



ANNUAL REPORT



DIRECTOR OF PUBLIC PROSECUTIONS
COMMITTEE FOR PUBLIC PROSECUTIONS



REPORT OF OPERATIONS

OFFICE OF PUBLIC PROSECUTIONS

2000 - 2001



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ANNUAL REPORT

Director of Public Prosecutions

2000-2001



DIRECTOR'S OVERVIEW

In previous overviews, I have sought to comment on changes in the criminal justice system and the way that these changes have impacted on the prosecutor. Given this is my last overview, I thought it appropriate to reflect very broadly on the past six and a half years and the initiatives achieved by the people in the Office of Public Prosecutions (OPP).

Administration

A significant change introduced by legislation in 1994 was to impose more responsibility on the Solicitor for Public Prosecutions for the administration of the solicitors and support staff of OPP. In effect, a lawyer-client relationship was set up between the Solicitor and the Director. The Director retained the decision-making responsibility, while the Solicitor was responsible for managing those responsible for implementing those decisions.

Efficiency

This administrative responsibility being vested in the Solicitor enabled him/her to concentrate on efficiency and effectiveness. The modernisation of the Office involved the development of information technology to an optimum level. Case management systems, legal information databases, specialised audio and video technology for the courts, continuing legal education, the introduction of Articled Clerks and the development of solicitor-advocates were all brought about by the work of dedicated personnel. The improvement of efficiency in turn enabled us to contribute more to the criminal justice process and we were able to accept, with limited increases in funding, responsibility for the conduct of all committal proceedings.

Budget

The legislation also imposed responsibility for the budget on the Solicitor. This was an onerous responsibility. There is no doubt that it is difficult to



interpret the requirements of a prosecutorial system in accounting terms. We must however, also accept that all governments require some evaluation of these issues. The capacity to understand and interpret the needs of both parties is therefore important. The Solicitor is well placed to do this. Again the constant effort by the Finance Section of O.P.P contributed to a capacity to make well based and cogent submissions on this issue.

Victims

The *Public Prosecutions Act 1994* also imposed obligations on prosecutors to give greater considerations to the victims of crime. This legislation reflected the fact that victims had long been neglected within the criminal justice process. This was not a surprising state of affairs. The system was designed to resolve issues between the State and the individual. Victims of crime were witnesses, not parties to proceedings. The priority of the process was, understandably, the accused; but the view developed that this did not mean that the victim of crime should be ignored. The victim of crime was in one sense central to the case. As a wronged party, the victim had an interest in the outcome. Whilst it may not be appropriate to let victims make prosecutorial decisions, they should be informed as to the process. They should also have the opportunity to be heard¹ in such things as plea negotiations, appeals and decisions whether or not to proceed with prosecutions. The culture of the lawyer had been to keep a victim of crime at arms length lest he or she should somehow infect objectivity with emotion.

The creation of the Witness Assistance Service (WAS) was a huge step in changing this culture. The object now is to inform victims of crime from the outset of proceedings and they are now routinely consulted concerning a range of issues relating to the prosecutorial decision-making process. Anni Davie and Anne O'Brien have worked tirelessly to

¹ Already achieved in the Court process by the Victim Impact Statement.



create this service and their initiative, strength and commitment has been and remains a well-recognised feature of the success of this service.

Crown Prosecutors

Again the 1994 legislation changed the structure of the Office by introducing changes to the Crown Prosecutors. The position of Senior Crown Prosecutor was introduced with the hope that this would attract experienced criminal barristers to the positions. It did that. The position of Chief Crown Prosecutor was created and he or she was to have responsibility for the day to day management of the Crown Prosecutors. The Solicitor was to hold briefing responsibility and to seek to ensure Crown Prosecutors were briefed. He or she was then to brief the private bar in consultation with the Director. It can only be said that the contribution by the Crown Prosecutors over the period has been significant. In 1994 there were eight Crown Prosecutors and the majority of the serious criminal matters were briefed outside. There were two Queen's Counsel. Seven years on there are twenty one Crown Prosecutors and seven of those are Queen's Counsel.² The fact that since 1994 six people have earned their appointments as Queen's Counsel by appearing as Crown Prosecutors is a measure of the quality of the work that they have been doing in that capacity. The contribution by the Crown Prosecutors has of course gone beyond Court appearances and their advice across a range of functions has been crucial to the efficiency of the Office.³

Director's Committees

The legislation also required consultation between the Director and the Chief Crown Prosecutor and the next Senior Prosecutor on certain important decisions⁴. Whilst this built in an element of accountability, the need for such decisions to be recorded also produced an element of unnecessary technicality. This problem was overcome by a high degree

² Or "Senior counsel" as it became in 2000.

³ These were detailed in y overview for 2000.

⁴ Nolle prosequi and Direct Presentment being the most important.



of practical co-operation between Paul Coghlan QC and Bill Morgan Payler QC. Whilst there is an advantage in “Special Decisions” in some cases, a large number of decisions were formalities and I would recommend that some greater degree of flexibility be legislatively permitted.

The Committee for Public Prosecutions

I would like to conclude by acknowledging the role of a little known body - “The Committee for Public Prosecutions”. This group has met regularly over the past six and a half years and is designed to provide yet another arm of accountability. This body is made up of the Director, the Chief Crown Prosecutor, the Solicitor for Public Prosecutions and a Member of the Public. The Committee provides an opportunity for the lay member to be informed as to the way the Office is running and has allowed this member to make requests and inquiries of OPP. Jan King came to the role of lay member with a long experience in the criminal justice process . The Committee considered such things as changes to the structure of the Office, the performance of Crown Prosecutors, the development of solicitor-advocates and the establishment of a Victim’s Charter. I believe that the work of the committee was worthwhile in that it brought all “the players” together in the presence of an independent person. It should be said however, that its success was due in no small way to the very informed input by the lay member.

I would conclude by acknowledging the contribution by Peter Wood , Paul Coghlan and Bill Morgan Payler. Each has played specialist roles in addressing key aspects of the prosecutorial system and I cannot thank them enough for their commitment. But with all the specialisation in the world, the system still has to work, and in the end making things work comes down to people. If we achieved anything in the last six and a half years I can only say to the individual Crown Prosecutors, solicitors and support staff of the OPP – “You did it”.

Thankyou for your professionalism and friendship.



MISCELLANEOUS LEGAL FUNCTIONS

This section contains a summary of the miscellaneous legal functions, other than the formal prosecuting activities carried out during the relevant period. Records of the formal functions are contained in the appendices annexed to the Report of Operations of the Office of Public Prosecutions.

Confiscation Act 1997

Under the *Confiscation Act 1997* (“the Act”), the Director of Public Prosecutions (DPP) may apply to any Court for a Restraining Order preventing a person from disposing of or otherwise dealing with property. The underlying purpose of obtaining a restraining order is to ensure that property is available to satisfy forfeiture of property or the payment of a Pecuniary Penalty Order. In addition, the DPP may obtain a restraining order over the defendant’s property for the purpose of satisfying any restitution order or compensation order that may be made under the *Sentencing Act 1991*.

In the relevant period, restraining orders were obtained in relation to property valued at \$5,652,167.00.

The DPP may also apply to both the County and Supreme Courts of Victoria for confiscation orders. A confiscation order can be either a Forfeiture Order, forfeiting tainted property to the Minister or a Pecuniary Penalty Order ordering that the Defendant pays the State an amount of money equal to the benefit that was derived by the Defendant from the commission of the offence.

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



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

In the relevant period, property to the value of \$557,659.51 was forfeited to the Minister and Pecuniary Penalty Orders in the sum of \$1,243,665.00 were made. In the relevant period, automatic forfeitures totalled \$356,730.00.

On behalf of victims of crime, the Director of Public Prosecutions applied for Restitution Orders (s.84 *Sentencing Act 1991*) and Compensation Orders (ss.85B and 86 *Sentencing Act 1991*). During the relevant period, Restitution Orders to the value of \$2,476,625.00 and Compensation Orders to the value of \$2,697,165.00 were made.

Entry of Nolle Prosequi (Discontinuance of Prosecutions)

In the period under review, the entry of nolle prosequi submitted by the legal representatives of accused persons or forwarded by Crown Prosecutors was acceded to on 87 occasions either wholly or in part.

Indemnities from Prosecution, Undertakings or Letters of Comfort

A total of 31 persons were given indemnities, undertakings or letters of comfort in a total of 15 matters involving 27 accused.



Consents to Prosecute

In the period under review, the Director of Public Prosecutions consented to file presentments in relation to 28 matters, pursuant to s.321 *Crimes Act 1958*.

With regard to the commencement of a prosecution under the *Legal Profession Practice Act 1958*, the Director granted 5 such consents, pursuant to that Act.

In the relevant period, 14 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 *Crimes Act 1958*.

In the relevant period, 12 consents were granted by the Director pursuant to s.47A *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*.

No consents were granted by the Director for the commencement of a prosecution pursuant to s.129 *Adoption Act 1984*.

No consents were granted by the Director for the commencement of a prosecution pursuant to s.69A *Juries Act 1967*.

No consents were granted by the Director for the commencement of a prosecution pursuant to ss.3(4) or 4(4) *Judicial Proceedings Reports Act 1958*.

Extraditions and Interstate Transfers

Interstate extradition proceedings were undertaken for the return to Victoria of one person charged with various offences.



Two 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 of Public Prosecutions directly presented an accused person on 80 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 of Public Prosecutions. 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 3 such referrals.

Appearing or Instructing Counsel to Appear to Assist the Coroner in Inquests pursuant to s.22 (1)(b)(iii) *Public Prosecutions Act 1994* and to s.46 (2) *Coroners Act 1985*

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*

This provision obliges the Director to act on behalf of Appellant police officers in appeals taken to a single Judge of the Supreme Court on questions of law arising from criminal proceedings in the Magistrates'



Court. Additionally, the Director usually acts on behalf of police officers who are Respondents to such appeals, although he is not obliged by the Act to do so.

When acting on behalf of Appellant police officers, the Director considers the brief of evidence and determines whether the matter sufficiently raises a question of law justifying the bringing of an appeal. Counsel briefed by the Director appear upon such appeals and upon any further appeal which might be taken to the Court of Appeal, pursuant to s.10 *Supreme Court Act 1986*.

