



Annual Report 2005-2006

Director of Public Prosecutions

Committee for Public Prosecutions

Office of Public Prosecutions



Paul Coghlan QC
Director

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 2005 to 30 June 2006, comprising:

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

Yours faithfully,

PAUL COGHLAN Q.C.

Director of Public Prosecutions.

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director of public prosecutions report

I think all of us involved in the D.P.P./O.P.P. organisation would marvel at how quickly the last twelve months have passed.

This is mostly a reflection of how busy the organisation is and the extent to which we all apply ourselves to the tasks at hand.

I observed in the last report that the work arising out of the CEJA and Purana taskforces continued and it still does.

The time has not yet arrived for a complete analysis of the work but I believe the organisation can be greatly satisfied both as to the work which has been done and with what has been achieved.

It is reasonable to say that we have regularised our financial arrangement with the Department of Justice and we are committed to an on-going assessment of our work and the costs associated with it. There is a firm commitment to continuous improvement in the way we go about our work.

We have special funding for some areas of our work especially those relating to organised crime, corruption and confiscation. That additional funding is both welcome and necessary.

It must always be borne in mind that as an organisation we are subject to pressures arising both out of work which comes in and the work which goes out. To that extent the work of the police on the

one hand and the courts on the other effects what we do.

As both the police and the courts increase their productivity we simply have to be in a position to respond. Much planning does and will continue to go into managing those pressures.

The work in the confiscation of assets area has increased greatly. The number of staff has been increased accordingly. Much work is being done to settle the law in many areas associated with that part of the practice and I anticipate that it will extend through 2006 to 2007.

In the area of asset confiscation we have recruited a number of senior lawyers whose background is essentially civil and their contribution has been welcome and is challenging.

We are also challenged by the number of successful appeals by accused to the Court of Appeal, which give rise to re-trials; we are constantly looking at strategies for how those numbers can be reduced.

The difficulty is that there is no single cause. Different matters arise in nearly every case.

For our part, it is important that we ensure that as much assistance as possible is given to trial judges whose task becomes increasingly complex and

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difficult. Our ability to make Crown Prosecutors more generally available is important.

The staff of the O.P.P. is still relatively junior. The will and dedication of the staff is outstanding. The staff willingly supply me with a summary of every sentence in Victoria in the cases which we run.

In the last year, I reviewed over 1000 sentences. That work leads me into a great deal of personal contact with victims.

Last year I went to a meeting of the International Association of Prosecutors about victims. It is interesting to note that prosecution agencies around the world are now vitally interested in the views of victims and concerned about what happens to them.

Here we continue our work particularly through our Witness Assistance Service (WAS) which is an integral part of the Organisation. I take the opportunity to acknowledge the tireless dedicated work done by WAS. I again express our commitment to the needs of victims.

I have personally been involved in a number of groups concerned with the reform of the laws. In particular, I have been involved in the discussions relating to the reform of sexual offences and the Crimes Act generally.

The outcome for the dealing with child victims of sexual offences is a particularly pleasing one and in the future the Office will have a specialised unit to deal with sexual offending against children.

I have also had the opportunity to attend round table discussions at the Law Reform Commission in relation to homicide and bail. The office has had continued involvement in relation to the Uniform Evidence Act reference.

I have made a number of appearances before relevant Parliamentary Committees.

Stephen Carisbrooke has continued as Acting Solicitor through the whole year. Stephen has had substantial responsibility for our dealings with the Department of Justice. He has continued to show great diligence and good will in carrying out his duties. I thank him for it.

Julian Leckie S.C. one of the Senior Crown Prosecutors was appointed to the County Court and we all wish him well and thank him for his contribution while in Prosecutors' Chambers.

I reported last year of the appointment of our friend Bill Morgan-Payler Q.C. to the County Court. He died on 10 June 2006.

The loss to his family and friends is great. His life time contribution to the law and those subject to it should never be

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underrated. His promise as a judge had become clearly evident in the short time he served on the Bench.

Prosecutors Chambers are down on numbers. The question of recruiting more Crown Prosecutors in the future is being addressed.

I receive great support from everyone in the organisation. The Chief Crown Prosecutor and all the Prosecutors show great loyalty and support. I enjoy all dealing with the whole staff. In particular I am grateful for the support of my Associate, Rose Coombs.

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 occupied by Julian Gardner.

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.

There were no meetings held during the relevant period.

office of public prosecution's report

Objectives and Functions

The Office of Public Prosecutions (OPP) is established under Section 40 of the Public Prosecutions Act 1994. The OPP consists of the Solicitor for Public Prosecutions and other staff who are necessary to enable the Office to do its work.

The Solicitor is appointed by the Governor in Council under Section 37 of the Public Prosecutions Act 1994 and is subject to the Public Sector Management and Employment Act 1998 as if he or she were a Department Head within the meaning of the Act.

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

The OPP also acts on behalf of the Director in committal proceedings, coronial inquests, confiscation proceedings and ancillary proceedings.

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

The OPP has an additional function to assist the Committee for Public Prosecutions.

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

Overview

The OPP received an increase in funding following a service level review in the previous year. Although we were not successful in obtaining the full amount recommended by the review, there was a welcome increase to the budget base which enabled the employment of additional staff, particularly in the Assets Confiscation, Organised Crime and General Prosecutions sections.

The OPP also received funding for a review of business process and Information Technology support. That review is to take place shortly.

As a result of the extra staff, it was necessary to find additional accommodation as 565 Lonsdale Street was already short of space.

A number of options were looked at and we were eventually able to lease a floor of 575 Bourke Street, which had been recently vacated by a firm of solicitors.

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The Assets Confiscation and Circuit Sections are now operating from that building. Special thanks are due to Ken Dickson and Paul Tobin, who sorted out all of the logistical problems involved in such a move and to the affected staff who put up with the disruption with good humour.

The OPP has been involved in a number of projects overseen by the Department of Justice including the Criminal Law Justice Statement Review, a major project involving the overhaul of the Crimes Act.

The Director and Acting Solicitor were members of the Sexual Assault Advisory Committee which oversaw a number of legislative proposals aimed at reforming the criminal justice response to sexual assault.

The OPP continued to be involved in the Criminal Justice Enhancement Project and development of the electronic brief. We have started sending presentments in electronic format to the County Court.

The Office conducted a number of high profile prosecutions during the year including cases prosecuted by the Organised Crime Section arising out of investigations by the Purana Task Force.

The Salt Nightclub case was possibly the largest murder case ever prosecuted by the OPP in terms of numbers of accused persons and length of trial.

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

I was Acting Solicitor for the whole of the period; Angela Cannon has since been appointed Solicitor for Public Prosecutions as from 12 July 2006.

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 2005-06

Following the enactment of the Major Crime Legislation (Seizure of Assets) Act 2004 ("the 2004 Act") additional funding was made available to OPP in 2005 which enabled the recruitment to the Confiscation Section of a number of senior lawyers skilled in civil litigation. This was

necessary to complement the increasing level of work coming through from Victoria Police, and to implement the new provisions of the legislation.

During the reporting period the Director obtained 227 new Restraining Orders, of which 9 were for the purpose of Civil Forfeiture pursuant to the new civil forfeiture provisions of the 2004 Act. These figures represent a 37% increase over the number of Restraining Orders obtained in the previous year. It is to be noted that a number of matters that might have been dealt with as Civil Forfeiture applications, proceeded as "automatic forfeiture" applications under the conviction based provisions, when it became apparent that there was sufficient evidence to charge persons with relevant offences.

Consistent with the trend reported in previous years, approximately one third of all restraining orders were for the purpose of freezing the assets of alleged offenders, to pay compensation orders made in favour of victims pursuant to the Sentencing Act 1991. This provision is unique to the Victorian legislation, and enables victims of crime to have some ability to recover damages from persons convicted of offences against them.

There is accumulating evidence that the increased use of the Confiscation Act proceedings is impacting on organised

Legal functions

crime. Significant assets belonging to alleged major crime figures have been identified and frozen, and there is considerably more contested confiscation litigation occurring in the County and Supreme courts. In total more than 1400 separate hearings were listed in the County and Supreme Courts during the reporting period.

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 133 occasions either wholly or in part.

Indemnities from Prosecution, Undertakings or Letters of Comfort

Director's undertakings, indemnities or letter of comfort were issued to a total of 42 witnesses who gave evidence against 58 accused in 42 separate matters.

Consents to Prosecute

In the period under review, the Director of Public Prosecutions consented to file presentments in relation to 8 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, 21 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.

One consent was granted by the Director for the commencement of a prosecution pursuant to s.92 (2) Estate Agents Act 1980, and none pursuant to s129 Adoption Act 1984 or ss 3(4) or 4(4) Judicial Proceedings Reports Act 1958.

Extraditions and Interstate Transfer

Interstate extradition proceedings were undertaken for the return to Victoria of 11 persons charged with various offences.

One application was 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 132 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

Legal functions

considered by this Office and a recommendation is made as to whether criminal charges should be laid. In the relevant period, there were 4 such referrals.

The Coroner may request, and the Director may agree to allow counsel to appear to assist the Coroner in any Inquests under the Coroners Act 1985. In the relevant period, there were 15 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 sixteen cases to institute an appeal on behalf of Police Informants and conducted such appeals in fourteen cases.

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

Thirteen s.92 Appeals were completed in the Supreme Court and one application to the Court of Appeal was completed.

One s.92 Appeal to the Court of Appeal is pending as at 30 June 2006.

Contempt of Court

A number of publications during the reporting period were brought to the attention of the Director for possible prosecution, either for contempt of court or for breaching suppression orders made by the courts pursuant to statute.

There is some concern that the number of cases where insufficient care has been taken in the reporting of matters that are either sub-judice, or the subject of suppression orders, is on the increase.

Two major prosecutions were commenced in 2005-2006. In one case, which involved 15 defendants both corporate and individual, charged with breaching the reporting provisions of the Children and Young Persons Act, a number of convictions were recorded and fines imposed. This case is the subject of appeal.

Another case has been commenced against a major newspaper publisher for alleged contempt of court in respect of criminal proceedings still pending. This case is yet to proceed.

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 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, the Director filed one application for special leave to appeal; the application was refused.

The Director was respondent in sixteen applications for special leave heard during the reporting period, of which three were allowed and twelve were refused. A further matter was adjourned, and

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remained so at the end of the reporting period.

The Director was respondent in one appeal heard by the Court during the reporting period, judgment remained reserved at the end of reporting period.

Court of Appeals (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, 26 Director's appeals pursuant to section 567A of the Crimes Act 1958 were heard. Of those appeals, 12 were dismissed and 14 were allowed. A further two appeals were abandoned and two were removed from the list. The details of each appeal are as follows:

The court dismissed an appeal against a sentence of three months imprisonment wholly suspended for 12 months imposed upon Lee Patrick Torney for one count of cultivating a narcotic plant (cannabis), one count of handling stolen goods, and two counts of possessing a firearm while prohibited.

The court dismissed an appeal against a sentence of imprisonment of one year wholly suspended for two years imposed upon Kadine Gebremeskel for one count of intentionally causing serious injury.

The court dismissed an appeal against a sentence of an intensive correction order for one year imposed upon Jason Thomas Roe for one count of armed robbery and one count of intentionally causing serious injury.

The court allowed an appeal against a sentence of imprisonment of 13 years and

Appeals

three months with a non-parole period of 11 years and three months imposed upon Luigi Vivona for one count of rape, one count of aggravated burglary, two counts of false imprisonment, two counts of armed robbery and five counts of indecent assault. A new sentence of 17 years' imprisonment with a non-parole period of 14 years was substituted.

The court allowed an appeal against a sentence of imprisonment of two years and three months with a non-parole period of 10 months imposed upon Phillip Josefski for one count of failing to stop, one count of failing to render assistance and one count of conspiracy to pervert the course of justice. A new sentence of two years and three months with a non-parole period of 18 months was substituted.

