



Annual Report 2002-2003

Director of Public Prosecutions

Committee for Public Prosecutions

Office of Public Prosecutions



PAUL COGHLAN Q.C.
Director

16 September 2003

The Honourable Mr Rob Hulls, MLA
Attorney-General for the State of Victoria,
55 St Andrews Place,
Melbourne, 3002
VICTORIA.

Dear Attorney-General,

I have pleasure in submitting to you an annual report for the year 1 July 2002 to 30 June 2003, comprising:

- My Annual Report pursuant to Section 12 of the *Public Prosecutions Act 1994*.
- The Annual Report of the Committee of Public Prosecutions pursuant to section 45 of the *Public Prosecutions Act 1994*.
- The Solicitor for Public Prosecution's Annual Report pursuant to the *Financial Management Act 1994*.

Yours faithfully,

PAUL COGHLAN Q.C.
Director of Public Prosecutions.

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director of public prosecutions report

In the past my predecessors or I have set out in detail the structure of the organisation and in particular the relationship with the Solicitor for Public Prosecutions and through her the Office of Public Prosecutions.

I will not repeat those matters except to say that the good, strong and harmonious relationship with the Solicitor for Public Prosecutions, Kay Robertson and the staff of the O.P.P continues.

The other essential part of the structure is Crown Prosecutors Chambers under the leadership of Bill Morgan-Payler Q.C. the Chief Crown Prosecutor. Together with Kay and the Office of Public Prosecutions the prosecutors complete the partnership directed towards the prosecution of indictable offences in Victoria.

Kay, Bill and the Prosecutors have put much work into ensuring the maximum efficiency of Chambers and in striking the necessary balance between appearance work and chambers work. The chambers work is sometimes underrated but it is essential to the reasonably smooth running of the organisation as a whole. It is fair to say that all involved are happy with the results which have been achieved.

I receive much personal support from everyone in the organisation but in

particular from Bill, Kay, my associate Tamara Heffernan and the prosecutors. I am very grateful for that support.

Much has been said since the last report about the death of Justice Geoff Flatman Q.C. the former Director. It is important, however, to note his passing and the great loss which his death represents.

Since the organisation has conducted nearly all indictable prosecutions in Victoria, it is not usual to single out any individual cases but the effort which went into the prosecution of DEBS and ROBERTS deserves to be acknowledged. The prosecution team under the leadership of Jeremy Rapke Q.C. Senior Crown Prosecutor deserves our thanks for their effort.

Victims of Crime

I reported last year that greater recognition is given to victims of crime than in the past. The Chief Justice (J.H. Phillips) has recently acknowledged the importance of victim impact statements in the sentencing process. Great care still needs to be taken in providing victims with information about the progress of cases and the operation of the legal system. My continuing observations convince me that victims often find the whole process of the criminal justice system a very distressing one. It is yet to

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be established just what are the best means of supporting victims through the system. The work done through the Witness Assistance Service of the O.P.P is very valuable and with limited resources as much support as possible is given to witnesses, most of whom are victims.

Sentencing

In the last year I have, in conjunction with Bill Morgan-Payler Q.C. Chief Crown Prosecutor, been reviewing every sentence handed down in the County Court and Supreme Court. It will take some time to establish whether or not any particular trends emerge from that review but it is true to say that it has probably lead to an increase in the number of Director's Appeals. That figure is somewhat higher than I would regard as desirable but in accordance with my statutory responsibilities I will bring any appeal which I think should be brought in the public interest having regard to the other restrictions which the law imposes in relation to such appeals.

Listing of cases

It is time to say that major frustrations exist for all parties in the criminal justice system in relation to the question of listing of criminal trials and appeals. The backlogs in all areas are substantial. The whole listing process in the County Court

and Court of Appeal is under review and it is anticipated that improvement will be made in those areas. The listing of trials in the Supreme Court is less complicated but a reasonable percentage of cases are not reached on the first day of listing.

Law reform

The Law Reform Commission has been actively involved in two major references which affect our practice. The first relates to sexual offences and the other is homicide.

In relation to the first it is important that while maintaining the rights of accused persons, as much as possible should be done so that our criminal justice system responds more adequately and appropriately to the needs of complainants in sexual offence cases.

In homicide the law relating to provocation seems to me to be unduly complicated and difficult. It is perceived by victims that it is a defence which places undue blame on the deceased who in most circumstances cannot be defended. The law in this area needs review. In either area I am not entirely sure what the best outcome might be but I strongly support an open debate and if necessary reform; I do not accept that the criminal law should be regarded as immutable

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committee of public prosecutions report

The Committee for Public Prosecutions is established by Section 42 Public Prosecutions Act 1994.

The Committee consists of the Director of Public Prosecutions (Chairperson), Chief Crown Prosecutor, Solicitor for Public Prosecutions and a person nominated by the Governor in Council. The person so nominated is Ms Jan King.

The functions of the Committee are set out in Section 43 Public Prosecutions Act 1994. The Committee is required to generally advise on the operation of the prosecutorial system with a view to ensuring that it operates in an effective, economic and efficient manner.

Other functions include assistance in the co-ordination of the operations of the Director and Office of Public Prosecutions, giving directions to members of the police force and others concerning offences or classes of offences to be referred to the Director; establishing guidelines on the circumstances in which certain decisions are not subject to the requirement that a Director's Committee be convened; establishing guidelines on the circumstances in which solicitors from the OPP should appear in court; establishing guidelines on the treatment of victims of crime and recommending to the Attorney-General the removal from office of any Crown Prosecutor.

The Committee can provide guidance and advice but cannot give any direction to the Director, Chief Crown Prosecutor, Crown Prosecutor or Solicitor with respect to the performance or exercise of their statutory functions or powers.

Meetings were held during the year on the following dates:

- 16 November 2002
- 23 April 2003
- 17 June 2003

The Committee continued to monitor the aggregate appearance rates of the crown prosecutors, particularly in light of the downward trend in the previous financial year. It was pleased to note that the trend appeared to have reversed and the full year statistics show a return to the 5 year average. The Committee acknowledged the impact of court listing practices in this regard. The full statistics are in the appendix.

The Solicitor presented a financial report at each meeting. The Committee noted the correlation between the increased expenditure on counsel fees and the vacancies in the ranks of crown prosecutors. It recommended to the Solicitor that she approach government to encourage more timely replacement when crown prosecutors resign.

The Committee discussed the

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responsibility when briefing counsel to ensure that they were both competent and acted to minimise trauma to victims and witnesses. It commended the Director and the Office for promoting the seminar series on prosecuting sexual offences.

The Committee considered the February 2003 Report by Smart Consulting and Research. In particular, it commended the approach to funding at a set base level to be varied in accordance with identified indicators.

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office of public prosecutions report

Objectives and functions

The Office of Public Prosecutions (OPP) is established under Section 40 of the Public Prosecutions Act 1994. The OPP consists of the Solicitor for Public Prosecutions and other staff who are necessary to enable the Office to do its work. The Solicitor is appointed by the Governor in Council under Section 37 of the Public Prosecutions Act 1994 and is subject to the Public Sector Management and Employment Act 1998 as if he or she were a Department Head within the meaning of the Act.

The primary function of the OPP is to prepare and conduct effectively, economically and efficiently on behalf of the Director of Public Prosecutions proceedings in the High Court, Supreme Court and County Court in respect of indictable matters. The OPP also acts on behalf of the Director in committal proceedings, coronial inquests, confiscation proceedings and ancillary proceedings.

Essentially, the OPP is a solicitor's office with one client: the Director of Public Prosecutions. The OPP works to assist the Director in carrying out his or her statutory functions by preparing and conducting proceedings on behalf of the Director. The OPP has an additional function to assist the Committee for Public

Prosecutions.

In the performance of these functions, OPP staff are required to have regard to the need to ensure that the prosecutorial system gives appropriate consideration to the concerns of the victims of crime.

Overview

The last twelve months can be described as one of consolidation. The Office recruited staff to fill positions funded following the 2001 Smart Report. We were also very pleased to take over the refurbished third floor of 565 Lonsdale Street; the extra space allowing for improved working conditions and high quality training facilities.

With the commencement of new solicitors, the Office committed to an intensive professional development program for both new and experienced staff. The commitment of experienced solicitors to providing core elements of the training and the enthusiasm of the new solicitors to attend contributed to our ability to meet the demands of the Office.

To complement the professional development program and one on one training provided by program managers and senior solicitors, the Office developed an online practice manual that enhances the knowledge base provided through our existing database.

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The Office also ran a series of seminars for crown prosecutors and barristers from the private Bar in prosecuting sexual offences. The Victorian Law Reform Commission, crown prosecutors and barristers who gave freely of their time to put on a very worthwhile program, assisted us in this regard.

It was the first full year of service for Paul Coghlan QC, as the Director of Public Prosecutions, and Bill Morgan-Payler QC, as Chief Crown Prosecutor. The strength of Victoria's public prosecutions system is in a large part due to the professional and responsible relationships between the Director, Crown Prosecutors and the Office.

The quality and volume of work undertaken during the year is a credit to both the legal and the support staff. Of particular note is the increased work output as measured by the PRISM phase report. Tables and graphs relating to work undertaken and court hearings are contained in the appendices.

I remain disappointed that we have been unable to resource the Witness Assistance Service further. Compared to our interstate counterparts the level of service we can provide to victims and witnesses, particularly when a trial is run in country Victoria, is low.

Dr Nigel Smart of Smart Consulting and Research was engaged by the Department

of Justice to review the implementation of the recommendations of his 2001 Review, test the assumptions on which that Review was based and again consider funding for the Office. His report was completed in February and found the Office overall to be efficient and effective. The recommendations are set out in full later in this chapter. Again, the staff are to be thanked for meeting requests for information and cooperating with the Review process.

Victims of Crime

The Witness Assistance Service (WAS) comprises three Social Workers, who continue to provide support, information, counselling, referral, liaison and assistance to families of deceased, victims and witnesses in all categories of cases prosecuted by this Office.

Social Workers provided assistance in metropolitan and, to a more limited extent regional courts, in all jurisdictions.

WAS staff also provided training and staff development to agencies and community organisations, as well as to staff within the OPP through Continuing Legal Education training programs.

Training was provided to Victims Assistance Programs, Victims Referral and Assistance Program, Victoria Police Sexual Offence and Child Abuse Unit, Centre Against Sexual Assault (CASA),

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Independent Third Persons (ITP) and Court Network Volunteer Training Programs.

WAS Staff also provided input to the Victorian Law Reform Commission reference on Sexual Offences Law.

During the year WAS received 1,016 referrals and worked with some 1222 victim/witnesses. Of these, 430 were children under 16 years. Of the 1,016 referrals to WAS, 796 were referred from within the OPP.

Almost all of the witnesses seen by WAS during the year were at a disadvantage in coping with the criminal justice system; for example they were from culturally and linguistically diverse backgrounds or had special needs (such as a psychiatric or intellectual disability). Full statistics are provided in Appendix C.

Joint Technology Projects

The OPP has continued to work cooperatively with the County Court during the implementation of its new computerised case management system, call SCT.

In conjunction with the Criminal Justice Enhancement team the OPP is contributing to work on the Electronic Brief/Progressive Disclosure project and user acceptance testing of the presentment module is still proceeding.

The Presentment Module will allow OPP solicitors to create and manage the presentment in the electronic brief. Whilst this is of no direct benefit to the OPP, it will enable the County Court to implement its criminal orders module.

The County Court is working with the Criminal Justice Enhancement team on a Shell Brief project. This project is intended to enable electronic lodgement of Presentment data in the County Court case management system in advance of the roll-out by Victoria Police of the Electronic Brief/Progressive Disclosure project. The OPP has worked with the design team of the Shell Brief project. The Shell Brief will allow the criminal orders module to be implemented much sooner than otherwise.

During the year the OPP and the County Court have designed and successfully piloted a system for the delivery of Judges' depositions electronically to the Melbourne County Court. Both organisations plan to implement the system through the next financial year and then pilot its deployment to regional County Courts.

In September 2002 Judge David Jones of the County Court retired. Judge Jones was a guiding force in cooperative developments within the criminal justice system. In particular the OPP worked with him in the implementation of the Court's criminal case management project. The OPP acknowledges the important role he played.

Review of the Office

The Office was reviewed by Dr Nigel Smart of Smart Consulting and Research. His report was completed in February 2003. The recommendations of the report were:

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1. The Department and OPP agree to adopt the six resource indicators in the report and to fine tune them in the light of operational experience:
 - The number of individual defendants finalised in the Magistrates' Court Committal Stream;
 - The number of individual defendants appearing at a Contested Committal;
 - The number of defendants committed to the Supreme or County Courts whose plea is either reserved or not guilty;
 - The total number of defendants who plead guilty;
 - The number of judge sitting days; and
 - the number of appeals against sentence and/or conviction completed.
2. The OPP be funded for a FTE paid staffing level of 208.
3. The OPP discretionary budget for 2002/03 be set at \$24,154,000 subject to amendment for any changes in costs outside the control of the OPP.
4. The base discretionary budget for the OPP for 2003/04 be set at \$24,364,000 but subject to amendment for, amongst other things:
 - changes in costs outside the control of the OPP;
 - 1.5% DTF annual funding reduction;
 - changes in resourcing indicators; and
 - efficiency savings.
5. The OPP and DPP prepare a report for the Department identifying the cost savings that can be achieved by implementing internal efficiency strategies identified, including:
 - Increased flexibility in staff use;
 - Reduced double handling;
 - Improved use of Crown Prosecutors;
 - Reduction in solicitors accompanying counsel;
 - improved management reports and targets; and
 - Use of lower cost external counsel.
6. The Department together with the courts and the OPP develop a plan for implementing external efficiency strategies including:
 - Court operations;
 - CLMS and Committal Rules;
 - Forum or judge shopping;
 - Case listing in Circuit;
 - Impact of changes in judge numbers;
 - Police service of brief.
 - Magistrates' and County Court interface; and
 - CJEP implementation.

