



Annual Report 2003-2004

Director of Public Prosecutions

Committee for Public Prosecutions

Office of Public Prosecutions





Paul Coghlan QC
Director

22nd September 2004

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

Dear Attorney-General,

I have pleasure in submitting to you an Annual Report for the year 1 July 2003 to 30 June 2004, comprising:

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

Yours faithfully,

PAUL COGHLAN Q.C.
Director of Public Prosecutions.

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director of public prosecutions report

As many will have observed last year, I no longer set out in detail the structure of the Office but it is timely to point out that this document contains three annual reports. For the present purpose only two of the three are relevant. They are in my report and that of Kay Robertson, Solicitor for Public Prosecutions on behalf of her office.

All the financial details relating to the organisation are reported by Kay who has the very onerous responsibility of maintaining the organisation in financial terms.

I do not have a budget as such but I am supported by the Office of Public Prosecutions. The whole financial management of the organisation has become more and more difficult and a large proportion of Kay's time is devoted to that aspect of the management of the office. I regard her as careful, thoughtful and prudent manager who has guided the organisation through very difficult times.

The work of the Crown Prosecutors, under the guidance of Bill Morgan-Payler QC, Chief Crown Prosecutor, has continued to be of the highest standard and the productivity of prosecutors' chambers has continued to be excellent.

There has been much pressure on the organisation as whole because of a

number of external matters. The two major areas of impact relate to the work of the CEJA taskforce into the corrupt activities of members and former members of what were the Drug Squad and the work done by the Purana taskforce into a number of murders in this state in the last few years.

It has proved necessary to establish two specialist units to deal with the work. We have formed a Corruption Prosecution Unit (CPU) under the leadership of Jeremy Rapke QC, Senior Crown Prosecutor and a Purana Prosecution Unit under the leadership of Geoffrey Horgan SC, Senior Crown Prosecutor. Since I have the ongoing responsibility for the prosecution of corrupt police officers, it is likely that the CPU will remain as a permanent feature of the organisation and the Purana Unit will need to remain in the existence for at least the next two years.

The above work places increased stress on the organisation. Work has continued to increase in a number of other areas including commercial crime. The solicitors in the employ of the Office of Public Prosecutions are a very dedicated group and I am very grateful for the effort which they put in and the work they do.

The pay scale and the career structure are such that some solicitors will choose to work here for a few years and then move

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on to other government entities, the Victorian Bar and into private practice.

In relation to the present 'ebb and flow' of these things, the Office of Public Prosecutions is presently relatively junior. That fact does put pressure on the individuals and the organisation, the more so when the increasing work load is taken into account.

Many of the matters mentioned last year are still important. The needs of victims of crime are properly seen in the community as important and we work as best we can to service those needs. It has become clear that appropriate service will only be provided with an increase in resources in that area.

Much public concern has been expressed about sentencing. I continue to review all the sentences given on indictment in Victoria and that has led to an increase in the number of Director's Appeals. I welcome the establishment of the Sentencing Council.

A great deal of work continues to be done on listing cases in both the County and Supreme Courts. The Chief Judge, Michael Rozenes QC, continues to attack the problem with zeal. The balance between the productivity of the Court and its Judges need to be balanced against the needs of the consumers of the Courts

including the accused, the victims and the witnesses. Reaching a reasonable balance in that regard is a challenge for us all.

New rules have been adopted for appeals to the Court of Appeal. The rules have not been in force long enough yet to test the impact of them but the Court and the users of the Court are hopeful that the new rules will streamline the practice in that Court.

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committee of public prosecutions report

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

The Committee consists of the Director of Public Prosecutions (Chairperson), Chief Crown Prosecutor, Solicitor for Public Prosecutions and a person nominated by the Governor in Council. The position is currently vacant.

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

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

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

Meetings were held during the year on the following dates:

- 24 September 2003
- 23 December 2003
- 14 May 2004

The Committee continued to monitor the aggregate appearance rates of the crown prosecutors. It was pleased to note that the declining trend appeared to have reversed and the full year statistics show a 5 year high although this may not be sustainable with the increase in chambers work. The Committee acknowledged the impact of court listing practices in this regard. The full statistics are in the appendix.

Early in the year the Director reported that he was gravely concerned about the conduct of cases delayed by the availability of forensic reports from VFSL. The Committee agreed that the situation was critical and impacted negatively on victims and witnesses. The Committee notes that the government acted to increase resourcing to VFSL and over time the backlog will reduce.

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The Committee noted the increase demand on the Director and the Office. The coincidence of major trials, which require extensive pretrial involvement, with the increased rate of court listings in the County Court created unprecedented pressure.

Jan King left the Committee after serving since its inception. Jan provided a valuable contribution to the development of the independent prosecution system in Victoria and the establishment of the witness assistance service.

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office of public prosecutions report

Objectives and functions

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

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

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

Prosecutions.

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

Overview

The Criminal Justice System is about people; victims of crimes and their friends and family, those accused of committing crimes and everyone in the community who feels afraid because of the criminal behaviour or reassured by the rehabilitation or sentencing of an offender. The Director, Crown Prosecutors and Office are a part of this system and are dependent on its structure and the other participants to do their job. While this creates a very challenging environment for our staff to work in, it can also be very rewarding.

I am pleased to report that this year the OPP has once again enabled the Director to provide a high quality prosecution service. The dedication of OPP staff made this possible. The solicitors have had to respond to increased listings in the courts which in turn increases the pressure on the corporate staff – including IT, finance, library and audio visual – to provide essential support services. I acknowledge the efforts of all of them.

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Increased demand

The courts' determination to reduce the backlog in criminal trials started to bite in 2003/04. In the second half of the year, the County Court increased the number of judges hearing criminal cases which resulted in an increase in judge sitting days of 23% over the previous year. As a consequence, in the Melbourne County Court the number of trials conducted rose by 65% and the number of plea of guilty hearings conducted rose by 11%. The data is set out more fully in Appendix A.

Early in the 2003/04 the Ethical Standards Department of Victoria Police arrested a number of serving and former members of the police force, charging them with serious offences. It was clear from the circumstances of the alleged offences, the fact that the charges arose from a time when they were all serving police officers and the nature of the evidence that special resourcing would be required to properly prosecute these matters and that the confidence of the community in the police force required this.

Accordingly the Office, in consultation with the Director, established the Corruption Prosecution Unit. The CPU is led by one of the most experienced senior crown prosecutors and a very experienced solicitor. It was necessary to establish a secure location and provide staff, IT and paralegal support to ensure that the Unit

could function optimally. The government supported this initiative.

The Office could not ignore increased demand as a result of the increased listings and establishment of the CPU by not preparing cases or briefing counsel to appear in them. While this approach would have allowed the Office to maintain a more reasonable workload for staff and ensure that we did not exceed our funding allocation it would have been at a significant risk to the community. The government was advised of the increased demand and supported the continuation of prosecutions. The outcome was that for the first time the Office overran its budget by \$2.7m. The full financial position is contained in the Financial Report.

The courts have indicated that they intend to maintain the focus on reducing the backlog and hence delay between cases being listed and determined in 2004/05. The cases initially allocated to the Corruption Prosecution Unit will not be finished in the next financial year, and there is a need for a specialised Unit to continue. The Office will need to be resourced to deal with this demand into the foreseeable future.

The Office has kept government informed of the demand pressures and the steps in place to properly manage prosecution cases. The Office will continue to cooperate with Courts, the Department of

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Justice and other agencies as appropriate to improve the overall efficiency and effectiveness of the criminal justice system. The Office welcomes the Attorney General's Justice Statement as providing a vehicle for change.

Electronic delivery of depositions

On the 6th October 2003, the OPP and the County Court successfully implemented the eDeps system for delivery of Judges' depositions electronically to the Melbourne County Court. Both organisations are now working on a plan to extend its availability to the regional County Courts.

The eDeps system is an innovative use of existing Lotus technology present in both organisation to achieve a significant system efficiency. The Information Technology manager of the OPP, Mr. Jari Jancar, and the County Court, Mr. Hans Wolf, are worthy of particular acknowledgment for their inventive work in the development of this solution.

The OPP is now working with the Supreme Court towards making the eDeps system available to the Justices of the Supreme Court in the 04/05 financial year.

During the year the OPP and the County Court has designed, piloted and successfully implemented changes for provision of depositions to defence legal practitioners. On the 1st March 2004 the Office commenced production of depositions for defence legal practitioners

on CD. Depositions have been supplied since then in two modes, hard copy and on CD. To enable the private profession to plan for a move to provision of depositions on CD only, it is not planned to discontinue hard copy until 1st September 2004. This innovation will provide significant system wide efficiencies in the storage, transport, reproduction and analysis using electronic tools of depositions. The staff of the OPP already have access to the depositions in electronic format and this now places defence practitioners on an equal footing.

Criminal Justice Enhancement Project

The OPP has continued to contribute to the Criminal Justice Enhancement Project, in particular with work done on the Electronic Brief/Progressive Disclosure project. The Office has training plans and testing schedules in place and has positioned itself in readiness for a rollout of the Presentment Module during 04/05.

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

The County Court is working with the Criminal Justice Enhancement team on a Shell Brief project. This project is intended to enable electronic lodgement of Presentment data into the County Court case management system in advance of the roll-out by Victoria Police of the Electronic Brief/Progressive Disclosure project. The OPP has continued to work

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with the design team of the Shell Brief project as it nears its completion, probably in late 2004. The Shell Brief will allow the Criminal Orders module to be implemented much sooner than otherwise.

Victims of Crime

Staff of the Office have a statutory obligation to give consideration to the concerns of the victims of crime. All staff take this obligation seriously and receive training when they commence work at the Office. In addition the Office has a Witness Assistance Service (WAS). WAS provides an invaluable service to victims and witnesses directly and through assisting solicitors.

WAS comprises three Social Workers, who provide support, information, counselling, referral, liaison and assistance to families of deceased, victims and witnesses in all categories of cases prosecuted by this Office. Social Workers provided assistance in metropolitan and, to a more limited extent regional courts, in all jurisdictions. WAS is unable to assist all victims and witnesses and has had to set priorities. The first two priorities are families of victims in homicide cases and child victims. The statistics are provided in Appendix C.

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

Training was provided to Victims Assistance Programs, Victims Referral

and Assistance Program, Victoria Police Sexual Offence and Child Abuse Unit, Centre Against Sexual Assault (CASA), Independent Third Persons (ITP) and Court Network Volunteer Training Programs.

WAS Staff also provided input to the Victorian Law Reform Commission reference on Sexual Offences Law and Procedure. The Office will review the recommendations on victims and witnesses with a view to improving the services. It is noted that some of the recommendations have resourcing implications for the OPP.

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

Legal functions

legal functions

Overview

The Director of Public Prosecutions is an independent statutory officer appointed by the Governor in Council. The Director's primary functions are to institute, prepare and conduct proceedings in the High Court, Supreme Court or County Court in respect of any indictable offence (Public Prosecutions Act 1994 section 22 (1)(a)). The Director has further functions including those ancillary to his primary functions and those set out in legislation. The Office of Public Prosecutions prepares and conducts proceedings on behalf of the Director.

One of the most critical decisions the Director has to make is whether to commence proceedings in a particular case. The Director has adopted national guidelines to be applied in making these decisions. The guidelines are available on the OPP's webpage, www.legalonline.vic.gov.au, or in hard copy by contacting the OPP.

