



Annual Report 2004-2005

Director of Public Prosecutions

Committee for Public Prosecutions

Office of Public Prosecutions



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Paul Coghlan QC
Director

26 October 2005

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 2003 to 30 June 2004 to 30 June 2005, 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 Prosecutions' Annual Report pursuant to the Financial Management Act 1994.

Yours faithfully,

PAUL COGHLAN Q.C.
Director of Public Prosecutions.

Reports

director of public prosecutions report

The most important changes which occurred in the last year are the departures of the Solicitor for Public Prosecutions, Kay Robertson to the Magistrates' Court and the Chief Crown Prosecutor, W.H. (Bill) Morgan-Payler Q.C. to the County Court.

Kay made a very substantial contribution to the Office of Public Prosecutions and over the last three years superintended over 2 of the 3 reviews of the finances and resources of the Office which have taken place in recent years. In Kay's time the work changed rapidly and she worked strenuously to ensure that appropriate resources were available. For almost the whole of the time she was the Solicitor, the Office was under enormous pressure both in terms of resources and personnel. She undertook all tasks here with quiet determination and equanimity. Her personal support to me was freely given and was appreciated. I wish her well in her new career.

I came to these chambers in 1994 with Geoff Flatman and Bill Morgan-Payler. I suppose we had a joint vision about making a contribution to the criminal justice system during the somewhat troubled times which followed the introduction of the Public Prosecutions Act 1994. We worked together as a team and I think very well. Geoff Flatman moved

onto the Supreme Court and we missed him. Bill has now moved on and after 11 years I am still here. The professionalism and personal relationships I have shared with Bill over 11 years have been very close and his support, advice and guidance have been invaluable. Bill has made a major contribution to the Prosecutor's Chambers both as Senior Crown Prosecutor (Major Trials) and Chief Crown Prosecutor both as a very active prosecutor and manager of those Chambers. He will be a very good addition to the County Court.

Most of the work and financial pressures arising from the CEJA Taskforce and Purana Taskforce and other large drug investigations have continued. The Government has provided special funding relating to major trials and confiscations of assets. The Office of Public Prosecutions could not continue without such funding. We are grateful to the Government and the Department of Justice for that support.

I commented in last year's overview that the listing of cases in both the Supreme Court and County Court represents a challenge to both me and the Office of Public Prosecutions. Whether the balance between the interests of the Courts and consumers has yet been reached is problematical.

Reports

On most days in Victoria, I am represented in about 60 cases. Such representation will be by Crown Prosecutors, members of the private Bar and solicitors in the employ of the Office of Public Prosecutions. It is in that context that real difficulties are experienced in matching our available resources to the work which needs to be done.

We will all continue to be challenged in finding more efficient ways of managing our work both within the Office and in the Courts.

I am personally grateful for all the work which is done around Victoria by the Crown Prosecutors and all the staff of the Office of Public Prosecutions. The effort is outstanding.

I congratulate Jeremy Rapke QC on his appointment as Chief Crown Prosecutor and thank him for his help since his appointment.

Stephen Carisbrooke has been Acting Solicitor for Public Prosecutions since Kay Robertson's appointment. Everyone is grateful for his unstinting efforts to keep the organisation on a forward path.

Reports

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 position is currently vacant.

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 Prosecutors or Solicitor with respect to the performance or exercise of their statutory functions or powers.

A meeting was held during the year on the following date:

- 10 December 2004

The Committee noted the finance report and expressed concern about level of resources available to perform the work.

The Committee noted a slight decrease in the appearance rates of Crown Prosecutors due to an increase in the volume of chambers work and the increased complexity of matters coming through the system.

The Committee was informed of the service level review and noted the terms of reference.

Reports

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

This year was marked by the departure of Kay Robertson, the Solicitor for Public Prosecutions who left to take up a position as a Magistrate. We wish her and her family the very best for the future. I have been Acting Solicitor since 9 February.

I would like to take this opportunity to thank Kay for her services to the OPP and point out what a pleasure it was to work with her. In particular, we are all grateful for her efforts over the last three years in seeking an adequate resource base for the OPP to perform its work which resulted in a service level review in December 2004 and the submission of a business case to the Economic Review Committee of the Department of Treasury and Finance.

The Department of Justice made this submission on our behalf and I also express my gratitude for their assistance. Although we were not completely successful in obtaining the amount recommended by the service level review

Reports

as necessary for the performance of all of our functions, we did receive a substantial increase to our budget base.

Criminal Law Justice Statement Review

This review is a major project announced by the Attorney-General earlier this year with the aim of overhauling the Crimes Act and evaluating opportunities to improve criminal procedure.

The magnitude of the tasks will mean that this project will run for a number of years.

The OPP is pleased to support this initiative and the Director and Acting Solicitor are members of the Justice Statement Advisory Group. Staff of the OPP have contributed to the formulation of issue papers and taken part in discussion groups.

Organised crime

As a result of a series of murders popularly known as the "gangland murders", the police established the Purana Task Force. In November 2004 the OPP set up an Organised Crime Section to deal with prosecutions arising out of investigations by the Purana Task Force.

The section is headed by a very experienced lawyer and we were lucky to have the services of an experienced Senior Crown Prosecutor and a Crown Prosecutor to prosecute the trials.

These prosecutions are complex and resource intensive and the OPP joined in an E.R.C. submission with the Courts for additional funding for the prosecution of these major trials. That submission was successful.

Other projects

The OPP continues to be involved in the Criminal Justice Enhancement Project and the development of the electronic brief.

The OPP looks forward to playing an active role in implementing the recommendations of the Victorian Law Reform Commission on Sexual Offences Law and Procedure. It is noted that there will be resource implications resulting from some of the recommendations.

Once again the OPP has enabled the Director to provide a high quality prosecution service. It is only because of the dedication and hard work of the staff of the OPP and the Crown Prosecutors that we were able to achieve this.

Additional listings continued to impact on the workload and there were serious resource problems early in the year, although these were eased to some extent by short term financial assistance provided by the Department of Justice pending the outcome of the service level review.

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.

Confiscation Act Proceedings 2004-2005

During the year there were 166 Restraining Orders including one for the purpose of Civil Forfeiture, 98 Exclusion applications, 101 Variation orders and 70 Restraining Orders contained compensation to victims as a purpose.

Although the total number of Restraining Orders for the year was down slightly on the previous year, the total number of hearings was up by about one third, largely due to the increase in the number of Exclusion proceedings lodged.

Entry of Nolle Prosequi (Discontinuance of Prosecutions)

During the year, applications for the entry of a nolle prosequi submitted by the legal representatives of accused persons or forwarded by crown prosecutors were acceded to on 110 occasions either wholly or in part.

Indemnities from Prosecution, Undertakings or Letters of Comfort

Director's undertakings and letters of comfort were issued to a total of 38 witnesses who gave evidence against 46 accused in 23 separate matters.

Consents to Prosecute

In the period under review, the Director of Public Prosecutions consented to file presentments in relation to 21 matters, pursuant to s.321 Crimes Act 1958.

There was one application to the Director to consent to the commencement of a

Legal functions

prosecution under the Legal Profession Practice Act 1958.

In the relevant period, 25 consents or authorities to prosecute were granted by the Director for the commencement of a prosecution in cases involving offences pursuant to ss.47A, 50 or 69 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, s129 Adoption Act 1984 or 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 nine persons charged with various offences.

Three applications were 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 118 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 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 2 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 12 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

Legal functions

taken on further appeal to the Court of Appeal.

During the year, the Director was requested in nine cases to institute an appeal on behalf of Police Informants and conducted such appeals in seven cases.

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

Eight s.92 Appeals in the Supreme Court and five Appeals to the Court of Appeal were completed and one s.92 related Application to the High Court was completed.

Contempt of Court

There were no 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

Appeals to the High Court

During the reporting period, no applications for special leave to appeal were filed by the Director.

The Director was respondent in twelve applications for special leave listed during the reporting period, of which one was allowed and eleven were refused.

Appeals

A further nine matters were abandoned prior to being listed and three matters were discontinued.

The Director was respondent in two appeals heard by the Court during the reporting period, of which one of was dismissed and judgement reserved in the other.

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 31 Director's appeals pursuant to section 567A of the Crimes Act 1958 were heard. Of those appeals, 10 were dismissed and 21 were allowed. The details of each appeal are as follows:

The court allowed an appeal against a sentence of imprisonment of 8 years with a non-parole period of 5 years imposed upon Brian Lindsay Gardner and a sentence of imprisonment of 7 years with a non-parole period of 5 years imposed upon Michael Albert Coates for one count of armed robbery, one count of reckless conduct endangering life and two counts of theft. A new sentence of 11 years with a non-parole period of 8 years was substituted in respect of both offenders.

The court dismissed an appeal made under s.567A Crimes Act regarding the failure of the Judge to make a compensation order pursuant to s.86 Sentencing Act.

The court dismissed an appeal against the sentence of 3 years and 6 months with a non-parole period of 22 months imposed upon Toby Leigh Fraser for two counts of

Appeals

reckless conduct endangering life, two counts of armed robbery, one count of common assault and two counts of threat to inflict serious injury.

The court dismissed an appeal against a sentence of 2 years and 9 months imprisonment wholly suspended for 3 years imposed upon David Leslie Sims for one count of aggravated burglary, two counts of rape and once count of indecent assault.

The court allowed an appeal against a sentence of imprisonment of 9 years with a non-parole period of 7 years imposed upon Gregory Allen Brown for one count of aggravated burglary, two counts of being a prohibited person carrying a firearm, two counts of rape and one count of armed robbery. A new sentence of 11 years with a non-parole period of 9 years was substituted.

The court allowed an appeal against a sentence of imprisonment of 3 years and 6 months with a non-parole period of 2 years and 6 months imposed upon Richardo Zullo for intentionally cause serious injury. A new sentence of 7 years imprisonment with a non-parole period of 5 years was substituted.

The court allowed an appeal against a sentence of imprisonment of 20 months with a non-parole period of 14 months imposed upon Benjamin Lawrence for one count of intentionally cause serious injury. A new sentence of 5 years imprisonment with a non-parole period of 3 years was substituted.

The court allowed an appeal against a

sentence of imprisonment of 2 years with a non-parole period of 9 months imposed upon Wayne Patrick Ralph for one count of arson. A new sentence of 3 years and 6 months with a non-parole period of 2 years and 3 months was substituted.

The court allowed an appeal against a sentence of 12 months imprisonment, wholly suspended for 3 years, a fine of \$10,000.00 and compensation to the value of \$44,560.18 imposed upon Craig John Johnston for two counts of affray, one count of assault and one count of criminal damage. A new sentence of 2 years and 9 months, with an immediate custodial sentence of 9 months and the remaining 2 years suspended for 2 years and 5 months was substituted.