The Office has reviewed the recommendations and incorporated those that can be implemented by the Office in its business plan for 2003/04. I have indicated to the Department of Justice that the Office will participate in a process to achieve criminal justice system wide efficiencies.

Legal functions

legal functions

Overview

The Director of Public Prosecutions is an independent statutory officer appointed by the Governor in Council. The Director's primary functions are to institute, prepare and conduct proceedings in the High Court, Supreme Court or County Court in respect of any indictable offence (Public Prosecutions Act 1994 section 22 (1)(a)).

The Director has further functions including those ancillary to his primary functions and those set out in legislation. The Office of Public Prosecutions prepares and conducts proceedings on behalf of the Director.

One of the most critical decisions the Director has to make is whether to commence proceedings in a particular case. The Director has adopted national guidelines to be applied in making these decisions. The guidelines are available on the OPP's webpage,

www.legalonline.vic.gov.au, or in hard copy by contacting the OPP.

Full statistics are contained in the appendices to this report. The number of trials conducted in the Supreme Court showed a significant increase over previous years. This may be attributed to the increased number of judges in the criminal list.

The number of trials in the County Court

showed a marginal decline. However, there was a 5% increase in the number of pleas and a 17% increase in the number of appeals completed in the County Court.

Also of note is the increase in the number of contested committals completed in the Magistrates Court. Overall the number of matters flowing through to the County Court is increasing.

Confiscation Act 1997

Under the Confiscation Act 1997 ("the Act"), the Director may apply to any Court for a restraining order preventing a person from disposing of or otherwise dealing with property. The underlying purpose of obtaining a restraining order is to ensure that property is available for forfeiture or to satisfy the payment of a pecuniary penalty order. In addition, the Director may obtain a restraining order over the defendant's property for the purpose of satisfying any restitution order or compensation order that may be made under the Sentencing Act 1991.

The Director may also apply to both the County and Supreme Courts of Victoria for confiscation orders. A confiscation order can be either a forfeiture order, forfeiting tainted property to the Minister, or a pecuniary penalty order ordering that the defendant pays the State an amount of money equal to the benefit that was

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derived by the defendant from the commission of the offence.

In addition to forfeiture orders, the Director may, where a person is convicted of an automatic forfeiture offence (that is, trafficking in a commercial quantity of a drug of dependence, cultivation of a commercial quantity of a narcotic plant or obtaining property or a financial advantage by deception involving more than \$100,000.00) rely on the automatic forfeiture provisions under the Act.

Essentially, under automatic forfeiture, once the Director has a restraining order for the purpose of automatic forfeiture and the defendant is convicted of an automatic forfeiture offence, the onus is on the defendant to satisfy the Court that the restrained property was lawfully acquired. If the defendant can satisfy the court of this, then the property is excluded from the operation of the restraining order, otherwise after 60 days from the date of conviction, the restrained property is automatically forfeited to the Minister.

On behalf of victims of crime, the Director applied for restitution orders (s.84 Sentencing Act 1991) and compensation orders (ss.85B and 86 Sentencing Act 1991).

During the year a total of 123 restraining orders were made by the County &

Supreme Courts on application by the DPP. Each such application has the potential to generate multiple court proceedings, such as exclusion and or variation applications. In the past financial year over 50% of restraining orders resulted in such additional applications.

There are an increasing number of applications for restraining orders being made for the purpose of compensation to victims pursuant to the Sentencing Act. Thirty six restraining orders were for the purpose of preserving assets for compensation to victims.

There will be a significant increase in workload in 2003/04 due to the impact of the Confiscation Act (Amendment) Act 2003, which expands the confiscation jurisdiction. The increasing awareness of the Confiscation Act among police, OPP staff and general practitioners will generate yet further work in the jurisdiction, independent of the increases in jurisdiction to be made by the amending Act.

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Entry of Nolle Prosequi (Discontinuance of Prosecutions)

In the period under review, applications for the entry of nolle prosequi submitted by the legal representatives of accused persons or forwarded by crown prosecutors were acceded to on 77 occasions either wholly or in part.

Indemnities from Prosecution, Undertakings or Letters of Comfort

Director's undertakings were issued to a total of 20 witnesses who gave evidence in prosecutions involving a total of 48 accused persons.

One Letter of Comfort was issued to a witness in a prosecution involving four accused persons.

Consents to Prosecute

In the period under review, the Director of Public Prosecutions consented to file presentments in relation to 17 matters, pursuant to s.321 Crimes Act 1958.

There were no applications to the Director to consent to the commencement of a prosecution under the Legal Profession Practice Act 1958.

In the relevant period, 9 consents or authorities to prosecute were granted by the Director for the commencement of a prosecution in cases involving offences pursuant to s.47A of the Crimes Act 1958.

No consents were granted by the Director for the commencement of a prosecution pursuant to s.92 (2) Estate Agents Act

1980, s.69A Juries Act 1967 or s129 Adopotion Act 1984.

Two consents were granted by the Director for the commencement of a prosecution pursuant to ss 3(4) or 4(4) Judicial Proceedings Reports Act 1958.

Extraditions and Interstate Transfers

Interstate extradition proceedings were undertaken for the return to Victoria of three persons charged with various offences. One further application to the Director was not approved.

There were no applications made under the provisions of the Prisoners (Interstate Transfer) Act 1983 for the interstate transfer of prisoners to face trial in Victoria.

Direct Presentments

In the relevant period, the Director directly presented an accused person on 75 occasions. Most of these cases involved Special Decisions, pursuant to s.3(c) Public Prosecutions Act 1994, where an accused was in fact committed for trial, but the presentment contained additional or varied counts to those initially charged.

Referrals pursuant to s.21(3) Coroners Act 1985

If the Coroner believes that an indictable offence has been committed in connection with a death that he/she has investigated, he/she is obliged to forward a report to the Director.

On receipt of the Coroner's report, the

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circumstances surrounding the death are considered by this Office and a recommendation is made as to whether criminal charges should be laid. In the relevant period, there were three such referrals.

The Coroner may request, and the Director may agree to allow counsel to appear to assist the Coroner in any Inquests under the Coroners Act 1985. In the relevant period, there were nine such inquests where the Director agreed to so assist the Coroner.

Appeals pursuant to s.92 Magistrates' Court Act 1989

Pursuant to s.92 of the Magistrates' Court Act 1989, appeals on a question of law may be taken from the Magistrates' Court to a single judge of the Supreme Court either by the police informant or by the defendant.

The Director may appear upon a s.92 appeal on behalf of the police informant as appellant or in those cases where the informant is respondent to an appeal brought by the defendant.

Matters determined pursuant to s.92 in the Supreme Court may subsequently be taken on further appeal to the Court of Appeal.

During the year, the Director was requested in 13 cases to institute an appeal on behalf of police informants and conducted such appeals in seven cases. Three other requests were acted upon by the institution of an appeal to the County

Court against sentence pursuant to s.84 Magistrates' Court Act 1989. One request was acted upon by the filing of an Originating Motion pursuant to Order 56 Supreme Court Rules.

During the year, the Director acted for respondent police informants in ten matters.

Eight s.92 Appeals in the Supreme Court and seven Appeals to the Court of Appeal were completed. Two s.92 related Applications / Appeals to the Court of Appeal and one to the High Court were pending at the end of the year.

Contempt of Court

There were two prosecutions for contempt of court commenced during the year.

Conflict of Interest

There were no matters referred to the Attorney-General pursuant to s.29(1) Public Prosecutions Act 1994 because of a possible conflict of interest during the relevant reporting period.

Appeals

appeals by the director of public prosecutions

Overview

Section 35 Judiciary Act 1903 (Commonwealth) provides jurisdiction for the High Court to hear and determine appeals by the Director of Public Prosecutions. Appeals can only be brought by "Special Leave" of the Court itself. Section 35A sets out the criteria for granting "Special Leave". There is a heavier burden on the Crown in bringing appeals in that appeals should only be brought in exceptional cases.

Section 567A Crimes Act 1958 and s.84 Magistrates' Court Act 1989, each give the Director power to appeal sentences imposed by trial Judges and Magistrates respectively. The power of appeal however is not unlimited. It is constrained by certain well-defined legal limits. As the power of the Crown to appeal is at least a partial encroachment on the fundamental legal principle that a person should not be placed in double jeopardy, it is important that in exercising the right of appeal conferred by statute, a Director applies sound legal principles to such appeals.

In addition to appeals against sentence, s.92 Magistrates' Court Act 1989 empowers the Director to act on behalf of police informants in appeals to the Supreme Court against orders made by the Magistrates' Court where such

appeals involve a question of law. The criterion applied in these cases to determine whether an appeal should be launched is whether there is a reasonably arguable question of law that, if decided differently, would have affected the outcome of the case. As the vast majority of cases in the Magistrates' Court are decided on disputed questions of fact, it is relatively rare that the opportunity arises for an appeal to be brought by the Director using this section.

Where a person has been acquitted at trial, or in the County Court upon appeal from the Magistrates' Court, the Director has a power to refer a question of law to the Court of Appeal, pursuant to s.450A Crimes Act 1958. The Bail Act 1977 and the Confiscation Act 1997 confer other powers of appeal on the Director.

Details of Director's Appeals

High Court

At the beginning of the reporting period, the Director was the applicant in one pending special leave application, which was later abandoned.

No new applications for special leave to appeal were filed by the Director.

The Director was respondent in eleven applications for special leave listed during

Appeals

the reporting period, six of which were refused, four of which abandoned and one allowed.

The Director was respondent to one appeal heard by the Court during the reporting period, the judgment being reserved.

Court of Appeal (Victoria)

A Crown appeal should not be launched unless an error of sentencing principle by the sentencing judge can be demonstrated. This general rule was most recently affirmed by the High Court in *Everett v. The Queen* (1994) 181 CLR 295, wherein approval was specifically given to the comment made by Barwick C.J. in *Griffiths v. The Queen* (1977) 137 CLR 293 at 310 that:

“An appeal by the Attorney-General should be a rarity, brought only to establish some matter of principle and to afford an opportunity for the Court of Criminal Appeal to perform its proper function in this respect, namely, to lay down principles for the governance and guidance of courts having the duty of sentencing convicted persons.”

Referring to that passage, the High Court (Brennan, Deane, Dawson, and Gaudron JJ.) at 300 said:

“The reference to ‘matter of principle’ in that passage must be understood as encompassing what is necessary to avoid the kind of manifest inadequacy or inconsistency in sentencing standards which Barwick C.J. saw as constituting ‘error in point of principle’.”

The criteria for the instituting of a Director’s appeal against sentence have also been the subject of detailed comment by the Victorian Court of Appeal, particularly in *R v. Clarke* [1996] 2 VR 520 and *R v. O’Rourke* [1997] 1 VR 246.

All sentences passed by the Supreme Court and County Court Judges are reviewed in the Office according to the principles discussed in authorities such as *Griffiths*, *Everett*, *Clarke* and *O’Rourke*.

During the period in question 29 Director’s appeals pursuant to s.567A Crimes Act 1958 were heard. Six were dismissed, 22 allowed and 1 appeal was abandoned. The details of each appeal are as follows:

1. The Court allowed an appeal against the sentence of 5 years imprisonment imposed upon Tracey Leanne Wareham for one count of Culpable Driving. A new sentence of 6 years imprisonment was substituted. All licences held were cancelled for 5 years.
2. The Court allowed an appeal against the sentence of 6 years imprisonment on each of 2 counts of Culpable Driving with a period of 1 year cumulation imposed upon Wendy Kathryn Solomon. The sentence was varied by increasing the period of cumulation to 3 years.
3. The Court allowed an appeal against the sentence of 6 years imprisonment imposed upon 2 minors known as “SJK” and “GAS” for one count of Manslaughter. A new sentence of 9 years with a non-parole period of 6 years was substituted.