Confiscation Act Proceedings 2003-2004

This financial year saw a 47% increase in Restraining Orders granted over the previous year – from 128 to 188. There was also a commensurate increase in the number of associated matters such as applications for Exclusion and Variations.

These increases are part of a trend which has been apparent and accelerating since 2001.

Approximately 34% of the Restraining Orders made during the period were to secure assets to pay compensation orders made in favour of victims pursuant to the Sentencing Act 1991. This is a feature unique to the Victorian legislation, and enables victims of crime to have some ability to recover damages from persons convicted of offences against them.

Amendments to the Confiscation Act which came into force on 1st December 2003 had the effect of expanding the number and type of offences which could be 'automatic forfeiture' offences as defined in Schedule 2 of the Act, and included other changes such as permitting untainted property owned by an offender to be forfeited in place of tainted property being used by the offender but in which he or she had no interest. To date these changes do not appear to have been reflected in the nature or number of Restraining Orders being obtained.

Major changes to the operation of the Confiscations Scheme are expected in 2004/05 with the introduction of a civil assets seizure regime. The government has foreshadowed that the necessary legislation will be introduced in 2004/05

Legal functions

Entry of Nolle Prosequi (Discontinuance of Prosecutions)

During the year, applications for the entry of a nolle prosequi submitted by the legal representatives of accused persons or forwarded by crown prosecutors were acceded to on 119 occasions either wholly or in part.

Indemnities from Prosecution, Undertakings or Letters of Comfort

Director's undertakings and letters of comfort were issued to a total of 62 witnesses who gave evidence in 27 prosecutions.

Consents to Prosecute

In the period under review, the Director of Public Prosecutions consented to file presentments in relation to 18 matters, pursuant to s.321 Crimes Act 1958.

There was one application to the Director to consent to the commencement of a prosecution under the Legal Profession Practice Act 1958.

In the relevant period, 42 consents or authorities to prosecute were granted by the Director for the commencement of a prosecution in cases involving offences pursuant to ss.47A, 50 or 69 of the Crimes Act 1958.

No consents were granted by the Director for the commencement of a prosecution pursuant to s.92(2) Estate Agents Act 1980, s129 Adoption Act 1984 or ss 3(4) or 4(4) Judicial Proceedings Reports Act 1958.

Two consents were granted by the Director for the commencement of a prosecution pursuant to s.69A Juries Act 1967.

Extraditions and Interstate Transfers

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

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

Direct Presentments

In the relevant period, the Director directly presented an accused person on 137 occasions. Most of these cases involved Special Decisions, pursuant to s.3(c) Public Prosecutions Act 1994, where an accused was in fact committed for trial, but the presentment contained additional or varied counts to those initially charged.

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

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

On receipt of the Coroner's report, the circumstances surrounding the death are considered by this Office and a recommendation is made as to whether criminal charges should be laid. In the relevant period, there were two such referrals.

Legal functions

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 eight such inquests where the Director agreed to so assist the Coroner.

Appeals pursuant to s.92 Magistrates' Court Act 1989

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

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

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

During the year, the Director was requested in 18 cases to institute an appeal on behalf of Police Informants and conducted such appeals in thirteen cases. One other request was acted upon by the institution of an appeal to the County Court against sentence pursuant to s.84 Magistrates' Court Act 1989.

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

Fourteen s.92 Appeals in the Supreme

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

Contempt of Court

There were no prosecutions for contempt of court commenced during the year.

Conflict of Interest

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

Appeals

appeals by the director of public prosecutions

Overview

Section 35 Judiciary Act 1903

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

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

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

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

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

Details of Director's Appeals

Appeals to the High Court

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

The Director was respondent in eleven applications for special leave listed during the reporting period, of which one was allowed and ten were refused. A further two matters were abandoned prior to being listed.

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

Court of Appeal (Victoria)

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

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

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

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

The criteria for the instituting of a Director’s appeal against sentence have

also been the subject of detailed comment by the Victorian Court of Appeal, particularly in *R v. Clarke* [1996] 2 VR 520 and *R v. O’Rourke* [1997] 1 VR 246.

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

During the period in question 35 Director’s appeals pursuant to section 567A of the Crimes Act 1958 were heard. Of those appeals, 9 were dismissed, 25 were allowed and one was abandoned. The details of each appeal are as follows:

The court allowed an appeal against the sentence of a 2 year Community Based Order with 200 hours unpaid community work imposed upon ‘D.J.K’ for three counts of indecent assault, one count of taking part in an act of sexual penetration with a child under 10 and one count of taking part in an act of sexual penetration with a child under 16. A new sentence of 2 years imprisonment wholly suspended for two years was substituted.

The court allowed an appeal against the sentence of a fine of \$4,000 imposed upon Brian Rzek for one count of cultivation of a narcotic plant (cannabis) in a quantity not less than a commercial quantity. The sentence was varied to include a sentence of 12 months imprisonment wholly suspended for two years, in addition to the fine of \$4,000.

The court dismissed an appeal against the sentence imposed upon Kathryn Ann Leach of 10 months imprisonment to be

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served by way of an intensive correction order and a fine of \$1,750 for one count of trafficking in a commercial quantity of a drug of dependence (methyl-amphetamine) one count of possession of drugs of dependence (methyl-amphetamine, ecstasy, and ketamine) and one count of possession of cannabis.

The court allowed an appeal pursuant to section 567A(1A) of the Crimes Act 1958 against the sentence of a 12 month community based order with 150 hours unpaid community work imposed upon Mohammed Akkari for charges of aggravated burglary, recklessly causing serious injury and robbery. Having failed to honour his undertaking to give evidence against a co-offender, Akkari was re-sentenced to 12 months imprisonment wholly suspended for 2 years.

The court allowed an appeal against the sentence of 2 years imprisonment, of which 12 months was suspended for 2 years, imposed upon Jack Crow for one count of armed robbery and one count of reckless conduct endangering person. A new sentence of 3 years and 3 months with a non-parole period of 2 years was substituted.

The court allowed an appeal against the sentence of 3 years and 6 months imprisonment with a non-parole period of 18 months imposed upon Daryl William Michael Doncon on one count of intentionally causing serious injury. A new sentence of 5 years imprisonment with a non-parole period of 2 years and 6 months was substituted.

The court allowed an appeal against the

sentence imposed upon David Vincent Calderera of 4 years imprisonment on each of two counts of culpable driving and 1 year imprisonment on each of two counts of recklessly causing serious injury, with partial cumulation resulting in a total sentence of 5 years and 6 months imprisonment with a non-parole period of 2 years and 6 months. The sentences on each of the two counts of recklessly causing serious injury were varied to 2 years imprisonment, and with partial cumulation, a total sentence of 7 years imprisonment with a non-parole period of 3 years and 8 months was substituted.

The Court allowed the appeals against the sentence of 5 years and 6 months imprisonment with a minimum of 2 years and 9 months imposed upon Darren Mobbs for six counts of armed robbery, and the sentence of 5 years and 7 months with a minimum of 2 years and 10 months imposed upon Steven Elliot for six counts of armed robbery, one count of handling stolen goods and one count of possession of a drug of dependence. Dureen Mobbs was re-sentenced to 7 years and 6 months imprisonment with a non-parole period of 3 years and 9 months, while Steven Elliot was re-sentenced to 7 years and 7 months imprisonment with a non-parole period of 3 years and 10 months.

The court dismissed an appeal against the sentence of 23 months imprisonment with a non-parole period of 10 months imposed upon David Jason Blyth for one count of escaping from custody, two counts of aggravated burglary, three counts of burglary, six counts of theft and one count of attempted theft.

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The court allowed an appeal against the sentence imposed upon David Raymond Waldron of 2 years imprisonment on one count of theft, 3 years and 6 months imprisonment of one count of reckless conduct endangering persons and 5 years imprisonment on one count of culpable driving, with a total sentence of 5 years and 6 months imprisonment and a non-parole period of 2 years and 6 months. A sentence of one year imprisonment on count 1, 6 months imprisonment on count 2 and 6 years imprisonment on count 3, with a total sentence of 6 years and 3 months imprisonment and a non-parole period of 3 years was substituted.

The court allowed an appeal against a sentence of 15 months imprisonment with a non-parole period of 8 months imposed upon Mark Gull on one count of recklessly causing serious injury and one count of recklessly causing injury. A new sentence of 2 years and 3 months imprisonment with a non-parole period of 18 months was substituted.

The court dismissed the appeals against a sentence of 21 years imprisonment with a non-parole period of 17 years imposed upon Peter Andrakakos and a sentence of 19 years imprisonment with a minimum of 16 years imposed upon Nese Arkan on one count of murder.

The court allowed the appeals against a sentence of 9 years and 6 months imprisonment with a non-parole period of 7 years imposed upon Abelardo Ramos and a sentence of 7 years imprisonment with a non-parole period of 4 years imposed upon Belal Herasan for one

count each of aggravated burglary, common assault, kidnapping and making a threat to kill. The court also allowed the appeal against a sentence of 3 years and 6 months imprisonment with a non-parole period of 1 year and 6 months imposed upon Reginald Delos Santos for one count each of aggravated burglary, common assault and kidnapping. Ramos was re-sentenced to 12 years imprisonment with a non-parole period of 9 years, Herasan was re-sentenced to 10 years imprisonment with a non-parole period of 7 years, and Santos was re-sentenced to 4 years and 6 months imprisonment with a non-parole period of 2 years.

The court dismissed an appeal against a sentence of a 12 months community based order with 160 hours unpaid community work imposed upon Ashley Vale Burn for one count of burglary and one count of theft.

The court dismissed an appeal against a sentence of 2 years imprisonment wholly suspended for 3 years and a 2 year community based order with 350 hours unpaid community work imposed upon Daryl Leslie Stewart for seven counts of indecent assault, two counts of committing an indecent act with a child under 16 and one count of rape.

The court allowed the appeals against the sentences of 2 years imprisonment with a non-parole period of 12 months imposed upon Dean Stone and Deon Lee Uren for one count of each of aggravated burglary, armed robbery, intentionally causing injury, false imprisonment and theft. Stone and Uren were both re-sentenced to 4

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years imprisonment with a non-parole period of 2 years.

The appeal against a sentence of 12 months imprisonment wholly suspended for 2 years and a 2 year community based order with 200 hours unpaid community work imposed upon Daniel Kevin Heeneey on one count of armed robbery, one count of aggravated burglary and one count of attempting to pervert the course of justice was abandoned by the Director.

The court allowed an appeal against the sentence of 2 years imprisonment with a non-parole period of 4 months imposed upon Nunzio Frank Minutoli on one count of blackmail. The sentence was varied by increasing the non-parole period to 12 months.

The court allowed an appeal against the sentence of 4 months imprisonment wholly suspended for 12 months imposed upon Poul David on one count of committing an indecent act with a child under 16. A new sentence of 12 months imprisonment with 8 months suspended for 12 months was substituted.

The court dismissed an appeal against a sentence of 4 years imprisonment with a non-parole period of 2 years imposed upon David John Cook for one count of intentionally causing serious injury.

The court dismissed an appeal against a sentence of 5 years imprisonment with a non-parole period of 3 years imposed upon John William Sypott on one count of manslaughter.

The court dismissed an appeal pursuant to section 567A(1A) of the Crimes Act 1958

against the sentence of 2 years imprisonment with a non-parole period of 9 months imposed upon Samantha Rita Stevens for one count of trafficking in a drug of dependence in a quantity not less than a commercial quantity.

