



Office of Public
Prosecutions
Victoria

Annual Report

2020/2021

Annual Report 2020/2021

This document includes:

The 2020/2021 Annual Report of the Director of Public Prosecutions pursuant to s. 12 of the *Public Prosecutions Act 1994*.

The 2020/2021 Annual Report of the Director of Public Prosecutions pursuant to the *Financial Management Act 1994*.

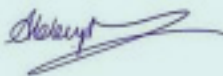
Full financial statements for the Office of Public Prosecutions are either provided in this report or can be accessed at www.opp.vic.gov.au

Office of Public Prosecutions

565 Lonsdale Street
Melbourne Victoria 3000

Responsible Body's Declaration

In accordance with the Financial Management Act 1994, I am pleased to present the Office of Public Prosecutions Annual Report for the year ending 30 June 2020.



Abbey Hogan,
Solicitor for Public Prosecutions
Office of Public Prosecutions
30 September 2021

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Our Work

Who we are

The Office of Public Prosecutions (OPP) is Victoria's largest criminal legal practice. Together with the Director of Public Prosecutions (DPP) and Crown Prosecutors the OPP prosecutes serious offences in Victoria's County and Supreme Courts and conducts criminal appeals in the County Court, the Court of Appeal and the High Court of Australia.

All prosecutions involving serious criminal offences in Victoria are brought in the name of the DPP Kerri Judd QC. The DPP is supported in her functions by the Crown Prosecutors' Chambers, led by Chief Crown Prosecutor Brendan Kissane QC. Chambers is comprised of eight Senior Crown Prosecutors and 13 Crown Prosecutors.

The Office of Public Prosecutions is headed by the Solicitor for Public Prosecutions, Abbey Hogan. The OPP supports the DPP in her functions by preparing and conducting prosecutions on behalf the state of Victoria.

What we do

The DPP, supported by the OPP, prosecutes the most serious criminal matters in Victoria. These matters include homicide, culpable driving, armed robbery, drug trafficking, serious sex offences, corruption, fraud, organised crime and serious assaults.

Neither the DPP nor the OPP investigate crime or decide whether to file criminal charges. Rather, these functions rest with Victoria Police. Once charges are filed by Victoria Police, the matter is referred to the OPP for prosecution. Throughout a prosecution, the OPP works closely with the Victoria Police member who investigated the crime (the informant).

The OPP then briefs counsel to appear in court to prosecute the criminal matter. Counsel may be a Crown Prosecutor, a private barrister with expertise in criminal law or an OPP Solicitor Advocate. Counsel appears in various hearings throughout the prosecution, which may include bail applications, committal hearings in the Magistrates' Court, pleas and trials in the County and Supreme Courts, and appeals in the County Court, the Court of Appeal, the civil jurisdiction of the Supreme Court, and the High Court of Australia.

The DPP and SPP have an obligation under the *Public Prosecutions Act 1994* to conduct prosecutions in an effective, economical and efficient manner, and to give appropriate consideration to the concerns of victims of crime.

The OPP's Victims and Witness Assistance Service consists of social workers who provide information and assistance to witnesses, victims of crime and their families to ensure they are supported throughout the criminal justice process.

The OPP also has various other specialist units to support the functions of the office. For example, the Proceeds of Crime Unit conducts major confiscation litigation on behalf of the DPP, and the Policy and Specialised Legal Division contributes to law reform processes on behalf of the OPP.



Our Purpose

- To independently prosecute the most serious crimes committed in Victoria.

Our Vision



- To make a positive difference to the community through the criminal justice system.



Our Values

- **Act with integrity**
– we uphold public trust.
- **Strive for excellence**
– we commit to the pursuit of best practice.
- **Respect others**
– we treat everyone with respect.
- **Work together**
– we work cooperatively to reach common goals.
- **Act fairly**
– we promote an environment that is free from bias, favouritism or self-interest.

Our Goals



- The OPP's Strategic Plan 2017-2021 outlines strategies to deliver **five goals**.
- Deliver high-quality prosecution and proceeds of crime services, taking advantage of innovative information technology to achieve fair outcomes effectively and efficiently.
 - Be responsive to victims and witnesses in the prosecution process.
 - Enhance OPP legal and victim support service delivery to regional areas of Victoria.
 - Influence and implement policy, procedure and law reform.
 - Deliver our legal services within a framework that supports strong governance, professional capability and staff wellbeing.



Key highlights for 2020/2021

The Director of Public Prosecutions, Crown Prosecutors' Chambers and the Office of Public Prosecutions delivered strong outcomes in criminal prosecutions in 2020/2021. Highlights of the year included:

786

number of decisions made by the DPP in this financial year.

2,231

number of indictments signed by Crown Prosecutors.

15 million

files were processed by the OPP Audio-Visual Team.

95.3%

completed prosecutions resulted in a guilty outcome.

→ Prosecutors appeared in a total **34,516** hearings in Victorian courts, **18%** of which were in regional Victoria.

→ Crown Prosecutors provided advice on **9,454** matters (**3,116** plea offers, **341** discontinuances, **5,997** occasions of giving general advice).

In 2020/2021 the OPP handled 3,088 new briefs for prosecution:



31

mental impairment matters



1

occupational health and safety matter



150

homicide/culpable driving matters



107

commercial crime matters



1,514

general crime matters (serious assault, aggravated burglary and armed robbery)



455

sexual offence matters



426

drug offence matters



494

matters (16%) involved family violence.



The Victims & Witness Assistance Service provided **43,800** consultations, of these matters:

- **17.8%** were sex offences.
- **6.0%** were homicide/culpable driving.
- **67.5%** were general crime.
- **8.6%** were other matter types.



418

staff

- **74%** women, **26%** men
- <25y **7%**
- 25-34y **45%**
- 35-44y **25%**
- 45-54y **13%**
- +55y **10%**
- **3** Executives, **65** Corporate Services and **350** Legal Practice.

- Solicitors trained in prosecuting Koori Court matters appeared in **141** hearings for these matters across Victoria, with **17** hearings in Magistrates' Koori Courts, **121** in County Koori Courts and **three** in the Children's Koori Courts.

Committee Structure

Crown Prosecutors' Chambers

Crown Prosecutors' Chambers includes the Chief Crown Prosecutor and Crown Prosecutors who appear in proceedings on behalf of the DPP. Crown Prosecutors' are independent statutory appointees.

The Chambers is located in a separate building and is independent of the OPP.

Crown Prosecutors are responsible for the most complex prosecutions and have authority to sign indictments to bring accused people to trial and to resolve matters as pleas of guilty.

Senior Crown Prosecutors have authority to decide certain types of discontinuances and consents to prosecute.

The CCP manages Crown Prosecutors, subject to the direction of the DPP.

The CCP is an independent statutory officer appointed by the Governor in Council, who assumes the powers and duties of the DPP when the Director is absent.



Director of Public Prosecutions

The DPP is an independent statutory officer, appointed by the Governor in Council. The DPP has responsibility for instituting, preparing and conducting indictable proceedings on behalf of the Crown.

The decision making of the DPP relates to a range of matters including authorising indictments, authorising resolutions, discontinuing prosecutions, determining whether to appeal against the leniency of a sentence, authorising applications for a detention order, applying to confiscate proceeds of crime, authorising Occupational Health and Safety prosecutions, instituting contempt proceedings and deciding whether to take over private prosecutions.

In conducting the role, the DPP must have regard to:

- considerations of justice and fairness
- the need to ensure that the prosecutorial system gives appropriate consideration to the concerns of victims of crime
- the need to conduct prosecutions in an effective, economic and efficient manner.



Office of Public Prosecutions

The OPP is an independent statutory entity and Victoria's largest criminal law practice. The Solicitor for Public Prosecutions manages the OPP on behalf of the DPP. OPP staff prepare and conduct committals in the Magistrates' Court, prosecutions in the County and Supreme Courts, and appeals in the County Court, Court of Appeal and High Court.

They also advise external agencies about charges, litigate proceeds of crime, contribute to law reform, and support victims and witnesses.

The Solicitor for Public Prosecutions manages the staff and budget of the OPP. The SPP is an executive appointment under the *Public Administration Act 2004*, with responsibility for briefing Crown Prosecutors, Solicitor Advocates and external barristers to appear in criminal proceedings on behalf of the DPP.

The SPP has responsibility for ensuring that the prosecutorial system gives appropriate consideration to the concerns of victims of crime.



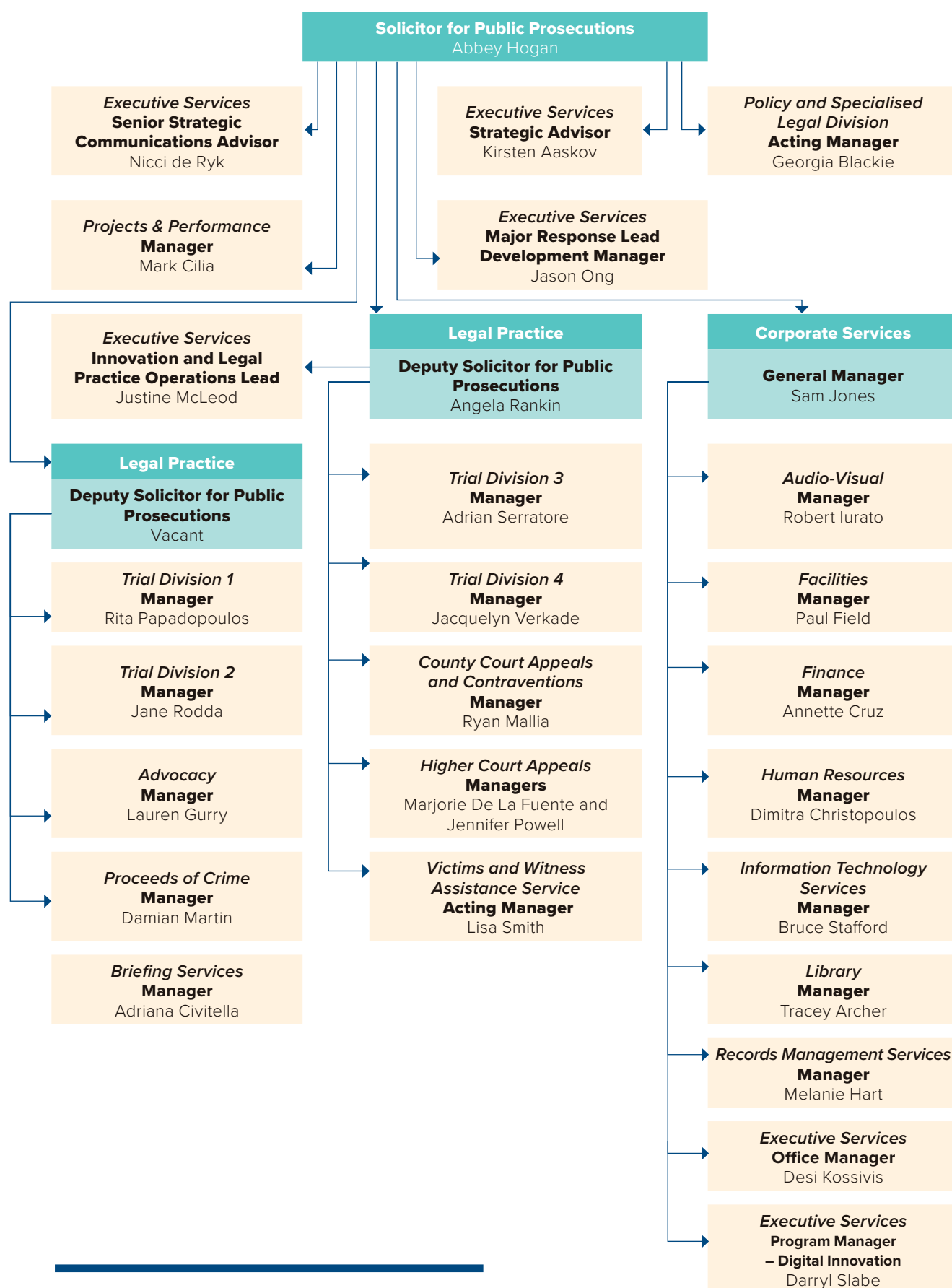
Director's Committee

The Director's Committee consists of the DPP, SPP and CCP. The Committee advises the DPP in relation to prosecutions in the state of Victoria, including which OPP staff may appear in court, the appointment and removal of Crown Prosecutors, and offences referred to the DPP.

When the Committee is required to make special decisions, it consists of the DPP, CCP and the Senior Crown Prosecutor involved in the matter.



Organisational Structure





Staff Profiles

Alice Kennedy OPP Solicitor



Alice started at the OPP in 2019 after completing an internship with the Department of Premier and Cabinet.

I came to the OPP to assist with the Royal Commission into the Management of Police Informants and then took on a dual role as a legal assistant with Trial Division 3 and a role coordinating document production for the Royal Commission.

Since 2021 I've been employed as a junior solicitor. I have benefited greatly from the wisdom and experience of OPP solicitors who have mentored and helped me along the way. From working at the OPP, I've learned that a combination of constant learning, persistence and enthusiasm will get you to where you want to be.

Last year I undertook a secondment as part of the DPP Project, an initiative which gives OPP staff the opportunity to broaden their skills. I was particularly interested in working with the OPP Victims and Witness Assistance Service (VWAS) to gain a better understanding of the effect of trauma on victims.

As solicitors, we convey quite similar information to victims, but the best way to communicate takes into account their individual needs and expectations. The DPP project turned a fact that I simply knew by attending Continuing Legal Education into a practice that I want to make a priority in my work as a solicitor.

"The most significant thing I took away from my time with the VWAS team was the need to recognise that there are varied responses to trauma."

Director of Public Prosecutions Report

It has been an exciting and challenging 12 months. The criminal law continues to attract significant mainstream and social media attention, particularly in respect of prosecutorial decisions. Judges and magistrates in all jurisdictions continue to expect the highest standards from prosecutors.

Since the onset of the COVID-19 pandemic last year, technology has played an important role in enabling the presentation of evidence and legal submissions in court, facilitating conferencing from multiple venues and ensuring that files and documents could be accessed remotely.

Debate has continued to grow about how better to assist victims navigate their way through the criminal justice system.

The stress in dealing with sad and traumatic events and the pressure of conducting criminal trials is ever present. I am very proud of the way staff at the OPP have met these challenges and the professionalism they have displayed in a year that has tested everybody.



Pell Contempt

A decision of importance to the administration of criminal justice this year was *The Queen v The Herald & Weekly Times Pty Ltd* [2021] VSC 253. On 4 June 2021, 12 news media organisations were convicted and sentenced to 21 charges of contempt of court for reporting information derived from the 'cathedral trial' of Cardinal George Pell, contrary to a proceeding suppression order.

The media respondents were found to have frustrated the suppression order, as they diminished its purpose or efficacy by reporting information contrary to the terms of the order. In doing so, the media respondents usurped the function of the court in protecting the proper administration of justice, and took it upon themselves to determine where the balance ought to lie between Pell's right to a fair second trial (on separate charges) by an impartial jury, and the public's right to know what happened in the cathedral trial.



Decisions

A great deal of my work involves daily decision making.

Overall, I made 666 decisions and the Acting Director made 120 decisions.

There were 41 matters considered by the Director's Committee for the purpose of making a special decision. Of those matters, there were 5 decisions to directly indict and 14 discontinuances.

I was also involved in several other significant pieces of work during the year, court appearances, dealing with in-court and urgent inquiries, liaising with stakeholders, conducting victims' conferences and providing reasons for decisions. When viewed holistically, this work has ensured that the prosecutorial services we provide are functioning effectively, economically and efficiently.

DPP Project

This year I launched the DPP Project, an initiative designed to offer staff the opportunity to gain experience in an area they do not ordinarily work and ultimately expand their knowledge and skills.

I have always encouraged legal practitioners to broaden their experience and I am grateful that so many people signed up to participate in this project, both those trying something new for the first time and those providing supervision and support to the participants. It was also pleasing that the DPP Project could embrace, not just work for OPP solicitors in different jurisdictions, but also opportunities for staff more broadly in areas such as Corporate Services, Administration and the Victims and Witness Assistance Service.

I hope that everyone who tried something outside of their comfort zone gained from the experience.

Response to Sexual Harassment

Sexual Harassment in the legal profession was a much discussed topic this year. In August 2020, we formed a 12 member Sexual Harassment Committee, and also contributed to the Review of Sexual Harassment in Victorian Courts led by Dr Helen Szoke AO. We reinforced the message that sexual harassment is unlawful, harmful and contrary to a safe and respectful workplace.

I would like to thank all members of the Sexual Harassment Committee for their work to date and their commitment to ongoing work. In particular, I would like to thank Dimitra Christopoulos and Sam Jones who have led the work of our Committee.

Modern Prosecutor Series

I hosted my third Modern Prosecutor Conference virtually this year, breaking up the in-person full day conference into a series of four sessions in May and June.

The Victorian Bar plays a vital role in criminal prosecutions. This annual conference is held primarily for the benefit of external barristers briefed on my behalf to appear in cases conducted by the OPP.

Important topics discussed included engaging with victims, prosecutorial obligations of disclosure and privilege, ethical obligations and significant cases that need to be part of a prosecutor's toolkit.

The conference was opened by the Honourable Jaclyn Symes, Attorney-General and Minister for Resources. Speakers included the Honourable Justice Kaye AM, his Honour Judge Sexton, Brendan Kissane QC, Abbey Hogan, Mark Gibson QC, Raymond Gibson QC, Elizabeth Ruddle QC, Desmond Lane, Angela Ellis, John Dickie, Jane Warren, Julia Wang, Angela Rankin and Nareeda Lewers.

Although the conference reached more participants this year due to the online format, the benefits of meeting in person cannot be understated. We anticipate the conference will return to its regular format next year.

Looking forward

The dedication and adaptability displayed by OPP staff over the last 12 months has been truly inspiring. Their work ethic, knowledge, compassion, and communication skills are second to none and it is an honour to lead such an accomplished group of people.

I am confident that the OPP team has the skills, flexibility and professionalism to navigate the continually evolving COVID-19 landscape.

Acknowledgements

I extend my enormous thanks to the Solicitor for Public Prosecutions, Abbey Hogan. The work of the Solicitor has increased in complexity and urgency in recent years and Abbey has met all challenges presented to her. She has brought an attitude of vibrancy and positivity to the OPP and shares my vision to create opportunities for solicitors to enable them to reach their full potential. Abbey also understands the health and wellbeing considerations relevant to the work we do and has made significant contributions as a member of the Director's Committee.

Thank you also to the Chief Crown Prosecutor, Brendan Kissane QC. As Director, you are only as good as the people you take advice from and Brendan's learning,

intelligence and experience makes him the perfect person for me to trust and receive advice from. Brendan's standing in Crown Prosecutors' Chambers and at the Bar is of the highest order. Brendan has made considered and compelling contributions to Director's Committee meetings and the making of special decisions.

I would also like to thank my Associates Cassidy Ewan and Olivia Chan. I could not perform my role without them. They are a delight to have in chambers (and on a video conferencing link). They work cooperatively to perform the many difficult and different tasks that arise each day.

Kerri Judd QC

Director of Public Prosecutions





Staff Profiles

Juliet Taylor

Victims and Witness Assistance Service
Social Work Team Leader



Juliet started work with the OPP's Victims & Witnesses Assistance Services (VWAS) in 2009.

The social work team walk alongside victims and their families to ensure they understand each step of the process and feel that they are cared for and their experience is important to us.

We help them understand their rights and entitlements as victims of crime and work closely with the legal team to help guide communication, ensuring we approach victims with a trauma informed lens to minimise retraumatisation.

We build relationships with individuals who have often in tragic circumstances found themselves as victims of crime. The strength, resilience and dignity with which they carry themselves is truly remarkable.

The support the social work team shows to one another to deal with the emotional challenges of the work, juggle a high caseload and to stay positive and at our best to keep giving to those we work with is truly inspiring.