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4. The Court allowed an appeal against the release of Ahmet Koc on a bond pursuant to s.75 of the Sentencing Act 1991 without conviction for a period of 42 months on one count each of the following offences: Aggravated Burglary, Intentionally Causing Serious Injury, False Imprisonment, Stalking and Possession of a Drug of Dependence.
5. The Court recorded convictions on all 5 counts and imposed a new sentence of 12 months imprisonment on counts 1 and 2, 6 months imprisonment on count 3, 9 months imprisonment on count 4 and a \$500 fine on count 5. The Court ordered that 3 months of the sentences imposed upon counts 2 and 4 be served cumulatively each upon the other and upon the sentence imposed upon count 1 making a new sentence of 18 months imprisonment and ordered that such sentence be wholly suspended for 2 years.
6. The Court dismissed an appeal against the sentence of 3 years imprisonment with a non-parole period of 6 months imposed upon Candice Stephanie De'Zilwa for one count of Culpable Driving and one count of Negligently Causing Serious Injury. The Court allowed the prisoner's appeal against conviction and entered an acquittal.
7. The Court allowed an appeal against the sentence of 30 months imprisonment on one count of Aggravated Burglary, 12 months imprisonment on one count of Arson and 18 months imprisonment on one count of Intentionally Causing Serious Injury with 6 months of the sentence on count 3 to be served cumulatively on count 1, making a sentence of 3 years imprisonment of which 27 months was to be suspended for a period of 27 months, imposed upon Russell Miller.
8. The Court allowed an appeal against the sentence of 30 months imprisonment wholly suspended for 3 years for one count of Rape imposed upon John Gary Neil Browne. The sentence was varied to include a custodial component of 6 months. The Court dismissed the prisoner's appeal against conviction.
9. The Court allowed an appeal against a sentence of 3 years 8 months imprisonment with a 12 month non-parole period imposed upon Gary John Riddle for 6 counts of Indecent Assault on a girl and 8 counts of Indecent Assault. The individual sentences on each count were confirmed and the orders for cumulation were set aside. The period of cumulation was increased to 2 years. The Court ordered a new sentence of 5 years with a non-parole period of 2 years 6 months.
10. The Court allowed an appeal against the sentence of 4 years imprisonment on each of two counts of Culpable Driving and 6 months and 18 months respectively on 2 counts of Negligently Causing Serious Injury imposed upon

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- Darren John Whittaker. The sentence was varied to include a period of 12 months cumulation.
11. The Court dismissed an appeal against the sentence of 3 years imprisonment with a period of 18 months suspended for 3 years imposed upon Anthony Malcolm for Trafficking in a Drug of Dependence.
 12. The Court allowed an appeal against the sentence of 6 months imprisonment on one count of Sexual Penetration of a Child between 10 and 16 years and 4 months imprisonment on one count of Indecent Act with a Child between 10 and 16 years with a period of 5 months imprisonment to be suspended for 3 years imposed upon Richard Stephen Middlebrook. A new sentence of 2 years imprisonment on count 1 and a period of 2 months cumulation on count 2 was substituted.
 13. The Court allowed an appeal against the sentence of 3 months imprisonment on one count of Theft, 1 month imprisonment on one count of Robbery and 18 months imprisonment on one count each of False Imprisonment, Threat to Inflict Serious Injury and Causing Injury Intentionally imposed upon Marc Alan Herbert. The sentence was varied by increasing the sentence on count 2 to 6 months imprisonment.
 14. The Court allowed an appeal against the sentence of 4 years imprisonment on one count of Armed Robbery imposed upon Liall Geoffrey Priest. A new sentence of 5 years imprisonment with a non-parole period of 3 years was substituted.
 15. The Court allowed an appeal against the sentence of 2 years and 6 months imprisonment on one count of Armed Robbery, 9 months imprisonment on one count of Theft of a Motor Vehicle and 18 months imprisonment on one count of Arson imposed upon Shayne Doherty. A new sentence of 5 years imprisonment with a non parole period of 2 years and 6 months on count 1 was substituted and the sentences on counts 2 and 3 were confirmed.
 16. The Court ruled it was unnecessary to decide the appeal against a sentence of 2 years and 6 months imprisonment imposed on Dale Elliot Lewis as it had allowed the prisoner's appeal against conviction.
 17. The Court allowed an appeal against the sentence of 4 years and 3 months imprisonment on one count of Aggravated Burglary, two counts of Armed Robbery and four counts of False Imprisonment with a non parole-period of 2 years and 3 months imposed upon Mauricio and Jimmy Edison Fernandez. A new sentence of 5 years imprisonment with a non-parole period of 3 years and 3 months was substituted.
 18. The Court allowed an appeal against the sentence of 2 years imprisonment on one count of Rape and 1 year imprisonment on one count of Indecent Assault with a sentence of 2 years wholly suspended for 3 years imposed upon Peter Alton Grieves. A new sentence of 3 years imprisonment on count 1 and 6 months imprisonment

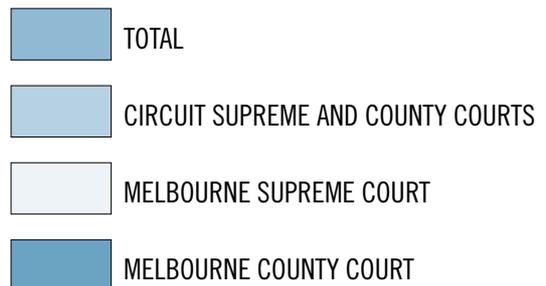
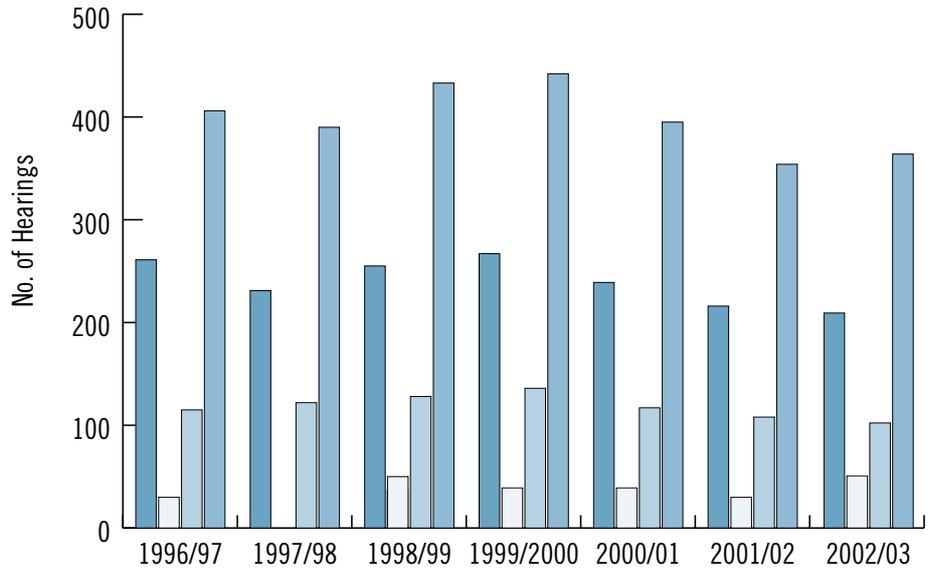
Appeals

- on count 2 making a new sentence of 3 years imprisonment of which 2 years was suspended for a period of 3 years was substituted.
19. The Court allowed an appeal against the sentence of 12 years imprisonment with a non-parole period of 9 years for six counts of Sexual Penetration of a child under 10, two counts of Indecent Assault, two counts of Gross Indecency, one count of Attempted Sexual Penetration of a child under 16, eight counts of Indecent Act with a child, thirteen counts of Incest, one count of Attempt Incest, four counts of Indecent Act in the presence of a child under 16, one count of Produce Child Pornography and one count of Possess Child Pornography imposed upon "DJS". A new sentence of 16 years with a non-parole period of 13 years and 6 months was substituted.
 20. The appeal against the sentence of 5 years imprisonment on one count of Rape and 3 years imprisonment on one count of Causing Serious Injury Intentionally imposed upon Alex Daniel Baxter was abandoned by the Director.
 21. The Court allowed an appeal against the sentence of 13 years imprisonment with a non-parole period of 11 years on one count of Indecent Assault and three counts of Rape imposed upon Clive William Devaldez. A new sentence of 16 years with a non-parole period of 14 years was substituted.
 22. The Court allowed an appeal against the sentence of 4 years and 6 months with a non-parole period of 2 years for one count of Culpable Driving and one count of Negligently Causing Serious Injury imposed upon Jason Daniel Scott. A new sentence of 5 years and 6 months imprisonment with a non-parole period of 3 years was substituted.
 23. The Court allowed an appeal against the sentence of 7 years and 6 months with a non-parole period of 5 years on one count of Recklessly Causing Serious Injury, one count of Intentionally Causing Serious Injury, one count of Driving in a Manner Dangerous and one count of Unlicensed Driving imposed upon Dale Carey Lepoidevin. A new sentence of 10 years and 6 months with a non-parole period of 7 years and 6 months was substituted.
 24. The Court allowed an appeal against the sentence of 18 months imprisonment of which 12 months was suspended for a period of 12 months on three counts of Armed Robbery and one count of Attempted Armed Robbery imposed upon Terry Jefferson. A new sentence of 4 years imprisonment with a non-parole period of 2 years was substituted.
 25. The Court dismissed an appeal against the sentence of a 2 year Community Based Order with 400 hours of community work without conviction and a fine of \$3000 for one count of Armed Robbery imposed upon John Paul James Candaza, Andrew Nick Mavros, Michael Nunez and Peter Koufomanolis.

Appendix A

trials conducted

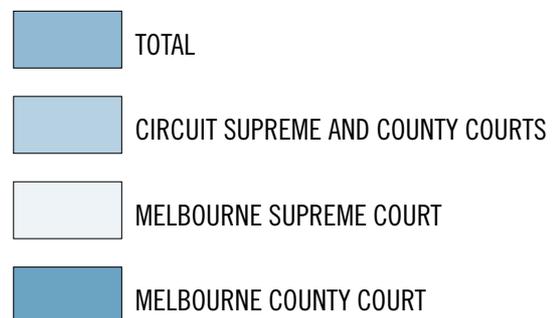
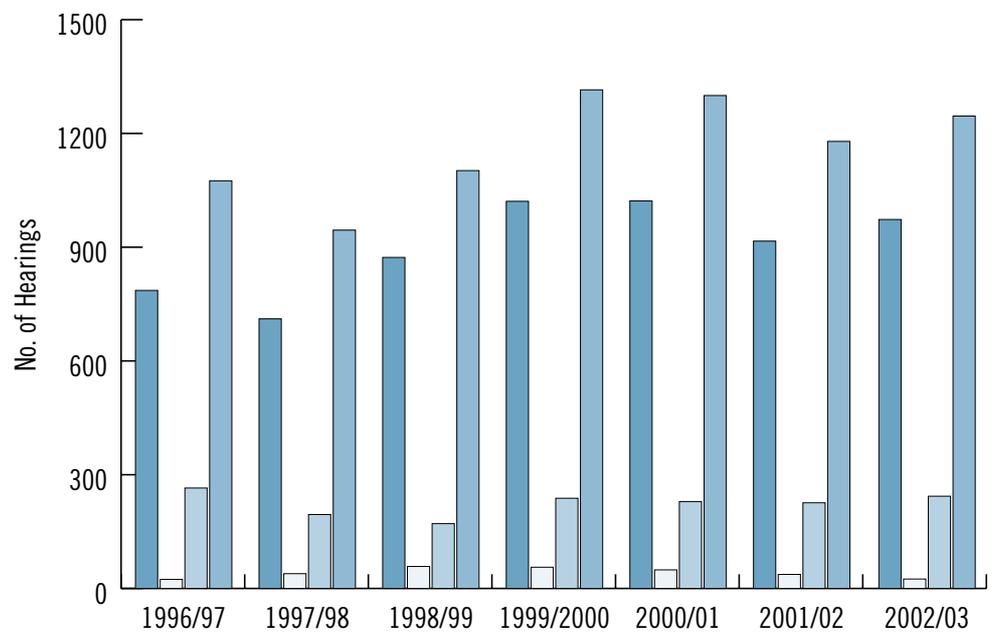
YEAR	1996/97	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03
MELBOURNE COUNTY COURT	261	231	255	267	239	216	212
MELBOURNE SUPREME COURT	30	37	50	39	39	30	49
CIRCUIT SUPREME AND COUNTY COURTS	115	122	128	136	117	108	100
TOTAL	406	390	433	442	395	354	361



Appendix A

plea of guilty hearings conducted

YEAR	1996/97	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03
MELBOURNE COUNTY COURT	786	711	873	1021	1022	916	965
MELBOURNE SUPREME COURT	24	39	58	56	49	37	28
CIRCUIT SUPREME & COUNTY COURTS	265	195	171	238	229	226	256
TOTAL	1075	945	1102	1315	1300	1179	1249



Appendix A

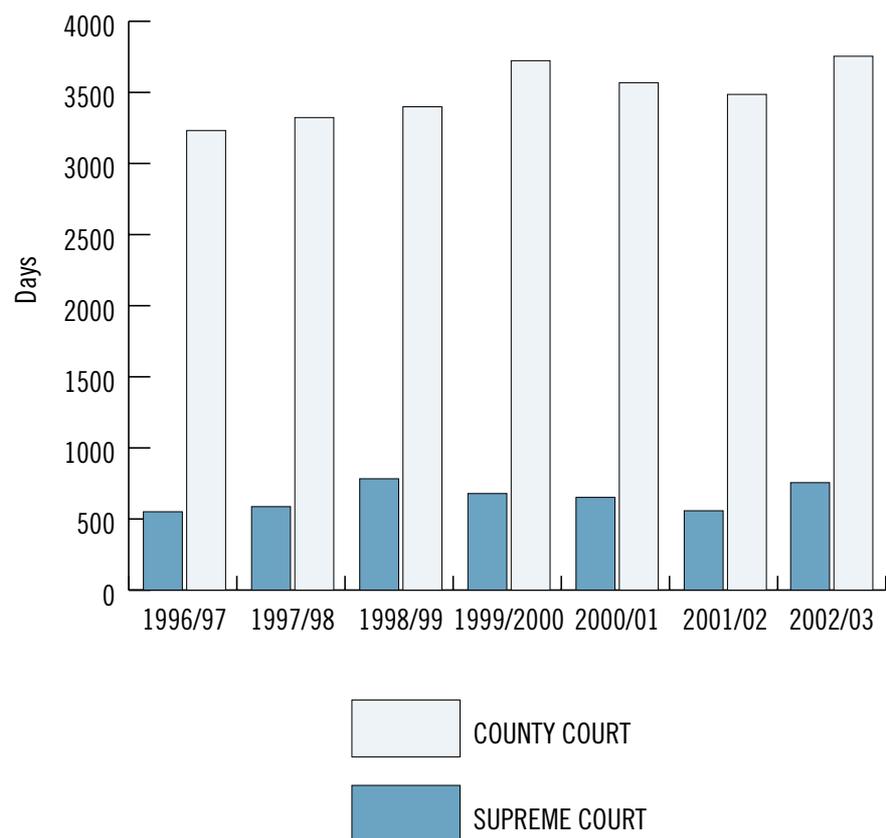
case outcomes as a percentage of total case disposals