The court allowed an appeal against the sentence of 6 years imprisonment with a non-parole period of 4 years imposed upon 'G.J.L' on four counts of committing an indecent act in the presence of a child under 16, seven counts of committing an indecent act with a child under 16, six counts of incest, one count of attempted incest, one count of producing child pornography, one count of transmission of child pornography and one count of possession of child pornography. A new sentence of 10 years imprisonment with a non-parole period of 7 years was substituted.

The court allowed an appeal against the sentence of 4 years imprisonment with a non-parole period of 2 years imposed upon Michael Boyd Daly for three counts of rape. A new sentence of 6 years imprisonment with a non-parole period of 3 years and 6 months was substituted.

The court allowed an appeal against the sentence imposed upon Anthony Di Nunzio of 7 years imprisonment on one count of culpable driving, 18 months imprisonment on one count of negligently causing serious injury and 2 years imprisonment on one count of reckless conduct endangering life, with a total sentence of 7 years and 6 months imprisonment and a non-parole period of 5 years. The sentence was varied to 8

Appeals

years imprisonment on the count of culpable driving, resulting in a total sentence of 8 years and 6 months imprisonment with a non-parole period of 6 years and 6 months.

The court allowed an appeal against a sentence of 4 years imprisonment with a non-parole period of 18 months imposed upon Stephen Glen Reid for five counts of handling stolen goods, one count of conspiracy to steal, one count of theft of electricity and one count of cultivating a narcotic plant (cannabis). The sentence was varied by increasing the non-parole period to 3 years imprisonment.

The court allowed an appeal against the sentence of 8 years imprisonment with a minimum of 6 years imposed upon 'D.C.R.' for seven counts of gross indecency with a child under the age of 16, eight counts of committing an indecent act with a child under the age of 16, six counts of incest and one count of committing an indecent act in the presence of a child under 16. A new sentence of 11 years and 6 months with a

non-parole period of 9 years and 3 months was substituted.

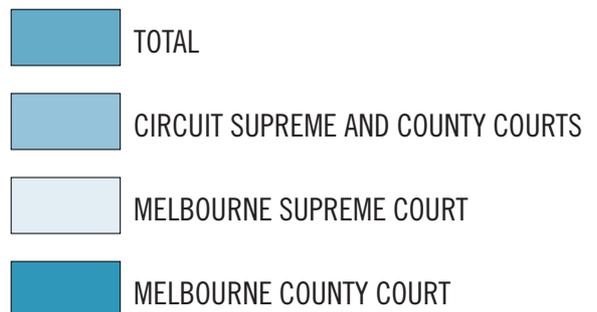
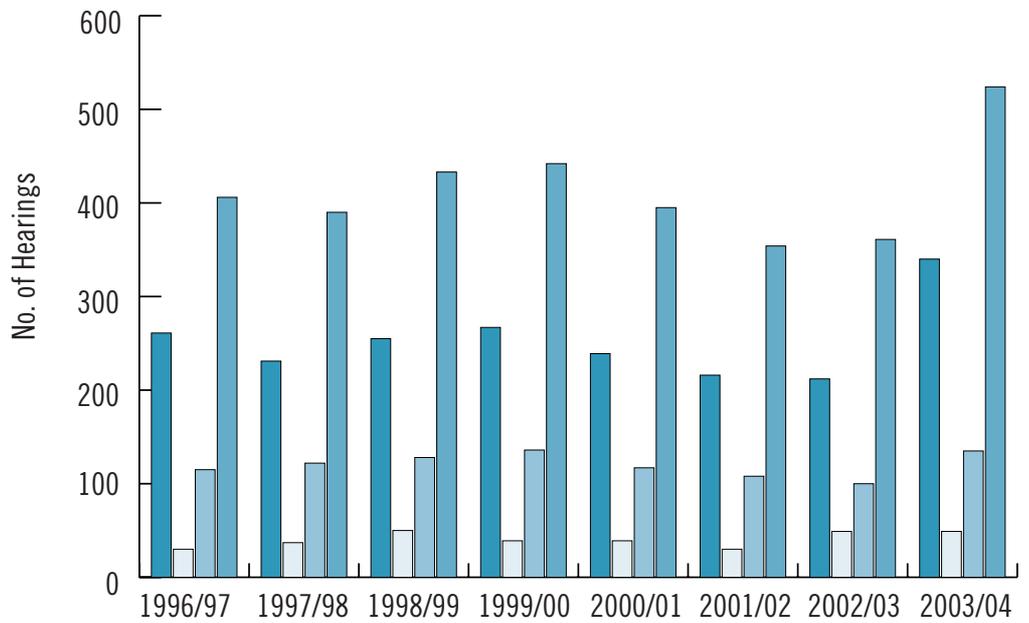
The court allowed appeals against the sentence of 8 years imprisonment with a non-parole period of 5 years imposed upon Brian Lindsay Gardner and the sentence of 7 years imprisonment with a non-parole period of 5 years imposed upon Michael Albert Coates for one count of armed robbery, one count of reckless conduct endangering life and two counts of theft. Both Gardner and Coates were re-sentenced to 11 years imprisonment with a minimum of 8 years.

The court allowed an appeal pursuant to section 567A(1A) of the Crimes Act 1958 against the sentence imposed upon 'A.B.'

Appendix A

trials conducted

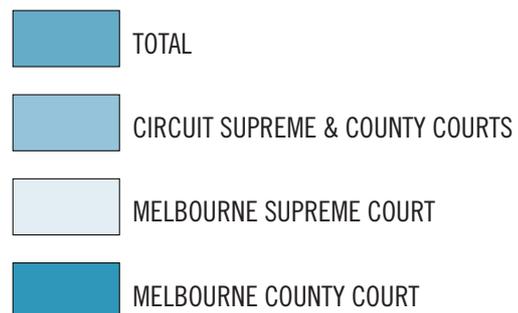
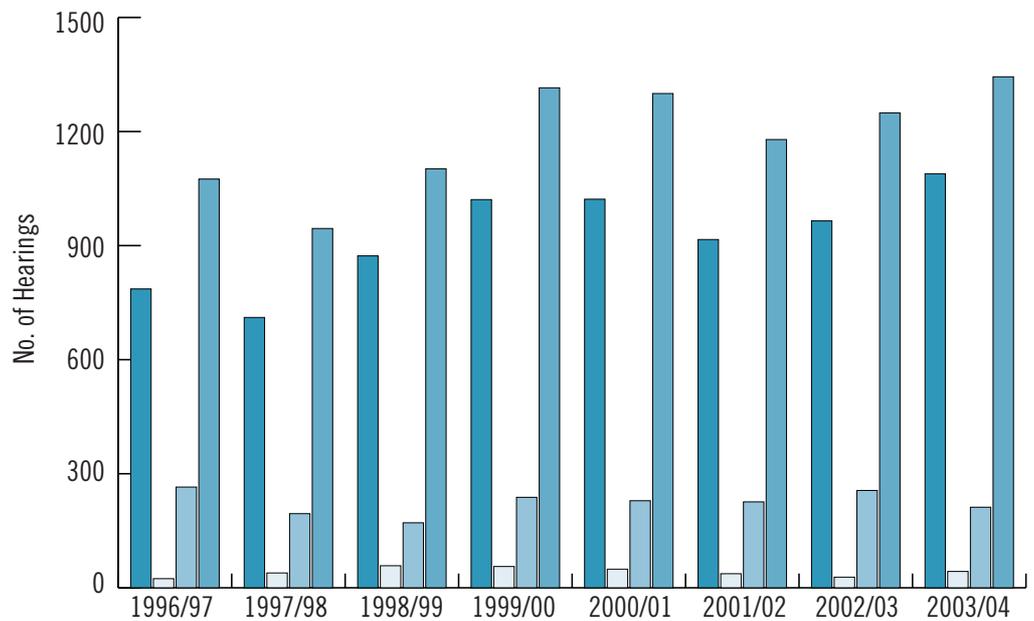
YEAR	1996/97	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04
MELBOURNE COUNTY COURT	261	231	255	267	239	216	212	340
MELBOURNE SUPREME COURT	30	37	50	39	39	30	49	49
CIRCUIT SUPREME & COUNTY COURTS	115	122	128	136	117	108	100	135
TOTAL	406	390	433	442	395	354	361	524



Appendix A

plea of guilty hearings conducted

YEAR	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04
MELBOURNE COUNTY COURT	786	711	873	1021	1022	916	965	1089
MELBOURNE SUPREME COURT	24	39	58	56	49	37	28	43
CIRCUIT SUPREME & COUNTY COURTS	265	195	171	238	229	226	256	212
TOTAL	1075	945	1102	1315	1300	1179	1249	1344



Appendix A

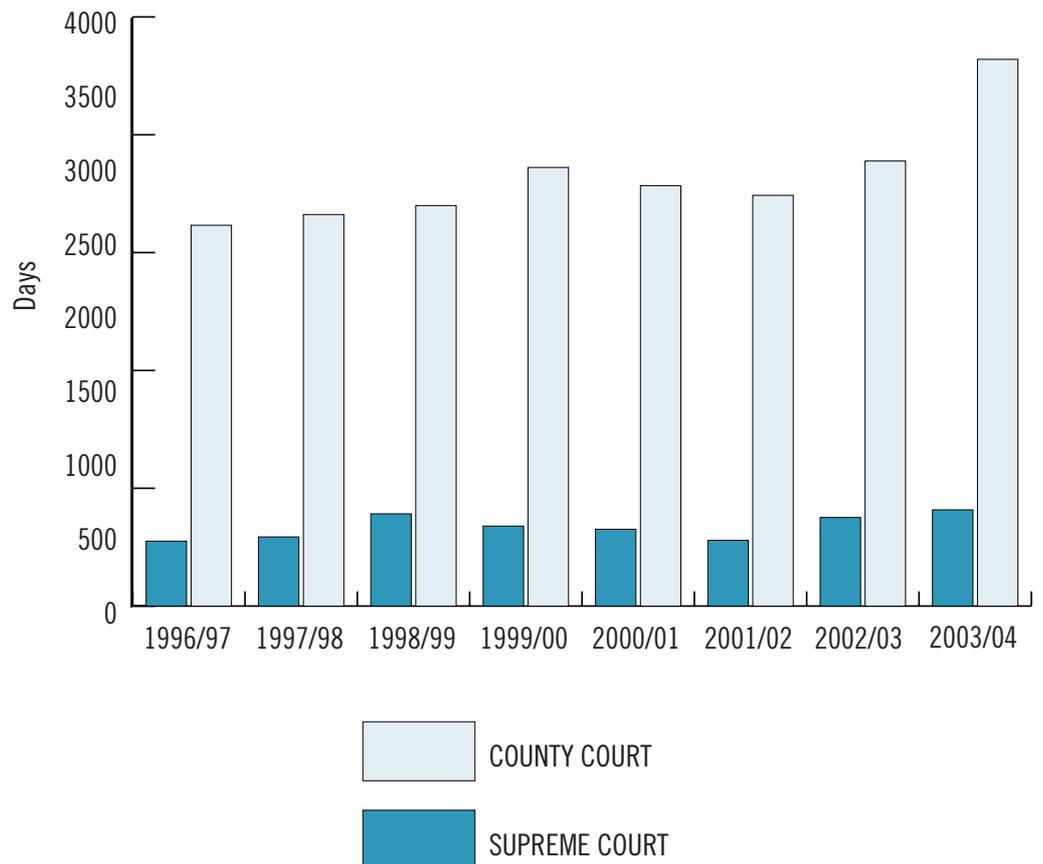
case outcomes as a percentage of total case disposals