During the relevant period, the Director was requested to institute an appeal pursuant to s.92 *Magistrates' Court Act 1989* in 14 matters. Eleven such appeals were instituted.

Five appeals brought by the Director were heard in the relevant period. Seven appeals in which the Director acted for the respondent police officer were also heard in this reporting period.

Contempt of Court

There were no matters to report relating to the commencement of a prosecution concerning possible contempt of court in the relevant reporting period.

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.



Freedom of Information Act 1982

Number of Requests

There were 29 requests under the *Freedom of Information Act 1982* received by the Office of Public Prosecutions in the year ended 30 June 2001.

Nature and Outcome of Requests

Twenty-nine requests made pursuant to the *Freedom of Information Act 1982* were received by this Office during the period from 1 July 2000 to 30 June 2001.

Requests received	29
Outcomes:	
Request transferred to Victoria Police	2
Request relating to documents not held	5
Access granted in full or in part	9
Access denied in part or full	3
Further particulars sought in relation to request	5
Access not yet determined	5
Others	Nil
Total	29

Applications for Review of a Decision

The Administrative Appeals Tribunal received no applications for review of a decision of the Principal Officer in the relevant reporting period.

Part II Statement

The statement is required to be published pursuant to s.7 *Freedom of Information Act 1982* and is included in this report as Appendix Q (see page 62 of this report).



APPEALS BY THE DIRECTOR OF PUBLIC PROSECUTIONS

This section summarises the Appeals brought by the Director of Public Prosecutions during the relevant period.

Introduction

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 of Public Prosecutions 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 of Public Prosecutions 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

Director's Appeals High Court

In the period under review, the Director of Public Prosecutions has filed no applications seeking Special Leave to Appeal to the High Court of Australia.

Other High Court Matters

In the relevant period, four matters involving convicted persons who had been granted Special Leave to Appeal were listed for full appeal hearings. Of those four matters, one matter was abandoned before appeal with the other three appeals all being dismissed.

In the relevant reporting period, there have been 15 Special Leave Applications heard in the High Court involving persons having been convicted in this jurisdiction. None of these applications were instituted by the Director of Public Prosecutions. Of these applications, none were successful.

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, nine Director’s appeals were instituted, pursuant to s.567A *Crimes Act 1958*, three of which involved two Respondents. Of the appeals heard two were dismissed and six were allowed. One appeal was abandoned. The details of each completed appeal is as follows:

1. The court allowed an appeal against the sentence of three years imprisonment, six months pre-sentence detention declared as having been served and the remaining two years and six months suspended, imposed upon John Whiteside and Kristian Peter Dieber for one count of manslaughter. A new sentence of six years imprisonment with a non-parole period of four years was substituted on 4 August 2000.



2. The court allowed an appeal against the sentence of twelve months imprisonment, with a non-parole period of eight months imposed upon Ernesto Johnny Lepore for one count of reckless conduct endangering life and one count of failing to stop after an accident. A new sentence of twenty-one months imprisonment with a non-parole period of fourteen months was substituted on 19 October 2000, and the Respondent's was disqualified from obtaining a licence until 25 July 2004.
3. The court allowed an appeal against the sentence of three years imprisonment, two years of which was suspended for three years, imposed upon "W.J.W." for one count of maintaining a sexual relationship with a child under the age of sixteen. A new sentence of six years imprisonment with a non-parole period of four years was imposed on 26 September 2000.
4. The court dismissed an appeal against the discharge without conviction of Paul Allan Robinson, who pleaded guilty to six counts of making a false statement as a Company Director. No conviction was recorded by the court on 21 September 2000.
5. The court allowed an appeal against the sentence of fifteen years imprisonment with a non-parole period of ten years imposed upon Mahamad Hebllos for one count of murder. A new sentence of twenty-one years imprisonment with a non-parole period of sixteen years was substituted on 2 November 2000.
6. The court dismissed an appeal against the sentence of twenty-one months imprisonment, with a non-parole period of eleven months, imposed upon Stefano Natale for one count of trafficking in a drug of dependence (cannabis).
7. The court dismissed an appeal against the sentences of two years imprisonment, with non-parole period of nine months, imposed



upon Robert Jovicic and Dragan Jovicic for four counts of burglary, four counts of theft and one count of dishonestly handling stolen goods. New sentences of three years and six months imprisonment with a non-parole period of two years were substituted in respect of both offenders on 22 March 2001.

8. The court allowed an appeal against the sentence of four years imprisonment with a non-parole period of two years and nine months, imposed upon Rodney Sydney Coleman for one count of common assault, one count of recklessly causing serious injury, one count of failing to stop after an accident and one count of failing to render assistance after an accident. A new sentence of six years and six months imprisonment with a non-parole period of four years was substituted on 2 May 2001.

County Court

In the relevant reporting period, eleven appeals instituted by the Director against decisions of Magistrates, pursuant to s.84 *Magistrates' Court Act 1989* were heard. The details of those appeals are as follows:

1. *DPP -v- Lee Price*

The Respondent was convicted in the Magistrates' Court of charges of trafficking heroin, theft, possessing the proceeds of crime and breaching a suspended sentence being sentenced to six months imprisonment which was wholly suspended for twelve months.

The appeal against sentence was allowed and the Respondent was re-sentenced to a total effective sentence of six months imprisonment.

2. *DPP -v- Raymond Benn*

The Respondent had pleaded guilty to charges of exceeding the prescribed concentration of alcohol and driving whilst disqualified and was sentenced to be imprisoned for one month. It was also ordered that



his licence to drive a motor vehicle be cancelled and that he be disqualified from obtaining a driver's licence for two years.

On appeal the orders of the Magistrates' Court were set aside and the Respondent was sentenced to six months imprisonment, three months of such sentence being suspended for two years and it was ordered that he be disqualified from obtaining a licence for five years.

3. *DPP -v- Mario Varga*

The Respondent appeared at the Magistrates' Court charged with breach of an Intensive Correction Order, trafficking heroin and using heroin, the latter offences being committed during the period of the Intensive Correction Order. On finding the breach of the Intensive Correction Order proven, the Magistrate confirmed the original order. In respect of the drug charges, the Respondent was sentenced to six months imprisonment wholly suspended for a period of eighteen months.

The appeal to the County Court was allowed and in relation to the charge of breach of the intensive Correction Order, no further order was made. In relation to the charges of trafficking heroin and using heroin, the Respondent was sentenced to ten weeks imprisonment.

4. *DPP -v- Benjamin Walton*

At the Magistrates' Court, the Respondent had been convicted of a charge of driving whilst disqualified and was sentenced to the rising of the court.

The appeal against sentence was allowed and the Respondent was sentenced to six months imprisonment wholly suspended for two years.

5. *DPP -v-Geoffrey Twoomey*

The Respondent pleaded guilty to charges of trafficking amphetamines, trafficking cannabis, trafficking L.S.D., possessing regulated weapons, selling prescribed weapons, cultivating a narcotic plant, being a prohibited



person in possession of a firearm and using drugs of dependence. He was, without conviction, placed on a Community Based Order for a period of twelve months.

An appeal against sentence was allowed and the Respondent was, with conviction, placed on a Community Based Order for fifteen months.

6. *DPP -v- Normet Industries Nominees Pty Ltd*

At the Magistrates' Court, the Respondent pleaded guilty to two charges pursuant to s.21 *Occupational Health and Safety Act* and was fined aggregately \$8,000 with conviction. An order was made pursuant to s.86 *Sentencing Act* for the Respondent to pay \$50,000 compensation.

The appeal against sentence was dismissed.

7. *DPP -v- Truong Pham*

The Respondent appeared at the Magistrates' Court charged with theft, failing to comply with an undertaking, trafficking heroin, possessing heroin, driving whilst authorisation cancelled, possess proceeds of crime, obtaining property by deception (seven charges) and using and possessing heroin. On all the charges, the further hearing was adjourned with conviction upon the Respondent entering into an undertaking to be of good behaviour.

The appeal against sentence was allowed and the Respondent was sentenced to three months imprisonment, wholly suspended for twelve months.



8. *DPP -v- Troy Donoghue*

The Respondent pleaded guilty in the Magistrates' Court at Ringwood to four charges pursuant to the *Road Safety Act 1986*, arising out of a single incident of driving at a time when he had a blood alcohol reading of 0.136 percent and when his authority to drive had been cancelled. The Defendant admitted that the commission of these offences breached the conditions of a suspended sentence of imprisonment previously imposed in the Magistrates' Court for similar offences. The Magistrate declined to make any order in respect of the breach of suspended sentence, and in respect to the new charges sentenced the Respondent to a Community Based Order, for a period of twelve months, with conditions including the performance of 250 hours community work.

On appeal, a total effective sentence of one month imprisonment was imposed in respect of the new offences, and the suspended sentence of three months imprisonment was restored. Following this decision, the Respondent subsequently sought leave to appeal against this sentence to the Court of Appeal, pursuant to s.91 *Magistrates' Court Act 1989*.

9. *DPP -v- Alex Dilaveris*

In this matter, appeals were instituted in respect of two Magistrates' Court hearings.

On 13 April 2000, the Respondent was sentenced to two years imprisonment, wholly suspended for two years in relation to charges of stalking (two charges) and breaching an intervention order.

On 27 April 2000, the Respondent was proceeded against for breach of a suspended sentence imposed for stalking, breaching an intervention order and unlawful assault. It was ordered that the period of suspension be extended by twenty-four months



The appeal in relation to the proceedings of the 13 April 2000 was dismissed.

The appeal in respect of the 27 April 2000 hearing was allowed and it was ordered that the suspended period of imprisonment, being three months, be restored.

10. *DPP-v- Mackie Staff*

The Respondent in this matter pleaded guilty at the Magistrates' Court to three charges laid pursuant to the Occupational Health and Safety Act 1986, being a Failure to provide a safe system of work (two charges) and a Breach of Prohibition Notice. The Respondent was fined without conviction \$5,000.00 on the first charge and \$10,000.00 on the each of the remaining charges.

An appeal against sentence was made only in respect of the charge of Breach of Prohibition Notice, which appeal was dismissed.