YEAR	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03
GUILTY PLEAS PRE-TRIAL	60.1%	58.0%	59.0%	63.6%	66.4%	68.0%	68.1%
GUILTY PLEAS LISTED AS TRIALS	7.0%	6.6%	6.3%	6.7%	5.8%	5.3%	5.7%
GUILTY PLEAS (TOTAL) AS A % OF DISPOSALS	67.1%	64.6%	65.3%	70.3%	72.2%	73.3%	73.8%
TRIAL - CONVICTION	12.6%	15.8%	15.6%	14.0%	14.4%	14.0%	12.9%
TRIAL - ACQUITTAL	12.7%	10.9%	10.1%	9.6%	8.1%	8.0%	8.4%
TRIALS (TOTAL) AS A % OF DISPOSALS	25.3%	26.7%	25.7%	23.6%	22.5%	22.0%	21.3%
OTHER DISPOSALS	8.6%	8.7%	9.1%	6.1%	5.4%	4.7%	4.9%
GUILTY AS A % TRIAL OUTCOMES	49.8%	59.0%	60.7%	59.3%	64.1%	64.0%	60.7%
ACQUITTALS AS A % OF TRIAL OUTCOMES	50.2%	41.0%	39.3%	40.7%	35.9%	36.0%	39.3%
GUILTY OUTCOME AS A % OF TOTAL CASES	79.7%	80.4%	80.9%	84.3%	86.6%	87.3%	86.6%

Appendix A

judge sitting days

YEAR	1996/97	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03
SUPREME COURT	551	587	783	679	652	558	752
COUNTY COURT	3232	3323	3399	3723	3568	3486	3777

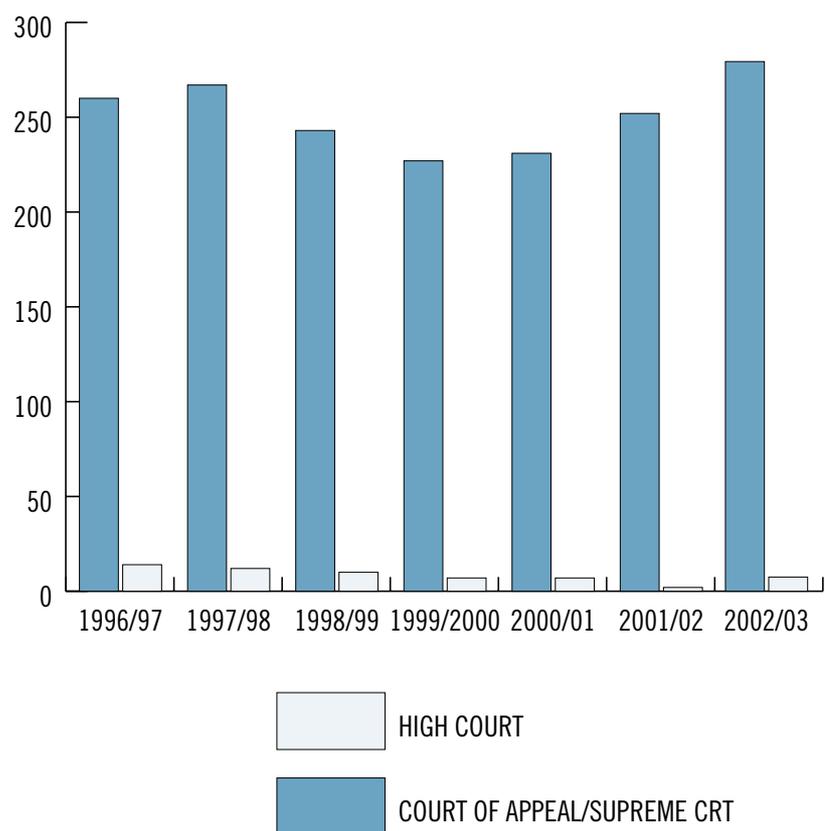


Appendix A

appeals to the court of appeal, high court and supreme court

YEAR	1995/96	1996/97	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03
COURT OF APPEAL/SUPREME CRT	276	260	267	243	227	231	252	281
HIGH COURT	10	14	12	10	7	7	2	7

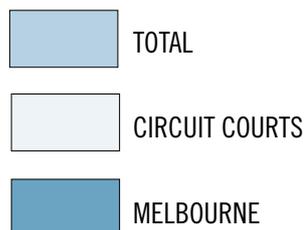
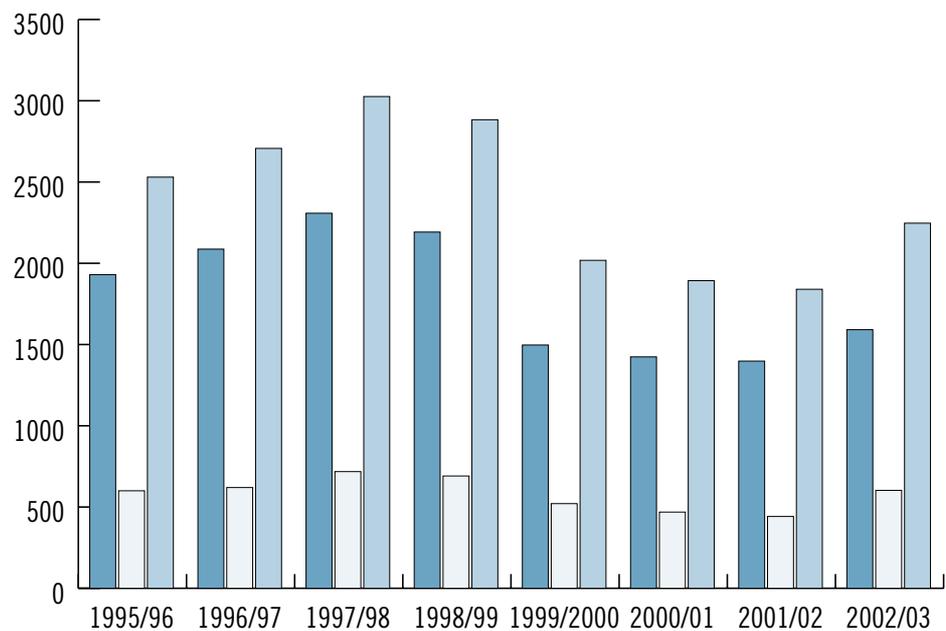
NOTE: High Court includes applications for Leave to Appeal



Appendix A

county court appeals completed

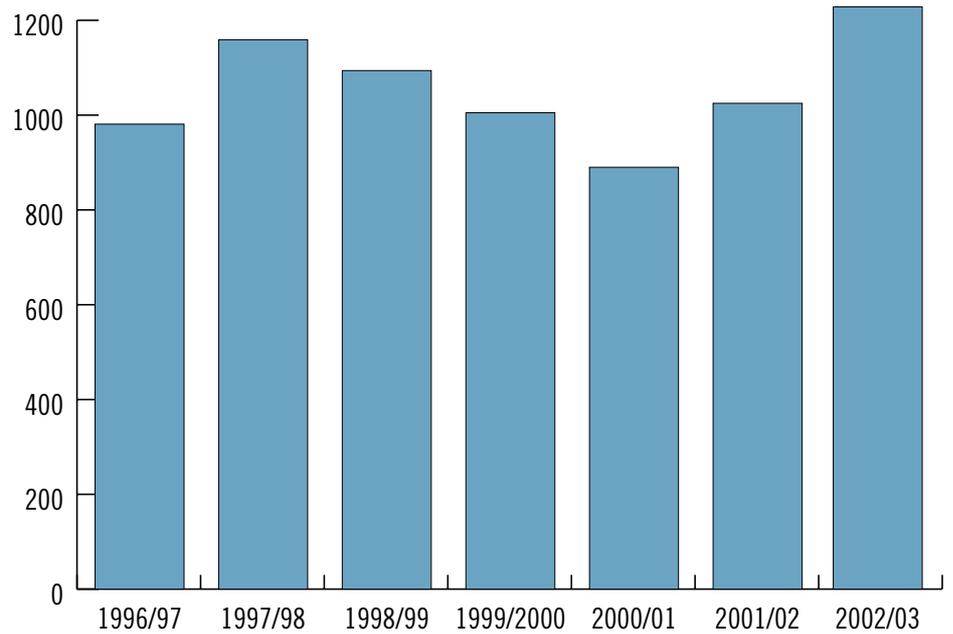
YEAR	1995/96	1996/97	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03
MELBOURNE	1930	2087	2308	2192	1497	1424	1398	1645
CIRCUIT COURTS	600	620	718	691	521	469	442	577
TOTAL	2530	2707	3026	2883	2018	1893	1840	2222



Appendix A

contested committals

YEAR	1996/97	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03
NUMBER OF CONTESTS	981	1159	1094	1005	890	1025	1228



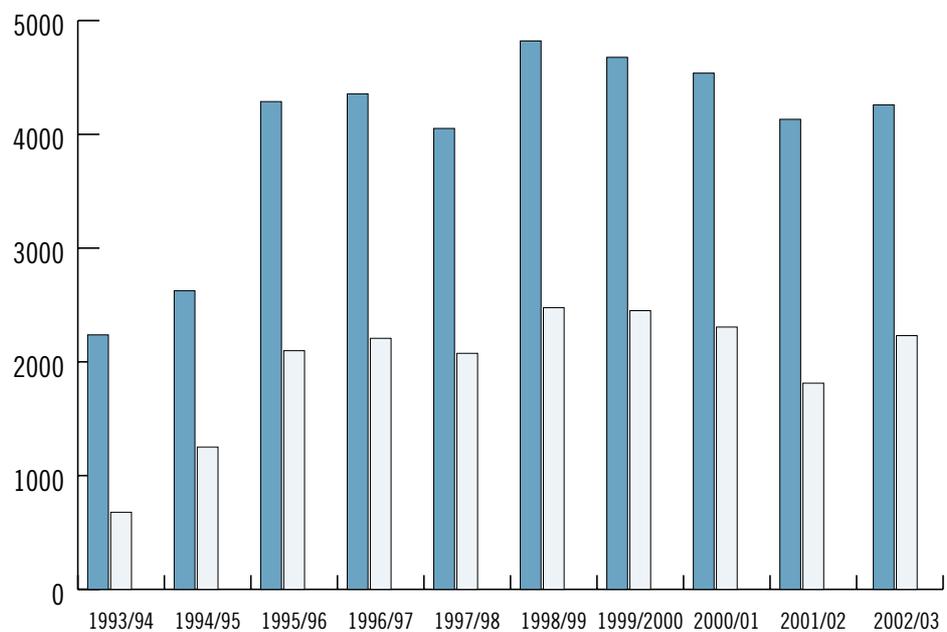
NUMBER OF CONTESTS

Appendix A

prosecutor appearance rates

YEAR	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03
NO. OF AVAILABLE PROSECUTOR DAYS	2237	2625	4288	4356	4052	4821	4677	4538	4132	4222
NO. OF PROSECUTOR APPEARANCE DAYS	678	1251	2098	2207	2075	2476	2450	2306	1813	2218
% APPEARANCE DAYS/ AVAILABLE DAYS	30.31%	47.66%	48.93%	50.67%	51.21%	51.36%	52.38%	50.82%	43.88%	52.50%

NOTE: (1) These figures do not allow for leave, chambers work or preparation. They represent the number of appearances as a % of the total available court days multiplied by the number of Prosecutors.

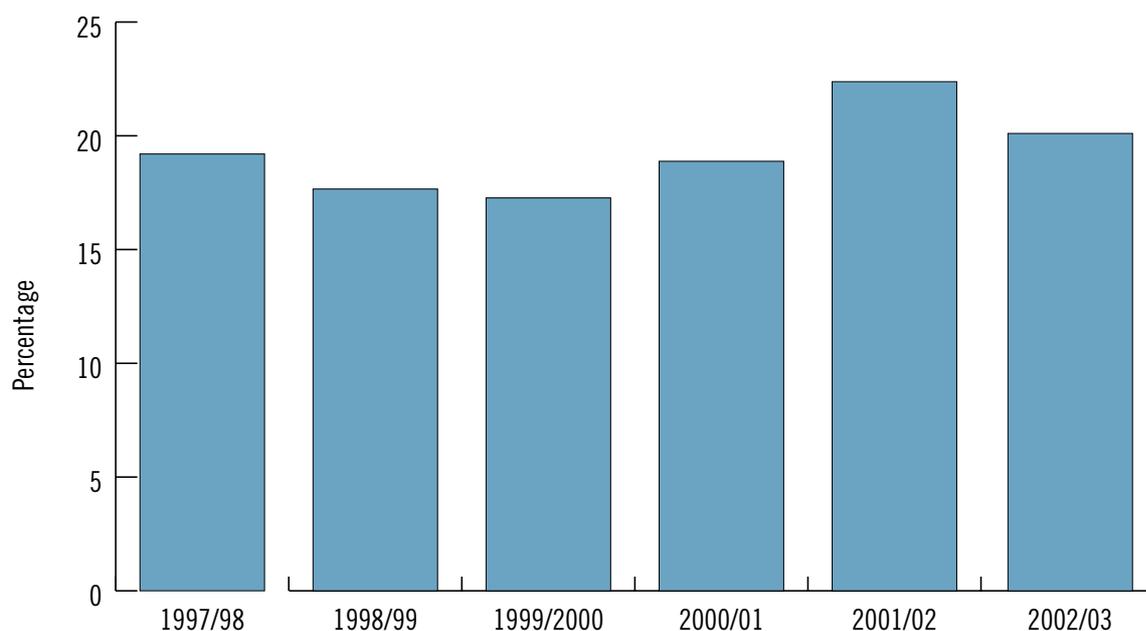


Appendix A

expenditure on external counsel fees as a percentage of total recurrent expenditure

YEAR	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03
EXTERNAL COUNSEL FEES	\$3,780,000	\$3,623,000	\$3,710,000	\$4,138,788	\$5,031,000	\$4,830,242
TOTAL EXPENDITURE	\$19,686,000	\$20,517,000	\$21,477,000	\$21,921,078	\$22,477,000	\$23,943,457
PERCENTAGE	19.20%	17.66%	17.27%	18.88%	22.38%	20.17%