YEAR	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04
GUILTY PLEAS PRE-TRIAL	60.1%	58.0%	59.0%	63.6%	66.4%	68.0%	68.1%	60.5%
GUILTY PLEAS LISTED AS TRIALS	7.0%	6.6%	6.3%	6.7%	5.8%	5.3%	5.7%	9.8%
GUILTY PLEAS (TOTAL) AS A % OF DISPOSALS	67.1%	64.6%	65.3%	70.3%	72.2%	73.3%	73.8%	70.3%
TRIAL - CONVICTION	12.6%	15.8%	15.6%	14.0%	14.4%	14.0%	12.9%	16.1%
TRIAL - ACQUITTAL	12.7%	10.9%	10.1%	9.6%	8.1%	8.0%	8.4%	11.3%
TRIALS (TOTAL) AS A % OF DISPOSALS	25.3%	26.7%	25.7%	23.6%	22.5%	22.0%	21.3%	27.4%
OTHER DISPOSALS	8.6%	8.7%	9.1%	6.1%	5.4%	4.7%	4.9%	2.4%
GUILTY AS A % TRIAL OUTCOMES	49.8%	59.0%	60.7%	59.3%	64.1%	64.0%	60.7%	58.8%
ACQUITTALS AS A % OF TRIAL OUTCOMES	50.2%	41.0%	39.3%	40.7%	35.9%	36.0%	39.3%	41.2%
GUILTY OUTCOME AS A % OF TOTAL CASES	79.7%	80.4%	80.9%	84.3%	86.6%	87.3%	86.7%	86.4%

Appendix A

judge sitting days

YEAR	1996/97	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04
SUPREME COURT	551	587	783	679	652	558	752	817
COUNTY COURT	3232	3323	3399	3723	3568	3486	3777	4640

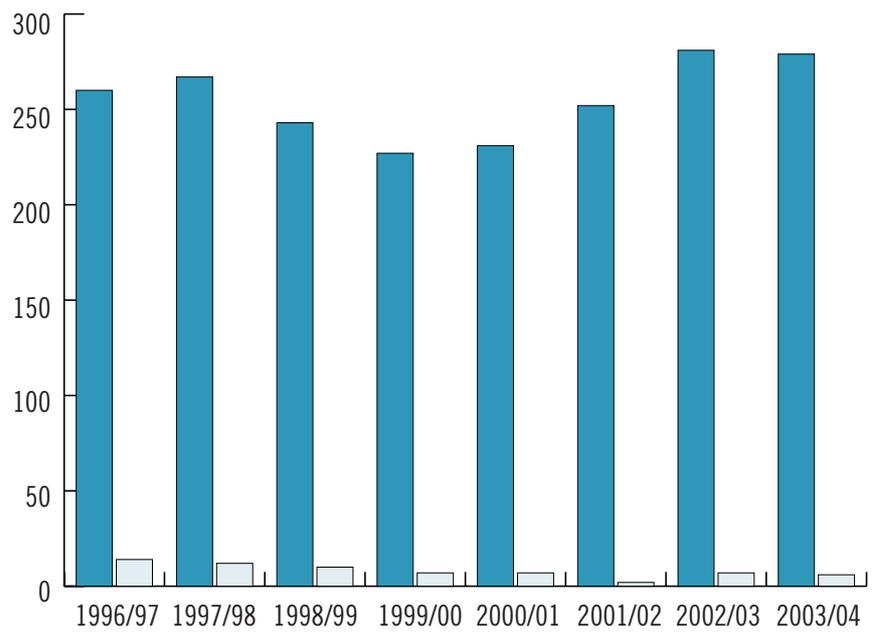


Appendix A

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

YEAR	1996/97	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04
COURT OF APPEAL/SUPREME CRT	260	267	243	227	231	252	281	279
HIGH COURT	14	12	10	7	7	2	7	6

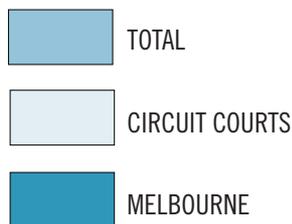
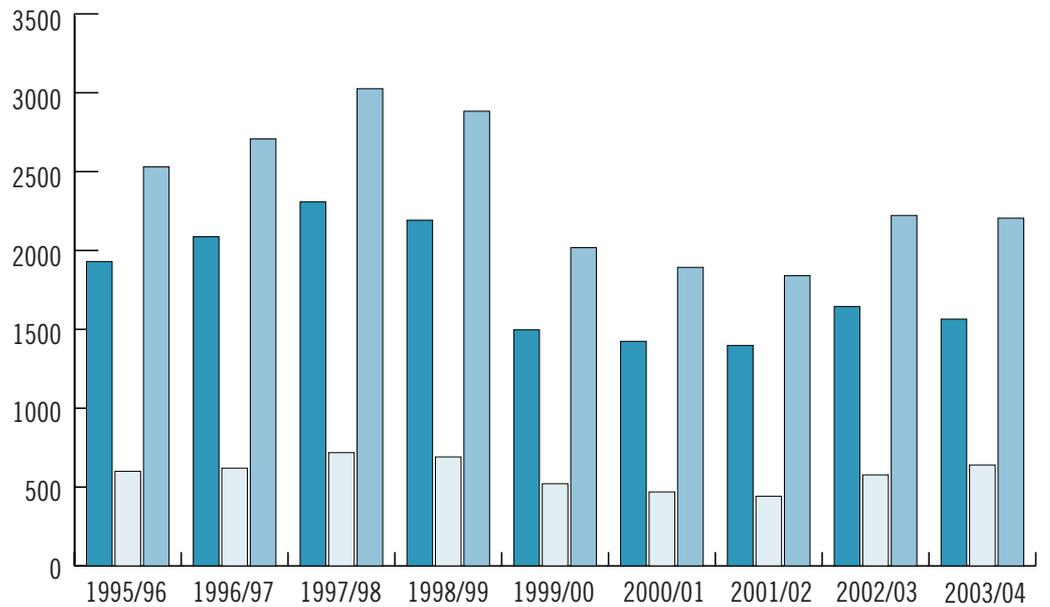
NOTE: High Court includes applications for Leave to Appeal



Appendix A

county court appeals completed

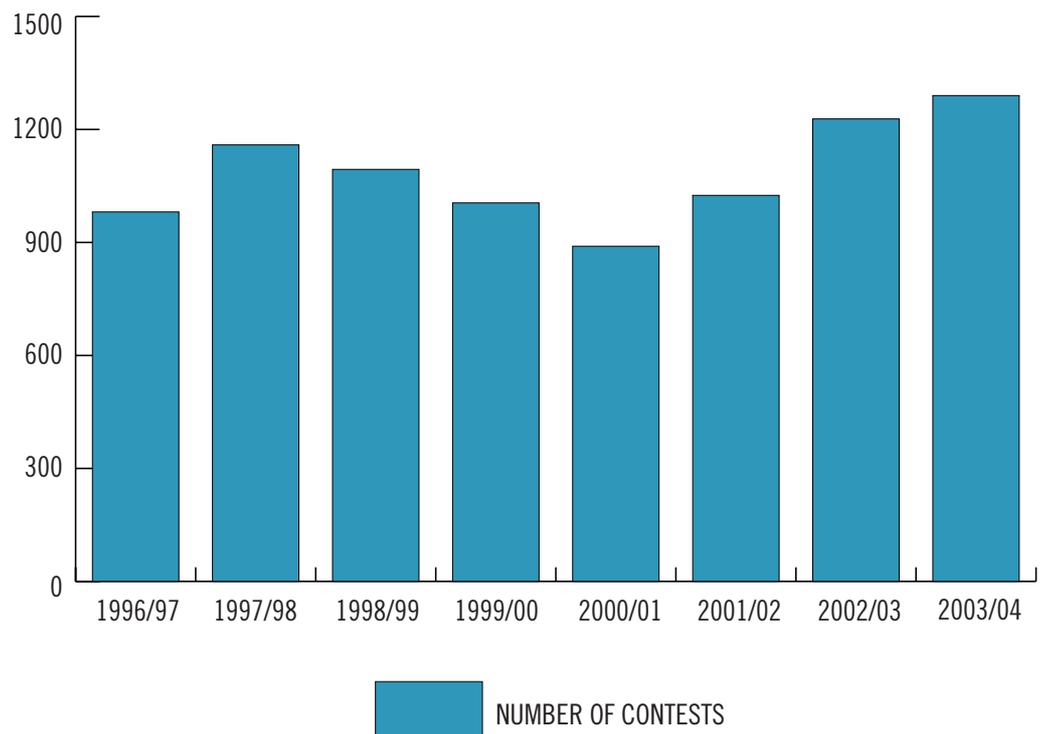
YEAR	1995/96	1996/97	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04
MELBOURNE	1930	2087	2308	2192	1497	1424	1398	1645	1565
CIRCUIT COURTS	600	620	718	691	521	469	442	577	640
TOTAL	2530	2707	3026	2883	2018	1893	1840	2222	2205



Appendix A

contested committals

YEAR	1996/97	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04
NUMBER OF CONTESTS	981	1159	1094	1005	890	1025	1228	1290

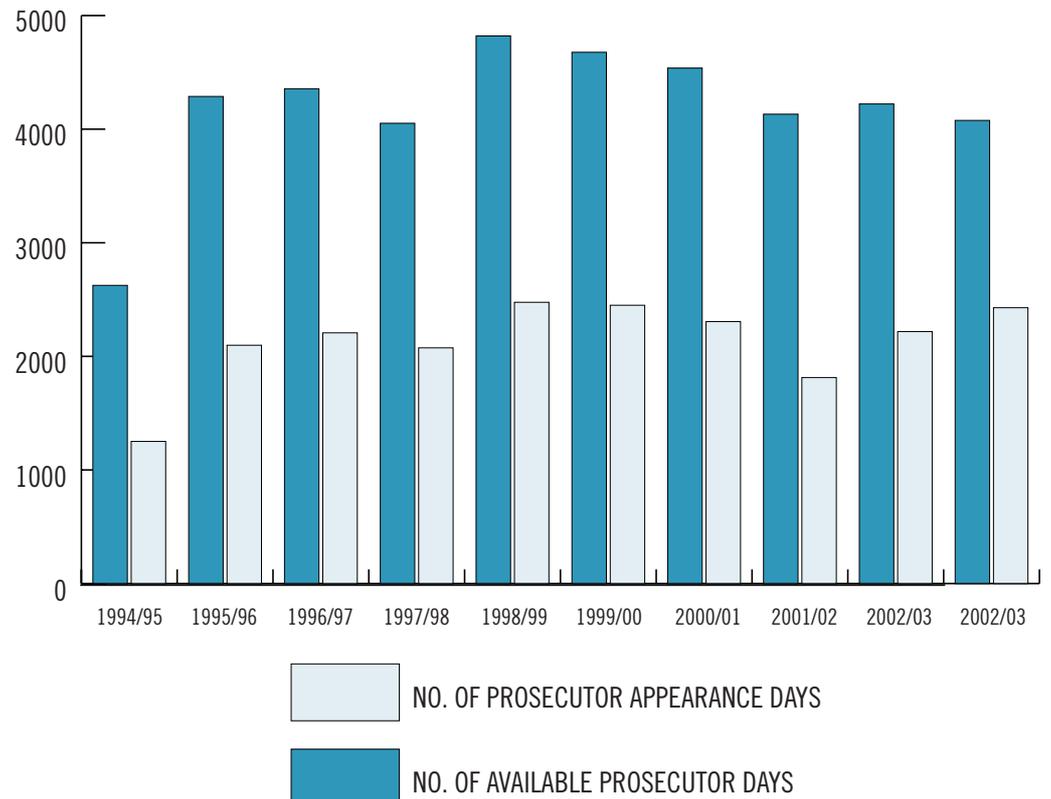


Appendix A

prosecutor appearance rates

YEAR	1994/95	1995/96	1996/97	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04
NO. OF AVAILABLE PROSECUTOR DAYS	2625	4288	4356	4052	4821	4677	4538	4132	4222	4077
NO. OF PROSECUTOR APPEARANCE DAYS	1251	2098	2207	2075	2476	2450	2306	1813	2218	2428
% APPEARANCE DAYS/ AVAILABLE DAYS	47.66%	48.93%	50.67%	51.21%	51.36%	52.38%	50.82%	43.88%	52.53%	59.55%

