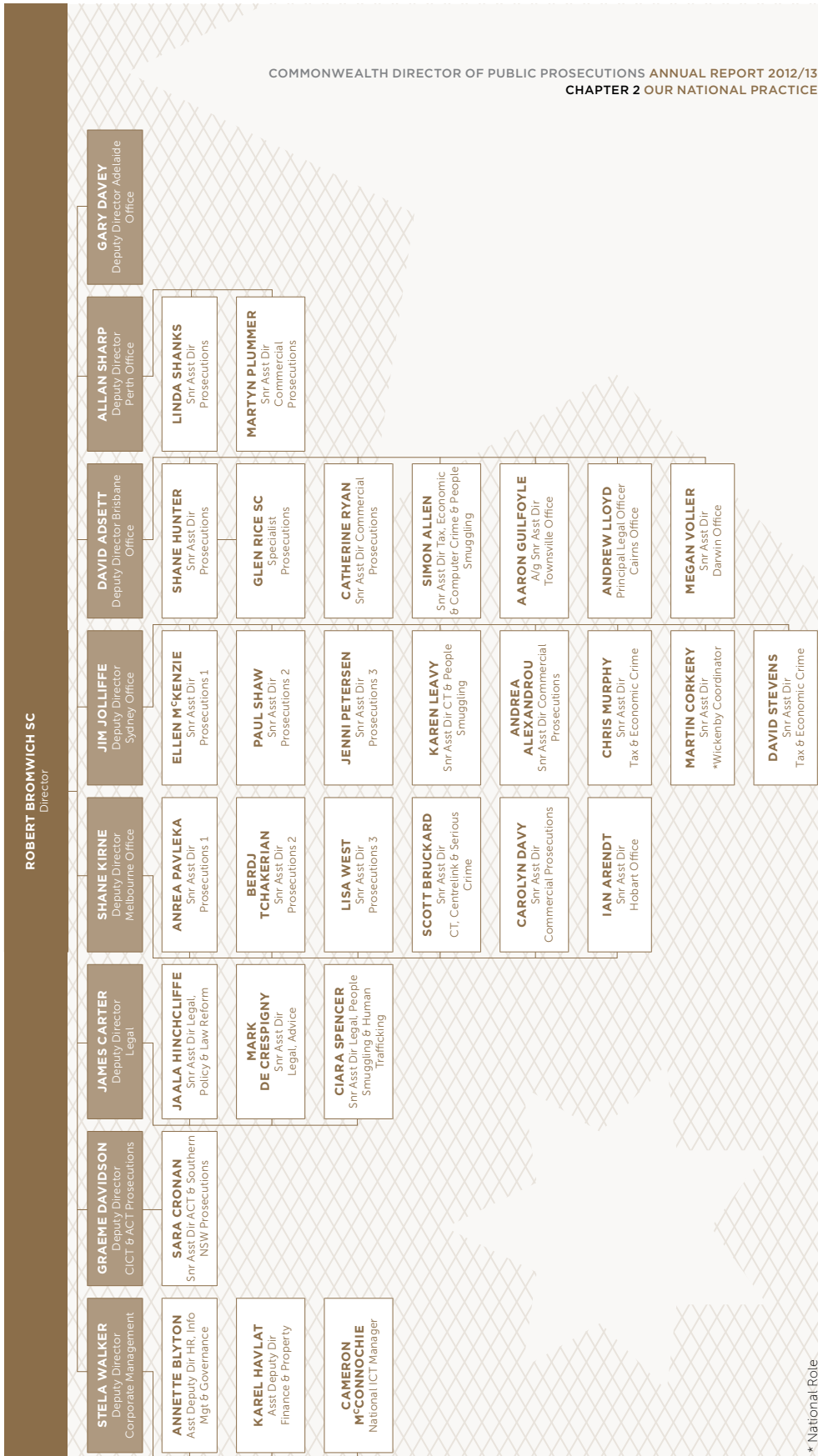
The larger offices (Sydney, Melbourne, Brisbane and Perth) each have a Senior Management Committee which meets on a regular basis to assist the Deputy Director in charge of that office. There is a less formal structure within the other offices, which reflects their size. The Executive Leadership Group (ELG) is the key advisory group to the Director. This comprises Head Office and Regional Office Deputy Directors and advises on:

- strategy
- policy
- planning
- practice management
- corporate management
- performance reporting, and
- significant issues of national interest to the Office.

Figure 2 is a Senior Management chart that shows our Senior Executive officers and their areas of responsibility.



Figure 2: Senior Management Organisational Chart 30 June 2013



\* National Role

## National coordination

Head Office plays a significant role in coordinating and supporting our national practice. It deals with a broad range of legal, policy and liaison responsibilities, and supports our regional offices and Executive in relation to the prosecution work of the Office. This includes:

- providing legal and strategic advice in significant and sensitive prosecutions
- responsibility for national liaison with referring agencies
- coordinating the review of national policies and guidelines, and
- assisting with training programs for prosecutors.

Head Office also provides high-level legal advice to the Director on the exercise of the Director's statutory functions in accordance with the *Prosecution Policy*. This includes consideration of 'no Bills', *ex officio* indictments, appeals against sentence, reference appeals, conspiracy consents and taking over and discontinuing prosecutions.

We seek to build expertise within the CDPP and to develop national consistency. We do this by facilitating the sharing of information around Australia, establishing networks for prosecutors working in specialised areas, providing online legal resources, and arranging national meetings.

## Litigation best practice

In 2012 we formed the national Litigation Best Practice Committee. This is an advisory group to the Executive Leadership Group on practice management. The committee develops policies, guidelines and instructions with a view to continuously improving our approach to our national practice and litigation procedures by improving consistency and coordination between regions.

We established national focus groups in our key areas of practice, and developed Director's Litigation Instructions dealing with important issues as they arise in our practice. The Litigation Best Practice Committee comprises senior CDPP lawyers from several of our regional offices and, at 30 June 2013, was chaired by Mr Jim Jolliffe, Deputy Director of the Sydney Office.

This year the Director issued 17 Director's Litigation Instructions dealing with issues ranging from the prosecution of juveniles for people smuggling offences to dishonesty offences under the *Criminal Code* and Witness Assistance Service Referral Guidelines. Director's Litigation Instructions are publicly available at [www.cdpp.gov.au](http://www.cdpp.gov.au).

## Strategic themes

Our strategic themes are to:

1. Conduct cases ethically and professionally
2. Recruit, develop and retain high-quality people
3. Continuously improve CDPP performance
4. Provide professional assistance to referring agencies
5. Actively contribute to law reform and whole-of-government law enforcement initiatives.

Each of these themes is underpinned by strategic priorities which are detailed under 'Our Strategic Directions' in Appendix 2 to this report.

## Social justice and equity

We advance the interests of social justice and equity by working with other agencies to enforce the criminal law for the benefit of the community. We recognise the importance of adopting the highest professional and ethical standards in prosecutions and in dealing with proceeds of crime. The *Prosecution Policy* underpins all the decisions we make throughout the prosecution process and promotes consistency in decision making.

We work to ensure that alleged offenders and other people affected by the criminal justice process are treated fairly. To support our contribution to the criminal justice system, we take action to promote and maintain an internal culture which values fairness, equity and respect. We expect conduct from our employees which reflects high ethical standards. We have issued *Guidelines on Official Conduct* for CDPP employees, setting out the ethical standards expected of them, and all CDPP employees have signed a copy of this document.

## Victims

As the nature of Commonwealth crime changes, we are prosecuting an increasing number of matters that involve individual victims of crime. Traditionally, in terms of numbers of prosecutions, much of our work has not involved crime directed at individual victims. A range of offences have been introduced into Commonwealth law, leading to an increased number of Commonwealth offences involving individual victims. This includes areas such as child sex tourism, online child sexual exploitation, human trafficking, servitude and slavery. We recognise that victims of offences against Commonwealth law have an important place in the criminal justice system and we have implemented a *Victims of Crime Policy*.

We recognise the importance of keeping victims informed about matters and providing appropriate support to victims participating in the criminal justice process.

The *Prosecution Policy* states that it is important in all prosecution action that victims are treated with respect for their dignity. In the context of the *Prosecution Policy*, a victim of crime is an identified individual who has suffered harm as the direct result of an offence or offences committed against Commonwealth law or prosecuted by Commonwealth authorities. 'Harm' includes physical or mental injury, emotional suffering and economic loss.

The *Prosecution Policy* provides for the views of any victims—where those views are available, and where it is appropriate—to be considered and taken into account when deciding whether it is in the public interest to:

- commence a prosecution
- discontinue a prosecution
- agree to a charge negotiation, or
- decline to proceed with a prosecution after a committal.

The *Prosecution Policy* also requires us to comply with our *Victims of Crime Policy* in our dealings with victims.

We have produced a number of documents about the prosecution process which may be of assistance to victims, such as a step-by-step guide to the prosecution process, a guide to witnesses giving evidence in Court, a glossary of commonly used terms, and questions and answers for victims and witnesses. These resources are available at [www.cdpp.gov.au](http://www.cdpp.gov.au).

We have two Witness Assistance Service officers located in the Sydney Office. These officers are a national resource providing assistance to witnesses and victims of Commonwealth crime. This year we reviewed and re-issued the Witness Assistance Service Referral Guidelines as Director's Litigation Instruction No 14. A range of information and support services are provided to those people who are referred to the Witness Assistance Service Officers, including Court tours, support at Court, referrals to support services, and assistance with victim impact statements.

Director's Litigation Instruction No 14 is available at [www.cdpp.gov.au](http://www.cdpp.gov.au).

## Links with State and Territory DPPs

There is liaison between Commonwealth and State/Territory prosecuting authorities at national and regional levels. The Conference of Australian Directors of Public Prosecutions provides a forum for Directors of Public Prosecutions to discuss best practice in prosecuting, professional standards, training and liaison. The National Executive Officers Meeting of the heads of legal practice and corporate services of the Commonwealth and State and Territory prosecution services provides a valuable opportunity to share information and discuss the management of prosecuting agencies.

## Other areas

### Information technology

We provide a computing environment that gives access to legal research resources, litigation support tools, case management and corporate functions. The basic office tools are Windows 7 and Office 2010. Our portal, DPPNet, provides prosecutors with instant access to a wide range of legal resources, including online databases, internal advice and guidance, comparative sentencing data, and case management information. For managers and decision makers, DPPNet provides access to a range of reports that deliver up-to-the-minute data on cases, sentencing and corporate activities.

As part of the wider corporate reorganisation program, we have commissioned a comprehensive strategic review of our information technology (IT) services. That review has made a number of recommendations in support of efficient and effective delivery of information technology services that are closely aligned to organisational requirements. Work on implementing those recommendations is under way and will be a focus of corporate effort over the course of the next 12–18 months.

### Libraries

Every CDPP officer has access to all of the Office's library resources. Our library provides an extensive range of online resources to prosecutors, as well as maintaining a collection of print materials.

The library provides a valuable research and reference support service, as well as training. There is an online request management system for legal staff to use to request assistance.

A range of current awareness services are provided to inform prosecutors of legal developments and legislative changes. Information about key subject areas is available for prosecutors on the CDPP portal legal resources pages maintained by the library.

Library services are provided in accordance with the *CDPP Library Strategic Directions and Information Access Policy*, which is currently being reviewed. This policy informs the development of library resources. In Head Office, the library also has responsibility for records management.

## **Public relations**

All media inquiries are handled by a media contact officer in Head Office, Canberra, who can be contacted on (02) 6206 5606 during office hours. We will provide accurate information on any matter that is on the public record but we will not disclose information on cases that are yet to come before the Courts.

The media contact officer also provides a daily media summary to CDPP officers via our computer network. The summary forms the basis of a database that can be used for research purposes.

## **Business regulation**

We have no direct role in business regulation, other than to prosecute criminal offences in appropriate cases. Our activities in the area of commercial prosecutions are reported in Chapter 4 of this report.

## **Public comment**

Any person is free to write to us about any matter at the addresses shown at the front of this report. Alternatively, they can email any comments, suggestions or queries about the Office of the CDPP and our functions to [inquiries@cdpp.gov.au](mailto:inquiries@cdpp.gov.au).



## OUR PARTNERSHIPS

## CHAPTER 3 : OUR PARTNERSHIPS

### Working with our referring agencies

The CDPP serves the public interest by maintaining effective partnerships with Commonwealth law enforcement agencies. We rely on Commonwealth investigative agencies to provide briefs of evidence and we work closely together to prepare and present cases in Court.

Effective investigation–prosecution partnerships and well-targeted prosecutions create and maintain the Australian public’s confidence in Commonwealth law enforcement and regulatory frameworks. Through ongoing dialogue and liaison relationships, we aim to help agencies meet their enforcement and compliance strategy objectives. Better collaboration with investigative agencies enables key priority areas to be more effectively addressed through the development and refinement of enforcement strategies and targeted prosecutions.

We make decisions independently of those responsible for the investigation of Commonwealth offences. We have no investigative function and we can only prosecute where there has been an investigation by another agency. In 2012–13 we received briefs of evidence from 36 Commonwealth, investigative agencies as well as State and Territory police.

### Pre-brief advice

We recognise the benefits of pre-brief advice to investigative agencies. Advice at this stage of a matter helps investigators to focus their efforts and most efficiently gather admissible evidence to address the elements that must be established to prove an offence beyond reasonable doubt.

In recent years, as a result of substantial budget reductions, we significantly reduced the level of support in some areas that had historically been provided to investigative agencies, especially in relation to pre-brief advice. This year we looked at ways to resume a degree of that previous level of support within the context of our current resourcing levels that would be mutually beneficial.

We recognise the benefits of pre-brief advice and we are available to provide this advice to investigate agencies in certain matters, by mutual agreement and as our respective resources permit. This includes matters that are:

- significant, complex or major
- sensitive
- of particular importance for the investigative agency’s enforcement strategy, or
- likely to have an impact on a broader class of cases.

We have advised our partner agencies that this approach will be reviewed.

### Brief assessment and preparation

There is a great deal of work involved in effectively prosecuting a Commonwealth offence. Our prosecutors specialise in the assessment, preparation and effective presentation of Commonwealth prosecutions. This work includes:

- providing sound and independent legal advice
- sharing specialist knowledge and experience of the prosecution process
- undertaking brief assessment (including identification of legal issues, evidentiary deficiencies and relevant public interest considerations)



- framing and presenting the prosecution case effectively
- addressing the international aspects of prosecuting (such as mutual assistance and extradition), and
- dealing with complex legal, evidentiary, practical and logistical issues.

It is essential that evidence is carefully assessed in accordance with the *Prosecution Policy of the Commonwealth* in order to ensure admissible, substantial and reliable evidence substantiates any case presented in Court.

## Liaison

We work hard to maintain effective working relationships with investigative agencies and departments. A system of national liaison with our major referring client agencies complements liaison conducted at the regional level.

We have in place *General Guidelines for Dealing with Investigative Agencies* and also memoranda of understanding with a range of agencies. Due to resourcing constraints, we have not been able to contribute to the extent that we have previously to training courses for investigative officers that are conducted by referring agencies.

We have developed a number of statistical reports to help agencies monitor their enforcement action and we are working with agencies to enhance the provision of advice as a national resource.

## Manuals

We continue to maintain and update the *Search Warrants Manual*, the *Telecommunications (Interception and Access) Manual* and the *Surveillance Devices Warrants Manual*. These manuals provide guidance on the legal requirements for obtaining and executing warrants under Commonwealth law.

Given the technical nature of this area of law, we have an important role in ensuring that investigators are provided with clear and appropriate advice in relation to the exercise of powers under the relevant legislation and case law. Each of these manuals is reviewed on a regular basis and is available electronically to CDPP officers and relevant Commonwealth investigators.

## Online resources

We provide an Information Service to our referring agencies via the Referring Agencies portal on our website, to update them on criminal law issues. The portal covers Commonwealth criminal cases, new legislation, and recently published books, articles, conference papers and government reports. This is in addition to our online manuals for search warrants and electronic surveillance warrants.

This portal also includes offence breakdowns and draft charges so that investigators are able to readily identify the physical and fault elements that must be proven in order to establish an offence, tailor their investigation or evidence-gathering, and help to formulate charges.

The Commonwealth Sentencing Database is a joint project of the CDPP, the National Judicial College of Australia and the Judicial Commission of New South Wales, based on sentencing information we provide. The purpose of this database is to provide judicial officers and other users with rapid and easy access to information about sentencing for Commonwealth offences and to assist judicial officers with their sentencing decisions. The Commonwealth Sentencing Database is designed to provide primary research sources (such as judgments and legislation) linked to secondary resources (including commentary on sentencing principles and sentencing statistics).

Contemporary prosecuting increasingly involves the management and presentation to courts of voluminous evidential material, and we use electronic resources to support this work. In complex and protracted litigation, we have adopted the Ringtail computer litigation support system to handle electronic briefs of evidence. This system is a particularly valuable resource as it enables the effective electronic management of large numbers of documents.

## Disclosure

An important and ongoing issue in our practice and our work with Commonwealth investigative agencies is ensuring proper disclosure in prosecutions, as provided for in our *Statement on Prosecution Disclosure*. We continue to work with agencies to help them meet disclosure obligations by producing resources for investigators. Our *Statement on Prosecution Disclosure* is available at [www.cdpp.gov.au](http://www.cdpp.gov.au).

## Statistics

### Relevant legislation and referring agencies

Tables 1 and 2 provide the following statistics:

- **Table 1** shows the legislation under which charges were dealt with in 2012–13, and
- **Table 2** shows the referring agencies and the number of defendants dealt with in 2012–13.

**Table 1:** Legislation under which charges were dealt with in 2012–13

Legislation	Summary (charges)	Indictable (charges)
<i>Agricultural and Veterinary Chemicals (Administration) Act 1992</i>	2	0
<i>Agricultural and Veterinary Chemicals Code Act 1994</i>	56	0
<i>Airports (Control of On-Airport Activities) Regulations 1997</i>	9	0
<i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>	8	3
<i>Australian Citizenship Act 1948</i>	0	1
<i>Australian Citizenship Act 2007</i>	2	0
<i>Australian Crime Commission Act 2002</i>	6	51
<i>Australian Passports Act 2005</i>	55	3
<i>Australian Securities and Investments Commission Act 2001</i>	0	1
<i>Aviation Transport Security Act 2004</i>	12	0
<i>Aviation Transport Security Regulations 2005</i>	24	1
<i>Bankruptcy Act 1966</i>	253	2
<i>Census and Statistics Act 1905</i>	409	0
<i>Child Support (Registration and Collection) Act 1988</i>	202	0
<i>Civil Aviation Act 1988</i>	14	0
<i>Civil Aviation Regulations 1988</i>	51	0
<i>Civil Aviation Safety Regulations 1998</i>	5	0
<i>Commonwealth Electoral Act 1918</i>	1	0
<i>Copyright Act 1968</i>	43	0
<i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i>	101	7
<i>Corporations Act 2001</i>	139	102

Legislation	Summary (charges)	Indictable (charges)
<i>Crimes (Aviation) Act 1991</i>	49	0
<i>Crimes (Currency) Act 1981</i>	53	7
<i>Crimes Act 1914</i>	67	54
<i>Criminal Code</i>	4,216	1,495
<i>Customs Act 1901</i>	84	58
<i>Defence Act 1903</i>	2	0
<i>Environment Protection (Sea Dumping) Act 1981</i>	1	0
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	13	0
<i>Excise Act 1901</i>	0	4
<i>Financial Management and Accountability Act 1997</i>	0	1
<i>Financial Transaction Reports Act 1988</i>	17	8
<i>Fisheries Management Act 1991</i>	56	0
<i>Foreign Passports (Law Enforcement and Security) Act 2005</i>	13	1
<i>Gene Technology Act 2000</i>	0	2
<i>Great Barrier Reef Marine Park Act 1975</i>	16	1
<i>Great Barrier Reef Marine Park Regulations 1983</i>	3	0
<i>Health Insurance Act 1973</i>	305	0
<i>Historic Shipwrecks Act 1976</i>	1	0
<i>Historic Shipwrecks Regulations 1978</i>	4	0
<i>Imported Food Control Act 1992</i>	1	0
<i>Income Tax Assessment Act 1936</i>	19	0
<i>Maritime Transport and Offshore Facilities Security Regulations 2003</i>	1	0
<i>Marriage Act 1961</i>	0	1
<i>Migration Act 1958</i>	36	205
<i>National Consumer Credit Protection Act 2009</i>	0	10
<i>Occupational Health and Safety (Maritime Industry) Act 1993</i>	1	0
<i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i>	4	0
<i>Passports Act 1938</i>	22	2
<i>Primary Industries Levies and Charges Collection Act 1991</i>	44	0
<i>Proceeds of Crime Act 1987</i>	0	3
<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i>	6	0
<i>Public Order (Protection of Persons and Property) Act 1971</i>	9	0
<i>Quarantine Act 1908</i>	11	22

Legislation	Summary (charges)	Indictable (charges)
<i>Radiocommunications Act 1992</i>	9	0
<i>Social Security (Administration) Act 1999</i>	160	0
<i>Social Security Act 1947</i>	1	0
<i>Social Security Act 1991</i>	11	0
<i>Statutory Declarations Act 1959</i>	1	0
<i>Superannuation Industry (Supervision) Act 1993</i>	1	0
<i>Taxation Administration Act 1953</i>	898	0
<i>Telecommunications Act 1997</i>	2	0
<i>Therapeutic Goods Act 1989</i>	35	0
<i>Trade Marks Act 1995</i>	266	0
Non-Commonwealth legislation	257	292
<b>Total</b>	<b>8,087</b>	<b>2,337</b>

Table 2: Referring agencies: defendants dealt with in 2012–13

Referring agency	Defendants	
	Summary	Indictable
Australian Bureau of Statistics	58	0
Australian Communications and Media Authority	2	0
Australian Crime Commission	1	11
Australian Customs and Border Protection Service	46	79
Australian Electoral Commission	1	0
Australian Federal Police	347	517
Australian Fisheries Management Authority	18	0
Australian Maritime Safety Authority	5	0
Australian Pesticides and Veterinary Medicines Authority	2	0
Australian Postal Corporation	55	4
Australian Prudential Regulation Authority	2	0
Australian Quarantine and Inspection Service	5	0
Australian Securities and Investments Commission	35	25
Australian Taxation Office	107	29
Civil Aviation Safety Authority	9	0
Department of Agriculture, Fisheries and Forestry	15	8

Referring agency	Defendants	
	Summary	Indictable
Department of Climate Change and Energy Efficiency	0	1
Department of Defence	4	0
Department of Education, Employment and Workplace Relations	12	1
Department of Families, Housing, Community Services and Indigenous Affairs	2	0
Department of Foreign Affairs and Trade	36	1
Department of Human Services	2	0
Department of Human Services – Centrelink	1,208	22
Department of Human Services – Child Support	21	0
Department of Human Services – Medicare	19	2
Department of Immigration and Citizenship	19	2
Department of Immigration and Multicultural Affairs	1	0
Department of Industry, Innovation, Science, Research and Tertiary Education	5	0
Department of Sustainability, Environment, Water, Population and Communities	6	0
Department of Veterans' Affairs	1	0
Great Barrier Reef Marine Park Authority	9	0
Insolvency and Trustee Service Australia	186	2
National Offshore Petroleum Safety Authority	1	0
Office of the Australian Building and Construction Commissioner	1	0
Office of the Registrar of Indigenous Corporations	57	1
Therapeutic Goods Administration	3	0
Non-Commonwealth agencies	101	109
<b>Total</b>	<b>2,402</b>	<b>814</b>

Notes:

1. This list contains names of only current Commonwealth agencies at 30/6/13. Where an agency's name has changed over time, all the cases emanating from that agency, whatever its name, are included under the most current agency that has assumed the function.
2. We reviewed the methodology used to calculate the number of defendants dealt with. As a result, the figures in this table are not directly comparable to figures reported in the 2008–09 and 2009–10 versions of this table.



## OUR AREAS OF PRACTICE

CHAPTER 4 : OUR AREAS OF PRACTICE

## Our practice

Commonwealth criminal activity continues to evolve and expand, reflecting changes in contemporary society and posing significant threats to Australia. Rapid technological development and the increasingly international nature of society enables innovative, highly coordinated and sophisticated criminal activity. A large part of the CDPP’s practice involves serious and organised criminal activity, as offenders constantly look for vulnerabilities to exploit for criminal gain.

The prosecution of terrorism offences aims to deter those who seek to threaten to harm Australia and its people by politically motivated violence, attacks on Australia’s defence system, and the promotion of communal violence.

Commonwealth criminal law also plays an essential role in protecting Australians from threats to the integrity of regulatory systems. Threats to the tax and social security systems, our borders, commercial regulation and areas critical to the safety of Australians are all prosecuted by the CDPP. We also prosecute those who act corruptly in administering these systems.

### Categories of crime

Our practice is diverse and can be conveniently categorised into the following areas:

- fraud (including social security fraud and tax fraud)
- serious drugs
- commercial prosecutions
- counter-terrorism
- money laundering
- human trafficking, slavery and slavery-like conditions
- people smuggling
- child exploitation
- environment prosecutions
- safety prosecutions
- cybercrime
- general prosecutions
- criminal confiscation.

The CDPP is created by statute and has the functions and powers given to the Director by legislation. Those functions and powers are found in sections 6 and 9 of the *DPP Act* and in specific legislation.

The main function of the CDPP is to prosecute offences against Commonwealth law. Prosecution of criminal offences is essential to the effectiveness of law enforcement and public confidence in achieving a fair, safe and just society.



This year case reports from our different prosecution jurisdictions are available on our website at [www.cdpp.gov.au](http://www.cdpp.gov.au). These case reports highlight our areas of practice and are a valuable resource that reflects the diversity of our work. Extensive information is provided about individual cases, showing the evolution of these practice areas and developments in the practice of Commonwealth criminal law. Case reports from the previous five years are also available.

## Fraud offences

The prosecution of fraud offences is a major part of our practice. These prosecutions are fundamental in protecting the resources of the Commonwealth for the benefit of all Australians. Fraud prosecutions are diverse, can be committed in numerous ways, and span the broad range of Commonwealth programs and assistance available to the Australian community, as well as the Australian taxation system. Frauds can range from the use of false statements on claim forms to the use of multiple identities to claim several social security benefits. They can extend to highly sophisticated international financial structures designed to avoid tax obligations.

Commonwealth benefit systems and the taxation system in Australia rely heavily on the integrity and honesty of all Australians.

Recently, in the matter of *R v Cavill* in the District Court of WA, Stevenson J said the following when sentencing the defendant to a term of five years' imprisonment with a non-parole period of two years for tax fraud:

*"The entire taxation system in Australia operates on a self-assessment basis, and therefore relies upon the honesty of taxpayers and their integrity in order for the system to be maintained. You have, throughout the course of your life while you operated your own business, been given the privileged position of earning a living as a tax agent which means that you are well and truly aware of your responsibility in the regard. You know better than most the extent to which the Australian Tax Office relies upon taxpayers to submit true and correct returns and financial accounting information, and you know how difficult it is for the Australian Taxation Office to detect fraudulent claims and inflated figures. For that reason general deterrence requires a serious sentence, and it is a predominant consideration for offences of this nature, namely defrauding the public revenue."*

## Tax fraud

Prosecuting tax frauds continued to be a significant part of our practice this year. As in previous years, there were a significant number of cases related to tax schemes referred under Project Wickenby, as well as fraud relating to income tax and the goods and services tax (GST). We prosecute tax frauds referred by the Serious Non-Compliance area of the Australian Taxation Office (ATO) as well as the Australian Federal Police (AFP) and the Australian Crime Commission.

We also prosecute regulatory offences under tax legislation. By arrangement with us, the ATO prosecutes straightforward regulatory offences but if a matter becomes a defended hearing the ATO refers the matter to us to continue the prosecution. This cooperative relationship helps the ATO with its compliance program by enabling the efficient and effective prosecution of regulatory offences relating to the proper administration of Australia's tax laws.

Prosecutions relating to GST vary in sophistication from small-scale fraud to large, complex schemes. The GST is a key element of the Australian tax system. Prosecuting people who exploit that system—for example, by failing to report cash income they receive or by falsifying claims for GST credits—is an important way in which we help to maintain public confidence in the tax system.

## Project Wickenby

In February 2006 a Commonwealth cross-agency taskforce was set up to combat international tax evasion which posed a serious threat to the integrity of Australia's tax and other regulatory systems.

Project Wickenby is a joint project designed to enhance the strategies and capabilities of Australian and international agencies to collectively detect, deter and deal with international tax avoidance and evasion. It is also designed to improve community confidence in Australian regulatory systems, particularly confidence that steps are being taken to address serious non-compliance with tax laws and to reform administrative practice, policy and legislation.

This year the NSW Supreme Court stated the following when sentencing Robert Agius to eight years and 11 months' imprisonment with a non-parole period of six years and eight months in relation to a Project Wickenby prosecution:

*"...The Australian taxation system, based as it is on self-assessment, depends for its integrity upon the honesty of citizens. Of course, there will always be those who choose to cheat. They are cheating their fellow citizens, casting a greater burden on each of them. Further, when it is known that the system can be, and is, cheated, the very structures of society are damaged. The self-assessment system depends not only on the honesty of taxpayers, but on the confidence of taxpayers that others will make their proper contributions, or that, if they do not they will be adequately punished..."*

Project Wickenby involves a number of other Commonwealth agencies in addition to the CDPP and the ATO, including the Australian Crime Commission, the Australian Securities and Investments Commission, the AFP and the Australian Transaction Reports and Analysis Centre. Project Wickenby is also supported by the Attorney-General's Department and the Australian Government Solicitor. The CDPP has a significant and important role to play in the prosecution of offences arising from the investigations.

We participate in regular meetings of the Project Wickenby Chief Executive Officers and the Project Wickenby Cross-Agency Advisory Committee, committees which were established to oversee the project. We also play an important role in providing ongoing advice to client agencies in relation to not only specific legal issues which arise from time to time but also strategic issues affecting prosecutions generally.

This year 15 people were convicted and sentenced to terms of imprisonment as a result of Project Wickenby prosecutions undertaken in various states. In particular, two promoters of off-shore schemes were convicted and sentenced to significant terms of imprisonment.