The court dismissed an appeal against a sentence of five years imprisonment with a non-parole period of two years and 10 months imposed upon Shane Leigh Lovett for one count of recklessly causing serious injury.

The court dismissed an appeal against a sentence of two years imprisonment with a non-parole period of six months imposed upon Brian James Taylor for one count of intentionally causing serious injury.

The court dismissed appeals against sentences of two-year community based orders without convictions imposed upon Rehavo Leviev and Leonid Poel for two counts of theft, two counts of criminal damage and one count of burglary each.

The court allowed an appeal against a

sentence of three years imprisonment, with two years and six months suspended for three years, and a concurrent one-year combined custody and treatment order, imposed upon Ricky Dion Gray for two counts of intentionally causing serious injury. A new sentence of three years imprisonment with a non-parole period of 12 months was substituted.

The court dismissed appeals against sentences of three years imprisonment with non-parole periods of one year imposed upon Murray James Miller and John Dennis Rose. Both sentences related to convictions for two counts of armed robbery, one count of intentionally causing injury, and one count of possessing a drug of dependence. Miller's sentence also related to two convictions for possessing a registered firearm while prohibited, whereas Rose's sentence also related to one conviction for using a registered firearm while prohibited.

The court allowed an appeal against a sentence of three years imprisonment with a non-parole period of one year imposed upon DJT for one count of attempted armed robbery. A new sentence of four years imprisonment with a non-parole period of one year was substituted.

The court dismissed an appeal against a sentence of a \$4350 fine without conviction imposed upon Christopher Gerald Marks for one count of misconduct in public office, one count of possessing a drug of dependence and one count of using a drug of dependence.

The court allowed in part an appeal against a sentence of an \$8000 fine

Appeals

without conviction imposed upon Mehmet Kose for three counts of obtaining a financial advantage by deception. The appeal was allowed so as to correct the record to sentence Kose as a continuing criminal enterprise offender, but Kose was otherwise re-sentenced in identical terms.

The court dismissed an appeal against a sentence of imprisonment of three years and six months with a non-parole period of two years imposed upon Yen Hoang Duong for two counts of cultivating a commercial quantity of cannabis and two counts of theft.

The court allowed an appeal against a sentence of imprisonment of six years and six months with a non-parole period of four years imposed upon Jake Matthew McCloy for one count of recklessly causing serious injury, two counts of threats to kill, one count of attempted rape, five counts of rape and one count of indecent assault. A new sentence of eight years imprisonment with a non-parole period of five years was substituted.

The court allowed an appeal against the quantum of \$20,000 and \$15,000 compensation orders for pain and suffering made against Energy Brix Australia Corporation Pty Ltd. New compensation orders for \$50,000 and \$35,000 were substituted.

The court allowed an appeal against a sentence of imprisonment of two years and three months with one year and nine months suspended for three years, imposed upon Peter John Toomey for 10 counts of indecent assault with a male under the age of 16. A new sentence of

imprisonment of four years and three months with a non-parole period of two years and six months was substituted.

The court allowed an appeal against a sentence of three years imprisonment with two years suspended for three years imposed upon Frank Gerard Klep for 14 counts of indecent assault with a male under the age of 16. A new sentence of imprisonment of five years and 10 months with a non-parole period of three years and six months was substituted.

The court allowed an appeal against a sentence of eight months imprisonment wholly suspended for 15 months and a 12-month community based order and six-month good behaviour bond imposed upon Howard Carl Hooker for one count of intentionally causing serious injury, one count of recklessly causing injury and one count of unlawful assault. A new sentence of imprisonment of two years and six months wholly suspended for two years and six months with a one-year community based order and six-month good behaviour bond was substituted.

The court dismissed an appeal against a sentence of four months detention in a youth training centre imposed upon James Mitchell for one count of affray, one count of intentionally causing serious injury, two counts of intentionally causing injury and one count of handling stolen goods.

The court allowed an appeal against a sentence of four years imprisonment with a non-parole period of three years and a fine of \$300 imposed upon Frank Harry Short for four counts of rape, one count of

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common assault and one count of intentionally causing injury. A new sentence of six years imprisonment with a non-parole period of four years and six months and a \$300 fine was substituted.

The court allowed an appeal against a sentence of three years imprisonment wholly suspended for three years imposed upon Taban William Gany for four counts of negligently causing serious injury and one count of reckless conduct endangering persons. A new sentence of imprisonment of three years and six months with a non-parole period of one year and nine months was substituted.

The court allowed an appeal against a sentence of an intensive correction order for one year imposed upon Craig Andrew Bright for one count of arson. A new sentence of imprisonment of three years and six months with a non-parole period of two years and six months was substituted.

The court allowed an appeal against a sentence of three years and three months imprisonment with two years and six months suspended for three years imposed upon Leith Richard Adams for 21 counts of theft and three counts of using a false document. A new sentence of imprisonment of three years and six months with a non-parole period of two years was substituted.

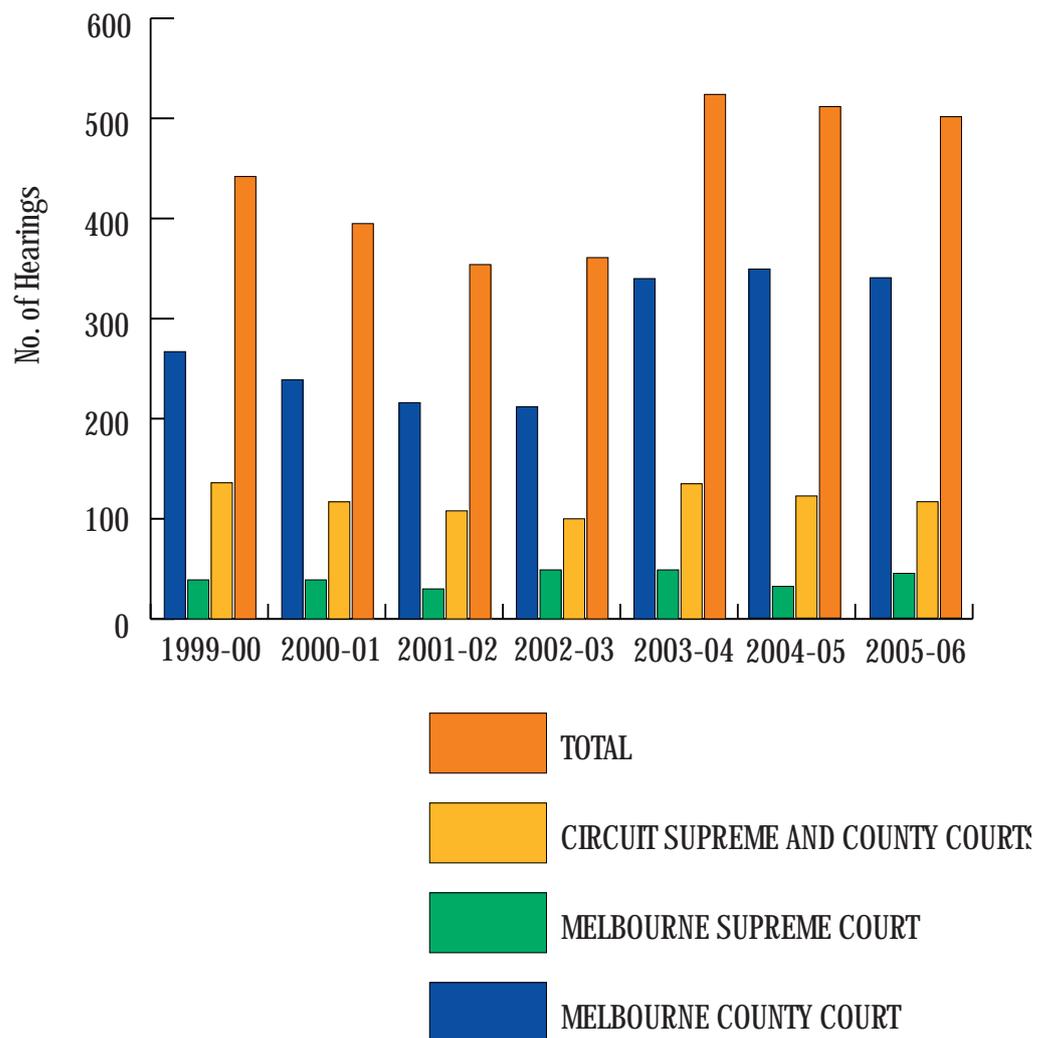
The Director proposed to appeal against a sentence of three years imprisonment wholly suspended for three years imposed upon Mark Clifford Hayden for one count of trafficking in a drug of dependence (pseudoephedrine) and one

count of falsifying a document. However, the notice of appeal was not served in time and an application for an extension of time within which to serve the notice was refused by the Court of Appeal.

Appendix A

trials conducted

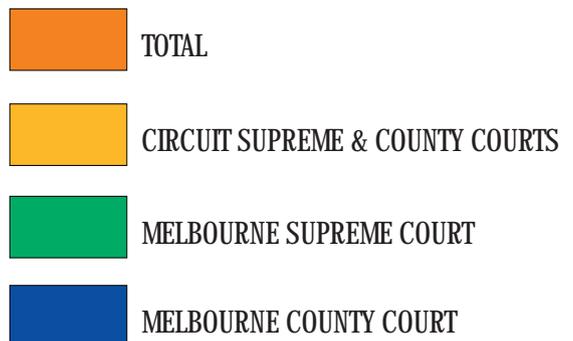
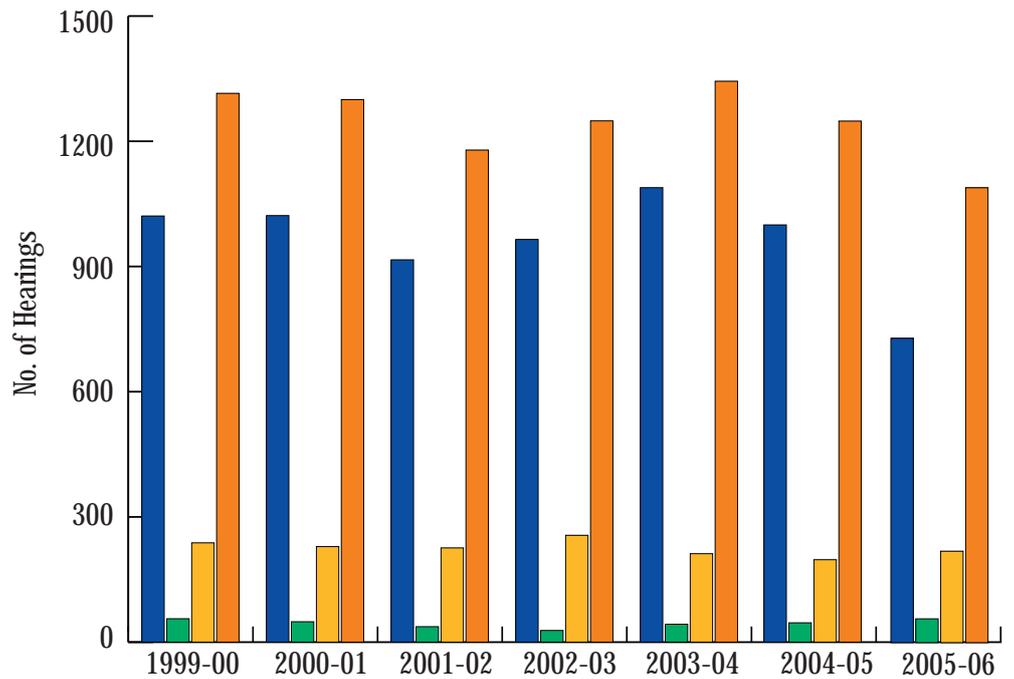
YEAR	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
MELBOURNE COUNTY COURT	267	239	216	212	340	355	341
MELBOURNE SUPREME COURT	39	39	30	49	49	32	43
CIRCUIT SUPREME AND COUNTY COURTS	136	117	108	100	135	124	118
TOTAL	442	395	354	361	524	511	502



Appendix A

plea of guilty hearings conducted

YEAR	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
MELBOURNE COUNTY COURT	1021	1022	916	965	1089	1005	828
MELBOURNE SUPREME COURT	56	49	37	28	43	48	63
CIRCUIT SUPREME & COUNTY COURTS	238	229	226	256	212	197	218
TOTAL	1315	1300	1179	1249	1344	1250	1109



Appendix A

outputs

Judge sittings days - County Court and Supreme Court	7149
Number of Appeals lodged in the Court of Appeal and the High Court	502
Number of filing hearings - Magistrates Court.	2820

These are new outputs for this financial year previously the output was Briefs prepared and Hearings attended see Appendix B.