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

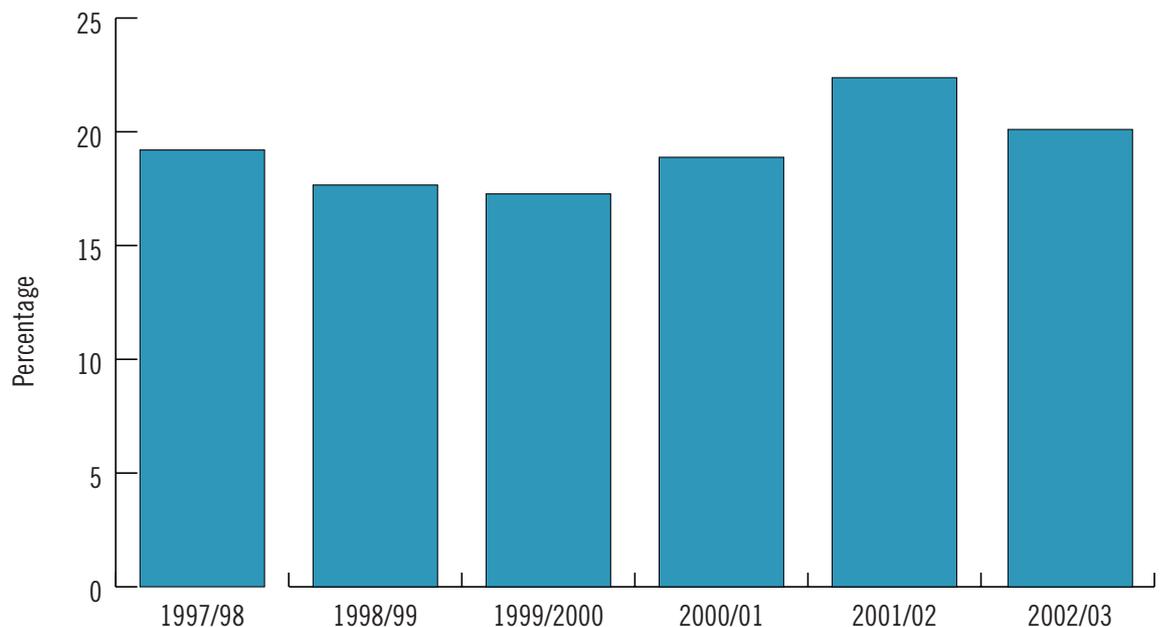


Appendix A

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

YEAR	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04
EXTERNAL COUNSEL FEES	\$3,780,000	\$3,623,000	\$3,710,000	\$4,138,788	\$5,031,000	\$4,830,242	\$6,829,637
TOTAL EXPENDITURE	\$19,686,000	\$20,517,000	\$21,477,000	\$21,921,078	\$22,477,000	\$23,943,457	\$27,495,512
PERCENTAGE	19.20%	17.66%	17.27%	18.88%	22.38%	20.17%	24.84%

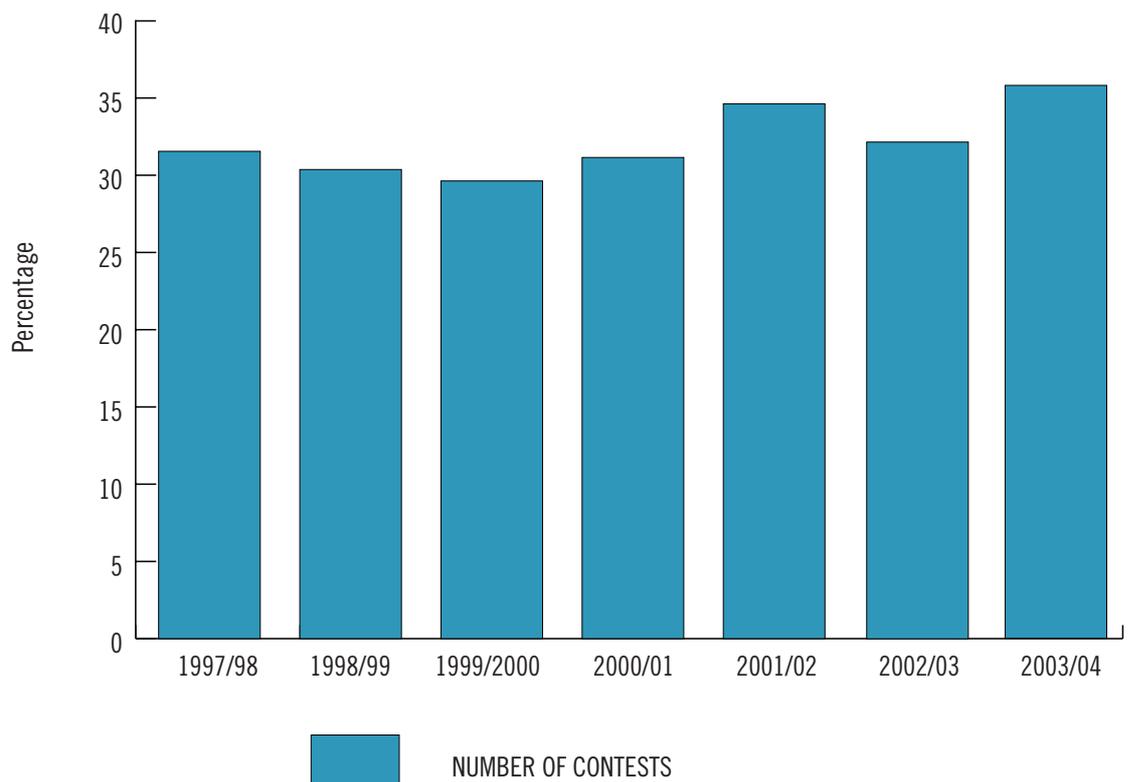
NOTE. Total expenditure for 1998/99 includes costs relating to depreciation, amortisation, government finance charges and building rental of which only part was previously allocated against the Office of Public Prosecutions. Because of changed government reporting requirements the relevant cost for these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



Appendix A

counsel appearance costs as a percentage of total recurrent expenditure

YEAR	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04
APPEARANCE COSTS	\$6,210,000	\$6,231,000	\$6,363,000	\$6,828,109	\$7,782,000	\$7,859,016	\$9,837,972
TOTAL EXPENDITURE	\$19,686,000	\$20,517,000	\$21,477,000	\$21,921,078	\$22,477,000	\$23,943,457	\$27,495,512
PERCENTAGE	31.55%	30.37%	29.63%	31.15%	34.62%	32.82%	35.78%



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

YEAR	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04
APPROXIMATE COST	\$2,602	\$2,592	\$2,785	\$2,973	\$3,022	\$2,968	\$3,276

Appendix B

outputs

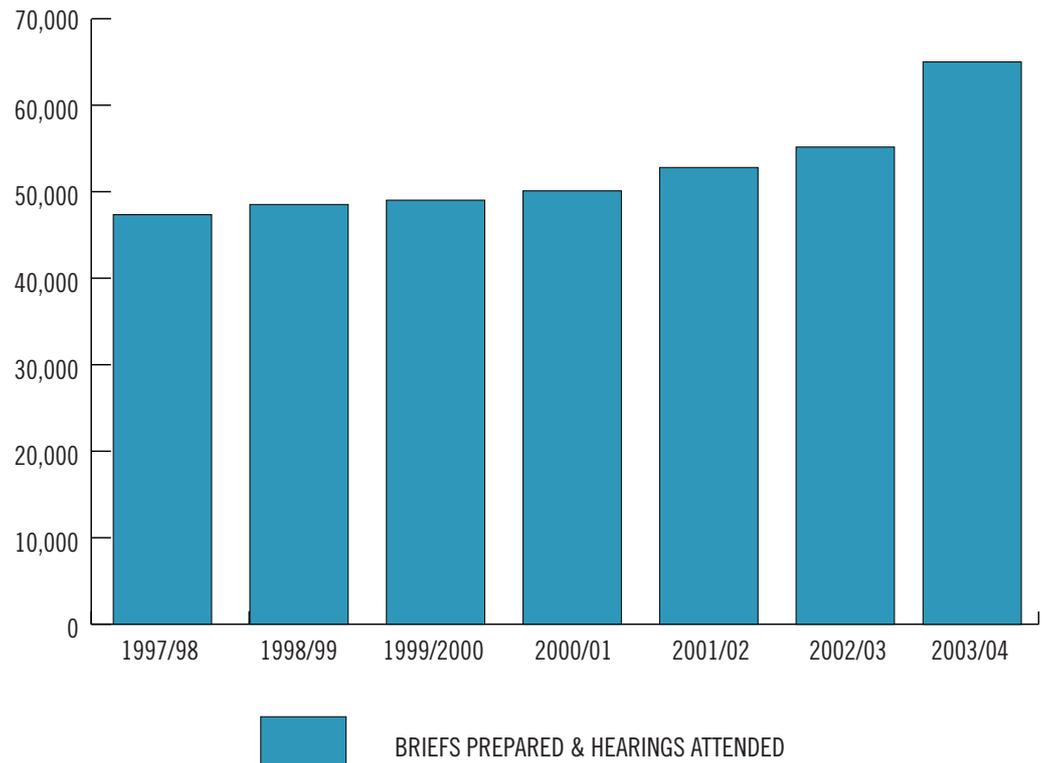
YEAR	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04
BRIEFS PREPARED & HEARINGS ATTENDED	47343	48522	49020	50097	52800	56525	64767
AVERAGE NUMBER PER STAFF	247.9	254.0	248.8	249.2	258.7	271.8	305.5

NOTE

1. The output target for 2001/02 was 51,000.

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

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



Appendix C

witness assistance case referrals with special needs

WITNESS CATEGORY	NUMBER	PERCENT
Child 10 to 16	380	44%
Non English Speaking background	174	20%
Child under 10	109	13%
Requires Interpreter	45	5.20%
Intellectual disability	35	4%
Psychiatric Disability	35	4
Physical disability	28	3.30%
Drug, Alcohol & Substance user	26	3%
Hearing Impaired	5	0.60%
Sight Impaired	3	0.30%
Other	23	2.60%
TOTAL	863	

Appendix C

witness assistance case referrals by category

CATEGORY	REFERRALS	PERCENT
CSA – Child	188	19.30%
Adult Sexual Assault	144	14.70%
Murder/Homicide	138	14.20%
Physical assault – Adult	132	13.50%
CSA – Adult	120	12.30%
Culpable driving	50	5.10%
Attempted Murder	44	4.50%
Burglary	25	2.60%
Murder – Mental Impairment Review	17	1.70%
Fraud	12	1.20%
Physical assault – Child	11	1.10%
Theft	9	0.09%
Armed Robbery	4	0.40%
Threat to kill	4	0.40%
Other	31	3.20%
TOTAL	977	

Appendix D

freedom of information

Freedom of Information Requests During the Year

There were 329 requests under the Freedom of Information Act 1982 received by the Office of Public Prosecutions in the year ended 30 June 2004.