“The most challenging aspect of the job is helping victims through the cross examination process, which is understandably very difficult.”

Chief Crown Prosecutor Report

As the COVID-19 pandemic evolved in the last 12 months Crown Prosecutors continued to display agility in the face of difficulties. During the second half of 2020 trials remained suspended but court work continued online. At times those appearances were from home, on other occasions from Chambers.

As reported last year most of the pre-trial work and the appearances in the Court of Appeal continued as normal. The Crown Prosecutors were involved in the Supreme Court's fast track process, which saw witnesses cross examined in that Court rather than in the Magistrates' Court at a committal. In addition, a number of judge alone trials occurred whilst that process was available under the emergency provisions.

Emergency management in the County Court led to an increase in cases resolving which in turn lead to an increased workload for Crown Prosecutors.

We organised and presented to the Victorian Bar in the OPP's annual Modern Prosecutors Series, this year in a virtual environment. I would like to thank in particular Elizabeth Ruddle QC for her organising skills and for Mark Gibson QC, Ray Gibson QC and Angela Ellis for presenting. I am proud of all the effort put into this important event.



Crown Prosecutors' Chambers

I would like to extend a welcome to those who have joined Prosecutors' Chambers. During the year two new Crown Prosecutors were appointed. In November 2020, Kathryn Hamill joined Prosecutors Chambers. Kathryn had been a barrister for twelve years having signed the Victorian Bar Roll in 2009. Elizabeth Ruddle QC was appointed a Senior Crown Prosecutor in December 2020, having taken silk in October of 2020. Elizabeth Ruddle had been at the Bar since 2005 and brought with her some much needed expertise in the civil area. Elizabeth's practice had been both civil and criminal, including expertise in the proceeds of crime area.

Justin Lewis was reappointed for another term of three years, moving from Geelong to the Melbourne office.

Kristie Churchill and Robyn Harper were both reappointed as Crown Prosecutors for another three years and as the financial year closed further reappointments were underway.

As at 30 June 2021, we comprised eight Senior Crown Prosecutors and 13 Crown Prosecutors.

Chambers work

In 2020/2021, Crown Prosecutors provided advice to the OPP on 9,454 occasions, including 3,116 plea offers, 341 discontinuances and 5,997 occasions of giving general advice. The total number of indictments signed for the period was 2,231. The total number of days in court was 1,764.

I would like to join the Director in thanking all of the support staff both within Prosecutors' Chambers and within the OPP who assisted during the year. In particular, IT support, who kept us all working online and remotely. We look forward to making greater use of chambers when the current health crisis is over.

Chambers work has become an increasing part of the role of a Crown Prosecutor as the amount of advice work and the number of solicitors has grown.

The move to paperless advice briefs has also put pressure on Crown Prosecutors. Hopefully steps can be put in place in the future to assist with this additional burden.

Finally, I would like to thank the Director, Kerri Judd QC, for her constant support of me and Crown Prosecutors generally. By working together, we are building a better service for the community of Victoria.

Brendan Kissane QC

Chief Crown Prosecutor



BIOGRAPHIES

Senior Crown Prosecutors

Nanette Rogers SC

Joined the Victorian Bar in 2013. Appointed Crown Prosecutor and Senior Counsel in 2009. Appointed Senior Crown Prosecutor in 2016.

Mark Rochford QC

Joined the Victorian Bar in 1988. Appointed Crown Prosecutor and Senior Counsel in 2010. Appointed Senior Crown Prosecutor in 2013.

Chris Boyce QC

Joined the Victorian Bar in 1993. Appointed Senior Counsel in 2014 and Senior Crown Prosecutor in 2016.

Mark Gibson QC

Joined the Victorian Bar in 1986. Appointed Crown Prosecutor in 2009, Senior Counsel in 2017 and Senior Crown Prosecutor in 2018.

Diana Piekusis QC

Joined the Victorian Bar in 2003. Appointed Crown Prosecutor in 2009, Senior Counsel in 2018 and Senior Crown Prosecutor in 2019.

Patrick Bourke QC

Joined the Victorian Bar in 2005. Appointed Crown Prosecutor in 2018, Senior Counsel and Senior Crown Prosecutor in 2020.



Raymond Gibson QC **Senior Crown Prosecutor**

Raymond joined the Victorian Bar in 1985 and was appointed a Crown Prosecutor in 2002. He held the role of Assistant DPP for Fiji from 2005- 2007, was Head of the OPP's Specialist Sex Offence Unit from 2009-2011 and Geelong Crown Prosecutor from 2011-2012. Raymond was appointed a Senior Crown Prosecutor and Silk in 2018.

There are many challenges in the job of Crown Prosecutor. The nature of the system is rough at times and requires resilience. Constructing a viable Crown case involving a cold-case murder has been for me the most challenging. Memories have often faded, witnesses gone missing, and multiple people have worked on the material.

There are lots of things I enjoy about my job – my colleagues that keep me sane, the help I get, the cast of characters I've met. I enjoy striving to achieve what I regard as the 'right' or 'just' outcome in any case I prosecute, however vague and subjective those words are. When I and the team I work with - police, solicitors and junior counsel - have achieved that, I feel I have made a small contribution.



Elizabeth Ruddle QC
Senior Crown Prosecutor

Elizabeth joined the Victorian Bar in 2005, was appointed Senior Counsel in October 2020 and Senior Crown Prosecutor in December 2020. She has practiced broadly in commercial, property, regulatory and criminal law and has had extensive Court of Appeal experience. She is a recognised leader in matters of evidence, criminal law, property and criminal asset confiscation.

As the newest Crown Prosecutor, it's been a steep and exciting learning curve but I have really enjoyed the role of assisting OPP solicitors with their legal queries, especially statutory interpretation (I'm a nerd at heart) and being part of a team.

I love being able to facilitate the interests of justice every day. It's a long way from regularly running commercial law cases.

There are of course many challenges as we are tasked with determining where the interests of justice lay when there are lots of competing factors, especially in these COVID-19 challenging times.

Crown Prosecutors

Melissa Mahady

Joined the Victorian Bar in 2000.
Appointed Crown Prosecutor 2018.

David Glynn

Joined the Victorian Bar in 2001.
Appointed Crown Prosecutor in 2019.

Justin Lewis

Joined the Victorian Bar in 2003.
Appointed Crown Prosecutor in 2014.

Neill Hutton

Joined the Victorian Bar in 2004.
Appointed Crown Prosecutor in 2018.

Angela Ellis

Joined the Victorian Bar in 2005.
Appointed Crown Prosecutor in 2018.

Catherine Parkes

Joined the Victorian Bar in 2009.
Appointed Crown Prosecutor in 2017.

Jeremy McWilliams

Joined the Victorian Bar in 2009.
Appointed Crown Prosecutor in 2015.

Kathryn Hamill

Joined the Victorian Bar in 2009.
Appointed Crown Prosecutor 2020.

Angela Moran

Joined the Victorian Bar in 2009.
Appointed Crown Prosecutor in 2019.

Robyn Harper

Appointed to the Victorian Bar in 2009.
Appointed Crown Prosecutor in 2018.

Kristie Churchill

Appointed to the Victorian Bar in 2009.
Appointed Crown Prosecutor in 2018.

Grant Hayward

Joined the Victorian Bar in 2010.
Appointed Crown Prosecutor in 2019.

John Dickie

Joined the Victorian Bar in 2010.
Appointed Crown Prosecutor in 2020.



Solicitor for Public Prosecutions Report

Over the last 12 months we have continued to respond to the challenges presented by the ever evolving COVID-19 landscape. Throughout this period we ensured the Office of Public Prosecutions (OPP) maintained our critical role within the criminal justice system, delivering high quality prosecution outcomes to the Victorian community.

Despite the challenges, we continued to prosecute complex and difficult matters, offered sound support and assistance to victims and witnesses, adapted to new hybrid ways of working and responded to the recommendations of the Royal Commission into the Management of Police Informants. We also responded to important law reform work being undertaken by government and the Victorian Law Reform Commission.

COVID-19 Response

The core business of the OPP continued to be disrupted by COVID-19 in a number of ways, primarily with the suspension of jury trials. We worked closely with the courts and other key stakeholders to ensure as much non-trial work could be done as possible. The fact that so much other work was able to be completed is a testament to all the criminal justice stakeholders involved and the benefits of collaborative working.



We saw the introduction of the *COVID-19 Omnibus (Emergency Measures) Act 2020*, which enabled court users to operate with greater reliance on digital technology and limited face to face interactions. One of the most significant initiatives introduced was the provision for Judge Alone Trials, which we saw taken up in numerous matters. Whilst the uptake was not overwhelming, the ability to move some contested matters through the system was a positive and worthwhile undertaking.

Upon the sunseting of this emergency legislation, we saw some advancements embedded permanently in the Justice Legislation Amendment (*System Enhancements and Other Matters*) Act 2021, indicative of the numerous efficiencies uncovered throughout the pandemic.

We now turn our focus to managing the additional work across the system resultant from the pandemic and continue to collaborate with our stakeholders, utilising new and innovative ways of working. We continue to participate in initiatives that focus on early case management, with OPP staff adapting well to an ever-changing criminal justice landscape.

Of critical importance as we continue through this pandemic, is the health and wellbeing of OPP staff. I commend all staff for the care and regard they have had for each other through such a challenging time. That care and regard has enabled us to continue our important work in serving the Victorian community. The willingness to adapt and evolve with the changing landscape is testament to the high calibre of people we have at the OPP and it will hold us in good stead as we approach the next chapter.

Technology paves the way for innovation and flexibility

The restrictions placed on us by the pandemic paved the way for digital improvements and more flexible ways of working. Most of us continued to work extensively from home and in-person court attendances were replaced with appearances via video conferencing facilities. We also utilised these platforms for witness conferences and staff meetings, with the majority of meetings conducted digitally.

We introduced guidelines for flexible working arrangements to support working from home and embed these practices for those seeking a more flexible future beyond the pandemic. We also ensured that staff with additional care responsibilities due to the move to home schooling, were supported and able to balance these responsibilities with their work priorities.



Technology has played a vital role in ensuring we have continued in our ability to prosecute serious crime on behalf of the people of Victoria, a key element of this has been growth in the scope and capabilities of our Audio-Visual and Information Technology units.

This financial year the OPP Audio Visual Team processed 15 million files, highlighting the growing importance of the OPP's digital and audio-visual capabilities, and demonstrating the responsiveness from the team to manage this demand. To provide context, this can be compared with 1 million files in 2016.

Our Information Technology Team had to ensure that all OPP staff were fully equipped to work remotely. This involved ensuring staff had the right digital platforms to carry out their work as well as deploying a large quantity of physical equipment. It was an unprecedented year of demand on the team.

Considerable work has been undertaken over the last 12 months on a Digital Transformation Program, a key strategic initiative to improve staff experience, efficiency and effectiveness. We anticipate rolling out a solution during 2022, which will modernise our digital environment and allow for better integration with other criminal justice agencies.

Royal Commission into the Management of Police Informants

Significant work was undertaken by the OPP this year in response to the Royal Commission into the Management of Police Informants. This work included producing submissions on behalf of the DPP in relation to disclosure and the procedure for public interest immunity claims and producing responsive submissions to those of Counsel Assisting the Commissioner as well as other parties.

The Commission delivered 111 recommendations in its final report on 30 November 2020. The OPP continues to work on the implementation of recommendations relevant to the DPP. This includes consulting with the Department of Justice and Community Safety and other relevant stakeholders on a suite of legislative reforms proposed in response to specific recommendations addressing disclosure obligations and public interest immunity procedures.



Victims of crime

We have continued to consult extensively with victims and witnesses this year, including assisting them in navigating the impacts of the pandemic on their cases. We continue to adapt and improve our services by tailoring our communication and services to the specific needs of the individual victim or witness. We are also focussed on developing training and initiatives which support OPP lawyers and social workers in this important work and have a range of projects in the pipeline which we consider will also greatly assist victims and witnesses.

Acknowledgements

I would like to acknowledge and sincerely thank all OPP staff for their dedication, agility, adaptability and professionalism during the last 12 months. It is a testament to each and every one of you that the OPP has continued to serve the Victorian Community to the highest standard despite the ever-present challenges of the pandemic.

Sincere thanks also to the extremely hard-working Executive team. Your diligence and commitment to everything we do at the OPP has been unwavering throughout the pandemic. Your ability to adapt and mobilise change quickly has been so important and I thank you for your efforts.

I also acknowledge and thank the DPP, Kerri Judd QC and the Chief Crown Prosecutor, Brendan Kissane QC. Your leadership, judgement and care for everything you do enables us all to carry out our work to the highest standards. It's a pleasure and privilege to work alongside you both.

Abbey Hogan

Solicitor for Public Prosecutions



Staff Profiles

Vanessa Mellios

Specialist Trial Prosecutions
Legal Specialty Senior Solicitor (Drugs)



Vanessa Mellios has been at the OPP for six years and is currently Legal Specialty Senior Solicitor in the OPP Drugs Committee.

My job often involves very lengthy investigations and complex evidence. Many hours are spent trawling through messaging app data, call charge records, listening devices and telephone intercept transcripts.

My favourite part of the job is dealing with large police investigations - whether it is a drug or homicide matter. If there is a protracted investigation and the case is circumstantial, I really enjoy drawing the links and understanding the case to be able to tell a story.

I am grateful for the guidance I have received from mentors within the profession since I started as a junior solicitor. The time they have so selflessly provided has helped me to develop the skills and ability required to work autonomously.

“I find it really rewarding when I have worked on a particular matter for months or years, and then see it all come together in court”

Simone Naimo
Principal Solicitor
Legal Speciality Solicitor (Fraud)

*Fraud Legal Specialty Solicitor
Simone Naimo has been at the OPP
for 14 years.*

My work involves prosecuting serious crime such as fraud, homicide, drugs and organised crime. I prepare matters for court, work with investigators, meet with victims and witnesses, appear in some court hearings and conduct jury trials.

Any prosecution which is voluminous, complicated and has multiple issues can be challenging and can be made more so when vital evidence is missing.

It's important that during the process we ensure the complainants understand how and why the matter has resolved whilst also being sensitive to and acknowledging the difficult and stressful circumstance they find themselves in.

Mentoring is another rewarding aspect of my job. I enjoy sharing my own knowledge, insight and experience and allowing the individual to adapt and interpret that insight to fit their role in order to grow professionally.



Being trusted to mentor someone navigating their first years in the legal profession has provided me with increased opportunities to learn and share with each other, build relationships, develop the skills of others and making a commitment to expanding my mentee's capabilities. I also see it as a way of giving back.

“This type of work is both challenging and stimulating, often requiring significant forensic analysis.”

Legal Practice Report

The importance of being adaptable and working as a team was highlighted this year as the COVID-19 pandemic continued to have a profound impact on the way we work.

The Legal Practice responded to the challenges of the last 12 months, with staff supporting one another and continuing to adapt to new ways of working.

There has been an increased focus on how we best work together, and how we best foster a culture of greater co-operation. Flexibility and remote working arrangements have, by necessity, been important parts of that focus.

By harnessing technology and innovation we have been able to continue to deliver an efficient and effective prosecution service.





Prosecution outcomes

- In 2020/2021, the OPP handled **3,088** new briefs for prosecution in the higher courts. Of these:
 - 494 matters involved family violence;
 - 1,514 general crime matters including serious assault, aggravated burglary and armed robbery;
 - 455 sexual offence matters;
 - 426 drug offence matters;
 - 150 homicide/culpable driving matters;
 - 107 commercial crime matters;
 - 31 mental impairment matters; and
 - 1 occupational health and safety matter.
- Overall, **95.3%** of prosecutions completed resulted in a guilty outcome.
- Solicitors trained in prosecuting Koori Court matters appeared in **141** hearings for these matters across Victoria, with **17** hearings in Magistrates' Koori Courts, **121** in County Koori Courts and **three** in the Children's Koori Courts.
- The OPP serviced **12,353** Judicial Officer Sitting Days.
- **Crown Prosecutors**, external barristers with expertise in criminal law, and OPP Solicitor Advocates were briefed to appear on behalf of the DPP in these matters in Melbourne and across regional Victoria. Prosecutors appeared in a total **34,516** hearings in Victorian courts, **18%** of which were in regional Victoria.
- The OPP took over **83** matters from the Children's Court in 2020/2021, following requests by Victoria Police and approval by the DPP. These matters involved the prosecution of serious crimes committed by children aged between 10 and 17 at the time of offending, including five homicide matters.

Appropriate Resolutions

The Director's Policy sets out when a criminal prosecution should proceed, and what matters must be taken into account when deciding whether to resolve a matter. OPP solicitors assess each matter in accordance with the Directors' Policy to determine whether there is a reasonable prospect of conviction, and if so, whether a prosecution is in the public interest.

OPP solicitors will also consider whether it would be in the public interest to resolve a matter. They will take into account matters including the strength of the available evidence, whether the charges appropriately reflect the criminality and provide for adequate sentencing scope, and the views of the victims and informant on resolution.

Efforts were also made to achieve guilty pleas as early as possible in the prosecution process to save resources from being diverted to trials that did not ultimately proceed. Of the guilty pleas achieved in 2020/2021, 74.7% were achieved by committal.

Guilty pleas may relieve victims and witnesses of the burden of giving evidence at a trial and provide certainty of outcome, achieving a fair and just outcomes in an efficient way.

In 2020/2021, 88.7% of prosecutions were finalised as a guilty plea, up from 79.3% in the previous year.

Acquittals were delivered in 37 matters, significantly down from 88 in 2019/2020.

Crown Prosecutors

Crown Prosecutors are among the most experienced criminal prosecutors in Victoria. They are appointed to work exclusively for the DDP and are allocated the most serious and complex matters.

Crown Prosecutors are responsible for signing indictments to bring accused people to trial and for authorising the resolution of matters as guilty pleas. They also prepare written openings for trials and pleas, and written cases for all matters proceeding to the Court of Appeal.

In 2020/2021, Crown Prosecutors appeared in the most high profile and complex matters and prosecuted 30.2% of Supreme Court trials.

External counsel, assisted by OPP solicitors who prepare matters for prosecution, appeared in 88.6% of all committals, County and Supreme Court trials and appeals. This included 94.6% of County Court trials and 69.8% of Supreme Court trials.

Counsel briefed by the OPP must adhere to the DPP's policy and directions, including abiding by expectations of behaviour and ethics, acting impartially and fairly, and treating victims with courtesy, respect and sensitivity.

The OPP also has Solicitor Advocates who are internal prosecutors who have undertaken dedicated advocacy training and appear in court to prosecute a variety of hearings.

In 2020/2021, Solicitor Advocates appeared at 1,975 hearings, including filing hearings, bail applications, committal mentions, contested committal hearings, and Magistrates' and County Court plea hearings.

Victims and Witnesses

The OPP's Victims and Witness Assistance Service (VWAS) team provides a specialist service to support victims and witnesses throughout their involvement in the criminal justice process.

VWAS social workers are allocated to every matter, which means that every victim is provided with an initial consultation and offered social work support for the duration of the criminal case.

In 2020/2021 VWAS prioritised assistance for matters involving a death, sexual assault, family violence, and particularly vulnerable victims and witnesses. Some matters were referred to the Child Witness Service and the Victims Assistance Programs, particularly for regional matters.

The VWAS team continued to provide high quality support over the last 12 months, with the restrictions placed on the teams' services throughout several COVID-19 lockdowns proving a challenge. The team continued to provide assistance to victims of crime through several different platforms, mostly through phone and video conferencing. As was the case the year prior, the pandemic resulted in an additional layer of distress and uncertainty for many victims and witnesses, with the court being unable to proceed with jury trials and other hearings involving civilian witnesses.



In 2020/2021 2,519 new matters were referred to VWAS by OPP solicitors, and VWAS assisted 4,942 victims and witnesses.

VWAS provided 43,800 consultations including debriefings, remote witness assistance and court tours.

Of the matters handled by VWAS:

- 17.8% involved sex offences
- 6.0% involved homicide/culpable driving
- 67.5% were general crime
- 8.6% were for other matter types.