11. *DPP -v- Robert Findlay*

The Respondent pleaded guilty at the Magistrates' Court to charges of driving whilst disqualified (five charges), exceeding the prescribed concentration of blood alcohol (three charges) and using an unregistered motor car (four charges). He was sentenced to five months imprisonment to be served by way of an Intensive Corrections Order and nine months imprisonment wholly suspended for eighteen months. It was further ordered that he be disqualified from obtaining a licence for two years.

The appeal against sentence was allowed and the Respondent was re-sentenced to an aggregate term of fifteen months imprisonment and it



was ordered that he be disqualified from obtaining a driver's licence for two years.

Section 92 Appeals

For details relating to appeals pursuant to s.92(2) *Magistrates Court Act 1989* see page 11 of this report.

Director of Public Prosecutions' Reference.

No Director's References pursuant s.450A *Crimes Act 1958* were heard by the Court of Appeal during the relevant period.



PROSECUTORIAL GUIDELINES

APPENDIX A

All Australian Directors of Public Prosecutions have agreed upon a common set of principles to be used in determining the question as to whether or not a prosecution should be commenced or, if commenced, should be permitted to proceed. These principles are constantly reviewed at regular meetings of the Conference of Australian Directors of Public Prosecutions and are amended from time to time. Although in some jurisdictions these criteria are expressed in different language, they do not differ in substance.

The Criteria Governing the Decision to Prosecute

1. Sir Hartley Shawcross, Q.C., then Attorney-General, stated to the House of Commons on 29 January 1951:

"It has never been the rule in this country - I hope it never will be - that suspected criminal offences must automatically be the subject of prosecution. Indeed the very first Regulations under which the Director of Public Prosecutions worked provided that he should prosecute 'whenever it appears that the offence or the circumstances of its commission is or are of such a nature that a prosecution in respect thereof is required in the public interest.' That is still the dominant consideration." (H.C. Debates, Vol.483, col.681, 29 January 1951).

This statement is equally applicable to the position in Australia. The resources available for prosecution action are finite and should not be wasted pursuing inappropriate cases, a corollary of which is that the available resources are employed to pursue with some vigour those cases worthy of prosecution.

2. The decision whether or not to prosecute is the most important step in the prosecution process. In every case great care must be



taken in the interests of the victim, the suspected offender and the community at large to ensure that the right decision is made. A wrong decision to prosecute or, conversely, wrong decisions not to prosecute, both tend to undermine the confidence of the community in the criminal justice system.

2. The initial consideration in the exercise of this discretion is whether the evidence is sufficient to justify the institution or continuation of a prosecution. A prosecution should not be instituted or continued unless there is admissible, substantial and reliable evidence that a criminal offence known to the law has been committed by the alleged offender. (The term "alleged offender" includes a Defendant or an accused person.)
3. When deciding whether the evidence is sufficient to justify the institution or continuation of a prosecution the existence of a bare *prima facie* case is not enough. Once it is established that there is a *prima facie* case it is then necessary to give consideration to the prospects of conviction. A prosecution should not proceed if there is no reasonable prospect of a conviction being secured. In indictable matters this test presupposes that the jury will act in an impartial manner in accordance with its instructions.
4. The decision whether there is a reasonable prospect of conviction requires an evaluation of how strong the case is likely to be when presented in court. It must take into account such matters as the availability, competence and credibility of witnesses and their likely impression on the arbiter of fact, and the admissibility of any alleged confession or other evidence. The prosecutor should also have regard to any lines of defence which are plainly open to, or have been indicated by, the alleged offender and any other factors which in the view of the prosecutor could affect the likelihood or otherwise of a conviction. This assessment may be a difficult one to make, and of course, there can never be an assurance that a



prosecution will succeed. Indeed, it is inevitable that some will fail. However, application of this test dispassionately after due deliberation by a person experienced in weighing the available evidence, is the best way of seeking to avoid the risk of prosecuting an innocent person and the useless expenditure of public funds.

6. When evaluating the evidence regard should be given to the following matters -
- (a) Are there grounds for believing the evidence may be excluded bearing in mind the principles of admissibility at common law and under statute? For example, prosecutors will wish to satisfy themselves that confessional evidence has been properly obtained. The possibility that any evidence might be excluded should be taken into account and, if it is crucial to the case, may substantially affect the decision whether or not to institute or proceed with a prosecution.
 - (b) If the case depends in part on admissions by the alleged offender, are there any grounds for believing that they are of doubtful reliability having regard to the age, intelligence and apparent understanding of the alleged offender?
 - (c) Does it appear that a witness is exaggerating, or that his or her memory is faulty, or that the witness is either hostile or friendly to the defendant, or may be otherwise unreliable?
 - (d) Has a witness a motive for telling less than the whole truth?
 - (e) Are there matters that might properly be put to a witness by the defence to attack his or her credibility?
 - (f) What sort of impression is the witness likely to make? How is the witness likely to stand up to cross-examination? Does the witness suffer from any physical or mental disability that is likely to affect his or her credibility?



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- (g) If there is conflict between eyewitnesses, does it go beyond what one would expect and hence materially weaken the case?
- (h) If there is a lack of conflict between eyewitnesses, is there anything that causes suspicion that a false story may have been concocted?
- (i) Are all the necessary witnesses available and competent to give evidence, including any who may be abroad? Is any witness likely to obtain an exemption from giving evidence pursuant to s.400 *Crimes Act 1958*?
- (j) Where child witnesses are involved, are they likely to be able to give sworn evidence or, if not, is there corroboration in some material particular by some other evidence implicating the alleged offender?
- (k) If identity is likely to be an issue, how cogent and reliable is the evidence of those who purport to identify the alleged offender?
- (l) Where two or more alleged offenders are charged together, is there a realistic prospect of the proceedings being severed? If so, is the admissible evidence sufficient to prove the case against each alleged offender should separate trials be ordered?
7. Having satisfied himself or herself that the evidence is sufficient to justify the institution or continuation of a prosecution, the prosecutor must then consider whether, in the light of the provable facts and the whole of the surrounding circumstances, the public interest requires a prosecution to be pursued. It is not the rule that all offences brought to the attention of the authorities must be prosecuted.
8. The factors that can properly be taken into account in deciding whether the public interest requires a prosecution will vary from case to case. While many public interest factors militate against a



decision to proceed with a prosecution, there are public interest factors that operate in favour of proceeding with a prosecution (for example, the seriousness of the offence, the need for deterrence). In this regard, generally speaking the more serious the offence, the less likely it will be that the public interest will not require that a prosecution be pursued.

9. Factors that may arise for consideration either alone or in combination in determining whether the public interest requires a prosecution include:
- (a) The seriousness or, conversely, the triviality of the alleged offence or that it is of a 'technical' nature only;
 - (b) Any mitigating or aggravating circumstances;
 - (c) The youth, age, intelligence, physical health, mental health or special infirmity of the alleged offender;
 - (d) The alleged offender's antecedents and background;
 - (e) The staleness of the alleged offence;
 - (f) The degree of culpability of the alleged offender in connection with the offence;
 - (g) The obsolescence or obscurity of the law;
 - (h) Whether the prosecution would be perceived as counter-productive, for example, by bringing the law into disrepute;
 - (i) The availability and efficacy of any alternatives to prosecution;
 - (j) The prevalence of the alleged offence and the need for deterrence, both personal and general;
 - (k) Whether the consequences of any resulting conviction would be unduly harsh and oppressive;
 - (l) Whether the alleged offence is of considerable public concern;
 - (m) Any entitlement of the State, the victim or other person or body to criminal compensation, reparation or forfeiture if prosecution action is taken;



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- (n) The attitude of the victim of the alleged offence to a prosecution;
 - (o) The likely length and expense of a trial;
 - (p) Whether the alleged offender is willing to co-operate in the investigation or prosecution of others, or the extent to which the alleged offender has done so;
 - (q) The likely outcome in the event of a finding of guilt having regard to the sentencing options available to the court;
 - (r) Whether the alleged offence is triable only on indictment;
 - (s) The necessity to maintain public confidence in such basic institutions as the Parliament and the courts. The applicability of and weight to be given to these and other factors will depend on the particular circumstances of each case.
10. As a matter of practical reality, the proper decision in many cases will be to proceed with a prosecution if there is sufficient evidence available to justify a prosecution. Although there may be mitigating factors present in a particular case, often the proper decision will be to proceed with a prosecution and for those factors to be put to the court in mitigation at sentence. Nevertheless, where the offence is not so serious as plainly to require prosecution the prosecutor should also apply his or her mind to whether the public interest requires a prosecution to be pursued.
11. Special considerations apply to the prosecution of juveniles. Prosecution of a juvenile should always be regarded as a severe step, and generally speaking, a much stronger case can be made for methods of disposal which fall short of prosecution unless the seriousness of the offence or the circumstances of the juvenile concerned dictate otherwise. In this regard, ordinarily the public interest will not require the prosecution of a juvenile who is a first offender in circumstances where the offence is not serious.



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12. In deciding whether or not the public interest warrants the prosecution of a juvenile, regard should be had to such of the factors set out in paragraph 8 as appear to be relevant, but particularly to -
- (a) The seriousness of the offence;
 - (b) The age and apparent maturity and mental capacity of the juvenile;
 - (c) The available alternatives to prosecution, such as a caution, and their efficacy;
 - (d) The sentencing options available to the relevant Children's Court if the matter were to be prosecuted;
 - (e) The juvenile's family circumstances, particularly whether the parents of the juvenile appear able and prepared to exercise effective discipline and control over the juvenile;
 - (f) The juvenile's antecedents, including the circumstances of any previous caution the juvenile may have been given, and whether they are such as to indicate that a less formal disposal of the present matter would be inappropriate;
 - (g) Whether a prosecution would be likely to be harmful to the juvenile or be inappropriate, having regard to such matters as the personality of the juvenile and his or her family circumstances.
13. A decision whether or not to prosecute must clearly not be influenced by:
- (a) The race, religion, sex, national origin or political associations, activities or beliefs of the alleged offender or any other person involved;
 - (b) Personal feelings concerning the offender or the victim;
 - (c) Possible political advantage or disadvantage to the Government or any political group or party; or
 - (d) The possible effect of the decision on the personal or professional circumstances of those responsible for the prosecution decision.
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ANNUAL REPORT

Committee for Public Prosecutions

2000-2001



COMMITTEE FOR PUBLIC PROSECUTIONS

ANNUAL REPORT

Year Ended 30 June 2001

Introduction

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

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

The functions of the Committee are set out in Section 43 *Public Prosecutions Act 1994*. The Committee is required to generally advise on the operation of the prosecutorial system with a view to ensuring that it operates in an effective, economic and efficient manner. Other functions include assistance in the co-ordination of the operations of the Director and Office of Public Prosecutions, giving directions to members of the police force and others concerning offences or classes of offences to be referred to the Director; establishing guidelines on the circumstances in which certain decisions are not subject to the requirement that a Director's Committee be convened; establishing guidelines on the circumstances in which solicitors from the OPP should appear in court; establishing guidelines on the treatment of victims of crime and recommending to the Attorney-General the removal from office of any Crown Prosecutor.