Appendix A

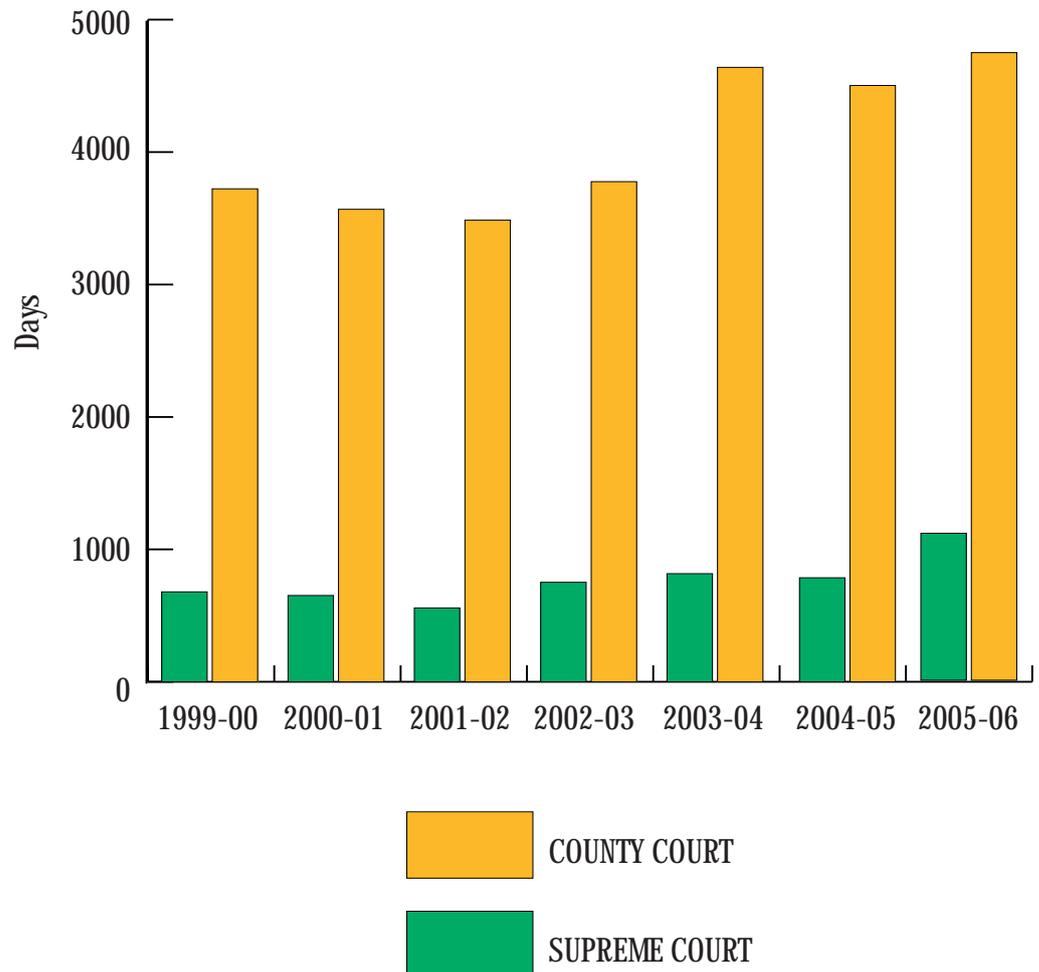
case outcomes as a percentage of total case disposals

YEAR	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
GUILTY PLEAS PRE-TRIAL	63.6%	66.4%	68.0%	68.1%	60.5%	57%	55.9%
GUILTY PLEAS LISTED AS TRIALS	6.7%	5.8%	5.3%	5.7%	9.8%	10%	9.3%
GUILTY PLEAS (TOTAL) AS A % OF DISPOSALS	70.3%	72.2%	73.3%	73.8%	70.3%	67%	65.2%
TRIAL - CONVICTION	14.0%	14.4%	14.0%	12.9%	16.1%	15%	17.1%
TRIAL - ACQUITTAL	9.6%	8.1%	8.0%	8.4%	11.3%	12%	12.2%
TRIALS (TOTAL) AS A % OF DISPOSALS	23.6%	22.5%	22.0%	21.3%	27.4%	27%	29.3%
OTHER DISPOSALS		6.1%	5.4%	4.7%	4.9%	2.4%	5.5%
GUILTY AS A % TRIAL OUTCOMES	59.3%	64.1%	64.0%	60.7%	58.8%	56%	58.4%
ACQUITTALS AS A % OF TRIAL OUTCOMES	40.7%	35.9%	36.0%	39.3%	41.2%	44%	41.6%
GUILTY OUTCOME AS A % OF TOTAL CASES	84.3%	86.6%	87.3%	86.7%	86.4%	82%	82.3%

Appendix A

judge sitting days

YEAR	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
SUPREME COURT	679	652	558	752	817	809	1158
COUNTY COURT	3723	3568	3486	3777	4640	4558	4733

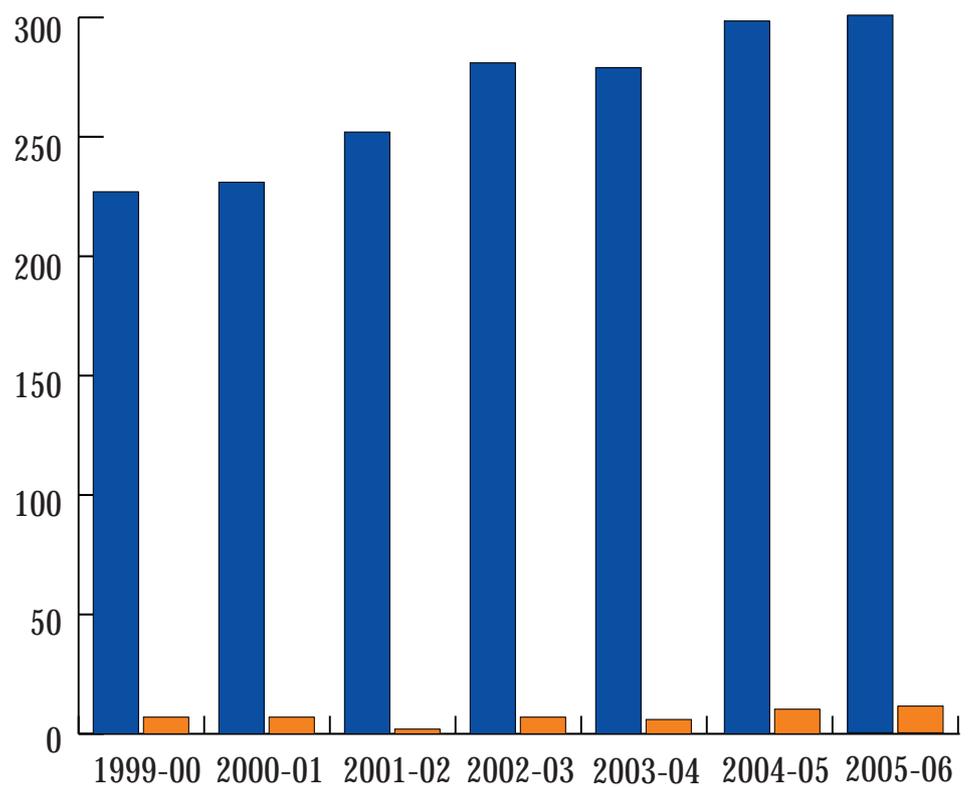


Appendix A

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

YEAR	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
COURT OF APPEAL/SUPREME COURT	227	231	252	281	279	296	302
HIGH COURT	7	7	2	7	6	10	11

NOTE: High Court includes applications for Leave to Appeal



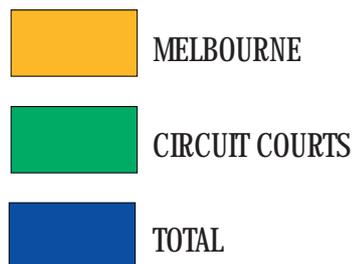
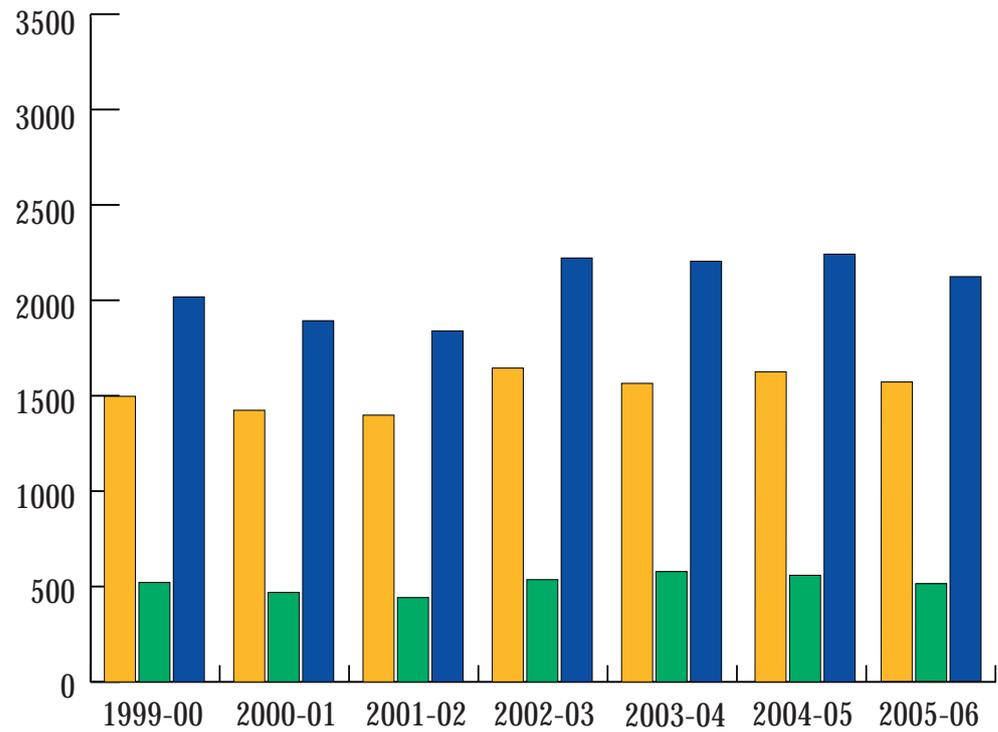
 HIGH COURT