Of all the matters handled by VWAS 25.6% involved family violence.

Court Dog Program

The OPP continues to set the benchmark for court dog programs in Australia. The six-year-old Labrador, Lucy has made a significant impact in her role as OPP Court Support Dog and provides support to victims and witnesses across all stages of the prosecution process.

The COVID-19 lockdown considerably impacted Lucy's ability to provide support this year, with her returning to work in November 2020, long before most staff started returning to the office. In her absence, Lucy was still able to connect with people through Instagram and now has close to 1,000 followers.

Lucy assisted Victoria Police and the Sexual Offences Criminal Investigation Team in supporting 2 young children to give their evidence. The SOCIT team were impressed by the impact that Lucy had on the children and their ability to talk about the offending when Lucy was present.

The OPP facilitated the placement of a second court dog, Kiki with Child Witness Services. This partnership has nearly doubled the OPP's capacity to provide the support of a court dog to child witnesses.

Lucy and Kiki provided support to 90 witnesses in the last 12 months.

Specialist Trial Prosecutions Group

Throughout the year the Specialist Trial Prosecutions Group have been working together with people across the OPP to pilot a number of initiatives, as outlined below.

In an effort to reduce the number of files going directly to the Trial Divisions post filing hearing, the Specialist Trial Prosecutions are taking initial allocation of the files that have been identified prior to the brief being served as having potential for early resolution.

Specialist Trial Prosecutions are also trialing the capabilities and viability of adopting a 'team approach' to file preparation and instructing. The current file loads of all the team has been combined in order to trial a task based model of working.

Another initiative being trialled is Case Summary Snapshots (CSS). These have been developed in an effort to reduce double handling and the time required for solicitors or Managing Principal Solicitors to familiarise themselves with the content and status of a matter. The aim of these Snapshots is to enable someone unfamiliar with a matter to be across it in as short a time as possible.

Angela Rankin

Deputy Solicitor for Public Prosecutions



Staff Profiles

Phillip Lysaught VWAS Social Worker

Jake Drennan VWAS Social Worker

For many victims the process of reporting to police, giving evidence and then waiting to go to court can be extremely difficult. Helping victims navigate an often unpredictable justice system can be challenging.

I feel privileged to work for the Victims & Witness Assistance Service, working closely with victims, witnesses and families throughout the prosecution process.

We often work with people who have experienced significant trauma, grief and loss. Knowing that the work we do can have such a big impact on people's lives is humbling.

The job has enabled me to meet people from all walks of life, which is one of the most rewarding aspects of the job. Seeing the courage that people demonstrate through difficult times is inspiring.

My role is to build relationships with people who have had their sense of safety and wellbeing impacted by crime and to support them through a complex justice system. It's important that victims and their families are heard, understood and have their views validated.

Working at the OPP has highlighted that people's lives can be turned upside down in a moment, or a series of moments; and people respond to trauma and life changing events in a range of ways.

This makes the role extremely dynamic and raw. It is a privilege to be in a support role at such a critical time in a person's life.

While it's difficult to see the impact that trauma and loss has on people, it's remarkable to see firsthand people's strength and how people adapt, cope and find meaning through their experience.

Having started at the OPP during lockdown, the work ethic, expertise and integrity of OPP staff is the thing that stands out. It is a challenging and dynamic environment with often competing priorities and stakeholders, but from my standpoint I see dedicated staff who are resilient and compassionate who strike the right balance when it comes to managing the complexity of issues.



Appeals

The Appeals Division is responsible for the preparation and prosecution of most appeal matters for the DPP.

These include:

- appeals from the Magistrates' Court or Children's Court to the County Court
- civil appeals and judicial reviews from the Magistrates' Court or the County Court to the Supreme Court
- appeals from the County Court or Supreme Court to the Court of Appeal
- applications for special leave to appeal and appeals from the Court of Appeal to the High Court.

County Court Appeals

The DPP appears on behalf of Victoria Police to respond to appeals by an offender against either their conviction or sentence in the Magistrates' or Children's Courts. Appeals to the County Court are reheard from the start.

The DPP prosecuted 1,156 County Court appeals that were finalised in 2020/2021, down from the previous year of 2,046. This reduction in finalisations is attributable to the COVID-19 pandemic and the reduction in listings and cancellation of regional circuits during the various lockdowns. Whilst the overall finalisations were down, the number of mentions and adjournments remained steady. In addition, the introduction of the requirement for written submissions in every appeal combined with the increased administrative tasks to manage online hearings and regularly changing court dates all contributed to the increased workload experienced this year.

Of these the appeals that were finalised, 80.2% (or 927) were sentence appeals and 19.8% (or 229) were conviction appeals. Of the appeals lodged by an accused person that were finalised, 59.3% were allowed in full or in part.

The DPP also has the power to appeal a sentence imposed in the Magistrates' Court or Children's Court to the County Court. The DPP must be satisfied that an appeal should be brought in the public interest. These appeal hearings also involve re-hearings.

In the 2020/2021 financial year, the DPP filed nine County Court Appeals against sentences imposed in the Magistrates' or Children's Court to the County Court. Eight of those DPP appeals were finalised within the financial year, with seven of the eight appeals being successful and resulting in a greater sentence being imposed.

Conviction and Sentence Appeals

The DPP responds to appeals lodged by a convicted person who has been sentenced in the Supreme Court or County Court. A convicted person can appeal their conviction by a jury, or the sentence imposed by a judge, or both. In the first instance, a convicted person will seek leave to appeal from the Court of Appeal. If leave is granted, the appeal is then listed for a full hearing. When an application is filed out of time, an extension of time must also be granted. Alternatively, an applicant who is refused leave to appeal may seek to renew their application before two or more judges. The Court of Appeal delivers a judgment in each case.

In 2020/2021, the Court of Appeal:

- Allowed 33 sentence appeals. A total of 98 sentence appeals were dismissed, had leave refused, or were not granted an extension of time. Four are pending judgment.
- Allowed 18 conviction appeals. Some 28 conviction appeals were dismissed, had leave refused, or were not granted an extension of time. Five are pending judgment.
- 13 retrials were ordered following a successful appeal against conviction. Acquittals were ordered for at least one charge in five of the conviction appeals.

Appeals by the DPP

The DPP can lodge an appeal against a Supreme Court or County Court sentence to the Court of Appeal if the DPP considers there is an error in the sentence and that a different sentence should be imposed, and is satisfied an appeal should be brought in the public interest.

In 2020/2021, nine DPP appeals were finalised. The Court allowed five appeals and re-sentenced offenders, dismissed four appeals and one is pending judgment. Details of the DPP appeals decided in 2020/2021 are listed in Appendix 3.

High Court

There were 12 special leave applications determined by the High Court in 2020/2021 to which the DPP was a party. The DPP was the applicant in two of these matters. Of these two matters, one was granted special leave to appeal and the appeal was heard in 2020/2021 with judgment pending. The DPP was the respondent in ten cases. The court did not grant special leave in any of these ten applications.

Contraventions

Contravention proceedings are conducted when a person has not complied with the conditions of a community-based sentence. In this financial year, the OPP prosecuted 615 contravention proceedings.

Record of Sentence Reviews

Record of Sentence Reviews are compiled by OPP solicitors detailing the key elements and outcomes for Magistrates' Court, County Court, and Supreme Court matters. These reports assisted the DPP to decide whether to lodge an appeal. In 2020/2021, 140 sentence reviews were referred to the DPP for instructions on whether an appeal should be lodged, and 21 matters were appealed to either the County Court or Court of Appeal.

Proceeds of Crime

Proceeds of Crime (POC) is a specialist civil litigation unit that undertakes major litigation on behalf of the DPP under the Confiscation Act 1997. POC solicitors work closely with partner agencies of the Victorian Asset Confiscation Scheme – the Victoria Police Criminal Proceeds Squad and Asset Confiscation Operations of the Department of Justice & Community Safety – to ensure that crime does not pay. They also play an important role in preserving assets to compensate victims of crime. POC and the Independent Broad-based Anti-corruption Commission also work together to recover proceeds of crime derived from corruption in the public sector.

POC's work includes applying to a court, on behalf of the DPP, for a restraining order over the assets of an accused person for purposes including forfeiture of tainted property and compensation for a victim of crime. If the accused is convicted of a serious crime then the restrained property may be forfeited to the State or required to compensate a victim, unless that property is excluded from the operation of the restraining order by a court. Safeguards exist to protect the property rights of a person with a legitimate interest in restrained property.

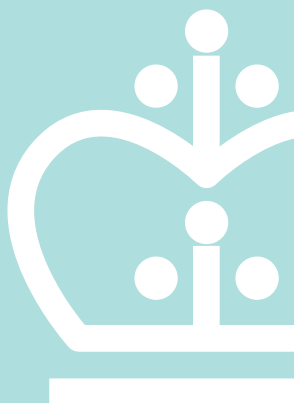
In the 2020/2021 financial year the POC unit contributed to the Victorian Asset Confiscation Scheme by:

- obtaining 143 restraining orders in the County and Supreme Courts over assets including real estate, cash, bank accounts, cryptocurrency, luxury vehicles and goods.
- confiscating \$23.1 million in illegally used assets and proceeds of crime, including almost \$2.8 million paid to victims of crime from confiscated assets.

This year there were more restraining orders issued over the assets of people charged with the most serious drug offences than ever before.

Significant cases included:

- \$10 million of assets belonging to an alleged drug syndicate involved in the manufacturing and trafficking of drugs of dependence in a large commercial quantity.
- Forfeiting 11 properties under Victoria's unexplained wealth laws which belonged to a person suspected of having acquired those properties with drug trafficking proceeds.
- Recovering \$500,000 from an accused convicted of obtaining a financial advantage by deception from four secondary colleges in Melbourne.





Staff Profiles

Tracey Archer Librarian



Tracey has been at the OPP for 13 years, having previously managed the Forensic Services Department library for Victoria Police.

My job is to support the Crown Prosecutors and OPP solicitors in their roles by identifying, acquiring and managing information resources that support their research needs.

Undertaking research is an integral part of being a lawyer. This could mean a relatively straightforward task such as identifying a point of law as it was at the time of offending or something more involved such as locating commentary on an obscure point of law.

I am also tasked with undertaking research on their behalf when requested, when they are facing time pressures, or they want me to double check their research.

Like any job there are challenges, at times I have to accept that the information I am seeking is not to be found. I always try my utmost and am very disappointed when I don't find what has been requested.

Assisting with legal research is the most rewarding and fun part of my job. Apart from the intellectual challenge, there is the satisfaction of knowing that I have contributed directly, even if it is just in small part, to the prosecution of a matter. That the Crown Prosecutors and solicitors are so appreciative of my assistance is a wonderful bonus.

“In this role I get to witness firsthand the hard work and dedication of our lawyers. Being able to assist them in their important role makes my job enormously satisfying.”

Policy and Specialised Legal Division

The Policy and Specialised Legal Division (PASL) undertakes research, develops policies and provides advice on legal matters dealt with by OPP and external agencies. PASL plays a key role in sharing legal knowledge across the OPP.

The OPP received 181 requests for advice from external agencies in 2020/2021. The advice work was divided between PASL and the Legal Practice with PASL processing 128 of these requests and 39 being referred to the Legal Practice, predominantly the Specialist Sex Offences Unit.

Legislative consultation

PASL worked collaboratively with other areas of the OPP to provide feedback to the Department of Justice and Community Safety on various law reform proposals resulting in the following legislation and regulations:

- *COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Act 2020*
- *Justice Legislation Amendment (Drugs Court and Other Matters) Act 2020*
- *Crimes (Mental Impairment and Unfitness to be Tried) Amendment Bill 2020*
- *Justice Legislation Amendment (System Enhancements and Other Matters) Act 2021*
- *Justice Legislation Amendment (Supporting Victims and Other Matters) Act 2020*
- *Justice Legislation Miscellaneous Amendments Act 2020*

The OPP has also participated in a review of Victoria's Criminal Organisations laws and provided submissions in response to various Victorian Law Reform Commission references including Sex Offence reform, Jury inclusion and Stalking.

OPPEdia, the OPP's legal knowledge management system, continues to be reviewed and updated. OPPEdia was also used to update and maintain a dynamic COVID-19 Guide, which ensured staff had access to the most up-to-date information, particularly in regard to court operations, during the pandemic.

Cases of note

PASL solicitors and a solicitor from Higher Court Appeals had carriage of the complex Supreme Court contempt proceedings, which arose following media reporting about the prosecution of George Pell. This matter was recently settled and resulted in significant fines imposed on several media agencies.

Extradition requests

PASL continues to work with the Commonwealth Attorney-General's Department and Victoria Police to manage a number of ongoing extradition requests, including requests made to India and the UK. An accused person was recently successfully extradited from Israel and will now face criminal proceedings in Victoria.

External Agencies

It has been a busy year in External Agencies, with the team involved in a wide variety of challenging matters, particularly in the area of environmental protection. Over the last 12 months the team has provided legal advice to the Director and external agencies on 33 cases.

The OPP regularly provides expert advice to external agencies such as the Australian Federal Police, WorkSafe Victoria, the Environment Protection Authority and Consumer Affairs Victoria.

In 2020/2021, the OPP prosecuted several high-profile matters including the Tottenham industrial fires, which were related to toxic waste dumping. This case involved a warehouse in Tottenham, west of Melbourne, which contained cylinders filled with millions of litres of highly flammable solvents and industrial chemicals, which took firefighters over two weeks to extinguish. Over 100 charges were filed by WorkSafe and the EPA arising from the fire and waste dumping, the largest case in respect to illegal waste in Victoria's history. With new legislative changes coming into effect in July 2021, we anticipate that the OPP will receive a growing number of EPA files in the future.

The External Agencies team also conducted the WorkSafe prosecution of a mental health facility arising out of the death by suicide of an inpatient. It is believed to be the first such prosecution in Australia, which will have implications for future prosecutions.

Managing complaints

Anyone who feels they have been directly affected by an act, omission or decision of the OPP may make a formal complaint. In 2020/2021, the OPP processed 15 formal complaints.





Staff Profiles

Jason Ong

Major Response Lead
Development Manager
Executive Services



Jason has been with the OPP since starting as a junior solicitor in 2003.

There are several elements to my job. The first is managing the Legal Trainees during their Legal Traineeship year and then in their second year, as newly admitted lawyers.

It is incredibly rewarding to see the Legal Trainees grow and develop, how engaged they are and how dedicated they are to learn. It's wonderful to see them gain confidence in their abilities and develop and exercise sound judgment.

I also manage the Specialist Trial Prosecutions team. This team of solicitors prosecute trial files but also, as an additional focus, investigate new processes, tools, technology and systems to identify more efficient ways to prepare our trial files.

I've really enjoyed working with the Specialist Trial Prosecutions Team to identify new systems and technologies which will ultimately help make us all more efficient in our daily work.

“There are many great leaders and teachers within the OPP and all of them are available and open to sharing their knowledge. We are very lucky with the strong culture we have at the OPP and how incredibly supportive and collegiate the environment is.”



Jayden Flood

Learning & Development Specialist Human Resources

Jayden's work at the OPP involves designing, developing, and delivering programs for use across the OPP.

I love working alongside a diverse and highly motivated group, doing engaging work that draws on my skills as a psychologist. My unique background enables me to bring the science of people to work and draw on best-practice research in problem-solving challenges facing the OPP.

There are a lot of fantastic initiatives that the Executive and HR identify and are actively working on at any one time. The most challenging aspect of the role is ensuring that the plates keep spinning and our staff have every opportunity to grow while still managing their very active calendars.

In my time at the OPP I've been involved in many initiatives, one that really stands out in my mind is the Victims Training Program workshops, where we explored several confronting case conferences.

A component of our workshops was mock conferences and I played the role of a victim in a discontinuance conference.

Seeing our solicitors deftly and empathetically connect with myself and others during these conferences really demonstrated the impact our Office can have during what is an extremely difficult time to members of the community.

I am fortunate to work alongside the HR team and other senior legal staff to conduct our Seasonal Clerkship and Legal Traineeship programs.



"The chance to work with the next generation of criminal lawyers to hone their skills and help drive their careers stands out as a real highlight of this role."

Corporate Services Report

The Corporate Services Group assists with the work of the OPP Legal Practice by providing a range of support services. This incorporates people management, information technology applications and support, records management services, facilities support, finance services, an Audio-Visual Unit, a Library of legal resources and Digital Innovation Program Unit.

Together the Corporate Services business units are responsible for the operation of a corporate governance and support framework to meet operating requirements and statutory, operating and compliance obligations. This framework includes strategic planning, risk management and business continuity management.

In 2020/2021 we built on the efforts from last year, where significant work was undertaken across all of Corporate Services to maintain business continuity and service levels to the Legal Practice staff through the COVID-19 pandemic. This required adaptability and resilience and Corporate Services teams demonstrated great professionalism, dedication and innovation to deliver their work under continually evolving and often challenging circumstances.



Continuing to respond to COVID-19

For large parts of 2020/2021 the OPP had over 90% of its staff working from home in line with public health directions. From July to October 2020 office-based work was largely limited to Corporate Services teams rostered to undertake essential on-site tasks, and those in the office at this time undertook significant work outside of their usual remit, becoming multi-taskers to enable others to work from home.

The OPP constantly reviewed its COVID-Safe Plan to prioritise staff safety, with additional cleaning, changed office layouts and densities implemented. Regular communication updates were also provided on the office COVID-safe protocols.

For those working at home the OPP procured and deployed additional laptop devices, ensuring staff were adequately equipped with a working from home set-up that enabled them to be productive and efficient. Video conferencing became standard, even as the way of onboarding new staff members. The IT Helpdesk continued to receive elevated requests for assistance as staff grappled with new ways of working, and with lengthy periods of home working the OPP offered a range of supports to staff so they could manage both their work and home, family, schooling, caring and other responsibilities.

As restrictions eased towards the end of 2020 back to office planning commenced. In December the OPP welcomed staff back to the office in line with office capacity limits and before the June 2021 lockdown the OPP had over 60% of its staff working on-site each day.

Providing optimum facilities for staff, victims and witnesses

Whilst building compliance work continued through 2020/2021, albeit under COVID-safe plans, the COVID-19 pandemic had a major impact on the OPP's facilities and accommodation projects. This was in part due to the limits on in-person attendance while at the same time we were waiting to determine what the longer-term effects of increased working from home would have on the OPP's office requirements.

The Geelong Accommodation Project was paused as was the Regional OPP Office Project. The aim of these initiatives was to improve facilities in the dedicated office space the OPP has in a number of regional court buildings.

We delivered a new accommodation project which arose in direct response to the pandemic. This involved the re-design of the OPP's Ground Floor Remote Witness Facilities so that they could be utilised in a COVID-safe way. Three new rooms were installed taking the total to eight, and eight accompanying waiting pods were configured. A COVID-safe protocol for these facilities was developed in collaboration with the public health pandemic response team at DJCS, and a dedicated COVID-cleaner was employed. The establishment of these facilities in October 2020 enabled the OPP to continue to support victims and witnesses to provide their evidence remotely.

As more staff returned to the office in 2021 the OPP began to trial new accommodation layouts to support future ways of working. This work will continue into 2021/22 as we reimagine how the office of the future can best support our staff and their interactions with victims and witnesses.

AV volumes continue to increase

The Audio-Visual Unit is staffed by an expert team that utilise specialist equipment to store, process, edit and prepare digital media for presentation in the courts. This digital media includes police body worn camera footage, taxi dash-cam footage and crime scene and covert media. Total jobs processed within AV tripled year on year by 50% to 15,629,520 jobs in 2020/2021 up from 4,977,363 in 2019/2020. Body worn camera footage jobs increased to 14,925 in 2020/2021 up from 8,827 jobs in 2019/2020. The number of covert media recordings processed also increased significantly to 4,205,024, up from 265,274 the year prior.