The court allowed an appeal against a sentence of 5 years imprisonment with a non-parole period of 3 years imposed upon D.A.K. for five counts of incest. A new sentence of 7 years imprisonment with a non-parole period of 5 years was substituted.

The court allowed an appeal against a sentence of 12 months with 6 months to be served immediately and 6 months to be suspended for 3 years imposed upon Chinh Tung Truong for twenty-two counts of obtain profit by deception. A new sentence of 24 months with 12 months suspended for 3 years was substituted.

The court allowed an appeal against a sentence of 7 years imprisonment with a non-parole period of 5 years imposed upon V.H. for 6 counts of incest and one count of possess child pornography. A new sentence of 9 years imprisonment

Appeals

with a non-parole period of 7 years was substituted.

The court dismissed an appeal against a sentence of 12 months imprisonment with 8 months suspended for 3 years, a fine of \$10,000.00 and an adjourned bond without conviction for a period of 12 months imposed upon Brett Andrew Collins for one count of trafficking methylamphetamine and one count of possessing methylamphetamine.

The court dismissed an appeal against a sentence of 2 years and 5 months wholly suspended for 3 years imposed upon Roy Neil Oversby for two counts of aggravated burglary, one count of intentionally cause injury, two counts of common law assault and one count of damaging property.

The court allowed an appeal against a sentence of 10 years imprisonment with a non-parole period of 7 years imposed upon Daniel John Church for three counts of culpable driving. A new sentence of 12 years imprisonment with a non-parole period of 9 years was substituted.

The court dismissed an appeal against a sentence of 3 years and 3 months imprisonment with a non-parole period of 19 months and a two-year licence disqualification imposed upon Blaine Houston Miller for one count of culpable driving.

The court dismissed an appeal against a sentence of an intensive correction order for 1 year imposed upon Ziyad Nagi for one count of intentionally cause serious injury.

The court dismissed an appeal against a

sentence of 8 months imprisonment to be served by way of an intensive correction order imposed upon Andrew Lehmann for one count of burglary.

The court allowed an appeal against a sentence of 3 years and 6 months with a non-parole period of 2 years imposed upon David Gregory Byrnes for one count of detaining a person for the purpose of sexual penetration and one count of sexually penetrating a child under 16 years. A new sentence of 6 years imprisonment with a non-parole period of 4 years was substituted.

The court allowed an appeal against a sentence of 1 years imprisonment wholly suspended for 2 years imposed upon Leonard John Anderson for one count of recklessly cause serious injury. A new sentence of 22 month's imprisonment wholly suspended for 2 years was substituted.

The court allowed an appeal against a sentence of 4 years imprisonment with a non-parole period of 2 years imposed upon Trevor James Papworth for three counts of indecent act with a child under 16 years and one count of incest. A new sentence of 6 years imprisonment with a non-parole period of 3 years was substituted.

The court allowed an appeal against a sentence of 18 months imprisonment with a non-parole period of 9 months imposed upon Noel William Faure for being a prohibited person in possession of an unregistered firearm. A new sentence of 3 years imprisonment with a non-parole period of 2 years was substituted.

Appeals

The court dismissed an appeal against a sentence of 13 months imprisonment with 6 months of the sentence suspended for 3 years imposed upon Walter John Philips for one count of traffick commercial quantity of amphetamine and one count of possess cannabis. The court took into account the guilty plea of the offender in relation to three summary offences being two counts of possess property reasonably suspected of being proceeds of crime and one count of possessing prohibited weapons without exemption. This was held to be an exceptional case that sets no precedent for other cases of trafficking in commercial quantities of drugs.

The court allowed an appeal against a sentence of 12 months imprisonment with a non-parole period of 6 months imposed upon Ali Aydin and a sentence of 15 months imprisonment suspended for a period of 2 months imposed upon Helmut Kirsch for attempting to pervert the course of justice. A new sentence of 2 years imprisonment with a non-parole period of 9 months was substituted in respect of Ali Aydin. A new sentence of 3 years imprisonment wholly suspended for 3 years was substituted in respect of Helmut Kirsch.

The court allowed an appeal against a sentence of 22 months wholly suspended for 3 years imposed upon Karen Louise Ellis for six counts of sexual penetration of a child under the age of 16 years. A new sentence of 2 years and 8 months imprisonment with 6 months to be served immediately and 2 years and 2 months to

be suspended for 3 years was substituted.

The court allowed an appeal against a sentence of 3 years to be served at a youth training centre imposed upon Steve Andrew Karipis for three counts of aggravated burglary, three counts of armed robbery, one count of intentionally cause serious injury, one count of intentionally cause injury, one count of theft, one count of false imprisonment, one count of common assault and one count of handling stolen goods. A new sentence of 4 years and 6 months imprisonment with a non-parole period of 2 years was substituted.

The court dismissed an appeal against a sentence of 24 months wholly suspended for 3 years and a community based order of 150 hours imposed upon Isam Hamad for cultivating narcotic plants (commercial quantity) and theft of electricity.

The court allowed an appeal against a sentence of 2 years with 21 months suspended for 2 years imposed upon Frederick Richard Heinze for two counts of false accounting, one count of obtain financial advantage by deception, two counts of make and use false documents and one count of perjury. A new sentence of 4 years imprisonment with a non-parole period of 2 years was substituted.

The Court allowed an appeal against a sentence of 7 months imprisonment and a 12 month community based order with 3 months suspended for 12 months imposed upon Caine Michael Snell for one count of aggravated burglary, one count of intentionally cause serious injury, one count of intentionally cause injury and one

Appeals

count of theft. A new sentence of 3 years imprisonment wholly suspended for 2 years was substituted.

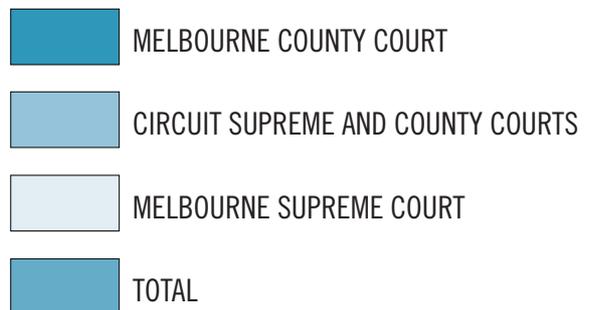
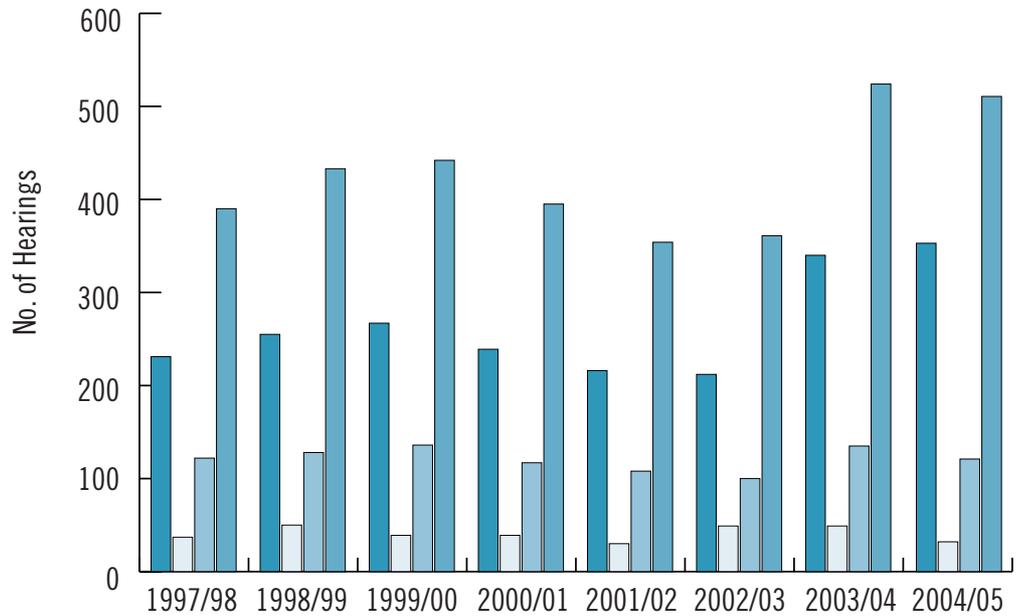
The court dismissed an appeal against a sentence of 18 months and 21 days imprisonment with a non-parole period of 4 months imposed upon Tony Robert Martin for two counts of intentionally cause serious injury, one count of intentionally cause injury and one count of false imprisonment.

The court allowed an appeal against a sentence of 3 years and 5 months imprisonment with 2 years and 8 months suspended for 2 years imposed upon Philip Charles Shields for five counts of indecent act with a child under 16 years of age and one count of maintaining a sexual relationship with a child under 16 years of age. The sentence was an invalid sentence pursuant to s.27(2) Sentencing Act 1991 as a sentence exceeding 3 years cannot be suspended. A new sentence of 3 years and 5 months imprisonment with a non-parole period of 18 months was substituted.