 COURT OF APPEAL / SUPREME COURT

Appendix A

county court appeals completed

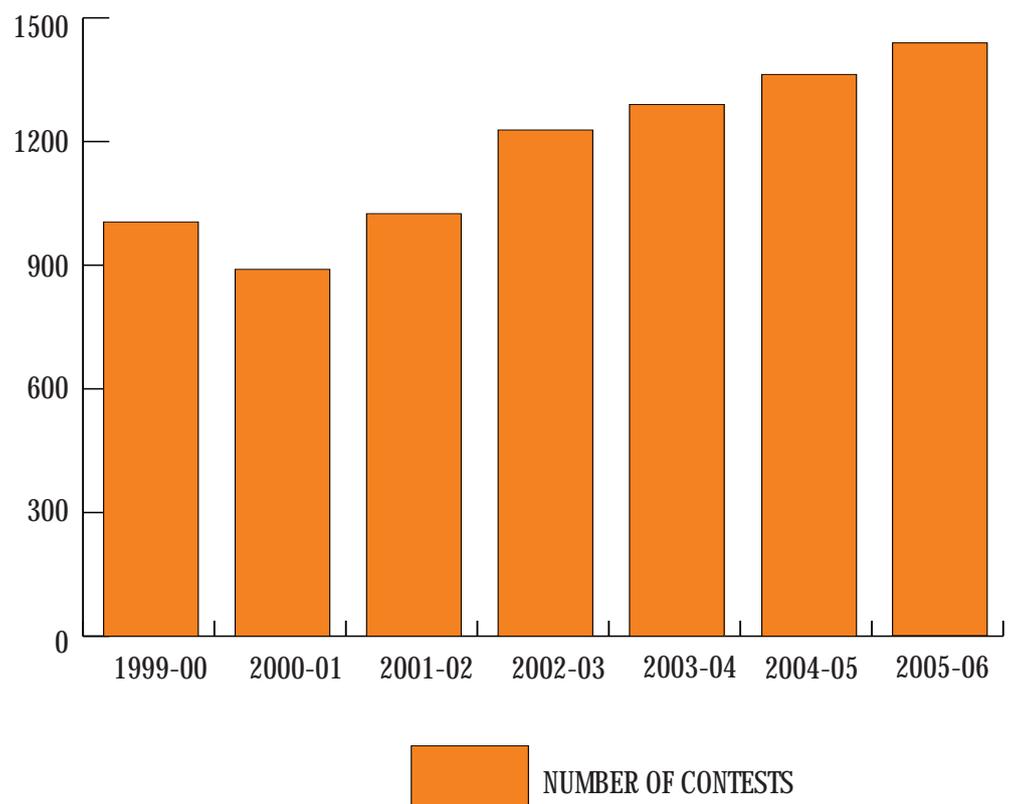
YEAR	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
MELBOURNE	1497	1424	1398	1645	1565	1620	1587
CIRCUIT COURTS	521	469	442	577	640	628	542
TOTAL	2018	1893	1840	2222	2205	2248	2129



Appendix A

contested committals

YEAR	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
NUMBER OF CONTESTS	1005	890	1025	1228	1290	1378	1468

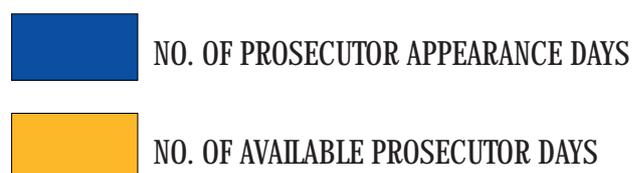
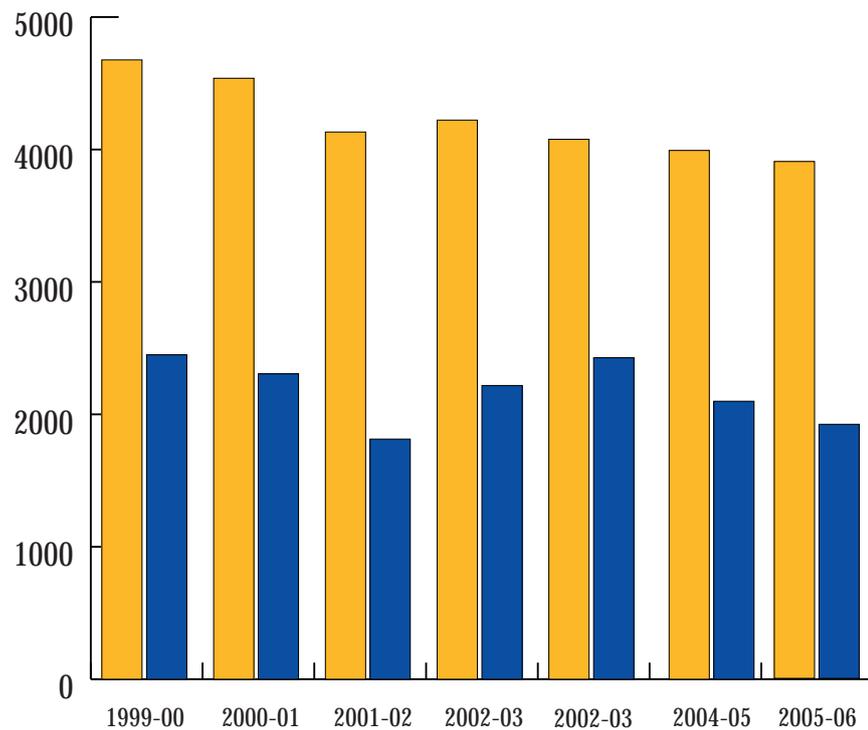


Appendix A

prosecutor appearance rates

YEAR	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
NO. OF AVAILABLE PROSECUTOR DAYS	4677	4538	4132	4222	4077	3862	3751
NO. OF PROSECUTOR APPEARANCE DAYS	2450	2306	1813	2218	2428	2106	1904
% APPEARANCE DAYS/ AVAILABLE DAYS	52.38%	50.82%	43.88%	52.53%	59.55%	54.50%	50.80%

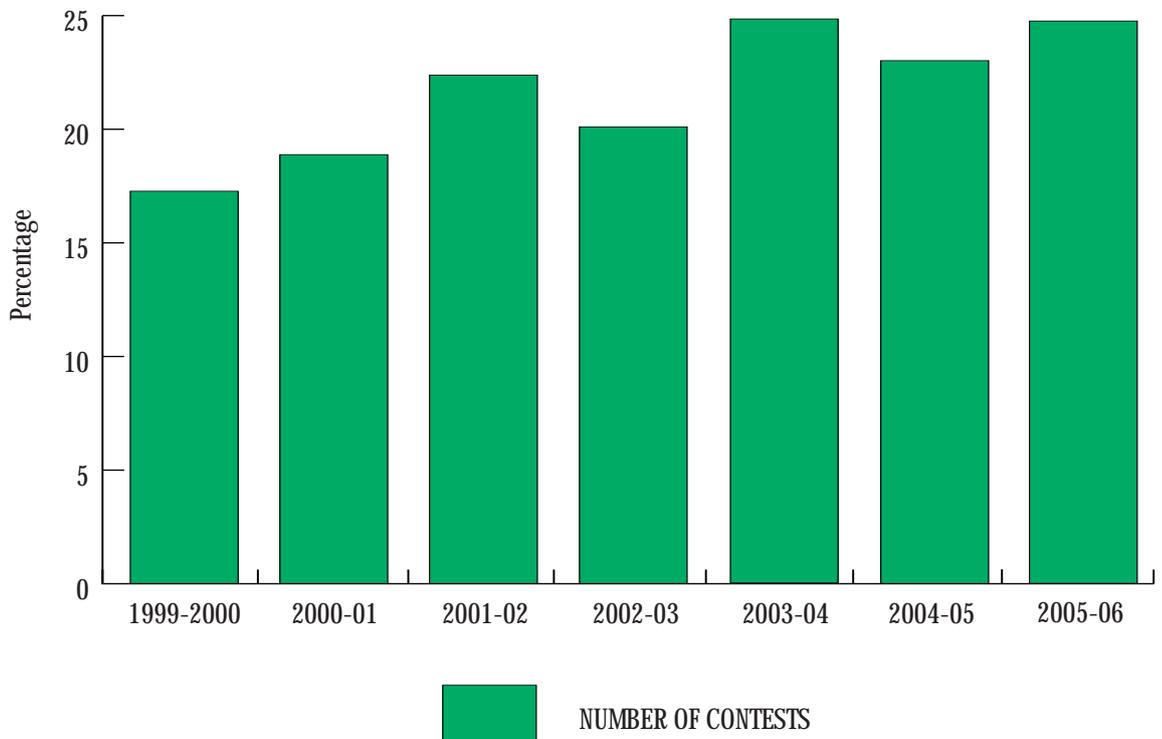
*NOTE: (1) These figures do not allow for leave, chambers work or preparation. They represent the number of appearances as a % of the total available court days multiplied by the number of Prosecutors.



Appendix A

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

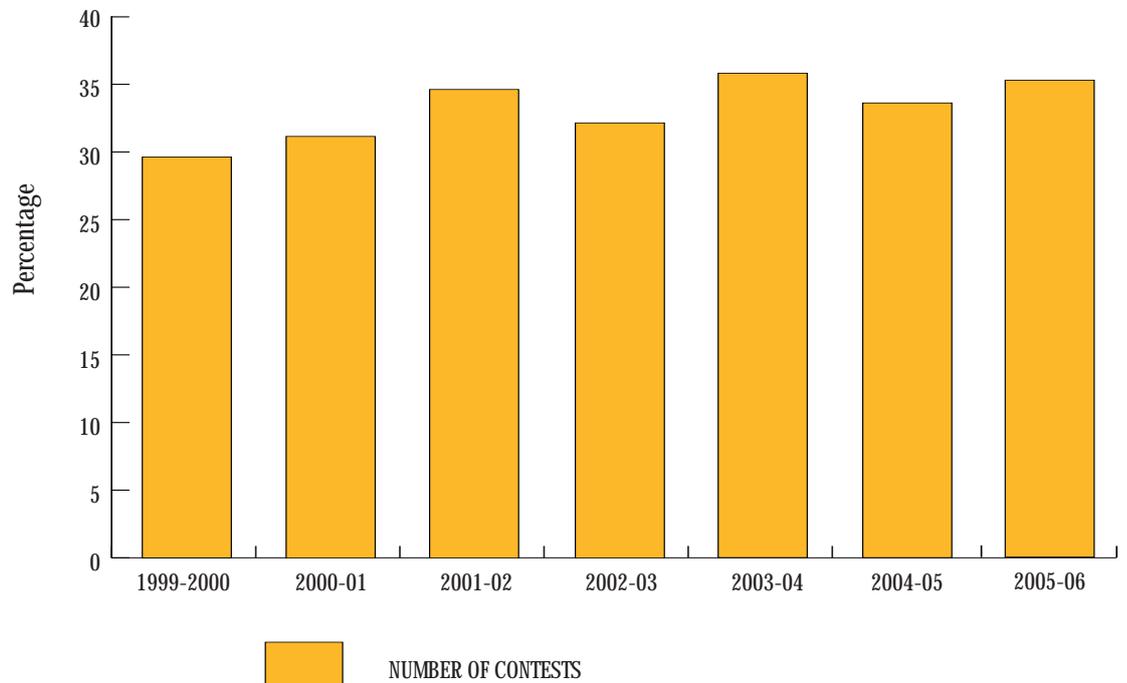
YEAR	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
EXTERNAL COUNSEL FEES	\$3,710,000	\$4,138,788	\$5,031,000	\$4,830,242	\$6,829,637	\$7,189,758	\$8,609,021
TOTAL EXPENDITURE	\$21,477,000	\$21,921,078	\$22,477,000	\$23,943,457	\$27,495,512	\$31,177,283	\$34,791,934
PERCENTAGE	17.27%	18.88%	22.38%	20.17%	24.84%	23.06%	24.74%



Appendix A

counsel appearance costs as a percentage of total recurrent expenditure

YEAR	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
APPEARANCE COSTS	\$6,363,000	\$6,828,109	\$7,782,000	\$7,859,016	\$9,837,972	\$10,474,106	\$12,273,586
TOTAL EXPENDITURE	\$21,477,000	\$21,921,078	\$22,477,000	\$23,943,457	\$27,495,512	\$31,177,283	\$34,791,934
PERCENTAGE	29.63%	31.15%	34.62%	32.82%	35.78%	33.60%	35.28%