Further driving the growth in jobs processed was a new approach in response to large numbers of staff working from home, where the AV Unit processed all incoming material from Victoria Police on receipt so that staff working at home could access this material within the OPP network. This was necessary for security but also to allow the usual analysis of materials by the Legal Practice to continue when staff were not in the office.

The OPP continues to review the resourcing needs for the AV Unit, as we anticipate that further increases in AV material will create ongoing challenges in storing and processing this material. Faster processing of AV jobs has contributed to greater efficiencies in court hearing dispositions and it also reduces delay in court timeframes.

Promoting staff health and wellbeing

The OPP continued its comprehensive Health and Wellbeing Program as a key part of the organisation's commitment to providing a safe workplace for all staff. Annual wellbeing check-ups were available via video conferencing to staff, providing practical advice on how to best manage their mental health. The OPP also continued to provide access to an Employee Assistance Program, which offers confidential and professional support to staff experiencing difficulties in their work or personal lives.

OPP staff also attended Mental Health Awareness training throughout the year, sessions were conducted for staff on vicarious trauma and advice was provided on how to maintain output and energy levels during the pandemic. The 2020 Legal Trainees were given the opportunity for debriefing sessions with a psychologist, as they finished their traineeships through the challenging experience of COVID-19.

Pilates and yoga sessions were conducted weekly over Zoom and 2021 also saw the COVID-safe re-introduction of the successful 'Bring Your Dog to work Day'. The OPP also celebrated various events virtually including NAIDOC week.

The OPP developed a guide to hybrid working in response to the principles of the Victorian Government's Flexible Work Policy, which supports staff to work flexibly whilst meeting their obligations of delivering justice outcomes to the Victorian Community.

Learning and Development

In 2020/2021 the Learning and Development team redesigned its program delivery so that events could be delivered in an online environment. The core Continuing Legal Education (CLE) program, which provides ongoing development of technical capability to the Legal Practice, utilised an online delivery model

that allowed staff working across the State to meet development needs. In 2020/2021, 37 Continuing Legal Education (CLE) sessions were delivered on a wide range of legislative topics, with 3,150 staff in attendance.

Enriching the employee experience was a focus of the redesign with sweeping changes implemented to onboarding and induction training for those joining the OPP. Induction was expanded to a week-long program and drew on the expertise of solicitors across the practice alongside the newly appointed Major Response Lead Development Manager. Quarterly workshops were designed and implemented to compliment on-the-job training and other online resources. In combination, this approach has enabled a consistent twelve-month development pathway for new employees at the Office.

Specialised training was delivered to staff in-line with fostering workplace culture and addressing strategic priorities relating to victim support and wellbeing. The 2020 Victims Training Program expanded on existing capability to engage with victims, witnesses, and others affected by crime. In accordance with the Victorian Public Service (VPS) Mental Health and Wellbeing Charter, 83% of staff have undertaken the Mental Health Awareness Training program.

The OPP also structurally revised its Legal Traineeships, expanding into a more comprehensive two-year program for 2021/22. The 2020 Legal Trainees were admitted to practice and commenced the 2nd year of the Junior Development Program, an extension of their Legal Traineeship where they commenced a 6-month rotation either in a Trial Division or with County Court Appeals and Contraventions.

The OPP welcomed eight new Legal Trainees in February 2021 and offered them a revamped one-month induction program to immerse them in the work of the organisation before commencing their rotations. The 2021 Legal Trainees have completed numerous rotations across the Legal Practice to gain broad skills in criminal prosecutions. Seasonal Clerkships were offered to 15 students in their penultimate or final year of study. They gained practical legal experience, developed skills, and explored the various careers paths on offer at the OPP. The Traineeships and Clerkships, alongside the OPP Mentorship Program, have enabled staff to further develop their skills in supervising and leadership.

People Matter Surveys

The OPP conducted regular pulse surveys of staff and participated in the VPSC People Matter Survey, consistently achieving a response rate of over 80%. These surveys, as well as more workshops and greater consultation, reflect the objective of the OPP Executive to listen to staff views on subjects such as workload and career progression, and to seek feedback before implementing major change. In 2021 focus group sessions were held in relation to workload and digital transformation, seeking feedback from staff regarding their experiences, to inform future approaches to workload management and technological innovation.

Developing our technology

The OPP commenced a Digital Innovation Program in early 2021, building on the findings of a system scoping engagement undertaken in 2020 to determine the OPP's options for its current case and document management systems.

In the coming year the OPP will continue this work to ensure we are best positioned for the future, supported by appropriate infrastructure and architecture. This will equip us to engage in the required procurement activities to deliver an integrated case and document management solution during 2022.

The OPP undertook greater consultation with criminal justice system stakeholders to better understand data sharing capabilities and to work towards common data standards. The OPP also sought feedback from other Australian jurisdictions on systems and solutions in use at other Public Prosecution agencies.

The OPP developed an application to manage eTrials via an electronic jury book, enabling the dynamic sharing of electronic documents across devices in court. This application was designed to run on a local server and local network, avoiding the requirement for internet access. This means that in those County Court rooms in Melbourne and regional Victoria which are not yet enabled for Wi-Fi access there is no longer a constraint on running trials as eTrials.

This new application was successfully piloted in a trial in the County Court in May 2021, transforming the capacity of electronic exhibit delivery system within court rooms. The electronic jury book can shorten the length of a trial by approximately one-third, resulting in less court time required for eTrials.

The OPP's current internal case management system is maintained by an expert in-house development team, who released numerous updates across 2020/2021 to reflect changes in legislation and process. Updates were made to improve the usability and increase standardisation in the Records of Victim Engagement (ROVE) functionality, which provides an easily accessible solution to record, track and plan victim communications.

The OPP scoped and initiated several technology improvement projects towards the end of 2020/2021 to be delivered next year, including the augmentation of storage, the development of a new virtual desktop and the upgrade to in-office Wi-Fi. The delivery of these projects will be guided by the OPP's new Digital Strategy to be launched in 2021/22.

Sam Jones

General Manager Corporate Services



Committees

In 2020/2021, the DPP, OPP and Crown Prosecutors' Chambers were represented on a range of standing committees and advisory groups with other representatives of the criminal justice system.

Committee	Purpose	Chair
Asset Confiscation Scheme Strategy Committee	Oversee the management of the Asset Confiscation Scheme.	DJCS
Asset Confiscation Scheme Operations Committee	Discuss stakeholder operational issues.	DJCS
Bail and Summary Crime Working Group	Progress further consultation on bail reforms, and consider these reforms in conjunction with other criminal justice system reforms.	DJCS
Case Planning and Coordination Committee	Address security issues at the Supreme Court.	Supreme Court of Victoria
Child Witness Service (CWS) Advisory Committee	Discuss and review CWS practice and policy.	DJCS/Community Operations and Victims Support Agency
Confiscations and Forfeiture Strategy Project Group	Discuss confiscation potential in IBAC matters.	IBAC
County Court Criminal Procedure Rules Committee	Revise the County Court Criminal Procedure Rules.	His Honour Judge Doug Trapnell
County Court Criminal Users Group	Address issues about the County Court's criminal jurisdiction.	County Court of Victoria
County Court Emergency Management and Security Committee	Address security and emergency issues at the County Court.	County Court of Victoria
County Court Victoria and OPP Working Group Meeting	Response to the court backlog and delays caused by COVID-19.	County Court of Victoria
Criminal Justice Sector Meeting	Formed in response to COVID-19.	Court Services Victoria
COVID19 Legal/Oversight Agency Briefing	Address issues related to COVID-19.	Corrections
Detention and Supervision Order Board	Enhance the protection of the community and to ensure State Government agencies provide coordinated services to offenders to promote rehabilitation and reduce the risk of reoffending.	DJCS
Emergency Worker Harm Reference Group	Consider legislative and non-legislative reform options for State Government.	DPC
Family Violence Body-worn Camera Reference Group Meeting	Provide strategic leadership, advice, support and assistance in the implementation and evaluation of the Family Violence Body-Worn Camera Trial.	Corri McKenzie, DJCS
Intermediary Pilot Advisory Committee	Provide advice on the intermediary pilot model and its effective implementation.	Vicky Bahen, Victims Support Agency

Committee	Purpose	Chair
Justice Partnership Committee	Identifying system improvements, sharing innovations, and managing COVID-19 backlog in Courts. Enhancing access to justice services through placing the user at the centre. Identifying gaps in approach to addressing systemic racism.	DJCS
Justice Strategic Plan Subgroup	Executive-level working group to support the development of the Justice Strategic Plan, policy reform and an opportunity for partners to agree on a long term vision for the justice system.	DJCS
Magistrates' Court Criminal Users Group	Address issues relating to the Magistrates' Court criminal jurisdiction.	Melbourne Magistrates' Court
OPP/Victoria Police Consultative Forum	Discuss issues of mutual concern.	Victoria Police and OPP alternately
Royal Commission into the Management of Police Informants Implementation Taskforce Meeting	Brings together members of key justice stakeholder agencies to drive and coordinate the implementation of the 111 recommendations of the Royal Commission into the Management of Police Informants.	DJCS
Sentencing Advisory Council	Conduct research and advise government and courts on sentencing issues.	SAC
Serious Offenders Reform Interdepartmental Committee Meeting	Advise State Government on the establishment of the Post Sentence Authority to provide independent and rigorous oversight of the post-sentence scheme for the detention or supervision of serious sex offenders.	DJCS
Sexual Harassment Review	Develop policy in response to the Review of Sexual Harassment in Victorian Courts, led by Dr Helen Szoke AO.	Matt Hall, CEO, Supreme Court of Victoria
Sexual Offences Reform Subgroup	Shaping the collective response to sexual assault and sexual offending reform.	DJCS
Supreme Court Criminal Liaison Group	Address issues relating to the Supreme Court criminal jurisdiction.	Supreme Court of Victoria
Supreme Court Confiscation and Proceeds of Crime List Users Group Meeting	Address issues relating to the Supreme Court confiscation jurisdiction.	Supreme Court of Victoria
Therapeutic Treatment Board	Evaluate and advise on applications for therapeutic treatment orders for children aged 10-15 years.	DHHS
Victims of Crime Consultative Committee	Develop policy and services for victims of crime.	The Hon. Jennifer Coate AO
Victorian Law Reform Commission	Formal consultation with victim, witness and court support organisations.	Former Justice the Hon. Anthony North
Victorian Sentencing Manual Editorial Committee	Provides guidance to the authors of the Victorian Sentencing Manual, published by the Judicial College of Victoria.	SAC



Staff Profiles

OPP Legal Trainees

Ruby Stewart

The most rewarding part of my job is the work we do with victims and witnesses of crime. The legal system can be an intimidating environment, and I feel really proud of the way the OPP strives to help victims navigate this system and to support them throughout this process.

Hayley Gould

Knowing that every case I work on impacts on someone's livelihood is the most rewarding aspect of the job. Whether it is a victim or an accused person, every decision we make has the power to make a difference in someone's life. It's that direct connection and impact with the community that motivates me the most.

Daniel Vrech

Working with victims of crime and for the community is extremely rewarding, particularly given the amount of trust and autonomy the Office gives us. My files feel like my files and I feel responsible for them, even though I have plenty of supervision and support. It is rewarding to feel like I am making a contribution and helping people.

Sage Wilson-Short

I have discovered that this role requires a significant level of emotional insight. We are often faced with challenging and sensitive cases, but the difficult parts are far outweighed by the satisfaction I have serving the community and striving for a fair and efficient justice system.

Grace Butcher

Working at the OPP has opened my eyes to the people side of the law and helped me understand that criminal law in particular is centred on the stories of those involved in the court process.



Left to Right: Ruby Stewart, Hayley Gould, Daniel Vrech, Sage Wilson-Short and Grace Butcher.

Olivia Chan

The supportive and collegiate culture at the OPP makes being an OPP trainee so rewarding. In addition, every day we get to see our hard work make a tangible difference to victims' lives as well as the broader community.

Erin Washington

The OPP training program creates a wonderful and collaborative learning environment, with trainees developing close bonds. We often have to look at material which can be distressing but it's encouraging to know that I am surrounded at work by people who are looking out for me and my wellbeing.

Megan Struthers

Criminal law is such a diverse, interesting and dynamic area of law which is what drew me to it in the first place. While there is a lot to learn about this continually developing area, working as a legal trainee at the OPP has provided a great platform to learn from and develop relationships with peers, mentors and other legal professionals.



Left to Right: Olivia Chan, Erin Washington and Megan Struthers. Emily Muir not pictured.

Emily Muir

Speaking with victims and being able to explain different court processes and procedures is very rewarding. A lot of our work focuses on the accused person, so it's very important to engage with victims and hear how they are managing since the offending and to provide support.

Court Process

Summary of the prosecution and court process



Investigation Stage

Proceeds of crime identified and referred to OPP for consideration



Committal Stage* (Magistrates' Court)

Straight hand up brief
(bypass committal hearing)

*Victims and witnesses are supported throughout the prosecution and court process



Trial Stage (County or Supreme Court)

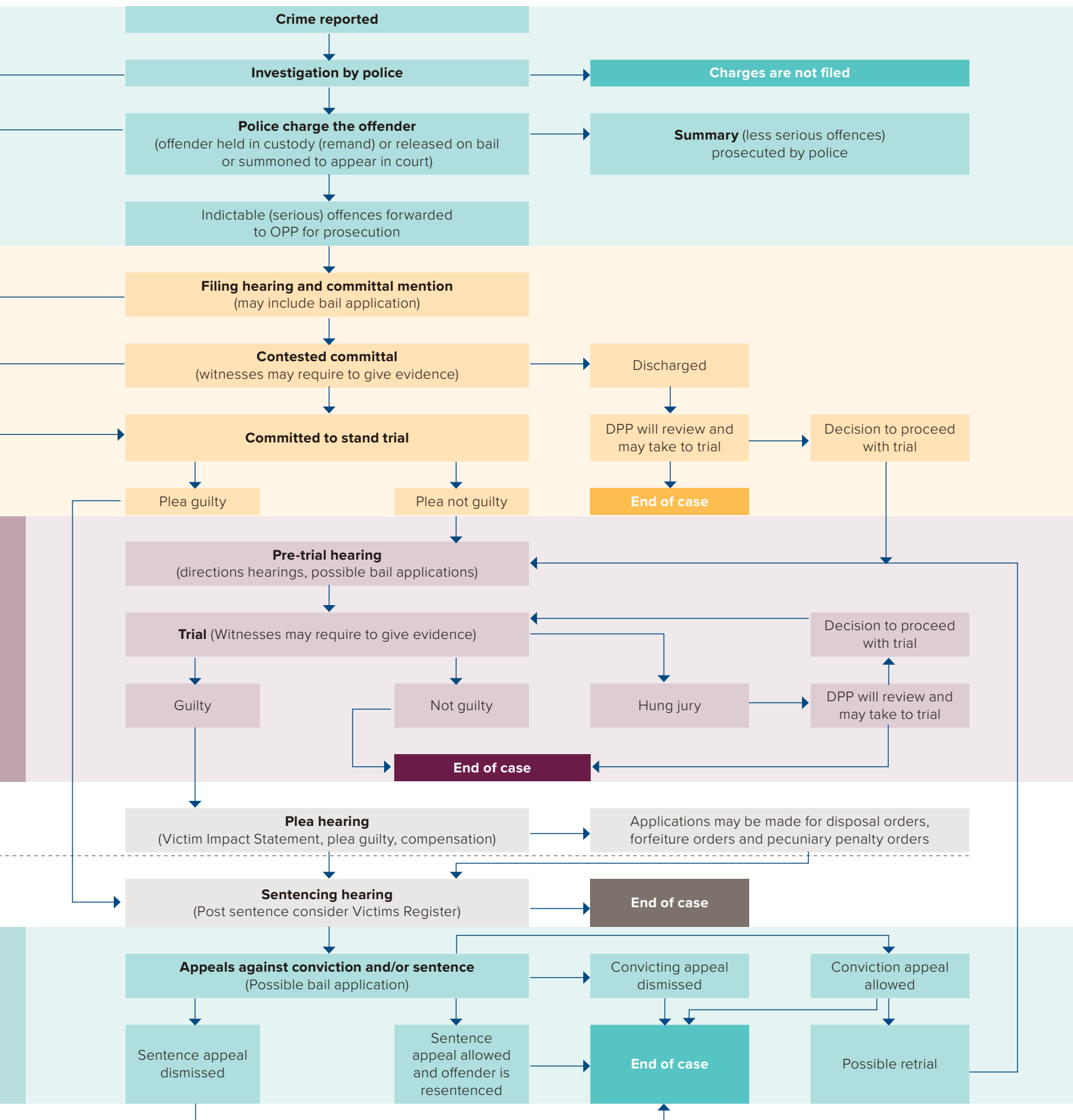


Plea Stage (County or Supreme Court)

Sentence Stage (County or Supreme Court)



Appeal Stage (Court of Appeal or High Court)



Financial Summary

Overview

A summary of the Office of Public Prosecution's financial performance in 2020/2021 is set out below. Full financial details are outlined in the Financial Statements.

The Victorian Government considers the net result from transactions to be the appropriate measure of financial management that can be directly attributed to government policy. In 2020/2021, the OPP reported a net result from transactions of \$0.029 million a decrease of \$1.486 million from 2019/2020. The transfer of operating funding to meet higher capital needs impacted the net result. Income from transactions has increased over the last five years to meet increasing demand for prosecution and witness support services. Expenses were however lower than the previous year due to the impact of the COVID-19 pandemic on court hearing throughput, with cases delayed and deferred under health directions.

Net assets movements have varied over the last five years. The Office has continued to invest in information technology and Audio-Visual systems to more effectively address the digital needs and environments within the Office and Courts. A decrease in net assets in 2019/2020 was a result of the transfer of leasehold improvements to the Department of Treasury and Finance following the implementation of the central asset management framework.

Net cash flows from operating activities have fluctuated over the last five years and are mainly impacted by the level of receivables, accruals and provisions for employee entitlements.

Financial performance

In 2020/2021, revenue decreased by 3.1% from the previous year following a transfer of operating funding to capital funding to meet increasing data storage needs. Expenses decreased by 1.4% due to COVID-19 health directions, impacting court activities including the adjournment of some court hearings and a reduction in regional court circuit activity. Lower staff attrition rates, the payment of mobility allowances in line with the EBA agreement and recruitment of front-line legal practice staff and social workers in response to increasing caseloads resulted in an increase in employee expenses in 2020/2021.

Financial position – balance sheet

Total assets amounted to \$33.273 million, a decrease of \$1.967 million from the previous year. Statutory receivables accounted for a major component of this decrease due to shorter supplier payment terms. Prepayments were higher due to the recognition of prepaid salaries, while the purchase of data storage equipment and revaluation of land and buildings resulted in an increase in property, plant and equipment.

Total liabilities amounted to \$24.545 million, a decrease of \$2.905 million from the previous year. This was largely attributed to a lower level of payables arising from the overall decrease in expenditure during the year and the timing of payment to suppliers. Employee related provisions increased by \$0.758 million, in line with higher staff numbers and an additional year of service provided by staff.

Cash flows

Net cash flows from operating activities were \$0.511 million higher than last year due to the timing of receipt and payment of operating costs. Net cash outflows from investing activities due to higher investment in IT equipment and prepayments to DTF for refurbishment works. Net cash outflows from financing activities were higher due to equity transfers associated with leasehold improvements.