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



Meetings

Meetings were held during the year on the following dates:

- 14 June 2001.

The following matters were discussed at this meeting:-

Smart Report

OPP was subject to an independent review at the end of the year 2000. In this review, all areas of the Office were reviewed having regard to the appropriate resourcing levels for OPP with respect to the functions the Office is required to carry out pursuant to the *Public Prosecutions Act 1994*. Although this report has not been released to OPP staff in the relevant reporting period, the review has been favourable to OPP.

Crown Prosecutors

There was brief discussion regarding the need to maintain work patterns and work standards so as to sustain productivity and quality prosecution performance.

Barristers' Fees

The Committee received a short briefing from the Acting Solicitor for Public Prosecutions as to barristers' fees. In this briefing, it was noted that the fees paid to barristers by OPP compared favourably with the fees paid by Victoria Legal Aid.

New Solicitor

The Committee welcomes the appointment of Kay Robertson as the Solicitor for Public Prosecutions. In welcoming Ms Robertson, this Committee also extended a vote of thanks to both Peter Wood for his contribution to OPP in the past seven years and to Stephen Carisbrooke who has acted in this position since Mr Wood's resignation.



Other Matters

The Committee noted that Victoria does not have statutory protection from civil liability for OPP officers and prosecutors acting bona fide in the course of prosecutions. It advises that the effective operation of the prosecutorial system may require such legislation as exists in other states.

COMMITTEE FOR PUBLIC PROSECUTIONS

G.R. FLATMAN Q.C.
Director of Public Prosecutions

P.A. COGHLAN Q.C.
Chief Crown Prosecutor

JAN KING
Appointee of the Governor in Council

STEPHEN CARISBROOKE
Acting Solicitor for Public Prosecutions



ANNUAL REPORT

Report of Operations

Office of Public Prosecutions

2000-2001



VICTORIA



Office of Public Prosecutions

Report of Operations for Year Ended 30 June 2001

Directory

Office of Public Prosecutions

Report of Operations for Year Ended 30 June 2001

Directory

Responsible Minister:

THE HONOURABLE ROBERT 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:
General Prosecutions and Specialist Prosecutions
Sections, Circuit Courts.
- Paul TOBIN
Executive Manager
Responsibilities:
Human Resources, Corporate Services, Finance,
Information Systems, Confiscation of Profits, Strategic
Planning, PRISM, Briefing Policy and Practice, Depositions.



Introduction

Objectives and Functions

The Office of Public Prosecutions (OPP) is established under Section 40 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 *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 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.

The Solicitor has two core functions. He or she is required to manage the OPP and to brief Crown Prosecutors to appear in proceedings on behalf of the Director. After consulting with the Director, Counsel other than Crown Prosecutors may be briefed. The Solicitor is also a member of the Committee for Public Prosecutions.



Overview

The year under review was one of change within the Office and the criminal justice system. Peter Wood left the OPP to take up a senior post with the Australian Securities and Investments Commission. Stephen Carisbrooke, Deputy Solicitor for Public Prosecutions acted as Solicitor from January to June 2001. Michael Carter, Executive Manager, retired after lengthy and valuable service to the OPP.

Tables and graphs relating to work undertaken and court hearings are contained in the appendices to the Director's report. Our data indicates that benefits of the Criminal Justice Enhancement Project (CJEP) have not yet flowed through to the OPP.

The Department of Justice engaged Smart Consulting to undertake a review of the resource needs of the OPP. Dr. Smart spent a number of weeks in the OPP interviewing staff and examining workloads and procedures. A summary of the recommendations is set out below.

The Criminal Justice Enhancement Project

The County Court Case List Management Project, one of the projects which comprise CJEP, was extended to all circuit County Courts on 1 May 2000 and to the Melbourne County Court on 1 June 2000. Accordingly, the implementation was largely in the year under review. The OPP has applied substantial resources to altering work practices to accommodate the new processes and training staff to ensure the maximum benefit to the criminal justice system.

The OPP has continued to work with the CJEP team on the Electronic Brief/ Progressive Disclosure Project. By the end of the year under review detailed design specifications had almost been completed



The Smart Review

The Department of Justice engaged Smart Consulting and Research to identify the appropriate resourcing levels for the OPP having regard to its functions under the *Public Prosecutions Act 1994*. The Review was completed in December 2000 and released early in July 2001.

The Review found "that generally the OPP is run effectively and efficiently although as to be expected there are always opportunities for improvement". It noted amongst the strengths of the OPP the professionalism of staff and the use of IT while one of the major weaknesses related to the lack of consistency in information maintained and reported in the criminal justice system as a whole.

The Review made 26 recommendations in total which can be grouped as follows:

Recommendations impacting on criminal justice system as a whole

- A study be commissioned by the Department of Justice to assess what is an acceptable backlog for cases in the County Court.
- In consultation with the County Court undertake a study into statistics relating to Court proceedings.
- The Department of Justice considers undertaking a review of statistical collections across the criminal justice system.
- The Department of Justice and the Director of Public Prosecutions seek to amend the Public Prosecutions Act to enable the DPP to delegate his authority in regard to presentments to officers in the OPP.
- The OPP negotiate with the Police on delivery of briefs.

Recommendations on staffing:

- Increase staffing in Committals branch, (2) General Prosecutions branch (6) and Circuit branch (9) in the short term with the staffing to



be reviewed following 12 months experience with new committal procedures, CJEP and reduction in backlog at the County Court respectively

- Consider increasing the number of advocates, using funds currently budgeted for payment to barristers.
- If there is an increase in the number of County Court judges, funding should be provided for an additional 2 solicitor for each judge.
- Review the model for operation of para-legals.

Recommendation on Structure

- The OPP consider modifying its structure.
- The OPP initiate a study to identify double handling and its resource implications and then implement such changes as are necessary.

Recommendations on I.T. and Management Information

- The OPP identify its management information needs and establish an operational statistical and management information system.
- The OPP undertake a review of its existing PRISM and PAL systems.
- The OPP adopt a recommended set of performance measures

Recommendations on Resourcing

- The Department of Justice provide resources for the additional staff and accommodation for them.
- The Solicitor, Director and Chief Crown Prosecutor continue to tightly manage appearance costs.

Victims of Crime

The Witness Assistance Service (WAS) is now in its sixth year of operation and currently has two social workers assisting in meeting the needs of victims, witnesses and family members of deceased persons. Counselling, referring, liaising, informing and supporting, are services that continue to be delivered. During the year the social workers attended both



metropolitan and regional courts in each of the jurisdictions in order to meet the needs of victims, witnesses and family members.

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

- Victims Assistance Programs,
- Victims Referral and Assistance Program,
- Centres Against Sexual Assault,
- Police
- Magistrates' Court Users Forum
- National Loss and Grief counsellors, and
- Court Network volunteer training programs

The social workers attended the National Witness Assistance Service conference held in Canberra in April, over two days. WAS also was invited as a participant by the Law Reform Commission to assist in highlighting the issues facing victims in sexual assault matters.

It is pleasing to note that the number of referrals to WAS from within the OPP is continuing to increase. Seventy five per cent of the referrals to WAS now come from within the Office.

Acknowledgments

The OPP Staff continued to display outstanding commitment to their professional responsibilities. In particular, I must acknowledge the dedication and work of Stephen Carisbrooke the Acting Solicitor for Public Prosecutions from January to June 2001.



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APPENDIX B

TRIALS CONDUCTED



APPENDIX C

PLEA OF GUILTY HEARINGS CONDUCTED



APPENDIX D

CASE OUTCOMES SHOWN AS A % OF TOTAL DISPOSALS



APPENDIX E

STAGE AT WHICH PLEA OF GUILTY ADVISED



APPENDIX F

JUDGE SITTING DAYS (STATE MATTERS)



APPENDIX G

**APPEALS TO THE COURT OF APPEAL (Division of Supreme Court)
HIGH COURT and SUPREME COURT**



APPENDIX H

COUNTY COURT APPEALS COMPLETED



APPENDIX I

OUTCOMES OF MATTERS HANDLED BY COMMITTAL MENTION COURT (STATE MATTERS)



APPENDIX J

CONTESTED COMMITTALS HANDLED BY THE OFFICE OF PUBLIC PROSECUTIONS



APPENDIX K

PROSECUTOR APPEARANCE RATES



APPENDIX L

EXPENDITURE ON COUNSEL FEES AS A % OF TOTAL RECURRENT EXPENDITURE (CASH TERMS)



APPENDIX M

EXPENDITURE ON COUNSEL BRIEFED AS A % OF TOTAL RECURRENT EXPENDITURE



APPENDIX N

APPROXIMATE AVERAGE COST PER MATTER PROSECUTED



APPENDIX O

OUTPUTS (BRIEF PREPARED and HEARINGS ATTENDED)



APPENDIX P

WITNESS ASSISTANCE CASE REFERRALS BY SOURCE



APPENDIX P

WITNESS ASSISTANCE REFERRALS BY CATEGORY



APPENDIX P

WITNESS ASSISTANCE CASES REFERRALS WITH SPECIAL NEEDS



APPENDIX Q

Statement prepared pursuant to s.7 *Freedom of Information Act 1982*.

PART II STATEMENT

CATEGORIES OF DOCUMENTS

Indices

The Office has a computerised case management system that was commissioned during October 1996. PRISM provides a complete file registration and file management system so that this Office now has for the first time an integrated database. Terminals are located throughout the Office allowing staff access to general file information and enabling solicitors/legal executives to update the information in the system for their own files at the conclusion of each month.