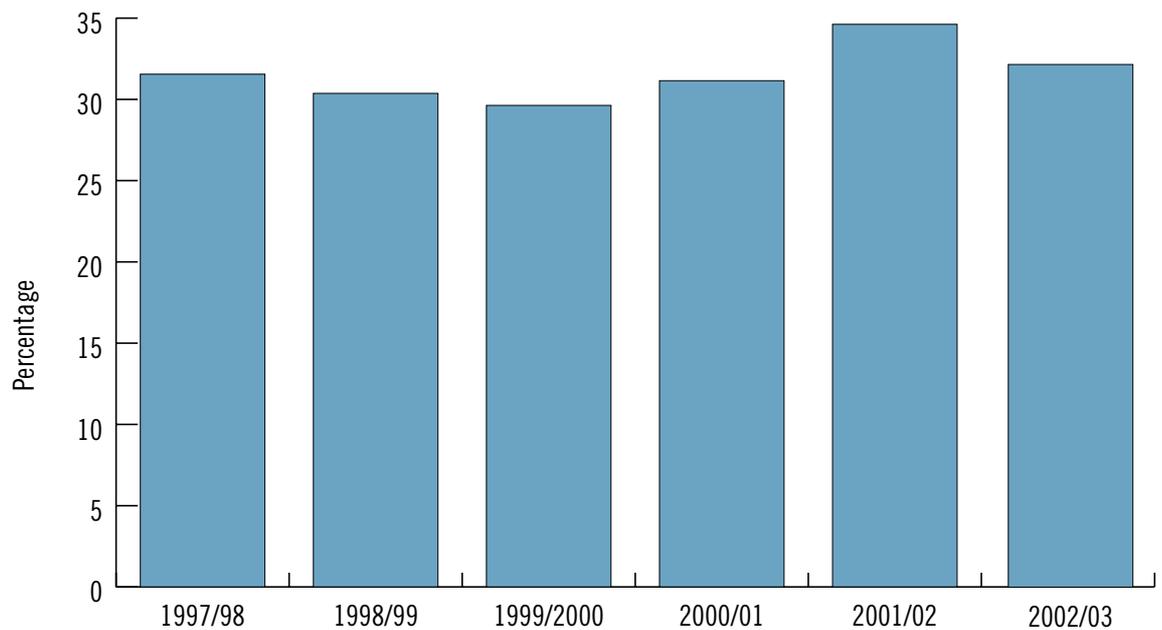
NOTE. Total expenditure for 1998/99 includes costs relating to depreciation, amortisation, government finance charges and building rental of which only part was previously allocated against the Office of Public Prosecutions. Because of changed government reporting requirements the relevant cost for these items for 1997/98 cannot accurately be identified and the % stated for 1997/98 is overestimated if these costs were to be included.



Appendix A

counsel appearance costs as a percentage of total recurrent expenditure

YEAR	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03
APPEARANCE COSTS	\$6,210,000	\$6,231,000	\$6,363,000	\$6,828,109	\$7,782,000	\$7,859,016
TOTAL EXPENDITURE	\$19,686,000	\$20,517,000	\$21,477,000	\$21,921,078	\$22,477,000	\$23,943,457
PERCENTAGE	31.55%	30.37%	29.63%	31.15%	34.62%	32.82%



Appendix A**approximate average cost per
matter prosecuted expressed
in full cost and accrual terms**

YEAR	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03
APPROXIMATE COST	\$2,602	\$2,592	\$2,785	\$2,973	\$3,022	\$2,968

Appendix B

outputs

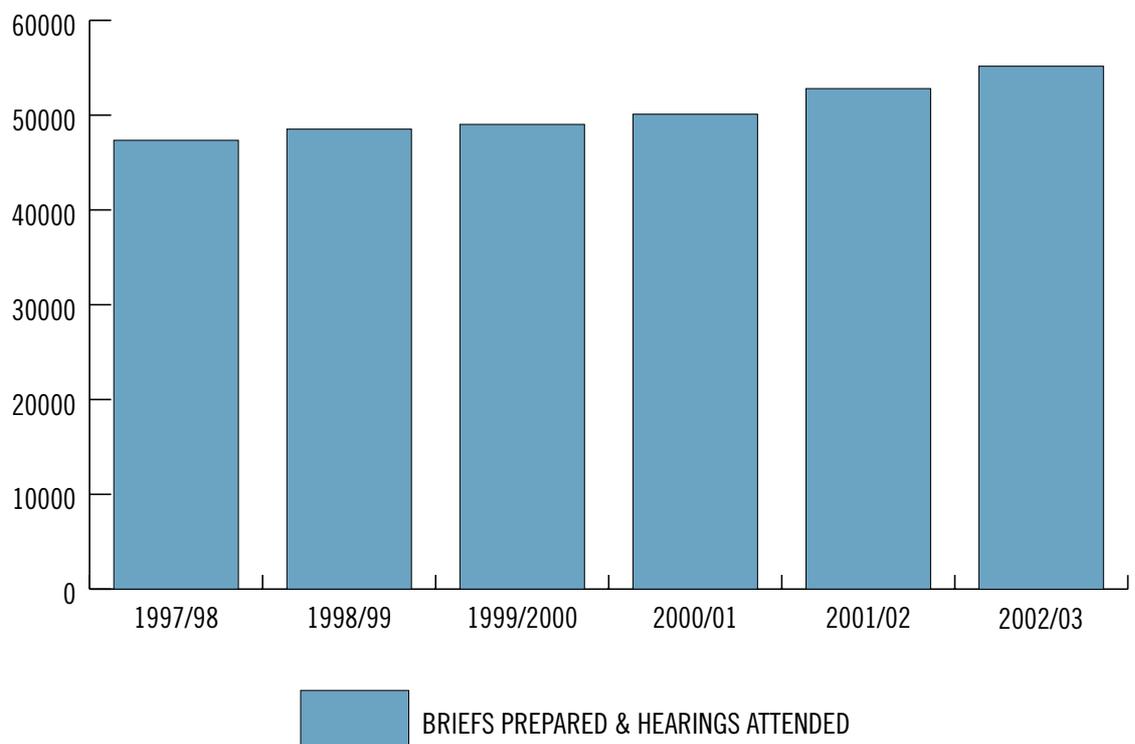
YEAR	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03
BRIEFS PREPARED & HEARINGS ATTENDED	47343	48522	49020	50097	52800	56525
AVERAGE NUMBER PER STAFF	247.9	254.0	248.8	249.2	258.7	271.8

***NOTE**

1. The output target for 2002/03 was 51,000.

2. Outputs counted are a combination of briefs prepared on behalf of the Director and hearings attended on behalf of the Director.

3. Because of nuances in the Magistrates' Court system (Court Link), each day of a hearing in the Magistrates' Court counts as a hearing.



Appendix C

witness assistance case referrals with special needs

WITNESS CATEGORY	NUMBER	PERCENT
Child Witness Age 10-16 years	327	48%
Child Witness Age Under 10 years	103	10%
Substance Abuse Issues	20	2%
Hearing Impaired	4	1%
Intellectually Disabled	23	3%
Non English Speaking Background	147	20%
Psychiatric Disability	30	6%
Physical Disability including sight & hearing impaired	32	4%
Requires Interpreter	29	4%
Other	15	2%
TOTAL	730	100%

Appendix C

witness assistance case referrals by category

CATEGORY	REFERRALS	PERCENT
Arson	5	1%
Murder	141	16%
Attempted Murder	33	4%
Culpable Driving	47	5%
Adult Sexual Assault	118	14%
Armed Robbery	31	4%
Child Sexual Assault – Adult	119	14%
Child Sexual Assault – Child	170	20%
Physical Assault – Adult	96	11%
Physical Assault – Child	8	1%
Burglary/Theft	27	3%
Fraud	19	2%
Mental Impairment	16	2%
Threat to kill	4	0%
Other	33	4%
TOTAL	867	100%

Appendix D

freedom of information

Freedom of Information Requests During the Year

There were 33 requests under the Freedom of Information Act 1982 received by the Office of Public Prosecutions in the year ended 30 June 2002.

The results of those requests were as follows:

Requests transferred to Victoria Police	1
Request relating to documents not held	1
Access granted in full or in part	20
Access denied in full or in part	4
Further particulars sought in relation to request	2
Access not finalised at end of reporting period	0
Others	5
Total	33

Applications for Internal Review

There was one application for Internal Review pursuant to s.51(1) of the Freedom of Information Act 1982 of decisions made by the Freedom of Information Officer.

VCAT Review

The Victorian Civil and Administrative Tribunal did not receive any application for review pursuant to s.50(2) Freedom of Information Act 1982 of a decision by the principal officer in the relevant reporting period.

Freedom of Information Processes

Categories of Documents

The Office maintains electronic and paper based files. The computerised case management system, PRISM, provides a complete file registration and file management system. Files are initially recorded when they are allocated a file number. All details of the accused, addresses, sureties and witnesses are entered. Further information is added as the matter progresses.

A paper based case file is maintained in every matter conducted on behalf of the Director. They contain court documents and records of all communications and work undertaken in the particular matter.

Appendix D

The Bail and Breaches Section maintains spreadsheet of bail applications which records applications in chronological order from the date of receipt of documents into the Office. This section also maintains an index of files of breaches of non-custodial orders such as Community Based Orders.

The Policy, Advising and Court of Appeal Section maintains an electronic database that records all matters handled by this section.

The Human Resources section maintains an alphabetical index to all persons employed in the Office and containing a brief work history, leave details and so on.

The Requisitions Book maintains a record of each order as it is raised, its allocated number and details of the order such as cost.

The Accounts Register (Non-Professional Assistance Register) is a register of recurring expenditure (e.g. photocopying machine rental), and an entry is raised each time an invoice is received or goods supplied to the Office. The Professional Assistance Register is an alphabetical ledger of all barristers briefed by this Office, specialists, psychiatrists, court reporting, accountants and other professional assistance and contains details of claims made for payment after appearances at court or provision of advice.

The Fixed Assets Register is a register of all assets owned by the Office including description, cost and location of item.

The Director's Files cover a variety of

subjects, including matters where the Director's consent is required to prosecute a matter, advice has been given on various legal matters, answers given to public inquiries, and newspaper clippings on particular cases.

Administrative files contain material relevant to general office issues, and therefore contain reports, correspondence and file notes for subjects such as Freedom of Information legislation and transfer of files to the Public Records Office.

Access Arrangements

It is the aim of the Freedom of Information Act 1982 to make the maximum amount of information available to Victorians, promptly and inexpensively. To facilitate this, applications must be as specific and precise as possible to enable quick identification and searching for the relevant documents.

Access to information is obtainable through written request. Delegated officers handle the processing and determination of the application. The Solicitor for Public Prosecutions handles any request for internal review.

Applicants can request photocopies of documents, or to inspect the documents in the Office, or such other measures as are appropriate to their application. It is helpful if applicants provide a telephone number as a point of contact for the Freedom of Information Officer for any points of clarification or discussion relating to the request.

Appendix D

Sometimes the Office cannot grant full or even partial access to documents because it considers them to be "exempt", and the Principal Officer has, therefore, decided to deny access to them. These types of documents are detailed in Part IV of the Freedom of Information Act 1982.

The Principal Officer, will identify such documents and set out the reasons for this exempt status in the "Access Decision" letter sent to the Applicant. If the Applicant wishes to challenge a decision of the Principal Officer, he/she may appeal to the Administrative Appeals Tribunal, or the Ombudsman if there is a complaint about the way that the request has been handled.

Charges under the Act

The Act was not designed as a revenue-raising measure; it specifies that access to information be provided at the lowest reasonable cost.

The charges were amended by the Freedom of Information (Access Charges) Regulations 1993 that came into force on 1 July 1993. These charges are now regulated thus:

- **Application Fee:** A request must be accompanied by a fee of \$20.00;
- **Search Fees:** where the Office has to identify and locate documents – \$20.00 per hour (minimum \$5.00);
- **Supervision Fees:** where a document is inspected by an Applicant within the Office – \$10.00 per hour;
- **Photocopy Fees:** 50 cents per A4 page;
- **Deposits:** a deposit of \$25.00 may be requested before the Office will grant

access, if the calculated charge does not exceed \$100, or if the calculated charge exceeds \$100.00, 50% of the calculated charge.

These charges will be waived if the conditions in Section 22 of the Act are met, e.g. if the applicant is a Member of Parliament, if the information was accessed in the public interest, or if the applicant is impecunious.

Amendment of Personal Records

After a document containing information relating to the personal affairs of a person has been released to that person, or in the case of a deceased person, that person's next of kin, the Applicant can request the correction of any information held on the file where it is considered that this information is inaccurate, incomplete, or gives a misleading impression.

Requests for amendments must be in writing and must specify:

- (a) an address for service of notices;
- (b) particulars of why the person making the request believes the information to be incomplete, incorrect, out-of-date or misleading; and
- (c) the amendments he or she wishes to be made.

Where the Principal Officer accedes to the request, the record may be either altered or amended by annotation.

Where the Principal Officer refuses to make the amendment, he must notify the applicant in writing of the decision advising of:

Appendix D

- (a) the findings on any material questions of fact, the material on which those findings were based and the reasons for the decision;
- (b) his/her name and designation, and
- (c) the Applicant's rights of review to the Administrative Appeals Tribunal in respect of the decision.

If the Tribunal affirms the Principal Officer's decision, the Applicant may insist that a notation be made to the record specifying why he/she claims the information it contains is incomplete or otherwise inaccurate.

The notation then becomes part of the document and may be disclosed pursuant to the Act.