Appendix A

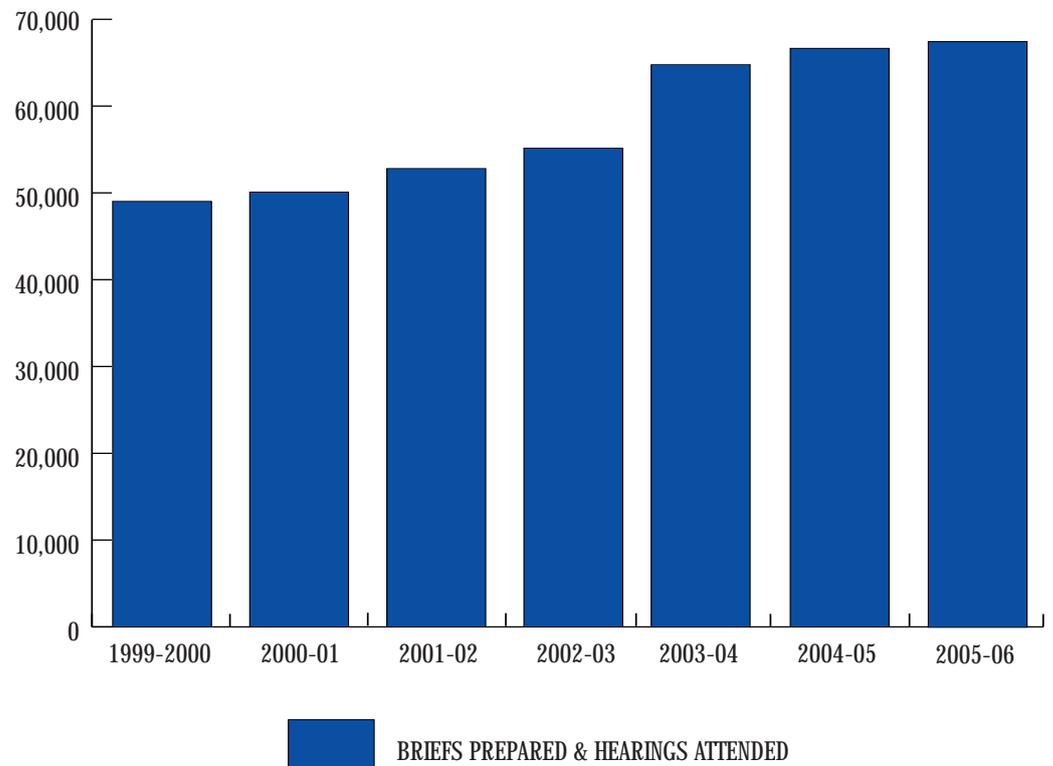
approximate average cost per matter prosecuted expressed in full cost and accrual terms

YEAR	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
APPROXIMATE COST	\$2,785	\$2,973	\$3,022	\$2,968	\$3,276	\$3,644	\$4,314

Appendix B

briefs prepared and hearings attended

YEAR	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
BRIEFS PREPARED & HEARINGS ATTENDED	49020	50097	52800	56525	64767	66413	67570
AVERAGE NUMBER PER STAFF	248.8	249.2	258.7	271.8	305.5	281.0	301.7



Appendix C

witness assistance case referrals with special needs

WITNESS CATEGORY	NUMBER
Child 10 to 16	505
Child under 10	118
Drug, Alcohol & Substance user	40
Hearing Impaired	12
Intellectual disability	44
NESB	165
Other	29
Physical disability	33
Psychiatric Disability	45
Requires Interpreter	42
Sight Impaired	2
TOTAL	1035

Appendix C

witness assistance case referrals by category

CATEGORY	REFERRALS
Adult sexual assault	200
Armed robbery	37
Arson	2
Attempted murder	35
Burglary	14
CSA – Adult	144
CSA – Child	305
Culpable driving	54
Dangerous Driving Causing Death	1
Fraud	14
Murder-Mental Impairment Review	20
Murder/Homicide	152
Other	40
Physical assault – Adult	162
Physical assault – Child	15
Theft	8
Threat to kill	6
TOTAL	1209

Appendix D

freedom of information

Freedom of Information Requests During the Year

There were 24 requests under the Freedom of Information Act 1982 received by the Office of Public Prosecutions in the year ended 30 June 2006.

The results of those requests were as follows:

Requests transferred to Victoria Police	0
Requests transferred to other Agencies	1
Request relating to documents not held	2
Access granted in full or in part	15
Access denied in full or in part	3
Further particulars sought in relation to request	1
Access not finalised at end of reporting period	1
Request withdraw	1
Total	24

Applications for Internal Review

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

VCAT Review

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

Freedom of Information Processes

Categories of Documents

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

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

Appendix D

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

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

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

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

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

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

The Director's Files cover a variety of

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

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

Access Arrangements

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

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

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

Sometimes the Office cannot grant full or

Appendix D

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

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

Charges under the Act

The Act specifies that access to information be provided at the lowest reasonable cost. The charges were amended by the Freedom of Information (Access Charges) Regulations 1993 that came into force on 1 July 1993. These charges are now:-

- Application Fee: A request must be accompanied by a fee of \$21.00;
- Search Fees: where the Office has to identify and locate documents - \$20.00 per hour (minimum \$5.00);
- Supervision Fees: where a document is inspected by an Applicant within the Office - \$10.00 per hour;
- Photocopy Fees: 50 cents per A4 page;
- Deposits: a deposit of \$25.00 may be requested before the Office will grant access, if the calculated charge does not exceed \$100, or if the calculated

charge exceeds \$100.00, 50% of the calculated charge.

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

Amendment of Personal Records

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

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

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

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

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

(a) the findings on any material questions of fact, the material on which those

Appendix D

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 Administration Act 2004, the Solicitor for Public Prosecutions reports in compliance with the Directions issued by the Commissioner pursuant to s.45(1)(d) 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 2006

Employment Status	Male	Female	Total Staff	Variation from previous year
Permanent	89	133.9	222.9	+4.9
Temporary	1	2.8	3.8	-4.2
Casual	-	-	-	-

Notes:

1 Includes only staff on the payroll as at 30 June 2006.

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

3 Staffing figures include 2 Executive Officers.

4 Staffing figures do not include 21 Governor in Council appointees. (Director, Solicitor, Crown Prosecutors)

5 Staffing figures do not include 6 Articled Clerks.

Table 2 – Classifications by gender as at 30 June 2006

Classification	Full-Time			Variation from previous year	Part-Time			Variation from previous year
	Male	Female	Total		Male	Female	Total	
Grade 6	29	14	43	+6	0	3.5	3.5	+2.5
Grade 5	22	20	42	-3	0	5.4	5.4	-1.2
Grade 4	11	16	27	+2	0	0.6	0.6	-0.2
Grade 3	13	31	44	+5	0	.8	.8	0
Grade 2	7	26	33	-7	0	2.6	2.6	+0.8
Grade 1	6	15	21	-5	0	1.8	1	+0.8
Sub-Total	88	122	210	-2	0	13.9	13.9	+2.7

Notes:

1 Includes all temporary staff.

2 Figures do not include 6 Articled Clerks.

3 Figures do not include 21 Governor-In-Council appointments.

4 Figures do not include 2 Executive Officers.

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

Appendix E

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

Classification	Male	Variation from previous year	Female	Variation from previous year	Total	Variation from previous year
E0-3	2	-	2	-		
E0-2	-	-	-	-		
E0-1	-	-	-	-		
Total	2	-	2	-		

Merit and Equity Programs

Selecting on Merit

The Acting Solicitor for Public Prosecutions made 6 appointments without general advertisement during the 2005/06 financial year. All of these appointments were as a result of appointing candidates to positions with identical duties and requirements to those of positions advertised in the Victorian Public Service Notices.

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

Reviewing Personal Grievances

The Office of Public Prosecutions received one Personal Grievance Application during the 2005/06 financial year, all of which were related to promotional opportunities.

Managing & Valuing Diversity

The Office of Public Prosecutions was unable to continue to participate in the Government's Youth Employment Initiative due to lack of suitable accommodations, but may participate again next year. Over the past six years the Office has had varied training programs that enabled trainees to gain experience and exposure to a number of administrative areas of the Office.

All new appointees to the Office are included in a formal two-day Induction

Program. This program includes the provision of information relating to the Code of Conduct and other aspects of employment.

Upholding Public Sector Conduct

The code of Conduct issued by the Commissioner of the State Services Authority under s.45(1)(d) of the Public Administration Act 2004 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.

Employee Relations

The OPP is a party to the Public Sector Enterprise Partnership Agreement. During the year senior management have continued to meet with the CPSU to keep them informed of various issues at the OPP. There have been no industrial disputes during the year.

Appendix E

Occupational Health and Safety

In accordance with the Occupational Health and Safety Act 2004 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;

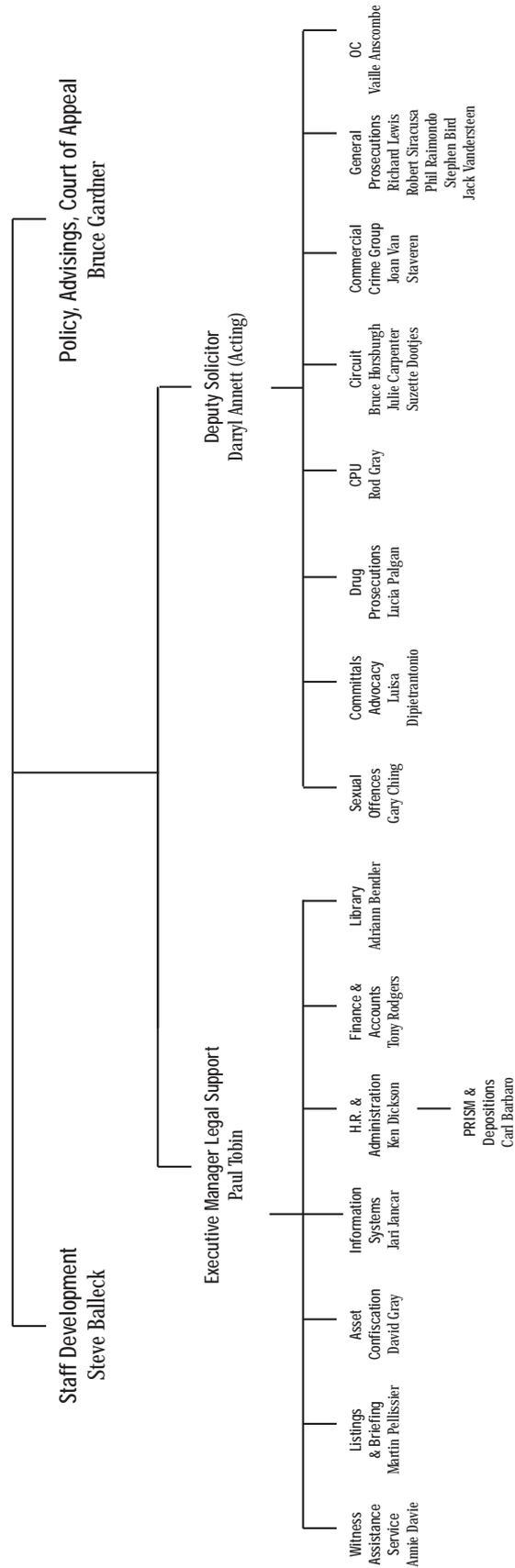
- 1 Arranged for all OH&S Committee representatives to attend a five day intensive OH&S Training course to provide them with the knowledge and awareness of OH&S initiatives, methods and tools to address all potential issues that may effect the well being of staff and visitors to our facility.
- 2 Developed a Manual Handling Risk Register and define measures to eradicate or minimise any identified manual handling risk.

- 3 Engaged a contractor to develop, train and monitor staff in evacuation and emergency procedures,
- 4 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,
- 5 Continue to provide financial assistance to staff who, due to the computerisation of the office require spectacles for their use of computers,
- 6 Continue to provided an Influenza Vaccination Program to reduce the possibility of staff suffering influenza,
- 7 Reviewed the number and requirements of First Aid Officers and provided additional training and provisions where necessary,
- 8 Continued to provide a "Manual Handling" training course for stall engaged in lifting or carrying heavy files, and
- 9 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.