At 30 June 2013 we were prosecuting a total of 28 defendants for indictable offences arising from investigations conducted as part of Project Wickenby. These matters are currently at different stages of the Court process in various jurisdictions, although most will proceed as contested jury trials over the coming months.

Since Project Wickenby began, we have prosecuted 46 defendants with the following outcomes:

- twenty-six pleaded guilty to indictable charges and were convicted and sentenced to terms of imprisonment
- twelve pleaded not guilty to indictable charges and were convicted and sentenced to terms of imprisonment
- four pleaded guilty to summary charges
- one pleaded not guilty to summary charges and was convicted
- two pleaded not guilty to indictable charges and were acquitted, and
- one was discharged at committal by a Magistrate.

The flow of new work under Project Wickenby is expected to continue as investigations into these complex and difficult fraud cases conclude and briefs of evidence are referred to the CDPP.

## Social security fraud

The Department of Human Services refers the largest number of briefs of any agency to the CDPP. These prosecutions play an essential role in protecting Commonwealth resources and thereby ensuring that support is provided where it is most needed in our community. Briefs relate to allegations that people have intentionally engaged in conduct and, as a result, received social security benefits, knowing that they are not entitled to receive them.

Cases typically involve a person receiving benefits that have been calculated on a false premise. For example, a person might say they are unemployed when, in fact, they are receiving income from paid employment; or they might say they are single when, in fact, they are part of a couple. Cases can also involve fraud where someone has received benefits on behalf of a person who has died, or where multiple identities are used to obtain multiple benefits. Prosecutions may involve significant sums of money, particularly where there has been a continuing fraud over many years.

Social security fraud prosecutions can be very complex and demanding and involve technical evidence from the Department of Human Services' benefits systems. We work closely with that department to seek to achieve best practice in investigating and prosecuting in this important area.

General deterrence is particularly important when considering the prosecution of social security fraud offences.

This year, the matter of *DPP v Keating* (2013) 297 ALR 394 was decided by the High Court. This case involved the defendant's failure to advise Centrelink that her income had increased and, as a result, that she obtained \$6,942 in Parenting Payment Single to which she was not entitled. On 8 May 2013 the High Court held that, for an omission to constitute an offence against section 135.2 of the *Criminal Code*, a person must have failed to do a thing that, at the time of the failure, the law required that person to do. The retrospective operation of section 66A of the *Social Security (Administration Act) 1999* which created the duty to inform Centrelink of a change of circumstances, could not be relied on for the purposes of a criminal prosecution.

In light of this decision, we discontinued a number of prosecutions before the Courts in accordance with the *Prosecution Policy of the Commonwealth*. The decision to discontinue these prosecutions was not in any way based on any issue of mistake on the part of the defendants.

This issue does not impact on all social security prosecutions, such as where a person has made a false statement. A decision not to prosecute does not affect the recovery of any debt.

This issue is now historic. From 4 August 2011, section 66A of the *Social Security (Administration Act) 1999* creates a legal duty to notify Centrelink of any event or change of circumstances that might affect the payment of a social security benefit. Social security fraud remains a serious criminal offence, liable for criminal prosecution, conviction and punishment, including imprisonment.

## Serious drug offences

A significant amount of our work relates to the prosecution of serious drug offences, particularly importation offences. The interception of illicit drugs and precursors at the border prevents them from entering the Australian community. Precursors are an essential part of the production process for illicit drugs. Drug offences are among the most serious Commonwealth offences and attract substantial penalties, including imprisonment for life for offences involving a commercial quantity of drugs.

There are a range of serious drug offences in the *Criminal Code*, including trafficking and the commercial manufacture of drugs. We also prosecute State and Territory drug offences, usually where the investigation involves a Commonwealth agency and it is appropriate for us to conduct the prosecution. In May 2013 the *Criminal Code Regulations* and the *Criminal Code* were amended so that all controlled and border controlled drugs, plants and precursors are now listed in the *Criminal Code Regulations* and not the *Criminal Code*. This allows for illicit substances to be listed more quickly and improves the Commonwealth's ability to be responsive as illicit markets evolve.

Serious drug offences, particularly importations, are rarely committed by one person on their own. In most cases, importations involve multiple players participating in the venture at different levels and in different ways. This means we often have to rely on extension of criminal liability provisions or accessorial provisions such as conspiracy or aid and abet in order to prosecute all those involved in an importation.

Over the past five years we have seen increased serious drugs prosecutions. This year we dealt with 394 serious drug charges.

There has also been an increase in the number of precursor matters that we have dealt with, particularly involving the importation of pseudoephedrine, a precursor required in the manufacture of methyl amphetamine or 'ice'. This year we dealt with 43 precursor charges under the *Criminal Code*. These figures do not include the large number of matters involving precursors that we have prosecuted under the *Customs Act 1901* or State and Territory legislation.

We are seeing a wide spectrum of importation methodologies relating to precursors, ranging from smaller quantities being imported through the mail (often several kilograms at a time) through to sophisticated planning of importations of hundreds of kilograms or several tonnes imported via shipping containers.

This year we prosecuted a number of defendants involved in importing significant quantities of pseudoephedrine through Sydney International Airport using couriers and by offering bribes to Australian Customs and Border Protection Service (ACBPS) officers. A number of ACBPS officers and one Australian Quarantine and Inspection Service official were also arrested for alleged corruption. Charges against those arrested included importation of border controlled precursors, bribery, corruption and money laundering. Some of the defendants were also charged with State offences, including possession of narcotics and possession of weapons.

One of the principal drug offenders, sentenced in the NSW District Court, in February 2013, was Mr Joseph Harb.

Mr Harb had travelled to Thailand in 2011 and purchased approximately 14kg of cold and flu tablets for \$7,000. He left the tablets with a friend in Phuket for safekeeping until he was in a position to import them. In 2012 he offered a bribe to an ACBPS officer, Paul Katralis, and enlisted him to help him import the tablets into Australia and pass through the airport without being detected. He also recruited a young woman as a courier to bring the tablets into Australia. In August 2012 Mr Harb travelled to Thailand, retrieved the tablets, obtained a vacuum sealed bag and packed the tablets in the way Mr Katralis had instructed. He then maintained telephone contact with Mr Katralis throughout his trip back to Australia.

On 18 August 2012 Mr Harb and the courier arrived at Sydney Airport and remained in the duty free area, away from the baggage collection area and the Customs line until he was instructed to proceed as instructed by Mr Katralis. Mr Harb was arrested as he exited the airport. The tablets imported contained just over 3kg of pure pseudoephedrine.

Mr Harb pleaded guilty to three offences of importing a commercial quantity of a border controlled precursor, giving a bribe to a public official and supplying a prohibited drug. He was sentenced to a total effective penalty of eight-and-a-half years' imprisonment with a non-parole period of five-and-a-half years.

Mr Katralis, who was a Level 1 ACBPS Officer at the time of the offences, pleaded guilty to aiding, abetting, counselling or procuring the importation of a commercial quantity of a border controlled precursor and receiving a bribe. On 20 August 2012 he was sentenced to a total effective penalty of seven years' imprisonment with a non-parole period of four years.



## Commercial prosecutions

In the past year our specialist commercial prosecutors dealt with commercial offences that included insider trading, stock market manipulation and breach of duty by company officers, as well as fraud offences under State or Territory law. These are serious offences for which deterrent penalties, including actual imprisonment, are often sought and imposed.

This was confirmed this year by the NSW Court of Criminal Appeal in the matter of Murray Lapham in stating:

*"Sentencing Courts have a responsibility to ensure that the sentence imposed punishes the offender, denounces their criminal conduct and provides sufficient disincentive to others who may be tempted to offend, to ensure that they refrain from criminal activities...It is of the utmost importance that when sentencing for market-related offences, the Courts impose sentences of sufficient severity to ensure, as far as possible, that others that may be tempted to engage in dishonest conduct to the benefit of themselves or a company in which they have an interest, are dissuaded from criminal activity."*

Commercial offences are often committed by people of otherwise good character and standing in the community. In relation to insider trading in the matter of Nicholas Glynatsis this year, J McCallum stated:

*"The acquisition or disposal of financial products by people having the unfair advantage of inside information is criminalised because it has the capacity to unravel the public trust which is critical to the viability of the market. It is, as previously observed by this Court, a form of cheating. The fact that people of otherwise good character and compelling personal circumstances are tempted to engage in such conduct emphasises the need for the clear deterrent that insider traders should expect to go to gaol."*

Matters are referred to the CDPP by the Australian Securities and Investment Commission (ASIC), the Australian Competition and Consumer Commission, the Regulation and Enforcement Branch of the Australian Financial Security Authority, which was formerly known as the Insolvency and Trustee Service Australia and the Office of the Registrar of Indigenous Corporations. Amongst the commercial prosecutions matters referred by ASIC that are dealt with by the CDPP's specialist prosecutors are offences under the *Corporations Act 2001*, the Australian Securities and Investments Commission Act 2001, the *National Consumer Credit Protection Act 2009* and related State or Territory offences. Complex commercial crime can be difficult to detect, difficult to investigate and difficult to prosecute.

This results in our commercial prosecutors dealing with many and varied offences from different areas of Commonwealth criminal law. Commercial offences include offences such as a failure by a bankrupt to comply with a requirement to provide something that is intended to facilitate the administration of the bankrupt's estate pursuant to the *Bankruptcy Act 1966*. There was another serious matter relating to the Office of the Registrar of Indigenous Corporations that was dealt with in the NT Supreme Court in the past year. This involved offences of breach of duty by a company officer pursuant to the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and offences of forgery and using a forged document under sections 144.1 and 145.1 of the *Criminal Code*.

We are also responsible for prosecuting offences under the *Competition and Consumer Act 2010*, including any briefs the ACCC might refer in relation to the serious cartel offences in sections 44ZZRF and 44ZZRG. The ACCC is responsible for receiving and managing applications for immunity from criminal prosecution for a serious cartel offence. We play an important role in this process. Where the ACCC makes a recommendation to the Director that an applicant for conditional immunity under the ACCC's *Immunity Policy for Cartel Conduct* should be granted immunity, the Director decides whether to grant an undertaking under section 9(6D) of the *DPP Act* by applying the criteria in Annexure B of the *Prosecution Policy of the Commonwealth*. No briefs in relation to alleged cartel conduct have been referred to the CDPP at this stage.

## Counter-terrorism

Counter-terrorism prosecutions play an important part in deterring those who seek to threaten to harm Australia and its people with politically motivated violence, attacks on Australia's defence system and the promotion of communal violence. In 2002, following the attacks on New York City and Washington in September 2001, the *Criminal Code* was significantly amended to include a number of offences. These ranged from directing the activities of a terrorist organisation to financing terrorism, as well as provisions to assist in the investigation of terrorism.

We prosecute counter-terrorism matters, and we have counter-terrorism prosecutors in each regional office as well as counter-terrorism branches in the Sydney, Melbourne and Head Offices. Those branches are staffed by experienced and senior prosecutors.

As with other matters, we assess counter-terrorism prosecution briefs of evidence from investigative agencies in accordance with the *Prosecution Policy of the Commonwealth*. Additionally, we provide legal assistance to investigative agencies before those briefs of evidence are compiled. We also contribute to Australian Government projects relating to counter-terrorism.

Counter-terrorism prosecutions are often highly contested and can be the subject of multiple legal challenges. The resolution of these matters can take a number of years, as legal arguments and appeals progress through the Court system. Conduct prosecuted by the CDPP this year included a defendant travelling to the Ukraine and undertaking a military style counter-terrorist training course with the intention of using the skills acquired to engage in, and train others to engage in, hostile activities against the Indonesian Government in the region of West Papua. Mr Gerard Little pleaded guilty to one offence of allowing himself to be trained and drilled in the use of arms or explosives, or the practice of military exercises, movement or evolutions, with the intention of committing an offence against the *Crimes (Foreign Incursions and Recruitment) Act 1978*. Mr Little has been committed for sentence to the Queensland District Court.



At 30 June 2013 there were two people facing charges for counter-terrorism offences. Another eight people were involved in appeals arising from counter-terrorism prosecutions.

## Money laundering

Money laundering involves hiding, disguising or legitimising the true origin and ownership of money used in or derived from committing crimes. Money laundering is an extremely diverse activity that is carried out at all levels of sophistication and plays an important role in organised crime. There is no single method of laundering money. Although use of the banking system and money transfer services is common, money launderers are imaginative and are constantly creating new schemes to circumvent the counter-measures designed to detect them. An example of a money laundering scheme is moving money to create complex money trails, making it difficult to identify the original source. Another example is breaking up large amounts of cash and depositing the smaller sums in different bank accounts in an effort to place money in the financial system without arousing suspicion.

Money laundering offences are defined in Part 10.2 of the *Criminal Code* and encompass a very wide range of criminal activity. Money laundering prosecutions are typically complex, involving complicated factual circumstances and often including conduct overseas, which requires overseas cooperation and evidence to assist the investigation and prosecution. The prosecution of these offences often requires detailed financial analysis and evidence. We are continuing to deal with an increasing number of prosecutions of money laundering matters as law enforcement agencies 'follow the money' in the investigation of serious and organised criminal activity.

Director's Litigation Instruction No 10 on charging money laundering offences was reviewed and updated this year. It is available at [www.cdpp.gov.au](http://www.cdpp.gov.au).

## Human trafficking, slavery and slavery-like conditions

Human trafficking involves the movement of people across borders through deception, coercion or force for the purpose of exploitation at their destination. This differs from people smuggling which generally involves the movement of people across borders but not for the purposes of exploitation.

It is difficult to determine the true level of human trafficking in Australia due to the clandestine nature of this crime, along with probable high levels of under-reporting. However, Australia is a known destination country for victims of trafficking, particularly from Thailand, Malaysia, the Philippines and Korea.

Slavery involves exercising rights of ownership over another person, including from a debt or contract. Slavery-like offences include servitude, forced labour, deceptive recruiting and forced marriage.

To date, the majority of victims identified by Australian authorities—and matters we have prosecuted—have involved women working in the sex industry. However, increasingly, victims of other forms of labour exploitation are being identified, including in the agricultural, construction and hospitality industries.

Offences in this area are contained in Divisions 270 and 271 of the *Criminal Code*. Maximum penalties vary but are up to 25 years imprisonment for the most serious offences. This year the *Criminal Code* was amended by the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013* which commenced on 7 March 2013. These amendments are designed to:

- introduce new offences of forced marriage, harbouring a victim, and stand-alone offences of forced labour and organ trafficking
- expand the definition of exploitation to include a range of slavery-like practices
- extend the application of existing offences of deceptive recruiting and sexual servitude so they apply to non-sexual servitude and all forms of deceptive recruiting
- ensure that the slavery offence will apply to conduct which reduces a person to slavery, as well as conduct involving a person who is already a slave
- increase the penalties applicable to the existing debt bondage offences, to ensure they adequately reflect the relative seriousness of the offences
- broaden the definition of exploitation under the *Criminal Code* to include a range of slavery-like practices
- amend existing definitions in the code to capture more subtle forms of coercion, including psychological oppression and the abuse of power or a person's vulnerability, and
- improve the availability of reparations to individual victims of Commonwealth offences, including slavery and human trafficking.

Since Divisions 270 and 271 were introduced into the *Criminal Code*, 16 defendants have been convicted for offences under Division 270 or 271. Ten of those defendants were convicted of slavery offences, four of sexual servitude offences and two of trafficking in persons. At 30 June 2013, six people trafficking matters were before the Courts: of those, one matter was at the sentencing stage and one was at the appeal stage.

On 29 June 2013 the *Crimes Legislation Amendment (Law Enforcement Integrity, Vulnerable Witness Protection and Other Measures) Bill 2013* came into effect. This Bill amended the *Crimes Act 1914* to provide a scheme for the use of victim impact statements in the sentencing of federal offenders. It also extended existing vulnerable witness protections available to child witnesses to adult victims of slavery, slavery-like and human trafficking offences, as well as witnesses who are recognised by the Courts as 'special witnesses'. It also adds a new category of vulnerable witness protections to assist victims of child sex-related, slavery, slavery-like and human trafficking offences to give evidence in re-trials and subsequent trials of those offences. The *Criminal Code* was also amended to allow a Court to hear evidence by video link from witnesses outside Australia in proceedings for slavery, slavery-like and human trafficking offences.



This year there was a conviction for sexual servitude in Sydney. Chee Mei Wong recruited 11 women from Malaysia between 2008 and 2009 and organised for them to come to Australia on student visas. These visas restricted them to 20 hours of work per week. On arrival the women were enrolled in courses but were not allowed to pursue their studies. Instead, the women were forced to work for Ms Wong as sex workers at a Sydney brothel under very harsh circumstances. The women were told that they owed debts of more than \$5,000 to cover their airfares, study fees and other expenses and were required to work 17-hour shifts, perform unprotected, rough and demeaning sex acts, and work through illness and pain. The women were forced to live in cramped and overcrowded conditions and they were threatened with physical harm or deportation if they tried to escape.

Following an extensive investigation and lengthy trial, Ms Wong was convicted of:

- one count of conducting a business involving sexual servitude pursuant to section 270.6(2) of the *Criminal Code*
- four aggravated counts of allowing non-citizens to work in breach of their visa conditions pursuant to section 245AC(2) of the *Migration Act 1958*, and
- two counts of allowing non-citizens to work in breach of their visa conditions pursuant to section 245AC(1) of the *Migration Act 1958*.

In July 2013 Ms Wong was sentenced to a total effective penalty of six years' imprisonment with a non-parole period of three years.



## People smuggling

People smuggling involves organising and bringing to Australia people who are not Australian citizens. This often involves travelling to Australia in overcrowded and rudimentary vessels that are dangerous for the people on board, and it has resulted in the loss of lives. Vessels generally head towards the Australian territories of Christmas Island or Ashmore Reef, rather than attempting to reach the Australian mainland.

Offences for smuggling people into Australia are contained in the *Migration Act 1958*. Offences include:

- section 233A – offence of people smuggling
- section 233B – aggravated offence of people smuggling (exploitation, or danger of death or serious harm etc), and
- section 233C – aggravated offence of people smuggling (at least five people).

These offences apply to both the organisers and the crew of these vessels. There are also ancillary offences such as concealing a person who has illegally entered or intends to enter Australia, and false documents in relation to a non-citizen.

People smuggling offences carry significant maximum terms of imprisonment, and mandatory minimum sentences apply to certain offences including sections 233B and 233C of the *Migration Act 1958*.

On 27 August 2012, the then Attorney-General gave a Direction pursuant to section 8 of the *DPP Act* that the Director must not institute, carry on or continue to carry on a prosecution for an offence under section 233C of the *Migration Act 1958* against a crew member of a people smuggling venture other than in certain specified circumstances. These circumstances are when a person allegedly commits an offence that falls within the definition of a repeat offence; the person's role in the people smuggling venture extends beyond that of a crew member; or a death occurred in relation to the people smuggling venture. The Direction also requires the CDPP to consider instituting, carrying on or continuing to carry on a prosecution against the person pursuant to section 233A of the *Migration Act 1958* in accordance with the *Prosecution Policy of the Commonwealth*.

Following the Direction, a number of prosecutions pursuant to section 233C of the *Migration Act 1958* were discontinued, with the majority recommended pursuant to section 233A. Section 233A of the *Migration Act 1958* carries a maximum penalty of 10 years and does not attract the mandatory sentencing regime.

There has been a significant decrease in the number of people smuggling matters referred to the CDPP over the past financial year. At 30 June 2013 there were 30 people smuggling prosecutions involving organisers, captains and crew before the Courts.

The *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013* commenced on 7 March 2013 and removed references to wrist x-rays as a prescribed age determination procedure. The Act confirms that the onus of proof in establishing age in people smuggling matters lies with the prosecution. The Act also enables the use of evidentiary certificates in the prosecution of people smuggling offences, and provides that time spent in immigration detention or on remand before sentencing is recognised in the sentencing of those convicted of people smuggling offences.

An example of prosecution of a people smuggling organiser is the matter of Mr Ali Haidari who appeared in the Victorian County Court. Mr Haidari came to Australia by boat in 2000 and was granted refugee status. In 2007 he became an Australian citizen. This year he was prosecuted for three people smuggling offences and a serious drug offence. This matter involved a sting operation, evidence from an undercover operative and telephone intercepts.

It was alleged that Mr Haidari was paid US\$8,000 by an Iranian citizen who wanted to come to Australia as a refugee; that he received at least US\$10,000 for organising two people from Iran to come to Australia with their families; organised to bring into Australia six people from Indonesia at a fee of \$6,500 per person; and made arrangements for the importation into Australia of a quantity of methamphetamine. The importation was detected, monitored by the authorities and ultimately intercepted. The pure net weight of the methamphetamine was 505.4g.

Mr Haidari pleaded guilty to the offences and was sentenced to a total effective penalty of eleven-and-a-half years' imprisonment, with a non-parole period of eight years. We appealed against the inadequacy of this sentence on the basis that in imposing the minimum mandatory sentence for one of the aggravated people smuggling offences, the sentencing judge failed to give sufficient weight to the role of the defendant as an organiser in view of the principles stated in *Bahar v The Queen (2011) 255 FLR 80*. We further submitted that the total effective sentence was inadequate in view of statements by the Courts to the effect that the unlawful entry of non-citizens into Australia is a serious violation of this country's sovereignty and national security; presents obvious social problems to the fabric of Australian society; and imposes significant costs on the Australian public. This submission was accepted by the Court of Appeal as 'relatively non-controversial'.

The Court of Appeal also accepted our submission that the defendant was acting as an organiser quite prepared for personal financial gain to exploit the vulnerability of others, including by putting them at risk of their lives; however, the Court held that the total effective penalty was proper.

This year the Director issued three Director's Litigation Instructions relating to people smuggling prosecutions:

- Director's Litigation Instruction No 1: Bail in Adult Crew People Smuggling Prosecutions
- Director's Litigation Instruction No 2: Age Determination in People Smuggling Prosecutions, and
- Director's Litigation Instruction No 3: Prosecution of Juveniles for People Smuggling Prosecutions.

These Director's Litigation Instructions are publicly available at [www.cdpp.gov.au](http://www.cdpp.gov.au).

## Child exploitation

The exploitation of children has been inadvertently facilitated and enhanced by the availability of the internet. Offences targeting those who exploit children via the use of services such as the internet, telephone and the post are contained in Commonwealth legislation. Commonwealth legislation creates a number of offences relating to child pornography material, child abuse material, and grooming and procuring persons under the age of 16 to engage in, or submit to, sexual activity.

The purpose of the telecommunications-based child exploitation offences is to cover the range of activities that a person can engage in when using the internet, email, mobile phones and other applications to deal with child pornography and child abuse material. These activities include viewing, copying, downloading, sending, exchanging material and making available for viewing, copying or downloading. It also includes offences for using a carriage service to engage in sexual activity with a child, or causing a child to engage in sexual activity with another person.

The grooming and procuring offences are targeted at offenders who use the anonymity of the internet to win the trust of a child as a first step to the future sexual abuse of the child, and to allow law enforcement to intervene before a child is actually assaulted.

High maximum penalties for some of these offences reflect the community's abhorrence of this conduct. There are higher maximum penalties for aggravated offences, such as where the offending conduct occurs on three or more occasions and involves two or more people, or where the sexual activity involves a child with a mental impairment or a child who is under the care, supervision or authority of the defendant.

These offences are increasingly becoming more sophisticated through the use of networks to distribute material, the protection of material by encryption and online access to the material. Cases can involve hundreds of thousands of depraved and disturbing images of children and the scale and seriousness of this industry poses challenges for investigation and prosecution. Prosecuting these offences often involves complex technical and evidentiary issues. We work closely with the AFP, the ACBPS and other law enforcement agencies in this area.

Dealing with such material requires investigators, prosecutors and Courts to hear or read stories of a disturbing nature and may involve viewing pornographic movies, photos and/or graphic material depicting explicit sexual acts involving serious harm to children. We have established an Employee Wellbeing Program designed to implement practical policies and guidelines to support employees who may be at risk of experiencing trauma as a result of exposure to potentially distressing materials.

Division 272 of the *Criminal Code* focuses on child sex offences committed outside Australia by Australian citizens and permanent residents, ranging from possessing child pornography and child abuse material to engaging in sexual activity overseas with children under the age of 16. It is also an offence to encourage or benefit from these types of offences or to do an act preparatory to committing a child sex tourism offence.

This year we prosecuted 376 child exploitation charges under the *Criminal Code*.


## Environment prosecutions

As awareness of the need to protect the environment increases within the community, awareness of environmental crime grows. Environmental crime can include illegal trade in endangered species and plants, illegal fishing, and environmental pollution such as the illegal disposal of waste and dumping of oil.

The prosecution of breaches of the *Quarantine Act 1908* helps to enforce Australia's strict quarantine laws and the protection of Australia from threats posed by diseases and pests. Prosecutions may also involve unlawfully importing or exporting specimens that are listed under the *Convention on International Trade in Endangered Species* in contravention of the *Environment Protection and Biodiversity Conservation Act 1999*. Defendants are generally financially motivated, as there may be a perception that there is a low risk of being caught for this type of crime.

## Safety prosecutions

Commonwealth crimes relating to safety can arise in a variety of areas, such as civil aviation, workplace health and safety, consumer product safety and in connection with offshore petroleum and greenhouse gas storage facilities. Examples may include the carriage of dangerous goods by civil aviation operators, breaches of regulations designed to ensure the safety of both passengers and airspace, supplying goods that do not comply with product safety standards, and failure to take all reasonable steps to ensure safe workplaces.



This year we successfully conducted the first prosecution of a company for offences against the *Offshore Petroleum Greenhouse Storage Act 2006*, following a referral from the National Offshore Petroleum Safety and Environmental Management Authority. PTTEP Australasia (Ashmore Cartier) Pty Ltd pleaded guilty to three offences of failing to take all reasonably practicable steps to ensure that the facility was safe and without risk to health and safety; and one offence of failing to carry out all work in a proper and workmanlike manner and in accordance with good oilfield practice.

On 31 August 2012 in the Northern Territory Court of Summary Jurisdiction, the defendant was fined a total of \$510,000. In sentencing the defendant, the Court stated:

*"Clearly, the offending, both individually and collectively, is of a very serious nature and what stands at the heart of the offending is the risk that the conduct of the defendant poses to others, at or near, the relevant facility."*

On 1 January 2012 the new *Work Health and Safety Act 2011* began operation. The new Act caters for a number of offences; in particular, three categories of offences that relate to the failure to comply with a health and safety duty:

- Category 1 offence – a person engaging in conduct that exposes an individual to whom a duty is owed to a risk of death or serious injury being reckless to the risk
- Category 2 offence – a person failing to comply with a duty which exposes an individual to risk of death or serious injury
- Category 3 offence – a person failing to comply with a duty.

## Cybercrime

Cybercrime is now a sophisticated transnational threat that operates on a significant scale and has become an increasingly important issue for the global community. In Australia, the term 'cybercrime' is used to describe two types of crimes:

- crimes directed at computers and other information and communications technology (such as hacking and denial of service attacks), and

- traditional crimes where computers and information and communications technology are an integral part of the offence (such as online fraud, money laundering, identity theft and the distribution of child exploitation material).

There are specific Commonwealth computer offences relating to the unauthorised access and modification of data and the impairment of electronic communications.

## General prosecutions

Due to the breadth of Commonwealth criminal legislation, we are also responsible for prosecuting a range of offences that do not fall within the areas addressed in the categories listed earlier. General prosecutions may include crimes such as corruption, copyright offences, perjury, failing to vote, offensive behaviour and unlawful disclosure of information.

## Statistics

The tables below provide the following statistics in relation to the charges dealt with this year pursuant to the *Crimes Act 1914* and the *Criminal Code*:

- **Table 3** shows *Crimes Act 1914* charges dealt with in 2012–13
- **Table 4** shows *Criminal Code* charges dealt with in 2012–13, and
- **Table 5** shows charges dealt with involving extensions of criminal responsibility under the *Crimes Act 1914* and the *Criminal Code*.