Files are initially recorded when they are allocated a file number in the Depositions Section. This Section then enters all details of the accused, addresses, sureties and witnesses. Further information is then added by the preparation solicitor/legal executive, as it becomes known and in each monthly report.

The Circuit Section maintains a card system that records the results of all circuit hearings for a given month.

The Bail and Breaches Section maintains an index 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, Intensive Correction Orders etc.



The Court of Appeal maintains an electronic database that records all matters handled by this section.

Miscellaneous Files

These files are recorded on PRISM as part of the database integration process. Previously, an alphabetical index (cross-referenced to a number and year designation) was maintained for these files which included matters where advice was sought from the Office on specific cases, coronial enquires in which this Office was involved and referrals by the Coroner, pursuant to s.21(1) *Coroner's Act 1985* and appeals on questions of law under s.92 *Magistrates' Court Act 1989*.

Personnel Files

Personnel Card Index

This is an alphabetical index to all persons employed in the Office and containing a brief work history, the latter also containing all leave details.

Key Word (Departmental Registry) Index

This is an index to the Human Resources and Administration central registry that are indexed alphabetically and cross-referenced with a number.

Accounts Registers

This is a collection of three index/registers, pertaining to financial aspects of the Office's administration. In each case, the index and register are joined and do not refer to any other file or information source.



Requisitions Book

As each order is raised, it is allocated a number, and this in turn is indexed as allocated, and details of the order such as cost are added.

Accounts Register (Non-Professional Assistance Register)

This 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.

Fixed Assets Register

This is a register of all assets owned by the Office including description, cost and location of item.

Professional Assistance Ledger

This is an alphabetical ledger of all barristers briefed by this Office and contains details of claims made for payment after appearances at court or provision of advice. From 1 September 1986, a further record of all barristers, specialists, psychiatrists, court reporting, accountants and other professional assistance has been maintained in the Office's computer database.

Director's Files

These 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 enquires, and newspaper clippings on particular cases (which are subsequently added to the appropriate office file). These are filed by name or subject title or date on computerised directories.



Specific Contents of Files

Some of the above are self-contained index-registers, and do not direct one to another file. The general contents of different types of files which are kept in this Office are set out below, although it should be noted that the contents of a specific file may vary from that generally found:-

(a) Criminal Trial Case Files

During the preparation of a County or Supreme Court matter, the file contains multiple copies of depositions from the Magistrates' Court, Coroner's Court or Children's Court, together with copies of the documentary exhibits used in the committal of an accused.

The file also contains documents signed by the responsible authorities relating to the decision to commit for trial and the attendant legislative requirements, such as alibi warnings, together with the police brief in the matter.

All correspondence and action taken in preparing the case for trial are contained in the Work Progress File, which also forms part of the file.

During the Court hearing, the presiding Judge is provided with a copy of the depositions and Counsel briefed on behalf of the Crown is also given a copy of the depositions and the police brief.

On completion of the trial, the material is usually returned to this Office by the Judge and Prosecutor - the depositions are placed on the file, and the police brief is returned to Victoria Police. The file, including any documents which are generated in the event of an appeal to either the Court of Appeal (Victoria) or the High Court of Australia (such as a copy of an appeal notice and



summaries of proceedings and evidence) and copies of the documentary exhibits used at the hearing in the County or Supreme Court, is then stored for future reference.

(b) County Court Appeals (Melbourne and Circuit)

These files consist of three Sections, each comprising documents obtained from various sources; the police brief (containing the information, statements and procedural forms), material from the Magistrates' Court, including Court extracts and summaries; and listing documents from the County Court Registry.

In addition, the Office records its dealings with a matter on preparation documents, and also prepares a brief to Counsel. On completion of the hearing, the police brief is returned to Victoria Police and the balance of the file is retained in the Office for three years.

(c) "Non-Committal" Files

These files contain two copies of the depositions taken at the preliminary hearing (or coronial inquest) and are filed in conjunction with a backsheet endorsed with the relevant number.

(d) Miscellaneous Files

These files contain the information relevant to a particular matter; for example, a miscellaneous file relating to a committal would include copies of the informations laid, witnesses' statements, list of exhibits, and information relevant to the prosecution.

An "advice" file would contain the request for such advice, the workings of the relevant officer, and a copy of the reply.



(e) Bail Hearings Files

A copy of the bail application of the applicant, the answering affidavit and a Criminal History Sheet form the basis of a bail hearing file. In addition, copies of any previous applications made would constitute part of the file, together with any material relevant to the application, such as letters or other affidavits.

(f) *Crown Proceedings Act 1958* Applications Files

These files contain a copy of the application by the principal or surety, copy documents from the hearing at which the principal failed to appear, copy forfeiture notices, copy of bail or appeal documents, and instructions to the Crown from the Department of Justice (Courts Administration Branch) as to the application. They also contain the criminal history of the principal and a backsheet to brief Counsel. These files are kept for four years, and then destroyed. The index to these files is held by the Bail and Breaches Section of this Office.

(g) Breach Files

Documents indicating the initial order, the matters which are alleged to have "breached" the order, reports from relevant authorities (such as the Department of Health and Community Services) and the criminal history of the offender, form the basis of these files. In addition, a backsheet serves to brief Counsel for any court hearing, and a transcript of the hearing leading to the initial order is obtained.

(h) Personnel Files

The Departmental Registry Files contain general information on personnel issues, such as equal opportunity employment,



permanent part-time employment, repetitive strain injury, and staff training.

(i) Administrative Files

These 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.

FREEDOM of INFORMATION ARRANGEMENTS

Access Arrangements

Access to information is obtainable only through written request, as detailed in Section 17 *Freedom of Information Act 1982*, (F.O.I. Act) specifying that it is a "Freedom of Information" request. The processing and determination of the application is handled by delegated officers. Any request for internal review is handled by the Solicitor for Public Prosecutions.

It is the aim of the *Freedom of Information Act* 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 so that the Freedom of Information Officer can quickly identify and search the relevant documents and process the request efficiently. 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.



The Freedom of Information Officer will acknowledge the request in writing. The Officer will identify and locate the relevant documents, and if access is to be granted, arrange for this to occur. Access will, as far as practicable, be given in the form requested (i.e. photocopies, etc.). The Applicant will then be sent what is known as an "Access Decision" letter, which details the response, and charges that may apply to the request.

Some requests are not as straightforward as this. Sometimes the application has not been specific enough for the responsible officer to identify and locate the relevant files; some clarification of the request may be necessary, or it may be that the documents requested do not exist. In these cases, the responsible officer will send another letter, detailing any problems in processing the request. The Office is obliged to take all possible steps to help with any request for access to information. Sometimes a request is referred to another agency (Section 18 *Freedom of Information Act 1982*).

Sometimes the Office cannot grant full or even partial access to documents because it considers them to be "exempt", and the Principal Officer has, therefore, decided to deny access to them. These types of documents are detailed in Part IV of the *Freedom of Information Act*. It is the responsibility of the Principal Officer, after consultation, to 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 the request has been handled.

Charges under the Act

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



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

- (a) Application Fee: A request must be accompanied by a fee of \$20.00;
- (b) Search Fees: where the Office has to identify and locate documents - \$20.00 per hour (minimum \$5.00);
- (c) Supervision Fees: where a document is inspected by an Applicant within the Office - \$10.00 per hour;
- (d) Photocopy Fees: 50 cents per A4 page;
- (e) 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, for example, if the applicant is a Member of Parliament, if the information was accessed in the public interest, or if the applicant is impecunious.

Amendment of Personal Records

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

Requests for amendments must be in writing and must specify:-



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

The Department of Justice has an F.O.I. Co-ordinator, Ms Jo Rainford, who will assist with general inquiries about the legislation. She may be contacted at:

Department of Justice
55 St Andrews Place,
MELBOURNE, VIC 3000
Phone: (03) 9651 0518



APPENDIX R

INFORMATION FURNISHED PURSUANT TO A DIRECTION ISSUED BY THE COMMISSIONER FOR PUBLIC EMPLOYMENT UNDER SECTION 37(1)(b) *PUBLIC SECTOR MANAGEMENT AND EMPLOYMENT ACT 1998*

Information required under Commissioner Direction

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

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

Selecting on Merit

The Solicitor for Public Prosecutions made 17 appointments without general advertisement during the 2000/01 financial year. All of these appointments were as a result of appointing additional candidates to positions with identical duties and requirements to those of positions advertised in the Victorian Public Service Notices.

Reviewing Personal Grievances

The Office of Public Prosecutions did not receive a Personal Grievance Application during the 2000/01 financial year.

Managing and Valuing Diversity

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



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

All new appointments 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 contract management courses. This ensures that there is a very clear understanding of probity and integrity issues and relevant processes.



APPENDIX R

ORGANISATION CHART and STAFFING DETAILS



APPENDIX R

ORGANISATION CHART and STAFFING DETAILS



APPENDIX R

ORGANISATION CHART and STAFFING DETAILS



APPENDIX R

ORGANISATION CHART and STAFFING DETAILS



APPENDIX R



APPENDIX S

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 has and will continue in it's endeavours to provide and maintain a working environment for all staff members and visitors which is safe and without risk to health.

To facilitate this a Committee comprising 7 members of staff and 3 management representatives has been established to;

- Improve cooperation in instigating, developing and carrying out measures designed to ensure the occupational health and safety of staff, and
- Formulate, review and disseminate the standards, rules and procedures relating to occupational health and safety which must be carried out or complied with in the workplace.

This Committee meets every three months or as needed.

During the year this Office;

- Engaged a contractor specialising in ergonomics to assist staff with office layout, computer location/installation and posture,
- Engaged a contractor to develop, train and monitor staff in evacuation and emergency (eg bomb threats) policies,
- Implemented an Employee Assistance Program which aims to provide assistance through short term professional counselling and consulting for employees and members of their immediate family who face problems of personal, family related or employment nature,



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-
- Maintained a financial assistance program for staff who, due to the computerisation of the office require spectacles for their use of computers,
 - Provided an Influenza Vaccination Program to reduce the possibility of staff suffering influenza,
 - Reviewed the number and requirements of First Aid Officers and provided additional training and provisions where necessary, and
 - 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.

Over the past 12 months the Office has seen a reduction in the number of days lost by members of staff due to workplace accidents, particularly in the areas of repetitive strain and injuries relating to posture.