Appendix E

Solicitor for Public Prosecutions
Stephen Carisbrooke (Acting)



Appendix F

office based environmental impacts

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

This Office has implemented or continued to:

- Continued to provide office waste paper to Visy Recycling to manufacture cardboard and recycled paper;
- Maintained a re-cycling program for all computer printer cartridges which will ultimately reduce the number being disposed of in land fill;
- Continued to install and replace, when required, a sensor lighting system throughout the OPP which turns lighting off when not in use;
- Endeavoured to reduce 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.

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 \$512.87 per FTE employee.
Waste Production	The occupants of 565 Lonsdale Street created a combined total of 390 cubic metres of waste for the financial year.	This would equate to 1.5 cubic metres per staff member.
Paper Use	9300 reams of plain A4 photocopy paper purchased during the financial year. 69 reams of coloured paper. 18 reams of A3 paper	This would equate to 36.66 reams of copy paper per staff member Or .27 reams per staff member of coloured paper Or .07 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 27 vehicles, primarily used by solicitors prosecuting matters in regional courts.	A total of 582,256 kilometres were travelled during the financial period at a cost of \$172,867. This equates to 2295 kilometres per person.

Appendix G

directory and supplementary information

Responsible Minister:

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

Accountable Officer:

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

Senior Staff and Major Responsibilities:

DARRYL ANNETT
Acting Deputy Solicitor

Responsibilities:

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

PAUL TOBIN
Executive Manager

Responsibilities:

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

Audit Committee

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

G. Wert	Independent Chairman resigned during the year and was replaced by R. Elvins
R. Elvins	Independent Chairman
M. Carter	Independent Member
R. Turnley	Internal Audit, Department of Justice
D. Annett	Acting Deputy Solicitor
P. Tobin	Executive Manager

Consultancies

There were no consultancies during the year.

Whistleblowers Protection Act 2001

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

There have been no disclosures made during the year.

financial report

30 June 2006

Directory

Responsible Minister

The Honourable Mr Rob Hulls MLA

Acting Solicitor for Public Prosecutions

Stephen Carisbrooke

Financials

operating statement

for the year ended 30 June 2006

	Notes	2006 \$'000	2005 \$'000
Income			
Government Grants	3(a)	34,841	29,810
Resources received free of charge		0	138
		34,841	29,948
Expenses			
Employee benefits expense	3(b)	(20,623)	(18,628)
Depreciation and amortisation expense	3(c)	(394)	(399)
Capital asset charge		0	(171)
Supplies and services	3(d)	(13,741)	(11,957)
Other expenses		(15)	(138)
Finance costs		(34)	(16)
Total expenses		(34,807)	(31,309)
Net result from continuing operations		34	(1,361)
Net result for the period		34	(1,361)

The accompanying notes form part of these financial statements

Financials

balance sheet**as at 30 June 2006**

	Notes	2006 \$'000	2005 \$'000
Current assets			
Cash and cash equivalents	17	71	71
Receivables	5	160	71
Total current assets		231	142
Non-current assets			
Receivables	5	480	418
Property, plant & equipment	6	2,835	2,867
Total non-current assets		3,315	3,285
Total assets		3,546	3,427
Current liabilities			
Payables	7, 14	1,102	1,287
Interest bearing liabilities	8	155	74
Provisions	9	5,178	5,006
Other		23	18
Total current liabilities		6,458	6,385
Non-current liabilities			
Interest bearing liabilities	8,14	411	349
Provisions	9	480	418
Total non-current liabilities		891	767
Total liabilities		7,349	7,152
Net assets		(3,803)	(3,725)
Equity			
Contributed capital	11	1,560	1,557
Reserves	11	240	355
Accumulated surplus(deficit)	11	(5,603)	(5,637)
Total equity		(3,803)	(3,725)
Contingent liabilities and contingent assets	13		
Commitments for expenditure	12		

The accompanying notes form part of these financial statements

Financials

statement of recognised income and expense for the year ended 30 June 2006

	Notes	2006 \$'000	2005 \$'000
Gain/(loss) on property revaluation	11 (a)	(115)	355
Net income recognised directly in equity		(115)	355
Net result for the period	11 (c)	34	(1,361)
Total recognised income and expense for the period		(81)	(1,006)

The accompanying notes form part of these financial statements

Financials

cash flow statement

for the year ended 30 June 2006

	Notes	2006 \$'000	2005 \$'000
Cash flows from operating activities			
Receipts from Government		34,690	30,739
Payments to suppliers and employees		(34,333)	(30,253)
		357	486
Capital asset charge		0	(171)
Interest and other costs of finance paid		(34)	(16)
		0	(187)
Net cash provided by/ (used in) operating activities	17 (b)	323	299
Cash flows from investing activities			
Payments for property, plant and equipment		(242)	(660)
Proceeds from sale of property, plant and equipment		0	0
Net cash provided by/ (used in) investing activities		(242)	(660)
Cash Flows from financing activities			
Repayment of finance lease		(81)	362
Net cash provided by/ (used in) financing activities		(81)	362
Net increase (decrease) in cash held		0	1
Cash at the beginning of the financial year		71	70
Cash and cash equivalents at the end of the financial year	17 (a)	71	71

The accompanying notes form part of these financial statements

note 1

summary of significant accounting policies

Statement of compliance

This general purpose financial report has been prepared on an accrual basis in accordance with the Financial Management Act 1994, Australian Accounting Standards, and Urgent Issues Group Interpretations. Accounting Standards include Australian equivalents to International Financial Reporting Standards ('A-IFRS').

The financial statements were authorised for issue by A Rodgers (Chief Finance and Accounting Officer - Office of Public Prosecutions) on 20th September, 2006.

The financial report has been prepared on the basis of historical cost, except for the revaluation of certain non-current assets and financial instruments. Cost is based on the fair values of the consideration given in exchange for assets.

In the application of A-IFRS management is required to make judgements, estimates and assumptions about carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances, the results of which form the basis of making judgements. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period or in the period of the revision and future periods if the revision affects both current and future periods.

Judgements made by management in the application of A-IFRS that have significant effects on the financial statements and estimates with a significant risk of material adjustments in the next year are disclosed throughout the notes to the financial statements.

Accounting policies are selected and applied in a manner which ensures that the resulting financial information satisfies the concepts of relevance and reliability, thereby ensuring that the substance of the underlying transactions or other events is reported.

The Office changed its accounting policies on 1 July 2005 to comply with A-IFRS. The transition to A-IFRS is accounted for in accordance with Accounting Standard AASB 1 "First-time Adoption of Australian Equivalents to International Financial Reporting Standards", with 1 July 2004 as the date of transition. An explanation of how the transition from superseded policies to A-IFRS has affected the Office's financial position, financial performance and cash flow is discussed in note 19.

The Office has also elected to apply Accounting Standard AASB 2005-4 and 2005-6 'Amendments to Accounting Standards' (June 2005), even though the Standard is not required to be applied until annual reporting periods beginning on or after 1 January 2006.

The accounting policies set out below have been applied in preparing the financial statement for the year ended 30 June 2006, the comparative information presented in the financial statements for the year ended 30 June 2005, and in the preparation of the opening A-IFRS balance sheet at 1 July 2004, the Office's date of transition, except for the accounting policies in respect of financial instruments. The Office has not restated comparative information for financial instruments, including derivatives, as permitted under the first-time adoption transitional provisions. The accounting policies for financial instruments applicable to the comparative information and the impact of the changes in these accounting policies are discussed further in Note 1(r).

Financials

(a) Reporting entity

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

Non-current assets

All non-current assets, including Crown Land, controlled by the Office are reported in the balance sheet.

(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) Goods and services tax

Revenues, expenses and assets are recognised net of the amount of goods and services tax (GST). 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.

(d) Interest bearing liabilities

Interest bearing liabilities are recorded initially at fair value, net of transaction costs.

Subsequent to initial recognition, interest bearing liabilities are measured at amortised cost with any difference between the initial recognised amount and the redemption value being recognised in profit and loss over the period of the interest bearing liability using the effective interest rate method.

(e) Borrowing costs

Borrowing costs are recognised as expenses in the period in which they are incurred, and include interest on finance lease charges.

(f) Capital asset charge

The capital asset charge 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 budgeted carrying amount of non-current physical assets. For the 2006 Financial year, the capital asset charge relating to this office is recognised in the Department of Justice's financial statements.

(g) Cash and cash equivalents

Cash and cash equivalents comprise cash on hand and cash in banks.

(h) Contributions by owners

Consistent with UIG Interpretation 1038 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.

Financials

(i) Depreciation

Depreciation is provided on property, plant and equipment, including freehold buildings but excluding land. Depreciation is generally calculated on a straight-line basis so as to write off the net cost or other revalued amount of each asset over its expected useful life to its estimated residual value. Leasehold improvements are depreciated over the period of the lease or estimated useful life, whichever is the shorter, using the straight-line method. The estimated useful lives, residual values and depreciation method are reviewed at the end of each annual reporting period.

The following estimated useful lives are used in the calculation of depreciation:

	2006	2005
Plant & Equipment	5 - 15 Years	5-15 years
Leasehold Improvements	10 years	10 years

(i) Employee benefits

Provision is made for benefits accruing to employees in respect of wages and salaries, annual leave, long service leave, and sick leave when it is probable that settlement will be required and they are capable of being measured reliably.

Provisions made in respect of employee benefits are to be measured based on their expected settlement. Provisions which are expected to be settled within 12 months are measured at their nominal values using the remuneration rate expected to apply at the time of settlement. Provisions which are not expected to be settled within 12 months are measured as the present value of the estimated future cash outflows to be made by the Office in respect of services provided by the employees up to reporting date.

Regardless of the expected timing of settlement, provisions made in respect of employee benefits are classified as a current liability unless there is an unconditional right to defer the settlement of the liability for at least 12 months after the reporting date, in which case it would be classified as a non-current liability. Provisions made for annual leave and unconditional long service leave would be classified as a current liability where the employee has a present entitlement to the benefit. A non-current liability would include long service leave entitlements accrued for employees with less than 7 years of continuous service.

Superannuation**DEFINED CONTRIBUTION PLANS**

Contributions to defined contribution superannuation plans are expensed when incurred.

DEFINED BENEFIT PLANS

The amount charged to the operating statement in respect of defined benefit plan superannuation represents the contribution made by the Office to the superannuation plan in respect to the current services of current Office staff. Superannuation contributions are made to the plans based on the relevant rules of each plan.

The Office does not recognise any defined benefit liability in respect of the superannuation plan because the Office has no legal or constructive obligation to pay future benefits relating to employees; its only obligation is to pay superannuation contributions as they fall due. The Department of Treasury and Finance administers and discloses the State's defined benefit liabilities in its financial report.

Financials

(k) Leased assets

Leases are classified as finance leases whenever the terms of the lease transfer substantially all the risks and rewards of ownership to the lessee. All other leases are classified as operating leases.

Assets held under finance leases are recognised as assets of the Office at their fair value or, if lower, at the present value of the minimum lease payments, each determined at the inception of the lease. The corresponding liability to the lessor is included in the balance sheet as a finance lease obligation.

Lease payments are apportioned between finance charges and reduction of the lease obligation so as to achieve a constant rate of interest on the remaining balance of the liability. Finance charges are charged directly against income.

Finance lease assets are amortised on a straight-line basis over the estimated useful life of the asset.

Operating lease payments are recognised as an expense on a straight-line basis over the lease term, except where another systematic basis is more representative of the time pattern in which economic benefits from the leased asset are consumed.

(l) Non-current physical assets

Land and buildings are measured at fair value. Plant, equipment and vehicles are measured at cost less accumulated depreciation and impairment.

Crown land is measured at fair value with regard to the property's highest and best use after due consideration is made for any legal or constructive restrictions imposed on the land, public announcements or commitments made in relation to the intended use of the land. Theoretical opportunities that may be available in relation to the asset are not taken into account until it is virtually certain that the restrictions will no longer apply.