**Table 3:** *Crimes Act 1914* charges dealt with in 2012–13

Sections	Title	Summary (charges)	Indictable (charges)
29(1)	Destroying or damaging Commonwealth property	27	4
3V(2)(e)	Give a name or address that is false in a material particular	1	0
89(1)	Trespassing on Commonwealth land	1	2
20A(5)(b)	Failure to comply with condition of order under s20(1)(a)	1	0
29A(1)	Obtaining money by false pretences (repealed)	0	4
29B	False representation (repealed)	10	0
29D	Defraud the Commonwealth	7	24
36A(a)	Threatens, intimidates or restrains witnesses	1	0
3LA(5)	Person fails to comply with order as described in s3LA(1) – s3LA(4)	1	0
3LA(3)	Person with knowledge of a computer or a computer system to assist access etc (repealed)	0	1
85U	Obstructing or hindering the carriage by post of any article	18	0
50BA(1)	Engage in sexual intercourse with child under 16 outside Australia (repealed)	0	9
50BC(1)(a)	Commits an act of indecency on a person under 16 outside Australia (repealed)	0	10
<b>Total</b>		<b>67</b>	<b>54</b>

Table 4: *Criminal Code* charges dealt with in 2012–13

Part	Sections	Description	Summary (charges)	Indictable (charges)
<b>Part 5.3 – Terrorism</b>			<b>0</b>	<b>2</b>
	101.1(1)	Terrorist act	0	1
	101.5(1)	Collecting or making documents likely to facilitate terrorist acts	0	1
<b>Part 7.2 – Theft and other property offences</b>			<b>17</b>	<b>4</b>
	131.1(1)	Theft of Commonwealth property	17	3
	132.3(1)(b)	Commits a robbery with an offensive weapon	0	1
<b>Part 7.3 – Fraudulent conduct</b>			<b>3,389</b>	<b>581</b>
	134.1(1)	Obtaining Commonwealth property by deception	0	36
	134.2(1)	Obtaining a financial advantage by deception	94	410
	135.1(1)	Dishonestly intending to obtain a gain	13	16
	135.1(3)	Dishonestly intending to cause a loss	5	2
	135.1(5)	Dishonestly causing a loss or risk of loss	22	10
	135.1(7)	Dishonestly intending to influence a Commonwealth public official	28	74
	135.2(1)	Obtains financial advantage from a Commonwealth entity	3,199	4
	135.2(2)	Obtaining a financial advantage for another person	24	0
	135.4(1)	Conspiracy with intent to obtain a gain	4	0
	135.4(3)	Conspiracy to defraud	0	15
	135.4(5)	Conspires with another person to cause a loss or risk of loss	0	14
<b>Part 7.4 – False or misleading statements</b>			<b>276</b>	<b>9</b>
	136.1(1)	Make false or misleading statement in applications	226	0
	136.1(4)	False or misleading statements (recklessness)	1	0
	137.1(1)	False or misleading information	11	0
	137.2(1)	False or misleading documents	38	9
<b>Part 7.6 – Bribery and related offences</b>			<b>8</b>	<b>3</b>
	141.1(1)	Giving a bribe to a Commonwealth public official	7	1
	141.1(3)	Receiving a bribe by a Commonwealth public official	0	1
	142.2(1)	Abuse of public office	1	1
<b>Part 7.7 – Forgery and related offences</b>			<b>92</b>	<b>20</b>
	144.1(1)	Making forged document with intention it is accepted as genuine by Commonwealth public official	7	2
	144.1(5)	Making forged Commonwealth document with intention it is accepted as genuine by a third person	20	0

Part	Sections	Description	Summary (charges)	Indictable (charges)
	145.1(1)	Using forged document with intention that it is accepted as genuine by Commonwealth public official	45	17
	145.1(5)	Using forged Commonwealth document with intention that it is accepted as genuine by a third person	18	0
	145.2(5)	Possession of forged document	1	1
	145.4(1)	Falsification of Commonwealth documents etc	1	0
<b>Part 7.8 – Causing harm to, and impersonation and obstruction of, Commonwealth public officials</b>			<b>89</b>	<b>7</b>
	147.1(1)	Cause harm to Commonwealth official etc	37	3
	147.2(1)	Threatening to cause harm to a Commonwealth public official etc	9	0
	148.1(2)	False representation of being a public official	5	0
	148.1(3)	Impersonation of public official with intent	0	2
	149.1(1)	Obstruction of Commonwealth public officials	38	2
<b>Chapter 8 – Offences against humanity and related offences</b>			<b>0</b>	<b>8</b>
	270.6(2)	Sexual servitude businesses	0	1
	271.2(1B)	Trafficking in persons	0	2
	273.5(1)(a)(i)	Possessing or controlling child pornography material outside Australia	0	3
	273.5(1)(a)(ii)	Producing, distributing or obtaining child pornography material outside Australia	0	2
<b>Part 9.1 – Serious drug offences</b>			<b>58</b>	<b>336</b>
	302.2(1)	Trafficking commercial quantities of controlled drugs	0	10
	302.3(1)	Trafficking marketable quantities of controlled drugs	0	3
	302.4(1)	Trafficking controlled drugs	4	16
	305.4(1)	Manufacturing marketable quantities of controlled drugs	0	2
	307.1(1)	Importing or exporting commercial quantities of border controlled drugs or border controlled plants	0	39
	307.2(1)	Importing or exporting marketable quantities of border controlled drugs or border controlled plants	2	115
	307.3(1)	Importing or exporting border controlled drugs or border controlled plants	4	20
	307.4(1)	Importing or exporting border controlled drug or plants, no commercial intent	12	4
	307.5(1)	Possessing commercial quantity of unlawfully imported border controlled drug or plants	2	29
	307.6(1)	Possessing marketable quantities of unlawfully imported border controlled drugs or plants	1	28
	307.7(1)	Possessing unlawfully imported border controlled drugs or border controlled plants	0	3

Part	Sections	Description	Summary (charges)	Indictable (charges)
	307.8(1)	Possessing commercial quantities of border controlled drugs/plants, suspected unlawful importation	0	2
	307.9(1)	Possessing marketable border controlled drugs or plants suspected of having been unlawfully imported	0	9
	307.10(1)	Possessing border controlled drugs or border controlled plants suspected of being illegally imported	5	3
	307.11(1)	Importing and exporting commercial quantities of border controlled precursors	0	16
	307.12(1)	Importing and exporting marketable quantities of border controlled precursors	3	16
	307.13(1)	Importing and exporting border controlled precursors	1	2
	308.1(1)	Possessing controlled drugs	20	9
	308.2(1)	Possessing controlled precursors	3	2
	308.4(1)	Possessing substance, equipment or instructions for commercial manufacture of controlled drugs	0	3
	310.2(1)	Danger from exposure to unlawful manufacturing	0	5
	360.2(1)	Cross-border disposal or acquisition of a firearm	1	0
<b>Part 9.4 – Dangerous weapons</b>			<b>1</b>	<b>0</b>
	360.3(1)	Taking or sending a firearm across borders	1	0
<b>Part 9.5 – Identity crime</b>			<b>6</b>	<b>1</b>
	372.1(1)	Dealing in identification information and using to pretend to be or pass off as another person	1	1
	376.2(1)	Using false identification information at constitutional airport	2	0
	376.3(1)	Using a carriage service with false information to obtain air passenger ticket	1	0
	376.4(2)	Using false information to obtain an air passenger ticket to take a constitutional flight	2	0
<b>Part 10.2 – Money laundering</b>			<b>47</b>	<b>61</b>
	400.3(1)	Dealing in proceeds of crime etc – money or property worth \$1,000,000 or more: knowing/believing	0	4
	400.4(1)	Dealing in proceeds of crime etc – money or property worth \$100,000 or more: knowing/believing	0	10
	400.4(2)	Dealing in proceeds of crime etc – money or property worth \$100,000 or more: reckless	0	7
	400.5(1)	Dealing in proceeds of crime etc – money or property worth \$50,000 or more: knowing/believing	0	2
	400.5(2)	Dealing in proceeds of crime etc – money or property worth \$50,000 or more: reckless	1	2



Part	Sections	Description	Summary (charges)	Indictable (charges)
	400.5(3)	Dealing in proceeds of crime etc – money or property worth \$50,000 or more: negligence	1	0
	400.6(1)	Dealing in proceeds of crime etc – money or property worth \$10,000 or more: knowing/believing	6	5
	400.6(2)	Dealing in proceeds of crime etc – money or property worth \$10,000 or more: reckless	15	3
	400.7(1)	Dealing in proceeds of crime etc – money or property worth \$1,000 or more: knowing/believing	5	0
	400.7(2)	Dealing in proceeds of crime etc – money or property worth \$1,000 or more: reckless	2	1
	400.8(2)	Dealing in proceeds of crime etc – money or property of any value: reckless	2	0
	400.9(1)	Dealing with money or other property reasonably suspected of being proceeds of crime worth \$100,000+	8	24
	400.9(1A)	Dealing with money or other property reasonably suspected of being proceeds of crime under \$100,000	7	3
<b>Part 10.5 – Postal services</b>			<b>89</b>	<b>24</b>
	471.1(1)	Theft of mail receptacles, articles or postal messages	66	2
	471.3(a)	Taking or concealing of mail receptacles	7	0
	471.3(b)	Taking or concealing of articles or postal messages in the course of posting	1	0
	471.4(a)	Dishonest removal of postage stamps	1	0
	471.5(1)(a)	Person dishonestly uses for postal services a postage stamp that has previously been used for postal services	1	0
	471.6(1)	Damaging or destroying mail receptacles, articles or postal messages	1	0
	471.7(1)(a)	Dishonestly opening a mail receptacle	2	0
	471.8	Dishonestly obtaining delivered articles	1	0
	471.10(1)	Hoaxes – explosives and dangerous substances	0	1
	471.11(1)	Use postal service to make threat to kill	0	1
	471.12	Using a postal service to menace/harass/cause offence	9	14
	471.15(1)	Causing explosives etc to be carried by post	0	6
<b>Part 10.6 – Telecommunications services</b>			<b>112</b>	<b>423</b>
	474.2(1)	General dishonesty (telecommunications) (intending to obtain a gain)	1	0
	474.6(1)(b)	Person tampers or interferes with a facility owned or operated by a carriage service provider	4	0
	474.15(1)	Using a carriage service to make a threat to kill	16	2
	474.15(2)	Use carriage service to threaten serious harm	7	1
	474.16	Using a carriage service for a hoax threat	3	2

Part	Sections	Description	Summary (charges)	Indictable (charges)
	474.17(1)	Use carriage service to menace, harass or cause offence	49	46
	474.18(1)	Improper use of emergency call service	3	2
	474.18(2)	Vexatious call to emergency service number	5	18
	474.19(1)	Use a carriage service for child pornography material	10	222
	474.20(1)	Possess/control/produce/supply/obtain child pornography material for use through carriage service	0	9
	474.22(1)(a)(i)	Using a carriage service to access child abuse material	0	2
	474.22(1)(a)(iii)	Using a carriage service to transmit, make avail, publish or distribute child abuse material	0	1
	474.24A(1)	Aggravated offence – offence involving conduct on three or more occasions and two or more people	0	3
	474.25A(1)	Engaging in sexual activity with a child using a carriage service	0	5
	474.26(1)	Using a carriage service to procure persons under 16 years of age	1	48
	474.27(1)	Using a carriage service to 'groom' a person under 16 years of age	1	23
	474.27A(1)	Using a carriage service to transmit indecent communication to person under 16 years of age	12	39
<b>Part 10.7 – Computer offences</b>			<b>11</b>	<b>0</b>
	478.1(1)	Unauthorised access to, or modification of, restricted data	11	0
<b>Part 10.8 – Financial information offences</b>			<b>17</b>	<b>10</b>
	480.4	Dishonestly obtain or dealing in personal financial information	1	5
	480.5(1)	Possession or control thing with intent to dishonestly obtain or deal in personal financial info	16	5
<b>Total</b>			<b>4,212</b>	<b>1,489</b>

**Note:** Some of the charges shown as dealt with summarily were indictable charges discontinued at an early stage. Some other charges shown as dealt with summarily were indictable charges which resulted in a warrant for the arrest of the defendant. Some summary charges were dealt with on indictment as they were scheduled under section 16BA of the *Crimes Act 1914*.

## Correction

In Table 10 on page 72 of our 2005–06 Annual Report we reported that one indictable charge pursuant to Division 73 of the *Criminal Code* was dealt with during that year. This report was due to a statistical data recording error and was incorrect. We did not deal with any charges pursuant to Division 73 of the *Criminal Code* during 2005–06.

**Table 5:** Charges dealt with involving extensions of criminal responsibility under the *Crimes Act 1914* and the *Criminal Code*

Extension of Criminal Responsibility Act and section		Principal Act and section		Charges	
Act	Section	Act	Section	Summary	Indictable
<i>Crimes Act 1914</i>	86(1) Conspiracy	<i>Crimes Act 1914</i>	29D	0	11
<i>Criminal Code</i>	11.1(1) Attempt	<i>Australian Passports Act 2005</i>	35(1)	1	0
		Aviation Transport Security Regulations 2005	3.17(2)	1	0
		<i>Crimes (Aviation) Act 1991</i>	23(1)(a)	1	0
		<i>Criminal Code</i>	101.1(1)	0	1
			134.2(1)	12	34
			135.1(5)	1	0
			135.2(1)	2	0
			135.2(2)	1	0
			302.2(1)	0	1
			307.1(1)	0	1
			307.2(1)	0	5
			307.3(1)	1	0
			307.4(1)	1	1
			307.5(1)	2	19
			307.6(1)	1	19
			307.7(1)	0	2
			307.8(1)	0	1
			307.9(1)	0	4
		307.11(1)	0	1	
		308.4(1)	0	2	
		<i>Drugs Misuse Act 1986</i>	9A & 117	0	1
		<i>Environment Protection and Biodiversity Conservation Act 1999</i>	303DD(1)	1	0
			303GP(2)	1	0

Extension of Criminal Responsibility Act and section		Principal Act and section		Charges	
Act	Section	Act	Section	Summary	Indictable
		<i>Health Insurance Act 1973</i>	128B(1)	3	0
		<i>Quarantine Act 1908</i>	67(1)	1	0
	11.2(1) Complicity	<i>Corporations Act 2001</i>	184(2)	0	1
		<i>Crimes (Currency) Act 1981</i>	7(a)	7	0
	11.2A(1) Joint Commission	<i>Crimes Act 1914</i>	29(1)	8	0
	11.2(1) Complicity	<i>Criminal Code</i>	134.2(1)	0	6
			135.1(5)	0	1
			135.1(7)	3	68
			302.2(1)	0	2
			307.1(1)	0	5
	11.2A(1) Joint Commission	<i>Criminal Code</i>	307.1(1)	0	4
	11.2(1) Complicity	<i>Criminal Code</i>	307.2(1)	0	16
			307.3(1)	0	1
			307.5(1)	0	2
			307.11(1)	0	4
			307.13(1)	0	2
			400.3(1)	0	2
			480.4	1	0
	11.2A(1) Joint Commission	<i>Customs Act 1901</i>	233BAA(4)	0	3
	11.2(1) Complicity	<i>National Consumer Credit Protection Act 2009</i>	123(1)(a)	0	1
		<i>Quarantine Act 1908</i>	67(3)	0	11
			70C(3)	0	3
	11.3 Commission by Proxy	<i>Criminal Code</i>	135.1(7)	0	5
			137.2(1)	3	0
	11.4(1) Incitement	<i>Criminal Code</i>	149.1(1)	1	0

Extension of Criminal Responsibility Act and section		Principal Act and section		Charges	
Act	Section	Act	Section	Summary	Indictable
	11.5(1) Conspiracy	<i>Crimes (Currency) Act 1981</i>	6	0	1
		<i>Criminal Code</i>	307.1(1)	0	1
			307.2(1)	0	4
			307.3(1)	0	3
			307.5(1)	0	5
			307.11(1)	0	1
			480.4	0	3
<b>Totals</b>				53	258

Note: These charges are also included in tables 1, 3 and 4.

## Criminal confiscation

Until 1 January 2012 we had sole responsibility for conducting criminal confiscation action under Commonwealth legislation. On 1 January 2012 the Criminal Assets Confiscation Taskforce was established, led by the AFP and including the ATO and the Australian Crime Commission. At the same time, legislative amendments to the *Proceeds of Crime (POC) Act* came into force to enable the Commissioner of the AFP to take criminal confiscation action under that Act.

Since the establishment of the taskforce, the AFP has taken responsibility for the majority of proceedings under the *Proceeds of Crime Act 2002* (the POC Act 2002), and our role in criminal confiscation is now limited. Since 2 April 2012 we have not commenced criminal confiscation action in non-conviction-based matters, or conviction-based matters commenced by restraining order.

We retain responsibility for taking criminal confiscation action in matters where the restraint of property is not required to preserve the property for confiscation and the person has been convicted of an offence. All other matters are conducted by the taskforce.

The CDPP Director also has a function under section 6(1)(g) of the *DPP Act* to recover pecuniary penalties in matters specified in an instrument signed by the Attorney-General. On 3 July 1985 an instrument was signed giving the CDPP a general power to recover pecuniary penalties under Commonwealth law.

Between 1 July 2012 and 30 June 2013 \$10,194,369 was recovered through action we took under the *POC Act 2002*.

## Other legislation

The *Proceeds of Crime Act 1987* (the *POC Act 1987*) applies to cases in which confiscation action was commenced before 1 January 2003. There is only a minimal amount of residual litigation under the *POC Act 1987*. No amendments have been made to this Act to enable the Commissioner of the AFP to conduct matters under this Act.

The CDPP also has statutory duties under the *Crimes (Superannuation Benefits) Act 1989* and Part VA of the *Australian Federal Police Act 1979*. We have the function of bringing applications to forfeit the employer-funded component of superannuation payable to Commonwealth and AFP employees who have been convicted of corruption offences. No superannuation orders were made in this financial year.

We have two further responsibilities in this area which are now used infrequently following the enactment of proceeds of crime legislation. These are:

- under Division 3 of Part XIII of the *Customs Act*, the CDPP is vested with the power to bring proceedings to recover profits earned from 'prescribed narcotic dealings', and
- under the *DPP Act 1983*, the CDPP has the power to take traditional civil remedies action on behalf of the Commonwealth in cases where there is a connection with a prosecution.

No orders were made in this financial year under these Acts.

Each State and Territory in Australia has legislation dealing with the confiscation of property derived from State and Territory offences. The CDPP is not involved in proceedings brought pursuant to State and Territory proceeds of crime legislation.

## Statistics

The tables below provide statistics in relation to criminal confiscation.

**Table 6:** POC Act 2002 – performance indicators

Description	Number	Target	Outcome
<b>Applications for pecuniary penalty orders that succeeded</b>			
2012–13	4	90%	100%
2011–12	11	90%	100%
2010–11	14	90%	100%
2009–10	18	90%	100%
<b>Applications for forfeiture orders that succeeded</b>			
2012–13	33	90%	100%
2011–12	80	90%	97.5%
2010–11	107	90%	100%
2009–10	104	90%	99%
<b>Damages awarded against undertakings</b>			
2012–13	0		\$0
2011–12	0		\$0
2010–11	0		\$0
2009–10	0		\$0

**Table 7:** POC Act 2002 – orders and forfeitures in 2012–13

	Number	Value
Restraining orders	–	–
Pecuniary penalty orders	4	\$522,561
Forfeiture orders	33	\$14,091,780
Automatic forfeiture under section 92	8	\$2,140,361
Literary proceeds orders	–	–

Table 8: POC Act 2002 – restraining orders in force at 30 June 2013

	Number	Value
Number of restraining orders in force	12	\$4,102,160

Note: This table includes matters not transferred to the Criminal Assets Confiscation Taskforce and matters in the recovery stage.

Table 9: POC Act 2002 – money recovered in 2012–13

	Amount recovered
Pecuniary penalty orders	\$811,455
Forfeiture orders	\$7,108,358
Automatic forfeiture under section 92	\$2,274,556
Literary proceeds orders	–
Matters where money was recovered but no formal orders made	–
<b>Total recovered</b>	<b>\$10,194,369</b>

Table 10: POC Act 1987 – orders and forfeitures in 2012–13

	Number	Value
No new orders	–	–

Table 11: POC Act 1987 – restraining orders in force at 30 June 2013

	Number	Value
Number of restraining orders in force	1	\$88,613

Table 12: POC Act 1987 – money recovered in 2012–13

	Amount recovered
Pecuniary penalty orders	–
Forfeiture orders	–
Automatic forfeiture under section 30	–
Matters where money was recovered but no formal orders made	–
<b>Total recovered</b>	<b>–</b>



**Table 13:** Criminal assets – summary of recoveries for 2012–13

	Amount recovered
<i>POC Act 1987</i> Pecuniary penalty orders	–
<i>POC Act 1987</i> forfeiture orders	–
<i>POC Act 1987</i> Automatic forfeiture	–
Matters where money was recovered but no formal orders made	–
<i>POC Act 1987</i> total	–
<i>POC Act 2002</i> Pecuniary penalty orders	\$811,455
<i>POC Act 2002</i> Forfeiture orders	\$7,108,358
<i>POC Act 2002</i> Automatic forfeiture	\$2,274,556
Literary proceeds orders	–
Matters where money was recovered but no formal orders made	–
<i>POC Act 2002</i> total	\$10,194,369
<i>Customs Act</i> condemnation	–
<i>Customs Act</i> total	–
<b>Grand total</b>	<b>\$10,194,369</b>

**Table 14:** *Crimes (Superannuation Benefits) Act 1989 (CSB)* – orders made in 2012–13

	State	Date
No orders were made in 2012–13	–	–



## OUR PERFORMANCE

## CHAPTER 5 : OUR PERFORMANCE

## Exercise of statutory powers

The Director has a number of powers which can be exercised as part of the conduct of prosecution action. These include the power to 'no Bill' a prosecution, to grant an indemnity, to take over a private prosecution, to file an *ex officio* indictment, and to consent to conspiracy charges being laid in a particular case.

### 'No Bill' applications

After a defendant has been committed for trial, the question sometimes arises whether the prosecution should continue. This can arise either as a result of an application by the defendant or on our own initiative. A submission made to the Director to discontinue such a matter is known as a 'no Bill' application.

In the past year, there were 60 no bill applications received from defendants or their representatives. Of these, 13 were granted and 47 were refused. A further 143 prosecutions were discontinued on the basis of a recommendation from a regional office without prior representations from the defendant. The total number of prosecutions discontinued was 169.

Of the 169 discontinued prosecutions, in 49 the primary reason for discontinuing was because there was insufficient evidence. Twenty-six were discontinued because the public interest did not warrant the continuation of the prosecution. In the remaining 94, the reason for discontinuing the prosecution was both the insufficiency of evidence and the public interest.

Seven of the 169 discontinued prosecutions involved fraud offences, 19 involved drugs offences, 11 were corporations offences, 100 involved people smuggling offences and 32 were other types of offences. Four of the 169 were discontinued after a previous trial.

### Indemnities

The *Director of Public Prosecutions Act 1983* (the DPP Act) empowers the Director to give an undertaking—referred to as an indemnity—to a potential witness.

- 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(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 or specified conduct.
- 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.

In the past year we gave indemnities to 72 people under sections 9(6) and 9(6D), and seven indemnities under section 9(6B). Eleven witnesses were indemnified in drugs prosecutions, 35 in prosecutions for fraud, 30 in prosecutions for a corporations offence and two in prosecutions for people smuggling offences.

## Taking matters over – private prosecutions

Traditionally, it has been open to any person to bring a private prosecution for a criminal offence. That right is protected in Commonwealth matters by section 13 of the *Crimes Act* and is expressly preserved under section 10(2) of the *DPP Act*.

Under section 9(5) of the *DPP Act*, the Director has the power to take over a prosecution for a Commonwealth offence that has been instituted by another person. The Director is empowered to either carry on the prosecution or, if appropriate, to discontinue it. The Director exercised this power in 2012–13 in relation to one person who had commenced the prosecution of one defendant.

## *Ex officio* indictments

The Director has powers under section 6(2A–2D) of the *DPP Act* to institute prosecutions on indictment referred to as *ex officio* indictments. In 2012–13 the Director exercised this power on 63 occasions.

These powers are used in circumstances where a defendant consents to a prosecution on indictment without being examined or committed for trial, or a defendant stands trial on different charges from those on which he or she was committed, whether Commonwealth, State or Territory law. Section 6(2D) of the *DPP Act* provides that in any other case where the Director considers it appropriate to do so, the Director may institute a prosecution of a person on indictment for an indictable offence against the laws of the Commonwealth in respect of which the person has not been examined or committed for trial.

## Consent to conspiracy proceedings

The consent of the Director is required before proceedings for Commonwealth conspiracy offences can be commenced. In 2012–13 the Director consented to the commencement of conspiracy proceedings against 42 defendants in relation to 26 alleged conspiracies. Twelve of the alleged conspiracies related to drugs offences, two related to a foreign bribery offence, and 12 related to other offences.

## Prosecution performance indicators 2012–13

In 2012–13 we met the following prosecution performance indicators:

- prosecutions resulting in a conviction
- defendants in defended summary hearings resulting in conviction
- defendants in defended committals resulting in a committal order, and
- defendants tried on indictment and convicted.

We did not meet the following prosecution performance indicators:

- prosecution sentence appeals in summary prosecutions upheld, and
- prosecution sentence appeals in a prosecution on indictment upheld.

These outcomes were affected by the small numbers of appeals involved: there were three prosecution sentence appeals in summary prosecutions, and 17 prosecution sentence appeals in a prosecution on indictment. In relation to the latter, the outcome was 1% below target.

Table 15: Prosecution performance indicators for 2012–13 – national totals

Description	Target	Outcome	Details – successful (total)
Prosecutions resulting in a conviction*	90%	98%	2,466 (2,521)
Defendants in defended summary hearings resulting in conviction	60%	74%	53 (72)
Defendants in defended committals resulting in a committal order	80%	98%	353 (359)
Defendants tried on indictment and convicted	60%	75%	107 (143)
Prosecution sentence appeals in summary prosecutions upheld	60%	33%	1 (3)
Prosecution sentence appeals in a prosecution on indictment upheld	60%	59%	10 (17)

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

Table 16: Prosecution performance indicators for 2009 to 2012 – national totals

Description	Target (%)	2009–10 Outcome (%)	2010–11 Outcome (%)	2011–12 Outcome (%)
Prosecutions resulting in a conviction*	90	99	99	96
Defendants in defended summary hearings resulting in conviction	60	79	70	75
Defendants in defended committals resulting in a committal order	80	98	99	99
Defendants tried on indictment and convicted	60	81	80	59
Prosecution sentence appeals in summary prosecutions upheld	60	67	100	0
Prosecution sentence appeals in a prosecution on indictment upheld	60	68	61	56

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

In Table 16 the number of cases on which the percentages were calculated is published in our annual reports for those years. Copies of the reports are available on our website at [www.cdpp.gov.au](http://www.cdpp.gov.au).

## Prosecution appeals against sentence

The *Prosecution Policy* provides that the prosecution right to appeal against sentence should be exercised with appropriate restraint. In deciding whether to appeal, consideration is to be given as to whether there is a reasonable prospect that the appeal will be successful. Factors that may be considered when deciding to appeal include whether:

- a. the sentence is manifestly inadequate
- b. the sentence reveals an inconsistency in sentencing standards
- c. the sentence proceeded on the basis of a material error of law or fact requiring appellate correction
- d. the sentence is substantially and unnecessarily inconsistent with other relevant sentences
- e. an appeal to a Court of Appeal would enable the Court to lay down some general principles for the governance and guidance of sentencers
- f. an appeal will enable the Court to establish and maintain adequate standards of punishment for crime
- g. an appeal will ensure, so far as the subject matter permits, uniformity in sentencing
- h. an appeal will enable an appellate Court to correct an error of legal principle.

### Prosecution appeals against sentence in 2012–13

In 2012–13 there were 17 prosecution appeals against sentence in indictable matters decided. Our appeals were upheld in seven of these, while our appeals were dismissed in the other 10 appeals. In three of the dismissed appeals, the Appeal Court agreed with us that the sentences imposed at first instance were too lenient but declined to allow the appeals.

In one appeal involving a defendant convicted of drug offences, the NSW Court of Appeal stated the sentence imposed should have been higher, but declined to intervene. In deciding not to exercise its discretion to re-sentence, the Court received evidence on the positive steps the defendant had taken towards rehabilitation since being released from custody, and the effects incarceration had on her bond with her youngest child.

Similarly, the Victorian Court of Appeal considered the good prospects of rehabilitation of the defendant in another appeal concerning drug offences. Priest JA emphasised that this was not a case that ought to be regarded as a guide for the imposition of sentences in other cases of this kind. In deciding not to exercise its discretion to re-sentence, the Court of Appeal considered that there was a causal connection between the defendant's mental health issues and drug addiction, and that since being sentenced the defendant had embarked on a rehabilitation process and was assessed as having good prospects. Priest JA noted that the sentence was lenient, but it was open for the Trial Judge to pass the sentence that she did.

Priest JA detected one error in the Trial Judge's approach to sentence: the sentence she would have passed had the defendant not pleaded guilty, as the sentence indicated would have equated to a discount of 70% on the sentence that was actually passed. He concluded that even if the sentence was thought to be inadequate, he would still dismiss the appeals in the exercise of discretion. Neave JA stated that he considered the sentence to be manifestly inadequate and was of the view that the sentence imposed did not adequately reflect the maximum penalties of 15 years' imprisonment and 10 years' imprisonment for charges 1 and 2. Nevertheless, he dismissed the appeal because of the Judge's view that the respondent had good prospects of rehabilitation and had begun to address the addiction which had contributed to the offending.

The other appeal concerned the sentence imposed on a defendant for corporation offences. The NSW Court of Appeal held that terms of full-time custody should have been imposed. However, the Court acknowledged the discretion to decline to interfere with a sentence, even if it is 'erroneously lenient.' Given the nature of the respondent's conduct after sentencing, and compliance with the conditions of the Intensive Correction Orders, the Court of Appeal determined that the discretion to decline to interfere with sentences should be exercised in this case.

## Prosecution appeals against sentence in 2011–12

In 2011-2012, 18 prosecution appeals against sentence in indictable matters were decided. In 8 out of the 18 indictable appeals, the CDPP's appeals were upheld and in the other 10 appeals, the CDPP's appeals were dismissed.

In 2 of the dismissed appeals, the appeal court agreed with the CDPP that the sentences imposed at first instance were too low but declined to allow the appeals because of the principle of double jeopardy and other factors.

In one of the appeals concerning a defendant convicted of drug offences, the Victorian Court of Appeal found that notwithstanding that the original sentence was manifestly inadequate, the circumstances of the case were such that the appeal should not be allowed. The Court 'declined to now require the respondent to serve an immediate period of imprisonment' given that the respondent had been at liberty since the original sentence was imposed. The Court was satisfied that this was an appropriate case in which to exercise the Court's residual discretion to decline to intervene and accordingly dismissed the appeal.

The SA Court of Appeal also considered the sentence imposed upon a defendant convicted of child exploitation offences. The Court found that although the sentencing Judge erred in making the original sentence the Court was persuaded to dismiss the appeal on the grounds of the hardship to the respondent if he were to be immediately imprisoned.

The figures for dismissed prosecution appeals dealt with on indictment in Table 1 are affected by a joint prosecution sentence appeal in which the Queensland Court of Appeal considered sentences for drug offences imposed upon 4 defendants. Muir JA, with whom White JA agreed, stated that although the respondents had each been dealt with leniently, the CDPP's appeals should be dismissed due to mitigating factors. Atkinson J in Her Honour's dissenting judgment was of the opinion that "the sentences were so manifestly inadequate that an error in the exercise of the sentencing discretion is demonstrated."

## Prosecution appeals against sentence in 2010–11

In 2010-2011, appeal courts decided 23 prosecution appeals against sentence in indictable matters. In 10 out of the 23 indictable appeals, the CDPP's appeals were upheld and in the other 13 appeals, the CDPP's appeals were dismissed.