Appendix A

trials conducted

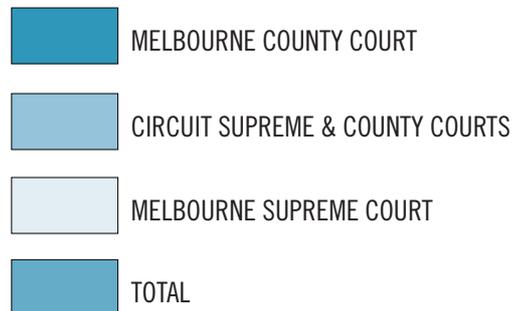
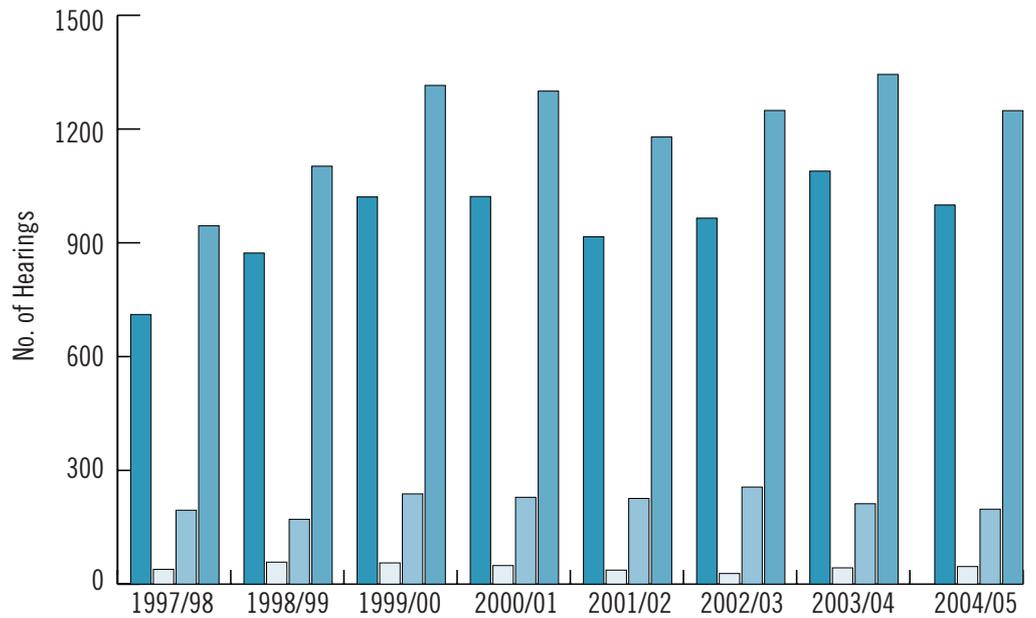
YEAR	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04	2004/05
MELBOURNE COUNTY COURT	231	255	267	239	216	212	340	355
MELBOURNE SUPREME COURT	37	50	39	39	30	49	49	32
CIRCUIT SUPREME & COUNTY COURTS	122	128	136	117	108	100	135	124
TOTAL	390	433	442	395	354	361	524	511



Appendix A

plea of guilty hearings conducted

YEAR	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04	2004/05
MELBOURNE COUNTY COURT	711	873	1021	1022	916	965	1089	1005
MELBOURNE SUPREME COURT	39	58	56	49	37	28	43	48
CIRCUIT SUPREME AND COUNTY COURTS	195	171	238	229	226	256	212	197
TOTAL	945	1102	1315	1300	1179	1249	1344	1250



Appendix A

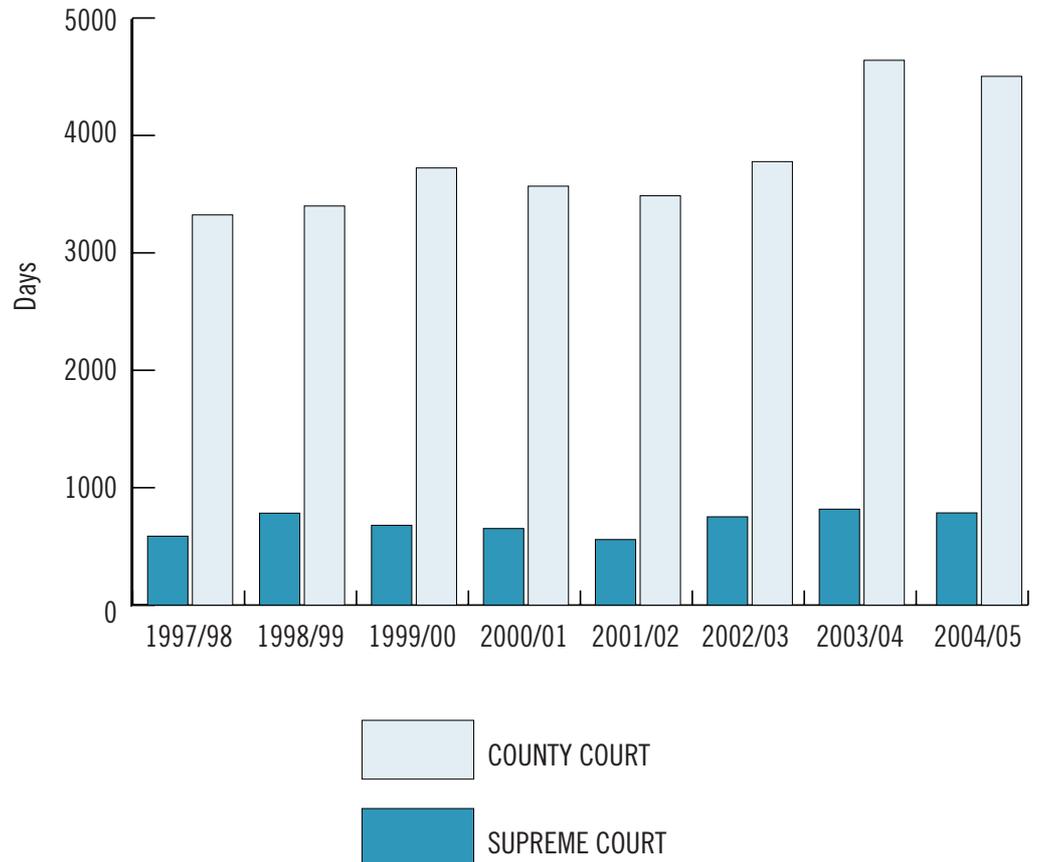
case outcomes as a percentage of total case disposals

YEAR	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03	2003/4	2004/05
GUILTY PLEAS PRE-TRIAL	58.0%	59.0%	63.6%	66.4%	68.0%	68.1%	60.5%	57%
GUILTY PLEAS LISTED AS TRIALS	6.6%	6.3%	6.7%	5.8%	5.3%	5.7%	9.8%	10%
GUILTY PLEAS (TOTAL) AS A % OF DISPOSALS	64.6%	65.3%	70.3%	72.2%	73.3%	73.8%	70.3%	67%
TRIAL - CONVICTION	15.8%	15.6%	14.0%	14.4%	14.0%	12.9%	16.1%	15%
TRIAL - ACQUITTAL	10.9%	10.1%	9.6%	8.1%	8.0%	8.4%	11.3%	12%
TRIALS (TOTAL) AS A % OF DISPOSALS	26.7%	25.7%	23.6%	22.5%	22.0%	21.3%	27.4%	27%
OTHER DISPOSALS	8.7%	9.1%	6.1%	5.4%	4.7%	4.9%	2.4%	6%
GUILTY AS A % OF TRIAL OUTCOMES	59.0%	60.7%	59.3%	64.1%	64.0%	60.7%	58.8%	56%
ACQUITTALS AS A % OF TRIAL OUTCOMES	41.0%	39.3%	40.7%	35.9%	36.0%	39.3%	41.2%	44%
GUILTY OUTCOME AS A % OF TOTAL CASES	80.4%	80.9%	84.3%	86.6%	87.3%	86.7%	86.4%	82%

Appendix A

judge sitting days

YEAR	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04	2004/05
SUPREME COURT	587	783	679	652	558	752	817	809
COUNTY COURT	3323	3399	3723	3568	3486	3777	4640	4558

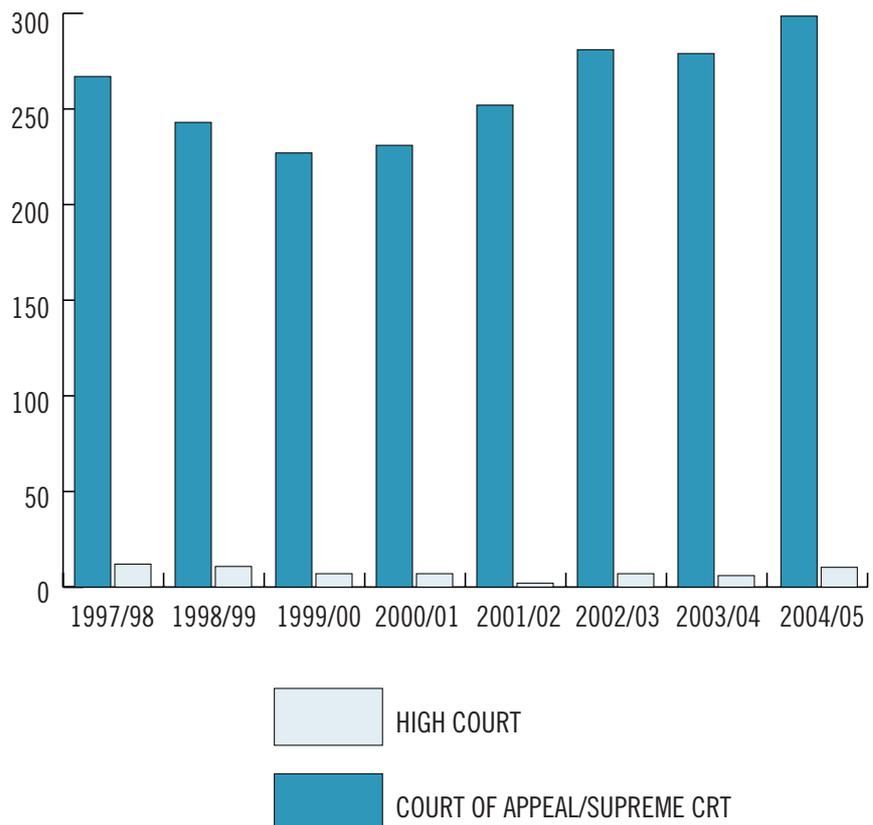


Appendix A

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

YEAR	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04	2004/05
COURT OF APPEAL/SUPREME CRT	267	243	227	231	252	281	279	296
HIGH COURT	12	10	7	7	2	7	6	10

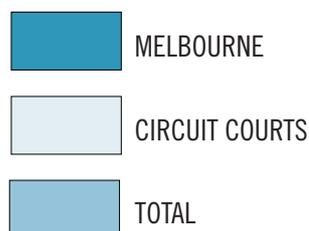
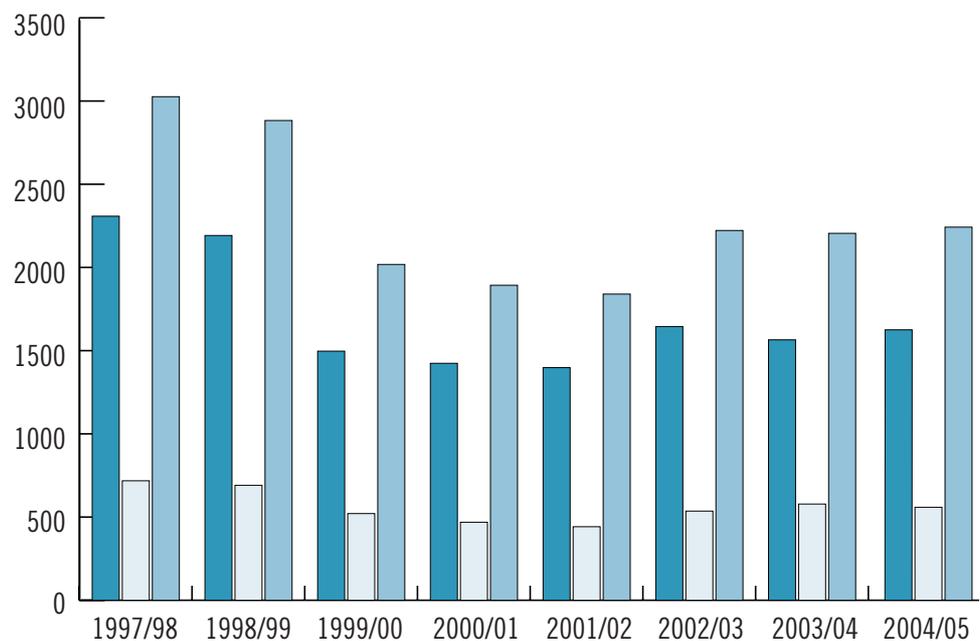
NOTE: High Court includes applications for Leave to Appeal