Restrictive nature of cultural and heritage assets, Crown Land and infrastructures

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

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.

(m) Payables

Payables are recognised when the Office becomes obliged to make payments resulting from purchase of goods and services.

(n) Resources provided and received free of charge or for nominal consideration

Contributions of resources and resources provided free of charge or for nominal consideration 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 service would have been purchased if not donated.

(o) Revenue recognition

Amounts disclosed as revenue are, where applicable, net of returns, allowances and duties and taxes.

Revenue from the outputs the Office provides to Government is recognised when those outputs have been delivered and the relevant Minister has certified delivery of those outputs in accordance with specified performance criteria.

(p) Revaluations of non-current assets

Non-current physical assets measured at fair value are revalued with sufficient regularity to ensure that the carrying amount of each asset does not differ materially from its fair value. This revaluation process normally occurs every five years.

Revaluation increments are credited directly to equity in the 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 the net result, the increment is recognised as income in determining the 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 revaluation reserve in respect of the same class of assets, they are debited to the revaluation reserve.

Revaluation increases and revaluation decreases relating to individual assets within a class of property, plant and equipment are offset against one another within that class but are not offset in respect of assets in different classes.

Revaluation reserves are not transferred to accumulated surplus on derecognition of the relevant assets.

(q) Rounding of amounts

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

(r) Comparative information – financial instruments

The Office has elected not to restate comparative information for financial instruments within the scope of AASB 132 "Financial Instruments: Disclosure and Presentation" and AASB 139 "Financial Instruments: Recognition and Measurement", as permitted on the first-time adoption of A-IFRS.

The accounting policies applied to accounting for financial instruments in the current financial year are detailed in notes 1(d), 1(g) and 1(m). The following accounting policies were applied to accounting for financial instruments in the comparative financial year:

(a) Payables

Payables 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.

(b) Receivables

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

Collectability of debtors is reviewed on an ongoing basis. Debts which are known to be uncollectible are written off. A provision for doubtful debts is raised when some doubt as to collection exists.

(c) Interest bearing liabilities

Loans are carried at historical cost. Interest is accrued over the period it becomes due and is recorded as part of other creditors.

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 Operating Statement.

note 3

net results from operations

	2006 \$'000	2005 \$'000
INCOME		
(a) Income from Government		
Grants for continuing operations	34,841	29,810
Resources received free of charge or for nominal consideration	0	138
	34,841	29,948
EXPENSES		
(b) Employee benefit expense:		
Salary and wages	15,580	14,050
Superannuation	1,465	1,270
Annual leave and long services leave expense	1,984	2,244
Other on-costs (fringe benefits tax, payroll tax and workcover levy)	1,594	1,064
	20,623	18,628
(c) Depreciation and amortisation expense		
Depreciation of non-current assets	131	199
Amortisation of non-current assets	263	200
	394	399
(d) Other expense:		
Professional services and witness payments	9,194	7,680
Rent and Property	2,035	1,642
Information Technology	332	411
Printing, Stationery & Office Expenses	817	806
Postage & Communication	401	348
Interpreters	249	359
Other operating expenses	696	698
Audit Services	17	13
	13,741	11,957

note 4 remuneration of auditors

	2006	2005
	\$'000	\$'000
Victorian Auditor General's Office		
Audit or review of the financial report	14	14
	14	14

note 5 receivables

	2006	2005
	\$'000	\$'000
Current		
Debtors	41	37
Amounts due from Department of Justice	119	34
Aggregate carrying amount of receivables	160	71
Non-current		
Amounts due from Department of Justice	480	418
Aggregate carrying amount of receivables	480	418

note 6

property, plant & equipment

	2006 \$'000	2005 \$'000
Land		
Freehold land		
At fair value 30 June 2006*	740	855
	740	855
Leasehold improvements		
Leasehold improvements - at cost	1,784	1,780
Less: Accumulated amortisation	(654)	(475)
	1,130	1,305
Total land and leasehold improvements	1,870	2,160
Plant, equipment		
At cost	1,342	1,581
Less: Accumulated depreciation	(988)	(1,322)
	354	259
Plant and equipment under finance lease (at cost)	685	451
Less: Accumulated amortisation	(102)	(30)
	583	421
Total plant and equipment	937	680
	2,807	2,840
Cultural assets		
At independent valuation 2003**	28	27
Total cultural assets	28	27
Total	2,835	2,867

* Valuation was carried out by Charter Keck Cramer as required by AASB 116.

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

note 6

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 at fair value	Leasehold Improvement at costs	Plant & Equipment at costs	Cultural Asset at fair value	Leased Plant & Equipment at cost	Total
Balance at 1 July 2004	500	1,353	312	27	29	2,221
Additions		123	146		421	690
Net revaluation increments/decrements	355					355
Depreciation/amortisation expense		(171)	(199)		(29)	(399)
Balance as 1 July 2005	855	1,305	259	27	421	2,867
Additions			241	1		242
Additions Leased					247	247
Disposals - written down value			(15)			(15)
Net revaluation increments/decrements	(115)					(115)
Net transfers free of charge		3				3
Depreciation/amortisation expense		(178)	(131)		(85)	(394)
Balance at 1 July 2006	740	1,130	354	28	583	2,835

Restrictive assets

The Office holds \$28 thousand worth of property listed as cultural assets. These cultural assets cannot be modified or disposed of unless there is Ministerial approval.

note 7 payables

	2006 \$'000	2005 \$'000
Accrued Employee Benefits	330	240
Trade Creditors	772	1,048
	1,102	1,288

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

note 8 interest bearing liabilities

	2006 \$'000	2005 \$'000
Current		
Secured		
Finance lease liabilities (note 14)	155	74
	155	74
Non-current		
Secured		
Finance lease liabilities (note 14)	411	349
	411	349
Aggregate carrying amount of interest bearing liabilities		
Current	155	74
Non-current	411	349
	566	423

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 6)	583	421
Total non-current assets pledged as security	583	421

Financials

note 9 provisions

	2006 \$'000	2005 \$'000
Current		
Employee Benefits (note 9a)	5,178	5,006
Non-current		
Employee Benefits (note 9a)	480	418
Aggregate carrying amount of provisions	5,658	5,424

note 9a employee entitlements

	2006 \$'000	2005 \$'000
Current		
All annual leave and LSL entitlements representing 7+ years of continuous service		
- Short-term employee benefits, that fall due within 12 months after the end of the period measured at nominal value	3,767	3,671
- Other long-term employee benefits that do not fall due within 12 months after the end of the period measured at present value	1,411	1,335
	5,178	5,006
Non-current		
LSL representing less than 7 years of continuous service measured at present value.	480	418

note 10

superannuation

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 operating statement of the Office.

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

	Contribution for the Year	Contribution for the Year	Contribution outstanding at Year End	Contribution outstanding at Year End
	2006	2005	2006	2005
	\$	\$	\$	\$
Fund				
S.S.B - Revised Scheme	294,883	262,518	0	0
S.S.B - New Scheme	293,421	281,138	0	0
Vic. Super Scheme	787,359	631,321	0	0
Other private funds	89,356	94,560	0	0
Total contributions to all funds	1,465,019	1,269,537	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 11

equity and movements in equity

	Note	2006 S'000	2005 S'000
(a) Reserves			
Asset revaluation reserve		240	355
		<u>240</u>	<u>355</u>
Movements			
Asset revaluation reserve			
Balance at the beginning of year		355	0
Revaluation increment / (decrements)		(115)	355
Balance at end of the year		<u>240</u>	<u>355</u>
(b) Contributed Capital			
Contributed capital		1,560	1,557
Movements			
Balance at the beginning of year		1,557	1,557
Equity transfers from related entities		3	0
Balance at end of the year		<u>1,560</u>	<u>1,557</u>
(c) Accumulated deficit			
Balance at the beginning of year		(5,637)	(4,276)
Net result for the reporting period		34	(1,361)
Accumulated (deficit) at the end of the financial year		<u>(5,603)</u>	<u>(5,637)</u>
Total equity at the beginning of the financial year			
		(3,725)	(2,364)
Equity transfers from related entities		3	0
Revaluation increments / (decrements)		(115)	0
Total changes in equity recognised in the operating statement		34	(1,361)
Total equity at the end of the financial year		<u>(3,803)</u>	<u>(3,725)</u>

note 12

commitments for expenditure

Capital commitments

There are no outstanding capital commitments as at 30 June 2006 (2005 – nil).

note 13

contingent liabilities and contingent assets

	2006 \$'000	2005 \$'000
Contingent liabilities		
Court proceedings (i)	612	0
Contingent assets	0	0

- (i) Claims for damages were lodged during the year against the Office alleging malicious prosecution. The Office has disclaimed the liability and is defending the action.

Financials

note 14 leases

2006	2005
\$'000	\$'000

Disclosures for lessees - finance leases

Leasing arrangements

Finance leases relate to motor vehicles with lease terms of 3 years. The Office has options to purchase the equipment for a nominal amount at the conclusion of the lease agreements.

Finance leases

Commitments in relation to finance leases are payable as follows:

Not longer than 1 year	582	117
Longer than one year and not longer than 5 years	35	353
Longer than 5 years	0	0
Minimum lease payments	<u>617</u>	<u>470</u>
Less: Future finance charges	(51)	(47)
Total lease liabilities	<u>566</u>	<u>423</u>
Representing lease liabilities:		
Current (note 8)	155	74
Non-current (note 8)	411	349
	<u>566</u>	<u>423</u>

The weighted average interest rate implicit in the leases is 6.36% (2005 – 6.50%)

Disclosures for lessees – operating leases

Leasing arrangements

Operating leases relate to equipment and accommodation with lease terms of between 3 to 5 years, with an option to extend for a further 5 years. All operating lease contracts contain market review clauses in the event that the Office exercises its option to renew. The Office does not have an option to purchase the leased asset at the expiry of the lease period.

Operating leases

Commitments for minimum lease payments in relation to cancellable and non cancellable operating leases are payable as follows:

Not longer than 1 year	2,158	1,467
Longer than one year and not longer than 5 years	6,296	5,697
Longer than 5 years	0	0
Commitments not recognised in the Financial Statements	<u>8,454</u>	<u>7,164</u>
Representing:		
Cancellable operating leases	134	89
Non-Cancellable operating leases	8,320	7,075
	<u>8,454</u>	<u>7,164</u>

Financials

note 15

responsible persons

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

Names

The persons who held the positions of Ministers and Accountable Officer in the Department and the Office are as follows:

Attorney-General

The Hon. Rob Hulls, MP	1 July 2005	to	30 June 2006
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Acting Attorney-General

The Hon John Pandazopoulos, MP	1 July 2005	to	3 July 2005
The Hon Bob Cameron, MP	17 September 2005	to	25 September 2005
The Hon John Lenders, MP	24 November 2005	to	25 November 2005
The Hon John Thwaites, MP	26 November 2005	to	11 December 2005
The Hon John Lenders, MP	24 December 2005	to	2 January 2006
The Hon John Lenders, MP	16 January 2006	to	5 February 2006
The Hon Bob Cameron, MP	14 April 2006	to	18 April 2006
The Hon Bob Cameron, MP	24 June 2006	to	27 June 2006
The Hon Bob Cameron, MP	29 June 2006	to	30 June 2006

Secretary to the Department of Justice

Penny Armytage	1 July 2005	to	30 June 2006
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Acting Secretary to the Department of Justice

Dr Claire Noone	24 December 2005	to	22 January 2006
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Acting Accountable Officer

Stephen Carisbrooke	1 July 2005	to	30 June 2006
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Remuneration

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

\$150,000 - \$160,000 (\$150,000 - \$160,000 in 2005)

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

note 16

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	
	2006	2005	2006	2005
\$100,000 - \$109,999	0	0	0	0
\$110,000 - \$119,999	1	0	1	0
\$120,000 - \$129,999	0	0	0	0
\$130,000-\$139,999	0	0	0	2
\$140,000-\$149,999	0	1	1	0
\$150,000-\$159,999	0	1	0	0
\$160,000-\$169,999	1	0	0	0
Total Numbers	2	2	2	2
Total Amount	\$278,420	\$296,937	\$261,108	\$267,890

note 17

notes to cash flow statement

	2005	2004
Notes	\$'000	\$'000

(a) Reconciliation of cash

For the purposes of the Cash Flow Statement, cash includes cash on hand and in banks and investments in money market instruments, net of outstanding bank overdrafts. Cash at the end of the financial year as shown in the Cash Flow Statement is reconciled to the related items in the balance sheet as follows:

Cash	71	71
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(b) Reconciliation of net result for the period to net cash flows from operating activities

Net results for the period		34	(1,361)
Depreciation and amortisation	3(c)	394	399
Net loss on sale of non-current assets		15	0
Change in operating assets and liabilities, net of effects from restructuring			
Decrease (increase) in receivables	5	(4)	7
Decrease (increase) in Amounts Due from Related Entities	5	(147)	922
Increase (decrease) in trade creditors	7	(275)	(641)
Increase (decrease) in Provisions (LSL and AL)		234	961
Increase (decrease) in other liabilities		(18)	3
Increase (decrease) in accruals	7	90	15
Net cash inflow from operating activities		323	305

note 18

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 Balance Sheet.