The results of those requests were as follows:

Requests transferred to Victoria Police	1
Request relating to documents not held	2
Access granted in full or in part	17
Access denied in full or in part	4
Further particulars sought in relation to request	4
Access not finalised at end of reporting period	1
Total	29

Applications for Internal Review

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

VCAT Review

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

Freedom of Information Processes

Categories of Documents

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

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

Appendix D

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

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

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

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

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

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

The Director's Files cover a variety of

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

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

Access Arrangements

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

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

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

Sometimes the Office cannot grant full or

Appendix D

even partial access to documents because it considers them to be 'exempt', and the Principal Officer has, therefore, decided to deny access to them. These types of documents are detailed in Part IV of the Freedom of Information Act 1982.

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

Charges under the Act

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

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

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

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

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

Amendment of Personal Records

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

Requests for amendments must be in writing and must specify:

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

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

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

- (a) the findings on any material questions

Appendix D

of fact, the material on which those findings were based and the reasons for the decision;

- (b) his/her name and designation, and
- (c) the Applicant's rights of review to the Administrative Appeals Tribunal in respect of the decision.

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

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

Nominated Officer/Contact Officer

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

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

Attention: 'Freedom of Information'

Further Information on F.o.I. Act

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

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

Appendix E

Human resources

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

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

Profile of OPP workforce

Table 1 – Aggregate workforce data as at 30 June 2004

Employment Status	Male	Female	Total Staff	Variation from previous year
Permanent	73	98	171	-9
Temporary	3	9	12	+5
Casual	-	-	-	-

Notes:

1 Includes only staff on the payroll as at 30 June 2004.

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

3 Staffing figures include 2 Executive Officers.

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

5 Staffing figures do not include 7 Articled Clerks.

Table 2 – Classifications by gender as at 30 June 2004

Classification	Full-Time			Variation from previous year	Part-Time			Variation from previous year
	Male	Female	Total		Male	Female	Total	
VPS-5	17	10	27	+4	0	.6	.6	+6
VPS-4	29	23	52	-4	0	6.9	6.9	+2.5
VPS-3	18	20	38	+7	0	.9	.9	0
VPS-2	6	32	38	-4	0	1.6	1.6	0
VPS-1	4	11	15	-2	0	1	1	+1
Sub-Total	74	96	170	+1	0	11	11	+3.1

Notes:

1 Includes all temporary staff.

2 Figures do not include 7 Articled Clerks.

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

4 Figures do not include 2 Executive Officers.

Appendix E

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

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

Merit and Equity Programs

Selecting on Merit

The Solicitor for Public Prosecutions made 4 appointments without general advertisement during the 2003/04 financial year. All of these appointments were as a result of appointing candidates to positions with identical duties and requirements to those of positions advertised in the Victorian Public Service Notices.

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

Reviewing Personal Grievances

The Office of Public Prosecutions did not receive a Personal Grievance Application during the 2003/04 financial year.

Managing and Valuing Diversity

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

to a number of administrative areas of the Office.

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

Upholding Public Sector Conduct

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

All employees of the Office with current or future responsibilities for purchasing goods and/or services or contracting external service providers have attended or are progressively attending relevant contract management courses. This ensures that there is a very clear understanding of probity and integrity issues and relevant processes.

Appendix E

Occupational Health and Safety

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

To facilitate this a Committee comprising 9 members of staff and 4 management representatives has been established to:

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

This Committee meets monthly or as needed.

During the year the Office:

- 1 Engaged a contractor specialising in ergonomics to assist staff with office layout, computer location/installation and posture,
- 2 Engaged a contractor to develop, train and monitor staff in evacuation and emergency procedures,
- 3 Continued to provide an Employee Assistance Program to assist staff through short term professional counselling and consulting for both employees and members of their immediate family who face problems

of personal, family related or employment nature,

- 4 Maintained a financial assistance program for staff who, due to the computerisation of the office require spectacles for their use of computers,
- 5 Provided an Influenza Vaccination Program to reduce the possibility of staff suffering influenza,
- 6 Reviewed the number and requirements of First Aid Officers and provided additional training and provisions where necessary,
- 7 Provided a 'Manual Handling' training course for staff engaged in lifting or carrying heavy files, and
- 8 Continued to regularly review all Office
 - policies and procedures relating to OHS key performance indicators
 - reporting registers of injuries and causes of accidents
 - WorkCover claims
 - Rehabilitation and early return to work practices

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

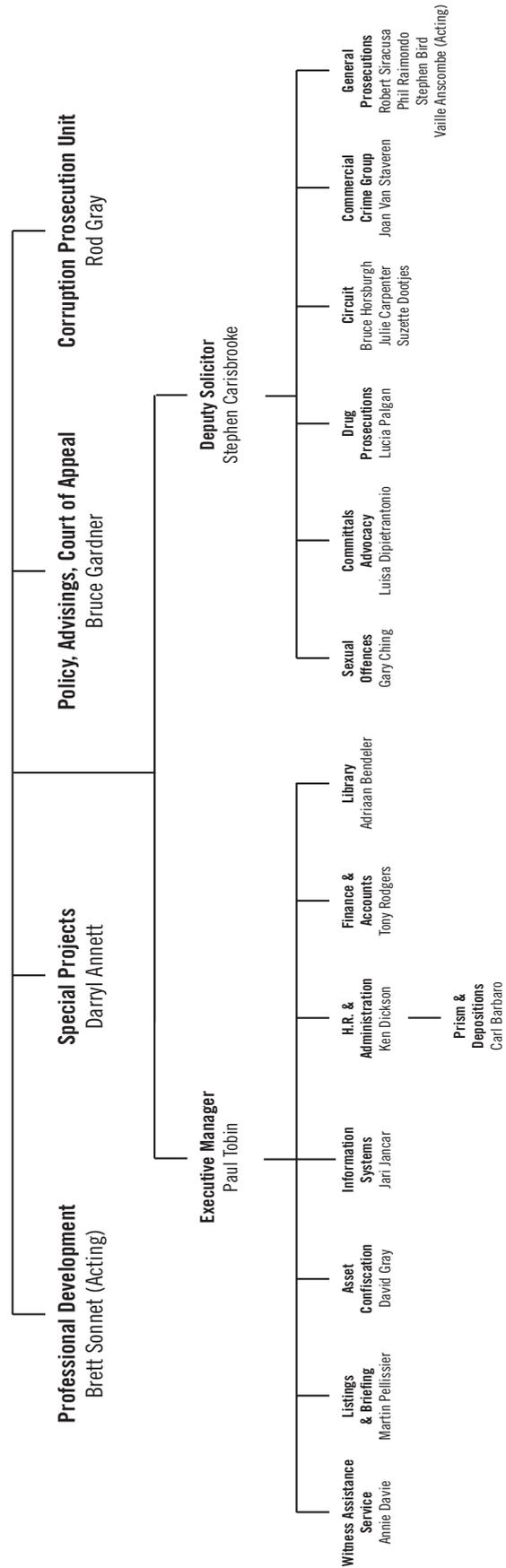
Employee Relations

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

There were no industrial disputes during the year.

Appendix E

Solicitor for Public Prosecutions
Kay Robertson



Appendix F

office based environmental impacts

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

This Office has implemented or continued to:

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

Future Direction

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

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

Appendix F

Environmental Aspect	Description	Measure
Energy Usage	The OPP is a tenant in a multi tenanted building and the following costs are for the entire building.	Total electricity usage costs equated to \$680 per FTE employee. Total Gas usage costs equated to \$43 per FTE employee
Waste Production	The occupants of 565 Lonsdale Street created a combined total of 708 cubic metres of waste for the financial year.	This would equate to 1.9 cubic metres per staff member.
Paper Use	10,800 reams of plain A4 photocopy paper purchased during the financial year. 15 reams of coloured paper. 12 reams of A3 paper	This would equate to 49.09 reams of copy paper per staff member Or .07 reams per staff member of coloured paper Or .05 reams per staff member of A3 paper.
Water Consumption	As a tenant of this multi tenanted building we cannot obtain this information	
Transporation	This Office has a fleet of 25 vehicles, primarily used by solicitors prosecuting matters in regional courts.	A total of 577,996 kilometres were travelled during the financial period at a cost of \$48,079. This equates to 2513 kilometres per person.

Appendix G

directory and supplementary information

Responsible Minister:

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

Accountable Officer:

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

Senior Staff and Major Responsibilities:

STEPHEN CARISBROOKE
Deputy Solicitor

Responsibilities:

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

PAUL TOBIN
Executive Manager

Responsibilities:

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

Audit Committee

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

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

Consultancies

There were no consultancies during the year.

Whistleblowers Protection Act 2001

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

There have been no disclosures made during the year.

Appendix G

Victorian Industry Participation Policy

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

Information available on request

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

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

Financials

financial report

30 June 2004

Directory

Responsible Minister

The Honourable Mr Rob Hulls MLA

Solicitor for Public Prosecutions

Kay Robertson

Financials

statement of financial performance for the year ended 30 June 2004

	Notes	2004 \$'000	2003 \$'000
Revenues from ordinary activities			
Government Grants	3	24,816	23,758
Resources received free of charge	3	163	136
		<u>24,979</u>	<u>23,894</u>
Expenses from ordinary activities			
Employee benefits	4	(15,742)	(14,450)
Depreciation and amortisation	4	(380)	(362)
Capital asset charge		(171)	(182)
Supplies and services	4	(11,201)	(8,949)
Other expenses from ordinary activities		(163)	(171)
		<u>(27,659)</u>	<u>(24,114)</u>
Result from ordinary activities		<u>(2,680)</u>	<u>(220)</u>
Net result for the reporting period		<u>(2,680)</u>	<u>(220)</u>
Net increase in asset revaluation reserve		<u>0</u>	<u>4</u>
Total revenues, expenses and revaluation adjustments recognised directly in equity		<u>0</u>	<u>4</u>
Total changes in equity other than those resulting from transactions with Victorian State Government in its capacity as owner on behalf of the Crown.	11	<u>(2,680)</u>	<u>(216)</u>

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

Financials

statement of financial position

as at 30 June 2004

	Notes	2004 \$'000	2003 \$'000
Current assets			
Cash assets	5,12	70	71
Receivables	6,12	44	39
Amounts due from related parties	6,12	1,374	2,390
Total current assets		1,488	2,500
Non-current assets			
Property, plant & equipment	7	2,222	2,181
Total non-current assets		2,222	2,181
Total assets		3,710	4,681
Current liabilities			
Payables	8,12	1,914	847
Interest bearing liabilities	9,12	4	0
Provisions	10	1,549	1,407
Other		15	14
Total current liabilities		3,482	2,268
Non-current liabilities			
Interest bearing liabilities	9,12	26	0
Provisions	10	2,920	2,463
Total non-current liabilities		2,946	2,463
Total liabilities		6,428	4,731
Net assets		(2,718)	(50)
Equity			
Contributed capital	11	1,558	1,546
Reserves	11	199	199
Accumulated surplus(deficit)	11	(4,475)	(1,795)
Total equity		(2,718)	(50)

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

Financials

statement of cash flows

for the year ended 30 June 2004

	Notes	2004 \$'000	2003 \$'000
Cash flows from operating activities			
Receipts from Government		25,827	24,036
Payments to suppliers and employees		(25,276)	(24,052)
		551	(16)
Capital asset charge		(171)	182
Borrowing costs		(2)	0
Net cash inflow from operating activities	18	378	166
Cash flows from investing activities			
Payments for property, plant and equipment		(390)	(176)
Proceeds from sale of property, plant and equipment		0	10
Net cash out flow from investing activities		(390)	(166)
Cash Flows from financing activities			
Proceeds from capital contribution by Department of Justice		12	0
Repayment of finance lease		(1)	0
Net cash inflow (outflow) from financing activities		11	0
Net increase (decrease) in cash held		(1)	0
Cash at the beginning of the financial year		71	71
Cash at the end of the financial year	5	70	71

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

Financials

note 1

summary of significant accounting policies

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

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

(a) Reporting entity

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

(b) Objectives and funding

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

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

(c) Acquisition of assets

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

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

(d) Revenue recognition

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

(e) Receivables

All debtors are recognised at the amounts receivable as they are due for settlement at no more than 30 days from the date of recognition.