Appendix A

county court appeals completed

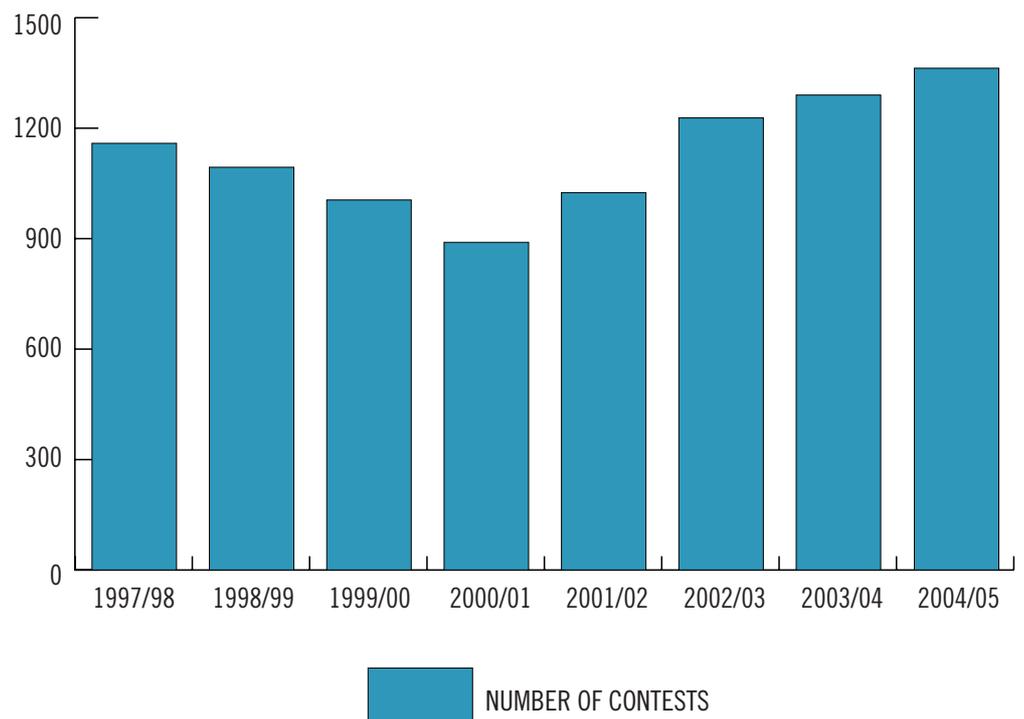
YEAR	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04	2004/05
MELBOURNE	2308	2192	1497	1424	1398	1645	1565	1620
CIRCUIT COURTS	718	691	521	469	442	577	640	628
TOTAL	3026	2883	2018	1893	1840	2222	2205	2248



Appendix A

contested committals

YEAR	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04	2004/05
NUMBER OF CONTESTS	1159	1094	1005	890	1025	1228	1290	1378

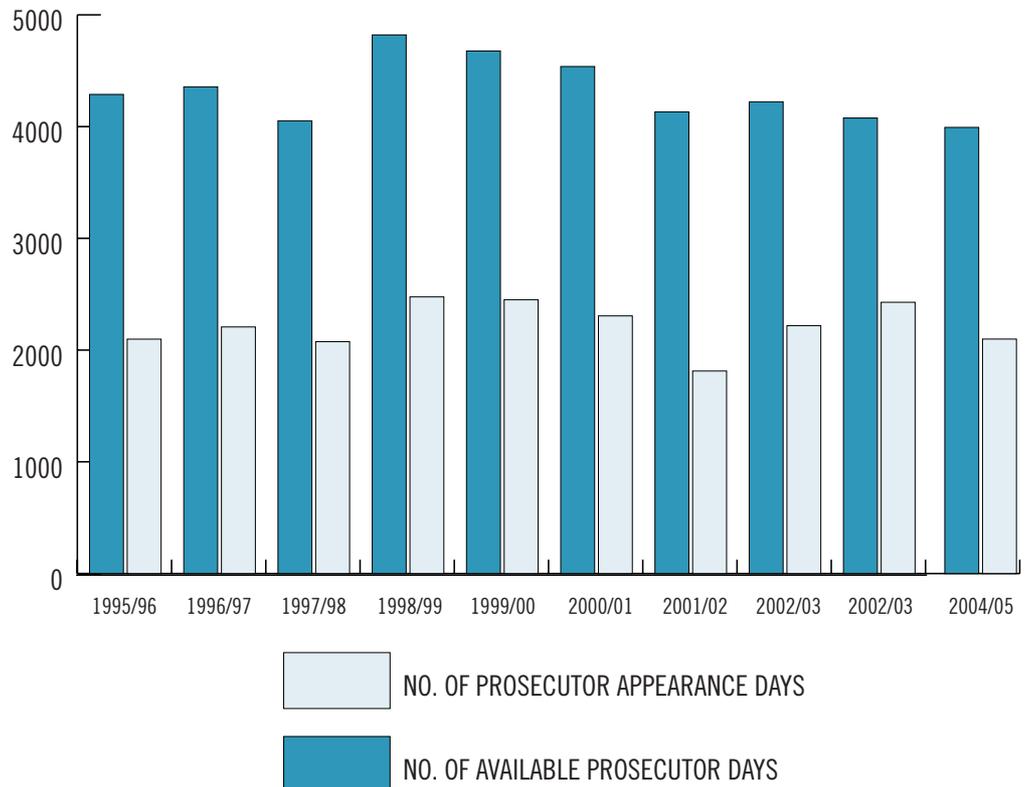


Appendix A

prosecutor appearance rates

Year	1995/96	1996/97	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04	2004/05
NO. OF AVAILABLE PROSECUTOR DAYS	4288	4356	4052	4821	4677	4538	4132	4222	4077	3862
NO. OF PROSECUTOR APPEARANCE DAYS	2098	2207	2075	2476	2450	2306	1813	2218	2428	2106
% APPEARANCE DAYS/ AVAILABLE DAYS	48.93%	50.67%	51.21%	51.36%	52.38%	50.82%	43.88%	52.53%	59.55%	54.50%

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.

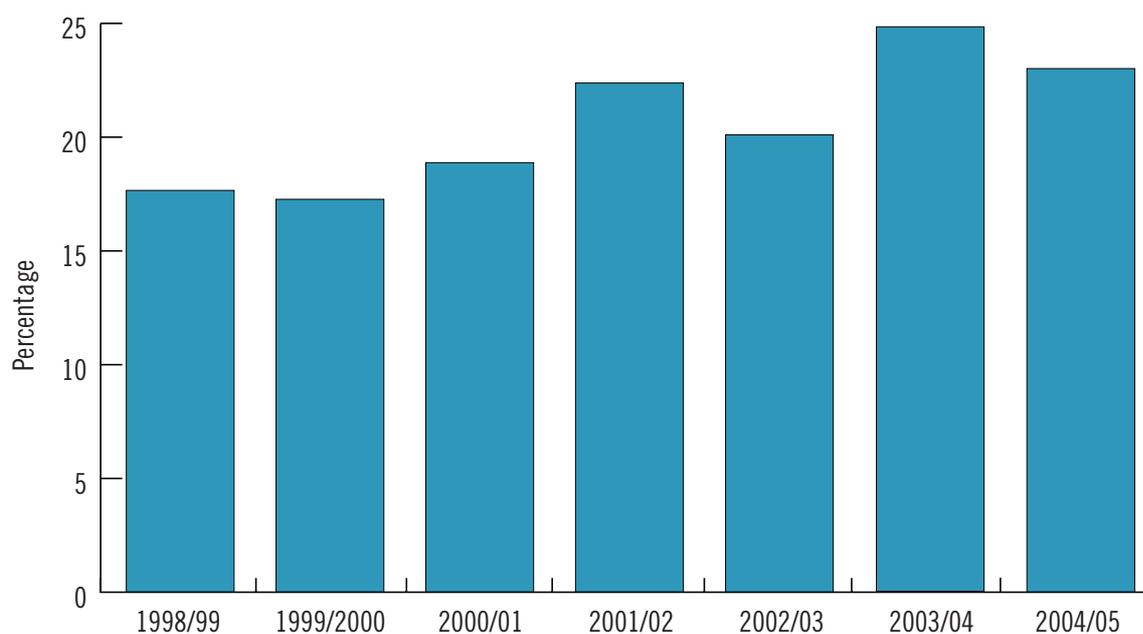


Appendix A

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

YEAR	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04	2004/05
EXTERNAL COUNSEL FEES	\$3,623,000	\$3,710,000	\$4,138,788	\$5,031,000	\$4,830,242	\$6,829,637	\$7,189,758
TOTAL EXPENDITURE	\$20,517,000	\$21,477,000	\$21,921,078	\$22,477,000	\$23,943,457	\$27,495,512	\$31,177,283
PERCENTAGE	17.66%	17.27%	18.88%	22.38%	20.17%	24.84%	23.06%