In 2 of the dismissed appeals the appeal court agreed with the CDPP that the sentences imposed at first instance were manifestly inadequate but declined to allow the appeals. In 1 appeal involving a defendant convicted of drug offences, the Court of Criminal Appeal of NT found that notwithstanding that the original sentence was manifestly inadequate, the circumstances of the case were such that the appeal should not be allowed. The Court noted that this was a case where the purposes of the Crown appeal can be satisfactorily achieved by the court indicating that the sentence was manifestly inadequate and should not be regarded as a precedent. The other appeal concerned the sentence imposed upon a defendant who was a prominent solicitor and conspirator in a scheme to evade tax described by the original sentencing judge as a "sophisticated deceit". The Supreme Court of Victoria Court of Appeal found that the original sentence that the defendant be released after serving 12 months imprisonment was manifestly inadequate. However, the Court was satisfied that this was an appropriate case in which to exercise the Court's residual discretion to decline to intervene and accordingly dismissed the appeal.

In a joint prosecution sentence appeal the NSW Court of Criminal Appeal considered sentences for drugs offences imposed upon 2 defendants. Simpson J with whom the other members of the Court of Criminal Appeal agreed, stated, "I am left with the uncomfortable feeling that the sentences here imposed were inadequate. But to allow a Crown appeal and increase a sentence involves a very serious step, and one which this Court does not undertake lightly." Her Honour stated that it was unnecessary finally to decide that as Her Honour concluded that the Crown appeal should be dismissed given the Court's discretion to dismiss a Crown appeal, even where error, whether by manifest inadequacy or otherwise, is established. Her Honour referred to the unusual history of the case and that the respondents, through no fault of their own, had suffered an inordinate delay in the resolution of the appeals and that their potential release date was a few months away.



## Prosecution appeals against sentence in 2009–10

In 2009-2010, appeal courts decided 19 prosecution appeals against sentence in indictable matters. In 9 out of the 19 indictable appeals, the CDPP's appeals were upheld. In 4 of the dismissed appeals, the appeal court agreed with the CDPP that the sentences imposed at first instance were too low but declined to allow the appeals because of the principle of double jeopardy and other factors. Two of the appeals concerned child sex crime offences and the other 2, who were co-offenders, concerned corporation offences. Six other prosecution appeals were dismissed.

Also in 2010-2011, in 1 of the 3 dismissed prosecution appeals against sentence following summary prosecution, the appeal judge found that the sentence imposed was manifestly inadequate but declined to intervene because of double jeopardy.

## Prosecution statistics

In the course of the year, apart from ongoing matters, we dealt with 3,217 people in Court. The cases were referred by 36 Commonwealth investigative agencies as well as State and Territory police.

The following tables set out details of prosecutions we conducted in 2012–13.

**Table 17: Outcomes of successful prosecutions in 2012–13**

Description	Number
Defendants convicted of offences prosecuted summarily	1,825
Defendants convicted of offences prosecuted on indictment	641
Defendants committed for trial or sentence	683

**Table 18: Summary prosecutions in 2012–13**

Description	Number
Defendants convicted after a plea of guilty	1,772
Defendants convicted after a plea of not guilty	53
Total defendants convicted	1,825
Defendants acquitted after a plea of not guilty	19
<b>Total</b>	<b>1,844</b>

**Table 19: Committals in 2012–13**

Description	Number
Defendants committed after a plea of guilty	330
Defendants committed after a plea of not guilty	353
<b>Total defendants committed</b>	<b>683</b>
Defendants discharged after a plea of not guilty	6
<b>Total</b>	<b>689</b>

Table 20: Prosecutions on indictment in 2012–13

Description	Number
Defendants convicted after a plea of guilty	534
Defendants convicted after a plea of not guilty	107
Total defendants convicted	641
Defendants acquitted after a plea of not guilty	36
<b>Total</b>	<b>677</b>

Table 21: Prosecutions on indictment – duration of trials in 2012–13

Length	Number
1–5 days	54
6–10 days	28
11–15 days	18
16–20 days	6
21–25 days	14
26–30 days	0
over 31 days	13
<b>Total</b>	<b>133</b>

Note: Prosecutions resulting in convictions in Tables 15–21 may have been subsequently quashed following a defence appeal against conviction.

Table 22: Prosecution appeals against sentence in 2012–13

Appeal type	Outcome	Summary	Indictable
Appeals against sentence	Upheld	1	7
	Dismissed	3	10
<b>Total</b>		<b>4</b>	<b>17</b>

Table 23: Defence appeals in 2012–13

Appeal type	Outcome	Summary	Indictable
Against conviction only	Upheld	4	4
	Dismissed	10	16
Against sentence only	Upheld	42	8
	Dismissed	13	26
Conviction and sentence	Upheld	2	7
	Dismissed	1	11
<b>Total</b>		<b>72</b>	<b>72</b>

Table 24: Reparation orders and fines

	Actual 2012–13 (\$'000)	Actual 2011–12 (\$'000)
Reparation orders made	23,642	19,211
Fines and costs orders made	3,958	2,028



## OUR INTERNATIONAL ENGAGEMENT

## CHAPTER 6 : OUR INTERNATIONAL ENGAGEMENT

### International Crime Cooperation

The CDPP views international crime cooperation as an important tool in the successful prosecution of transnational crime. Cases with an international aspect require assistance and cooperation from other countries in order to effectively investigate and prosecute serious offences, such as people smuggling, sexual servitude, drug trafficking, money laundering and the dissemination of child exploitation and abuse material.

Increasingly, we seek cooperation from other countries to assist in the prosecution of transnational crime and to apprehend and extradite fugitives. We are involved in two main areas of international criminal cooperation – mutual assistance and extradition. Primary responsibility for these areas rests with the Attorney-General's Department, Australia's central authority for mutual assistance in criminal matters and extradition.

We also contribute internationally, particularly within the region, to training and development programs relating to prosecuting, based on our expertise and practical experience in prosecuting. This contribution is significant in building international and regional linkages, which are important given the increasingly international character of criminal activity.

### Mutual assistance

Mutual assistance is a formal process used by countries to provide assistance to each other to investigate and prosecute criminal offences and to recover the proceeds of crime.

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

The mutual assistance regime rests on a network of international relations and obligations, together with the willingness of participating countries to provide assistance to each other. This international network is underpinned by a number of bilateral treaties and multilateral conventions. Australia has ratified 28 bilateral mutual assistance treaties and a number of multilateral conventions, which bind the signatories to provide mutual assistance to each other. These include the:

- *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*
- *United Nations Convention against Transnational Organized Crime*
- *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.*

Countries that are not signatories to mutual assistance treaties or conventions may also request mutual assistance from, and provide mutual assistance to, each other. This is done under the principle of reciprocity whereby countries agree to provide assistance to each other on a case-by-case basis on the understanding that they will receive similar assistance in return.

By arrangement, we provide drafts of requests to the Attorney-General's Department (AGD) to help with making mutual assistance requests. This year we were involved in helping to draft 69 outgoing requests made by Australia to 27 foreign countries. These requests related to matters where charges have been laid by a Commonwealth investigative agency or where we have received specific funding to draft mutual assistance requests in respect of a particular matter or type of matter. These outgoing requests were generally made in conjunction with Commonwealth investigative agencies or joint taskforces comprising law enforcement officers from Commonwealth, State and Territory agencies.

## Extradition

Extradition is a formal process whereby offenders who are outside the jurisdiction are returned to Australia to be prosecuted or to serve a sentence of imprisonment. Extradition is both an important and effective mechanism in law enforcement. Modern advances in technology have led to an increase in transnational crime. Effective global law enforcement cooperation enhances the ability to bring to justice offenders who seek to avoid being dealt with for serious criminal conduct by fleeing the jurisdiction, or by committing offences against Australian law from outside the jurisdiction.

AGD has sole responsibility for international extradition for all countries except New Zealand. Our role in extradition is confined to requesting that extradition be sought in Commonwealth matters and the execution of incoming requests from New Zealand.

In the case of outgoing extradition requests, we prepare documents in support of requests for extradition in serious cases where a person is wanted for prosecution for an offence against Commonwealth law or to serve a sentence of imprisonment and is found to be in a foreign country. We have no role in cases where a person is wanted for prosecution by State or Territory authorities. In such cases, the authorities of the relevant State or Territory deal directly with AGD.

Requests from New Zealand are made on a police-to-police basis and referred to us by the AFP. We appear on behalf of New Zealand in proceedings before a Magistrate to determine whether a person will be surrendered, and in any review or appeal arising from those proceedings.

### Outgoing requests

During the course of the year, we asked AGD to make eight formal extradition requests to foreign countries in relation to prosecutions we were conducting. This included one request which was supplementary to a request made in a previous year. The requests resulted in three people being surrendered to Australia following extradition proceedings in the foreign country. Two people were arrested in response to requests, with one having been found eligible for extradition by the Courts of the relevant foreign country.

Five people were surrendered to Australia during the year as a result of requests made in previous financial years, and a further eight people continue to challenge their extradition in proceedings in the relevant foreign country, including one in New Zealand. One person was found not eligible for surrender following extradition proceedings.

### Incoming requests

In the past year, we appeared on behalf of New Zealand in relation to eight requests for extradition received this year. Seven people consented to surrender and one matter remains before the Court.

## International contribution

We host visits by international delegations which provide an opportunity to share experiences and provide information about prosecuting in the Australian criminal justice system.

### Delegations

This year we hosted a number of international delegations in our office. Two examples are:

- In March 2013 the Director met with Mr Mahfud Mannan, Deputy Attorney-General for General Crimes, from the Indonesian Attorney-General's Office, who was in Australia heading a delegation of officials from the Indonesian National Police and the Indonesian Attorney-General's Office Taskforce on Terrorism and Transnational Crime. We also delivered presentations and participated in discussions with delegates and provided a useful opportunity to discuss the investigation and prosecution of counter-terrorism offences.
- In April 2013 we hosted an Australia-Sri Lanka Prosecutor Pairing Program in our Canberra and Sydney offices. This program is designed to build capacity of participating Sri Lankan prosecutors and provide the opportunity for Australian and Sri Lankan participants to share experiences and expertise on people smuggling and broader transnational crime issues. We welcomed two Sri Lankan prosecutors into our offices and provided them with a range of experiences and the opportunity to discuss prosecuting in these areas in depth.

We also hosted delegations from Kenya, West Africa, Japan and China to discuss the operation of a prosecution service and issues ranging from assumed identities to controlled operations.

### International workshops

This year we contributed to a number of regional capacity-building programs. In November 2012 and May 2013, Simon Allen—Senior Assistant Director in our Brisbane Office—travelled to Colombo and Negombo to present at workshops for Sri Lankan High Court Judges, prosecutors and Magistrates on people smuggling and mutual legal assistance. In December 2012 Mr Allen also participated in the 5th Malaysia–Australia Working Group on People Smuggling and Trafficking in Persons in Malaysia.

David Sewell, Principal Legal Officer in our Melbourne Office, attended the Second Regional Workshop on International Joint Investigations for South-East Asian States in Langkawi, Malaysia in June 2013. The workshop was jointly held by the United Nations Counter-Terrorism Committee Executive Directorate and the Southeast Asia Regional Centre for Counter-Terrorism of the Ministry of Foreign Affairs of Malaysia.

In January 2013, Scott Bruckard, Senior Assistant Director in our Melbourne Office, attended a Global Counter-Terrorism Forum in Frankfurt, Germany, at the invitation of the US State Department, and delivered a presentation focussing on working effectively with police and intelligence agencies to generate more successful criminal trial outcomes.

Mr Bruckard also attended a United Nations Counter-Terrorism Conference, 'Legal or Operational Challenges in Terrorism Prevention', in Dar Es Salaam, Tanzania, in February 2013.

### Deployment of our prosecutors

Our officers have made a significant contribution to the work of the Office of the Public Prosecutor in Papua New Guinea. This year, Paul Huygens, Principal Legal Officer in our Brisbane office, was appointed to the position of Principal Prosecution Adviser and Prosecution Team Leader in the Office of the Public Prosecutor in Papua New Guinea. Mr Huygens was deployed in July 2013 for two years.







**OUR CONTRIBUTION  
TO LAW REFORM**

## CHAPTER 7 : OUR CONTRIBUTION TO LAW REFORM

### Law Reform

As the CDPP is responsible for conducting prosecutions against the laws of the Commonwealth in all Australian jurisdictions, we are in a unique position to provide feedback to policy formulators and law makers about the operation of Commonwealth criminal law and our experience working with these laws in the Courts.

We contribute to law reform by:

- commenting on legislative proposals
- raising practical issues with criminal laws that may require consideration for legislative amendment
- contributing to reviews
- considering and commenting on discussion papers
- making submissions to and appearing before parliamentary committees, and
- maintaining liaison relationships with government departments and agencies.

While we do not develop Commonwealth criminal law policy, we do have an interest in ensuring that Commonwealth criminal law is clear and consistent. It is with this in mind that we provide advice to other agencies about the practical implications of existing legislation, new policy proposals and proposed legislation. We also provide input to State and Territory law reform proposals that may impact on the prosecution of Commonwealth criminal offences.

The Legal, Policy and Law Reform Branch in Head Office coordinates this work, acting as a coordination point for the various areas of specialist expertise within the CDPP, as well as establishing and maintaining links between prosecutors in regional offices and Commonwealth law-makers.

### Legislative proposals

We commented on a wide range of legislative proposals and draft legislation during the course of the year, including the:

- Crimes Legislation Amendment (Slavery, Slavery-Like Conditions and People Trafficking) Bill 2012
- Customs Amendment (Smuggled Tobacco) Bill 2012
- Crimes Legislation Amendment (Law Enforcement Integrity, Vulnerable Witness Protection and Other Measures) Bill 2013
- Crimes Legislation Amendment (Serious Drugs, Proceeds of Crime and Other Measures) Bill 2012.

We also contributed to the policy development of a number of law reform proposals which had not at this stage been introduced into Parliament.

### Discussion papers and reviews

We provided comments in relation to a number of government public discussion papers throughout the year. Discussion papers are one of the forms of consultation undertaken by Government with respect to issues under consideration.

We participated in a number of reviews and inquiries throughout this year. This is an important part of our contribution to law reform because it is a mechanism to discuss how the law currently operates or to comment on proposed changes to the law or Commonwealth guidelines or standards. For example, on 9 August 2012 the Prime Minister announced the commencement of the Council of Australian Governments Review of Counter-Terrorism Legislation. Graeme Davidson, Deputy Director, was appointed to the review's committee as a committee member. The committee reviewed an extensive range of Commonwealth, State and Territory counter-terrorism laws and made a number of recommendations in a report tabled on 14 May 2013.

We also contributed to the review—conducted by the Independent National Security Legislation Monitor—of the operation, effectiveness and implications of Australia's counter-terrorism and national security legislation.

## Parliamentary committees

We assist parliamentary committees with their consideration of issues relating to Commonwealth criminal law. This year we provided submissions to, and appeared before, the following three parliamentary committees:

- the Senate Standing Committee on Legal and Constitutional Affairs Inquiry into the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012
- the Joint Standing Committee on Foreign Affairs, Defence and Trade Inquiry into Slavery, Slavery-like Practices and People Trafficking
- the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity Inquiry into the integrity of overseas Commonwealth law enforcement operations.

We also provided submissions to the following parliamentary committees:

- the Standing Committee on Social Policy and Legal Affairs Inquiry into the arrangements surrounding crimes committed at sea
- the Senate Standing Committee on Legal and Constitutional Affairs Inquiry into the Crimes Legislation Amendment (Serious Drugs, Identity Crime and Other Measures) Bill 2012.

We contributed to a number of joint submissions to various parliamentary committees, along with the Australian Federal Police (AFP), the Attorney-General's Department (AGD), the Department of Immigration and Citizenship, and the Australian Customs and Border Protection Service.

## Liaison

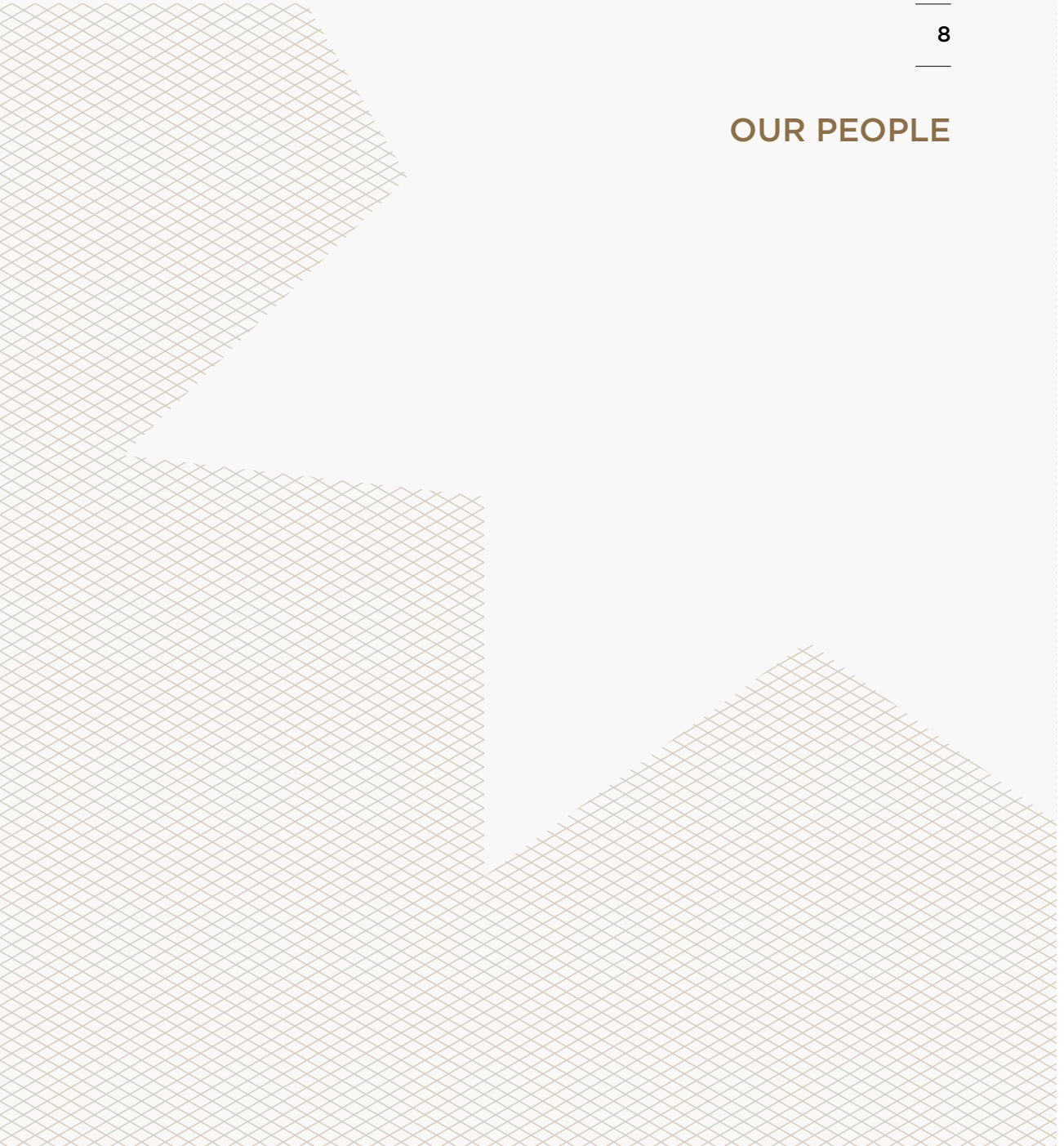
Our input on legislative reform is facilitated by a close working relationship with the AGD, particularly with the Criminal Justice Division and the National Security Law and Policy Division. It is also facilitated by close liaison relationships with the Commonwealth departments and agencies that investigate Commonwealth offences or develop legislative proposals.

Where we identify deficiencies in laws or aspects of laws that, in our view, should be clarified, these are brought to the attention of the AGD or the department or agency that has responsibility for the administration of the legislation involved. We may also raise possible legislative changes for consideration.

In addition, we are active in law reform through our discussions with departments and agencies, particularly through our liaison function, and at various interdepartmental committees where law reform issues are raised.



## OUR PEOPLE



## CHAPTER 8 : OUR PEOPLE

## Corporate overview

This year we reviewed our corporate governance arrangements to ensure an appropriate and responsive governance framework is in place to support our work.

The proposed framework provides for a structured approach to governance and one which clearly sets out responsibilities and accountabilities. It is built on the principles of accountability, transparency, integrity, stewardship, efficiency and leadership. The framework will be finalised and implemented in the coming year.

This year also saw a continued focus on ongoing efficiency and effectiveness. The Executive Leadership Group (ELG) commissioned a review of corporate services to consider how best to provide efficient and responsive corporate support. The review recommended a move from a regional-based structure to a centralised structure. This recommendation was accepted by the ELG, and as a consequence all corporate support staff were asked to consider their interest in voluntary redundancies. By 30 June 2013, 28 staff had left the CDPP as a result of this process.

The establishment of a national model for human resource management, financial management, office support, registry and other ancillary functions has resulted in greater national consistency and responsiveness in the way corporate services are provided. The savings and efficiencies achieved through this process will help us achieve the 2013–14 budget reductions.

At 30 June 2013 we had begun our transition to this 'national model', with further progress to be made in the coming year.

## Human resources

At 30 June 2013 the CDPP comprised 517 people (on a head count basis). A breakdown of this figure appears in the following tables. The average staffing level for the year was 495.41, and most staff members were lawyers. The remaining staff provided a range of services, including litigation support, accountancy, information technology (IT) services, library services, people services, finance and administrative support.

All staff members were employed under the *Public Service Act 1999* or section 27 of the *Director of Public Prosecutions Act 1983* (the DPP Act).

Table 25: CDPP staff at 30 June 2013

	ACT	NSW	VIC	QLD	SA	WA	TAS	NT	TOTAL
Director	1								1
SES Band 2	3	1	1	1		1			7
SES Band 1	6	8	5	5	2	2	1	1	30
PLO	10	26	17	18	4	16		1	92
SLO	8	32	20	15	6	8	1	2	92
LO2	3	30	11	9	4	4	4	2	67
LO1		4	5	9	1	3			22
EL2	11	2							13
EL1	12	5	2	2	2	1			24



	ACT	NSW	VIC	QLD	SA	WA	TAS	NT	TOTAL
APS6	11	2	3	1		2		2	23
APS5	5	8	7	1		5			26
APS4	6	12	5	11	1	10			45
APS3	2	28	14	10	3	7	3	3	70
APS2		2	1			1			4
APS1		1							1
<b>TOTAL</b>	<b>78</b>	<b>161</b>	<b>91</b>	<b>82</b>	<b>25</b>	<b>60</b>	<b>9</b>	<b>11</b>	<b>517</b>

## Notes:

1. This table includes inoperative staff.
2. Staff on temporary assignment of duties (TAD) for three months or more at 30 June 2013 are reported at their TAD classification.

Table 26: Staffing summary 2012–13

Category	Number
Total staff employed under the <i>Public Service Act 1999</i>	460
Total staff employed under the DPP Act	56
Statutory office holders	1
<b>TOTAL</b>	<b>517</b>

## Notes:

1. This table includes inoperative staff.
2. The total number of non-ongoing staff in this table is 88.

Table 27: Staff at 30 June 2013 by gender and category

Category	Full-time		Part-time		TOTAL
	Female	Male	Female	Male	
Director		1			1
SES Band 2		6	1		7
SES Band 1	11	16	3		30
Legal Officers	139	77	56	1	273
Executive Officers	19	14	4		37
APS1 – APS6	101	41	26	1	169
<b>TOTAL</b>	<b>270</b>	<b>155</b>	<b>90</b>	<b>2</b>	<b>517</b>

## Notes:

1. This table includes inoperative staff.
2. Staff on temporary assignment of duties (TAD) for three months or more at 30 June 2013 are reported at their TAD classification.

Table 28: Staffing by office

Office	Actual average staffing 2012–13
ACT	73.28
NSW	153.84
VIC	90.15
QLD	79.81
SA	22.28
WA	58.12
TAS	8.00
NT	9.93
<b>TOTAL</b>	<b>495.41</b>

## Workplace agreements

### Enterprise agreement

The CDPP Enterprise Agreement for 2011 – 2014 came into effect on 21 December 2011, with a nominal expiry date of 30 June 2014. The agreement covers all of our employees except for Senior Executive Service (SES) employees.

At 30 June 2013 there were 490 employees covered by the agreement.

Table 29: Salary scales at 30 June 2013

Classification	Salary
SES Band 3	\$245,756 – \$292,807
SES Band 2	\$210,190 – \$252,526
SES Band 1	\$177,722 – \$210,190
Principal Legal Officer	\$121,112 – \$126,327
Executive Level 2	\$111,000 – \$123,198
Senior Legal Officer	\$92,123 – \$111,000
Executive Level 1	\$92,123 – \$98,587
APS6	\$72,734 – \$81,931
Legal Officer 2	\$66,605 – \$80,110
APS5	\$66,173 – \$70,128
Legal Officer 1	\$59,402 – \$64,438
APS4	\$59,402 – \$64,438
APS3	\$53,370 – \$57,548
APS2	\$48,215 – \$51,982
APS1	\$25,049 – \$45,864

## Common law contracts

We have a common law contract in place for each substantive SES employee. At 30 June 2013 there were 26 of these contracts in place.

## Section 24(1) determination

In 2012–13 we made nine determinations pursuant to section 24(1) of the *Public Service Act 1999*.

## Workplace participation

Our enterprise agreement includes provision for employees and their representatives to be consulted in relation to the implementation of major change. Consultation occurs mainly through regular workplace participation meetings, special purpose meetings that are called to discuss specific issues, or all-staff communications.

## Human Resource Management Information System

Phase 2 of the Aurion Human Resource Management Information System implementation continued through 2012–13, seeing the introduction of the learning and development module and work health and safety functionality. The performance management module is scheduled to be implemented in the second quarter of 2013–14.

The Human Resource Management Information System is the prime source of data on employee history, information and entitlements. It reduces duplication of employee information across corporate systems, minimises manual processing and improves our reporting capability. The system facilitates the holistic human resource management model envisioned by our Strategic Directions. It has become a significant enabler of ongoing measures that support transparent and effective employee performance and development.

## Learning and development

One of our key strategic themes is 'to recruit, develop and retain high-quality people'; and our core values include 'knowledge, skills and commitment of our people' and 'leadership from senior lawyers and managers'.

We conduct in-house legal training to ensure our lawyers comply with any continuing legal education requirements which apply to them, and that resources are developed and shared by Professional Development Officers. We also run in-house advocacy training courses for our lawyers.

Direct expenditure on training for 2012–13 was \$267,333.64. Considerable on-the-job training was also provided, but this was not costed.

## Employee Wellbeing Program

We recognise the importance of wellbeing at work and the sense of personal value and satisfaction employees derive from being engaged and supported in a positive working environment.

During 2012–13 we reviewed our Employee Wellbeing Program. The existing program is now being redeveloped to become more holistic, with the focus expanded to cover general wellbeing, emotional and social wellbeing, as well as psychological wellbeing.

The practical implementation of the Employee Wellbeing Program has encompassed the provision of mental health literacy and education workshops for staff and managers across the organisation. All employees have access to wellbeing assessments and counselling, and there is a particular focus on supporting employees working with potentially offensive or traumatic case materials. We also conduct regular seminars related to employee wellbeing through the Employee Assistance Program.

## Work health and safety

There is information in Appendix 3 about our work health and safety arrangements (in accordance with Schedule 2, Part 4 of the *Work Health and Safety Act 2011*).

## Workplace diversity

We aim to integrate the principles of workplace diversity into all aspects of human resource management. This involves raising awareness of, and promoting, core values and standards of behaviour among all staff. It also involves embedding those principles into all our human resource management policies and practices, including our performance management scheme and selection and induction processes.

Our current Workplace Diversity Program builds on earlier workplace diversity plans and programs. The program recognises and incorporates developments and progress we have made as an organisation in this area.

Our workplace diversity profile is shown in the table below. The table is based on information volunteered by staff, who may choose not to disclose their status. As a result, the information may not be complete.

Table 30: Workplace diversity profile at 30 June 2013

Classification	Male	Female	Aboriginal and Torres Strait Islander	Person with a disability	First language English plus another	First language other than English
Director	1					
SES Band 2	6	1				1
SES Band 1	16	14			2	1
Legal Officer	78	195	2	7	37	22
Executive Level	14	23		1	3	4
APS1 – APS6	42	127	1	5	21	19
TOTAL	157	360	3	13	63	

Notes:

1. This table includes inoperative staff.
2. Staff on temporary assignment of duties (TAD) for three months or more at 30 June 2013 are reported at their TAD classification.

## Reconciliation Action Plan

Our first Reconciliation Action Plan was officially launched by the Director on 4 August 2010. This followed a period of development in consultation with employees, management and Reconciliation Australia. The working group tasked with developing the plan included representatives from our Aboriginal and Torres Strait Islander employees, Human Resources and Senior Management, with support from the Director.

Our Reconciliation Action Plan contains achievable targets and we expect to next review it in early 2014.

## Status of women

At 30 June 2013 women comprised 69.6% of our employees and 67.64% of our lawyers.

Of the 33 full-time members of the SES, 11 were women. There were also four part-time members of the SES, all of whom were women. In percentage terms, 40.5% of SES positions were filled by women.

At 30 June 2013 there were 59 women working as legal officers on a part-time basis.

The CDPP is represented on the Steering Committee of Women in Law Enforcement Strategy, which develops and implements strategies to encourage women to pursue careers in law enforcement.

## National Disability Strategy

Since 1994 Commonwealth departments and agencies have reported on their performance as policy adviser, purchaser, employer, regulator and provider under the Commonwealth Disability Strategy.

In 2007–08, reporting on the employer role was transferred to the Australian Public Service Commission's *State of the Service Report* and the *APS Statistical Bulletin*. These reports are available at [www.apsc.gov.au](http://www.apsc.gov.au). From 2010–11 departments and agencies were no longer required to report on these functions.

The Commonwealth Disability Strategy has been overtaken by a new National Disability Strategy which sets out a 10-year national policy framework for improving life for Australians with disability, their families and carers. A high-level report to track progress for people with disability at a national level will be produced by the Standing Council on Community, Housing and Disability Services and presented to the Council of Australian Governments. The report will be available at [www.fahcsia.gov.au](http://www.fahcsia.gov.au).