(\$ thousand)

Five year financial summary	2021	2020	2019	2018	2017
Income from government	81,163	83,771	79,763	70,816	65,984
Total income from transactions	81,163	83,802	79,763	70,816	65,984
Total expenses from transactions	81,134	82,287	79,536	70,934	65,678
Net result from transactions	29	1,515	227	(118)	306
Net result for the period	393	1,236	(356)	20	48
Net cash flows from operating activities	2,346	1,835	2,082	3,031	922
Total assets	33,273	35,240	33,820	29,928	27,502
Total liabilities	24,545	27,450	22,271	19,203	16,997

Independent Auditor's Report

To the Solicitor for Public Prosecutions

Opinion	<p>I have audited the financial report of the Office of Public Prosecutions (the Office) which comprises the:</p> <ul style="list-style-type: none"> • balance sheet as at 30 June 2021 • comprehensive operating statement for the year then ended • cash flow statement for the year then ended • statement of changes in equity for the year then ended • notes to the financial statements, including significant accounting policies • declaration in the financial statements. <p>In my opinion the financial report presents fairly, in all material respects, the financial position of the Office as at 30 June 2021 and its financial performance and cash flows for the year then ended in accordance with the financial reporting requirements of Part 7 of the <i>Financial Management Act 1994</i> and applicable Australian Accounting Standards.</p>
Basis for opinion	<p>I have conducted my audit in accordance with the <i>Audit Act 1994</i> which incorporates the Australian Auditing Standards. I further describe my responsibilities under that Act and those standards in the <i>Auditor's Responsibilities for the Audit of the Financial Report</i> section of my report.</p> <p>My independence is established by the <i>Constitution Act 1975</i>. My staff and I are independent of the Office in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 <i>Code of Ethics for Professional Accountants</i> (the Code) that are relevant to my audit of the financial report in Victoria. My staff and I have also fulfilled our other ethical responsibilities in accordance with the Code.</p> <p>I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.</p>
The responsibility of the Solicitor for Public Prosecutions for the financial report	<p>The Solicitor for Public Prosecutions (the Solicitor) is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards and the <i>Financial Management Act 1994</i>, and for such internal control as the Solicitor for Public Prosecutions of the Office determines is necessary to enable the preparation and fair presentation of a financial report that is free from material misstatement, whether due to fraud or error.</p> <p>In preparing the financial report, the Solicitor is responsible for assessing the Office's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless it is inappropriate to do so.</p>

**Auditor's
responsibilities
for the audit
of the financial
report**

As required by the *Audit Act 1994*, my responsibility is to express an opinion on the financial report based on the audit. My objectives for the audit are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with the Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Office's internal control.
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Solicitor.
- conclude on the appropriateness of the Solicitor's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Office's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Office to cease to continue as a going concern.
- evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Solicitor regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.



Janaka Kumara

as delegate for the Auditor-General of Victoria

MELBOURNE
29 September 2021

Financial Statements

How this report is structured

The Office of Public Prosecutions (OPP) has presented its audited general-purpose financial statements for the financial year ended 30 June 2021 in the following structure to provide users with the information about the OPP's stewardship of resources entrusted to it.

Financial Statements	Comprehensive operating statement
	Balance sheet
	Cash flow statement
	Statement of changes in equity
Notes to the financial statements	1 About this report
	The basis on which the financial statements have been prepared and compliance with reporting regulations
	2 Funding delivery of our services
	Income and Revenue recognised from grants and other sources
	2.1 Income from transactions
	3 The cost of delivering services
	Operating expenses of the OPP
	3.1 Impacts of corona virus (COVID-19) pandemic on expenses
	3.2 Expenses incurred in delivery of services
	3.3 Other operating expenses
	4 Key assets available to support output delivery
	Land, property, intangible assets, plant and equipment and other financial assets
	4.1 Total property, plant and equipment
	4.2 Intangible assets
	5 Other assets and liabilities
	5.1 Working capital balances, and other key assets and liabilities
	5.2 Payables
	5.3 Other non-financial assets
	5.4 Other provisions
	6. Financing our operations
	Borrowings, cash flow information, leases and assets pledged as security
	6.1 Borrowings
	6.2 Leases
	6.3 Cash flow information and balance
	6.4 Commitments for expenditure

Notes to the financial statements (continued)	7. Risks, contingencies and valuation judgements	
	Financial risk management, contingent assets and liabilities as well as fair value determination	
	7.1	Financial instruments specific disclosures
	7.2	Contingent assets and contingent liabilities
	7.3	Fair value determination
	8. Other disclosures	
	8.1	Other economic flows included in net result
	8.2	Reserves
	8.3	Responsible persons
	8.4	Remunerations of executives
	8.5	Related parties
	8.6	Remuneration of auditors
	8.7	Subsequent events
	8.8	Australian Accounting Standards issued that are not yet effective
	8.9	Glossary of technical terms
	8.10	Style conventions

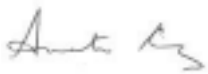
Declaration in the Financial Statements

The attached financial statements for the Office of Public Prosecutions have been prepared in accordance with Direction 5.2 of the Standing Directions of the Assistant Treasurer under the *Financial Management Act 1994*, applicable Financial Reporting Directions, Australian Accounting Standards including Interpretations, and other mandatory professional reporting requirements.

We further state that, in our opinion, the information set out in the comprehensive operating statement, balance sheet, cash flow statement, statement of changes in equity and accompanying notes, presents fairly the financial transactions during the year ended 30 June 2021 and financial position of the Office at 30 June 2021.

At the time of signing, we are not aware of any circumstance which would render any particulars included in the financial statements to be misleading or inaccurate.

We authorise the attached financial statements for issue on 21 September 2021 .



Annette Cruz
Chief Finance Officer
Office of Public Prosecutions
Melbourne
21 September 2021



Abbey Hogan
Solicitor for Public Prosecutions
Office of Public Prosecutions
Melbourne
21 September 2021

Comprehensive operating statement (a)

For the financial year ended 30 June 2021

(\$ thousand)			
	Notes	2021	2020
Continuing operations			
Income from transactions			
Government grants	2.1.1	81,163	83,771
Fair value of assets received free of charge or for nominal consideration	2.1.2	-	31
Total income from transactions		81,163	83,802
Expenses from transactions			
Employee expenses	3.2.1	(54,412)	(52,780)
Depreciation and amortisation	4.1.1	(1,072)	(2,773)
Interest expense	6.1.2	(22)	(175)
Other operating expenses	3.3	(25,628)	(26,559)
Total expenses from transactions		(81,134)	(82,287)
Net result from transactions (net operating balance)		29	1,515
Other economic flows included in net result			
Other gains/(losses) from other economic flows (i)	8.1	364	(279)
Total other economic flows included in net result		364	(279)
Net result from continuing operations		393	1,236
Net result		393	1,236
Other economic flows - other comprehensive income			
Items that will not be reclassified to net result			
Changes in physical asset revaluation surplus	8.2	711	336
Total other economic flows - other comprehensive income		711	336
Comprehensive result		1,104	1,572

The accompanying notes form part of these financial statements.

Notes:

- (a) This format is aligned to AASB 1049 Whole of Government and General Government Sector Financial Reporting.
- (i) Includes unrealised and realised gains/(losses) from revaluations, impairments, and disposals of all physical assets and intangible assets except when these are taken through the asset revaluation surplus.

Balance sheet (a)

As at 30 June 2021

(\$ thousand)

	Notes	2021	2020
Assets			
Financial assets			
Cash and deposits	6.3	75	75
Receivables	5.1	23,009	27,514
Total financial assets		23,084	27,589
Non-financial assets			
Property, plant and equipment	4.1	8,085	7,031
Other non-financial assets	5.3	1,977	472
Intangible assets	4.2	127	148
Total non-financial assets		10,189	7,651
Total assets		33,273	35,240
Liabilities			
Payables	5.2	10,037	14,220
Lease liabilities	6.1	758	673
Employee related provisions	3.2.2	13,315	12,557
Other Provisions	5.4	435	-
Total liabilities		24,545	27,450
Net assets		8,728	7,790
Equity			
Accumulated deficit		(5,570)	(5,963)
Physical asset revaluation surplus	8.2	2,589	1,878
Contributed capital (i)		11,709	11,875
Net worth		8,728	7,790

The accompanying notes form part of these financial statements.

Notes:

- (a) This format is aligned to AASB 1049 Whole of Government and General Government Sector Financial Reporting.
- (i) Leasehold improvements were transferred to the Department of Treasury and Finance on 1 November 2019, following the transfer and control of accommodation premises to which these leasehold improvements applied. This resulted in a reduction in contributed capital in 2019-20.

Cash flow statement (a)

For the financial year ended 30 June 2021

		(\$ thousand)	
	Notes	2021	2020
Cash flows from operating activities			
Receipts			
Receipts from government		85,668	75,913
Total receipts		85,668	75,913
Payments			
Payments to suppliers and employees		(83,300)	(73,903)
Interest and other costs of finance paid		(22)	(175)
Total payments		(83,322)	(74,078)
Net cash flows from/(used in) operating activities	6.3.1	2,346	1,835
Cash flows from investing activities			
Purchases of non-financial assets		(2,030)	(1,947)
Net cash flows from/(used in) investing activities		(2,030)	(1,947)
Cash flows from financing activities			
Owner contributions by State Government		(166)	122
Repayment of principal portion of lease liabilities (i)		(150)	(153)
Net cash flows from/(used in) financing activities		(316)	(31)
Net increase/(decrease) in cash and cash equivalents		-	(143)
Cash and cash equivalents at beginning of financial year		75	218
Cash and cash equivalents at end of financial year	6.3	75	75

The accompanying notes form part of these financial statements.

Notes:

- (a) This format is aligned to AASB 1049 Whole of Government and General Government Sector Financial Reporting.
- (i) The OPP has recognised cash payments for the principal portion of lease payments as financing activities; cash payments for the interest portion as operating activities consistent with the presentation of interest payments and short-term lease payments for leases and low-value assets as operating activities.

Statement of changes in equity (a)

For the financial year ended 30 June 2021

	Notes	Physical asset revaluation surplus	Accumulated Deficit	Contributed Capital	Total
Balance at 1 July 2019		1,542	(7,199)	17,206	11,549
Net result for the year		-	1,236	-	1,236
Revaluation increment	8.2	336	-	-	336
Equity Transfers (i)		-	-	(5,331)	(5,331)
Balance at 30 June 2020		1,878	(5,963)	11,875	7,790
Balance at 01 July 2020		1,878	(5,963)	11,875	7,790
Net result for the year		-	393	-	393
Revaluation increment	8.2	711	-	-	711
Equity Transfers		-	-	(166)	(166)
Balance at 30 June 2021		2,589	(5,570)	11,709	8,728

The accompanying notes form part of these financial statements.

- (a) This format is aligned to AASB 1049 Whole of Government and General Government Sector Financial Reporting.
- (i) Leasehold improvements were transferred to the Department of Treasury and Finance on 1 November 2019, following the transfer and control of accommodation premises to which these leasehold improvements applied. This resulted in a reduction in contributed capital in 2019-20.

1. About this report

The Office of Public Prosecutions (OPP) is an independent statutory authority of the State of Victoria, established under the *Public Prosecutions Act 1994*.

A description of the nature of the OPP's operations and its principal activities is included in the report of operations, which does not form part of these financial statements.

Its principal address is:

Office of Public Prosecutions

565 Lonsdale Street
Melbourne VIC 3000

Judgements, estimates and assumptions are required to be made about financial information being presented. The significant judgements made in the preparation of these financial statements are disclosed in the notes where amounts affected by those judgements are disclosed. Estimates and associated assumptions are based on professional judgements derived from historical experience and various other factors that are believed to be reasonable under the circumstances. Actual results may differ from these estimates.

All amounts in the financial statements have been rounded to the nearest \$1,000 unless otherwise stated.

Basis of preparation

These financial statements are in Australian dollars and the historical cost convention is used unless a different measurement basis is specifically disclosed in the note associated with the item measured on a different basis.

The accrual basis of accounting has been applied in preparing these financial statements, whereby assets, liabilities, equity, income and expenses are recognised in the reporting period to which they relate, regardless of when cash is received or paid.

Consistent with the requirements of AASB 1004 Contributions, contributions by owners (that is, contributed capital and its repayment) are treated as equity transactions and, therefore, do not form part of the income and expenses of the OPP.

Additions to net assets which have been designated as contributions by owners are recognised as contributed capital. Other transfers that are in the nature of contributions to or distributions by owners have also been designated as contributions by owners.

Compliance information

These general purpose financial statements have been prepared in accordance with the *Financial Management Act 1994* (FMA) and applicable Australian Accounting Standards (AASs) which include Interpretations, issued by the Australian Accounting Standards Board (AASB). In particular, they are presented in a manner consistent with the requirements of the AASB 1049 *Whole of Government and General Government Sector Financial Reporting*.

Where appropriate, those AASs paragraphs applicable to not-for-profit entities have been applied. 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.

2. Funding delivery of our services

Introduction

The OPP provides an independent, effective and efficient prosecutions service on behalf of the Director of Public Prosecutions. In addition to the prosecution of serious crimes, the OPP also provides professional support to prosecution witnesses and victims of crime involved in its cases.

2.1. Income from transactions

The OPP is predominately funded by a grant from the Department of Justice and Community Safety (DJCS).

2.1.1. Grants

	(\$ thousand)	
	2021	2020
Government grants		
Grants from the Department of Justice and Community Safety	81,163	83,771
Total government grants	81,163	83,771

The OPP has determined that the grant income included in the table above under AASB 1058 has been earned under arrangements that are either not enforceable and/or linked to sufficiently specific performance obligations.

Income from grants without any sufficiently specific performance obligations, or that are not enforceable, is recognised when the OPP has an unconditional right to receive cash which usually coincides with receipt of cash. On initial recognition of the asset, the OPP recognises any related contributions by owners, increases in liabilities, decreases in assets, and revenue ('related amounts') in accordance with other Australian Accounting Standards. Related amounts may take the form of:

- (a) contributions by owners, in accordance with AASB 1004;
- (b) revenue or a contract liability arising from a contract with a customer, in accordance with AASB 15;
- (c) a lease liability in accordance with AASB 16;
- (d) a financial instrument, in accordance with AASB 9; or
- (e) a provision, in accordance with AASB 137 Provisions, Contingent Liabilities and Contingent Assets.

2.1.2. Fair value of assets received free of charge or for nominal consideration recognised as income

	(\$ thousand)	
	2021	2020
Plant and Equipment	-	31
Total fair value of assets received free of charge or for nominal consideration recognised as income	-	31

Contributions of resources provided free of charge or for nominal consideration are recognised at their fair value when the recipient obtains control over the resources, irrespective of whether restrictions or conditions are imposed over the use of the contributions.

The exception to this would be when the resource is received from another government department (or agency) as a consequence of a restructuring of administrative arrangements, in which case such a transfer will be recognised at its carrying value in the transferring department or agency as a capital contribution transfer.

3. The cost of delivering services

Introduction

This section provides an account of the expenses incurred by the OPP in delivering services and outputs. In Section 2, the funds that enable the provision of services were disclosed and in this note the costs associated with provision of services are recorded.

3.1. Impacts of coronavirus (COVID-19) pandemic on expense

The coronavirus (COVID-19) pandemic has resulted in an overall reduction in case related expenditure for the OPP following a reduction/postponement of hearings by the Courts since March 2020, particularly the adjournment of trials. However, IT equipment and data related expenses have increased to support online Court activities and hybrid working arrangements for staff.

3.2. Expenses incurred in delivery of services

(\$ thousand)			
	Notes	2021	2020
Employee benefit expenses	3.2.1	54,412	52,780
Other operating expenses	3.3	25,628	26,559
Total expenses incurred in delivery of services		80,040	79,339

3.2.1. Employee benefits in the comprehensive operating statement

(\$ thousand)		
	2021	2020
Defined contribution superannuation expense	3,696	3,456
Defined benefit superannuation expense	316	318
Termination benefits	-	112
Salaries and wages, annual leave and long service leave	50,399	48,894
Total expenses incurred in delivery of services	54,412	52,780

Employee expenses include all costs related to employment including wages and salaries, fringe benefits tax, leave entitlements, termination payments and WorkCover premiums.

The amount recognised in the comprehensive operating statement in relation to superannuation is employer contributions for members of both defined benefit and defined contribution superannuation plans that are paid or payable during the reporting period. The OPP does not recognise any defined benefit liabilities because it has no legal or constructive obligation to pay future benefits relating to its employees. Instead, the Department of Treasury and Finance (DTF) discloses in its annual financial statements the net defined benefit cost related to the members of these plans as an administered liability (on behalf of the State as the sponsoring employer).

Termination benefits are payable when employment is terminated before normal retirement date, or when an employee accepts an offer of benefits in exchange for the termination of employment. Termination benefits are recognised when the OPP is demonstrably committed to terminating the employment of current employees according to a detailed formal plan without possibility of withdrawal or providing termination benefits as a result of an offer made to encourage voluntary redundancy.

3.2.2. Employee benefits in the balance sheet

Provision is made for benefits accruing to employees in respect of wages and salaries, annual leave and long service leave (LSL) for services rendered to the reporting date and recorded as an expense during the period the services are delivered.

	(\$ thousand)	
	2021	2020
Current provisions:		
Annual leave		
Unconditional and expected to settle within 12 months	3,261	2,760
Unconditional and expected to settle after 12 months	588	388
Long service leave		
Unconditional and expected to settle within 12 months	775	634
Unconditional and expected to settle after 12 months	5,280	5,361
Provisions for on-costs		
Unconditional and expected to settle within 12 months	1,007	814
Unconditional and expected to settle after 12 months	1,020	989
Total current provisions for employee benefits	11,931	10,946
Non-current provisions:		
Employee benefits	1,194	1,391
On-costs	190	220
Total non-current provisions for employee benefits	1,384	1,611
Total provisions for employee benefits	13,315	12,557

Reconciliation of movement in on-cost provision

	(\$ thousand)	
	2021	2020
Opening balance	2,024	1,929
Additional provisions recognised	1,334	1,268
Reductions arising from payments/other sacrifices of future economic benefits	(1,141)	(1,173)
Closing balance	2,217	2,024
Current	2,027	1,804
Non-current	190	220

Wages and salaries, annual leave and sick leave:

Liabilities for wages and salaries (including non-monetary benefits, annual leave and on-costs) are recognised as part of the employee benefit provision as current liabilities, because the OPP does not have an unconditional right to defer settlements of these liabilities.

The liability for salaries and wages are recognised in the balance sheet at remuneration rates which are current at the reporting date. As the OPP expects the liabilities to be wholly settled within 12 months of reporting date, they are measured at undiscounted amounts.

The annual leave liability is classified as a current liability and measured at the undiscounted amount expected to be paid, as the OPP does not have an unconditional right to defer settlement of the liability for at least 12 months after the end of the reporting period.

No provision has been made for sick leave as all sick leave is non-vesting and it is not considered probable that the average sick leave taken in the future will be greater than the benefits accrued in the future. As sick leave is non-vesting, an expense is recognised in the Statement of Comprehensive Income as it is taken.

Employment on-costs such as payroll tax, workers compensation and superannuation are not employee benefits. They are disclosed separately as a component of the provision for employee benefits when the employment to which they relate has occurred.

Unconditional LSL is disclosed as a current liability; even where the OPP does not expect to settle the liability within 12 months because it will not have the unconditional right to defer the settlement of the entitlement should an employee take leave within 12 months.

The components of this current LSL liability are measured at:

- undiscounted value – if the OPP expects to wholly settle within 12 months; or
- present value – if the OPP does not expect to wholly settle within 12 months.

Conditional LSL is disclosed as a non-current liability. There is a conditional right to defer the settlement of the entitlement until the employee has completed the requisite years of service. This non-current LSL is measured at present value.

Any gain or loss following revaluation of the present value of non-current LSL liability is recognised as a transaction, except to the extent that a gain or loss arises due to changes in bond interest rates for which it is then recognised as an 'other economic flow' in the net result.

3.2.3. Superannuation contributions

Employees of the OPP are entitled to receive superannuation benefits and the OPP contributes to both defined benefit and defined contribution plans. The defined benefit plan(s) provides benefits based on years of service and final average salary.

(\$ thousand)				
	Paid contribution for the year		Contribution outstanding at the end of the year	
	2021	2020	2021	2020
Defined benefit plans (a)				
State Superannuation Fund	324	316	-	9
Defined contribution plans				
VicSuper	2,363	2,225	-	60
Other	1,396	1,206	-	36
Total	4,083	3,747	-	105

Notes:

- (a) The basis for determining the level of contributions is determined by the various actuaries of the defined benefit superannuation plans.