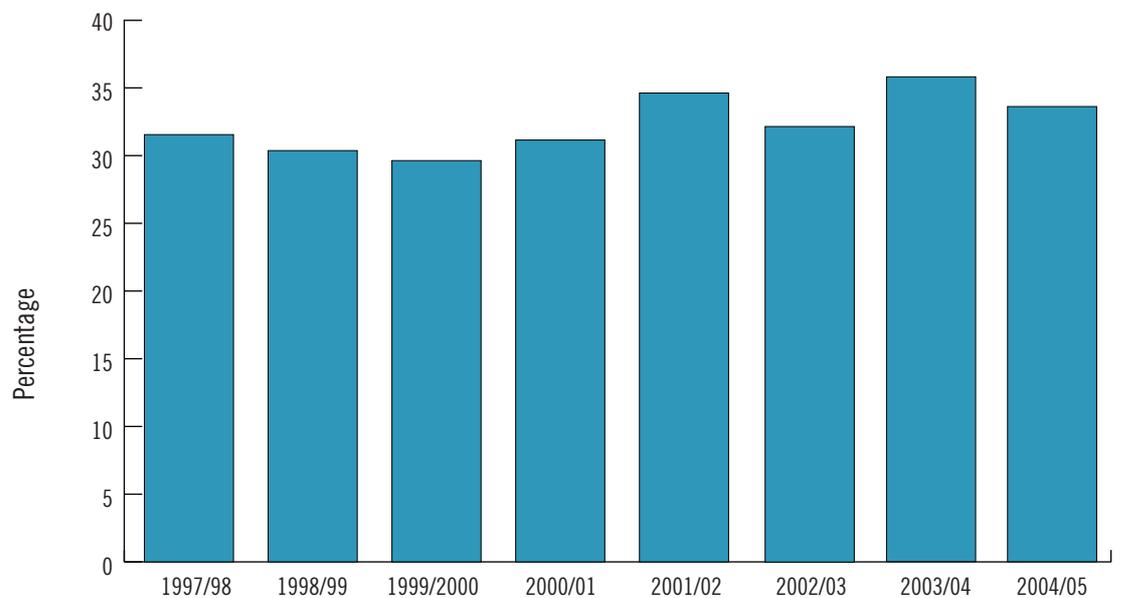
NOTE. Total expenditure for 1998/99 includes costs relating to depreciation, amortisation, government finance charges and building rental of which only part was previously allocated against the Office of Public Prosecutions. Because of changed government reporting requirements the relevant cost for these 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	2003/04	2004/05
APPEARANCE COSTS	\$6,210,000	\$6,231,000	\$6,363,000	\$6,828,109	\$7,782,000	\$7,859,016	\$9,837,972	\$10,474,106
TOTAL EXPENDITURE	\$19,686,000	\$20,517,000	\$21,477,000	\$21,921,078	\$22,477,000	\$23,943,457	\$27,495,512	\$31,177,283
PERCENTAGE	31.55%	30.37%	29.63%	31.15%	34.62%	32.82%	35.78%	33.60%



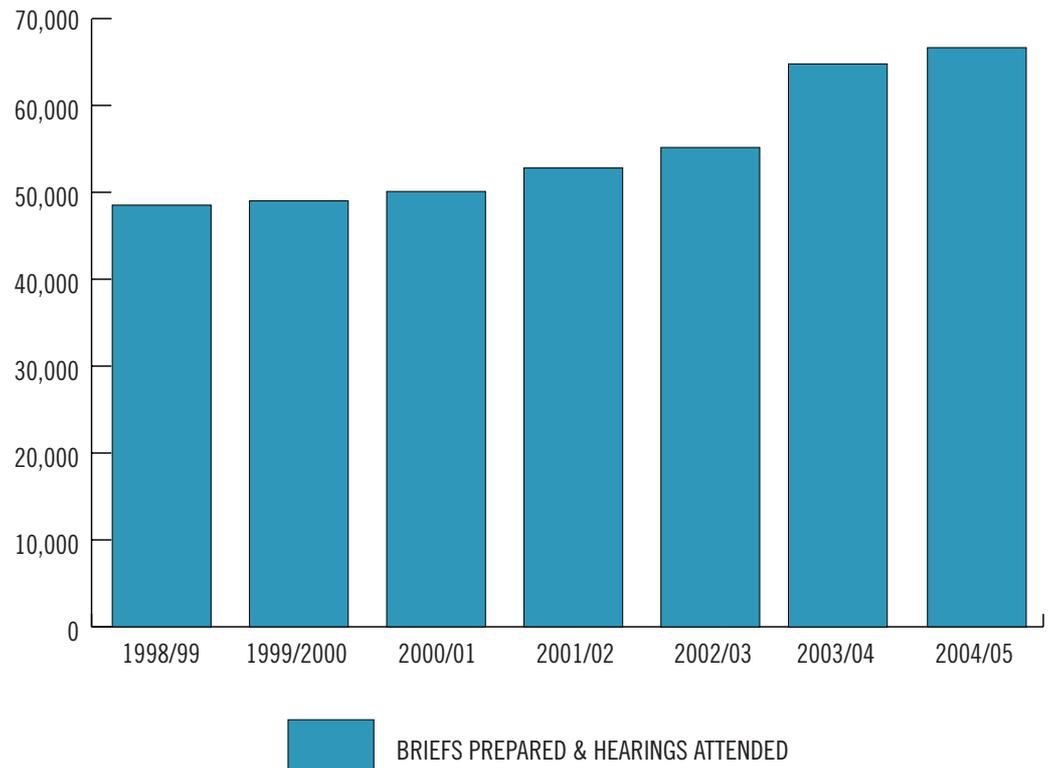
Appendix A**approximate average cost per
matter prosecuted expressed
in full cost and accrual terms**

YEAR	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04	2004/05
APPROXIMATE COST	\$2,592	\$2,785	\$2,973	\$3,022	\$2,968	\$3,276	\$3,664

Appendix B

outputs

YEAR	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04	2004/05
BRIEFS PREPARED & HEARINGS ATTENDED	48522	49020	50097	52800	56525	64767	66413
AVERAGE NUMBER PER STAFF	254.0	248.8	249.2	258.7	271.8	305.5	281.0



Appendix C

witness assistance case referrals with special needs

WITNESS CATEGORY	NUMBER	PERCENT
Child 10 to 16	504	48.20%
Non English Speaking background	183	17.51%
Child under 10	105	10.04%
Requires Interpreter	45	4.30%
Intellectual disability	49	4.68%
Psychiatric Disability	49	4.68%
Physical disability	33	3.15%
Drug, Alcohol & Substance user	39	3.70%
Hearing Impaired	6	0.57%
Sight Impaired	2	0.19%
Other	30	2.87%
TOTAL	1,045	

Appendix C

witness assistance case referrals by category

CATEGORY	REFERRALS	PERCENT
CSA – Child	275	22.80%
Adult Sexual Assault	185	14.68%
Murder/Homicide	146	12.10%
Physical assault – Adult	185	15.33%
CSA – Adult	139	11.52%
Culpable driving	47	3.89%
Attempted Murder	41	3.39%
Burglary	24	1.99%
Murder – Mental Impairment Review	18	1.49%
Fraud	16	1.32%
Physical assault – Child	14	1.16%
Theft	14	1.16%
Armed Robbery	50	4.14%
Threat to kill	5	0.41%
Arson	4	0.33%
Other	43	3.56%
TOTAL	1206	

Appendix D

freedom of information

Freedom of Information Requests During the Year

There were 25 requests under the Freedom of Information Act 1982 received by the Office of Public Prosecutions in the year ended 30 June 2005.

The results of those requests were as follows:

Requests transferred to Victoria Police	2
Requests transferred to other Agencies	1
Request relating to documents not held	2
Access granted in full or in part	9
Access denied in full or in part	8
Further particulars sought in relation to request	3
Access not finalised at end of reporting period	0
Total	25

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.

Sometimes the Office cannot grant full or

Appendix D

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 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:

- Application Fee: A request must be accompanied by a fee of \$21.00;
- 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:-

- an address for service of notices;
- particulars of why the person making the request believes the information to be incomplete, incorrect, out-of-date or misleading; and
- 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:

- (a) the findings on any material questions of fact, the material on which those findings were based and the reasons for the decision;

Appendix D

- (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 reports in compliance with the Directions issued by the Commissioner 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 2005

Employment Status	Male	Female	Total Staff	Variation from previous year
Permanent	90.8	127.2	218	+47
Temporary	5	3	8	-4
Casual	-	-	-	-

Notes:

1 Includes only staff on the payroll as at 30 June 2005.

2 Staffing figures have been expressed as full time equivalents (FTE).

3 Staffing figures include 2 Executive Officers.

4 Staffing figures do not include 22 Governor in Council appointees. (Director, Solicitor, Crown Prosecutors)

5 Staffing figures do not include 7 Articled Clerks.

Table 2 – Classifications by gender as at 30 June 2005

Classification	Full-Time			Variation from previous year	Part-Time			Variation from previous year
	Male	Female	Total		Male	Female	Total	
Grade 6	25	12	37	-	0	1	1	
Grade 5	25	20	45	-	0	6.6	6.6	
Grade 4	13	12	25	-	.8	0	.8	
Grade 3	12	27	39	-	0	.8	.8	
Grade 2	9	31	40	-	0	1.8	1.8	
Grade 1	9	17	26	-	0	1	1	
Sub-Total	93	119	212	-	.8	11.2	12.0	

Notes:

1 Includes all temporary staff.

2 Figures do not include 7 Articled Clerks.

3 Figures do not include 22 Governor-In-Council appointments.

4 Figures do not include 2 Executive Officers.

5. Due to the implementation of the new Victorian Government classification structure the variations from last year cannot be provided.

Appendix E

Table 3 - Profile of executive officers by gender as at 30 June 2005

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 11 appointments without general advertisement during the 2004/05 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 received three Personal Grievance Applications during the 2004/05 financial year, all of which were related to promotional opportunities.

Managing and Valuing Diversity

The Office of Public Prosecutions was unable to continue to participate in the Government's Youth Employment Initiative due to lack of suitable accommodations,

but may participate again next year. 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.

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.

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

Appendix E

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 4 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 monthly or as needed.

During the year the Office:

- 1 Engaged a contractor to develop, train and monitor staff in evacuation and emergency procedures.
- 2 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.

- 3 Maintained a financial assistance program for staff who, due to the computerisation of the office require spectacles for their use of computers.
- 4 Provided an Influenza Vaccination Program to reduce the possibility of staff suffering influenza.
- 5 Reviewed the number and requirements of First Aid Officers and provided additional training and provisions where necessary.
- 6 Provide a "Manual Handling" training course for staff engaged in lifting or carrying heavy files, and
- 7 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.