FINANCIAL REPORT - 30 June 2001

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Office of Public Prosecutions

Directory and Report of Operations

Directory

Responsible Minister
The Honourable Mr Robert Hulls MP

Solicitor for Public Prosecutions
Kay Robertson



Statement of financial performance

For the Year Ended 30 June 2001

	Notes	2001 \$'000	2000 \$'000
Revenues from ordinary activities			
Government Grants	2(a)	21,839	20,868
Other Revenue	2(a)	131	111
		21,970	20,979
Expenses from ordinary activities			
Employee benefits	3	(13,790)	(13,543)
Depreciation and amortisation expense	3	(260)	(461)
Capital asset charge		(66)	(71)
Supplies and Services	3	(7,789)	(7,297)
Other expenses from ordinary activities		(128)	(76)
Correction of fundamental error	4	(16)	70
Net result for reporting period	11(b)	(79)	(399)
Net increase in asset revaluation reserve	11(a)	0	158
Total revenues, expenses and revaluation adjustments Recognised directly in equity		0	158
Total changes in equity other than those resulting from transactions with Victorian State Government in its capacity as owner	11(c)	(79)	(241)

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



Statement of financial position

As at 30th of June 2001

	Notes	2001 \$'000	2000 \$'000
Current assets			
Cash assets	5,12	71	71
Receivables	6,12	54	28
Amounts due from related parties	6	1,575	1,778
Prepayments	8	0	20
Total Current Assets		1,700	1,897
Non-current assets			
Property, plant & equipment	7	853	932
Total Non-current Assets		853	932
Total assets		2,553	2,829
Current liabilities			
Payables	9,12	740	977
Provisions	10	1,197	1,248
Other		70	74
Total Current Liabilities		2,007	2,299
Non-current liabilities			
Provisions	10	2,363	2,250
Total non-current Liabilities		2,363	2,250
Total liabilities		4,370	4,549
Net assets		(1,817)	(1,720)
Equity			
Reserves	11(a)	195	158
Accumulated (deficit)	11(b)	(2,012)	(1,878)
Total equity	11(c)	(1,817)	(1,720)

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



Statement of Cash Flows

For the year ended 30 June 2001

	Notes	2001 \$'000	2000 \$'000
Cash flows from operating activities			
Receipts from Department of Justice		22,016	20,540
Payments to suppliers and employees		(21,823)	(20,409)
Net cash inflow from operating activities	18	<u>193</u>	<u>131</u>
Cash flows from Investing Activities			
Payments for computer equipment		(190)	(98)
Payments for plant and equipment		(4)	(10)
Payments for cultural assets		0	(23)
Proceeds from sale of assets	3(a)	1	0
Net cash outflow from investing activities		<u>(193)</u>	<u>(131)</u>
Net decrease in cash held			
Cash at the beginning of the financial year		71	71
Cash at the End of the Financial Year	5	<u><u>71</u></u>	<u><u>71</u></u>

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



Notes to and forming part of the Financial Report

30 June 2001

Note 1. Summary of significant accounting policies

This general purpose financial report has been prepared 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 or an alternative presentation or classification of an item, as permitted by an Australian Accounting Standard, is adopted to improve the relevance and reliability of the financial report. Where practicable, comparative amounts are presented and classified on a basis consistent with the current year.

(a) The Reporting Entity

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

In the process of reporting on the Office as a single unit, all transactions and balances between those funds have been eliminated in full.

(b) Cash

For purposes of the statement of cash flows, cash includes short-term deposits which are readily convertible to cash on hand and are subject to an insignificant risk of changes in value, net of outstanding bank overdrafts.

(c) Rounding of amounts

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

(d) 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.

(e) Outputs of the Office

Description of output group:

The preparation of briefs for criminal prosecutions and the attendance at hearings on the behalf of the Director of Public Prosecutions.



Note 1. Summary of significant accounting policies (continued)

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.

(f) Acquisition of assets

All non-current assets, that have a value above a threshold level of \$1000, controlled by the Office are reported in the statement of financial position.

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.

(g) Revenue recognition

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

(h) 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.

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

(i) Revaluations of non-current assets

Subsequent to initial recognition as assets, non-current physical assets are measured at either cost or deprival value. Deprival value is deemed to approximate fair value, being the amounts the Office would have to forgo if it were deprived of those assets. 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 five years. Revaluations are conducted in accordance with Office of Treasury and Finance Guidelines Recognition and Valuation of Non-Current Physical Assets (January 1995).

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.



Note 1. Summary of significant accounting policies (continued)

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

(j) Depreciation of property, plant and equipment

Depreciation is calculated on a straight line basis to write off the net cost or revalued amount of each item of property, plant and equipment (excluding land) over its expected useful life to the Office. Estimates of remaining useful lives are made on a regular basis for all assets, with annual reassessments for major items. The expected useful lives are as follows:

Plant & Equipment	10 Years
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Computer Equipment	3 Years
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Depreciation rates are consistent with prior periods.

(k) Building 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.

(l) 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 10 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.

The present value of future payments for surplus leased space under non-cancellable operating leases is recognised as a liability, net of sub-leasing revenue, in the period in which it is determined that the leased space will be of no future benefit to the consolidated entity. Each lease payment is allocated between the liability and finance charge.

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.

(m) Trade and other creditors

These amounts represent liabilities for goods and services provided to the



Note 1. Summary of significant accounting policies (continued)

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.

(n) 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 note 1(j) and 1(k). Other routine operating maintenance, repair costs and minor renewals are also charged as expenses as incurred.

(o) Goods and services tax system changes

Costs incurred to update existing systems or to design, develop and implement new systems to deal with the GST are charged as expenses as incurred, except where they result in an enhancement of future economic benefits and are recognised as an asset.

(p) Employee entitlements

(i) Wages, salaries and annual leave

Liabilities for wages, salaries and annual leave are recognised, and are measured as the amount unpaid at the reporting date at current pay rates in respect of employees' services up to that date.

(ii) Long service leave

A liability for long service leave is recognised, and is 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) Sick leave

As it is considered that non-vesting sick leave to be taken in future reporting periods will not exceed entitlements which are expected to accrue in those periods, no provision has been made.

(iv) 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.

(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).



Note 1. Summary of significant accounting policies (continued)

(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.

Note 2. Revenue from ordinary activities

	2001 \$'000	2000 \$'000
(a) Revenue by source		
Revenue from Government		
Grants from Department of Justice	21,839	20,868
Resources received free of charge	131	111
	<u>21,970</u>	<u>20,979</u>
Revenue from other parties		
Proceeds from sale of fixed assets	1	2
Funds transferred to Central Agency	(1)	(2)
	<u>0</u>	<u>0</u>
Total revenue	<u>21,970</u>	<u>20,979</u>

(b) Conditional grants

The Office of Public Prosecutions has no conditional grants.



Note 3. Result for the reporting period

	2001 \$'000	2000 \$'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	1	2
Expenses		
Depreciation		
Plant and equipment	11	10
Computer equipment	247	449
Building fitouts	2	2
Total depreciation	<u>260</u>	<u>461</u>
Employee benefits		
Wages and salaries	10,885	10,285
Superannuation expenses	845	780
Annual and long service leave expenses	922	1,591
Other employee related costs (payroll tax, FBT, W'cover)	1,138	887
Total employee benefits	<u>13,790</u>	<u>13,543</u>
Supplies and services		
Professional services and witness payments	4,951	3,716
Rent and Property	851	690
Training and development	66	99
Information Technology	194	255
Other operating expenses	1,719	2,532
Audit Services	8	5
Total supplies and services	<u>7,789</u>	<u>7,297</u>
Other provisions		
Employee entitlements	3,560	3,498
Total other provisions	<u>3,560</u>	<u>3,498</u>
Rental expense relating to operating leases		
Minimum lease payments	235	221
Total rental expense relating to operating leases	<u>235</u>	<u>221</u>



Note 4. Correction of fundamental error

In the 1999 financial year the Office of public prosecutions moved its assets into the Oracle Assets module for the first time. However the accumulated depreciation balance between the Asset system and the Oracle Assets module for Plant & Equipment was different. This difference was not picked up in the 1999 or 2000 financial years. Therefore, to correct the Plant and Equipment accumulated depreciation balance, \$15,814 was expensed in 2001 Financial Year.

The closing balance of the Asset Revaluation Reserve for the financial year 2000 was reported as \$158,000, whereas it should be \$195,000, as correctly recorded in the general ledger. The closing balance of the Accumulated Funds reported for the financial year 2000 should be \$1,932,590, as correctly recorded in the general ledger. This variance is due to a difference between the net result reported and that carried forward on the general ledger. This variance is due to a difference between the net result reported and that carried forward on the general ledger. The net effect of these variances is to understate total equity by \$18,000.

Due to an accrual that was not identified in the 2000 financial year as having been reversed, trade creditors was incorrectly reduced to account for this entry. This error had the effect of understating trade creditors by \$16,921.

A 2001 expense was identified as been incorrectly included in 2000 financial year. This expense was excluded from the figures reported but not amended in the general ledger. This error had the effect of overstating the trade creditors by \$2,195 in the general ledger.

Last year these errors had the effect of overstating profit, understating accumulated depreciation, and therefore understating accumulated deficit by \$16,000. The restated financial information for the financial year ended 30th June 2001 is presented as follows had the error not been made.