Nominated Officer/Contact Officer

Requests for access to documents in the Office of Public Prosecutions under the Freedom of Information Act 1982 may be directed to:

Freedom of Information Officer,
Office of Public Prosecutions,
9th Floor, 565 Lonsdale Street,
MELBOURNE VIC 3000

Attention: "Freedom of Information"

Further Information on F.o.I. Act

Further information on the operation of the Freedom of Information Act 1982 may be obtained from:

- (a) Freedom of Information Act 1982;
 - (b) Freedom of Information Handbook; or
 - (c) Freedom of Information Regulations;
- that are available from the Information Victoria Bookshop.

Appendix E

Human resources

As an office holder with the functions of an Agency Head under the Public Sector Management and Employment Act 1998, the Solicitor for Public Prosecutions is subject to reporting requirements under the Commissioner Directions issued pursuant to s.37(1)(b) of the Act.

The OPP forms part of the Justice portfolio and generally applies the same employment processes as those applying within the Department of justice. In relation to the specific reporting requirements set out in the Commissioner's Directions, the position is as follows:

Profile of OPP workforce

Table 1 – Aggregate workforce data as at 30 June 2003

Employment Status	Male	Female	Total Staff	Variation from previous year
Permanent	78	93.9	171.9	+15.3
Temporary	3	4	7	-11.5
Casual	-	-	-	-

Notes:

- (a) Includes only staff on the payroll as at 30 June 2003.
- (b) Staffing figures have been expressed as full time equivalents (FTE).
- (c) Staffing figures include 2 Executive Officers.
- (d) Staffing figures do not include 22 Governor in Council appointees. (Director, Solicitor, Crown Prosecutors)
- (e) Staffing figures do not include 7 Articled Clerks.

Table 2 – Classifications by gender as at 30 June 2003

Classification	Full-Time				Part-Time			
	Male	Female	Total	Variation from previous year	Male	Female	Total	Variation from previous year
VPS-5	15	8	23	+5	0	0	0	-8
VPS-4	34	22	56	-8	0	4.4	4.4	0
VPS-3	18	13	31	+2	0	.9	.9	+1
VPS-2	6	36	42	+2	0	1.6	106	-5
VPS-1	6	11	17	-3	0	1	1	0
Sub-Total	79	90	169	-2	0	7.9	7.9	-1.2

Notes:

Includes all temporary staff. Figures do not include 7 Articled Clerks. Figures do not include 22 Governor-In-Council appointments. Figures do not include 2 Executive Officers.

Appendix E

Table 3 - Profile of executive officers by gender as at 30 June 2003

Classification	Male	Variation from previous year	Female	Variation from previous year	Total	Variation from previous year
Eo-3	2	-	-	-	2	-
Eo-2	-	-	-	-	-	-
Eo-1	-	-	-	-	-	-
Total	2	-	-	-	2	-

Merit and Equity Programs

Selecting on Merit

The Solicitor for Public Prosecutions made 7 appointments without general advertisement during the 2002/03 financial year. All of these appointments were as a result of appointing candidates to positions with identical duties and requirements to those of positions advertised in the Victorian Public Service Notices.

There was also one appointment made due to the specialist nature of the position.

Reviewing Personal Grievances

The Office of Public Prosecutions did not receive a Personal Grievance Application during the 2002/03 financial year.

Managing and Valuing Diversity

The Office of Public Prosecutions has continued to participate in the Government's Youth Employment Initiative. Over the past six years the Office has had varied training programs that enabled trainees to gain experience and exposure to a number of administrative areas of the Office.

Having regard to the success of the Youth Employment Initiative in the OPP, a further two trainees have been engaged.

All new appointees to the Office are included in a formal two-day Induction Program. This program includes the provision of information relating to the Code of Conduct and other aspects of employment.

Appendix E

Upholding Public Sector Conduct

The code of Conduct issued by the Commissioner of Public Employment under s.37(1)(a) Public Sector Management and Employment Act 1998 has been issued to all existing staff and is provided to all new appointees. A Code of Conduct for OPP staff is also published in the Office Manual.

All employees of the Office with current or future responsibilities for purchasing goods and/or services or contracting external service providers have attended or are progressively attending relevant contract management courses.

This ensures that there is a very clear understanding of probity and integrity issues and relevant processes.

Occupational Health and Safety

In accordance with the Occupational Health and Safety Act 1985 and the Office of Public Prosecutions Human Resource Management Policies and Guidelines, the Office continues in its endeavours to provide a working environment for all staff members and visitors which is safe and without risk to health.

To facilitate this a Committee comprising 9 members of staff and 2 management representatives has been established to:

- Improve cooperation in instigating, developing and carrying out measures designed to ensure the occupational health and safety of staff, and

- Formulate, review and disseminate the standards, rules and procedures relating to occupational health and safety which must be carried out or complied with in the workplace.

This Committee meets every three months or as needed.

During the year the Office:

- Engaged a contractor specialising in ergonomics to assist staff with office layout, computer location/installation and posture.
- Engaged a contractor to develop, train and monitor staff in evacuation and emergency procedures.
- Continued to provide an Employee Assistance Program to assist staff through short term professional counselling and consulting for both employees and members of their immediate family who face problems of personal, family related or employment nature.
- Maintained a financial assistance program for staff who, due to the computerisation of the office require spectacles for their use of computers.
- Provided an Influenza Vaccination Program to reduce the possibility of staff suffering influenza.
- Reviewed the number and requirements of First Aid Officers and provided additional training and provisions where necessary, and

Appendix E

- Continued to regularly review all Office
 - policies and procedures relating to OHS key performance indicators
 - reporting registers of injuries and causes of accidents
 - WorkCover claims
 - Rehabilitation and early return to work practices

A further reduction in WorkCover Insurance premiums over the past 12 months is one of the benefits of creating a safer workplace.

Employee Relations

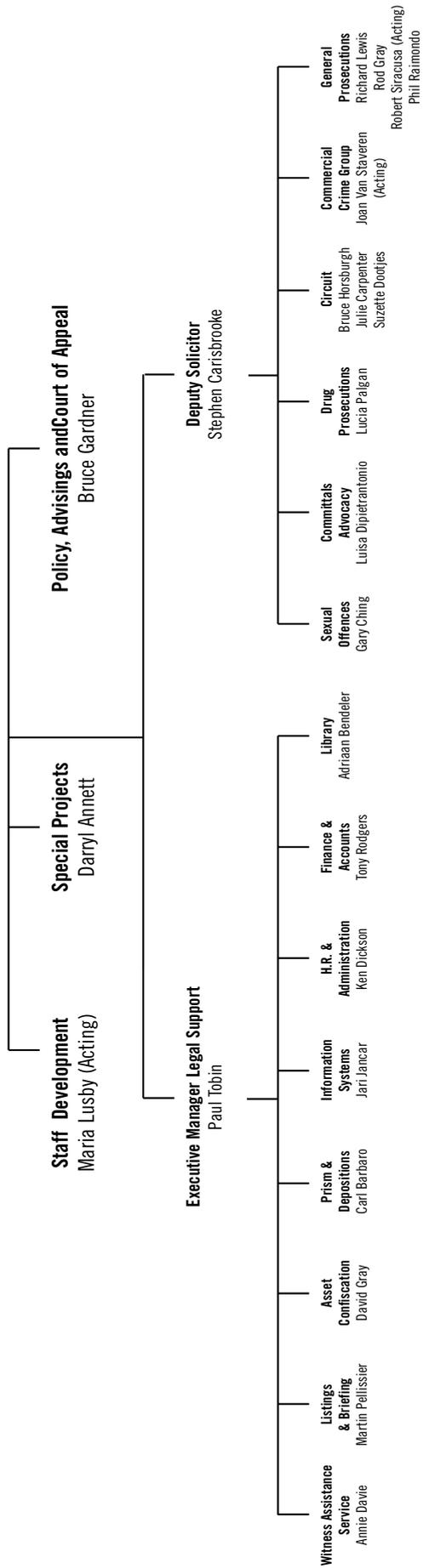
The OPP is a party to the Public Sector Enterprise Partnership Agreement. During the year senior management have continued to meet with the CPSU to keep them informed of various issues at the OPP.

There have been no industrial disputes during the year.

Appendix E

Solicitor for Public Prosecutions

Kay Robertson



Appendix F

directory and supplementary information

Responsible Minister:

THE HONOURABLE ROB HULLS MLA
Attorney-General
55 St Andrews Place
Melbourne Vic 3001

Accountable Officer:

KAY ROBERTSON
Solicitor for Public Prosecutions
565 Lonsdale Street
Melbourne Vic 3000

Senior Staff and Major Responsibilities:

STEPHEN CARISBROOKE
Deputy Solicitor

Responsibilities:

The Legal Practice: General Prosecutions
and Specialist Prosecutions Sections,
Circuit Courts.

PAUL TOBIN
Executive Manager

Responsibilities:

Corporate Services: Human Resources,
Finance, Information Systems,
Confiscation of Profits, Strategic Planning,
Briefing Policy and Practice, Depositions.

Audit Committee

The Audit Committee met three times
during the year. The membership of the
Audit Committee during the year was:

G. Wert	Independent Chairman
R. Turnley	Internal Audit, Department of Justice
S. Carisbrooke	Deputy Solicitor
P. Tobin	Executive Manager

Consultancies

There were no consultancies during the
year.

Information available on request

Information on the following items in
relation to the financial year has been
prepared and is available on request:

- Statement that declarations of pecuniary interest have been completed by all relevant officers
- Details of publications produced and the places where they can be obtained

Financials**financial report****30 June 2003**

Directory

Responsible Minister

The Honourable Mr Rob Hulls MLA

Solicitor for Public Prosecutions

Kay Robertson

Financials

statement of financial performance for the year ended 30 June 2003

	Notes	2003 \$'000	2002 \$'000
Revenues from ordinary activities			
Government Grants	3	23,758	22,914
Resources received free of charge	3	136	91
		23,894	23,005
Expenses from ordinary activities			
Employee benefits	4	(14,386)	(13,679)
Depreciation and amortisation	4	(362)	(157)
Capital asset charge		(182)	(76)
Supplies and services	4	(9,013)	(8,565)
Other expenses from ordinary activities		(171)	(91)
		(24,114)	(22,568)
Result from ordinary activities		(220)	437
Net result for the reporting period		(220)	437
Net increase in asset revaluation reserve		4	0
Total revenues, expenses and revaluation adjustments recognised directly in equity		4	0
Total changes in equity other than those resulting from transactions with Victorian State Government in its capacity as owner on behalf of the Crown.	10	(216)	437

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

Financials

statement of financial position

as at 30 June 2003

	Notes	2003 \$'000	2002 \$'000
Current assets			
Cash assets	5,11	71	71
Receivables	6,11	39	55
Amounts due from related parties	6,11	2,390	2,652
Total current assets		2,500	2,778
Non-current assets			
Property, plant & equipment	7	2,181	2,398
Total non-current assets		2,181	2,398
Total assets		4,681	5,176
Current liabilities			
Payables	8,11	847	905
Provisions	9	1,407	1,258
Other		14	14
Total current liabilities		2,268	2,177
Non-current liabilities			
Provisions	9	2,463	2,833
Total non-current liabilities		2,463	2,833
Total liabilities		4,731	5,010
Net assets		(50)	166
Equity			
Contributed capital	10	1,546	1,546
Reserves	10	199	195
Accumulated surplus(deficit)	10	(1,795)	(1,575)
Total equity		(50)	166

Financials

statement of cash flows

for the year ended 30 June 2003

	Notes	2003 \$'000	2002 \$'000
Cash flows from operating activities			
Receipts from Government		24,036	21,796
Payments to suppliers and employees		(24,052)	(21,719)
		(16)	77
Capital asset charge		182	76
Net cash inflow from operating activities	17	166	153
Cash flows from investing activities			
Payments for property, plant and equipment		(176)	(1,702)
Proceeds from sale of property, plant and equipment		10	3
Net cash out flow from investing activities		(166)	(1,699)
Cash Flows from financing activities			
Proceeds from capital contribution by State Government		0	1,546
Net cash inflow (outflow) from financing activities		0	1,546
Net increase (decrease) in cash held		0	0
Cash at the beginning of the financial year		71	71
Cash at the end of the financial year	5	71	71

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

Financials

note 1

summary of significant accounting policies

This general purpose financial report has been prepared on an accrual basis in accordance with the Financial Management Act 1994, Australian Accounting Standards, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board, and Urgent Issues Group Consensus Views.

It is prepared in accordance with the historical cost convention, except for certain assets and liabilities which, as noted, are at valuation. The accounting policies adopted, and the classification and presentation of items, are consistent with those of the previous year, except where a change is required to comply with an Australian Accounting Standard or Urgent Issues Group Consensus View, or an alternative accounting policy permitted by an Australian Accounting Standard, is adopted to improve the relevance and reliability of the financial report. Where practicable, comparative amounts are presented and classified on a basis consistent with the current year.

(a) Reporting entity

All funds through which the Office controls resources to carry on its functions have been included in this financial report.

(b) Objectives and funding

The Office's objectives are to conduct an effective, economical and efficient prosecution service as an integral part of the criminal justice system. The service, it provides, must meet community expectations of fairness, impartiality and independence in the application of criminal law.

The Office is predominantly funded by grants from the Department of Justice.

(c) Acquisition of assets

The cost method of accounting is used for all acquisitions of assets. Cost is measured as the fair value of the assets given up or liabilities undertaken at the date of acquisition plus incidental costs directly attributable to the acquisition.

Assets acquired at no cost, or for nominal consideration, are initially recognised at their fair value at the date of acquisition.

Where settlement of any part of cash consideration is deferred, the amounts payable in the future are discounted to their present value as at the date of acquisition. The discount rate used is the incremental borrowing rate, being the rate at which a similar borrowing could be obtained from an independent financier under comparable terms and conditions.

(d) Revenue recognition

Government grants, donations and other contributions are recognised as revenues in the statement of financial performance when the office obtains control over the respective assets. Control over appropriations are normally obtained upon their receipt or official notification whichever is earlier.