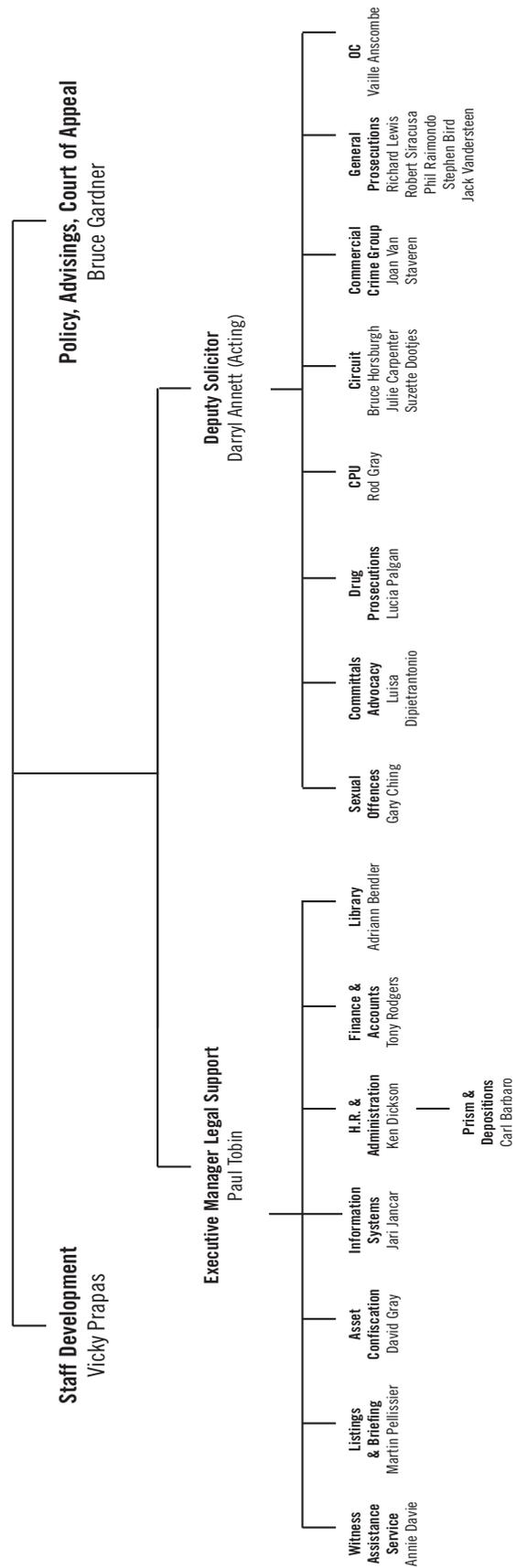
Employee Relations

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
Stephen Carisbrooke (Acting)



Appendix F

office based environmental impacts

During the reporting period the Office of Public Prosecutions has continued in its efforts to reduce energy consumption and utilise environmental sustainable products and strategies.

This Office has implemented or continued to :

- provide office waste paper to Visy Recycling to manufacture cardboard and recycled paper;
- enter in to a re-cycling program for all computer printer cartridges which will ultimately reduce the number being disposed of in land fill;
- install and replace, when required, a sensor lighting system throughout the OPP which turns lighting off when not in use;
- reduced production of paper depositional material and now provides information in an electronic format;
- separated waste products into recyclable opportunities eg glass, paper, food waste etc.
- downsize the motor vehicle fleet and reduced the engine capacity of some vehicles.

Future Direction

The Office is committed to the responsibility of introducing waste reduction mechanisms and pursuing recycled products for use in the Office providing the short and long term operational needs are met.

However the OPP has limited opportunity in this regard as we share a multi-tenanted building and that we utilise the basic power sources, but the OPP has the commitment to assist the Government in attaining its energy management goals.

Appendix F

Environmental Aspect	Description	Measure
Energy Usage	The OPP is a tenant in a multi tenanted building and the following costs are for the entire building.	Total electricity usage costs equated to \$426.28 per FTE employee. Total Gas usage costs equated to \$8.81 per FTE employee
Waste Production	The occupants of 565 Lonsdale Street created a combined total of 708 cubic metres of waste for the financial year.	This would equate to 1.9 cubic metres per staff member.
Paper Use	10,100 reams of plain A4 photocopy paper purchased during the financial year. 51/15 reams of coloured paper. 9/12 reams of A3 paper	This would equate to 41.14 reams of copy paper per staff member Or .21 reams per staff member of coloured paper Or .03 reams per staff member of A3 paper.
Water Consumption	As a tenant of this multi tenanted building we cannot obtain this information	
Transporation	This Office has a fleet of 24 vehicles, primarily used by solicitors prosecuting matters in regional courts.	A total of 543.497 kilometres were travelled during the financial period at a cost of \$223,915. This equates to 2221 kilometres per person.

Appendix G

directory and supplementary information

Responsible Minister:

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

Accountable Officer:

STEPHEN CARISBROOKE
Acting Solicitor for Public Prosecutions
565 Lonsdale Street
Melbourne Vic 3000

Senior Staff and Major Responsibilities:

DARRYL ANNETT
Acting Deputy Solicitor

Responsibilities:

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

PAUL TOBIN
Executive Manager

Responsibilities:

Corporate Services, Confiscation of Profits, Briefing Policy and Practice, Depositions, Witness Assistance Service.

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
M. Carter	Independent Member
R. Turnley	Internal Audit, Department of Justice
D. Annett	Acting Deputy Solicitor
P. Tobin	Executive Manager

Consultancies

There were no consultancies during the year.

Whistleblowers Protection Act 2001

The Solicitor is the Protected Disclosure Coordinator, to whom disclosures should be addressed. Disclosures can be made either orally or in writing. The handling of any disclosure is in accord with the Ombudsman's Guidelines and Model procedures.

There have been no disclosures made during the year.

Appendix G

Victorian Industry Participation Policy

The OPP has not engaged in any tenders, projects or events to which the Victorian Industry Participation Policy applies

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 2005**

Directory

Responsible Minister

The Honourable Mr Rob Hulls MLA

Acting Solicitor for Public Prosecutions

Stephen Carisbrooke

Financials

statement of financial performance for the year ended 30 June 2005

	Notes	2005 \$'000	2004
\$'000			
Revenues from ordinary activities			
Government Grants	3	29,810	24,816
Resources received free of charge	3	138	163
		<u>29,948</u>	<u>24,979</u>
Expenses from ordinary activities			
Employee benefits	4	(18,634)	(15,742)
Depreciation and amortisation	4	(399)	(380)
Capital asset charge		(171)	(171)
Supplies and services	4	(11,957)	(11,201)
Other expenses from ordinary activities		(138)	(163)
Borrowing costs	4	(16)	(2)
		<u>(31,315)</u>	<u>(27,659)</u>
Result from ordinary activities		<u>(1,367)</u>	<u>(2,680)</u>
Net result for the reporting period		<u>(1,367)</u>	<u>(2,680)</u>
Net increase in asset revaluation reserve		<u>355</u>	<u>0</u>
Total revenues, expenses and revaluation adjustments recognised directly in equity		<u>0</u>	<u>0</u>
Total changes in equity other than those resulting from transactions with Victorian State Government in its capacity as owner on behalf of the Crown.	11	<u>(1,012)</u>	<u>(2,680)</u>

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

Financials

statement of financial position

as at 30 June 2005

	Notes	2005 \$'000	2004 \$'000
Current assets			
Cash assets	5,12	71	70
Receivables	6,12	37	44
Amounts due from related parties	6,12	452	1,374
Total current assets		560	1,488
Non-current assets			
Property, plant & equipment	7	2,868	2,222
Total non-current assets		2,868	2,222
Total assets		3,428	3,710
Current liabilities			
Payables	8,12	1,288	1,914
Interest bearing liabilities	9,12	74	4
Provisions	10	2,143	1,549
Other		17	15
Total current liabilities		3,522	3,482
Non-current liabilities			
Interest bearing liabilities	9,12	349	26
Provisions	10	3,287	2,920
Total non-current liabilities		3,636	2,946
Total liabilities		7,158	6,428
Net assets		(3,730)	(2,718)
Equity			
Contributed capital	11	1,558	1,558
Reserves	11	554	199
Accumulated surplus(deficit)	11	(5,842)	(4,475)
Total equity		(3,730)	(2,718)

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

Financials

statement of cash flows

for the year ended 30 June 2005

	Notes	2005 \$'000	2004 \$'000
Cash flows from operating activities			
Receipts from Government		30,739	25,827
Payments to suppliers and employees		(30,253)	(25,276)
		486	551
Capital asset charge		(171)	(171)
Borrowing costs		(16)	(2)
Net cash inflow from operating activities	18	299	378
Cash flows from investing activities			
Payments for property, plant and equipment		(660)	(390)
Proceeds from sale of property, plant and equipment		0	0
Net cash out flow from investing activities		(660)	(390)
Cash Flows from financing activities			
Proceeds from capital contribution by Department of Justice		0	12
Repayment of finance lease		362	(1)
Net cash inflow (outflow) from financing activities		362	11
Net increase (decrease) in cash held		1	(1)
Cash at the beginning of the financial year		70	71
Cash at the end of the financial year	5	71	70

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.

For interim and annual reporting periods ending on or after 30 June 2005, AASB 1047 Disclosing the Impacts of Adopting Australian Equivalents to International Financial Reporting Standards requires disclosure of any known or reliably estimable information about the impacts on the financial report had it been prepared using the A-IFRS or if the impacts are not known or reliably estimable, a statement to that effect. Refer to Note for further information

(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.

(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 grants 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 30 days from the date of recognition.

Financials

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.

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 2005 and 30 June 2004 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 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.

Financials

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) Payables

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

The Department of Justice manages the GST transactions on behalf of the Office of Public Prosecutions (OPP), the GST components of OPP's 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.

(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 in respect of current

Financials

Office staff (see note 17)

(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) Borrowing costs

Borrowing costs are recognised as expenses in the period in which they are incurred, except where they are included in the costs of qualifying assets.

(p) 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)

(q) 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 and the Whole of Government Motor Vehicle finance lease).

(r) 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.

(s) 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.

(t) 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.

(u) Rounding of amounts

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

(v) The impacts of adopting AASB equivalents to ISAB standards

The Australian Accounting Standards Board (AASB) is adopting International Financial Reporting Standards for application to reporting periods beginning on or after 1 January 2005. The AASB has issued a number of A-IFRS and the Urgent Issues Group has issued a number of interpretations corresponding to International Accounting Standards Board interpretations originated by the International Financial Reporting Committee. The adoption of A-IFRS will be first reflected in the financial statements for the year ending 30 June 2006. In April 2004, the AASB issued AASB 1047 Disclosing the Impacts of Adopting Australian Equivalents to International Financial Reporting Standards which applies to all reporting entities for annual reporting periods ending 30 June 2005. Refer to Note 19 for further information.