The Social Inclusion Measurement and Reporting Strategy agreed by the Australian Government in December 2009 will also include some reporting on disability matters in its regular *How Australia is Faring* report and, if appropriate, in strategic change indicators in agency annual reports. More detail on social inclusion matters can be found at [www.socialinclusion.gov.au](http://www.socialinclusion.gov.au).

## Privacy

There were no reports served on the CDPP by the Privacy Commissioner under section 30 of the *Privacy Act 1988* in 2012–13.

## Performance pay

We do not pay performance pay.



## OUR FINANCES

## CHAPTER 9 : OUR FINANCES

### Financial statements

The audited financial statements included in this report were prepared in accordance with the *Financial Management and Accountability (Financial Statements for reporting periods ending on or after 1 July 2011) Orders* issued by the Minister for Finance and Deregulation. Detailed information on the accounting policies used to prepare the audited financial statements is at Note 1 in the financial statements.

Under current budget arrangements, the CDPP has one government Outcome, with one program of activities to achieve this outcome. Further information about our budget can be found in the Attorney-General's Portfolio Budget Statements.

### Financial performance

Our operations are primarily funded through parliamentary appropriations but we also receive a small component (3.5%) of revenue independently. This is accounted for under an arrangement pursuant to section 31 of the *Financial Management and Accountability Act 1997* (the FMA Act), as agency revenue, and retained for our use.

### Operating results

Operating revenue for 2012–13 was \$94.636 million which is \$4.912 million (5.54%) more than the operating revenue in 2011–12. This increase is largely due to funding appropriated for the prosecution of people smuggling ventures.

Operating expenses for 2012–13 were \$92.504 million (excluding depreciation and amortisation expenses). This is a decrease of \$7.613 million (or 7.6%) compared to 2011–12. The decrease was due to a combination of factors, including a reduction in staffing numbers across the 2012–13 financial year, a reduction in legal expenses largely due to fewer people smuggling prosecutions, and general savings across a broad range of office functions.

The operating result for 2012–13 was a surplus of \$2.132 million, excluding depreciation and amortisation expenses (in line with the Australian Government's net cash appropriation arrangements).

### Cost recovery arrangements

We have a memorandum of understanding with the Australian Taxation Office (ATO). The ATO transfers part of its appropriation to us to cover the cost of prosecutions for offences under goods and services tax (GST) legislation. The amount received in 2012–13 under this arrangement was \$3.2 million.

### Purchasing

We adhere to the core purchasing policies and principles of value for money. We encourage competition among actual and potential suppliers, promote the use of resources in an efficient, effective, economical and ethical manner, and are accountable and transparent during the procurement process. These policies and principles are set out in the Commonwealth Procurement Rules.

### Competitive tendering and contracting

Competitive tendering and contracting is the contracting out of the delivery of government activities, previously performed by a Commonwealth agency, to another organisation. It may be undertaken for the provision of either goods or services.

We did not enter into any such contracts during the year.



## Consultancy services

Many individuals, partnerships and corporations provide services to agencies under contracts for services. However, not all such contractors are categorised as consultants for the purposes of annual reporting. Consultants are distinguished from other contractors by the nature of the work they perform.

As a general rule, consultancy services involve the development of an intellectual output that assists us with our decision making and reflects the independent views of the service provider. For more information on what constitutes a consultancy, refer to <http://www.finance.gov.au/procurement/>.

The methods of selection used for consultancies are categorised as follows:

Open tender	A procurement procedure in which a request for tender is published inviting all businesses that satisfy the conditions for participation to submit tenders. Public tenders are sought from the Australian Government AusTender internet site.
Prequalified tender	A procurement procedure in which the procuring agency selects which potential suppliers are invited to submit tenders (this includes tenders submitted through multi-use lists). This procurement process may only be used under defined circumstances.
Limited tender	A form of restricted tendering, available only under certain defined circumstances, with a single potential supplier or suppliers being invited to bid because of their unique expertise and/or their special ability to supply the goods and/or services sought.

All consultancies with a value over \$80,000 are publicly advertised, while consultancies with a value of less than \$80,000 can be either publicly advertised or sought by quote. Annual reports contain information about actual expenditure on contracts for consultancies. Information on the value of contracts and consultancies is available on the AusTender website at [www.tenders.gov.au](http://www.tenders.gov.au).

During 2012–13, we entered into seven new consultancy contracts with a total actual expenditure (including GST) of \$174,895. In addition, we had two ongoing consultancy contracts active during the 2012–13 year, with total actual expenditure of \$83,902 (including GST).

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

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

## Australian National Audit Office access clauses

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

## Exempt contracts

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

## Asset management

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

During the year we downsized premises in the Hobart office and consolidated two separate Canberra leases into one, which we expect will result in some cost savings. We did not undertake any major asset acquisitions or replacement projects in 2012–13.

## Audit Committee

The *FMA Act* requires Chief Executives to establish an Audit Committee to assist them in the financial governance of their agency. Our Audit Committee reviews, monitors and recommends improvements to our governance framework, with a focus on risk management, internal controls, compliance and financial reporting. As part of this role, it oversees our internal and external audit processes. Through internal audits, the committee reviews key processes, systems and financial accountabilities across the whole office.

Our Audit Committee is appointed by the Director. At 30 June 2013 it comprised five members: the Deputy Director Legal, the Deputy Director Corporate Management, the Deputy Director Sydney, the Deputy Director Brisbane, and an independent Audit Committee member. In addition, we have issued a standing invitation to the Australian National Audit Office to observe committee meetings.

## Internal audit

To assist the Director in discharging his accountability, internal audits are carried out each year. Internal audit work is outsourced to Ernst and Young, providing an independent review of our key risk areas.

Two internal audits were performed during 2012–13:

- a strategic risk assurance map, and
- information security.

The results of these audits highlighted some areas for improvement, including the need to update internal documents. We are in the process of implementing the recommendations of these internal audits and procedures.

## Fraud control

During the year we reviewed our risk management framework and process, and the documentation was considered by the Audit Committee late in the year. This is expected to be finalised in early 2013–14.

Using the previous framework, we prepared and implemented a Fraud Risk Assessment and Fraud Control Plan, in accordance with the *Commonwealth Fraud Control Guidelines 2011*. Agencies subject to the *FMA Act* are required to undertake a total review of the effectiveness of their fraud control arrangements (including a fresh risk assessment) at least every two years, providing there is no major change in functions. Our Fraud Risk Assessment and Fraud Control Plan were last updated in September 2011.

We have in place appropriate fraud prevention, detection, investigation, reporting and data collection procedures and processes that meet our specific needs. We have also taken all reasonable measures to minimise the incidence of fraud and to investigate and recover the proceeds of fraud.

All fraud control-related material is made available to all staff via our portal, DPPNet.

### Report on fraud risk and fraud control measures

A requirement of the *Commonwealth Fraud Control Guidelines 2011* is for Chief Executives to report annually on fraud risk and fraud control measures undertaken by their agency. During the period 1 July 2012 to 30 June 2013, we:

- undertook no new fraud initiatives
- had no planned fraud initiatives
- did not report any incidents of fraud.

We did identify one area in the *Fraud Control Plan 2011* as having a significant residual fraud risk. This related to information security—the unauthorised access to and misuse of classified and/or sensitive information. Information is considered a core asset in relation to our business activities. The misuse or leaking of sensitive information would have an extreme effect on the credibility of the organisation and has the potential to cause our key business processes to fail.

A number of mitigating controls are in place for this fraud risk and some improvements to the access arrangements were identified in the information security audit recommendations. These recommendations are currently being implemented.

### Certification of fraud control arrangements

In accordance with the *Commonwealth Fraud Control Guidelines*, I, Robert Bromwich SC, certify that I am satisfied that for the year ended 30 June 2013, the Office of the Commonwealth Director of Public Prosecutions has:

- prepared fraud risk assessments and fraud control plans
- in place appropriate fraud prevention, detection, investigation, reporting and data collection procedures and processes that meet the specific needs of the CDPP
- taken all reasonable measures to minimise the incidence of fraud in the CDPP and to investigate and recover the proceeds of fraud against the CDPP.



Robert Bromwich SC  
Commonwealth Director of Public Prosecutions

## External scrutiny

The Auditor-General issued an unqualified audit report for our 2012–13 financial statements.

During the reporting period, the Auditor-General did not issue any report that included information on our operations.

The CDPP was referred to in the Australian Human Rights Commission Report of July 2012 following the Commission's Inquiry into the Treatment of Individuals Suspected of People Smuggling Offences who Say that they are Children. Our response to the inquiry report is at Appendix 6 to that report.

## Advertising and market research

Under section 311A of the *Commonwealth Electoral Act 1918*, we are required to disclose payments of \$12,100 or more (including GST) for advertising and market research.

Our expenditure for 2012–13 is reported in Appendix 4 to this report.

## Legal services expenditure

The *Legal Services Directions 2005* 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 2012–13 was \$48,943. Further details are in Table 33 at the end of this chapter.

## Sustainability and environmental issues

Information about our ecologically sustainable development and environmental performance can be found in Appendix 5 to this report.

## Statistics

Following are some statistics on our staffing, resources and expenses for 2012–13

**Table 31: Agency resource statement**

	Actual available appropriation for 2012–13 \$'000 (a)	Payments made in 2012–13 \$'000 (b)	Balance remaining 2012–13 \$'000 – (b)
<b>Ordinary annual services departmental appropriation</b>			
Prior-year departmental appropriation	68,146	92	68,054
Departmental appropriation <sup>1</sup>	91,087	91,087	0
s.31 relevant agency receipts	4,492	4,492	0
<b>TOTAL</b>	<b>163,725</b>	<b>95,671</b>	<b>68,054</b>

Note: *Appropriation Act (No 1) 2012–13* includes an amount of \$0.383 million in 2012–13 for our departmental capital budget. For accounting purposes this amount has been designated as 'contributions by owners'. Responsibility for the majority of litigation under the *Proceeds of Crime Act 2002* has now transferred from the CDPP to the Australian Federal Police with ongoing funding of \$1.750 million per year.

**Table 32: Expenses by outcome**

### Expenses and resources for outcome 1

	Budget 2012–13 \$'000 (a)	Actual expenses 2012–13 \$'000 (b)	Variation 2012–13 \$'000 (b) – (a)
<b>Outcome 1: Maintenance of law and order for the Australian community through an independent and ethical prosecution service in accordance with the Prosecution Policy of the Commonwealth.</b>			
<b>Program 1.1: An independent service to prosecute alleged offences against the criminal law of the Commonwealth, in appropriate matters, in a manner which is fair and just and to ensure that offenders, where appropriate, are deprived of the proceeds and benefits of criminal activity</b>			
Price of departmental outputs	95,726	95,489	(237)
Program 1.1: Revenue from government (appropriations) for departmental outputs <sup>1</sup>			
Expenses not requiring appropriation <sup>2</sup>	5,316	5,112	(204)
<b>Total price of departmental outputs</b>	<b>101,042</b>	<b>100,601</b>	<b>(441)</b>

#### Notes:

1. Departmental outputs combine revenue from government and revenue from independent sources (s. 31).
2. Departmental expenses not requiring appropriation in the budget year are made up of services received free of charge, depreciation and amortisation.

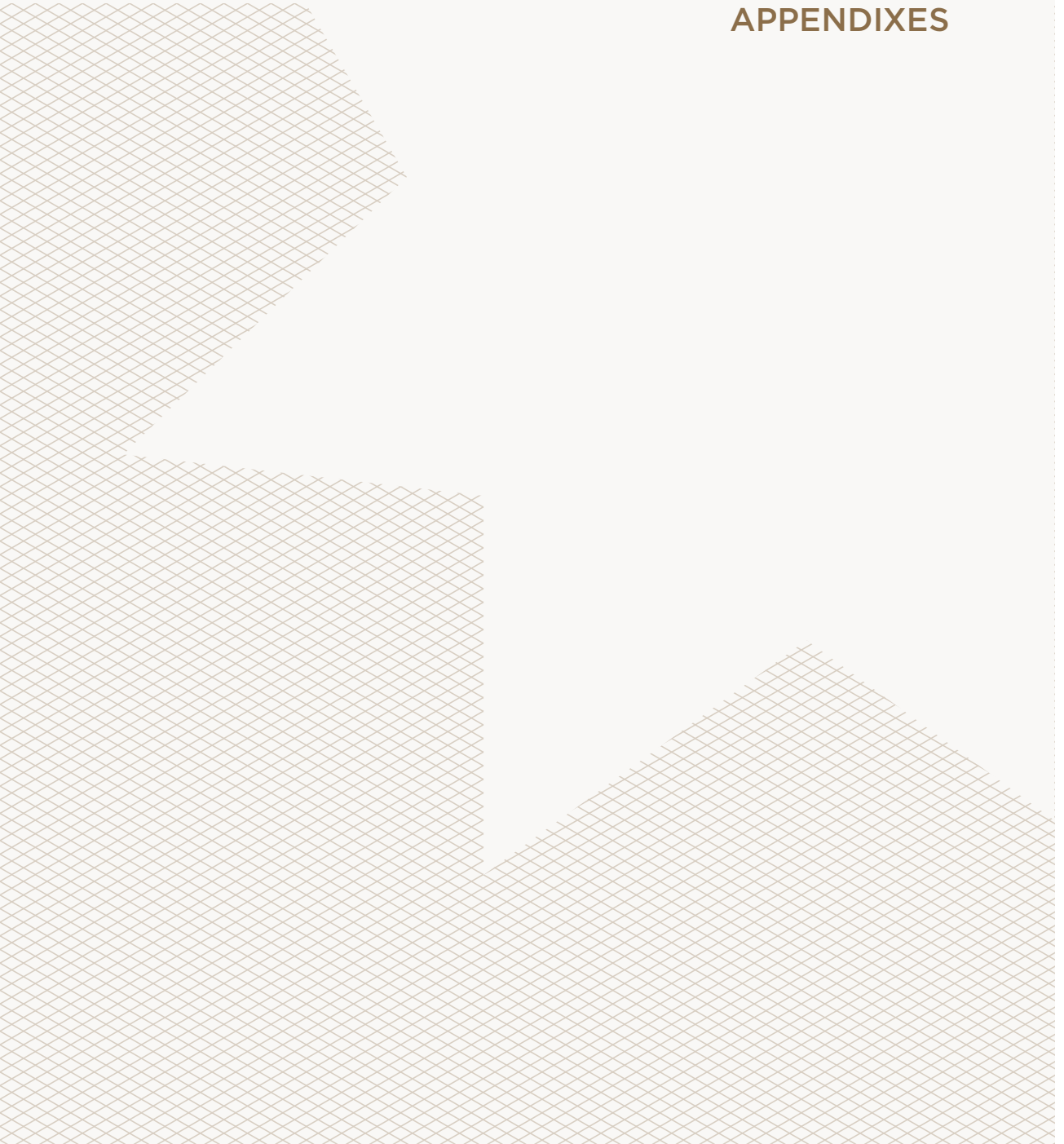
Table 33: Legal services expenditure

This is a statement of legal services expenditure published in compliance with paragraph 11.1(ba) of the *Legal Services Directions 2005*.

Description	Amount
<b>Total expenditure</b>	
Total costs recovered	\$0
Total external legal services expenditure	\$48,943
Total internal legal services expenditure	\$0
Total (external plus internal) expenditure	\$48,943
<b>Summary of external legal services expenditure</b>	
Total value of briefs to Counsel (A)	\$0
Total value of disbursements (excluding counsel) (B)	\$0
Total value of professional fees paid (C)	\$48,943
Total external legal services expenditure (A + B + C)	\$48,943
<b>Counsel</b>	
Number of briefs to male counsel	0
Number of briefs to female counsel	0
Total number of briefs to counsel	0
Number of direct briefs to male counsel	0
Number of direct briefs to female counsel	0
Total number of direct briefs to counsel	0
Total value of briefs to male counsel (including direct briefs)	\$0
Total value of briefs to female counsel (including direct briefs)	\$0
Total value of briefs to Counsel (A)	\$0
<b>Disbursements</b>	
Total value of disbursements (excluding counsel) (B)	\$0
<b>Professional fees</b>	
Australian Government Solicitor	\$37,777
Ashurst Australia	\$10,729
Hunt & Hunt Lawyers	\$437
Total value of professional fees paid (C)	\$48,943

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

## APPENDIXES



## APPENDIXES

## Appendix 1

### Information publication scheme statement

The CDPP is subject to the *Freedom of Information Act 1982* and is required to publish information to the public as part of the Information Publication Scheme. This requirement is in Part II of the Act and has replaced the former requirement to publish a section 8 statement in an annual report.

We display on our website a plan showing what information is published in accordance with the Information Publication Scheme requirements.

## Appendix 2

### Our strategic directions

#### Our corporate profile

##### Vision

Our vision is 'a fair, safe and just society where the laws of the Commonwealth are respected and maintained and there is public confidence in the justice system'.

##### Purpose

Our purpose is 'to operate an ethical, high-quality and independent prosecution service for Australia in accordance with the *Prosecution Policy of the Commonwealth*'.



### Core values

We value:

- applying the highest ethical standards to prosecutions and proceeds of crime action
- applying the highest professional standards of competence, commitment and hard work to prosecutions and proceeds of crime action
- maintaining the CDPP's prosecutorial independence
- providing, and being recognised as providing, a high-quality, timely, efficient and cost-effective prosecution service
- treating everyone with courtesy, dignity and respect
- giving due recognition to the status of victims
- the knowledge, skills and commitment of our people
- leadership from senior lawyers and managers
- accountability and excellence in governance within the CDPP
- protecting the natural environment.

### Outcome

Our Outcome is 'a contribution to the safety and wellbeing of the people of Australia by assisting in the protection of the resources of the Commonwealth through the maintenance of law and justice and by combating crime'.

### Output

Our Output is 'an independent service to prosecute alleged offences against the criminal law of the Commonwealth in appropriate matters, in a manner which is fair and just and ensures that offenders, where appropriate, are deprived of the proceeds and benefits of criminal activity'.

### Strategic themes

Our strategic themes are to:

1. Conduct cases ethically and professionally
2. Recruit, develop and retain high-quality people
3. Continuously improve CDPP performance
4. Provide professional assistance to referring agencies
5. Actively contribute to law reform and whole-of-government law enforcement initiatives.

## Strategic priorities

1	2	3	4	5
Conduct cases ethically and professionally	Recruit, develop and retain high quality people	Continuously improve CDPP performance	Provide professional assistance to Referring agencies	Actively contribute to law reform and whole-of-government law enforcement initiatives
<b>Priorities</b>	<b>Priorities</b>	<b>Priorities</b>	<b>Priorities</b>	<b>Priorities</b>
<p>1.1 Adopt the highest professional and ethical standards in prosecutions and in dealing with proceeds of crime</p> <p>1.2 Make all case decisions in accordance with:</p> <ul style="list-style-type: none"> <li>– the law</li> <li>– the <i>Prosecution Policy of the Commonwealth</i></li> <li>– CDPP policy</li> </ul> <p>1.3 Ensure compliance with the Director's Instructions and CDPP policies</p> <p>1.4 Capture and share important corporate knowledge among our people</p> <p>1.5 Undertake case reviews</p> <p>1.6 Ensure processes and programs maintain our people's adherence to ethical standards</p> <p>1.7 Treat victims with respect and dignity</p> <p>1.8 Decisions to be made:</p> <ul style="list-style-type: none"> <li>– in a timely fashion</li> <li>– by people at the appropriate level</li> </ul> <p>1.9 Use our people's expertise throughout and between our offices</p> <p>1.10 Meet challenges arising from changing technology</p>	<p>2.1 Recruit and retain high-quality people</p> <p>2.2 Implement strategies to build and sustain the CDPP as an employer of choice</p> <p>2.3 Develop skilled people through:</p> <ul style="list-style-type: none"> <li>– training courses</li> <li>– on the job experience</li> <li>– mentoring</li> </ul> <p>– the CDPP's performance management scheme</p> <p>– other innovative ways</p> <p>2.4 Foster and acknowledge good quality performance</p> <p>2.5 Manage people effectively and professionally and have regard to feedback on performance</p>	<p>3.1 Monitor CDPP performance against standards and goals to improve quality, efficiency and effectiveness</p> <p>3.2 Continue to develop national consistency, recognising that the CDPP operates in different jurisdictions</p> <p>3.3 Continuously review and adopt the highest professional and ethical standards in:</p> <ul style="list-style-type: none"> <li>– prosecutions</li> <li>– proceeds of crime action</li> <li>– resource management</li> <li>– the use of technology</li> <li>– personnel management, including: <ul style="list-style-type: none"> <li>• workforce planning</li> <li>• performance management</li> <li>• employment practices</li> </ul> </li> </ul> <p>3.4 Provide a safe, secure and healthy workplace</p> <p>3.5 Adhere to and promote:</p> <ul style="list-style-type: none"> <li>– Australian Public Service values</li> <li>– APS and CDPP codes of conduct</li> <li>– diversity principles</li> </ul> <p>3.6 Value our people's ideas</p> <p>3.6 Ensure that the CDPP's library, IT and administrative people and systems continue to provide high-level support</p>	<p>4.1 Provide professional and timely legal advice to investigators and agencies</p> <p>4.2 Liaise effectively with referring agencies at the regional and national level</p> <p>4.3 Identify and cooperate with referring agencies' enforcement strategies</p> <p>4.4 Advise on investigator training needs and assist Commonwealth agencies with training investigators on areas of CDPP legal expertise</p> <p>4.5 Develop and provide high quality materials on areas of CDPP legal expertise</p> <p>4.6 Conduct regular referring agency surveys</p> <p>4.7 Continue to develop nationally consistent approaches to assistance for referring agencies</p>	<p>5.1 Assist with development of law reform proposals and whole-of-government law enforcement initiatives by providing:</p> <ul style="list-style-type: none"> <li>– timely, high-quality legal and strategic advice</li> <li>– useful, timely and accurate statistical reports</li> </ul> <p>5.2 Encourage prosecutors to identify deficiencies in the application of Commonwealth law</p> <p>5.3 Review and identify prosecutions and proceeds- related issues requiring law reform and/or whole-of-government law enforcement initiatives and contribute to solutions and strategies to address them</p>

## Appendix 3

### Work health and safety

The CDPP undertook a review of our work health and safety (WHS) policies and procedures in 2012–13. As a result, the previous health and safety management arrangements were fully redeveloped into a comprehensive Work Health and Safety Management System. During the development of this system, we consulted widely with Health and Safety representatives, CDPP Health and Safety Committee members, the Executive Leadership Group and our staff and other workers.

To complement the new WHS Management System, we have developed a dedicated work health and safety site on the CDPP portal, DPPNet. This site provides a central location for WHS policies and procedures, WHS contacts, WHS committee meeting minutes and incident notification, and access to a wide range of WHS and mental health resources.

In October 2012 we had a liaison visit from Comcare in relation to our policies and systems to address workplace bullying. Following on from this visit, we have worked closely with Comcare in redeveloping our policy, *Building Respect: a Workplace Free from Bullying and Harassment*.

In 2013 we launched a national training program targeting work health and safety and preventing and responding to workplace bullying. At 30 June 2013, 195 staff had attended this program, with a further 136 staff scheduled to attend in July 2013.

We are not aware of any notifiable incidents during 2012–13 that arose out of the conduct of our businesses or undertakings. There were no investigations conducted during 2012–13 that relate to businesses or undertakings conducted by the CDPP, nor any notices given to the CDPP during the year under Part 10 of the *Work Health and Safety Act 2011*.

## Appendix 4

### Advertising and market research

Under section 311A of the *Commonwealth Electoral Act 1918*, the CDPP is required to disclose payments of \$12,100 or more (including GST) for advertising and market research.

No advertising campaigns were undertaken during 2012–13. We did not use the services of any creative advertising agencies to develop advertising campaigns. We also did not use the services of market research organisations, polling organisations or direct mailing organisations.

## Appendix 5 Ecologically sustainable development and environmental performance

One of the CDPP's priorities is the ongoing efficient and effective management of resources. In this context, we are in the process of developing a number of initiatives that will contribute to a more sustainable environment.

We use various energy saving methods in our operations, as follows:

- we use technology to minimise energy use, including automatic power-down devices on electrical equipment
- all our computer equipment is energy star enabled
- we source a component of the electricity costs for Sydney, Melbourne and Head Office from green energy options
- we recycle waste paper and give preference to environmentally sound products when purchasing office supplies
- we provide staff with access to video and teleconferencing facilities in our offices and sub-offices to reduce the overall amount of air travel undertaken.

### Environmental performance

The following table summarises the environmental performance of our sites during 2011–12:

Performance for 2011–12	
<b>Office – Tenant Light and Power</b>	
Electricity	1,504,110 (kWh)
Green power	239,638 (kWh)
Total	5,414.8 (GJ)
Total electricity consumed per employee	10,695.0 (MJ)
<b>Passenger Vehicles</b>	
Petrol	7,629 (L)
Total	29.9(GJ)
Distance	87,440 (km)
MJ/km	3.0
<b>TOTAL CONSUMPTION</b>	<b>5,444.7 (GJ)</b>

**Note:** CDPP sites for the reporting period include Canberra (Head Office), Sydney, Melbourne, Brisbane, Perth, Adelaide, Hobart and Darwin. There are also sub-offices of the Brisbane Office in Townsville and Cairns.

## Appendix 6

### List of requirements

Ref*	Location of information	Description	Requirement
8(3) & A.4	<i>Preliminary</i>	Letter of transmittal	Mandatory
A.5	<i>Preliminary</i>	Table of contents	Mandatory
A.5	<i>Following Financials</i>	Index	Mandatory
A.5	<i>Following Financials</i>	Glossary	Mandatory
A.5	<i>Compliance Statement, Preliminary &amp; Chapter 2</i>	Contact officer(s)	Mandatory
A.5	<i>Compliance Statement – Preliminary</i>	Internet home page address and internet address for report	Mandatory
<b>Review by secretary</b>			
9(1)	<i>Director's Overview – Preliminary</i>	Review by departmental secretary	Mandatory
9(2)	<i>Director's Overview &amp; Chapters 1 – 9</i>	Summary of significant issues and developments	Suggested
9(2)	<i>Chapters 1, 5 &amp; 9</i>	Overview of department's performance and financial results	Suggested
9(2)	<i>Director's Overview</i>	Outlook for following year	Suggested
9(3)	<i>Not applicable</i>	Significant issues and developments – portfolio	Portfolio departments – suggested
<b>Departmental overview</b>			
10(1)	<i>Chapters 1 – 4</i>	Role and functions	Mandatory
10(1)	<i>Chapter 2</i>	Organisational structure	Mandatory
10(1)	<i>Chapter 1</i>	Outcome and program structure	Mandatory
10(2)	<i>Not applicable</i>	Where outcome and program structures differ from Portfolio Budget (PB) Statements/Portfolio Additional Estimates (PAES) or other portfolio statements accompanying any other additional appropriation Bills (other portfolio statements), details of variation and reasons for change	Mandatory
10(3)	<i>Not applicable</i>	Portfolio structure	Portfolio departments – mandatory
<b>Report on performance</b>			
11(1)	<i>Chapter 1</i>	Review of performance during the year in relation to programs and contribution to outcomes	Mandatory
11(2)	<i>Chapter 5</i>	Actual performance in relation to deliverables and key performance indicators (KPIs) set out in PB Statements/PAES or other portfolio statements	Mandatory
11(2)	<i>Not applicable</i>	Where performance targets differ from the PBS/PAES, details of both former and new targets, and reasons for the change	Mandatory

Ref*	Location of information	Description	Requirement
11(2)	<i>Chapter 5</i>	Narrative discussion and analysis of performance	Mandatory
11(2)	<i>Chapters 3 – 5</i>	Trend information	Mandatory
11(3)	–	Significant changes in nature of principal functions/services	Suggested
11(3)	<i>Not applicable</i>	Performance of purchaser/provider arrangements	If applicable, suggested
11(3)	<i>Chapters 4 &amp; 5</i>	Factors, events or trends influencing departmental performance	Suggested
11(3)	<i>Chapter 9</i>	Contribution of risk management in achieving objectives	Suggested
11(4)	<i>Not applicable</i>	Social inclusion outcomes	If applicable, mandatory
11(5)	<i>Not applicable</i>	Performance against service charter customer service standards, complaints data, and the department's response to complaints	If applicable, mandatory
11(6)	<i>Chapter 9</i>	Discussion and analysis of the department's financial performance	Mandatory
11(7)	<i>Director's Overview &amp; Chapter 9</i>	Discussion of any significant changes from the prior year, from budget or anticipated to have a significant impact on future operations	Mandatory
11(8)	<i>Chapters 1 &amp; 9</i>	Agency resource statement and summary resource tables by outcomes	Mandatory
<b>Management and accountability</b>			
<b>Corporate Governance</b>			
12(1)	<i>Chapter 9</i>	Agency heads are required to certify that their agency complies with the <i>Commonwealth Fraud Control Guidelines</i>	Mandatory
12(2)	<i>Chapters 1, 2 &amp; 8</i>	Statement of the main corporate governance practices in place	Mandatory
12(3)	<i>Chapter 2</i>	Names of the Senior Executive and their responsibilities	Suggested
12(3)	<i>Chapter 2</i>	Senior Management Committees and their roles	Suggested
12(3)	<i>Chapter 2 &amp; Appendix 2</i>	Corporate and operational planning and associated performance reporting and review	Suggested
12(3)	<i>Chapter 9</i>	Approach adopted to identifying areas of significant financial or operational risk	Suggested
12(3)	<i>Chapters 1 &amp; 2 &amp; Appendix 2</i>	Policy and practices on the establishment and maintenance of appropriate ethical standards	Suggested
12(3)	–	How nature and amount of remuneration for SES officers is determined	Suggested
<b>External Scrutiny</b>			
12(4)	<i>Chapter 9</i>	Significant developments in external scrutiny	Mandatory
12(4)	<i>Chapters 4 &amp; 5</i>	Judicial decisions and decisions of administrative tribunals	Mandatory
12(4)	<i>Chapter 9</i>	Reports by the Auditor-General, a parliamentary committee or the Commonwealth Ombudsman	Mandatory
<b>Management of Human Resources</b>			
12(5)	<i>Chapter 8</i>	Assessment of effectiveness in managing and developing human resources to achieve departmental objectives	Mandatory

Ref*	Location of information	Description	Requirement
12(6)	<i>Chapter 8</i>	Workforce planning, staff turnover and retention	Suggested
12(6)	<i>Chapter 8</i>	Impact and features of enterprise or collective agreements, individual flexibility arrangements, determinations, common law contracts and Australian Workplace Agreements	Suggested
12(6)	<i>Chapters 2 &amp; 8</i>	Training and development undertaken and its impact	Suggested
12(6)	<i>Appendix 3</i>	Work health and safety performance	Suggested
12(6)	–	Productivity gains	Suggested
12(7)	<i>Chapter 8</i>	Statistics on staffing	Mandatory
12(8)	<i>Chapter 8</i>	Enterprise or collective agreements, individual flexibility arrangements, determinations, common law contracts and Australian Workplace Agreements	Mandatory
12(9) & B	<i>Chapter 8</i>	Performance pay	Mandatory
<b>Assets Management</b>			
12(10)– (11)	<i>Chapter 9</i>	Assessment of effectiveness of assets management	If applicable, mandatory
<b>Purchasing</b>			
12(12)	<i>Chapter 9</i>	Assessment of purchasing against core policies and principles	Mandatory
<b>Consultants</b>			
12(13)– (24)	<i>Chapter 9</i>	The annual report must include a summary statement detailing the number of new consultancy services contracts let during the year; the total actual expenditure on all new consultancy contracts let during the year (inclusive of GST); the number of ongoing consultancy contracts that were active in the reporting year; and the total actual expenditure in the reporting year on the ongoing consultancy contracts (inclusive of GST). The annual report must include a statement noting that information on contracts and consultancies is available through the AusTender website.	Mandatory
<b>Australian National Audit Office Access Clauses</b>			
12(25)	<i>Chapter 9</i>	Absence of provisions in contracts allowing access by the Auditor-General	Mandatory
<b>Exempt Contracts</b>			
12(26)	<i>Chapter 9</i>	Contracts exempt from AusTender	Mandatory
<b>Financial Statements</b>			
13	<i>Financials</i>	Financial statements	Mandatory
<b>Other Mandatory Information</b>			
14(1)& C.1	<i>Appendix 3</i>	Work health and safety (Schedule 2, Part 4 of the <i>Work Health and Safety Act 2011</i> )	Mandatory
14(1)& C.2	<i>Appendix 4</i>	Advertising and market research (Section 311A of the <i>Commonwealth Electoral Act 1918</i> ) and statement on advertising campaigns	Mandatory

Ref*	Location of information	Description	Requirement
14(1) & C.3	<i>Appendix 5</i>	Ecologically sustainable development and environmental performance (Section 516A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> )	Mandatory
14(1)	<i>Not applicable</i>	Compliance with the agency's obligations under the <i>Carer Recognition Act 2010</i>	If applicable, mandatory
14(2) & D.1	<i>Not applicable</i>	Grant programs	Mandatory
14(3) & D.2	<i>Chapter 8</i>	Disability reporting – explicit and transparent reference to agency-level information available through other reporting mechanisms	Mandatory
14(4) & D.3	<i>Appendix 1</i>	Information Publication Scheme statement	Mandatory
14(5) & D.4	<i>Not applicable</i>	Spatial reporting – expenditure by program between regional and non-regional Australia	If applicable, mandatory
14(5)	<i>Chapter 5</i>	Correction of material errors in previous annual reports	If applicable, mandatory
E	<i>Chapter 9</i>	Agency resource statement and resources for outcomes	Mandatory
F	<i>Appendix 6</i>	List of requirements	Mandatory

\* The reference is to the location of the item in the Department of the Prime Minister and Cabinet's *Requirements for Annual Reports*.