(e) Receivables

All debtors are recognised at the amounts receivable as they are due for settlement at no more than

Financials

30 days from the date of recognition.

Collectability of debtors is reviewed on an ongoing basis. Debts which are known to be uncollectable are written off.

(f) Revaluations of non-current assets

Subsequent to initial recognition as assets, non-current physical assets other than plant and equipment are measured at fair value. Plant and equipment are measured at cost. Revaluations are made with sufficient regularity to ensure that the carrying amount of each asset does not differ materially from its fair value at the reporting date. Annual assessments will be made, supplemented by independent assessments, at least every three years. Revaluations are conducted in accordance with the Victorian Government Policy - Revaluation of Non-Current Physical Assets.

In accordance with Victorian Government Policy and the transitional provision of AASB 1041 Revaluation of Non-Current Assets, the Office will conduct progressive revaluations for the classes of non-current physical assets to be completed by the reporting period ending 30 June 2005.

Revaluation increments are credited directly to the asset revaluation reserve, except that, to the extent that an increment reverses a revaluation decrement in respect of that class of asset previously recognised as an expense in net result, the increment is recognised immediately as revenue in net result.

Revaluation decrements are recognised immediately as expenses in the net result, except that, to the extent that a credit balance exists in the asset revaluation reserve in respect of the same class of assets, they are debited directly to the asset revaluation reserve.

Revaluation increments and decrements are offset against one another within a class of non-current assets.

(g) Depreciation of property, plant and equipment

Depreciation is calculated on a straight line basis to write off the net cost of each item of property (excluding land) over its expected useful life to the Office. Estimates of the remaining useful lives for all assets are reviewed at least annually. The expected useful lives for the financial years ended 30 June 2003 and 30 June 2002 are as follows:

Plant & Equipment	5 – 15 Years
-------------------	--------------

Where items of plant and equipment have separately identifiable components which are subject to regular replacement, those components are assigned useful lives distinct from the item of plant and equipment to which they relate.

(h) Leasehold improvements

The cost of improvements to or on leasehold properties is amortised over the unexpired period of the lease or the estimated useful life of the improvement to the Office, whichever is the shorter. Leasehold improvements held at the reporting date are being amortised over 10 years.

(i) Leased non-current assets

A distinction is made between finance leases which effectively transfer from the lessor to the lessee substantially all the risks and benefits incident to ownership of leased non-current assets, and operating leases under which the lessor effectively retains substantially all such risks and benefits.

Finance leases are capitalised. A lease asset and liability are established at the present value of minimum lease payments. Lease payments are allocated between the principal component of the lease liability and the interest expense.

The lease asset is amortised on a straight line basis over the term of the lease, or where it is likely

Financials

that the Office will obtain ownership of the asset, the expected useful life of the asset to the Office. Lease assets held at the reporting date are being amortised over periods up to 5 years.

Incentives received on entering into operating leases are recognised as liabilities. Lease payments are allocated between interest (calculated by applying the interest rate implicit in the lease to the outstanding amount of the liability), rental expense and reduction of the liability.

Other operating lease payments are charged to the statement of financial performance in the periods in which they are incurred, as this represents the pattern of benefits derived from the leased assets.

(j) Restrictive nature of cultural and heritage assets

During the reporting period, the Office may hold cultural assets and heritage assets.

Cultural and heritage assets are held for exhibition, education, research and /or historical interest. Such assets are deemed worthy of preservation because of the social rather than financial benefits they provide the community. The nature of these assets means that there are certain limitations and restrictions imposed on their use and/or disposal.

(k) Trade and other creditors

These amounts represent liabilities for goods and services provided to the Office prior to the end of the financial year and which are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

(l) Maintenance and repairs

Plant of the Office is required to be overhauled on a regular basis. This is managed as part of an ongoing major cyclical maintenance program. The costs of this maintenance are charged as expenses as incurred, except where they relate to the replacement of a component of an asset, in which case the costs are capitalised and depreciated in accordance with note1(g). Other routine operating maintenance, repair costs and minor renewals are also charged as expenses as incurred

(m) Goods and services tax

Revenues, expenses and assets are recognised net of GST except where the amount of GST incurred is not recoverable, in which case it is recognised as part of the cost of acquisition of an asset or part of an item of expense. The net amount of GST recoverable from, or payable to, the Australian Taxation Office (ATO) is included as part of receivable or payables in the statement of financial position. The GST component of a receipt or payment is normally recognised on a gross basis in the statement of cash flows in accordance with Accounting Standard AAS 28 Statement of Cash Flows. As the Department of Justice manages the GST transactions on behalf of the Office of Public Prosecutions, the Office of Public Prosecutions GST component of its receipts and/or payments are recognised in the Department's financial statements.

(n) Employee entitlements

(i) Wages, salaries and annual leave

Liabilities for wages and salaries, including non-monetary benefits, annual leave and accumulating sick leave expected to be settled within 12 months of the reporting date are recognised in respect of employees' services up to the reporting date and are measured as the amounts expected to be paid when the liabilities are settled. Liabilities for non-accumulating sick leave are recognised when leave is taken and measured at the rates paid or payable.

Financials

(ii) Long service leave

The liability for long service leave expected to be settled within 12 months of the reporting date is recognised in the provision for employee benefits and is measured in accordance with (i) above. The liability for long service leave expected to be settled more than 12 months from the reporting date is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using interest rates on national Government guaranteed securities with terms to maturity that match, as closely as possible, the estimated future cash outflows.

(iii) Superannuation

The amounts charged to the statement of financial performance in respect to superannuation represents the contributions made by the Office to the superannuation fund.

(iv) Employee benefit on-costs

Employee benefit on-costs, including payroll tax, are recognised and included in employee benefit liabilities and costs when the employee benefits to which they relate are recognised as liabilities.

(o) Cash

For purposes of the statement of cash flows, cash includes short-term deposits that are readily convertible to cash on hand and are subject to an insignificant risk of changes in value, net of outstanding cheques yet to be presented by the Office's suppliers and creditors (see note 5)

(p) Capital asset charge

The capital asset charge is imposed by the Department of Treasury and Finance and represents the opportunity cost of capital invested in the non-current physical assets used in the provision of outputs. The charge is calculated on the carrying amount of non-current physical assets (excluding heritage assets).

(q) Resources provided and received free of charge

Contributions of resources and resources provided free of charge are recognised at their fair value. Contributions in the form of services are only recognised when a fair value can be reliably determined and the services would have been purchased if not donated.

(r) Contributed Capital

Consistent with UIG Abstract 38 Contributions by Owners Made to Wholly-Owned Public Sector Entities appropriations for additions to net assets have been designated as contributed capital. Other transfers that are in the nature of contributions or distributions have also been designated as contributed capital.

(s) Going concern basis

The Office is totally dependent on the support of the Victorian State Government to ensure that the Office is able to meet its obligations as and when they are due. Accordingly, these accounts have been prepared on a going concern basis.

(t) Rounding of amounts

Amounts in the financial report have been rounded to the nearest thousand dollars, or in other cases, to the nearest dollar.

Financials

note 2

output of the office

Description of output group:

The number of briefs prepared for hearings and the attendance at hearings on the behalf of the Director of Public Prosecutions.

Outcome expected:

An effective, economical and efficient prosecution service which is an integral part of the criminal justice system.

As there is only one output group within the Office, related revenue and expenditure is outlined in the Statement of Financial Performance.

Financials

note 3 revenue

(a) Revenue by source

	Operating		Non- Operating	
	2003	2002	2003	2002
	\$'000	\$'000	\$'000	\$'000
Revenue from Government				
Grants from Department of Justice	23,758	22,914		
Resources received free of charge or for nominal consideration	136	91		
	23,894	23,005	0	0
Revenue from other parties				
Proceeds from sale of Fixed assets			10	3
Funds Transferred to Department of Justice			(10)	(3)
	0	0	0	0
Total Revenue	23,894	23,005	0	0

(b) Conditional grants

The Office of Public Prosecutions has no conditional grants.

Financials

note 4 results from ordinary activities

	2003 \$'000	2002 \$'000
Net gains and expenses		
Result from ordinary activities includes the following specific net gains and expenses:		
Net gains		
Net gain on disposal		
Property, plant and equipment	(25)	3
Expenses		
Employee benefits		
Salary and wages	11,437	10,706
Superannuation (refer note 16)	1,070	742
Annual leave and long services leave expense	1,002	1,484
Other on-costs (fringe benefits tax, payroll tax and workcover levy)	877	747
Total employee benefits	<u>14,386</u>	<u>13,679</u>
Depreciation		
Plant & Equipment	226	144
Total depreciation	<u>226</u>	<u>144</u>
Amortisation		
Leasehold improvements	136	13
Total amortisation	<u>136</u>	<u>13</u>
Total depreciation and amortisation	<u>362</u>	<u>157</u>
Supplies and Services		
Professional services and witness payments	5,436	5,591
Rent and Property	1,431	934
Training and development	64	49
Information Technology	362	189
Other operating expenses	1,706	1,789
Audit Services	14	13
Total Supplies and services	<u>9,013</u>	<u>8,565</u>
Rental expense relating to operating leases		
Minimum lease payments	1,558	327
Total rental expense relating to operating leases	<u>1,558</u>	<u>327</u>

Financials

note 5 cash assets

	2003	2002
	\$'000	\$'000
Cash at Bank and On-Hand	71	71
	71	71

The above figures are reconciled to cash at the end of the financial year as shown in the statement of cash flows as follows:

Balances as above	71	71
Balances per statement of cash flows	71	71

note 6 receivables

	2003	2002
	\$'000	\$'000
Current Debtors	39	55
Amounts due from related parties	2,390	2,652
	2,429	2,707

Aggregate carrying amount of receivables		
Current	2,429	2,707
	2,429	2,707

Other debtors

These amounts generally arise from transactions outside the usual operating activities of the office. Interest may be charged at commercial rates where the terms of repayment exceed six months. Collateral is not normally obtained.

Financials

note 7 property, plant & equipment

	2003 \$'000	2002 \$'000
Land		
Freehold land at independent valuation 2000*	500	500
	500	500
Leasehold improvements		
Leasehold improvements - at cost	1,362	1,362
Less: Accumulated amortisation	(157)	(21)
	1,205	1,341
	1,705	1,841
Plant and equipment		
At cost	1,371	2,058
Less: Accumulated depreciation	(922)	(1,524)
	449	534
	2,154	2,375
Cultural assets		
At cost	0	23
At independent valuation 2003**	27	0
Total cultural assets	27	23
Total	2,181	2,398

* Valuation was carried out by the Valuer General as part of the Revaluation of the Department of Justice's Land and Buildings during 2000.

** Valuation was carried out by David Freeman Antique Valuations as required by AASB1014 in May 2003

Financials

note 7 property, plant & equipment (cont.)

Reconciliations

Reconciliations of the carrying amounts of each of property, plant and equipment at the beginning and end of the current and previous financial year are set out below:

	Freehold Land (\$'000)	Leasehold Improvement (Fitouts) (\$'000)	Plant & Equipment (\$'000)	Cultural Asset (\$'000)	Computer Equipment (\$'000)	Total (\$'000)
2003						
Carrying amount at start year	500	1,341	48	23	486	2,398
Additions			36		140	176
Disposals - written down value			(3)		(32)	(35)
Revaluation increments				4		4
Net transfers free of charge			6		(6)	0
Depreciation/amortisation expense (note 4)		(136)	(10)		(216)	(362)
Carrying amount at end of year	500	1,206	77	27	372	2,181

	Freehold Land	Leasehold Improvement (Fitouts)	Plant & Equipment	Cultural Asset	Computer Equipment	Total
2002						
Carrying amount at start year	500	14	52	23	264	853
Additions		1,340	6		356	1,702
Disposals					(65)	(65)
Less accumulated depreciation on disposals					65	65
Depreciation/amortisation expense (note 4)		(13)	(10)		(134)	(157)
Carrying amount at end of year	500	1,341	48	23	486	2,398

Financials

note 8 payables

	2003 \$'000	2002 \$'000
Accrued Employee Expense	116	34
Trade Creditors	731	871
	847	905

The trade creditors amounts are exclusive of GST. The Department of Justice pays GST on behalf of this Office. It should be recognised that as all creditor invoices are payable by this Office, in the event of the Department of Justice failing to pay the GST, this Office remains liable, except any GST paid would be refunded by the ATO. To recognise the legal liability to creditors, they should be grossed up by 10%.

note 9 provisions

	2003 \$'000	2002 \$'000
Current		
Employee Benefits	1,407	1,258
Non-current		
Employee Entitlements	2,463	2,833
Aggregate carrying amount of provisions		
Current	1,407	1,258
Non-current	2,463	2,833
	3,870	4,091

Financials

note 10

equity and movements in equity

	Note	2003 \$'000	2002 \$'000
(a) Reserves			
Asset revaluation reserve		199	195
		199	195
Movements			
Asset revaluation reserve			
Opening Balance 1 July, 2002		195	195
Revaluation increment of Cultural Assets during the year		4	0
Balance 30 June 2003		199	195
(b) Contributed Capital			
Balance 1 July, 2002		1,546	0
Capital contribution by Victorian State Government		0	1,546
Balance 30 June 2003		1,546	1,546
(c) Accumulated deficit			
Accumulated (deficit) at the start of the financial year		(1,575)	(2,012)
Net result for the reporting period		(220)	437
Accumulated (deficit) at the end of the financial year		(1,795)	(1,575)
(d) Nature and purpose of reserves			
Asset revaluation reserve			
The asset revaluation reserve is used to record increments and decrements on the revaluation of the non current assets, as described in accounting policy note 1(f).			
	Note	2003 \$'000	2002 \$'000
Total equity at the beginning of the financial year		166	(1,817)
Net contributions of equity	10(b)	0	1,546
Total changes in equity recognised in the statement of financial performance		(216)	437
Total equity at the end of the financial year		(50)	166

Financials

note 11

financial instruments

(a) **Credit risk exposure**

The Office's maximum exposures to credit risk at balance date in relation to each class of recognised financial asset is the carrying amount of those assets as indicated in the Statement of Financial Position.