	2001	2000
	\$'000	\$'000
	(Restated)	(Restated)
Restatement of accumulated deficit		
Previously reported accumulated deficit at the beginning of the financial year (note 11b)	(1,933)	(1,479)
Net result	(79)	(399)
Correction of fundamental error	16	(6)
Restated net result	(63)	(405)
Restated accumulated deficit at the end of the financial year	<u>(2,012)</u>	<u>(1,878)</u>



Note 4. Correction of fundamental error (continued)

	2001 \$'000 (Restated)	2000 \$'000 (Restated)
Revenue from ordinary activities		
Grants	21,839	20,932
Resources received free of charge	131	111
	<u>21,970</u>	<u>21,043</u>

Expenses from ordinary activities

Employee benefits	(13,790)	(13,543)
Depreciation and amortisation expense	(260)	(461)
Capital asset charge	(66)	(71)
Supplies and services	(7,789)	(7,297)
Other expenses from ordinary activities	(128)	(76)

Net result for the reporting period	(63)	(405)
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Net increase in asset revaluation reserve	0	195
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Total revenues, expenses and revaluation adjustments recognised directly in equity	0	195
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Total changes in equity other than those resulting from transactions with Victorian State Government in its capacity as owner	(63)	(210)
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(Restated)

Amount owing from Department of Justice

Balance at the end of the financial year as previously reported	1,575	1,714
Correction of fundamental error	0	64
Restated balance at the end of the financial year	<u>1,575</u>	<u>1,778</u>

(Restated)

Restatement of current liabilities

Balance at the end of the financial year as previously reported	740	977
Correction of fundamental error	0	17
Correction of fundamental error	0	(2)
Restated balance at the end of the financial year	<u>740</u>	<u>992</u>



Note 5. Cash assets

	2001	2000
	\$'000	\$'000
Cash at bank and on-hand	71	71
	<u>71</u>	<u>71</u>

Note 6. Receivables**(a) Current**
Receivables

54	28
<u>54</u>	<u>28</u>

(b) Amounts due from related parties

Amounts due from related parties	1,575	1,778
	<u>1,575</u>	<u>1,778</u>

Note 7. Property, plant and equipment**Land & land improvements**

Land & land Improvements - at valuation 30 June 2000	500	500
Total Land & improvements	<u>500</u>	<u>500</u>

Plant and equipment

At cost	112	109
	(60)	(34)
Less: Accumulated depreciation	<u>52</u>	<u>75</u>
Net book value		

Computer equipment

At cost	1,648	1,463
Less: Accumulated depreciation	(1,384)	(1,145)
Net book value	<u>264</u>	<u>318</u>

Leasehold improvements

At cost	21	21
Less: Accumulated depreciation	(7)	(5)
Net book value	<u>14</u>	<u>16</u>

Cultural assets

At cost	23	23
Total cultural assets	<u>23</u>	<u>23</u>

Total net book value	<u>853</u>	<u>932</u>
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During 2001 financial year Fitout assets were reclassified as Leasehold Improvements



Note 7. Property, plant and equipment (continued)

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	Buildings	Leasehold Improvement	Plant & Equipment	Cultural Asset	Computer Equipment	Total
2001							
Carrying amount at start of year	500		16	75	23	318	932
Additions				4		190	194
Disposals						(9)	(9)
Less accumulated depreciation on disposals						9	9
Net additions through restructuring						(1)	(1)
Revaluation increments (note 12(a))							
Net transfers free of charge						4	4
Depreciation/amortisation expense (note 4)			(2)	(11)		(247)	(260)
Fundamental error to depreciation				(16)			(16)
Carrying amount at end of year	500		14	52	23	264	853

	Freehold Land	Buildings	Leasehold Improvement	Plant & Equipment	Cultural Asset	Computer Equipment	Total
2000							
Carrying amount at start of year	280	25	21	75		671	1,072
Additions				10		98	108
Disposals					(2)	(2)	(4)
Net additions through restructuring							
Revaluation increments (note 12(a))	195						195
Net transfers free of charge	25	(25)			25		25
Depreciation/amortisation expense (note 4)			(5)	(10)		(449)	(464)
Carrying amount at end of year	500	0	16	75	23	318	932



Note 8. Other assets

	2001	2000
	\$'000	\$'000
Prepayments	0	20
	<u>0</u>	<u>20</u>

Note 9. Payables

Accrued employee expense	0	546
Trade creditors	740	431
	<u>740</u>	<u>977</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. To recognise the legal liability to creditors, they should be grossed up by 10%.

Note 10. Provisions

	2001	2000
	\$'000	\$'000
Current		
Employee entitlements	Note	
Annual leave	934	956
Long service leave	263	292
	<u>1,197</u>	<u>1,248</u>
Non-current		
Employee entitlements		
Long service leave	2,363	2,250
	<u>2,363</u>	<u>2,250</u>
Aggregate carrying amount of provisions		
Current	1,197	1,248
Non-current	2,363	2,250
	<u>3,560</u>	<u>3,498</u>

Note 11. Equity and movements in equity**(a) Reserves**

Asset revaluation reserve	195	158
	<u>195</u>	<u>158</u>

Movements

Asset revaluation reserve		
Opening balance 1 July	158	0
Correction of fundamental	4	37
Closing balance 30 June	<u>195</u>	<u>158</u>



Note 11. Equity and movements in equity (continued)

	Note	2001 \$'000	2000 \$'000
(b) Accumulated surplus			
Accumulated deficit at the start of the financial year		(1,933)	(1,479)
Net result		(79)	(399)
Accumulated deficit at the end of the financial year		<u>(2,012)</u>	<u>(1,878)</u>
(c) 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(i).			
Total equity at the beginning of the financial year		(1,720)	(1,479)
Fundamental error	4	(18)	158
Total changes in equity recognised in the statement of financial performance		(79)	(399)
Total equity at the end of the financial year		<u>(1,817)</u>	<u>(1,720)</u>

Note 12. Financial instruments

(a) Cash and cash equivalents

The carrying amount is the principal amount

(b) Receivable and payables

Receivables are carried at nominal amounts less any provision for doubtful debts. A provision for doubtful debts are maintained to recognise that collection of the full nominal amount is no longer probable. The terms of trade are 30 days from the invoice date.

(c) Creditors and accruals

Liabilities are recognised for amounts to be paid in the future for goods and services received, whether or not invoiced to the Office and are usually paid within 30 days of recognition.

(d) 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.



Note 12. Financial instruments (continued)

(e) 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.

2001

Fixed interest maturing in:

Description	Notes	Floating Interest Rate \$'000	1 year Or less \$'000	Over 1 to 5 years \$'000	More than 5 years \$'000	Non-Interest bearing \$'000	Total \$'000
Financial Assets							
Cash	5	71	-	-	-	-	71
Receivables	6	-	-	-	-	54	54
Amounts due from related entities	6	-	-	-	-	1,575	1,575
Total		71	-	-	-	1,629	1,700
Weighted average Interest rate							
Financial Liabilities							
Creditors	9	-	-	-	-	740	740
		-	-	-	-	740	740
Net financial assets (liabilities)		71	-	-	-	889	960

2000

Fixed interest maturing in:

Description	Notes	Floating Interest Rate \$'000	1 year Or less \$'000	Over 1 to 5 years \$'000	More than 5 years \$'000	Non-Interest bearing \$'000	Total \$'000
Financial Assets							
Cash	5	72	-	-	-	-	72
Receivables	6	-	-	-	-	28	28
Amounts due from related entities	6	-	-	-	-	1,778	1,778
Total		72	-	-	-	1,806	1,878
Weighted average Interest rate							
Financial Liabilities							
Creditors	9	-	-	-	-	977	977
		-	-	-	-	977	977
Net financial assets (liabilities)		72	-	-	-	829	901



Note 12. Financial instruments (continued)

(f) 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:

	2001		2000	
	Carrying Amount \$'000	Carrying amount \$'000	Carrying amount \$'000	Net fair value \$'000
On-balance sheet financial instruments				
Financial Assets				
Cash	71	71	72	72
Receivables	54	54	28	28
Non-traded financial assets	125	125	100	100
Financial liabilities				
Trade creditors	740	740	977	977
Non-traded financial instruments	740	740	977	977

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.



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 above positions in the Department are as follows:

Attorney-General	The Hon. Rob Hulls, MP	1 July 2000 to 30 June 2001
Acting Attorney-General	The Hon. Robert Cameron, MP	25 June 2000 to 12 July 2000 26 March 2001 to 23 April 2001
Acting Attorney-General	The Hon. John Thwaites, MP	1 January 2001 to 12 January 2001
Minister for Consumer Affairs	The Hon. Marsha Thomson, MLC	1 July 2000 to 30 June 2001
Acting Minister for Consumer Affairs	The Hon. John Pandazopoulos, MP	13 September 2000 to 21 September 2000 25 September 2000 to 26 September 2000 28 December 2000 to 12 January 2001
Acting Minister for Consumer Affairs	The Hon. Rob Hulls, MP	12 January 2001 to 16 January 2001
Minister Police & Emergency Services Minister for Corrections	The Hon. Andre Haermeyer, MP	1 July 2000 to 30 June 2001 1 July 2000 to 30 June 2001
Acting Minister for Police and Emergency Services Acting Minister for Corrections	The Hon. Robert Cameron, MP	14 September 2000 to 22 September 2000 14 September 2000 to 22 September 2000
Acting Minister for Police and Emergency Services Acting Minister for Corrections	The Hon. John Thwaites, MP	2 January 2001 to 14 January 2001 2 January 2001 to 14 January 2001
Secretary to the Department of Justice	Peter Harmsworth	1 July 2000 to 30 June 2001
Acting Secretary to the Department of Justice	John Charleson	27 December 2000 to 14 January 2001
Acting Secretary to the Department of Justice	Elizabeth Eldridge	15 January 2001 to 19 January 2001-09-17
Accountable Officers	Mr Peter C Wood Mr Stephen Carisbrooke	1 July 2000 to 1 March 2001 1 April 2001 to 30 June 2001

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:

\$160,000 - \$170,000 (\$150,000 - \$160,000 in 2000)

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.



Note 14. Remuneration of executives

The numbers of executive officers, other than Ministers and Accountable Officers, and their total remuneration during the reporting period are shown in the first two columns in the table below in their relevant income bands. These numbers include the Director of Public Prosecutions, Crown Prosecutors, and three executives of the Office. 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.

Several factors have affected total remuneration payable to executives over the year. A number of executives received bonus payments during the year as provided in their contracts. Others had an increase in their remunerations as a result of the "flow on" effect of Judicial Remuneration Tribunal decisions.

A number of executive officers retired or resigned in the past year. This has had a significant impact on total remuneration figures due to the inclusion of annual leave, long-service leave payments.