# FINANCIAL STATEMENTS



**OFFICE OF THE COMMONWEALTH DIRECTOR OF  
PUBLIC PROSECUTIONS**

**FINANCIAL STATEMENTS 2012-2013**

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**OFFICE OF THE COMMONWEALTH DIRECTOR OF  
PUBLIC PROSECUTIONS**

**FINANCIAL STATEMENTS 2012-2013**

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**OFFICE OF THE COMMONWEALTH DIRECTOR OF  
PUBLIC PROSECUTIONS**

**INDEPENDENT AUDIT REPORT 2012-2013**



## INDEPENDENT AUDITOR'S REPORT

### To the Attorney-General

I have audited the accompanying financial statements of the Office of the Commonwealth Director of Public Prosecutions for the year ended 30 June 2013, which comprise: Statement by the Chief Executive and Chief Financial Officer; Statement of Comprehensive Income; Balance Sheet; Statement of Changes in Equity; Cash Flow Statement; Schedule of Commitments; Schedule of Contingencies; Administered Schedule of Comprehensive Income; Administered Schedule of Assets and Liabilities; Administered Reconciliation Schedule; Administered Cash Flow Statement; Schedule of Administered Commitments; and Notes to and Forming Part of the Financial Statements, comprising a Summary of Significant Accounting Policies and other explanatory information.

### Chief Executive's Responsibility for the Financial Statements

The Commonwealth Director of Public Prosecutions, as Chief Executive, is responsible for the preparation of financial statements that give a true and fair view in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, including the Australian Accounting Standards, and for such internal control as is necessary to enable the preparation of the financial statements that give a true and fair view and are free from material misstatement, whether due to fraud or error.

### Auditor's Responsibility

My responsibility is to express an opinion on the financial statements based on my audit. I have conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. These auditing standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Office of the Commonwealth Director of Public Prosecutions' preparation of the financial statements that give a true and fair view 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 Office of the Commonwealth Director of Public Prosecutions' internal control. An audit also includes evaluating the appropriateness of the accounting policies



used and the reasonableness of accounting estimates made by the Commonwealth Director of Public Prosecutions, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

**Independence**

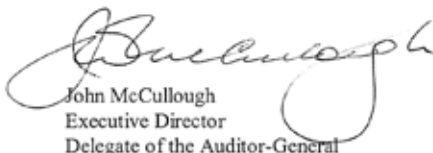
In conducting my audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the requirements of the Australian accounting profession.

**Opinion**

In my opinion, the financial statements of the Office of the Commonwealth Director of Public Prosecutions:

- (a) have been prepared in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, including the Australian Accounting Standards; and
- (b) give a true and fair view of the matters required by the Finance Minister's Orders including the Office of the Commonwealth Director of Public Prosecutions' financial position as at 30 June 2013 and of its financial performance and cash flows for the year then ended.

Australian National Audit Office



John McCullough  
Executive Director  
Delegate of the Auditor-General

Canberra  
26 September 2013

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**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS**  
**STATEMENT BY THE CHIEF EXECUTIVE AND CHIEF FINANCIAL OFFICER**  
*For the period ended 30 June 2013*

---

In our opinion, the attached financial statements for the year ended 30 June 2013 are based on properly maintained financial records and give a true and fair view of the matters required by the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, as amended.

Signed 

Robert Bromwich  
Director  
(Chief Executive)

26 September 2013

Signed 

Karel Havlat  
Assistant Deputy Director Corporate Management  
(Chief Financial Officer)

26 September 2013

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

*For the period ended 30 June 2013*

	Notes	2013 \$'000	2012 \$'000
<b>EXPENSES</b>			
Employee benefits	3A	57,759	59,960
Supplier	3B	32,489	39,505
Depreciation and amortisation	3C	4,729	4,917
Finance costs	3D	111	117
Write-down and impairment of assets	3E	157	1
Losses from sale of assets	3F	-	42
Other	3G	1,988	492
<b>Total expenses</b>		<b>97,233</b>	<b>105,034</b>
<b>LESS:</b>			
<b>OWN-SOURCE INCOME</b>			
<b>Own-source revenue</b>			
Sale of goods and rendering of services	4A	3,409	3,030
Other	4B	215	215
<b>Total own-source revenue</b>		<b>3,624</b>	<b>3,245</b>
<b>Gains</b>			
Sale of assets	4C	2	7
Other	4D	306	248
<b>Total gains</b>		<b>308</b>	<b>255</b>
<b>Total own-source income</b>		<b>3,932</b>	<b>3,500</b>
<b>Net cost of (contribution by) services</b>		<b>93,301</b>	<b>101,534</b>
Revenue from Government	4E	90,704	86,224
<b>Surplus (Deficit) attributable to the Australian Government</b>		<b>(2,597)</b>	<b>(15,310)</b>
<b>OTHER COMPREHENSIVE INCOME</b>			
Changes in asset revaluation surplus		4,147	2,265
<b>Total comprehensive income (loss) attributable to the Australian Government</b>		<b>1,550</b>	<b>(13,045)</b>

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

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS****BALANCE SHEET***As at 30 June 2013*

	Notes	2013 \$'000	2012 \$'000
<b>ASSETS</b>			
<b>Financial Assets</b>			
Cash and cash equivalents	5A	216	218
Trade and other receivables	5B	68,609	68,981
<b>Total financial assets</b>		<b>68,825</b>	<b>69,199</b>
<b>Non-Financial Assets</b>			
Land and buildings	6A	8,423	6,272
Property, plant and equipment	6B, 6C	6,985	8,592
Intangibles	6D, 6E	979	1,251
Other	6F	197	970
<b>Total non-financial assets</b>		<b>16,584</b>	<b>17,085</b>
<b>Total Assets</b>		<b>85,409</b>	<b>86,284</b>
<b>LIABILITIES</b>			
<b>Payables</b>			
Suppliers	7A	4,749	7,242
Other	7B	1,653	1,531
<b>Total payables</b>		<b>6,402</b>	<b>8,773</b>
<b>Interest Bearing Liabilities</b>			
Other	8	777	1,038
<b>Total interest bearing liabilities</b>		<b>777</b>	<b>1,038</b>
<b>Provisions</b>			
Employee provisions	9A	17,645	19,304
Other	9B	4,273	2,793
<b>Total provisions</b>		<b>21,918</b>	<b>22,097</b>
<b>Total Liabilities</b>		<b>29,097</b>	<b>31,908</b>
<b>Net Assets</b>		<b>56,312</b>	<b>54,376</b>
<b>EQUITY</b>			
<b>Parent Entity Interest</b>			
Contributed equity		(2,643)	(3,026)
Reserves		18,479	14,332
Retained surplus		40,476	43,070
<b>Total parent entity interest</b>		<b>56,312</b>	<b>54,376</b>
<b>Total Equity</b>		<b>56,312</b>	<b>54,376</b>

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

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS**  
**STATEMENT OF CHANGES IN EQUITY**  
*For the period ended 30 June 2013*

	Retained earnings		Asset revaluation surplus		Contributed equity/capital		Total equity	
	2013	2012	2013	2012	2013	2012	2013	2012
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Opening balance</b>								
Balance carried forward from previous period	43,070	58,380	14,332	12,067	(3,026)	(6,001)	54,376	64,446
Adjustment for errors	3	-	-	-	-	-	3	-
<b>Adjusted opening balance</b>	<b>43,073</b>	<b>58,380</b>	<b>14,332</b>	<b>12,067</b>	<b>(3,026)</b>	<b>(6,001)</b>	<b>54,379</b>	<b>64,446</b>
<b>Comprehensive income</b>								
Other comprehensive income	-	-	4,147	2,265	-	-	4,147	2,265
Surplus (Deficit) for the period	(2,597)	(15,310)	-	-	-	-	(2,597)	(15,310)
<b>Total comprehensive income</b>	<b>(2,597)</b>	<b>(15,310)</b>	<b>4,147</b>	<b>2,265</b>	<b>-</b>	<b>-</b>	<b>1,550</b>	<b>(13,045)</b>
<b>Transactions with owners</b>								
Contributions by owners	-	-	-	-	383	2,975	383	2,975
Departmental capital budget	-	-	-	-	383	2,975	383	2,975
<b>Sub-total transactions with owners</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>383</b>	<b>2,975</b>	<b>383</b>	<b>2,975</b>
Transfers between equity components	-	-	-	-	-	-	-	-
<b>Closing balance as at 30 June</b>	<b>40,476</b>	<b>43,070</b>	<b>18,479</b>	<b>14,332</b>	<b>(2,643)</b>	<b>(3,026)</b>	<b>56,312</b>	<b>54,376</b>

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

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS**  
**CASH FLOW STATEMENT**

*For the period ended 30 June 2013*

	Notes	2013 \$'000	2012 \$'000
<b>OPERATING ACTIVITIES</b>			
<b>Cash received</b>			
Appropriations		90,412	92,234
Sales of goods and rendering of services		3,596	2,815
Net GST received		2,973	3,634
Other		249	33
<b>Total cash received</b>		<u>97,230</u>	<u>98,716</u>
<b>Cash used</b>			
Employees		59,202	55,748
Suppliers		31,468	37,947
Other		1,988	492
Appropriation cash returned to the OPA		4,312	3,846
<b>Total cash used</b>		<u>96,970</u>	<u>98,033</u>
<b>Net cash from (used by) operating activities</b>	10	<u>260</u>	<u>683</u>
<b>INVESTING ACTIVITIES</b>			
<b>Cash received</b>			
Proceeds from sales of property, plant and equipment		2	13
<b>Total cash received</b>		<u>2</u>	<u>13</u>
<b>Cash used</b>			
Purchase of property, plant and equipment		647	3,400
Other		-	294
<b>Total cash used</b>		<u>647</u>	<u>3,694</u>
<b>Net cash from (used by) investing activities</b>		<u>(645)</u>	<u>(3,681)</u>
<b>FINANCING ACTIVITIES</b>			
<b>Cash received</b>			
Contributed equity		383	2,975
<b>Total cash received</b>		<u>383</u>	<u>2,975</u>
<b>Cash used</b>			
<b>Total cash used</b>		<u>-</u>	<u>-</u>
<b>Net cash from (used by) financing activities</b>		<u>383</u>	<u>2,975</u>
<b>Net increase (decrease) in cash held</b>		<u>(2)</u>	<u>(23)</u>
Cash and cash equivalents at the beginning of the reporting period		218	241
<b>Cash and cash equivalents at the end of the reporting period</b>	5A	<u>216</u>	<u>218</u>

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

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS  
SCHEDULE OF COMMITMENTS**

*As at 30 June 2013*

	Notes	2013 \$'000	2012 \$'000
<b>BY TYPE</b>			
<b>Commitments receivable</b>			
Net GST recoverable on commitments		(2,450)	(2,247)
<b>Total commitments receivable</b>		<u>(2,450)</u>	<u>(2,247)</u>
<b>Commitments payable</b>			
Operating leases	A	22,762	23,517
Goods and services		4,185	1,193
<b>Total commitments payable</b>		<u>26,947</u>	<u>24,710</u>
<b>Net commitments by type</b>		<u>24,497</u>	<u>22,463</u>
<b>BY MATURITY</b>			
<b>Commitments receivable</b>			
<b>Other commitments receivable</b>			
One year or less		(1,058)	(932)
From one to five years		(1,201)	(1,048)
Over five years		(191)	(267)
<b>Total other commitments income</b>		<u>(2,450)</u>	<u>(2,247)</u>
<b>Commitments payable</b>			
<b>Operating lease commitments</b>			
One year or less		9,821	9,533
From one to five years		10,840	11,051
Over five years		2,101	2,933
<b>Total operating lease commitments</b>		<u>22,762</u>	<u>23,517</u>
<b>Other commitments</b>			
One year or less		1,814	714
From one to five years		2,371	479
<b>Total other commitments</b>		<u>4,185</u>	<u>1,193</u>
<b>Net commitments by maturity</b>		<u>24,497</u>	<u>22,463</u>

**Note:** Commitments are GST inclusive where relevant.

**A** Operating leases to which the CDPP is a lessee were effectively non-cancellable and comprise:

***Leases for office accommodation***

Lease payments are subject to annual increases in accordance with terms and conditions of each lease. The initial term of the leases vary, as do the options to renew. Some leases contain options to extend, and no purchase options are available to the CDPP.

***Leases for motor vehicles (for general office use)***

No contingent rentals exist. There are no renewal or purchase options available to the CDPP.

This schedule should be read in conjunction with the accompanying notes.



**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS  
SCHEDULE OF CONTINGENCIES***As at 30 June 2013*

	2013 \$'000	2012 \$'000
<b>Contingent assets</b>		
Claims for damages or costs	-	-
<b>Total contingent assets</b>	-	-
<b>Contingent liabilities</b>		
Claims for damages or costs	-	102
<b>Total contingent liabilities</b>	-	102

Details of each class of contingent liabilities and contingent assets listed above are disclosed in Note 11: Contingent Assets and Liabilities, along with information on significant remote contingencies and contingencies that cannot be quantified.

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

<b>OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS</b>			
<b>ADMINISTERED SCHEDULE OF COMPREHENSIVE INCOME</b>			
<i>For the period ended 30 June 2013</i>			
	<b>Note</b>	<b>2013</b>	<b>2012</b>
		<b>\$</b>	<b>\$</b>
<b>EXPENSES</b>			
Write-down and impairment of administered assets		-	1,023,597
<b>Total expenses administered on behalf of Government</b>		-	1,023,597
<b>LESS:</b>			
<b>OWN-SOURCE INCOME</b>			
<b>Own-source revenue</b>			
<b>Non-taxation revenue</b>			
Fines and costs		-	413,882
Other		-	-
<b>Total non-taxation revenue</b>		-	413,882
<b>Total own-source revenue administered on behalf of Government</b>		-	413,882
<b>Gains</b>			
Reversal of previous administered asset write-downs		-	171,340
<b>Total gains administered on behalf of Government</b>		-	171,340
<b>Total own-source income administered on behalf of Government</b>		-	585,222
<b>Net cost of (contribution by) services</b>		-	(438,375)
<b>Surplus (Deficit) on continuing operations</b>		-	(438,375)

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

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS  
ADMINISTERED SCHEDULE OF ASSETS AND LIABILITIES**

*As at 30 June 2013*

2013	2012
\$	\$

The CDPP ceased its role in reporting Administered fines and costs effective 1 October 2011. All Assets and Liabilities were transferred to the referring Agencies at that date.

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

<b>OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS ADMINISTERED RECONCILIATION SCHEDULE</b>		
	2013	2012
	\$	\$
<b>Opening administered assets less administered liabilities as at 1 July</b>	-	836,681
Plus: Administered income	-	585,222
Less: Administered expenses (non CAC)	-	(1,023,597)
Administered transfers to/from Australian Government:		
Appropriation transfers from OPA:		
Special appropriations (unlimited)	-	60,145
Transfers to OPA	-	(458,451)
Restructuring		
Transfers to other Agencies		
Equity adjustment		
<b>Closing administered assets less administered liabilities as at 30 June</b>	<u>-</u>	<u>-</u>

As part of the 2011-2012 Federal Budget, the Government announced that the CDPP will cease its role in reporting fines and costs that relate to Commonwealth offences, and that this role was to be transferred to the relevant Commonwealth Agency. The receivables in relation to the fines and costs were transferred from CDPP to 25 Commonwealth Agencies effective 1 October 2011.

The net assets relinquished to all entities were \$6,158,604.  
The value of liabilities were transferred to the entities for no consideration.

<b>OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS</b>			
<b>ADMINISTERED CASH FLOW STATEMENT</b>			
<i>For the period ended 30 June 2013</i>			
	<b>Notes</b>	<b>2013</b>	<b>2012</b>
		<b>\$</b>	<b>\$</b>
<b>OPERATING ACTIVITIES</b>			
<b>Cash received</b>			
Fines and costs		-	458,451
<b>Total cash received</b>		-	458,451
<b>Cash used</b>			
Refund of fines and costs		-	(60,145)
<b>Total cash used</b>		-	(60,145)
<b>Net cash from (used by) operating activities</b>		-	398,306
<b>Net Increase (Decrease) in Cash Held</b>		-	398,306
Cash and cash equivalents at the beginning of the reporting period		-	-
Cash from Official Public Account for:			
- Appropriations		-	60,145
		-	60,145
Cash to Official Public Account for:			
- Refund of Receipts		-	(458,451)
		-	(458,451)
<b>Cash and cash equivalents at the end of the reporting period</b>		-	-
The above statement should be read in conjunction with the accompanying notes.			

<b>OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS</b>			
<b>SCHEDULE OF ADMINISTERED COMMITMENTS</b>			
<i>As at 30 June 2013</i>			
	<b>Notes</b>	<b>2013</b>	<b>2012</b>
		<b>\$</b>	<b>\$</b>
<b>Administered Commitments</b>			
<i>As at 30 June 2013</i>		-	-
<b>SCHEDULE OF ADMINISTERED CONTINGENCIES</b>			
<b>Administered Contingencies</b>			
<i>As at 30 June 2013</i>		-	-
This schedule should be read in conjunction with the accompanying notes.			

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS***For the period ended 30 June 2013*

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<b>Note</b>	<b>Description</b>
1	Summary of Significant Accounting Policies
2	Events After the Reporting Period
3	Expenses
4	Income
5	Financial Assets
6	Non-Financial Assets
7	Payables
8	Interest Bearing Liabilities
9	Provisions
10	Cash Flow Reconciliation
11	Contingent Liabilities and Assets
12	Senior Executive Remuneration
13	Remuneration of Auditors
14	Financial Instruments
15	Financial Assets Reconciliation
16	Write-down and Impairment of Administered Assets
17	Administered Fines and Costs Revenue
18	Administered Other Revenue
19	Administered Financial Assets
20	Administered Cash Flow Reconciliation
21	Administered Contingent Assets and Liabilities
22	Administered Financial Instruments
23	Appropriations
24	Special Accounts
25	Compliance with Statutory Conditions for Payments from the Consolidated Revenue Fund
26	Compensation and Debt Relief
27	Reporting of Outcomes
28	Net Cash Appropriation Arrangements

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

*For the period ended 30 June 2013*

**Note 1: Summary of Significant Accounting Policies****1.1 Objectives of the Office of the Director of Public Prosecutions**

The Office of the Commonwealth Director of Public Prosecutions (CDPP) is an Australian Government controlled entity. It is a not-for-profit entity. The objective of the CDPP is to provide a prosecution service to the Commonwealth and to the people of Australia which is fair, independent, accountable, effective and efficient in order to advance social justice by deterring and discouraging breaches of Commonwealth law and ensuring that serious offenders are brought to justice.

The CDPP is structured to meet one outcome:

Maintenance of law and order for the Australian community through an independent and ethical prosecution service in accordance with the Prosecution Policy of the Commonwealth.

Agency activities contributing toward the outcome are classified as either departmental or administered. Departmental activities involve the use of assets, liabilities, income and expenses controlled or incurred by the Agency in its own right. Administered activities involve the management or oversight by the Agency, on behalf of the Government, of items controlled or incurred by the Government.

The CDPP ceased its role in reporting Administered fines and costs on 30 September 2011.

The continued existence of the CDPP in its present form and with its present programs is dependent on Government policy and on continuing appropriations by Parliament for the CDPP's administration and programs.

The Australian Government continues to have regard to developments in case law, including the High Court's most recent decision on Commonwealth expenditure in *Williams v Commonwealth* (2012) 288 ALR 410, as they contribute to the larger body of law relevant to the development of Commonwealth programs. In accordance with its general practice, the Government will continue to monitor and assess risk and decide on any appropriate actions to respond to risks of expenditure not being consistent with constitutional or other legal requirements.

**1.2 Basis of Preparation of the Financial Statements**

The financial statements are general purpose financial statements and are required by section 49 of the *Financial Management and Accountability Act 1997*.

The Financial Statements have been prepared in accordance with:

- Finance Minister's Orders (or FMO) for reporting periods ending on or after 1 July 2011; and
- Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.



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

*For the period ended 30 June 2013*

The financial statements have been prepared on an accrual basis and in accordance with the historical cost convention, except for certain assets and liabilities at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

The financial statements are presented in Australian dollars and values are rounded to the nearest thousand dollars unless otherwise specified.

Unless an alternative treatment is specifically required by an accounting standard or the FMOs, assets and liabilities are recognised in the Balance Sheet when and only when it is probable that future economic benefits will flow to the entity or a future sacrifice of economic benefits will be required and the amounts of the assets or liabilities can be reliably measured. However, assets and liabilities arising under executor contracts are not recognised unless required by an accounting standard. Liabilities and assets that are unrecognised are reported in the Schedule of Commitments or the Schedule of Contingencies.

Unless alternative treatment is specifically required by an accounting standard, income and expenses are recognised in the Statement of Comprehensive Income when and only when the flow, consumption or loss of economic benefits has occurred and can be reliably measured.

Administered revenues, expenses, assets and liabilities and cash flows are reported on the same basis and using the same policies as for departmental items.

**1.3 Significant Accounting Judgements and Estimates**

In the process of applying the accounting policies listed in this note, the CDPP has made the following judgements that have the most significant impact on the amounts recorded in the financial statements:

- The fair value of property, plant and equipment and the related makegood has been taken to be the market value of similar items as determined by an independent valuer; and
- Employee provisions have been calculated based on the CDPP's specific probability factors as determined by the Australian Government Actuary and have been discounted using the 10 year government bond rate as at 30 June 2013.

No accounting assumptions and estimates have been identified that have a significant risk of causing a material adjustment to carrying amounts of assets and liabilities within the next reporting period.

**1.4 New Australian Accounting Standards**

*Adoption of New Australian Accounting Standard Requirements*

No accounting standard has been adopted earlier than the application date as stated in the standard.

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Future Australian Accounting Standard Requirements

The following new, revised or amending standards were issued by the Australian Accounting Standards Board prior to the sign-off date, and are expected to have a financial impact on the CDPF for future reporting periods:

AASB 1055	Budgetary Reporting
AASB 119	Employee Benefits
AASB 13	Fair Value Measurement
AASB 9	Financial Instruments
AASB 2010-7	Amendments to Australian Accounting Standards arising from AASB 9
AASB 2011-8	Amendments to Australian Accounting Standards arising from AASB 13
AASB 2011-10	Amendments to Australian Accounting Standards arising from AASB 119

**1.5 Revenue**

Revenue from the sale of goods is recognised when:

- the risks and rewards of ownership have been transferred to the buyer;
- the seller retains no managerial involvement nor effective control over the goods;
- the revenue and transaction costs incurred can be reliably measured; and
- it is probable that the economic benefits associated with the transaction will flow to the entity.

Revenue from rendering of services is recognised by reference to the stage of completion of contracts at the reporting date. The revenue is recognised when:

- the amount of revenue, stage of completion and transaction costs incurred can be reliably measured; and
- the probable economic benefits associated with the transaction will flow to the entity.

The stage of completion of contracts at the reporting date is determined by reference to services performed to date as a percentage of total services to be performed.

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

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.

Contributions of assets at no cost of acquisition or for nominal consideration are recognised as gains at their fair value when the asset qualifies for recognition, unless received from another Government agency or authority as a consequence of a restructuring of administrative arrangements (Refer to Note 1.7).

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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, except for certain amounts that relate to activities that are reciprocal in nature, in which case revenue is recognised only when it has been earned. Appropriations receivable are recognised at their nominal amounts.

Parental Leave Payments Scheme

The CDPP will offset amounts received under Parental Leave Payments Scheme (for payment to employees) by amounts paid to employees under that scheme, because these transactions are only incidental to the main revenue-generating activities of the CDPP. Amounts received by the CDPP not yet paid to employees are presented gross as cash and a liability (payable). The CDPP received \$191,769 (2012: \$199,412) under this scheme, and this is disclosed as a footnote to Note 4E: Revenue from Government.

**1.6 Gains**

Resources Received Free of Charge

Resources received free of charge are recognised as gains 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.

Contributions of assets at no cost of acquisition or for nominal consideration are recognised as gains at their fair value when the asset qualifies for recognition, unless received from another Government agency or authority as a consequence of a restructuring of administrative arrangements (Refer to Note 1.7).

Sale of Assets

Gains from disposal of assets is recognised when control of the asset has passed to the buyer.

**1.7 Transactions with the Government as Owner**

Equity Injections

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

Restructuring of Administrative Arrangements

Net assets received from or relinquished to another Australian Government agency or authority under a restructuring of administrative arrangements are adjusted at their book value directly against contributed equity.

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**Other Distributions to Owners**

The FMO's require that distributions to owners be debited to contributed equity unless in the nature of a dividend. No distributions to owners occurred in 2012-2013 (2011-2012: \$Nil).

**1.8 Employee Benefits**

Liabilities for 'short-term employee benefits' (as defined in AASB 119 *Employee Benefits*) and termination benefits due within twelve months of balance date are measured at their nominal amounts.

The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability.

Other long-term employee benefits are measured as net total of the present value of the defined benefit obligation at the end of the reporting period minus the fair value at the end of the reporting period of plan assets (if any) out of which the obligations are to be settled directly.

**Leave**

The liability for employee benefits includes provision for annual leave and long service leave. No provision has been made for sick leave as all sick leave is non-vesting and the average sick leave taken in future years by employees of the CDPP is estimated to be less than the annual entitlement for sick leave.

The leave liabilities are calculated on the basis of employees' remuneration at the estimated salary rates that 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 by reference to the work of an actuary as at 30 June 2013. 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. The CDPP recognises a provision for termination when it has developed a detailed formal plan for the terminations and has informed those employees affected that it will carry out the terminations.

**Superannuation**

Staff of the CDPP are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS), the PSS accumulation plan (PSSap) or employee nominated superannuation funds.

The CSS and PSS are defined benefit schemes for the Australian Government. The PSSap is a defined contribution scheme.

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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 by the Department of Finance and Deregulation's *Administered schedules and notes*.

The CDPP makes employer contributions to the employee superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government of the superannuation entitlements of the CDPP's employees. 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 for the final fortnight of the year.

**1.9 Leases**

A distinction is made between finance leases and operating leases. Finance leases effectively transfer from the lessor to the lessee substantially all the risks and rewards incidental to ownership of leased non-current assets. An operating lease is a lease that is not a finance lease. In operating leases, the lessor effectively retains substantially all such risks and benefits.