3.3. Other operating expenses

(\$ thousand)

	2021	2020
Supplies and services		
Professional services and witness payments	14,339	17,841
Property maintenance and facilities management	5,522	3,887
Information technology	3,373	1,940
Printing, stationery & library	672	503
Postage, communication & office expenses	1,034	1,085
Interpreters	123	340
Other - travel, personal exp claims, motor vehicles	526	895
Audit services	39	68
Total other operating expenses	25,628	26,559

Other operating expenses generally represent the day-to-day running costs incurred in normal operations.

Supplies and services are recognised as an expense in the reporting period in which they are incurred. The following lease payments are recognised on a straight line basis:

- Short term leases - leases with a term less than 12 months; and
- Low value leases - leases where the underlying asset's fair value (when new, regardless of the age of the asset being leased) is no more than \$10,000.

Contributions of resources received free of charge or for nominal consideration are recognised at their fair value when control is obtained over them, irrespective of whether these contributions are subject to restrictions or conditions over their use. Contributions in the form of services are only recognised when a fair value can be reliably determined and the services would have been purchased if not received as a donation.

The Department of Justice and Community Safety provides certain governance, executive and support services and resources to the OPP. The value of these services which includes the use of the Department's financial and payroll systems is not recognised in the financial statements of the OPP, as the Department is centrally funded to provide these services and the fair value of such services cannot be reliably determined.

4. Key assets available to support output delivery

Introduction

The OPP controls infrastructure and other investments that are utilised in fulfilling its objectives and conducting its activities. They represent the resources that have been entrusted to the OPP to be utilised for delivery of those outputs.

4.1. Total property, plant and equipment

	(\$ thousand)					
	Gross carrying amount		Accumulated depreciation		Net carrying amount	
	2021	2020	2021	2020	2021	2020
Land at fair value	2,560	1,943	-	-	2,560	1,943
Buildings at fair value	136	131	-	(68)	136	63
Plant and equipment at fair value	8,663	7,572	(4,029)	(3,217)	4,634	4,355
Motor vehicles at fair value	1,010	920	(255)	(250)	755	670
Net carrying amount	12,369	10,566	(4,284)	(3,535)	8,085	7,031

The following tables are subsets of buildings, and plant and equipment by right-of-use assets.

4.1(a) Total right-of-use assets: buildings, plant, equipment and vehicles

(\$ thousand)

	Gross carrying amount	Accumulated Depreciation	Net Carrying Amount	Gross carrying amount	Accumulated Depreciation	Net Carrying Amount
	2021	2021	2021	2020	2020	2020
Plant, Equipment and vehicles	1,010	(255)	755	920	(251)	669
Net carrying amount	1,010	(255)	755	920	(251)	669

(\$ thousand)

	Buildings and Leasehold Improvements	Plant, equipment and vehicles at fair value
	2021	2020
Opening balance – 1 July 2020	-	669
Additions	-	360
Disposals	-	(125)
Depreciation	-	(149)
Closing balance – 30 June 2021	-	755
Opening balance – 1 July 2019 (a)	24,952	617
Additions	379	379
Disposals	-	(174)
Reclassifications	(751)	-
Depreciation	(1,702)	(153)
Transfers (b)	(22,878)	-
Closing balance – 30 June 2020	-	669

(a) This balance represents the initial recognition of right-of-use assets recorded on the balance sheet on 1 July 2019 along with the transfer from finance lease assets (recognised under AASB 117 at 30 June 2019) to right-of-use assets (recognised under AASB 16 at 1 July 2019).

(b) In October 2019, the OPP transferred the right-of-use assets to the Department of Treasury and Finance Shared Service Provider. Details of the transfer are included in Note 6.2 (d) Leases.

Initial recognition: Items of property, plant and equipment, are measured initially at cost and subsequently revalued at fair value less accumulated depreciation and impairment. Where an asset is acquired for no or nominal cost, the cost is its fair value at the date of acquisition.

The cost of constructed non-financial physical assets includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

The cost of a leasehold improvements is capitalised and depreciated over the shorter of the remaining term of the lease or their estimated useful lives.

Right-of-use asset acquired by lessees – Initial measurement

The OPP recognises a right-of-use asset and a lease liability at the lease commencement date. The right-of-use asset is initially measured at cost which comprises the initial amount of the lease liability adjusted for:

- any lease payments made at or before the commencement date less any lease incentive received; plus
- any initial direct costs incurred; and
- an estimate of costs to dismantle and remove the underlying asset or to restore the underlying asset or the site on which it is located.

Subsequent measurement: Property, plant and equipment (PPE) as well as right-of-use assets under leases are subsequently measured at fair value less accumulated depreciation and impairment. Fair value is determined with regard to the asset's highest and best use (considering legal or physical restrictions imposed on the asset, public announcements or commitments made in relation to the intended use of the asset) and is summarised at note 4.1.2.

The OPP depreciates the right-of-use assets on a straight-line basis from the lease commencement date to the earlier of the end of the useful life of the right-of-use asset or the end of the lease term. The right-of-use assets are also subject to revaluation.

In addition, the right-of-use asset is periodically reduced by impairment losses, if any and adjusted for certain remeasurements of the lease liability.

Specialised land and specialised buildings: The market approach, whereby assets are compared to recent comparable sales or sales of comparable assets that are considered to have nominal value, is used for specialised land, although it is adjusted for the community service obligation (CSO) to reflect the specialised nature of the land being valued. See note 7.3.2.

The CSO adjustment is a reflection of the valuer's assessment of the impact of restrictions associated with an asset to the extent that is also equally applicable to market participants.

For the majority of the OPP's specialised buildings, the current replacement cost method is used, adjusting for the associated depreciation.

Vehicles are valued using the current replacement cost method. The OPP acquires new vehicles and at times disposes of them before the end of their economic life. The process of acquisition, use and disposal in the market is managed by experienced fleet managers in the OPP who set relevant depreciation rates during use to reflect the utilisation of the vehicles.

Fair value for **plant and equipment** that are specialised in use (such that it is rarely sold other than as part of a going concern) is determined using the current replacement cost method.

Refer to Note 7.3 for additional information on fair value determination of property, plant and equipment.

Impairment of property, plant and equipment

The recoverable amount of primarily non-cash-generating assets of not-for-profit entities, which are typically specialised in nature and held for continuing use of their service capacity, is expected to be materially the same as fair value determined under AASB 13 Fair Value Measurement, with the consequence that AASB 136 does not apply to such assets that are regularly revalued.

4.1.1 Depreciation and amortisation

Charge for the period	(\$ thousand)	
	2021	2020
Buildings	21	1,440
Plant and equipment	880	892
Motor vehicles	149	153
Leasehold improvements (a)	-	259
Intangible produced assets	22	29
	1,072	2,773

Notes:

(a) The table incorporates depreciation of right-of-use assets as AASB 16 Leases was applied for the first time from 1 July 2019. Leasehold improvements were transferred to DTF in November 2019.

All infrastructure assets, buildings, plant and equipment and other non-financial physical assets that have finite useful lives, are depreciated. The exceptions to this rule include items under operating leases, assets held for sale and land.

Depreciation is generally calculated on a straight line basis, at rates that allocate the asset's value, less any estimated residual value, over its estimated useful life. Typical estimated useful lives for the different asset classes for current and prior years are included in the table below:

Asset	(years) Useful life
Plant and equipment	4 to 10
Motor vehicles	5
Buildings	5 to 40
Intangible assets	7 to 15

The estimated useful lives, residual values and depreciation method are reviewed at the end of each annual reporting period, and adjustments made where appropriate.

Right-of-use assets are generally depreciated over the shorter of the asset's useful life and the lease term. Where OPP obtains ownership of the underlying leased asset or if the cost of the right-of-use asset reflects that the entity will exercise a purchase option, the entity depreciates the right-of-use asset over its useful life.

Leasehold improvements are depreciated over the shorter of the lease term and their useful lives.

Indefinite life assets: Land, which is considered to have an indefinite life, is not depreciated. Depreciation is not recognised in respect of these assets because their service potential has not, in any material sense, been consumed during the reporting period.

4.1.2. Reconciliation of movements in carrying amount of property, plant and equipment

Classification by 'Public order and safety' purpose group - Movements in carrying amounts (a)

	(\$ thousand)													
	Land at fair value		Buildings at fair value		Leasehold improvements at fair value		Assets under construction at cost		Plant, equipment at fair value		Motor vehicles at fair value		Total	
	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020
Opening balance	1,943	1,617	63	70	-	3,909	-	2,175	4,356	3,957	669	617	7,031	12,345
Recognition of right-of-use assets on initial application of AASB 16 (b)	-	-	-	18,868	-	-	-	-	-	-	-	-	-	18,868
Adjusted balance at 1 July 19	-	1,617	-	18,938	-	3,909	-	2,175	-	3,957	-	617	-	31,213
Fair value of assets received free of charge	-	-	-	-	-	-	-	-	-	31	-	-	-	31
Transfer of right-of-use assets to DTF under Central Asset Management arrangement	-	-	-	(17,445)	(148)	(5,074)	-	(379)	-	-	-	-	(148)	(22,898)
Additions	-	-	-	-	148	-	-	379	1,176	512	360	379	1,684	1,270
Disposals	-	-	-	-	-	-	-	-	(18)	(3)	(125)	(174)	(143)	(177)
Revaluation	617	326	94	10	-	-	-	-	-	-	-	-	711	336
Depreciation	-	-	(21)	(1,440)	-	(259)	-	-	(880)	(892)	(149)	(153)	(1,050)	(2,744)
Reclassification	-	-	-	-	-	1,424	(2,175)	-	-	751	-	-	-	-
Closing balance	2,560	1,943	136	63	-	-	-	-	4,634	4,356	755	669	8,085	7,031

Note:

(a) Fair value assessments have been performed for all classes of assets within this purpose group. To ensure land and building values reflected their fair values, a full revaluation of this purpose group was undertaken by Office of the Valuer General. The effective date of the land and building valuation is 30 June 2021.

(b) This balance represents the initial recognition of right-of-use assets recorded on the balance sheet on 1 July 2019 relating to operating leases - refer to Note 8.3.

4.2. Intangible assets

(\$ thousand)

	Computer software		Total	
	2021	2020	2021	2020
Gross carrying amount				
Opening balance	317	503	317	503
Additions	-	-	-	-
Disposals	-	(186)	-	(186)
Closing balance	317	317	317	317
Accumulated depreciation, amortisation and impairment				
Opening balance	(169)	(326)	(169)	(326)
Additions	-	186	-	186
Disposals	(21)	(29)	(21)	(29)
Closing balance	(190)	(169)	(190)	(169)
Net book value at end of financial year	127	148	127	148

Notes:

(i) The consumption of intangible produced assets is included in 'depreciation and amortisation' line item.

Initial recognition

Purchased intangible assets are initially recognised at cost. When the recognition criteria in AASB 138 Intangible Assets is met, internally generated intangible assets are recognised at cost. Subsequently, intangible assets with finite useful lives are carried at cost less accumulated amortisation and accumulated impairment losses. Depreciation and amortisation begins when the asset is available for use, that is, when it is in the location and condition necessary for it to be capable of operating in the manner intended by management.

An internally generated intangible asset arising from development (or from the development phase of an internal project) is recognised if, and only if, all of the following are demonstrated:

- the technical feasibility of completing the intangible asset so that it will be available for use or sale;
- an intention to complete the intangible asset and use or sell it;
- the ability to use or sell the intangible asset;
- the intangible asset will generate probable future economic benefits;
- the availability of adequate technical, financial and other resources to complete the development and to use or sell the intangible asset; and
- the ability to measure reliably the expenditure attributable to the intangible asset during its development.

Subsequent measurement

Intangible produced assets with finite useful lives, are depreciated as an 'expense from transactions' on a straight line basis over their useful lives. Produced intangible assets have useful lives of between 7 and 15 years.

Impairment of intangible assets

Intangible assets with indefinite useful lives (and intangible assets not yet available for use) are tested annually for impairment and whenever there is an indication that the asset may be impaired. Intangible assets with finite useful lives are tested for impairment whenever an indication of impairment is identified.

The policy in connection with testing for impairment is outlined in note 4.1.(a).

Significant intangible assets

The OPP's most significant intangible asset is software relating to its records management system, (\$0.152M). Other software include upgrades to Operating, Scanning and Performance Management Systems. These costs are subject to annual amortisation.

5. Other assets and liabilities

Introduction

This section sets out those assets and liabilities that arose from the OPP's controlled operations.

5.1. Receivables

	(\$ thousand)	
	2021	2020
Contractual		
Other receivables	659	224
Statutory		
Amounts owing from the Department of Justice and Community Safety (i)	22,350	27,290
Total receivables	23,009	27,514
<i>Represented by</i>		
Current receivables	21,627	25,904
Non-current receivables	1,382	1,610

Notes:

- (i) Represents amounts receivable from the Department of Justice and Community Safety for commitments that have been incurred but not yet paid out. The amount receivable from the Department is statutory in nature and hence not in the scope of the financial instrument standards.

Contractual receivables are classified as financial instruments and categorised as 'financial assets at amortised costs'. They are initially recognised at fair value plus any directly attributable transaction costs. The OPP holds the contractual receivables with the objective to collect the contractual cash flows and therefore subsequently measured at amortised cost using the effective interest method, less any impairment.

Statutory receivables do not arise from contracts and are recognised and measured similarly to contractual receivables (except for impairment), but are not classified as financial instruments for disclosure purposes. The OPP applies AASB 9 for initial measurement of the statutory receivables and as a result statutory receivables are initially recognised at fair value plus any directly attributable transaction cost. Amounts recognised from the Victorian Government represent funding for all commitments incurred and are drawn from the Consolidated Fund as the commitments fall due.

Details about the OPP's impairment policies, the OPP's exposure to credit risk, and the calculation of the loss allowance are set out in note 7.

5.2. Payables

(\$ thousand)

	2021	2020
Contractual		
Supplies and services	10,011	14,188
	10,011	14,188
Statutory		
FBT payable	26	32
Total payables	10,037	14,220
<i>Represented by</i>		
Current payables	10,037	14,220
Non-current payables	-	-

Payables consist of:

- **contractual payables**, classified as financial instruments and measured at amortised cost. Accounts payable represent liabilities for goods and services provided to the OPP prior to the end of the financial year that are unpaid; and
- **statutory payables**, that are recognised and measured similarly to contractual payables, but are not classified as financial instruments and not included in the category of financial liabilities at amortised cost, because they do not arise from contracts.

Payables for supplies and services have an average credit period of 30 days. No interest is charged on the 'other payables' for the first 30 days from the date of the invoice. Generally, no interest is charged on the outstanding balance.

The terms and conditions of amounts payable to the government and agencies vary according to the particular agreements and as they are not legislative payables, they are not classified as financial instruments.

Maturity analysis of contractual payables (i)

(\$ thousand)

Maturity dates						
	Carrying amount	Nominal amount	Less than 1 month	1-3 months	3 months -1 year	1-5 years
2021						
Supplies and services	10,011	10,011	10,011	-	-	-
Total	10,011	10,011	10,011	-	-	-
2020						
Supplies and services	14,188	14,188	14,188	-	-	-
Total	14,188	14,188	14,188	-	-	-

Note:

- (i) Maturity analysis is presented using the contractual undiscounted cash flows.

5.3. Other non-financial assets

	(\$ thousand)	
	2021	2020
Current other assets		
Prepayments	1,977	472
Total current other assets	1,977	472
Non-current other assets		
Total non-current other assets	-	-
Total other assets	1,977	472

Other non-financial assets include prepayments, which represent payments in advance of receipt of goods or services or that part of expenditure made in one accounting period covering a term extending beyond that period.

Prepayments for 2021 include salaries and amounts paid in advance to the Department of Treasury and Finance to undertake refurbishment works on OPP's behalf. These works will be completed in the first half of 2021.

5.4. Other provisions

	(\$ thousand)	
	2021	2020
Current provisions		
Provisions for costs and parental leave	435	-
Total current other assets	435	-
Non-current provisions		
Total non-current provisions	-	-
Total other provisions	435	-

Other provisions are recognised when the OPP has a present obligation, the future sacrifice of economic benefits is probable and the amount of the provision can be measured reliably. The amount recognised as a provision is the best estimate of the consideration required to settle the present obligation at reporting date, taking into account the risks and uncertainties surrounding the obligation.

6. How we financed our operations

Introduction

This section provides information on the sources of finance utilised by the OPP during its operations, along with interest expenses (the cost of borrowings) and other information related to financing activities of the OPP.

This section includes disclosures of balances that are financial instruments (such as borrowings and cash balances). Note 7.1 provides additional, specific financial instrument disclosures.

6.1. Borrowings

	(\$ thousand)	
	2021	2020
Current borrowings		
Lease liabilities (i)	258	295
Total current borrowings	258	295
Non-current borrowings		
Lease liabilities	500	378
Total non-current borrowings	500	378
Total borrowings	758	673

Note:

- (i) Secured by the assets leased. Leases are effectively secured as the rights to the leased assets revert to the lessor in the event of default.

6.1.1. Maturity analysis of borrowings

	(\$ thousand)					
	Maturity dates					
	Carrying amount	Nominal amount	Less than 1 month	1-3 months	3 months - 1 year	1-5 years
2020						
Lease liabilities	758	783	89	64	120	510
Total	758	783	89	64	120	510
2020						
Lease liabilities	673	701	33	53	227	388
Total	673	701	33	53	227	388

6.1.2. Interest expense

	(\$ thousand)	
	2021	2020
Interest on leases	22	24
Interest on accommodation leases	-	151
Total interest expense	22	175

'Interest expense' includes costs incurred in connection with the interest component of lease repayments. Interest expense is recognised in the period in which it is incurred.

The OPP recognises borrowing costs immediately as an expense, even where they are directly attributable to the acquisition, construction or production of a qualifying asset.

6.2. Leases

Information about leases for which the OPP is a lessee is presented below.

The OPP's leasing activities

The OPP leases various multifunction devices and motor vehicles. The lease contracts are typically made for fixed periods of 3-4 years with an option to renew the lease after that date.

Leases of multifunction devices with contract terms of 1-4 years are leases of low-value items. The OPP has elected not to recognise right-of-use assets and lease liabilities for these leases.

At 30 June 2021, OPP was committed to low value leases and the total commitment at that date was \$270,925 inclusive of GST.

6.2(a) Right-of-use Assets

Right-of-use assets are presented in note 4.1(a).

6.2(b) Amounts recognised in the Statement of Comprehensive Statement

The following amounts are recognised in the Statement of Comprehensive Operating Statement relating to leases:

	(\$ thousand)	
	2021	2020
Interest expense on lease liabilities	22	175
Expenses relating to leases of low-value assets	37	100
Total amount recognised in the statement of comprehensive statement	59	275

6.2(c) Amounts recognised in the Statement of Cashflows

The following amounts are recognised in the Statement of Cashflows for the year ending 30 June 2021 relating to leases.

	(\$ thousand)	
	2021	2020
Total cash outflow for leases	51	273

For any new contracts entered into, OPP considers whether a contract is, or contains a lease. A lease is defined as 'a contract, or part of a contract, that conveys the right to use an asset (the underlying asset) for a period of time in exchange for consideration'. To apply this definition OPP assesses whether the contract meets three key evaluations:

- Whether the contract contains an identified asset, which is either explicitly identified in the contract or implicitly specified by being identified at the time the asset is made available to OPP and for which the supplier does not have substantive substitution rights;
- Whether OPP has the right to obtain substantially all of the economic benefits from use of the identified asset throughout the period of use, considering its rights within the defined scope of the contract and OPP has the right to direct the use of the identified asset throughout the period of use; and
- Whether OPP has the right to take decisions in respect of 'how and for what purpose' the asset is used throughout the period of use.

This policy is applied to contracts entered into, or changed, on or after 1 July 2019.