(b) **Interest rate risk exposure**

The Office's exposure to interest rate risk and the effective weighted average interest rate by maturity periods is set out in the following table. For interest rates applicable to each class of assets or liability refer to individual notes to the financial statements.

Exposures arise predominantly from assets and liabilities bearing variable interest rates as the Office intends to hold fixed rate assets and liabilities to maturity.

Financials

note 11

financial instruments (cont.)

(c) Interest Rate risk exposure (cont.)

2003

Fixed interest maturing in:

Description	Note	Floating Interest Rate \$'000	1 year or less \$'000	Over 1 to 5 years \$'000	More than 5 years \$'000	Non-bearing interest \$'000	Total \$'000
Financial Assets							
Cash and deposits	5	71	-	-	-	-	71
Receivables	6	-	-	-	-	39	39
Amount due from related entities	6	-	-	-	-	2,390	2,390
Total		71	-	-	-	2,429	2,500
Weighted average interest rate		n/a				n/a	n/a
Financial Liabilities							
Payables	8	-	-	-	-	847	847
						847	847
Net Financial Assets (liabilities)		71	-	-	-	1,582	1,653

2002

Fixed interest maturing in:

Description	Note	Floating Interest Rate \$'000	1 year or less \$'000	Over 1 to 5 years \$'000	More than 5 years \$'000	Non-bearing interest \$'000	Total \$'000
Financial Assets							
Cash and deposits	5	71	-	-	-	-	71
Receivables	6	-	-	-	-	55	55
Amount due from related entities	6	-	-	-	-	2,652	2,652
Total		71	-	-	-	2,707	2,778
Weighted average interest rate		n/a				n/a	n/a
Financial Liabilities							
Payables	8	-	-	-	-	905	905
						905	905
Net Financial Assets (liabilities)		71	-	-	-	1,802	1,873

Financials

note 11

financial instruments (cont.)

(d) Net fair value of financial assets and liabilities

(i) On-balance sheet

The net fair value of cash and cash equivalents and non-interest bearing monetary financial assets and financial liabilities of the Office approximates their carrying amounts.

The net fair value of other monetary financial assets and financial liabilities is based upon market prices where a market exists or by discounting the expected future cash flows by the current interest rates for assets and liabilities with similar risk profiles.

For non-traded equity investments, the net fair value is based on the underlying net assets, future maintainable earnings and any special circumstances pertaining to a particular investment.

The carrying amounts and net fair values of financial assets and liabilities at reporting date are:

	2003		2002	
	Carrying amount \$'000	Net fair value \$'000	Carrying amount \$'000	Net fair value \$'000
On-balance sheet financial instruments				
Financial assets				
Cash	71	71	71	71
Receivables	39	39	55	55
Amount due from related entities	2,390	2,390	2,652	2,652
Non-traded financial assets	2,500	2,500	2,778	2,778
Financial liabilities				
Trade creditors	847	847	905	905
Non-traded financial instruments	847	847	905	905

Other than those classes of assets and liabilities denoted as "traded", none of the classes of financial assets and liabilities are readily traded on organised markets in standardised form.

Financials

note 12 ministers and accountable officers

In accordance with the Directions of the Minister for Finance under the Financial Management Act 1994, the following disclosures are made regarding responsible person for the reporting period.

Names

The persons who held the above positions in the Department and the Office are as follows:

Attorney-General The Hon. Rob Hulls, MP

1 July 2002 to 30 June 2003

Acting Attorney-General The Hon. Bob Cameron, MP

1 July 2002 to 22 July 2002

24 December 2002 to 5 January 2003

22 April 2003 to 24 April 2003

30 June 2003 to 30 June 2003

Acting Attorney-General The Hon. John Thwaites, MP

6 January 2003 to 19 January 2003

Secretary to the Department of Justice Peter Harmsworth

1 July 2002 to 16 March 2003

Secretary to the Department of Justice Penny Armytage

17 March 2003 to 30 June 2003

Acting Secretary to the Department of Justice Alan Clayton

23 December 2002 to 10 January 2003

30 June 2003 to 30 June 2003

Accountable officer Ms K Robertson

1 July 2002 to 30 June 2003

Remuneration

Remuneration received or receivable by the Accountable Officer in connection with the management of the Office during the reporting period was in the range:

\$150,000 - \$160,000 (\$150,000 - \$160,000 in 2002)

Ministerial remuneration is disclosed in the annual report of the Department of Premier and Cabinet. Remuneration received or receivable by the Secretary in connection with the management of the Department during the reporting period is disclosed in the annual report of the Department of Justice.

Other transactions

Other related transactions and loans requiring disclosure under the Directions of the Minister of Finance have been considered and there are no matters to report.

Financials

note 13 remuneration of executives

The total remuneration of the executive officers, other than the Accountable Officer, during the reporting period are shown in the first two columns in the table below in their relevant income bands. The base remuneration of executive officers is shown in the third and fourth columns. Base remuneration is exclusive of bonus payments, long-service leave payments, redundancy payments and retirement benefits.

Income Band	Total Remuneration		Base Remuneration	
	2003	2002	2003	2002
\$100,000 - \$109,999	0	0	0	2
\$110,000 - \$119,999	0	1	0	0
\$120,000 - \$129,999	0	1	1	0
\$130,000-\$139,999	0	0	1	0
\$140,000-\$149,999	2	0	0	0
Total Numbers	2	2	2	2
Total Amount	\$284,604	\$234,211	\$258,545	\$211,283

Other Transactions of Responsible persons and their related entities

There are no related transactions between the Office and Responsible person related entities in 2002-03.

note 14 remuneration of auditors

Audit fees paid or payable to the Victorian Auditor-General's Office for audit of the Office's financial report:

	2003 \$'000	2002 \$'000
Paid as at 30 June	0	6,000
Payable as at 30 June	12,800	6,500
	12,800	12,500

Financials

note 15 commitments for expenditure

Capital commitments

There are no outstanding capital commitments as at 30 June 2003 (2002:\$nil)

Lease commitments

	2003	2002
	\$'000	\$'000
Operating leases		
Commitments for minimum lease payments in relation to cancellable and non cancellable operating leases are payable as follows:		
Within one year	1,483	112
Later than one year but not later than 5 years	5,776	81
Later than 5 years	0	0
Commitments not recognised in the Financial Statements	<u>7,259</u>	<u>193</u>
Representing:		
Cancellable operating leases	216	56
Non-Cancellable operating leases	<u>7,043</u>	<u>137</u>
	<u>7,259</u>	<u>193</u>

Financials

note 16

employee benefits

	2003 \$'000	2002 \$'000
Employee benefits liabilities		
Provision for employee benefits		
Current		
Annual leave	1,133	943
Long Service leave	274	315
	<u>1,407</u>	<u>1,258</u>
Non-current		
Long Service leave	2,463	2,833
	<u>2,463</u>	<u>2,833</u>
Aggregate employee entitlement liability	<u>3,870</u>	<u>4,091</u>
	Number	
Employee numbers		
Average number of employees during the financial year	<u>226</u>	<u>211</u>
As explained in notes 1(n)(ii) and (iii), the amounts for long service leave and superannuation are measured at their present values. The following assumptions were adopted in measuring present values:		
	2003	2002
(a) Long service leave		
Weighted average rates of increase in annual employee entitlements to settlement of the liabilities	4.75%	6.90%
Weighted average discount rates	4.73%	5.66%
Weighted average terms to settlement of liabilities	12 Years	12 Years

Financials

note 16

employee benefits (cont.)

Government Employees' Superannuation Fund

No liability is recognised in the statement of financial position for the Office's share of the State's unfunded superannuation liability. The State's unfunded superannuation liability has been reflected in the financial statements of the Department of Treasury and Finance.

However, superannuation contributions for the reporting period are included as part of salaries and associated costs in the statement of financial performance of the Office.

The name and details of the major employee superannuation funds and contributions made by the Office are as follows:

	Contribution for the Year	Contribution for the Year	Contribution outstanding at Year End	Contribution outstanding at Year End
	2003	2002	2003	2002
	\$	\$	\$	\$
Fund				
S.S.B - Revised Scheme	247,281	214,318	0	0
S.S.B - New Scheme	300,516	308,513	0	0
Vic. Super Scheme	443,435	340,778	0	0
Other private funds	78,693	51,763	0	0
Total contributions to all funds	1,069,925	915,372	0	0

The private superannuation funds include:

- Kayser Super
- Vic Bar Superannuation
- BC Superannuation Fund
- DENBEE Holdings
- UniSuper
- Retire Invest.
- Law Institute Superannuation Scheme

The bases for contributions are determined by the various schemes.

The requirements of the Superannuation Industry (Supervision) Act 1993 are fully complied with.

All employees of the Office are entitled to benefits on retirement, disability or death from the Government Employees' Superannuation Fund. This Fund provides defined lump sum benefits based on years of service and final average salary.

The above amounts were measured as at 30 June of each year, or in the case of employer contributions they relate to the years ended 30 June.

Financials

note 17

reconciliation of results from ordinary activities to net cash inflow from operating activities

	Notes	2003 \$'000	2002 \$'000
Results from ordinary activities		(220)	437
Depreciation and amortisation	4	362	157
Net gain on sale of non-current assets		0	(3)
Net loss on sale of non-current assets		25	0
Change in operating assets and liabilities, net of effects from restructuring			
Decrease (increase) in receivables		16	(1)
Decrease (increase) in Amounts Due from Related Entities	6	262	(1,077)
Increase (decrease) in trade creditors		(140)	131
Increase (decrease) in Provisions (LSL and AL)		(221)	531
Increase (decrease) in other operating liabilities		0	(56)
Increase (decrease) in accruals		82	34
Net cash inflow from operating activities		166	153

Financials

accountable officer's declaration

We certify that the attached financial statements for the Office of Public Prosecutions have been prepared in accordance with Part 9 of the Directions of the Minister for Finance under the Financial Management Act 1994, applicable Australian Accounting Standards and other mandatory professional reporting requirements.

We further state that, in our opinion, the information set out in the statement of financial performance, statement of financial position, statement of cash flows and notes to and forming part of the financial statements, presents fairly the financial transactions during the year ended 30 June 2003 and financial position of the Office as at 30 June 2003

We are not aware of any circumstance which would render any particulars included in the financial statements to be misleading or inaccurate.

Paul Tobin
Chief Finance and Accounting Officer
Office of Public Prosecutions

Melbourne
Date *9th September 2003*

Kay Robertson
Solicitor for Public Prosecutions
Office of Public Prosecutions

Melbourne
Date *9th September 2003*

Reports

auditor general's report



AUDITOR GENERAL
VICTORIA

AUDITOR-GENERAL'S REPORT

To the Members of the Parliament of Victoria, the responsible Ministers and the Solicitor for Public Prosecutions

Matters relating to the electronic presentation of the Audited Financial Report

This audit report relates to the financial report of the Office of Public Prosecutions for the financial year ended 30 June 2003 included on the Office of Public Prosecutions' web site. The Solicitor for Public Prosecutions is responsible for the integrity of the Office's web site. I have not been engaged to report on the integrity of the Office's web site. The audit report refers only to the statements named below. An opinion is not provided on any other information which may have been hyperlinked to or from these statements. If users of this report are concerned with the inherent risks arising from electronic data communications they are advised to refer to the hard copy of the audited financial report to confirm the information included in the audited financial report presented on this web site.

Audit Scope

The accompanying financial report of the Office of Public Prosecutions for the financial year ended 30 June 2003, comprising a statement of financial performance, statement of financial position, statement of cash flows, and notes to the financial statements, has been audited. The Solicitor for Public Prosecutions is responsible for the preparation and presentation of the financial report and the information it contains. An independent audit of the financial report has been carried out in order to express an opinion on it to the Members of the Parliament of Victoria, responsible Ministers and the Solicitor for Public Prosecutions as required by the *Audit Act 1994*.

The audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the financial report is free of material misstatement. The audit procedures included an examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial report, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial report is presented fairly in accordance with Accounting Standards and other mandatory professional reporting requirements in Australia, and the financial reporting requirements of the *Financial Management Act 1994*, so as to present a view which is consistent with my understanding of the Office's financial position, and its financial performance and cash flows.

The audit opinion expressed in this report has been formed on the above basis.

Audit Opinion

In my opinion, the financial report presents fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia, and the financial reporting requirements of the *Financial Management Act 1994*, the financial position of the Office of Public Prosecutions as at 30 June 2003 and its financial performance and cash flows for the year then ended.

MELBOURNE
10 September 2003

J.W. CAMERON
Auditor-General

Victorian Auditor-General's Office Level 34, 140 William Street, Melbourne Victoria 3000
Telephone (03) 8601 7000 Facsimile (03) 8601 7010 Email comments@audit.vic.gov.au Website www.audit.vic.gov.au

Auditing in the Public Interest

Financials

five year performance summary

	2003 \$'000	2002 \$'000	2001 \$'000	2000 \$'000	1999 \$'000
Total Revenue	23,894	23,005	21,970	20,979	21,009
Net Result form Operating Activities	(215.5)	437	(79)	(399)	(436)
Net Cash Flow	166	153	193	131	(76)
Total Assets	4,681	5,176	2,553	2,829	2,615
Total Liabilities	4,731	5,010	4,370	4,549	4,094

Financials

compliance index

Compliance index to Disclosure Requirements 2002/2003

The Annual Report is prepared in accordance with the Financial Management Act 1994 and the Directions of the Minister for Finance.

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