Where an asset is acquired by means of a finance lease, the asset is capitalised at either the fair value of the lease property or, if lower, the present value of minimum lease payments at the inception of the contract and a liability is recognised at the same time and for the same amount.

The discount rate used is the interest rate implicit in the lease. Leased assets are amortised over the period of the lease. Lease payments are allocated between the principal component and the interest expense.

Operating lease payments are expensed on a straight-line basis which is representative of the pattern of benefits derived from the leased assets.

The CDPP has no finance leases.

**1.10 Borrowing Costs**

All borrowing costs are expensed as incurred.

**1.11 Cash**

Cash is recognised at its nominal amount. Cash and cash equivalents includes:

- cash on hand;
- demand deposits in bank accounts with an original maturity of 3 months or less that are readily convertible to known amount of cash and subject to insignificant risk of changes in value;
- cash held by outsiders; and
- cash in special accounts.



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**1.12 Financial Assets**

The CDPP classifies its financial assets in the following categories:

- loans and receivables.

The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition.

Financial assets are recognised and derecognised upon trade date.

**Effective Interest Method**

The effective interest method is a method of calculating the amortised cost of a financial asset and of allocating interest income over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash receipts through the expected life of the financial asset, or, where appropriate, a shorter period.

Income is recognised on an effective interest rate basis.

**Loans and Receivables**

Trade receivables, loans and other receivables that have fixed or determinable payments that are not quoted in an active market are classified as 'loans and receivables'. Loans and receivables are measured at amortised cost using the effective interest method less impairment. Interest is recognised by applying the effective interest rate.

**Impairment of Financial Assets**

Financial assets are assessed for impairment at the end of each reporting period.

- Financial assets held at amortised cost - if there is objective evidence that an impairment loss has been incurred for loans and receivables or held to maturity investments held at amortised cost, the amount of the loss is measured as the difference between the asset's carrying amount and the present value of estimated future cash flows discounted at the asset's original effective interest rate. The carrying amount is reduced by way of an allowance account. The loss is recognised in the Statement of Comprehensive Income.
- Financial assets held at cost - If there is objective evidence that an impairment loss has been incurred the amount of the impairment loss is the difference between the carrying amount of the asset and the present value of the estimated future cash flows discounted at the current market rate for similar assets.

**1.13 Financial Liabilities**

Financial liabilities are classified as 'other financial liabilities'. Financial liabilities are recognised and derecognised upon 'trade date'.

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Other Financial Liabilities

Other financial liabilities, including borrowings, are initially measured at fair value, net of transaction costs.

Other financial liabilities are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective yield basis.

The effective interest method is a method of calculating the amortised cost of a financial liability and of allocating interest expense over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash payments through the expected life of the financial liability, or, where appropriate, a shorter period.

Supplier and other payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (irrespective of having been invoiced).

**1.14 Contingent Liabilities and Contingent Assets**

Contingent Liabilities and Contingent Assets are not recognised in the Balance Sheet but are reported in the relevant schedules and 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.

**1.15 Acquisition of Assets**

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Financial assets are initially measured at their fair value plus transaction costs where appropriate.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and income at their fair value at the date of acquisition, unless acquired as a consequence of restructuring of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor agency's accounts immediately prior to the restructuring.

**1.16 Property, Plant and Equipment**

Asset Recognition Threshold

Purchases of property, plant and equipment are recognised initially at cost in the Balance Sheet, except for purchases costing less than \$2,000, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total). The \$2,000 threshold is not applied to fitout, which has a threshold of \$20,000 or 5% of fitout value.

The initial cost of an asset includes an estimate of the cost of dismantling and removing the item and restoring the site on which it is located. This is particularly relevant to 'makegood'

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provisions in property leases taken up by the CDPP where there exists an obligation to restore the property to its original condition. These costs are included in the value of the CDPP's leasehold improvements with a corresponding provision for the 'makegood' recognised.

Revaluations

Fair values for each class of asset are determined as shown below:

<b>Asset class</b>	<b>Fair value measured at</b>
Leasehold improvements	Depreciated replacement cost
Infrastructure, plant and equipment	Market selling price

Following initial recognition at cost, property plant and equipment 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.

Formal revaluations are carried out at least every three years.

During 2012-2013 an independent valuation of all assets except library and software holdings was carried out by Australian Valuation Office (AVO).

Revaluation adjustments are made on a class basis. Any revaluation increment was credited to equity under the heading of asset revaluation reserve except to the extent that it reverses a previous revaluation decrement of the same asset class that was previously recognised in the surplus/deficit. Revaluation decrements for a class of assets were recognised directly in the surplus/deficit except to the extent that they reverse a previous revaluation increment for that class.

Any accumulated depreciation as at the revaluation date was eliminated against the gross carrying amount of the asset and the asset was restated to the revalued amount.

Depreciation

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.

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:

	<b>2013</b>	<b>2012</b>
Leasehold improvements	Lease term	Lease term
Plant and equipment	2 to 30 years	2 to 30 years



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Impairment

All assets are assessed for impairment at 30 June 2012. 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.

The recoverable amount of an asset is the higher of its fair value less costs to sell and its value in use. Value in use is the present value of the future cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependent on the asset's ability to generate future cash flows, and the asset would be replaced if the CDPP were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

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.

**1.17 Intangibles**

The CDPP's intangibles comprise software licenses and configuration costs of purchased software. These assets are carried at cost less accumulated amortisation and accumulated impairment losses. Purchases of intangibles are recognised initially at cost in the Balance Sheet, except for purchases costing less than \$5,000, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total).

Software is amortised on a straight-line basis over its anticipated useful life. The useful lives of the CDPP's software are 3 to 20 years (2011-2012: 3 to 20 years).

All software assets are assessed for indications of impairment as at 30 June 2013.

**1.18 Taxation / Competitive Neutrality**

Taxation

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

Revenues, expenses and assets are recognised net of GST:

- except where the amount of GST incurred is not recoverable from the Australian Taxation Office; and
- except for receivables and payables.

Competitive Neutrality

No part of the CDPP operations is subject to competitive neutrality arrangements.

**1.19 Reporting of Administered Activities**

The CDPP ceased its role reporting Administered fines and costs on 30 September 2011.

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

The *Statute Stocktake (Appropriations) Bill 2013* was passed in the Senate on 20 June 2013 and is expected to commence as an Act in 2013-2014. This Bill seeks to repeal all old annual Appropriation Acts from 1 July 1999 to 30 June 2010. The impact of this Act on the CDPP will be a reduction in unspent appropriations of \$55.35m.

There were no other subsequent events that had the potential to significantly affect the ongoing structure and financial activities of the CDPP.

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**Note 3: Expenses**

	2013	2012
	\$'000	\$'000
<b>Note 3A: Employee Benefits</b>		
Wages and salaries	43,910	42,416
Superannuation:		
Defined contribution plans	3,039	3,613
Defined benefit plans	4,467	4,553
Leave and other entitlements	4,181	8,344
Separation and redundancies	1,686	95
Other employee benefits	476	939
<b>Total employee benefits</b>	<b>57,759</b>	<b>59,960</b>
<b>Note 3B: Suppliers</b>		
<b>Goods and services</b>		
Prosecution legal costs	15,155	19,810
ICT	1,904	2,837
Property	1,559	1,449
Library	1,421	1,555
Other	3,042	3,712
<b>Total goods and services</b>	<b>23,081</b>	<b>29,363</b>
<b>Goods and services are made up of:</b>		
Provision of goods – related entities	3	20
Provision of goods – external parties	2,080	3,056
Rendering of services – related entities	1,065	1,377
Rendering of services – external parties	19,933	24,910
<b>Total goods and services</b>	<b>23,081</b>	<b>29,363</b>
<b>Other supplier expenses</b>		
Operating lease rentals - external entities:		
Minimum lease payments	8,638	9,376
Rental expense for sub-leases	64	91
Workers compensation expenses	706	675
<b>Total other supplier expenses</b>	<b>9,408</b>	<b>10,142</b>
<b>Total supplier expenses</b>	<b>32,489</b>	<b>39,505</b>

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	2013	2012
	\$'000	\$'000
<b>Note 3C: Depreciation and Amortisation</b>		
<b>Depreciation:</b>		
Leasehold improvements	2,721	3,090
Property, plant and equipment	1,590	1,386
<b>Total depreciation</b>	<b>4,311</b>	<b>4,476</b>
<b>Amortisation:</b>		
Intangibles	418	441
<b>Total amortisation</b>	<b>418</b>	<b>441</b>
<b>Total depreciation and amortisation</b>	<b>4,729</b>	<b>4,917</b>
<b>Note 3D: Finance Costs</b>		
Unwinding of discount	111	117
<b>Total finance costs</b>	<b>111</b>	<b>117</b>
<b>Note 3E: Write-down and Impairment of Assets</b>		
<b>Asset write-downs and impairments from:</b>		
Impairment of property, plant and equipment	19	-
Revaluation decrement - property, plant and equipment	129	-
Other	9	1
<b>Total write-down and impairment of assets</b>	<b>157</b>	<b>1</b>
<b>Note 3F: Losses from Asset Sales</b>		
<b>Infrastructure, plant and equipment:</b>		
Proceeds from disposal	-	(6)
Carrying value of assets sold	-	48
<b>Total losses from asset sales</b>	<b>-</b>	<b>42</b>
<b>Note 3G: Other Expenses</b>		
Costs awarded against the Commonwealth	1,988	492
<b>Total other expenses</b>	<b>1,988</b>	<b>492</b>

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**Note 4: Income**

	2013	2012
	\$'000	\$'000

**OWN-SOURCE REVENUE**

**Note 4A: Sale of Goods and Rendering of Services**

Rendering of services - related entities	3,379	3,001
Rendering of services - external entities	30	29
<b>Total sale of goods and rendering of services</b>	<b>3,409</b>	<b>3,030</b>

**Note 4B: Other Revenue**

Resources received free of charge-services from external entities	215	214
Subsidies received	-	1
<b>Total other revenue</b>	<b>215</b>	<b>215</b>

**GAINS**

**Note 4C: Sale of Assets**

**Property, plant and equipment:**

Proceeds from sale	2	7
Carrying value of assets sold	-	-
Selling expense	-	-
<b>Net gain from sale of assets</b>	<b>2</b>	<b>7</b>

**Note 4D: Other Gains**

Resources received free of charge-services from related entities	57	54
Other	249	194
<b>Total other gains</b>	<b>306</b>	<b>248</b>

**REVENUE FROM GOVERNMENT**

**Note 4E: Revenue from Government \***

**Appropriations:**

Departmental appropriations	90,704	86,224
<b>Total revenue from Government</b>	<b>90,704</b>	<b>86,224</b>

\* CDPP received \$191,769 (2012: \$199,412) under the Paid Parental Leave Scheme; these amounts were offset against the amounts paid to employees in the Statement of Comprehensive Income.

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**Note 5: Financial Assets**

	2013 \$'000	2012 \$'000
<b>Note 5A: Cash and Cash Equivalents</b>		
Cash on hand or on deposit	216	218
<b>Total cash and cash equivalents</b>	<u>216</u>	<u>218</u>
<b>Note 5B: Trade and Other Receivables</b>		
<b>Good and Services:</b>		
Goods and services - related entities	287	475
Goods and services - external parties	1	-
<b>Total receivables for goods and services</b>	<u>288</u>	<u>475</u>
<b>Appropriations receivable:</b>		
For existing programs	67,838	67,929
<b>Total appropriations receivable</b>	<u>67,838</u>	<u>67,929</u>
<b>Other receivables:</b>		
GST receivable from the Australian Taxation Office	371	518
Other	112	60
<b>Total other receivables</b>	<u>483</u>	<u>578</u>
<b>Total trade and other receivables (gross)</b>	<u>68,609</u>	<u>68,982</u>
<b>Less impairment allowance account</b>		
Goods and services	-	(1)
<b>Total impairment allowance account</b>	<u>-</u>	<u>(1)</u>
<b>Total trade and other receivables (net)</b>	<u>68,609</u>	<u>68,981</u>
<b>Receivables are expected to be recovered in:</b>		
No more than 12 months	68,609	68,976
More than 12 months	-	5
<b>Total trade and other receivables (net)</b>	<u>68,609</u>	<u>68,981</u>
<b>Receivables are aged as follows:</b>		
Not overdue	68,609	68,805
Overdue by:		
0 to 30 days	-	170
31 to 60 days	-	-
61 to 90 days	-	6
More than 90 days	-	1
<b>Total receivables (gross)</b>	<u>68,609</u>	<u>68,982</u>

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**Note 5: Financial Assets**

	2013	2012
	\$'000	\$'000

**Note 5B (Con't): Trade and Other Receivables**

The impairment allowance account is aged as follows:

Overdue by:		
0 to 30 days	-	-
31 to 60 days	-	-
61 to 90 days	-	-
More than 90 days	-	(1)
<b>Total impairment allowance account</b>	<u>-</u>	<u>(1)</u>

**Reconciliation of the Impairment Allowance Account:**

**Movements in relation to 2013**

	Goods and services \$	Other receivables \$
<b>Opening balance</b>	(1)	-
Amounts written off	1	-
Amounts recovered and reversed	-	-
Increase/decrease recognised in net surplus	-	-
<b>Closing balance</b>	<u>-</u>	<u>-</u>

**Movements in relation to 2012**

	Goods and services \$	Other receivables \$
<b>Opening balance</b>	-	-
Amounts written off	-	-
Amounts recovered and reversed	-	-
Increase/decrease recognised in net surplus	(1)	-
<b>Closing balance</b>	<u>(1)</u>	<u>-</u>

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**Note 6: Non-Financial Assets**

	2013	2012
	\$'000	\$'000
<b>Note 6A: Land and Buildings</b>		
<b>Leasehold improvements:</b>		
Work in progress	-	90
Fair value	8,423	38,568
Accumulated depreciation	-	(32,386)
<b>Total leasehold improvements</b>	<u>8,423</u>	<u>6,272</u>
<b>Total land and buildings</b>	<u>8,423</u>	<u>6,272</u>

No indicators of impairment were found for land and buildings.

As the negotiation of alternative accommodation arrangements were still underway as at 30 June 2013, there is uncertainty on whether leased premises at Sydney, Melbourne and Brisbane are expected to be sold or disposed of within the next 12 months after the cessation of these leases.

**Note 6B: Property, Plant and Equipment**

<b>Property, plant and equipment:</b>		
Work in progress	-	33
Fair value	7,216	16,195
Accumulated depreciation	(231)	(7,636)
<b>Total property, plant and equipment</b>	<u>6,985</u>	<u>8,592</u>

A revaluation increment of \$4,782,000 for Leasehold Improvements and \$250,000 for Property, Plant and Equipment (excluding ICT Equipment) were credited to the asset revaluation surplus by asset class and included in the equity section of the balance sheet.

A revaluation decrement of \$388,000 for Property, Plant and Equipment (ICT Equipment) was debited to asset revaluation surplus under the equity section of the balance sheet to offset the credit balance of \$259,000 in respect of ICT Equipment. The remaining revaluation decrement of \$129,000 was expensed.

As at 30 June 2013, no indicators of impairment were found for property, plant and equipment.

A small number of property, plant and equipment were expected to be disposed within the next 12 months as part of normal business operations.



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**Note 6C: Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment (2012-13)**

	Buildings \$'000	Other property, plant & equipment \$'000	Total \$'000
<b>As at 1 July 2012</b>			
Gross book value	38,658	16,228	54,886
Accumulated depreciation and impairment	(32,386)	(7,636)	(40,022)
<b>Net book value 1 July 2012</b>	<b>6,272</b>	<b>8,592</b>	<b>14,864</b>
Additions:			
By purchase	90	157	247
Revaluations and impairments recognised in other comprehensive income	4,782	(9)	4,773
Revaluations recognised in the operating result	-	(129)	(129)
Depreciation expense	(2,721)	(1,590)	(4,311)
Other movements:			
By reclassification	-	(17)	(17)
Disposals	-	(19)	(19)
<b>Net book value 30 June 2013</b>	<b>8,423</b>	<b>6,985</b>	<b>15,408</b>
<b>Net book value as of 30 June 2013 represented by:</b>			
Gross book value	8,423	7,216	15,639
Accumulated depreciation	-	(231)	(231)
<b>Net book value 30 June 2013</b>	<b>8,423</b>	<b>6,985</b>	<b>15,408</b>

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**Note 6C (Cont'd): Reconciliation of the Opening and Closing Balances of Property, Property, Plant and Equipment (2011-12)**

	Buildings plant & equipment \$'000	Other property, plant & equipment \$'000	Total \$'000
<b>As at 1 July 2011</b>			
Gross book value	37,764	14,632	52,416
Accumulated depreciation and impairment	(29,296)	(8,787)	(38,083)
<b>Net book value 1 July 2011</b>	<b>8,468</b>	<b>5,845</b>	<b>14,333</b>
Additions:			
By purchase	874	1,916	2,790
Revaluations and impairments recognised in other comprehensive income	-	2,265	2,265
Depreciation expense	(3,090)	(1,386)	(4,476)
Disposals	-	(48)	(48)
<b>Net book value 30 June 2012</b>	<b>6,272</b>	<b>8,592</b>	<b>14,864</b>
<b>Net book value as of 30 June 2012 represented by:</b>			
Gross book value	38,658	16,228	54,886
Accumulated depreciation	(32,386)	(7,636)	(40,022)
<b>Net book value 30 June 2012</b>	<b>6,272</b>	<b>8,592</b>	<b>14,864</b>

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	2013	2012
	\$'000	\$'000
<b>Note 6D: Intangibles</b>		
<b>Computer software:</b>		
Work in progress - purchased	46	-
Purchased	2,484	2,450
Accumulated amortisation	<u>(1,551)</u>	<u>(1,199)</u>
<b>Total intangibles</b>	<b><u>979</u></b>	<b><u>1,251</u></b>

No indicators of impairment were found for intangible assets.

No intangibles are expected to be sold or disposed of within the next 12 months.

**Note 6E: Reconciliation of the Opening and Closing Balances of Intangibles (2012-13)**

	Computer software purchased \$'000
<b>As at 1 July 2012</b>	
Gross book value	2,450
Accumulated amortisation and impairment	<u>(1,199)</u>
<b>Net book value 1 July 2012</b>	<b><u>1,251</u></b>
Additions:	
By purchase	129
Amortisation	(418)
Other movements:	
Reclassification	17
<b>Net book value 30 June 2013</b>	<b><u>979</u></b>
<b>Net book value as of 30 June 2013 represented by:</b>	
Gross book value	2,530
Accumulated amortisation and impairment	<u>(1,551)</u>
<b>Net book value 30 June 2013</b>	<b><u>979</u></b>

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**Note 6E (Cont'd): Reconciliation of the Opening and Closing Balances of Intangibles (2011-12)**

	Computer software purchased \$'000
<b>As at 1 July 2011</b>	
Gross book value	3,720
Accumulated amortisation and impairment	(2,545)
<b>Net book value 1 July 2011</b>	<b>1,175</b>
Additions:	
Internally developed	-
By purchase	517
Amortisation	(441)
<b>Net book value 30 June 2012</b>	<b>1,251</b>
<b>Net book value as of 30 June 2012 represented by:</b>	
Gross book value	2,450
Accumulated amortisation and impairment	(1,199)
<b>Net book value 30 June 2012</b>	<b>1,251</b>

	2013 \$'000	2012 \$'000
<b>Note 6F: Other Non-Financial Assets</b>		
Prepayments	197	970
<b>Total other non-financial assets</b>	<b>197</b>	<b>970</b>
<b>Total other non-financial assets - are expected to be recovered in:</b>		
No more than 12 months	197	967
More than 12 months	-	3
<b>Total other non-financial assets</b>	<b>197</b>	<b>970</b>

No indicators of impairment were found for other non-financial assets.

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**Note 7: Payables**

	2013	2012
	\$'000	\$'000
<b>Note 7A: Suppliers</b>		
Trade creditors and accruals	3,742	5,241
Operating lease rentals	1,007	2,001
<b>Total supplier payables</b>	<u>4,749</u>	<u>7,242</u>

**Supplier payables expected to be settled within 12 months:**

Related entities	635	307
External parties	4,043	4,934
<b>Total</b>	<u>4,678</u>	<u>5,241</u>

**Supplier payables expected to be settled in greater than 12 months:**

Related entities	-	467
External parties	71	1,534
<b>Total</b>	<u>71</u>	<u>2,001</u>
<b>Total supplier payables</b>	<u>4,749</u>	<u>7,242</u>

Settlement was usually made within 30 days.

**Note 7B: Other Payables**

Wages and salaries	1,145	1,133
Superannuation	199	200
Other	309	199
<b>Total other payables</b>	<u>1,653</u>	<u>1,531</u>

**Total other payables are expected to be settled in:**

No more than 12 months	1,653	1,455
More than 12 months	-	76
<b>Total other payables</b>	<u>1,653</u>	<u>1,531</u>

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**Note 8: Interest Bearing Liabilities**

	2013	2012
	\$'000	\$'000
<b>Note 8: Other Interest Bearing Liabilities</b>		
Other interest bearing liabilities <sup>1</sup>	<u>777</u>	<u>1,038</u>
<b>Total other interest bearing liabilities</b>	<u>777</u>	<u>1,038</u>

**Other interest bearing liabilities are expected to be settled:**

No more than 12 months	221	261
More than 12 months	<u>556</u>	<u>777</u>
	<u>777</u>	<u>1,038</u>

1. The CDPP received incentives in the form of rent free periods and reduced lease payments on entering property leases.

**Note 9: Provisions**

	2013	2012
	\$'000	\$'000
<b>Note 9A: Employee Provisions</b>		
Leave	<u>17,645</u>	<u>19,304</u>
<b>Total employee provisions</b>	<u>17,645</u>	<u>19,304</u>
<b>Employee provisions are expected to be settled in:</b>		
No more than 12 months	4,385	4,454
More than 12 months	<u>13,260</u>	<u>14,850</u>
<b>Total employee provisions</b>	<u>17,645</u>	<u>19,304</u>

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	2013	2012
	\$'000	\$'000
<b>Note 9B: Other Provisions</b>		
Provision for restoration obligations	3,480	2,793
Other	793	-
<b>Total other provisions</b>	<u>4,273</u>	<u>2,793</u>

**Other provisions are expected to be settled in:**

No more than 12 months	3,013	525
More than 12 months	1,260	2,268
<b>Total other provisions</b>	<u>4,273</u>	<u>2,793</u>

	Provision for restoration	Other provisions
	\$'000	\$'000
<b>Carrying amount 1 July 2012</b>	<u>2,793</u>	-
Additional provisions made	-	793
Revaluation	650	-
Amounts used	(74)	-
Amounts reversed	-	-
Unwinding of discount or change in discount rate	111	-
<b>Closing balance 2013</b>	<u>3,480</u>	<u>793</u>

CDPP currently has 11 agreements (2012: 12 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 entity has made a provision to reflect the present value of this obligation.

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS**  
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**Note 10: Cash Flow Reconciliation**

	2013	2012
	\$'000	\$'000
<b>Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement</b>		
<b>Cash and cash equivalents as per:</b>		
Cash flow statement	216	218
Balance sheet	216	218
<b>Difference</b>	<u>-</u>	<u>-</u>
<b>Reconciliation of net cost of services to net cash from operating activities:</b>		
Net cost of services	(93,301)	(101,534)
Add revenue from Government	90,704	86,224
<b>Adjustments for non-cash items</b>		
Depreciation / amortisation	4,729	4,917
Net write down of non-financial assets	28	1
(Gain)/loss on disposal of assets	(2)	35
Resources received free of charge - services	272	268
Restoration - recognition of new	-	117
<b>Changes in assets / liabilities</b>		
(Increase) / decrease in net receivables	371	5,829
(Increase) / decrease in prepayments	772	21
Increase / (decrease) in employee provisions	(1,647)	4,196
Increase / (decrease) in other provisions	977	92
Increase / (decrease) in supplier payables	(2,492)	470
Increase / (decrease) in other payables	110	(87)
Increase / (decrease) in lease incentives	(261)	134
<b>Net cash from (used by) operating activities</b>	<u>260</u>	<u>683</u>



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**Note 11: Contingent Assets and Liabilities**

	Claims for damages or costs	
	2013 \$'000	2012 \$'000
<b>Contingent assets</b>		
New contingent assets recognised	-	-
<b>Total contingent assets</b>	-	-
<b>Contingent liabilities</b>		
Balance from previous period	102	-
New	-	102
Liabilities recognised	(102)	-
<b>Total contingent liabilities</b>	-	102

**Quantifiable Contingencies**

The schedule of contingencies reports contingent liabilities in respect of claims for damages/costs of \$0 (2012: \$102,000). The amount represents an estimate of the CDPP's liability based on advice from the Courts.

**Unquantifiable Contingencies**

If a matter prosecuted by the CDPP is defended successfully, the court may order that the CDPP meet certain costs incurred by the defence.

The CDPP is aware of potential unquantifiable contingencies for a probable future obligation resultant from the decision handed down in *Director of Public Prosecutions (Cth) v Keating* [2013] HCA 20 by the High Court.

If a matter is being prosecuted by the CDPP and assets are frozen under the *Proceeds of Crime Act 1987* or the *Proceeds of Crime Act 2002*, the CDPP gives an undertaking against potential losses in respect of assets administered by the Commonwealth. If the related prosecution is unsuccessful, damages can be awarded against the CDPP. Costs and damages so awarded are met from the CDPP or client organisation's annual appropriations.

Although costs and damages have been awarded against the CDPP and will continue to be awarded from time to time, the CDPP is unable to declare an estimate of liabilities not recognised nor undertakings due to the uncertainty of the outcome of matters, but more particularly, due to the sensitivity of the information related to matters still before the courts. Therefore, it is not possible to estimate the amounts of any eventual payments that may be required in relation to these claims. These are not included in the Schedule of Contingencies.

**Significant Remote Contingencies**

The CDPP has a number of contracts with suppliers that include indemnities for any default by the CDPP or its agents. These are standard contract conditions and the CDPP is satisfied that there is no foreseeable risk of any of the indemnities being called upon.

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**Note 12: Senior Executive Remuneration**

**Note 12A: Senior Executive Remuneration Expenses for the Reporting Period**

	2013	2012
	\$	\$
<b>Short-term employee benefits:</b>		
Salary	7,205,169	7,728,095
Annual leave accrued	567,549	570,207
Bonuses	35,000	41,000
Other allowances	249,615	197,925
<b>Total short-term employee benefits</b>	<u>8,057,333</u>	<u>8,537,227</u>
<b>Post-employment benefits:</b>		
Superannuation	1,021,957	1,268,202
<b>Total post-employment benefits</b>	<u>1,021,957</u>	<u>1,268,202</u>
<b>Other long-term benefits:</b>		
Long service leave	181,664	991,195
<b>Total other long-term benefits</b>	<u>181,664</u>	<u>991,195</u>
<b>Termination benefits</b>	-	-
<b>Total employment benefits</b>	<u>9,260,954</u>	<u>10,796,624</u>

**Notes**

- Note 12A is prepared on an accrual basis.
- Note 12A excludes acting arrangements and part-year service's where total remuneration expensed for a senior executive was less than \$180,000.
- Prior year (2011-12) comparatives have been restated to reflect the change in the threshold as per the Finance Minister's Orders. In 2011-12 the threshold was \$150,000, while in 2012-13 the threshold has been increased to \$180,000.

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**Note 12: Senior Executive Remuneration**

Note 12B: Average Annual Reportable Remuneration Paid to Substantive Senior Executives During the Reporting Period

		2013					Total
		Substantive	Reportable	Contributed	Reportable	Bonus paid <sup>5</sup>	reportable
		senior	salary <sup>2</sup>	superannuation <sup>3</sup>	allowances <sup>4</sup>		remuneration
		executives	\$	\$	\$	\$	\$
Average annual reportable remuneration <sup>1</sup>	No.						
<b>Total remuneration (including part-time arrangements):</b>							
less than \$180,000	4		131,929	18,251	-	750	150,930
\$180,000 - \$209,999	2		177,312	24,760	-	1,000	203,072
\$210,000 - \$239,999	18		191,427	27,164	-	1,000	219,591
\$240,000 - \$269,999	7		222,653	31,397	-	857	254,907
\$270,000 - \$299,999	-		-	-	-	-	-
\$300,000 - \$329,999	1		282,593	32,382	-	1,000	315,975
\$330,000 - \$359,999	-		-	-	-	-	-
\$360,000 - \$389,999	-		-	-	-	-	-
\$390,000 - \$419,999	-		-	-	-	-	-
\$420,000 - \$449,999	-		-	-	-	-	-
\$450,000 - \$479,999	-		-	-	-	-	-
\$480,000 - \$509,999	-		-	-	-	-	-
<b>Total</b>	<b>32</b>						

**Notes**

1. This table reports substantive senior executives who received remuneration during the reporting period. Each row is an averaged figure based on headcount for individuals in the band.

2. 'Reportable salary' includes the following:

- a) gross payments (less any bonuses paid, which are separated out and disclosed in the 'bonus paid' column);
- b) reportable fringe benefits (at the net amount prior to 'grossing up' to account for tax benefits);
- c) exempt foreign employment income; and
- d) salary sacrificed benefits.

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3. The 'contributed superannuation' amount is the average cost to the entity for the provision of superannuation benefits to substantive senior executives in that reportable remuneration band during the reporting period.
4. 'Reportable allowances' are the average actual allowances paid as per the 'total allowances' line on individuals' payment summaries.
5. 'Bonus paid' represents average actual bonuses paid during the reporting period in that reportable remuneration band. The 'bonus paid' within a particular band may vary between financial years due to various factors such as individuals commencing with or leaving the entity during the financial year.