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

Financials

(f) Revaluations of non-current assets

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

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

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

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

(g) Depreciation of property, plant and equipment

Depreciation is calculated on a straight line basis to write off the net cost of each item of property (excluding land) over its expected useful life to the Office. Estimates of the remaining useful lives for all assets are reviewed at least annually. The expected useful lives for the financial years ended 30 June 2004 and 30 June 2003 are as follows:

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

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

(h) Leasehold improvements

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

(i) Leased non-current assets

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

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

The lease asset is amortised on a straight line basis over the term of the lease, or where it is likely that the Office will obtain ownership of the asset, the expected useful life of the asset to the Office. Lease assets held at the reporting date are being amortised over periods up to 5 years.

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

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.

Financials

(j) Restrictive nature of cultural and heritage assets

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

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

(k) Payables

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

(l) Maintenance and repairs

Plant of the Office is required to be overhauled on a regular basis. This is managed as part of an ongoing major cyclical maintenance program. The costs of this maintenance are charged as expenses as incurred, except where they relate to the replacement of a component of an asset, in which case the costs are capitalised and depreciated in accordance with note 1(g). Other routine operating maintenance, repair costs and minor renewals are also charged as expenses as incurred.

(m) Goods and services tax

The Department of Justice manages the GST transactions on behalf of the Office of Public Prosecutions (OPP), the GST components of OPP's receipts and /or payments are recognised in the Department's financial statements.

(n) Employee entitlements

(i) Wages, salaries and annual leave

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

(ii) Long service leave

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

(iii) Superannuation

The amounts charged to the statement of financial performance in respect to superannuation represents the contributions made by the Office to the superannuation fund in respect of current Office staff (see note 17)

Financials

(iv) Employee benefit on-costs

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

(o) Borrowing costs

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

(p) Cash

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

(q) Capital asset charge

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

(r) Resources provided and received free of charge

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

(s) Contributed Capital

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

(t) Going concern basis

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

(u) Rounding of amounts

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

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

For interim and annual reporting periods ending on or after 30 June 2004, AASB 1047 Disclosing the Impacts of Adopting AASB Equivalents to International Financial Reporting Standards requires narrative disclosure of how the transition process is being managed and an explanation of the key differences of in accounting policies that are expected to arise from the transition to AASB equivalents to ISAB pronouncements. Refer to Note 19 for further details.

Financials

note 2

output of the office

Description of output group:

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

Outcome expected:

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

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

Financials**note 3
revenue****(a) Revenue by source**

	2004	2003
	\$'000	\$'000
Revenue from Government		
Grants from Department of Justice	24,816	23,758
Resources received free of charge or for nominal consideration	163	136
Total Revenue	<u>24,979</u>	<u>23,894</u>

Financials

note 4 results from ordinary activities

	2004 \$'000	2003 \$'000
Net gains and expenses		
Result from ordinary activities includes the following specific net gains and expenses:		
Net gains		
Net gain on disposal		
Property, plant and equipment	0	(25)
Expenses		
Employee benefits		
Salary and wages	11,947	11,501
Superannuation (refer note 16)	1,131	1,070
Annual leave and long services leave expense	1,740	1,002
Other on-costs (fringe benefits tax, payroll tax and workcover levy)	924	877
Total employee benefits	15,742	14,386
Depreciation		
Plant & Equipment	230	226
Total depreciation	230	226
Amortisation		
Leasehold improvements	150	136
Total amortisation	150	136
Total depreciation and amortisation	382	362
Borrowing costs		
Interest and finance charges paid/payable	2	0
Supplies and Services		
Professional services and witness payments	7,406	5,436
Rent and Property	1,501	1,431
Training and development	64	
Information Technology	354	362
Other operating expenses	1,914	1,706
Audit Services	26	14
Total Supplies and services	11,201	8,949
Rental expense relating to operating leases		
Minimum lease payments	1,540	1,558
Total rental expense relating to operating leases	1,540	1,558

Financials

note 5 cash assets

	2004	2003
	\$'000	\$'000
Cash at Bank and On-Hand	70	71
	<u>70</u>	<u>71</u>

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

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

note 6 receivables

	2004	2003
	\$'000	\$'000
Current Debtors	44	39
Amounts due from related parties	1,374	2,390
	<u>1,418</u>	<u>2,429</u>

Financials

note 7 property, plant & equipment

	2004 \$'000	2003 \$'000
Land		
Freehold land at independent valuation 2000*	500	500
	<u>500</u>	<u>500</u>
Leasehold improvements		
Leasehold improvements - at cost	1,657	1,362
Less: Accumulated amortisation	(305)	(157)
	<u>1,352</u>	<u>1,205</u>
Total land and leasehold improvements	<u>1,852</u>	<u>1,705</u>
Plant and equipment		
At cost	1,434	1,371
Less: Accumulated depreciation	(1,120)	(922)
	<u>314</u>	<u>449</u>
Plant and equipment under finance lease (at cost)	31	0
Less: Accumulated amortisation	(2)	0
	<u>29</u>	<u>0</u>
Total plant and equipment	<u>343</u>	<u>449</u>
	<u>2,195</u>	<u>2,154</u>
Cultural assets		
At independent valuation 2003**	27	27
Total cultural assets	<u>27</u>	<u>27</u>
Total	<u>2,222</u>	<u>2,181</u>

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

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

Financials

note 7 property, plant & equipment (cont.)

Reconciliations

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

	Freehold Land	Leasehold Improvement	Plant & Equipment	Cultural Asset	Computer Equipment	Leased Plant & Equipment	Total
	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)
2004							
Carrying amount at start year	500	1,205	77	27	372	0	2,181
Additions		295	8		87	31	421
Disposals - written down value							0
Revaluation increments							0
Net transfers free of charge							0
Depreciation/amortisation expense (note 4)		(148)	(16)	0	(214)	(2)	(380)
Carrying amount at end of year	500	1,352	69	27	245		2,222

	Freehold Land	Leasehold Improvement (Fitouts)	Plant & Equipment	Cultural Asset	Computer Equipment	Leased Plant & Equipment	Total
2003							
Carrying amount at start year	500	1,341	48	23	486	0	2,398
Additions			36		140		176
Disposals - written down value			(3)		(32)		(35)
Revaluation increments				4			4
Net transfers free of charge			6		(6)		0
Depreciation/amortisation expense (note 4)		(136)	(10)		(216)		(362)
Carrying amount at end of year	500	1,205	77	27	372	0	2,181

note 8 payables

	2004	2003
	\$'000	\$'000
Accrued Employee Expense	225	116
Trade Creditors	1,689	731
	1,914	847

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

Financials

note 9 interest bearing liabilities

	2004 \$'000	2003 \$'000
Current		
Secured		
Lease liabilities (note 16)	4	0
	<u>4</u>	<u>0</u>
Non-current		
Secured		
Lease liabilities (note 16)	26	0
	<u>26</u>	<u>0</u>
Aggregate carrying amount of interest bearing liabilities		
Current	4	0
Non-current	26	0
	<u>30</u>	<u>0</u>

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

Assets pledged as security

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

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

note 10 provisions

	2004 \$'000	2003 \$'000
Current		
Employee Benefits (note 17)	1,549	1,407
Non-current		
Employee Entitlements (note 17)	2,920	2,463
Aggregate carrying amount of provisions	<u>4,469</u>	<u>3,870</u>

Financials

note 11

equity and movements in equity

	Note	2004 \$'000	2003 \$'000
(a) Reserves			
Asset revaluation reserve		199	199
		<u>199</u>	<u>199</u>
Movements			
Asset revaluation reserve			
Opening Balance 1 July, 2002		199	195
Revaluation increment of Cultural Assets during the year		0	4
Balance 30 June 2003		<u>199</u>	<u>199</u>
(b) Contributed Capital			
Balance 1 July, 2002		1,546	1,546
Capital contribution by Victorian State Government		12	0
Balance 30 June 2003		<u>1,558</u>	<u>1,546</u>
(c) Accumulated deficit			
Accumulated (deficit) at the start of the financial year		(1,795)	(1,575)
Net result for the reporting period		(2,680)	(220)
Accumulated (deficit) at the end of the financial year		<u>(4,475)</u>	<u>(1,795)</u>
(d) Nature and purpose of reserves			
Asset revaluation reserve			
The asset revaluation reserve is used to record increments and decrements on the revaluation of the non current assets, as described in accounting policy note 1(f).			
	Note	2004 \$'000	2003 \$'000
Total equity at the beginning of the financial year		(50)	166
Net contributions of equity	11(b)	12	0
Total changes in equity recognised in the statement of financial performance		(2,680)	(216)
Total equity at the end of the financial year		<u>(2,718)</u>	<u>(50)</u>

Financials

note 12

financial instruments

(a) Credit risk exposure

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

(b) Interest rate risk exposure

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

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

Financials

note 12

financial instruments (cont.)

(c) Interest Rate risk exposure (cont.)

		Fixed interest maturing in:					
Description	Note	Floating Interest Rate \$'000	1 year or less \$'000	Over 1 to 5 years \$'000	More than 5 years \$'000	Non-bearing interest \$'000	Total \$'000
2004							
Financial Assets							
Cash and deposits	5	70	-	-	-	-	70
Receivables	6	-	-	-	-	44	44
Amount due from related entities	6	-	-	-	-	1,374	1,374
Total		71	-	-	-	1,418	1,418
Weighted average interest rate		n/a	6.5%	6.5%		n/a	
Financial Liabilities							
Payables	8	-	-	-	-	1,914	1,914
Lease liabilities	9,16		4	26			30
			4	26		1,914	1,944
Net Financial Assets (liabilities)		70	(4)	(26)	-	(496)	(456)
2003							
Fixed interest maturing in:							
Description	Note	Floating Interest Rate \$'000	1 year or less \$'000	Over 1 to 5 years \$'000	More than 5 years \$'000	Non-bearing interest \$'000	Total \$'000
Financial Assets							
Cash and deposits	5	71	-	-	-	-	71
Receivables	6	-	-	-	-	39	39
Amount due from related entities	6	-	-	-	-	2,390	2,390
Total		71	-	-	-	2,429	2,500
Weighted average interest rate		n/a				n/a	n/a
Financial Liabilities							
Payables	8	-	-	-	-	847	847
						847	847
Net Financial Assets (liabilities)		71	-	-	-	1,582	1,653

Financials

note 12

financial instruments (cont.)