(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.

note 18

financial instruments (cont.)

(c) Interest Rate risk exposure (cont.)

2006

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 cash equivalents	17	71	-	-	-	-	71
Receivables	5	-	-	-	-	41	41
Amount due from Department of Justice	5	-	-	-	-	599	599
Total		71	-	-	-	640	711
Weighted average interest rate							
		n/a	6.36%	6.36%		n/a	
Financial Liabilities							
Payables	7	-	-	-	-	1,102	1,102
Interest bearing liabilities	8,14	-	0	-	-	566	566
		-	-	-	-	1,668	1,668
Net Financial Assets (liabilities)		71	-	-	-	(1,028)	(957)

2005

Fixed interest maturing in:

Description	Note	Floating Interest Rate \$'000	1 year or less \$'000	Over 1 to 5 years \$'000	More than 5 years \$'000	Non-bearing interest \$'000	Total \$'000
Financial Assets							
Cash and cash equivalents	17	71	-	-	-	-	71
Receivables	5	-	-	-	-	37	37
Amount due from Department of Justice	5	-	-	-	-	452	452
Total		71	-	-	-	489	560
Weighted average interest rate							
		n/a	6.50%	6.50%		n/a	
Financial Liabilities							
Payables	7	-	-	-	-	1,287	1,287
Interest bearing liabilities	8,14	-	74	349	-	-	423
		-	74	349	-	1,287	1,710
Net Financial Assets (liabilities)		71	(74)	(349)	-	(798)	(1,150)

note 18

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:

	2006		2005	
	Carrying amount \$'000	Net fair value \$'000	Carrying amount \$'000	Net fair value \$'000
On-balance sheet financial instruments				
Financial assets				
Cash and cash equivalents	71	71	71	71
Receivables	41	41	37	37
Amount due from Department of Justice	599	599	452	452
Non-traded financial assets	711	711	560	560
Financial liabilities				
Payables	1,102	1,102	1,287	1,287
Interest bearing liabilities	56	588	423	423
Non-traded financial instruments	1,668	1,690	1,710	1,710

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 19

impacts of adoption of Australian equivalents to International financial reporting standards

The Office changed its accounting policies, other than its accounting policies for financial instruments, on 1 July 2004 to comply with A-IFRS. The transition to A-IFRS is accounted for in accordance with Accounting Standard AASB 1 'First-time Adoption of Australian Equivalents to International Financial Reporting Standards', with 1 July 2004 as the date of transition.

An explanation of how the transition from superseded policies to A-IFRS has affected the Office's financial position, financial performance and cash flows is set out in the following tables and the notes that accompany the tables.

Effect of A-IFRS on the Balance Sheet for the year ended 1 July 2004

	Note	Superseded policies \$'000	Effect of transition to A-IFRS \$'000	A-IFRS \$'000
Current assets				
Cash assets		70	-	70
Receivables		44	-	44
Amounts due from related parties		1,374		1,374
Total current assets		1,488	-	1,488
Non-current assets				
Property, plant & equipment		2,222	-	2,222
Total non-current assets		2,222	-	2,222
Total assets		3,710	-	3,710
Current liabilities				
Payables		1,914	-	1,914
Interest bearing liabilities		4		4
Provisions - short term	(a), (b)	1,549	1,473	3,022
Provisions - long term	(a), (b)	0	1,098	1,098
Other		15	-	15
Total current liabilities		3,482	2,571	6,053
Non-current liabilities				
Interest bearing liabilities		26	-	26
Provisions	(a), (b)	2,920	(2,571)	349
Total non-current liabilities		2,946	(2,571)	375
Total liabilities		6,428	0	6,428
Net assets		(2,718)	0	(2,718)
Equity				
Contributed capital		1,558	-	1,558
Reserves		199	(199)	0
Accumulated surplus(deficit)		(4,475)	199	(4,276)
		(2,718)	0	(2,718)
Equity directly associated with non-current assets classified as held for sale				
Total equity		(2,718)	0	(2,718)

note 19 (cont.) impacts of adoption of Australian equivalents to International financial reporting standards

Effect of A-IFRS on the Operating Statement for the year ended 30 June 2005

	Superseded policies S'000	Effect of transition to A-IFRS S'000	A-IFRS S'000
Income			
Government Grants	29,810		29,810
Resources received free of charge	138		138
	<u>29,948</u>		<u>29,948</u>
Expenses from ordinary activities			
Employee benefits	(18,634)	6	(18,628)
Depreciation and amortisation	(399)		(399)
Capital asset charge	(171)		(171)
Supplies and services	(11,957)		(11,957)
Other expenses from ordinary activities	(138)		(138)
Borrowing costs	(16)		(16)
	<u>(31,315)</u>	<u>6</u>	<u>(31,309)</u>
Result from ordinary activities	(1,367)	6	(1,361)
	<u>(1,367)</u>	<u>6</u>	<u>(1,361)</u>
Net result for the reporting period			

note 19 (cont.) impacts of adoption of Australian equivalents to International financial reporting standards

Effect of A-IFRS on the Balance Sheet for the year ended 30 June 2005

	Notes	30 June 2005 S'000	Effect of adoption S'000	1 July 2005 S'000
Current assets				
Cash assets		71	-	71
Receivables		71	-	71
Total current assets		142	-	142
Non-current assets				
Receivables		418	-	418
Property, plant & equipment		2,867	-	2,867
Total non-current assets		3,285	-	3,285
Total assets		3,427	-	3,427
Current liabilities				
Payables		1,287	-	1,287
Interest bearing Liabilities		74	-	74
Provisions - short term	(a), (b)	2,143	1,528	3,671
Provisions - long term	(a), (b)	0	1,335	1,335
Other		18	-	18
Total current liabilities		3,522	2,863	6,385
Non-current liabilities				
Interest bearing Liabilities		349	-	349
Provisions	(a), (b)	3,287	(2,869)	418
Total non-current liabilities		3,636	(2,869)	767
Total liabilities		7,158	(6)	7,152
Net assets		(3,731)	6	(3,725)
Equity				
Contributed capital		1,557	-	1,557
Reserves	(c)	554	(199)	355
Accumulated surplus(deficit)		(5,842)	205	(5,637)
		(3,731)	6	(3,725)
Equity directly associated with non-current assets classified as held for sale				
Total equity		(3,731)	6	(3,725)

There are no material differences between the Cash Flow Statement presented under A-IFRS and the Statement of Cash Flows presented under the superseded policies.

note 19 (cont.)

impacts of adoption of Australian equivalents to International financial reporting standards

Notes to the reconciliation of income and equity

(a) **Employee Entitlements - Annual Leave**

Under superseded policies, provision for annual leave was measured at nominal value. AASB 119: Employee Benefits requires provisions made in respect to employee benefits which are not expected to be settled within twelve months to be measured as the present value of estimated future cash flows.

(b) **Employee Entitlements - Long Service Leave**

Prior to transition to A-IFRS, the long service leave provision was classified as non current where the Office was not expected to settle the liability within 12 months of the balance date. On transition to A-IFRS, long service leave provision representing less than 7 years of continuous service has been classified as non current. This has resulted in a transfer of \$2.57 million in employee entitlements from non current to current on 1st July 2004 and a transfer of \$2.86 million from non current to current as at 30 June 2005

(c) **Asset Revaluation Reserve**

The Office elected to measure land on transition to A-IFRS at fair value and has used the fair value as the item's deemed cost at that date. The effect of the revaluation to fair value for property, plant and equipment at 1 July 2004 was a reclassification of any amounts in the asset revaluation reserve associated with these items to accumulated surplus.

accountable officer's and chief finance & 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 Operating Statement, Balance Sheet, Statement of Recognised Income and Expense, Cash Flow Statement and notes to and forming part of the financial statements, presents fairly the financial transactions during the year ended 30 June 2006 and the financial position of the Office at 30 June 2006.

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

Tony Rodgers
Chief Finance and Accounting Officer
Office of Public Prosecutions
Melbourne

Stephen Carisbrooke
Acting Solicitor for Public Prosecutions
Office of Public Prosecutions
Melbourne

Financials

five year performance summary

	2006	2005	2004	2003	2002
	\$'000	\$'000	\$'000	\$'000	\$'000
Total Revenue	34,841	29,948	24,979	23,894	23,005
Net Result form Operating Activities	34	(1,361)	(2,680)	(216)	437
Net Cash Flow	323	299	378	166	153
Total Assets	3,546	3,427	3,710	4,681	5,176
Total Liabilities	7,349	7,152	6,428	4,731	5,010

auditor general's report



AUDITOR GENERAL
VICTORIA

INDEPENDENT AUDIT REPORT

Office of Public Prosecutions

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

Matters Relating to the Electronic Presentation of the Audited Financial Report

This audit report for the financial year ended 30 June 2006 relates to the financial report of the Office of Public Prosecutions included on its web site. The Solicitor of the Office of Public Prosecutions is responsible for the integrity of the web site. I have not been engaged to report on the integrity of the web site. The audit report refers only to the statements named below. An opinion is not provided on any other information which may have been hyperlinked to or from these statements. If users of this report are concerned with the inherent risks arising from electronic data communications, they are advised to refer to the hard copy of the audited financial report to confirm the information included in the audited financial report presented on this web site.

Scope

The Financial Report

The accompanying financial report for the year ended 30 June 2006 of the Office of Public Prosecutions consists of operating statement, balance sheet, statement of recognised income and expense, cash flow statement, notes to and forming part of the financial report, and the accountable officer's and chief finance and accounting officer's declaration.

Solicitor's Responsibility

The Solicitor of the Office of Public Prosecutions is responsible for:

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

Audit Approach

As required by the *Audit Act* 1994, an independent audit has been carried out in order to express an opinion on the financial report. The audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the financial report is free of material misstatement.

The audit procedures included:

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

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

These procedures have been undertaken to form an opinion as to whether the financial report is presented in all material respects fairly in accordance with Accounting Standards and other mandatory professional reporting requirements in Australia, and the financial reporting requirements of the *Financial Management Act 1994*, so as to present a view which is consistent with my understanding of the Office's financial position, and its financial performance and cash flows.

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

Independence

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

Audit Opinion

In my opinion, the financial report presents fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia, and the financial reporting requirements of the *Financial Management Act 1994*, the financial position of the Office of Public Prosecutions as at 30 June 2006 and its financial performance and cash flows for the year then ended.

MELBOURNE
22 September 2006



Edward M. Hay
Acting Auditor-General

compliance index

The Annual Report of the Office of Public Prosecutions is prepared in accordance with all relevant Victorian Legislation. This index has been prepared to facilitate identification of the Office's compliance with statutory disclosure requirements.

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