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**Note 12B: Substantive Senior Executives during the Reporting Period - con't**

		2012					
		Substantive senior executives	Reportable salary <sup>2</sup>	Contributed superannuation <sup>3</sup>	Reportable allowances <sup>4</sup>	Bonus paid <sup>5</sup>	Total reportable remuneration
Average annual reportable remuneration <sup>1</sup>	No.	\$	\$	\$	\$	\$	\$
Total remuneration (including part-time arrangements):							
less than \$180,000	7	106,061	16,530	-	-	714	123,305
\$180,000 - \$209,999	13	171,064	26,833	-	-	1,000	198,897
\$210,000 - \$239,999	5	193,441	33,065	-	-	1,000	227,506
\$240,000 - \$269,999	3	211,961	38,482	-	-	1,000	251,443
\$300,000 - \$329,999	1	281,111	47,457	-	-	1,000	329,568
\$360,000 - \$389,999	1	326,369	37,633	-	-	1,000	365,002
\$450,000 - \$479,999	1	398,562	54,031	-	-	-	452,593
<b>Total</b>	<b>31</b>						

**Notes**

1. This table reports substantive senior executives who received remuneration during the reporting period. Each row is an averaged figure based on headcount for individuals in the band.

2. 'Reportable salary' includes the following:

- a) gross payments (less any bonuses paid, which are separated out and disclosed in the 'bonus paid' column);
- b) reportable fringe benefits (at the net amount prior to 'grossing up' to account for tax benefits);
- c) exempt foreign employment income; and
- d) salary sacrificed benefits.

3. The 'contributed superannuation' amount is the average cost to the entity for the provision of superannuation benefits to substantive senior executives in that reportable remuneration band during the reporting period.

4. 'Reportable allowances' are the average actual allowances paid as per the 'total allowances' line on individuals' payment summaries.

5. 'Bonus paid' represents average actual bonuses paid during the reporting period in that reportable remuneration band. The 'bonus paid' within a particular band may vary between financial years due to various factors such as individuals commencing with or leaving the entity during the financial year.

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**Note 12: Senior Executive Remuneration**

**Note 12C: Other Highly Paid Staff**

	2013					Total reportable remuneration \$
	Other highly paid staff No.	Reportable salary <sup>2</sup> \$	Contributed superannuation <sup>3</sup> \$	Reportable allowances <sup>4</sup> \$	Bonus paid <sup>5</sup> \$	
Average annual reportable remuneration <sup>1</sup>						
\$180,000 - \$209,999	6	169,019	28,114	-	1,000	198,133
\$210,000 - \$239,999	2	190,990	29,882	-	1,000	221,872
<b>Total</b>	<b>8</b>					

**Total remuneration (including part-time arrangements):**

\$180,000 - \$209,999

\$210,000 - \$239,999

**Total**

**Notes**

1. This table reports staff:

- a) who were employed by the entity during the reporting period;
- b) whose reportable remuneration was \$180,000 or more for the financial period; and
- c) were not required to be disclosed in Table B or director disclosures.

Each row is an averaged figure based on headcount for individuals in the band.

2. 'Reportable salary' includes the following:

- a) gross payments (less any bonuses paid, which are separated out and disclosed in the 'bonus paid' column);
- b) reportable fringe benefits (at the net amount prior to 'grossing up' to account for tax benefits);
- c) exempt foreign employment income; and
- d) salary sacrificed benefits.

3. The 'contributed superannuation' amount is the average cost to the entity for the provision of superannuation benefits to other highly paid staff in that reportable remuneration band during the reporting period.

4. 'Reportable allowances' are the average actual allowances paid as per the 'total allowances' line on individuals' payment summaries.

5. 'Bonus paid' represents average actual bonuses paid during the reporting period in that reportable remuneration band. The 'bonus paid' within a particular band may vary between financial years due to various factors such as individuals commencing with or leaving the entity during the financial year.

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**Note 12C: Other Highly Paid Staff - cont**

	2012					Total
	No.	Reportable salary <sup>2</sup>	Contributed superannuation <sup>3</sup>	Reportable allowances <sup>4</sup>	Bonus paid <sup>5</sup>	reportable remuneration
		\$	\$	\$	\$	\$
Average annual reportable remuneration <sup>1</sup>						
Total remuneration (including part-time arrangements):						
\$180,000 - \$209,999	15	169,684	25,012	-	867	195,563
\$210,000 - \$239,999	1	184,326	29,385	-	1,000	214,711
<b>Total</b>	<b>16</b>					

**Notes**

1. This table reports staff:

- a) who were employed by the entity during the reporting period;
  - b) whose reportable remuneration was \$180,000 or more for the financial period; and
  - c) were not required to be disclosed in Table B or director disclosures.
- Each row is an averaged figure based on headcount for individuals in the band.

2. 'Reportable salary' includes the following:

- a) gross payments (less any bonuses paid, which are separated out and disclosed in the 'bonus paid' column);
- b) reportable fringe benefits (at the net amount prior to 'grossing up' to account for tax benefits);
- c) exempt foreign employment income; and
- d) salary sacrificed benefits.

3. The 'contributed superannuation' amount is the average cost to the entity for the provision of superannuation benefits to other highly paid staff in that reportable remuneration band during the reporting period.

4. 'Reportable allowances' are the average actual allowances paid as per the 'total allowances' line on individuals' payment summaries.

5. 'Bonus paid' represents average actual bonuses paid during the reporting period in that reportable remuneration band. The 'bonus paid' within a particular band may vary between financial years due to various factors such as individuals commencing with or leaving the entity during the financial year.

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**Note 13: Remuneration of Auditors**

	2013	2012
	\$000	\$000

Financial statement audit services were provided free of charge to the CDPD by the Australian National Audit Office (ANAO).

**Fair value of the services provided**

Financial statement audit services	<u>57</u>	<u>54</u>
<b>Total</b>	<u><b>57</b></u>	<u><b>54</b></u>

No other services were provided by the auditors of the financial statements.



**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS  
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**Note 14: Financial Instruments**

	2013	2012
	\$000	\$000
<b>Note 14A: Categories of Financial Instruments</b>		
<b>Financial Assets</b>		
<b>Loans &amp; Receivables:</b>		
Cash & cash equivalents	216	218
Trade and other receivables	400	535
<b>Total</b>	<u>616</u>	<u>753</u>
<b>Carrying amount of financial assets</b>	<u>616</u>	<u>753</u>
<b>Financial Liabilities</b>		
<b>At amortised cost:</b>		
Suppliers payables	4,749	7,242
Interest bearing liabilities	777	1,038
<b>Total</b>	<u>5,526</u>	<u>8,280</u>
<b>Carrying amount of financial liabilities</b>	<u>5,526</u>	<u>8,280</u>
<b>Note 14B: Net Income and Expense from Financial Assets</b>		
<b>Held-to-maturity</b>		
Impairment	9	1
<b>Net gain/(loss) held-to-maturity</b>	<u>9</u>	<u>1</u>
<b>Net gain/(loss) from financial assets</b>	<u>9</u>	<u>1</u>

**Note 14C: Net Income and Expense from Financial Liabilities**

There is no income or expenses from financial liabilities in 2012-13 or 2011-12.

**Note 14D: Fair Value of Financial Instruments**

The carrying value equals the fair value of the financial assets and liabilities in 2012-13 and 2011-12.

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS**  
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**Note 14E: Credit Risk**

The CDPP was exposed to minimal credit risk as loans and receivables are cash and trade receivables. The maximum exposure to credit risk was the risk that arises from potential default of a debtor. This amount was equal to the total amount of the trade receivables (2012-13: \$400,000 and 2011-2012: \$535,000). The CDPP has policies and procedures that guide debt recovery techniques that are to be applied. The CDPP held no collateral to mitigate against credit risk.

**Credit quality of financial instruments not past due or individually determined as impaired**

	<b>Not past due nor impaired</b>	Not past due nor impaired	<b>Past due or impaired</b>	Past due or impaired
	<b>2013</b>	2012	<b>2013</b>	2012
	<b>\$000</b>	\$000	<b>\$000</b>	\$000
Cash and cash equivalents	<b>216</b>	218	-	-
Receivables for goods and services	<b>391</b>	528	-	6
<b>Total</b>	<b>607</b>	746	-	6

The CDPP has assessed the risk of the default on payment and had allocated \$6,000 in 2012-13 (2011-12: \$1,000) to an impairment allowance account.

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS  
 NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
 For the period ended 30 June 2013

**Note 14E: Credit Risk - cont'd**

**Ageing of financial assets that were past due but not impaired for 2013**

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
Receivables for goods and services	400	-	-	-	400
<b>Total</b>	<b>400</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>400</b>

**Ageing of financial assets that were past due but not impaired for 2012**

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
Receivables for goods and services	528	-	-	6	534
<b>Total</b>	<b>528</b>	<b>-</b>	<b>-</b>	<b>6</b>	<b>534</b>

There are no financial assets which have been individually assessed as impaired.

**Note 14F: Liquidity Risk**

The CDPP's financial liabilities were payables and other interest bearing liabilities. The exposure to liquidity risk is based on the notion that CDPP will encounter difficulty in meeting its obligations associated with financial liabilities. This is highly unlikely as the CDPP is appropriated funding from the Australian Government and the CDPP manages its budgeted funds to ensure it has adequate funds to meet payments as they fall due. In addition, the CDPP has policies in place to ensure timely payments were made when due and has no past experience of default.

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
*For the period ended 30 June 2013*

**Note 14F: Liquidity Risk - cont'd**

**Maturities for non-derivative financial liabilities 2013**

	On demand \$000	within 1 year \$000	1 to 2 years \$000	2 to 5 years \$000	> 5 years \$000	Total \$000
Supplier payables	-	4,678	42	29	-	4,749
Interest bearing liabilities	-	221	93	278	185	777
<b>Total</b>	-	<b>4,899</b>	<b>135</b>	<b>307</b>	<b>185</b>	<b>5,526</b>

**Maturities for non-derivative financial liabilities 2012**

	On demand \$000	within 1 year \$000	1 to 2 years \$000	2 to 5 years \$000	> 5 years \$000	Total \$000
Supplier payables	-	5,241	1,092	909	-	7,242
Interest bearing liabilities	-	261	221	278	278	1,038
<b>Total</b>	-	<b>5,502</b>	<b>1,313</b>	<b>1,187</b>	<b>278</b>	<b>8,280</b>

The CDPP had no derivative financial liabilities in either 2012-13 or 2011-12.

**14G: Market Risk**

The CDPP held basic financial instruments that did not expose the CDPP to certain market risks, such as 'Currency risk' and 'Other price risk'. There were no interest-bearing items on the balance sheet.

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
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**Note 15: Financial Assets Reconciliation**

	2013	2012
	\$'000	\$'000
<b>Total financial assets as per balance sheet</b>	<b>68,825</b>	69,199
Less: non-financial instrument components		
Appropriations Receivable	67,838	67,929
Other Receivables	371	517
Total non-financial instrument components	<u>68,209</u>	<u>68,446</u>
<b>Total financial assets as per financial instruments note</b>	<u>616</u>	<u>753</u>

<b>OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS</b>		
<b>NOTES TO THE SCHEDULE OF ADMINISTERED ITEMS</b>		
<i>For the period ended 30 June 2013</i>		
<b>Administered Expenses</b>		
	2013	2012
	\$	\$
<b>EXPENSES</b>		
<u><b>Note 16: Write-down and Impairment of Assets</b></u>		
<b>Asset write-downs and impairments from:</b>		
Fines and costs receivables	-	6,599,552
(Decrease) Increase in provision for doubtful debts	-	(5,575,955)
<b>Total write-down and impairment of assets</b>	<u>-</u>	<u>1,023,597</u>
<b>Administered Income</b>		
	2013	2012
	\$	\$
<b>OWN-SOURCE REVENUE</b>		
<b>Non-Taxation Revenue</b>		
<u><b>Note 17: Fines and Costs Revenue</b></u>		
Fines and costs	-	413,882
<b>Total fines and costs revenue</b>	<u>-</u>	<u>413,882</u>
<b>GAINS</b>		
<u><b>Note 18: Reversal of Previous Asset Write-downs</b></u>		
Reinstate receivables previously written-off	-	171,340
<b>Total reversal of previous asset write-downs</b>	<u>-</u>	<u>171,340</u>

OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS		
NOTES TO THE SCHEDULE OF ADMINISTERED ITEMS		
As at 30 June 2013		
<b>Note 19: Administered Financial Assets</b>		
	2013	2012
<b>FINANCIAL ASSETS</b>	<b>\$</b>	<b>\$</b>
<b>Note 19: Trade and Other Receivables</b>		
<b>Other receivables:</b>		
Fines	-	-
<b>Total other receivables</b>	<b>-</b>	<b>-</b>
<b>Total receivables (gross)</b>	<b>-</b>	<b>-</b>
<b>Less: Impairment allowance account:</b>		
Other	-	-
<b>Total impairment allowance account</b>	<b>-</b>	<b>-</b>
<b>Total other receivables (net)</b>	<b>-</b>	<b>-</b>
<b>Receivables are expected to be recovered in:</b>		
No more than 12 months	-	-
More than 12 months	-	-
<b>Total trade and other receivables (net)</b>	<b>-</b>	<b>-</b>
<b>Receivables were aged as follows:</b>		
Not overdue	-	-
Overdue by:		
0 to 30 days	-	-
31 to 60 days	-	-
61 to 90 days	-	-
More than 90 days	-	-
<b>Total receivables (gross)</b>	<b>-</b>	<b>-</b>
<b>The impairment allowance account is aged as follows:</b>		
Not overdue	-	-
Overdue by:		
0 to 30 days	-	-
31 to 60 days	-	-
61 to 90 days	-	-
More than 90 days	-	-
<b>Total impairment allowance account</b>	<b>-</b>	<b>-</b>
Other receivables were with entities external to the Australian Government. Credit terms are net 30 days (2010-11: 30 days)		
<b>Reconciliation of the Impairment Allowance Account:</b>		
<b>Opening balance</b>	<b>-</b>	<b>(5,575,955)</b>
Amounts written off	-	-
Amounts recovered and reversed	-	-
Increase/decrease recognised in net surplus	-	5,575,955
<b>Closing balance</b>	<b>-</b>	<b>-</b>

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS**  
**NOTES TO THE SCHEDULE OF ADMINISTERED ITEMS**  
*As at 30 June 2013*

**Note 20: Administered Cash Flow Reconciliation**

	2013	2012
	\$	\$
<b>Reconciliation of cash and cash equivalents as per Administered Schedule of Assets and Liabilities to Administered Cash Flow Statement</b>		
<b>Cash and cash equivalents as per:</b>		
Schedule of administered cash flows	-	-
Schedule of administered assets and liabilities	-	-
<b>Difference</b>	<u>-</u>	<u>-</u>
<b>Reconciliation of net cost of services to net cash from operating activities:</b>		
Net cost of services	-	458,451
Add refunds	-	(60,145)
<b>Net cash from (used by) operating activities</b>	<u>-</u>	<u>398,306</u>

**Note 21: Administered Contingent Assets and Liabilities**

**Quantifiable Administered Contingencies**

The CDPP had no quantifiable administered contingencies.

**Unquantifiable Administered Contingencies**

The CDPP did not have unquantifiable administered contingencies.

**Significant Remote Administered Contingencies**

The CDPP had no significant remote administered contingencies.



**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS  
NOTES TO THE SCHEDULE OF ADMINISTERED ITEMS***For the period ended 30 June 2013***Note 22: Administered Financial Instruments**

	2013	2012
	\$	\$
<b>Note 22A: Categories of Financial Instruments</b>		
<b>Financial Assets</b>		
Nil	-	-
Carrying amount of financial assets	-	-
<b>Financial Liabilities</b>		
Nil	-	-
Carrying amount of financial liabilities	-	-

**Note 22B: Net Income and Expense from Financial Assets**

There is no net income or expenses from financial assets in 2012-13 or 2011-12.

**Note 22C: Net Income and Expense from Financial Liabilities**

There is no net income and expenses from financial liabilities in 2012-13 or 2011-12.

**Note 22D: Fair Value of Financial Instruments**

The carrying value is nil and equals the fair value of the financial assets and liabilities in 2012-13 and 2011-12.

**Note 22E: Credit Risk**

The CDPP was exposed to minimal credit risk as no Administered loans and receivables were held.

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS**  
**NOTES TO THE SCHEDULE OF ADMINISTERED ITEMS**  
*For the period ended 30 June 2013*

**Note 22: Administered Financial Instruments - cont'd**

**Note 22F: Liquidity Risk**

The CDPP was exposed to minimal liquidity risk as no administered liabilities were held.

**Maturities for non-derivative financial liabilities 2013**

	On demand \$	1 to 2 years \$	2 to 5 years \$	> 5 years \$	Total \$
At amortised cost:					
Payables-suppliers	-	-	-	-	-
<b>Total</b>	-	-	-	-	-

**Maturities for non-derivative financial liabilities 2012**

	On demand \$	1 to 2 years \$	2 to 5 years \$	> 5 years \$	Total \$
At amortised cost:					
Payables-suppliers	-	-	-	-	-
<b>Total</b>	-	-	-	-	-

The Office has no derivative financial liabilities in either 2012-13 or 2011-12.

**Note 22G: Market Risk**

The CDPP held basic financial instruments that did not expose the CDPP to certain market risks, such as 'Currency risk' and 'Other price risk'.

There were no interest-bearing items on the balance sheet.

OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS  
For the period ended 30 June 2013

**Note 23: Appropriations**

**Table A: Annual Appropriations ('Recoverable GST exclusive')**

	2013 Appropriations						Appropriation applied in 2013 (current and prior years) \$'000	Variance \$'000
	Appropriation Act		FMA Act			Total Appropriation \$'000		
	Annual Appropriation \$'000	Appropriations Reduced \$'000	Advance to Finance Minister \$'000	Section 30 \$'000	Section 31 \$'000			
<b>DEPARTMENTAL</b>								
Ordinary annual services	93,167	(330)	-	147	4,492	(1,750)	95,489	237
Other services	-	-	-	-	-	-	-	-
Equity	-	-	-	-	-	-	-	-
Loans	-	-	-	-	-	-	-	-
<b>Total Departmental</b>	<b>93,167</b>	<b>(330)</b>	<b>-</b>	<b>147</b>	<b>4,492</b>	<b>(1,750)</b>	<b>95,489</b>	<b>237</b>
	2012 Appropriations							
	Appropriation Act		FMA Act			Total Appropriation \$'000	Appropriation applied in 2012 (current and prior years) \$'000	Variance \$'000
	Annual Appropriation \$'000	Appropriations Reduced \$'000	Advance to Finance Minister \$'000	Section 30 \$'000	Section 31 \$'000			
<b>DEPARTMENTAL</b>								
Ordinary annual services	89,199	-	-	1,548	3,846	-	99,055	(4,462)
Other services	-	-	-	-	-	-	-	-
Equity	-	-	-	-	-	-	-	-
Loans	-	-	-	-	-	-	-	-
<b>Total Departmental</b>	<b>89,199</b>	<b>-</b>	<b>-</b>	<b>1,548</b>	<b>3,846</b>	<b>-</b>	<b>99,055</b>	<b>(4,462)</b>

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS  
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
*For the period ended 30 June 2013*

**Table A (Cont'd): Annual Appropriations ('Recoverable GST exclusive')**

**Note:**

1. *Appropriation Act (No. 1) 2012-13*: s.32. On 22 November 2012, the Finance Minister determined a reduction in departmental appropriations following the transfer of the responsibility of the majority of litigation/function under the *Proceeds of Crime Act 2002* to the Australian Federal Police. The amount of the reduction determined under *Appropriation Act (No. 1) of 2012-13* was \$1,750,000.
2. *Appropriation Act (No. 1) 2012-13*: s.10. On 3 September 2012, the Finance Minister determined a reduction in departmental appropriations for Targeted Savings measures. The amount of the reduction determined under *Appropriation Act (No. 1) of 2012-13* was \$317,000.
3. *Appropriation Act (No. 1) 2012-13*: s.10. On 3 September 2012, the Finance Minister determined a reduction in departmental appropriations for Fire Service's Levy. The amount of the reduction determined under *Appropriation Act (No. 1) of 2012-13* was \$13,000.

OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS  
 NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS  
 For the period ended 30 June 2013

**Note 23: Appropriations - cont'd**

**Table B: Departmental Capital Budgets (Recoverable GST exclusive<sup>1</sup>)**

	2013 Capital Budget Appropriations			Capital Budget Appropriations applied in 2013 (current and prior years)		
	<i>Appropriation Act</i>	<i>FMA Act</i>	Total Capital Budget Appropriations \$'000	Payments for non-financial assets <sup>2</sup> \$'000	Payments for other purposes \$'000	Total payments \$'000
	Annual Capital Budget \$'000	Appropriations Reduced \$'000				
<b>DEPARTMENTAL</b> Ordinary annual services - Departmental Capital Budget <sup>1</sup>	383	-	383	647	-	647
						(264)

	2012 Capital Budget Appropriations			Capital Budget Appropriations applied in 2012 (current and prior years)		
	<i>Appropriation Act</i>	<i>FMA Act</i>	Total Capital Budget Appropriations \$'000	Payments for non-financial assets <sup>2</sup> \$'000	Payments for other purposes \$'000	Total payments \$'000
	Annual Capital Budget \$'000	Appropriations Reduced \$'000				
<b>DEPARTMENTAL</b> Ordinary annual services - Departmental Capital Budget <sup>1</sup>	2,975	-	2,975	4,376	-	4,376
						(1,401)

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

*For the period ended 30 June 2013*

**Table B (Cont'd): Departmental Capital Budgets ('Recoverable GST exclusive')**

**Note:**

1. Departmental Capital Budgets are appropriated through *Appropriation Act (No. 1)*. They form part of ordinary annual services, and are not separately identified in the Appropriation Acts. For more information on ordinary annual services appropriations, please see Table A: Annual appropriations.
2. Payments made on non-financial assets include purchases of assets, expenditure on assets which have been capitalised, and costs incurred to make good an asset to its original condition.

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

*For the period ended 30 June 2013*

**Note 23: Appropriations (cont'd)**

**Table C: Unspent Annual Appropriations ('Recoverable GST exclusive')**

	2013 \$'000	2012 \$'000
<b>DEPARTMENTAL</b>		
Cash	216	218
Appropriation Act (No. 1) 2012-13	12,488	-
Appropriation Act (No. 1) 2010-11	-	65
Appropriation Act (No. 1) 2009-10	9,321	9,321
Appropriation Act (No. 1) 2008-09	13,906	13,906
Appropriation Act (No. 1) 2007-08	17,609	17,609
Appropriation Act (No. 1) 2006-07	13,954	13,954
Appropriation Act (No. 1) 2005-06	560	5,315
Appropriation Act (No. 1) 2004-05	-	7,758
	<b>68,054</b>	<b>68,146</b>

**Note:**

A number of the CDPP's old annual appropriations were repealed as at 1 July 2013. Further detail is disclosed in Note 2.

**Table D: Special Appropriations ('Recoverable GST exclusive')**

Authority	Type	Purpose	Appropriation applied 2013 \$'000	2012 \$'000
Financial Management and Accountability Act 1997 s.28(2) (Administered)		To provide an appropriation where an Act or other law required or permits the repayment of an amount received by the Commonwealth and apart from the repayment of an amount received by the Commonwealth and apart from Refund this section there is no specific appropriation for the repayment.	-	60
<b>Total</b>			-	<b>60</b>

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

*For the period ended 30 June 2013*

**Note 24: Special Accounts**

Services for Other Entities and Trust Moneys - Office of the Director of Public Prosecutions Special Account	2013	2012
	\$	\$
<i>Appropriation: Financial Management and Accountability Act 1997 section 20</i>		
<i>Establishing Instrument: Financial Management and Accountability Determination 2009/29</i>		
<i>Purpose: (a) disburse amounts held on trust or otherwise for the benefit of a person other than the Commonwealth; (b) disburse amounts in connection with services performed on behalf of other governments and bodies that are not FMA Act agencies; (c) repay amount where an Act or other law requires or permits the repayments of an amount received; and (d) reduce the balance of the Special Account (and, therefore, the available appropriation for the Account) without making a real or notional payment.</i>		

There were no transactions during 2012-13 or 2011-12.

The Services for Other Entities and Trust Moneys - Office of the Director of Public Prosecutions Special Account was abolished on 22 November 2012 by the Minister of Finance and Deregulation.



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

*For the period ended 30 June 2013*

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**Note 25: Compliance with Statutory Conditions for Payments from the Consolidated Revenue Fund**

During 2012-13 additional legal advice was received that indicated there could be breaches of Section 83 under certain circumstances with payments for long service leave, goods and services tax and payments under determinations of the Remuneration Tribunal. The CDPP has reviewed its processes and controls over payments for these items to minimise the possibility for future breaches as a result of these payments. The CDPP has determined that there is a low risk of the certain circumstances mentioned in the legal advice applying to the department. The CDPP is not aware of any specific breaches of Section 83 in respect of these items.

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
*For the period ended 30 June 2013*

**Note 26: Compensation and Debt Relief**

	2013	2012
	\$	\$
<b>Compensation and Debt Relief - Departmental</b>		
No 'Act of Grace payments' were expended during the reporting period (2012-2013).	-	-
No waivers of amounts owing to the Australian Government were made pursuant to subsection 34(1) of the Financial Management and Accountability Act 1997.(2012-2013)	-	-
No payments were provided under the Compensation for Detriment caused by Defective Administration (CDDA) Scheme during the reporting period. (2012-2013)	-	-
No ex-gratia payments were provided for during the reporting period. (2012-2013).	-	-
No payments were provided in special circumstances relating to APS employment pursuant to section 73 of the Public Service Act 1999 (PS Act) during the reporting period (2012-2013).	-	-
<b>Compensation and Debt Relief - Administered</b>		
No 'Act of Grace payments' were expended during the reporting period (2012-2013).	-	-
No waivers of amounts owing to the Australian Government were made pursuant to subsection 34(1) of the Financial Management and Accountability Act 1997(2012-2013).	-	-
No payments were provided under the Compensation for Detriment caused by Defective Administration (CDDA) Scheme during the reporting period. (2012-2013)	-	-
No ex-gratia payments were provided for during the reporting period. (2012-2013).	-	-
No payments were provided in special circumstances relating to APS employment pursuant to section 73 of the Public Service Act 1999 (PS Act) during the reporting period (2012-2013).	-	-

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
*For the period ended 30 June 2013*

**Note 27: Reporting of Outcomes**

The CDPP has only one outcome.

**Note 27A: Net Cost of Outcome Delivery**

	Outcome 1	
	2013 \$'000	2012 \$'000
<b>Departmental</b>		
Expenses	(97,233)	(105,034)
Own-source income	3,932	3,500
<b>Administered</b>		
Expenses	-	(1,024)
Own-source income	-	585
<b>Net cost/(contribution) of outcome delivery</b>	<b>(93,301)</b>	<b>(101,973)</b>

**Note 27B: Major Classes of Departmental Expense, Income, Assets and Liabilities by Outcome**

<b>Expenses</b>		
Employee benefits	(57,759)	(59,960)
Supplier	(32,489)	(39,505)
Depreciation and amortisation	(4,729)	(4,917)
Other	(2,256)	(652)
<b>Total</b>	<b>(97,233)</b>	<b>(105,034)</b>
<b>Income</b>		
Income from government	90,704	86,224
Sales of goods and services	3,409	3,030
Other non-taxation revenue	523	470
<b>Total</b>	<b>94,636</b>	<b>89,724</b>
<b>Assets</b>		
Cash and cash equivalents	216	218
Trade and other receivables	68,609	68,981
Land and buildings	8,423	6,272
Property, plant and equipment	6,985	8,592
Intangibles	979	1,251
Other non financial assets	197	970
<b>Total</b>	<b>85,409</b>	<b>86,284</b>
<b>Liabilities</b>		
Suppliers	4,749	7,242
Other payables	1,653	1,531
Lease incentives	777	1,038
Employee provisions	17,645	19,304
Other provisions	4,273	2,793
<b>Total</b>	<b>29,097</b>	<b>31,908</b>

Outcome 1 is described in Note 1.1. Net costs shown include intra-government costs that were eliminated in calculating the actual Budget outcome.

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
*For the period ended 30 June 2013*

**Note 27: Reporting of Outcomes - cont'd**

**Note 27C: Major Classes of Administered Expenses, Income, Assets and Liabilities by Outcomes**

	Outcome 1	
	2013	2012
	\$'000	\$'000
<b>Administered expenses</b>		
Write-down of assets	-	1,024
<b>Total</b>	-	1,024
<b>Administered income</b>		
Fines and costs	-	414
Other non-taxation revenues	-	171
<b>Total</b>	-	585
<b>Administered assets</b>		
Cash and cash equivalents	-	-
Receivables	-	-
<b>Total</b>	-	-
<b>Administered liabilities</b>		
Payables	-	-
<b>Total</b>	-	-

Outcome 1 is described in Note 1.1. Net costs shown include intra-government costs that were eliminated in calculating the actual Budget outcome.

**OFFICE OF THE COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
*For the period ended 30 June 2013*

**Note 28: Net Cash Appropriation Arrangements**

	2013	2012
	\$'000	\$'000
<b>Total comprehensive income (loss) less depreciation/amortisation expenses previously funded through revenue appropriations<sup>1</sup></b>	<b>2,132</b>	<b>(10,393)</b>
<i>Plus: depreciation/amortisation expenses previously funded through revenue appropriation</i>	<u>(4,729)</u>	<u>(4,917)</u>
<b>Total comprehensive income (loss) - as per the Statement of Comprehensive Income</b>	<b><u>(2,597)</u></b>	<b><u>(15,310)</u></b>

1. From 2010-11, the Government introduced net cash appropriation arrangements, where revenue appropriations for depreciation/amortisation expenses ceased. Entities now receive 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.





## ACRONYMS AND ABBREVIATIONS

## Acronyms and abbreviations

ACBPS	Australian Customs and Border Protection Service
ACCC	Australian Competition and Consumer Commission
AFP	Australian Federal Police
AGD	Attorney-General's Department
APS	Australian Public Service
ATO	Australian Taxation Office
CDPP	Commonwealth Director of Public Prosecutions
DPP	Director of Public Prosecutions
ELG	Executive Leadership Group
EWP	Employee Wellbeing Program
GST	goods and services tax
ICT	Information and Communication Technology
IT	Information Technology
NSW	New South Wales
NT	Northern Territory
POC	proceeds of crime
QLD	Queensland
SES	Senior Executive Service
TAD	temporary assignment of duties
VIC	Victoria
WA	Western Australia
WHS	work health and safety



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