Separation of lease and non-lease components

At inception or on reassessment of a contract that contains a lease component, the lessee is required to separate out and account separately for non-lease components within a lease contract and exclude these amounts when determining the lease liability and right-of-use asset amount.

Recognition and measurement of leases as a lessee

Lease Liability – initial measurement

The lease liability is initially measured at the present value of the lease payments unpaid at the commencement date, discounted using the interest rate implicit in the lease if that rate is readily determinable or the OPP's incremental borrowing rate.

Lease payments included in the measurement of the lease liability comprise the following:

- fixed payments (including in-substance fixed payments) less any lease incentive receivable;
- variable payments based on an index or rate, initially measured using the index or rate as at the commencement date;

- amounts expected to be payable under a residual value guarantee; and
- payments arising from purchase and termination options reasonably certain to be exercised.

Lease Liability – subsequent measurement

Subsequent to initial measurement, the liability will be reduced for payments made and increased for interest. It is remeasured to reflect any reassessment or modification, or if there are changes in-substance fixed payments.

When the lease liability is remeasured, the corresponding adjustment is reflected in the right-of-use asset, or profit and loss if the right-of-use asset is already reduced to zero.

Short-term leases and leases of low-value assets

The OPP has elected to account for short-term leases and leases of low-value assets using the practical expedients. Instead of recognising a right-of-use asset and lease liability, the payments in relation to these are recognised as an expense in profit or loss on a straight-line basis over the lease term.

Presentation of right-of-use assets and lease liabilities

The OPP presents right-of-use assets as 'property plant equipment' unless they meet the definition of investment property, in which case they are disclosed as 'investment property' in the balance sheet. Lease liabilities are presented as 'borrowings' in the balance sheet.

6.2(d) De-recognition and transfer of accommodation leases

In October 2019, the OPP agreed to centralised accommodation management services with the Department of Treasury and Finance Shared Service Provider (SSP). Following this agreement, the right-of-use asset and lease liability recognised for the accommodation leases at that date were de-recognised and transferred to SSP as a transfer through equity, in accordance with the requirements of FRD 119A *Transfers through contributed capital*. From November 2019, accommodation has been recognised as an expense, as it is no longer classified as a lease, but a service fee (Note 3.2 Other operating expenses) and the commitment for the service payments is recognised in Note 6.5.

6.3. Cash flow information and balances

Cash and deposits, including cash equivalents, comprise cash on hand and cash at bank, which are held for the purpose of meeting short-term cash commitments rather than for investment purposes, and which are subject to an insignificant risk of changes in value.

For cash flow statement presentation purposes, cash and cash equivalents, are included as a financial asset on the balance sheet, as indicated in the reconciliation below.

	(\$ thousand)	
	2021	2020
Cash and deposits disclosed in the balance sheet	75	75
Balance as per cash flow statement	75	75

Due to the State's investment policy and funding arrangements, the OPP does not hold a large cash reserve in its bank accounts. OPP expenditure, including in the form of cheques drawn for payments to its suppliers and creditors are made via the Department of Justice and Community Safety (DJCS) public account. The public account remits to DJCS the cash required upon presentation of cheques by the OPP's suppliers or creditors.

6.3.1. Reconciliation of net result for the period to cash flow from operating activities

	(\$ thousand)	
	2021	2020
Net result for the period	393	1,236
Non-cash movements:		
Assets received free of charge	-	(31)
Depreciation and amortisation of non-current assets	1,072	2,773
Movements in assets and liabilities:		
(Increase)/decrease in receivables	4,505	(7,858)
(Increase)/decrease in prepayments	(904)	467
(Decrease)/increase in payables	(3,478)	4,381
(Decrease)/increase in provisions	758	867
Net cash flows from/(used in) operating activities	2,346	1,835

6.4. Commitments for expenditure

Commitments for future expenditure include operating and capital commitments arising from contracts. These commitments are recorded below at their nominal value and inclusive of GST. Where it is considered appropriate and provides additional relevant information to users, the net present values of significant individual projects are stated. These future expenditures cease to be disclosed as commitments once the related liabilities are recognised in the balance sheet.

6.4.1. Total commitments payable

(\$ thousand)

Nominal Accounts	Less than 1 year	1-5 years	5+ years	Total
2021				
Capital expenditure commitments	206	-	-	206
Operating commitments	300	188	-	488
Accommodation expense	1,860	-	-	1,860
Total commitments (inclusive of GST)	2,366	188	-	2,554
Less GST recoverable	215	17	-	232
Total commitments (inclusive of GST)	2,151	171	-	2,322
2020				
Capital expenditure commitments	-	-	-	-
Operating commitments	117	166	-	283
Accommodation expense	5,528	1,860	-	7,388
Total commitments (inclusive of GST)	5,645	2,026	-	7,671
Less GST recoverable	(513)	(184)	-	(697)
Total commitments (inclusive of GST)	5,132	1,842	-	6,973

6.4.2. Commitments

(\$ thousand)

	2021	2020
	Nominal value (incl. GST)	Nominal value (incl. GST)
Capital expenditure commitments		
Computer equipment	206	-
Total capital expenditure commitments	206	-
Operating and lease commitments		
MFD printing services	273	219
Accommodation expense	1,860	7,388
IT services and support	215	64
Total operating and lease commitments	2,348	7,671
Other commitments		
MFD printing services	-	-
Total other commitments	-	-
Total commitments	2,554	7,671

7. Risks, contingencies and valuation judgements

Introduction

The OPP is exposed to risk from its activities and outside factors. In addition, it is often necessary to make judgements and estimates associated with recognition and measurement of items in the financial statements. This section sets out financial instrument specific information, (including exposures to financial risks) as well as those items that are contingent in nature or require a higher level of judgement to be applied, which for the OPP related mainly to fair value determination.

7.1. Financial instruments specific disclosures

Introduction

Financial instruments arise out of contractual agreements that give rise to a financial asset of one entity and a financial liability or equity instrument of another entity. Due to the nature of the OPP's activities, certain financial assets and financial liabilities arise under statute rather than a contract (for example taxes, fines and penalties). Such assets and liabilities do not meet the definition of financial instruments in AASB 132 *Financial Instruments: Presentation*.

Categories of financial assets

Financial assets at amortised cost - Financial assets are measured at amortised costs if both the following criteria are met and the assets are not designated as fair value through net result:

- the assets are held by the OPP to collect contractual cash flows, and
- the assets' contractual terms give rise to cash flows that are solely payments of principal and interests.

These assets are initially recognised at fair value plus any directly attributable transaction costs and subsequently measured at amortised cost using the effective interest method less impairment. The OPP recognises the following assets in this category:

- cash and deposits; and
- receivables (excluding statutory receivables).

Categories of financial liabilities

Financial liabilities at amortised cost are initially recognised on the date they are originated. They are initially measured at fair value plus any directly attributable transaction costs. Subsequent to initial recognition, these financial instruments 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. The OPP recognises the following liabilities in this category:

- payables (excluding statutory payables).

Derecognition of financial assets: A financial asset (or, where applicable, a part of a financial asset or part of a group of similar financial assets) is derecognised when:

- the rights to receive cash flows from the asset have expired; or
- the OPP retains the right to receive cash flows from the asset, but has assumed an obligation to pay them in full without material delay to a third party under a 'pass through' arrangement; or
- the OPP has transferred its rights to receive cash flows from the asset and either:
 - has transferred substantially all the risks and rewards of the asset; or
 - has neither transferred nor retained substantially all the risks and rewards of the asset, but has transferred control of the asset.

Where the OPP has neither transferred nor retained substantially all the risks and rewards or transferred control, the asset is recognised to the extent of the OPP's continuing involvement in the asset.

Derecognition of financial liabilities: A financial liability is derecognised when the obligation under the liability is discharged, cancelled or expires.

When an existing financial liability is replaced by another from the same lender on substantially different terms, or the terms of an existing liability are substantially modified, such an exchange or modification is treated as a derecognition of the original liability and the recognition of a new liability. The difference in the respective carrying amounts is recognised as an 'other economic flow' in the comprehensive operating statement.

Financial instruments: Categorisation

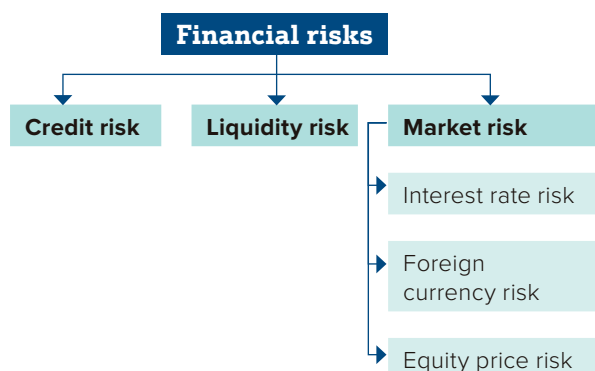
(\$ thousand)

	Cash and Deposits	Financial assets at amortised cost (AC)	Financial liabilities at amortised cost (AC)	Total
2021				
Contractual financial assets				
Cash and deposits	75	-	-	75
Receivables (a)				
Other receivables	-	659	-	659
Total contractual financial assets	75	659	-	734
Contractual financial liabilities				
Payables (a) (b)				
Supplies and services	-	-	10,011	10,011
Total contractual financial liabilities	-	-	10,011	10,011
2020				
Contractual financial assets				
Cash and deposits	75	-	-	75
Receivables (a)				
Other receivables	-	224	-	224
Total contractual financial assets	75	224	-	299
Contractual financial liabilities				
Payables (a) (b)				
Supplies and services	-	-	14,188	14,188
Total contractual financial liabilities	-	-	14,188	14,188

Note:

- (a) The total amounts disclosed here exclude statutory amounts (e.g. amounts owing from the Victorian Government and taxes payable).
- (b) Lease liabilities (motor vehicles) had been included within financial liabilities at amortised cost in past financial reports. They have been removed this year on the basis that lease liabilities are out of the scope of AASB 9.

Financial risk management objectives and policies



As a whole, the OPP's financial risk management program seeks to manage these risks and the associated volatility of its financial performance.

Details of the significant accounting policies and methods adopted, including the criteria for recognition, the basis for measurement, and the basis on which income and expenses are recognised with respect to each class of financial asset, financial liability and equity instrument above are disclosed in Note 7.3.1 to the financial statements.

The main purpose in holding financial instruments is to prudentially manage the OPP's financial risks within the government policy parameters.

The OPP's main financial risks include credit risk, liquidity risk and interest rate risk. The OPP manages these financial risks in accordance with its financial risk management policy.

The OPP uses different methods to measure and manage the different risks to which it is exposed. Primary responsibility for the identification and management of financial risks rests with the Accountable Officer of the OPP.

Financial instruments: Credit risk

Credit risk refers to the possibility that a borrower will default on its financial obligations as and when they fall due. The OPP's exposure to credit risk arises from the potential default of a counter party on their contractual obligations resulting in financial loss to the OPP. Credit risk is measured at fair value and is monitored on a regular basis.

Credit risk associated with the OPP's contractual financial assets is minimal because the main debtor is the Victorian Government.

Provision of impairment for contractual financial assets is recognised when there is objective evidence that the OPP will not be able to collect a receivable. Objective evidence includes financial difficulties of the debtor, default payments, debts that are more than 60 days overdue, and changes in debtor credit ratings.

Contract financial assets are written off against the carrying amount when there is no reasonable expectation of recovery. Bad debt written off by mutual consent is classified as a transaction expense. Bad debt written off following a unilateral decision is recognised as other economic flows in the net result.

Except as otherwise detailed in the following table, the carrying amount of contractual financial assets recorded in the financial statements, net of any allowances for losses, represents the OPP's maximum exposure to credit risk without taking account of the value of any collateral obtained.

There has been no material change to the OPP's credit risk profile in 2020-21.

Credit quality of financial assets (a) (b)

(\$ thousand)

2021	Financial institutions A-1+ credit rating	Other	Total
Financial assets			
Cash and deposits (not assessed for impairment due to materiality)	70	-	70
Financial assets with loss allowance measured at lifetime expected credit loss:			
Contractual receivables applying the simplified approach for impairment		659	659
Total financial assets	70	659	729

Credit quality of contractual financial assets that are neither past due nor impaired (a) (b)

2020	Financial institutions A-1+ credit rating	Other	Total
Financial assets			
Cash and deposits (not assessed for impairment due to materiality)	70	-	70
Financial assets with loss allowance measured at lifetime expected credit loss:			
Contractual receivables applying the simplified approach for impairment	-	224	224
Total financial assets	70	224	294

Note:

(a) The total amount disclosed here exclude cash floats which are not subjected to credit risk.

(b) Other - no rating applied as they represent various debtors.

Impairment of financial assets under AASB 9

The OPP records the allowance for expected credit loss for the relevant financial instruments, applying AASB 9's Expected Credit Loss approach. Subject to AASB 9 impairment assessment include the OPP's contractual receivables and statutory receivables.

While cash and cash equivalents are also subject to the impairment requirements of AASB 9, no impairment loss was identified given the immaterial nature of this balance.

Contractual receivables at amortised cost

The OPP applies AASB 9 simplified approach for all contractual receivables to measure expected credit losses using a lifetime expected loss allowance based on the assumptions about risk of default and expected loss rates. The OPP has grouped contractual receivables on shared credit risk characteristics and days past due and select the expected credit loss rate based on the OPP's past history, existing market conditions, as well as forward looking estimates at the end of the financial year.

On this basis, the OPP determines the opening loss allowance on initial application date of AASB 9 and the closing loss allowance at end of the financial year as follows:

(\$ thousand)						
		<i>Past due but not impaired</i>				
	Current	Less than 1 month	1-3 months	3 months - 1 year	1-5 years	Total
<i>30-Jun-20</i>						
Expected loss rate (%)	0%	0%	0%	0%	100%	
Gross carrying amount of contractual receivables	179	-	-	42	225	446
Loss allowance	-	-	-	-	225	225
<i>30-Jun-21</i>						
Expected loss rate (%)	0%	0%	0%	0%	100%	
Gross carrying amount of contractual receivables	651	-	-	2	225	878
Loss allowance	-	-	-	-	225	225

Reconciliation of the movement in the loss allowance for contractual receivables is shown as follows:

(\$ thousand)		
	2021	2020
Balance at beginning of the year	(225)	(225)
Opening Loss Allowance	(225)	(225)
Increase in provision recognised in the net result	-	-
Balance at the end of the year	(225)	(225)

Credit loss allowance is classified as other economic flows in the net result. Contractual receivables are written off when there is no reasonable expectation of recovery and impairment losses are classified as a transaction expense. Subsequent recoveries of amounts previously written off are credited against the same line item.

In prior years, a provision for doubtful debts is recognised when there is objective evidence that the debts may not be collected and bad debts are written off when identified. A provision is made for estimated irrecoverable amounts from the sale of goods when there is objective evidence that an individual receivable is impaired. Bad debts considered as written off by mutual consent.

Statutory receivables and debt investments at amortised cost

The OPP's non-contractual receivables arising from statutory requirements are not financial instruments. However, they are nevertheless recognised and measured in accordance with AASB 9 requirements as if those receivables are financial instruments.

Statutory receivables are considered to have low credit risk, taking into account the counterparty's credit rating, risk of default and capacity to meet contractual cash flow obligations in the near term. As the result, the loss allowance recognised for these financial assets during the period was limited to 12 months expected losses. No loss allowance has been recognised.

Financial instruments: Liquidity risk

Liquidity risk arises from being unable to meet financial obligations as they fall due. The OPP operates under the Government fair payments policy of settling financial obligations within 30 days and in the event of a dispute, making payments within 30 days from the date of resolution.

The OPP is exposed to liquidity risk mainly through the financial liabilities as disclosed in the face of the balance sheet. The OPP's exposure to liquidity risk is deemed insignificant based on prior periods' data and current assessment of risk.

The carrying amount detailed in the following table discloses the contractual maturity analysis for the OPP's contractual financial liabilities.

Financial instruments: Market risk

The OPP's exposures to market risk are primarily through interest rate risk.

Interest rate risk

Fair value interest rate risk is the risk that the fair value of a financial instrument will fluctuate because of changes in market interest rates. The OPP does not hold any interest bearing financial instruments that are measured at fair value, and therefore has no exposure to fair value interest rate risk.

Cash flow interest rate risk is the risk that the future cash flows of a financial instrument will fluctuate because of changes in market interest rates. The OPP has minimal exposure to cash flow interest rate risks through cash and deposits that are at floating rate.

The OPP manages this risk by mainly undertaking interest bearing financial instruments with relatively even maturity profiles, with only insignificant amounts of financial instruments at floating rate. Management has concluded for cash at bank, as financial assets that can be left at floating rate without necessarily exposing the OPP to significant bad risk, management monitors movement in interest rates on a daily basis.

The carrying amounts of financial assets and financial liabilities that are exposed to interest rates and the OPP's sensitivity to interest rate risk are set out in the table that follows.

Interest rate risk exposure of financial instruments

(\$ thousand)

	Weighted average effective interest rate (%)	Carrying amount	Fixed interest rate	Variable interest rate	Non- interest bearing
2021					
Financial assets					
Cash and deposits		75	-	-	75
Receivables (a): Other receivables		659	-	-	659
Total financial assets		734			734
Financial liabilities					
Payables (b): Supplies and services		10,011	-	-	10,011
Total financial liabilities		10,011	-	-	10,011
2020					
Financial assets					
Cash and deposits		75	-	-	75
Receivables (a): Other receivables		224	-	-	224
Total financial assets		299	-	-	299
Financial liabilities					
Payables (b): Supplies and services		14,188	-	-	14,188
Total financial liabilities		14,188	-	-	14,188

(a) The carrying amounts disclosed here exclude statutory amounts (e.g. amounts owing from Victorian Government and GST input tax credit recoverable).

(b) Lease liabilities (motor vehicles) had been included within financial liabilities at amortised cost in past financial reports. They have been removed this year on the basis that lease liabilities are out of the scope of AASB 9.

7.2. Contingent assets and contingent liabilities

Contingent assets and contingent liabilities are not recognised in the balance sheet but are disclosed and, if quantifiable, are measured at nominal value.

Contingent assets and liabilities are presented inclusive of GST receivable or payable respectively.

Contingent assets

Contingent assets are possible assets that arise from past events, whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the entity.

These are classified as either quantifiable, where the potential economic benefit is known, or non-quantifiable.

Quantifiable contingent assets (arising from outside of government)

	(\$ thousand)	
	2021	2020
Contingent assets	1,378	1,378
Insurance claim (a)		
	1,378	1,378

(a) The OPP has lodged an insurance claim with the VMIA for costs incurred in connection with the Royal Commission into the Management of Police Informants. The outcome of this assessment is still pending at 30 June 21.

Contingent liabilities

Contingent liabilities are:

- possible obligations that arise from past events, whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the entity; or
- present obligations that arise from past events but are not recognised because:
 - it is not probable that an outflow of resources embodying economic benefits will be required to settle the obligations; or
 - the amount of the obligations cannot be measured with sufficient reliability. Contingent liabilities are also classified as either quantifiable or non-quantifiable.

Quantifiable contingent liabilities

There are no quantifiable contingent liabilities for 2021. (2020 - nil).

7.3. Fair value determination

This section sets out information on how the OPP determined fair value for financial reporting purposes. Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date.

The following assets and liabilities are carried at fair value:

- financial assets and liabilities at fair value through operating result;
- land, buildings, infrastructure, plant and equipment.

In addition, the fair values of other assets and liabilities that are carried at amortised cost, also need to be determined for disclosure purposes.

The OPP determines the policies and procedures for determining fair values for both financial and non-financial assets and liabilities as required.

Fair value hierarchy

In determining fair values a number of inputs are used. To increase consistency and comparability in the financial statements, these inputs are categorised into three levels, also known as the fair value hierarchy.