Income Range	Total Remuneration		Base Remuneration	
	2001	2000	2001	2000
Between \$100,000 and \$109,999	1	0	6	6
Between \$110,000 and \$119,999	4	4	3	2
Between \$120,000 and \$129,999	7	6	2	2
Between \$130,000 and \$139,999	2	2	0	0
Between \$140,000 and \$149,999	1	1	0	1
Between \$150,000 and \$159,999	0	1	0	0
Between \$160,000 and \$169,999	1	1	0	1
Between \$170,000 and \$179,999	1	5	1	5
Between \$180,000 and \$189,999	5	0	5	0
Between \$190,000 and \$199,999	0	1	0	1
Between \$200,000 and \$209,999	0	0	0	0
Between \$210,000 and \$219,999	1	0	1	0
Total Numbers	23	21	18	18
Total amount	\$3,285,655	\$2,978,953	\$2,507,819	\$2,479,394

Other Transactions of Responsible persons and their related entities

There are no related transactions between the Office and responsible person related entities in 2001

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:	2001 \$'000	2000 \$'000
Paid as at 30 June 2001	4	5
Payable as at 30 June 2001*	8	0
	12	5

* For the year 2000/2001 audit fees payable was not accrued



Note 16. Commitments for expenditure

Capital commitments

There are no outstanding capital commitments as at 30 June 2001 (2000:\$nil)

Lease commitments	2001	2000
	\$'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	110	110
Later than one year but not later than 5 years	125	111
Later than 5 years	0	0
Commitments not recognised in the Financial Statements	<u>235</u>	<u>221</u>

Representing:

Cancellable operating leases	45	52
Non-Cancellable operating leases	190	169
	<u>235</u>	<u>221</u>

Note 17. Employee entitlements

Employee entitlement liabilities	2001	2000
	\$'000	\$'000
Provision for employee entitlements		
Current (Note 11)	1,197	1,248
Non-current (Note 11)	<u>2,363</u>	<u>2,250</u>
Aggregate employee entitlement liability	<u>3,560</u>	<u>3,498</u>

Employee numbers

Average number of employees during the financial year	<u>205</u>	<u>203</u>
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As explained in notes 1(p)(ii) and (iv), the amounts for long service leave and superannuation are measured at their present values. The following assumptions were adopted in measuring present values:

	2001	2000
(a) <i>Long service leave</i>		
Weighted average rates of increase in annual employee entitlements to settlement of the liabilities	5.70%	4.60%
Weighted average discount rates	5.77%	6.07%
Weighted average terms to settlement of liabilities	12 Years	12 Years



Note 17. Employee entitlements (continued)

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 2001	Contribution for the year 2000	Contribution outstanding at year end 2001	Contribution outstanding at year end 2000
S.S.B – Revised Scheme	115,693	281,880	0	0
S.S.B - New Scheme	452,246	274,837	0	0
Vic. Super Scheme	253,870	210,151	0	0
Other private funds	23,339	12,835	0	0
Total contributions to all funds	845,148	779,703	0	0

The private superannuation funds include:

- Mercury Asset
- Vic Bar Superannuation
- BC Superannuation Fund
- DENBEE Holdings
- 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.



Note 18. Reconciliation of results from ordinary activities to net cash inflow from operating activities

	Note	2001 \$'000	2000 \$'000
Results from ordinary activities		(79)	(399)
Depreciation and amortisation	3	260	461
Adjustments to fixed assets	4	1	(6)
Abnormal items	4	0	(37)
Correction of accumulated depreciation	4	16	0
Net gain on sale of non-current assets		(1)	2
Net transfers free of charge		(4)	0
Change in operating assets and liabilities, net of effects from restructuring:			
Decrease (increase) in receivables	6	(26)	(28)
Decrease (increase) in amounts due from related entities	6	203	(362)
Decrease (increase) in Inventories		0	0
Decrease (increase) in Prepayments		20	45
Increase (decrease) in trade creditors		(309)	(254)
Increase (decrease) in Provisions (LSL and AL)	10	62	635
Increase (decrease) in other liabilities		(5)	74
Increase (decrease) in other provisions		55	0
Net cash inflow from operating activities		193	131



ACCOUNTABLE OFFICER'S DECLARATION

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

We further state that, in our opinion, the information set out in the statement of financial performance, statement of financial position, statement of cash flows and notes to and forming part of the financial statements, presents fairly the financial transactions during the year ended 30 June 2001 and financial position of the Office as at 30 June 2001.

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

A handwritten signature in black ink, appearing to read 'Paul Tobin'.

Paul Tobin
Chief Finance and Accounting Officer
Office of Public Prosecutions

Melbourne
20 September 2001

A handwritten signature in black ink, appearing to read 'Kay Robertson'.

Kay Robertson
Solicitor for Public Prosecutions
Office of Public Prosecutions

Melbourne
20 September 2001



AUDITOR GENERAL
VICTORIA

AUDITOR-GENERAL'S REPORT

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

Audit Scope

The accompanying financial report of the Office of Public Prosecutions for the financial year ended 30 June 2001, comprising the statement of financial performance, statement of financial position, statement of cash flows and notes to the financial statements, has been audited. The Solicitor for Public Prosecutions is responsible for the preparation and presentation of the financial report and the information it contains. An independent audit of the financial report has been carried out in order to express an opinion on it to the Members of the Parliament of Victoria, the responsible Ministers and the Solicitor for Public Prosecutions as required by the *Audit Act* 1994.

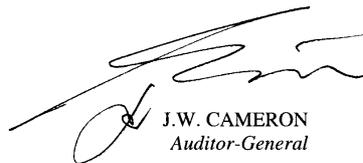
The audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the financial report is free of material misstatement. The audit procedures included an examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial report, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial report is presented fairly in accordance with Australian Accounting Standards and other mandatory professional reporting requirements and complies with the 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, the results of its operations and its cash flows.

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

Audit Opinion

In my opinion, the financial report presents fairly the financial position of the Office of Public Prosecutions as at 30 June 2001 and the results of its operations and its cash flows for the year ended on that date in accordance with Australian Accounting Standards and other mandatory professional reporting requirements and complies with the requirements of the *Financial Management Act* 1994.

MELBOURNE
21 September 2001



J.W. CAMERON
Auditor-General

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

Auditing in the Public Interest



COMPLIANCE INDEX

Compliance index to Disclosure Requirements 2000/2001

The *Annual Report* of the entity is prepared in accordance with the *Financial Management Act 1994* and the Directions of the Minister for Finance. This index has been prepared to facilitate identification of compliance with statutory disclosure requirements.

Clause	Disclosure
Report of Operations	
<i>Charter & Purpose</i>	
9.1.3 (i) (a)	Manner of establishment and Relevant Minister;
9.1.3 (i) (b)	Objectives, functions, powers and duties;
9.1.3 (i) (c)	Services provided and persons or sections of community served.
<i>Management & Structure</i>	
9.1.3 (i) (d) (i)	Names of governing board members, Audit Committee & Chief Executive;
9.1.3 (i) (d) (ii)	Names of senior office holders and brief description of each office;
9.1.3 (i) (d) (ii)	Chart setting out organisational structure.
<i>Financial and other information</i>	
9.1.3 (i) (e)	Workforce data and application of merit & equity principles;
9.1.3 (i) (f)	Application and operation of FOI Act 1982;
9.1.3 (ii) (a)	Summary of financial results with previous four year comparatives;
9.1.3 (ii) (b)	Summary of significant changes in financial position;
9.1.3 (ii) (c)	Operational objectives for the year and performance against those objectives;
9.1.3 (ii) (d)	Major changes or factors affecting achievement of objectives;
9.1.3 (ii) (e)	Events subsequent to balance date;
9.1.3 (ii) (f)	Full details of each consultancy > \$50,000;
9.1.3 (ii) (e)	Number and total cost of consulting engagements, each costing < \$50,000;
9.1.3 (ii) (h)	Extent of compliance with Building Act 1993;
9.1.3 (ii) (i)	Statement that information listed in Part 9.1.3 (iv) is available on request.
Financial Statements	
<i>Statement of Financial operations</i>	
9.2.3 (ii) (a)	Operating revenue by class;
9.2.3 (ii) (b)	Investment income by class;
9.2.3 (ii) (c)	Profits arising from sale of non current assets;
9.2.3 (ii) (d)	Financing cost;
9.2.3 (ii) (e)	Depreciation, amortisation or diminution in value;
9.2.3 (ii) (f)	Bad and doubtful debts;
9.2.3 (ii) (g)	Losses arising from the sale of non current assets;
9.2.3 (ii) (h)	Losses on the revaluation of assets;
9.2.3 (ii) (i)	Audit expense;
9.2.3 (ii) (j)	Emoluments of governing board;
9.2.3 (ii) (k)	Shareholdings in the entity by members of the governing board.
<i>Statement of Financial position</i>	
9.2.3 (iii) (a) (i)	Cash at bank or in hand;
9.2.3 (iii) (a) (ii)	Inventories by class;
9.2.3 (iii) (a) (iii)	Receivables, including trade debtors, loans and other debtors;
9.2.3 (iii) (a) (iv)	Other assets, including prepayments;
9.2.3 (iii) (a) (v)	Investments by class;
9.2.3 (iii) (a) (vi)	Property, plant & equipment;
9.2.3 (iii) (a) (vii)	Intangible assets.
9.2.3 (iii) (b) (i)	Overdrafts;
9.2.3 (iii) (b) (ii)	Bank loans, bills payable, promissory notes, debentures and other loans;
9.2.3 (iii) (b) (iii)	Trade and other creditors;
9.2.3 (iii) (b) (iv)	Finance lease liabilities;
9.2.3 (iii) (b) (v)	Provisions, including employee entitlements.
9.2.3 (iii) (c) (i)	Authorised capital;
9.2.3 (iii) (c) (ii)	Issued capital;



9.2.3 (iii) (d)	Reserves, and transfers to and from reserves, shown separately.
<i>Statement of Cash flows</i>	
9.2.2 (i) (c)	A statement of cash flows during the year.
<i>Notes to the financial statements</i>	
9.2.2 (i) (d)	Ex-gratia payments;
9.2.2 (i) (d)	Amounts written off;
9.2.3 (iv) (a)	Charges against assets;
9.2.3 (iv) (b)	Contingent liabilities;
9.2.3 (iv) (c)	Commitments for expenditure;
9.2.3 (iv) (d)	Government grants received or receivable;
9.2.3 (iv) (e)	Employee superannuation funds;
9.2.3 (iv) (f)	Assets received without adequate consideration;
9.4	Transactions with Responsible persons and their related parties.
9.8	Occupational Health & Safety Reporting