Financials

note 2

output of the office

Description of output group:

The number of briefs prepared for hearings and the attendance at hearings on 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**

	2005 \$'000	2004 \$'000
Revenue from Government		
Grants from Department of Justice	29,810	24,816
Resources received free of charge or for nominal consideration	138	163
Total Revenue	<u>29,948</u>	<u>24,979</u>

Financials

note 4 results from ordinary activities

	2005 \$'000	2004 \$'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	0	0
Expenses		
Employee benefits		
Salary and wages	14,050	11,947
Superannuation (refer note 17)	1,270	1,131
Annual leave and long services leave expense	2,250	1,740
Other on-costs (fringe benefits tax, payroll tax and workcover levy)	1,064	924
Total employee benefits	18,634	15,742
Depreciation		
Plant & Equipment	199	230
Total depreciation	199	230
Amortisation		
Leasehold improvements	200	150
Total amortisation	200	150
Total depreciation and amortisation	399	380
Borrowing costs		
Interest and finance charges paid/payable	16	2
Supplies and Services		
Professional services and witness payments	7,680	7,406
Rent and Property	1,642	1,501
Training and Development	49	64
Information Technology	411	354
Printing, Stationery & Office Expenses	806	721
Postage & Communication	348	314
Interpreters	359	275
Other operating expenses	649	538
Audit Services	13	26
Total Supplies and services	11,957	11,201
Rental expense relating to operating lease		
Minimum lease payments	1,615	1,540
Total rental expense relating to operating leases	1,615	1,540

Financials

note 5 cash assets

	2005	2004
	\$'000	\$'000
Cash at bank and on-hand	71	70
	<u>71</u>	<u>70</u>

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	70
Balances per statement of cash flows	<u>71</u>	<u>70</u>

note 6 receivables

	2004	2003
	\$'000	\$'000
Current Debtors	37	44
Amounts due from related parties	452	1,374
Aggregate carrying amount of receivables	<u>489</u>	<u>1,418</u>

Financials

note 7 property, plant & equipment

	2004 \$'000	2003 \$'000
Land		
Freehold land		
At Valuation 30 June 2000	855	500
	<u>855</u>	<u>500</u>
Leasehold improvements		
Leasehold improvements - at cost	1,780	1,657
Less: Accumulated amortisation	(476)	(305)
	<u>1,304</u>	<u>1,352</u>
	<u>2,159</u>	<u>1,852</u>
Plant, equipment & vehicles		
At cost	1,581	1,434
Less: Accumulated depreciation	(1,320)	(1,120)
	<u>261</u>	<u>314</u>
Plant and equipment under finance lease (at cost)	451	31
Less: Accumulated amortisation	(30)	(2)
	<u>421</u>	<u>29</u>
	<u>682</u>	<u>343</u>
	<u>2,841</u>	<u>2,195</u>
Cultural assets		
At independent valuation 2003**	27	27
Total cultural assets	<u>27</u>	<u>27</u>
Total	<u>2,868</u>	<u>2,222</u>

** 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 (\$'000)	Plant & Equipment (\$'000)	Cultural Asset (\$'000)	Computer Equipment (\$'000)	Leased Plant & Equipment (\$'000)	Total (\$'000)
2005							
Carrying amount at start year	500	1,352	69	27	245	29	2,222
Additions		123	25		121	421	690
Disposals - written down value							0
Revaluation increments	355						355
Net transfers free of charge							0
Depreciation/amortisation expense (note 4)		(171)	(12)		(187)	(29)	(399)
Carrying amount at end of year	855	1,304	82	27	179	421	2,868
	Freehold Land	Leasehold Improvement (Fitouts)	Plant & Equipment	Cultural Asset	Computer Equipment	Leased Plant & Equipment	Total
2004							
Carrying amount at start year	500	1,205	77	27	372	0	2,181
Additions		295	8		87	31	421
Disposals - written down value							0
Revaluation increments							0
Net transfers free of charge							0
Depreciation/amortisation expense (note 4)		(148)	(16)	0	(214)	(2)	(380)
Carrying amount at end of year	500	1,352	69	27	245		2,222

note 8 payables

	2005 \$'000	2004 \$'000
Accrued Employee Benefits	240	225
Trade Creditors	1,048	1,689
	<u>1,288</u>	<u>1,914</u>

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%.

Financials

note 9 interest bearing liabilities

	2005 \$'000	2004 \$'000
Current		
Secured		
Lease liabilities (note 16)	74	4
	<u>74</u>	<u>4</u>
Non-current		
Secured		
Lease liabilities (note 16)	349	26
	<u>349</u>	<u>26</u>
Aggregate carrying amount of interest bearing liabilities		
Current	74	4
Non-current	349	26
	<u>423</u>	<u>30</u>

Lease liabilities are effectively secured as the rights to the leased assets revert to the lessor in the event of default.

Assets pledged as security

The carrying amounts of non-current assets pledged as security are:

Finance lease		
Plant and equipment under finance lease (note 7)	29	0
Total non-current assets pledged as security	<u>29</u>	<u>0</u>

note 10 provisions

	2005 \$'000	2004 \$'000
Current		
Employee Benefits (note 17)	2,143	1,549
Non-current		
Employee Benefits (note 17)	3,287	2,920
Aggregate carrying amount of provisions	<u>5,430</u>	<u>4,469</u>

Financials

note 11

equity and movements in equity

	Note	2005 \$'000	2004 \$'000
(a) Reserves			
Asset revaluation reserve		554	199
		<u>554</u>	<u>199</u>
Movements			
Asset revaluation reserve			
Opening Balance 1 July, 2004		199	199
Revaluation increment of Freehold Land during the year		355	0
Balance 30 June 2005		<u>554</u>	<u>199</u>
(b) Contributed Capital			
Balance 1 July, 2004		1,558	1,546
Capital grants by Department of Justice			12
Balance 30 June 2005		<u>1,558</u>	<u>1,558</u>
(c) Accumulated deficit			
Accumulated (deficit) at the start of the financial year		(4,475)	(1,795)
Net result for the reporting period		(1,367)	(2,680)
Accumulated (deficit) at the end of the financial year		<u>(5,842)</u>	<u>(4,475)</u>
(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).			
		2005 \$'000	2004 \$'000
Total equity at the beginning of the financial year		(2,718)	(50)
Net contributions of equity		0	12
Total changes in equity recognised in the statement of financial performance		(1,012)	(2,680)
Total equity at the end of the financial year		<u>(3,730)</u>	<u>(2,718)</u>

Financials

note 12

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 12

financial instruments (cont.)

(c) Interest Rate risk exposure (cont.)

2005

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	-	-	-	-	37	37
Amount due from related entities	6	-	-	-	-	452	452
Total		71	-	-	-	489	560
Weighted average interest rate							
			n/a	6.50%	6.50%		n/a
Financial Liabilities							
Payables	8	-	-	-	-	1,288	1,288
Lease liabilities	9,16	-	74	349	-	-	423
			74	349	-	1,288	1,711
Net Financial Assets (liabilities)		71	(74)	(349)	-	(799)	(1,151)

2004

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	70	-	-	-	-	70
Receivables	6	-	-	-	-	44	44
Amount due from related entities	6	-	-	-	-	1,374	1,374
Total		71	-	-	-	1,418	1,418
Weighted average interest rate							
			6.5%	6.5%		n/a	
Financial Liabilities							
Payables	8	-	-	-	-	1,914	1,914
Lease liabilities	9,16	-	4	26	-	-	30
			4	26	-	1,914	1,944
Net Financial Assets (liabilities)		70	(4)	(26)	-	(496)	(456)

Financials

note 12

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:

	2005		2004	
	Carrying amount \$'000	Net fair value \$'000	Carrying amount \$'000	Net fair value \$'000
On-balance sheet financial instruments				
Financial assets				
Cash	71	71	70	70
Receivables	37	37	44	44
Amount due from related entities	452	452	1,374	1,374
Non-traded financial assets	560	560	1,488	1,488
Financial liabilities				
Trade creditors	1,288	1,288	1,914	1,914
Lease liabilities	423	423	30	30
Non-traded financial instruments	1,711	1,711	1,944	1,944

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 13 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 positions of Ministers and Accountable Officer in the Department and the Office are as follows:

Attorney-General

The Hon. Rob Hulls, MP	1 July 2004	to	30 June 2005
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Acting Attorney-General

The Hon. Bob Cameron, MP	20 June 2004	to	5 July 2004
The Hon. John Pandazopoulos	6 July 2004	to	12 July 2004
The Hon. Bob Cameron, MP	7 August 2004	to	17 August 2004
The Hon. Bob Cameron, MP	25 September 2004	to	3 October 2004
The Hon. Bob Cameron, MP	3 November 2004	to	5 November 2004
The Hon. Bob Cameron, MP	8 January 2005	to	30 January 2005
The Hon. Bob Cameron, MP	21 March 2005	to	1 April 2005
The Hon. John Pandazopoulos	21 June 2005	to	26 June 2005
The Hon. Bob Cameron, MP	30 June 2005		

Secretary to the Department of Justice

Penny Armytage	1 July 2004	to	30 June 2004
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Acting Secretary to the Department of Justice

David Cousins	28 July 2004	to	12 August 2004
Roslyn Kelleher	5 January 2005	to	26 January 2005
Alan Clayton	12 June 2005	to	25 June 2005

Accountable Officer

Ms K Robertson	1 July 2004	to	8 February 2005
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Acting Accountable Officer

Stephen Carisbrooke	9 February 2005	to	30 June 2005
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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 2004)

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 14 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	
	2005	2004	2005	2004
\$100,000 - \$109,999	0	0	0	0
\$110,000 - \$119,999	0	0	0	0
\$120,000 - \$129,999	0	0	0	1
\$130,000-\$139,999	0	0	2	1
\$140,000-\$149,999	1	2	0	0
\$150,000-\$159,999	1	0	0	0
	<hr/>			
Total Numbers	2	2	2	2
	<hr/>			
Total Amount	\$296,937	\$286,082	\$267,890	\$260,024

Other Transactions of Responsible persons and their related entities

There are no related transactions between the Office and Responsible person related entities in 2004-05.

note 15 remuneration of auditors

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

	2005 \$'000	2004 \$'000
Paid as at 30 June	0	0
Payable as at 30 June	14	13
	<hr/>	<hr/>
	14	13

Financials

note 16

commitments for expenditure

Capital commitments

There are no outstanding capital commitments as at 30 June 2004 (2003:\$nil)

Lease commitments

	2005	2004
	\$'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	1,467	1,546
Later than one year but not later than 5 years	5,697	5,592
Later than 5 years	0	0
Commitments not recognised in the Financial Statements	<u>7,164</u>	<u>7,138</u>
Representing:		
Cancellable operating leases	89	162
Non-Cancellable operating leases	<u>7,075</u>	<u>6,976</u>
	<u>7,164</u>	<u>7,138</u>
Finance leases		
Commitments in relation to finance leases are payable as follows:		
Within one year	117	6
Later than one year but not later than 5 years	353	28
Later than 5 years	0	0
Minimum lease payments	<u>470</u>	<u>34</u>
Less: Future finance charges	(47)	(4)
Total lease liabilities	<u>423</u>	<u>30</u>
Representing lease liabilities:		
Current (note 9)	74	4
Non-current (note 9)	<u>349</u>	<u>26</u>
	<u>423</u>	<u>30</u>