(d) Net fair value of financial assets and liabilities

(i) On-balance sheet

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

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

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

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

	2004		2003	
	Carrying amount \$'000	Net fair value \$'000	Carrying amount \$'000	Net fair value \$'000
On-balance sheet financial instruments				
Financial assets				
Cash	70	70	71	71
Receivables	44	44	39	39
Amount due from related entities	1,374	1,374	2,390	2,390
Non-traded financial assets	1,488	1,488	2,500	2,500
Financial liabilities				
Trade creditors	1,914	1,914	847	847
Lease liabilities	30	30	0	0
Non-traded financial instruments	1,944	1,944	847	847

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

Financials

note 13 ministers and accountable officers

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

Names

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

Attorney-General The Hon. Rob Hulls, MP

1 July 2003 to 30 June 2004

Acting Attorney-General The Hon. Bob Cameron, MP

1 July 2003 to 4 July 2003

13 April 2004 to 16 April 2004

19 June 2004 to 30 June 2004

Acting Attorney-General The Hon. John Landers, MLC

24 December 2003 to 16 January 2004

Secretary to the Department of Justice Penny Armytage

1 July 2003 to 30 June 2004

Acting Secretary to the Department of Justice Alan Clayton

1 July 2003 to 4 July 2003

13 October 2003 to 17 October 2003

15 December 2003 to 9 January 2004

Accountable officer Ms K Robertson

1 July 2002 to 30 June 2003

Remuneration

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

\$150,000 - \$160,000 (\$150,000 - \$160,000 in 2003)

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

Other transactions

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

Financials

note 14 remuneration of executives

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

Income Band	Total Remuneration		Base Remuneration	
	2004	2003	2004	2003
\$100,000 - \$109,999	0	0	0	0
\$110,000 - \$119,999	0	1	0	0
\$120,000 - \$129,999	0	1	1	1
\$130,000-\$139,999	0	0	1	1
\$140,000-\$149,999	2	2	0	0
Total Numbers	2	2	2	2
Total Amount	\$286,082	\$284,604	\$260,024	\$258,545

Other Transactions of Responsible persons and their related entities

There are no related transactions between the Office and Responsible person related entities in 2003-04.

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:

	2004 \$'000	2003 \$'000
Paid as at 30 June	0	0
Payable as at 30 June	13	13
	13	13

Financials

note 16

commitments for expenditure

Capital commitments

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

Lease commitments

	2004	2003
Operating leases	\$'000	\$'000
Commitments for minimum lease payments in relation to cancellable and non cancellable operating leases are payable as follows:		
Within one year	1,546	1,483
Later than one year but not later than 5 years	5,592	5,776
Later than 5 years	0	0
Commitments not recognised in the Financial Statements	<u>7,138</u>	<u>7,259</u>

Finance leases

Commitments in relation to finance leases are payable as follows:

Within 1 year	6	0
Later than one year but not later than 5 years	28	0
Later than 5 years	0	0
Minimum lease payments	<u>34</u>	0
Less: Future finance charges	(4)	0
Total lease liabilities	<u>30</u>	0
Representing lease liabilities		
Current (note 9)	4	0
Non-current (note 9)	<u>26</u>	0
	<u>30</u>	0

The weighted average interest rate implicit in the leases is 6.50% (2003 - nil)

Financials

note 17 employee benefits

	2004 \$'000	2003 \$'000
Employee benefits liabilities		
Provision for employee benefits		
Current		
Annual leave	1,225	1,133
Long Service leave	324	274
	<u>1,549</u>	<u>1,407</u>
Non-current		
Long Service leave	2,920	2,463
	<u>2,920</u>	<u>2,463</u>
Aggregate employee entitlement liability	<u>4,469</u>	<u>3,870</u>

	Number	
Employee numbers		
Average number of employees during the financial year	<u>230</u>	<u>226</u>

As explained in notes 1(n)(ii) and (iii), the amounts for long service leave and superannuation are measured at their present values. The following assumptions were adopted in measuring present values:

	2004	2003
(a) Long service leave		
Weighted average rates of increase in annual employee entitlements to settlement of the liabilities	4.50%	4.75%
Weighted average discount rates	5.64%	4.73%
Weighted average terms to settlement of liabilities	13 years	12 Years

Financials

note 17 employee benefits (cont.)

Government Employees' Superannuation Fund

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

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

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

Fund	Contribution for the Year	Contribution for the Year	Contribution outstanding at Year End	Contribution outstanding at Year End
	2004 \$	2003 \$	2004 \$	2003 \$
S.S.B - Revised Scheme	237,200	247,281	0	0
S.S.B - New Scheme	303,478	300,516	0	0
Vic. Super Scheme	514,546	443,435	0	0
Other private funds	76,085	78,693	0	0
Total contributions to all funds	1,131,309	1,069,925	0	0

The private superannuation funds include:

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

The bases for contributions are determined by the various schemes.

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

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

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

Financials

note 18 reconciliation of results from ordinary activities to net cash inflow from operating activities

	Notes	2004 \$'000	2003 \$'000
Results from ordinary activities		(2,680)	(220)
Depreciation and amortisation	4	380	362
Net loss on sale of non-current assets		0	25
Change in operating assets and liabilities, net of effects from restructuring			
Decrease (increase) in receivables		(5)	16
Decrease (increase) in Amounts Due from Related Entities	6	1,1016	262
Increase (decrease) in trade creditors		958	(140)
Increase (decrease) in Provisions (LSL and AL)		599	(221)
Increase (decrease) in other operating liabilities		1	0
Increase (decrease) in accruals		109	82
Net cash inflow from operating activities		378	166

Financials

note 19 impacts of adopting AASB equivalents to IASB standards

For reporting periods beginning on or after 1 January 2005, all Australian reporting entities are required to adopt the financial reporting requirements of the Australian equivalents to International Financial Reporting Standards (IFRS). This requirement also extends to any comparative financial information included within the report. The first day of the comparative period, 1 July 2004, effectively becomes the transition date for the Office. Any adjustments arising from changes in the recognition or measurement of assets and liabilities at the transition date arising from the adoption of IFRS will be made against accumulated funds at the transition date.

The Office will take the following steps in conjunction with the Department of Justice and the Department of Treasury and Finance in managing the transition to Australian equivalents to IFRS:

- establish a steering committee for the oversight of the transition to and implementation of the Australian equivalents to IFRS;
- review the Office's current accounting policies and the proposed new standards to identify key issues and the likely impacts resulting from the adoption of Australian equivalents to IFRS;
- commence an education and training process for all stakeholders to raise the awareness of the changes in reporting requirements and the process to be undertaken.

The Office has identified a number of changes to the existing accounting policies that may have a material impact on the Office's future financial position and performance following the adoption of the requirements of Australian equivalents to IFRS (the new standards). These include:

- **Valuation of assets.** In accordance with the Victorian Government Policy - Revaluation of Non-Current Physical Assets, the Office currently measures its non-current physical assets, other than plant, equipment and vehicles, at fair value subsequent to initial recognition. Plant, equipment and vehicles are measured on a cost basis. Revaluations are assessed annually and supplemented by independent assessment at least every three years. The new standard continues to offer a choice for measuring each class of non-current physical assets either at cost or at fair value. However, non-current assets measured at fair value will only be required to be revalued at least every three to five years and all assets in a class must be revalued at the same time. The Victorian government has not yet concluded whether it will make any change to the valuation basis of any class of asset or the methodology or frequency at which revaluations are performed. The financial effects of any such changes are unknown.
- **Impairment of assets.** Under the new standards, an asset will be required to be assessed for impairment each year. If the indicators of impairment exist, the carrying value of an asset will need to be assessed to ensure that the carrying value does not exceed its recoverable amount, which is the higher of its value-in-use and fair value less costs to sell. For the Office, value-in-use of an asset is its depreciated replacement cost. Other than inventories, financial assets and assets arising from construction contracts, impairment testing will apply to all assets regardless of whether they are measured on a cost or fair value basis. Where the carrying value of an asset exceeds its recoverable amount, the difference will be written-off as an impairment loss to the statement of financial performance except to the extent that the write-down can be debited to an asset revaluation reserve amount applicable to that asset. Any impairment losses at transition date will be adjusted against the accumulated funds.
- **Finance Leases.** Existing Australian accounting standards require a lessee of a finance lease to recognise a lease asset and a lease liability equal to the present value of minimum lease payments at the beginning of the lease term. Under the new standard on leases, the assets and liability recognition would be equal to the lower of the present value of minimum lease payments and fair value of the leased asset. This may result in a write down of the Office's lease assets and liabilities at the date of transition if the present value of minimum lease payments exceeds the fair value of the leased asset with the resulting adjustment made against accumulated funds. In addition, the guidance on whether a lease is a finance lease or operating lease is less prescriptive and there is a greater emphasis on the substance of the transaction when making a judgement.
- In addition, a number of changes in requirements have been identified which are expected to lead to changes in methodology or processes, increased disclosures and possible changes in measurement of assets or liabilities. The changes are not expected to have a material impact.

Financials

accountable officer's declaration

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

We certify that the attached financial statements for the Office of Public Prosecutions have been prepared in accordance with the Standing Direction 4.2 of the *Financial Management Act 1994*, applicable Financial reporting Directions, Australian accounting standards and other mandatory professional reporting requirements.

We further state that, in our opinion, the information set out in the statement of financial performance, statement of financial position, statement of cash flows and notes to and forming part of the financial statements, present fairly the financial transactions during the year ended 30 June 2004 and financial position of the Office as at 30 June 2004.

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



Tony Rodgers
Chief Finance and Accounting Officer
Office of Public Prosecutions

Melbourne
Date 15 September 2004



Kay Robertson
Solicitor for Public Prosecutions
Office of Public Prosecutions

Melbourne
Date 15 September 2004

Financials

auditor general's report



AUDITOR GENERAL
VICTORIA

AUDITOR-GENERAL'S REPORT

To the Members of the Parliament of Victoria, the responsible Minister 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 2004, comprising statement of financial performance, statement of financial position, statement of cash flows and notes to the financial statements, has been audited. The Solicitor for Public Prosecutions is responsible for the preparation and presentation of the financial report and the information it contains. An independent audit of the financial report has been carried out in order to express an opinion on it to the Members of the Parliament of Victoria, responsible Minister and Solicitor for Public Prosecutions as required by the *Audit Act 1994*.

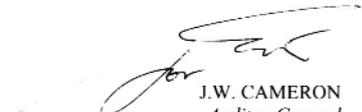
The audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the financial report is free of material misstatement. The audit procedures included an examination, on a test basis, of evidence supporting the amounts and other disclosures in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

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

Audit Opinion

In my opinion, the financial report presents fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia, and the financial reporting requirements of the *Financial Management Act 1994*, the financial position of the Office of Public Prosecutions as at 30 June 2004 and its financial performance and cash flows for the year then ended.

MELBOURNE
15 September 2004



J.W. CAMERON
Auditor-General

Financials

five year performance summary

	2004 \$'000	2003 \$'000	2002 \$'000	2001 \$'000	2000 \$'000
Total Revenue	24,979	23,894	23,005	21,970	20,979
Net Result form Operating Activities	(2,680)	-215.5	437	(79)	(399)
Net Cash Flow	378	166	153	193	131
Total Assets	3,710	4,681	5,176	2,553	2,829
Total Liabilities	6,428	4,731	5,010	4,370	4,549

compliance index

Compliance index to Disclosure Requirements 2003/2004

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

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