The weighted average interest rate implicit in the leases is 6.50% (2004 - 6.50%)

Financials

note 17 employee benefits

	2005 \$'000	2004 \$'000
Employee benefits liabilities		
Provision for employee benefits		
Current		
Annual leave	1,544	1,225
Long Service leave	599	324
	<u>2,143</u>	<u>1,549</u>
Non-current		
Long Service leave	3,287	2,920
	<u>3,287</u>	<u>2,920</u>
Aggregate employee entitlement liability	<u>5,430</u>	<u>4,469</u>
	Number	
Employee numbers		
Average number of employees during the financial year	<u>262</u>	<u>230</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:		
	2005	2004
(a) Long service leave		
Weighted average rates of increase in annual employee entitlements to settlement of the liabilities	3.80%	4.50%
Weighted average discount rates	5.15%	5.64%
Weighted average terms to settlement of liabilities	13 years	13 years

Financials

note 17 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:

Fund	Contribution for the Year	Contribution for the Year	Contribution outstanding at Year End	Contribution outstanding at Year End
	2005 \$	2004 \$	2005 \$	2004 \$
S.S.B - Revised Scheme	262,518	237,200	0	0
S.S.B - New Scheme	281,138	303,478	0	0
Vic. Super Scheme	631,321	514,546	0	0
Other private funds	76,085	0	0	0
Total contributions to all funds	1,269,537	1,131,309	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 18 reconciliation of results from ordinary activities to net cash inflow from operating activities

	Notes	2004 \$'000	2003 \$'000
Results from ordinary activities		(1,367)	(2,680)
Depreciation and amortisation	4	399	380
Net loss on sale of non-current assets		0	0
Change in operating assets and liabilities, net of effects from restructuring			
Decrease (increase) in receivables		7	(5)
Decrease (increase) in Amounts Due from Related Entities	6	922	1,016
Increase (decrease) in trade creditors		(641)	958
Increase (decrease) in Provisions (LSL and AL)		961	599
Increase (decrease) in other operating liabilities		3	1
Increase (decrease) in accruals		15	109
Net cash inflow from operating activities		299	378

Financials

note 19 impacts of adopting AASB equivalents to IASB standards

Following the adoption of Australian equivalents to International Financial Reporting Standards (A-IFRS), the Office will report for the first time in compliance with A-IFRS when results for the financial year ended 30 June 2006 are released.

It should be noted that under A-IFRS, there are requirements that apply specifically to not-for-profit entities that are not consistent with IFRS requirements. The Office is established to achieve the objectives of government in providing services free of charge or at prices significantly below their cost of production for the collective consumption by the community, which is incompatible with generating profit as a principal objective. Consequently, where appropriate, the Office applies those paragraphs in accounting standards applicable to not-for-profit entities.

An A-IFRS compliant financial report will comprise a new statement of changes in equity in addition to the three existing financial statements, which will all be renamed. The Statement of Financial Performance will be renamed as the Operating Statement, the Statement of Financial Position will revert to its previous title as the Balance Sheet and the Statement of cash Flows will be simplified as the Cash Flow Statement. However, for the purposes of disclosing the impact of adopting A-IFRS in the 2004-05 financial report, which is prepared under existing accounting standards, existing titles and terminologies will be retained.

With certain exceptions, an entity that has adopted A-IFRS must record transactions that are reported in the financial report as though A-IFRS had always applied. This requirement also extends to any comparative information included within the financial report. Most accounting policy adjustments to apply A-IFRS retrospectively will be made against accumulated funds at the 1 July 2004 opening balance sheet date for the comparative period. The exceptions include deferral until 1 July 2005 of the application and adjustments for:

- AASB 132 Financial Instruments: Disclosure and Presentation;
- AASB 139 Financial Instruments: Recognition and Measurement;

The comparative information for transactions affected by these standards will be accounted for in accordance with existing accounting standards.

The Office has taken the following steps in managing the transition to A-IFRS and with the Department of Justice has achieved the following scheduled milestones:

- establish a steering committee to oversee the transition to and implementation of the A-IFRS
- establish an A-IFRS project team to review the new accounting standards to identify key issues and the likely impacts resulting from the adoption of A-IFRS and any relevant Financial Reporting Directions as issued by the Minister of Finance;
- participated in an education and training process to raise awareness of the changes in reporting requirements and the processes to be undertaken.

This financial report has been prepared in accordance with current Australian accounting standards and other financial reporting requirements (Australian GAAP). The Office has not, to date, identified any differences between Australian GAAP and A-IFRS, which are expected to have a material impact on the financial position and financial performance following the adoption of A-IFRS.

This view may change as a result of:

- a) change in facts and circumstances;
- b) on-going work being undertaken by the A-IFRS project team;
- c) potential amendments to A-IFRS and Interpretations; and
- d) emerging accepted practice in the interpretation and application of A-IFRS and UIG Interpretations.

Financials

accountable officer's declaration

Accountable officer's and chief finance and accounting officer's

We certify that the attached financial statements for the Office of Public Prosecutions have been prepared in accordance with Standing Direction 4.2 of the *Financial Management Act 1994*, applicable Financial Reporting Directions, 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 2005 and financial position of the Office as at 30 June 2005.

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

Tony Rodgers

Chief Finance and Accounting Officer
Office of Public Prosecutions

Melbourne

Stephen Carisbrooke

Acting Solicitor for Public Prosecutions
Office of Public Prosecutions

Melbourne

Financials

auditor general's report



AUDITOR GENERAL VICTORIA

INDEPENDENT AUDIT REPORT

Office of Public Prosecutions

To the Members of the Parliament of Victoria and the Solicitor for Public Prosecutions

Scope

The Financial Report

The accompanying financial report for the year ended 30 June 2005 of the Office of Public Prosecutions consists of the statement of financial performance, statement of financial position, statement of cash flows, notes to and forming part of the financial report, and the supporting declaration.

Solicitor for Public Prosecutions' Responsibility

The Solicitor for Public Prosecutions is responsible for:

- the preparation and presentation of the financial report and the information it contains, including accounting policies and accounting estimates
- the maintenance of adequate accounting records and internal controls that are designed to record the Office's transactions and affairs, and prevent and detect fraud and errors.

Audit Approach

As required by the *Audit Act 1994*, an independent audit has been carried out in order to express an opinion on the financial report. 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:

- examining information on a test basis to provide evidence supporting the amounts and disclosures in the financial report
- assessing the appropriateness of the accounting policies and disclosures used, and the reasonableness of significant accounting estimates made by the Solicitor for Public Prosecutions
- obtaining written confirmation regarding the material representations made in conjunction with the audit
- reviewing the overall presentation of information in the financial report.

These procedures have been undertaken to form an opinion as to whether the financial report is presented in all material respects 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.

Financials**AUDITOR GENERAL
VICTORIA****Independent Audit Report (continued)****Independence**

The Auditor-General's independence is established by the *Constitution Act 1975*. The Auditor-General is not subject to direction by any person about the way in which his powers are to be exercised. The Auditor-General and his staff and delegates comply with all applicable independence requirements of the Australian accounting profession.

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 2005 and its financial performance and cash flows for the year then ended.

MELBOURNE
28 September 2005

Sgd JW CAMERON
Auditor-General

five year performance summary

	2005 \$'000	2004 \$'000	2003 \$'000	2002 \$'000	2001 \$'000
Total Revenue	29,948	24,979	23,894	23,005	21,970
Net Result form Operating Activities	(1,012)	(2,680)	(216)	437	(79)
Net Cash Flow	299	378	166	153	193
Total Assets	3,428	3,710	4,681	5,176	2,553
Total Liabilities	7,158	6,428	4,731	5,010	4,370

compliance index

The Annual Report of the Office of Public Prosecutions is prepared in accordance with the Financial Management Act 1994 and the Directions of the Minister of Finance. This index facilitates identification of the Office's compliance with the Directions of the Minister for Finance by listing references to disclosures in this financial report.

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9.1.3(i)(b)	Objectives, functions, powers and duties
9.1.3(i)(c)	Nature and range of services provided

MANAGEMENT AND STRUCTURE

9.1.3.(i)(d)(i)	Name of Chief Executive Officer
9.1.3.(i)(d)(ii)	Names of senior office holders and brief description of responsibility
9.1.3.(i)(d)(iii)	Organisational structure

FINANCIAL AND OTHER INFORMATION

9.1.3(i)(e)	Statement of workforce data and merit and equity
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9.1.3(ii)(b)	Significant changes in financial position during the year
9.1.3(ii)(c)	Operational and budgetary objectives and performance against objectives
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9.1.3(i)(f)	Application and operation of Freedom of Information Act 1982
9.1.3(ii)(h)	Compliance with building and maintenance provisions of Building Act 1993
9.1.3(ii)(k)	Statement of national Competition Policy
9.1.3(ii)(f)	Details of consultancies over \$100,000
9.1.3(ii)(f)	Details of consultancies under \$100,000
9.6.2(i)(iv)	Disclosure of major contracts
9.1.3(ii)(i)	Statement of availability of other information
9.1.3(ii)(j)	Compliance index
9.8(i)(ii)	Occupational Health and Safety

FINANCIAL STATEMENTS

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9.2.2(ii)(a)	Accrual basis of accounting
9.2.2(ii)(b)	Compliance with AASs and other authoritative pronouncements
9.2.2(ii)(c)	Compliance with Ministerial Directions and AFRBs
9.2.2(ii)(d)	Adoption of the historical cost convention, except for specified assets
9.2.2(iii)	Rounding of amounts
9.2.2(iv)	Accountable officer's declaration
9.9.2(i)	Model Financial Report

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9.2.3(ii)(a)	Operating revenue by class
9.2.3(ii)(c)	Other material revenue, including disposal of non-current assets
9.2.3(ii)(e)	Depreciation
9.2.3(ii)(h)	Net increment or decrement on revaluation recognised in the statement of financial performance
9.2.3(ii)(i)	Audit expense
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STATEMENT OF FINANCIAL POSITION

9.2.2(i)(b)	Statement of financial position
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9.2.3(iii)(a)(iii)	Receivables, including trade debtors, loans and other debtors
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9.2.3(iii)(b)(iii)	Trade and other creditors
9.2.3(iii)(b)(v)	Provisions, including employee benefits
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STATEMENT OF CASH FLOW

9.2.2(i)(c)	Statements of cash flows during the year
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OTHER DISCLOSURES IN NOTES TO THE FINANCIAL STATEMENTS

9.2.3(iv)(c)	Commitments for expenditure
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9.2.3(iv)(e)	Employee superannuation funds
9.4	Responsible person-related disclosures