The levels are as follows:

- Level 1 – quoted (unadjusted) market prices in active markets for identical assets or liabilities;
- Level 2 – valuation techniques for which the lowest level input that is significant to the fair value measurement is directly or indirectly observable; and
- Level 3 – valuation techniques for which the lowest level input that is significant to the fair value measurement is unobservable.

The OPP determines whether transfers have occurred between levels in the hierarchy by reassessing categorisation (based on the lowest level input that is significant to the fair value measurement as a whole) at the end of each reporting period.

The Valuer General Victoria (VGV) is the OPP's independent valuation agency. The OPP monitors changes in the fair value of each asset and liability through relevant data sources to determine whether revaluation is required.

How this section is structured

For those assets and liabilities for which fair values are determined, the following disclosures are provided:

- carrying amount and the fair value (which would be the same for those assets measured at fair value);
- which level of the fair value hierarchy was used to determine the fair value; and
- in respect of those assets and liabilities subject to fair value determination using Level 3 inputs:
 - a reconciliation of the movements in fair values from the beginning of the year to the end; and
 - details of significant unobservable inputs used in the fair value determination.

This section is divided between disclosures in connection with fair value determination for financial instruments (refer to Note 7.3.1) and non-financial physical assets (refer to Note 7.3.2).

7.3.1. Fair value determination of financial assets and liabilities

The fair values and net fair values of financial assets and liabilities are determined as follows:

- Level 1 – the fair value of financial instrument with standard terms and conditions and traded in active liquid markets are determined with reference to quoted market prices;
- Level 2 – the fair value is determined using inputs other than quoted prices that are observable for the financial asset or liability, either directly or indirectly; and
- Level 3 – the fair value is determined in accordance with generally accepted pricing models based on discounted cash flow analysis using unobservable market inputs.

The OPP currently holds a range of financial instruments that are recorded in the financial statements where the carrying amounts are a reasonable approximation of fair value, either due to their short-term nature or with the expectation that they will be paid in full by the end of the 2020-21 reporting period.

These financial instruments include:

Financial assets

- Cash and deposits
- Other receivables

Financial liabilities

Payables:

- For supplies and services
- Amounts payable to government and agencies

7.3.2. Fair value determination: Non-financials physical assets

Fair value measurement hierarchy

The fair value of all property plant and equipment (PPE) is categorised as level 3 for 2021. The same categorisation applied for 2020.

Specialised land and specialised building

The market approach is used for specialised land, although it is adjusted for the community service obligation (CSO) to reflect the specialised nature of the land being valued.

The CSO adjustment is a reflection of the valuer's assessment of the impact of restrictions associated with an asset to the extent that is also equally applicable to market participants. This approach is in light of the highest and best use consideration required for fair value measurement, and takes into account the use of the asset that is physically possible, legally permissible, and financially feasible. As the adjustments are considered as significant unobservable inputs, specialised land is classified as Level 3 assets.

For OPP's specialised building, the current replacement cost method is used, adjusting for the associated depreciation. As depreciation adjustments are considered as significant, unobservable inputs in nature, specialised buildings are classified as Level 3 fair value measurements.

Independent valuation of specialised land and buildings in 2020-21

An independent valuation of the OPP's specialised land and specialised building was performed by the Valuer General of Victoria. The valuation for land was performed using the market approach adjusted for CSO. The effective date of the valuation is 30 June 2021.

The valuers have acknowledged in their report that the market that the property/asset is valued in is being impacted by the uncertainty that the COVID-19 outbreak has caused. As at the date of valuation there is market uncertainty resulting in significant valuation uncertainty.

Leasehold improvements

Leasehold improvements are valued using the current replacement cost method. This cost represents the replacement cost of leasehold improvements after applying depreciation rates based on the shorter of the lease term and useful life of the leasehold improvements.

Plant and equipment

Plant and equipment is held at fair value. When plant and equipment is specialised in use, such that it is rarely sold other than as part of a going concern, fair value is determined using the current replacement cost method.

There were no changes in valuation techniques throughout the period to 30 June 2021.

For all assets measured at fair value, the current use is considered the highest and best use.

Vehicles

Vehicles are valued using the current replacement cost method. The OPP acquires new vehicles and at times disposes of them before the end of their economic life. The process of acquisition, use and disposal in the market is managed by experienced fleet managers in the OPP who set relevant depreciation rates during use to reflect the utilisation of the vehicles.

Description of significant unobservable inputs to Level 3 valuations for 2021 and 2020

2021 and 2020	Valuation Technique	Significant unobservable inputs
Specialised land	Market approach	Community Service Obligation (CSO) adjustment
Specialised building	Current replacement cost	Direct cost per square metre Useful life of specialised building
Leasehold improvements	Current replacement cost	Direct cost per square metre Useful life of leasehold improvements
Plant and equipment	Current replacement cost	Cost per unit Useful life of plant and equipment
Vehicles	Current replacement cost	Cost per unit Useful life of vehicles

8. Other disclosures

Introduction

This section includes additional material disclosures required by accounting standards or otherwise, for the understanding of this financial report.

8.1. Other economic flows included in net result

Other economic flows are changes in the volume or value of an asset or liability that do not result from transactions. Other gains/(losses) from other economic flows include the gains or losses from the revaluation of the present value of the long service leave liability due to changes in the bond interest rates.

	(\$ thousand)	
	2021	2020
Other gains/(losses) from other economic flows	364	(279)
Net gain/(loss) arising from revaluation of annual leave and long service liability		
Total other gains/(losses) from other economic flows	364	(279)

8.2. Reserves

	(\$ thousand)	
	2021	2020
Physical asset revaluation surplus: (i)		
Balance at beginning of financial year	1,878	1,542
Revaluation increments/(decrements)	711	336
Balance at end of financial year	2,589	1,878

Note:

(i) *The physical asset revaluation surplus arises on the revaluation of land and building.*

8.3. Responsible persons

In accordance with the Ministerial Directions issued by the Assistant Treasurer under the *Financial Management Act 1994*, the following disclosures are made regarding responsible persons for the reporting period.

Names

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

Attorney-General	The Hon. Jill Hennessy, MP	1 July 2020 to 16 December 2020
	The Hon. Jaclyn Symes, MLC	22 December 2020 to 30 June 2021
Acting Attorney-General	The Hon. Daniel Andrews, MP	17 December 2020 to 21 December 2020
	The Hon. Martin Pakula, MP	11 January 2021 to 26 January 2021
Solicitor for Public Prosecutions	Abbey Hogan	1 July 2020 to 30 June 2021

Remuneration

Remuneration received or receivable by the Accountable Officer in connection with the management of the OPP during the reporting period was in the range: \$410,000-\$420,000 (\$430,000 - 440,000 in 2019-20).

8.4. Remuneration of executives

The number of executive officers, other than ministers and accountable officers, and their total remuneration during the reporting period are shown in the table below. Total annualised employee equivalents provides a measure of full time equivalent executive officers over the reporting period.

Remuneration comprises employee benefits in all forms of consideration paid, payable or provided by the entity, or on behalf of the entity, in exchange for services rendered, and is disclosed in the following categories.

Short-term employee benefits include amounts such as wages, salaries, annual leave or sick leave that are usually paid or payable on a regular basis, as well as non-monetary benefits such as allowances and free or subsidised goods or services.

Post-employment benefits include pensions and other retirement benefits paid or payable on a discrete basis when employment has ceased.

Other long-term benefits include long service leave, other long service benefits or deferred compensation.

Termination benefits include termination of employment payments, such as severance packages.

	(\$ thousand)	
	Total remuneration	
	2021	2020
<i>Remuneration of executive officers (including Key Management Personnel disclosed in Note 8.5)</i>		
Short-term employee benefits	613	655
Post-employment benefits	52	57
Other long-term benefits	14	18
Termination benefits		
Total remuneration (a)	679	730
Total number of executives	3	3
Total annualised employee equivalents (b)	2.4	3

Notes:

(a) The total number of executive officers includes persons who meet the definition of Key Management Personnel (KMP) of the entity under AASB 124 Related Party Disclosures and are also reported within the related parties note disclosure (Note 8.5).

(b) Annualised employee equivalent is based on the time fraction worked over the reporting period.

8.5. Related parties

The OPP is a wholly owned and controlled entity of the State of Victoria. Related parties of the OPP include:

- all key management personnel and their close family members and personal business interests (controlled entities, joint ventures and entities they have significant influence over);
- all Cabinet Ministers and their close family members; and
- all departments and public sector entities that are controlled and consolidated into the whole of state consolidated financial statements.

All related party transactions have been entered into on an arm's length basis.

Significant transactions with government-related entities

The OPP received funding of \$81.163 million (2020: \$83.771 million) by a grant from the Department of Justice and Community Safety.

Key management personnel of the OPP includes the Attorney-General, the Hon Jaclyn Symes and members of the OPP Executive, which includes:

- Solicitor for Public Prosecutions, Abbey Hogan
- Deputy Solicitor for Public Prosecutions, Angela Rankin
- Deputy Solicitor for Public Prosecutions, Michael Hoyle (until Nov 2020)
- General Manager Corporate Services, Sam Jones

Transactions and balances with key management personnel and other related parties

Given the breadth and depth of State government activities, related parties transact with the Victorian public sector in a manner consistent with other members of the public e.g. stamp duty and other government fees and charges. Further employment of processes within the Victorian public sector occur on terms and conditions consistent with the *Public Administration Act 2004* and Codes of Conduct and Standards issued by the Victorian Public Sector Commission. Procurement processes occur on terms and conditions consistent with the Victorian Government Procurement Board requirements

Outside of normal citizen type transactions with the OPP, there were no related party transactions that involved key management personnel, their close family members and their personal business interests. No provision has been required, nor any expense recognised, for impairment of receivables from related parties.

The compensation detailed below excludes the salaries and benefits the Portfolio Minister receives. The Minister's remuneration and allowances is set by the *Parliamentary Salaries and Superannuation Act 1968* and is reported within the Department of Parliamentary Services' Financial Report.

Compensation of KMPs	2021	2020
Short-term employee benefits	994	1,068
Post-employment benefits	74	78
Other long-term benefits	24	18
Total (a)	1,092	1,164

Note:

(a) KMPs are also reported in the disclosure of remuneration of executive officers (Note 8.4).

8.6. Remuneration of auditors

	(\$ thousand)	
	2021	2020
Victorian Auditor-General's Office Audit of the financial statements	26	26
	26	26

8.7. Subsequent events

The coronavirus (COVID-19) pandemic has created unprecedented economic uncertainty. There is a possibility that restrictions may be re-introduced due to future outbreaks which may in turn impact the future operations, financial results and financial position of the OPP. However, as at the date of this report, the OPP is not aware of any significant impact of the pandemic on the OPP's financial statements for 2020-21. There are no other impacts on the OPP's financial statements for 2020-21. (2019-20: nil).

8.8. Australian Accounting Standards issued that are not yet effective

Certain new and revised accounting standards have been issued but are not effective for the 2020-21 reporting period. These accounting standards have not been applied to the Model Financial Statements. The State is reviewing its existing policies and assessing the potential implications of these accounting standards which includes:

Standard/ Interpretation	Summary	Applicable for annual reporting periods beginning on	Impact on the OPP financial statements
AASB 2020-1 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-Current	This Standard amends AASB 101 to clarify requirements for the presentation of liabilities in the statement of financial position as current or non-current.	1 January 2023	The standard is not expected to have a significant impact on the public sector

Several other amending standards and AASB interpretations have been issued that apply to future reporting periods, but are considered to have limited impact on the OPP's reporting.

- AASB 17 Insurance Contracts.
- AASB 1060 General Purpose Financial Statements – Simplified Disclosures for For-Profit and Not-for-Profit Tier 2 Entities (Appendix C).
- AASB 2020-3 Amendments to Australian Accounting Standards – Annual Improvements 2018-2020 and Other Amendments.
- AASB 2020-7 Amendments to Australian Accounting Standards – Covid-19-Rent Related Concessions: Tier 2 Disclosures.

8.9. Glossary of technical terms

The following is a summary of the major technical terms used in this report.

Amortisation

Amortisation is the expense which results from the consumption, extraction or use over time of a non-produced physical or intangible asset. This expense is classified as an other economic flow.

Borrowings

Borrowings refers to interest-bearing liabilities mainly raised from public borrowings raised through Treasury Corporation of Victoria, finance leases and other interest-bearing arrangements. Borrowings also include non-interest bearing advances from government that are acquired for policy purposes.

Commitments

Commitments include those operating, capital and other outsourcing commitments arising from non-cancellable contractual or statutory sources.

Comprehensive result

The net result of all items of income and expense recognised for the period. It is the aggregate of operating result and other comprehensive income.

Current grants

Amounts payable or receivable for current purposes for which no economic benefits of equal value are receivable or payable in return.

Depreciation

Depreciation is an expense that arises from the consumption through wear or time of a produced physical or intangible asset. This expense is classified as a 'transaction' and so reduces the 'net result from transaction'.

Effective interest method

The effective interest method is used to calculate the amortised cost of a financial asset or liability and of allocating interest income over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash receipts through the expected life of the financial instrument, or, where appropriate, a shorter period.

Employee benefit expenses

Employee benefits expenses include all costs related to employment including wages and salaries, fringe benefits tax, leave entitlements, redundancy payments, defined benefits superannuation plans, and defined contribution superannuation plans.

Finance lease

A lease that transfers substantially all the risks and rewards incidental to ownership of an underlying asset.

Financial asset

A financial asset is any asset that is:

- (a) cash;
- (b) contractual right:
 - to receive cash or another financial asset from another entity; or
 - to exchange financial assets or financial liabilities with another entity under conditions that are potentially favourable to the entity.

Financial instrument

A financial instrument is any contract that gives rise to a financial asset of one entity and a financial liability or equity instrument of another entity. Financial assets or liabilities that are not contractual (such as statutory receivables or payables that arise as a result of statutory requirements imposed by governments) are not financial instruments.

Financial liability

A financial liability is any liability that is: A contractual obligation:

- (i) to deliver cash or another financial asset to another entity; or
- (ii) to exchange financial assets or financial liabilities with another entity under conditions that are potentially unfavourable to the entity.

Financial statements

Financial statements comprise:

- (a) balance sheet as at the end of the period;
- (b) comprehensive operating statement for the period;
- (c) a statement of changes in equity for the period;
- (d) cash flow statement for the period;
- (e) notes, comprising a summary of significant accounting policies and other explanatory information;
- (f) comparative information in respect of the preceding period as specified in paragraphs 38 of AASB 101 *Presentation of Financial Statements*; and
- (g) a statement of financial position as at the beginning of the preceding period when an entity applies an accounting policy retrospectively or makes a retrospective restatement of items in its financial statements, or when it reclassifies items in its financial statements in accordance with paragraphs 41 of AASB 101.

Grant expenses and other transfers

Transactions in which one unit provides goods, services, assets (or extinguishes a liability) or labour to another unit without receiving approximately equal value in return. Grants can either be operating or capital in nature.

While grants to governments may result in the provision of some goods or services to the transferor, they do not give the transferor a claim to receive directly benefits of approximately equal value. For this reason, grants are referred to by the AASB as involuntary transfers and are termed non-reciprocal transfers. Receipt and sacrifice of approximately equal value may occur, but only by coincidence. For example, governments are not obliged to provide commensurate benefits, in the form of goods or services, to particular taxpayers in return for their taxes.

Grants can be paid as general purpose grants which refer to grants that are not subject to conditions regarding their use. Alternatively, they may be paid as specific purpose grants which are paid for a particular purpose and/or have conditions attached regarding their use.

Interest expense

Costs incurred in connection with the borrowing of funds. It includes interest on advances, loans, overdrafts, bonds and bills, deposits and interest components of lease repayments.

Leases

Are rights conveyed in a contract, or part of a contract, the right to use an asset (the underlying asset) for a period of time in exchange for consideration.

Net result

Net result is a measure of financial performance of the operations for the period. It is the net result of items of income, gains and expenses (including losses) recognised for the period, excluding those that are classified as 'other non-owner movements in equity'.

Net result from transactions/net operating balance

Net result from transactions or net operating balance is a key fiscal aggregate and is income from transactions minus expenses from transactions. It is a summary measure of the ongoing sustainability of operations. It excludes gains and losses resulting from changes in price levels and other changes in the volume of assets. It is the component of the change in net worth that is due to transactions and can be attributed directly to government policies.

Net worth

Assets less liabilities, which is an economic measure of wealth.

Non-financial assets

Non-financial assets are all assets that are not financial assets. It includes inventories, land, buildings, infrastructure, road networks, land under roads, plant and equipment, investment properties, cultural and heritage assets, intangible and biological assets.

Other economic flows included in net result

Other economic flows included in net result are changes in the volume or value of an asset or liability that do not result from transactions. In simple terms, other economic flows are changes arising from market measurements. It includes:

- gains and losses from disposals, revaluations and impairments of non-financial physical and intangible assets; and
- fair value changes of financial instruments.

Other economic flows - other comprehensive income

Other economic flows - other comprehensive income comprises items (including reclassification adjustments) that are not recognised in net result as required or permitted by other Australian Accounting Standards. They include changes in physical asset revaluation surplus.

Payables

Includes short and long-term trade debt and accounts payable, grants, taxes and interest payable.

Produced assets

Produced assets include buildings, plant and equipment, inventories, cultivated assets and certain intangible assets. Intangible produced assets may include computer software, motion picture films, and research and development costs (which does not include the start up costs associated with capital projects).

Receivables

Includes amounts owing from government through appropriation receivable, short and long-term trade credit and accounts receivable, accrued investment income, grants, taxes and interest receivable.

Statutory appointment

The appointment of officers made by the Governor-in-Council. These include the Director of Public Prosecutions, Chief Crown Prosecutor and Crown Prosecutors.

Supplies and services

Supplies and services generally represent the day-to-day running costs, including maintenance costs, incurred in the normal operations of the OPP.

Transactions

Transactions are those economic flows that are considered to arise as a result of policy decisions, usually an interaction between two entities by mutual agreement. They also include flows in an entity such as depreciation where the owner is simultaneously acting as the owner of the depreciating asset and as the consumer of the service provided by the asset. Taxation is regarded as mutually agreed interactions between the government and taxpayers. Transactions can be in kind (e.g. assets provided/given free of charge or for nominal consideration) or where the final consideration is cash. In simple terms, transactions arise from the policy decisions of the government.

8.10. Style conventions

Figures in the table and in the text have been rounded. Discrepancies in the tables between totals and sums of components reflect rounding. Percentage variations in all tables are based on the underlying unrounded amounts.

The notation used in the tables is as follows:

-	zero, or rounded to zero
(xxx.x)	negative numbers
200x	year period
200x-0x	year period

The financial statements and notes are presented based on the illustration for a government department in the 2020-21 *Model Report for Victorian Government Departments*. The presentation of other disclosures is generally consistent with the other disclosures made in earlier publications of the OPP's annual reports.

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Appendix 1

Output and performance measures

	2020/21		2019/20		2018/19		2017/18	
Budget Paper 3 Measures	Target	Actual	Target	Actual	Target	Actual	Target	Actual
Judicial Officer sitting days requiring prosecutors	11,000 – 13,000	12,353	11,000 – 13,000	12,164	11,000 – 13,000	12,823	10,500 – 12,500	12,227
Number of briefs prepared and hearings attended	72,500 – 78,500	83,674	72,500 – 78,500	83,046	72,500 – 78,500	80,435	69,500 – 75,500	79,501
Number of victim and witness consultations	12,500 – 14,500	43,800	12,500 – 14,500	18,007	12,500 – 14,500	16,082	11,000 – 13,000	14,002
Guilty outcomes (guilty pleas and trial convictions) as a percentage of case completions %	89.0	95.3	89.0	91.6	89.0	91.9	87.0	91.8
Proportion of trials listed which did not proceed to adjournment on application of the Crown %	99.0	99.9	99.0	99.1	99.0	98.8	99.0	99.0

Note on measures:

These measures are reported by the Office of Public Prosecutions to the Department of Justice and Community Safety as part of the Budget Paper 3 Output and Performance Measures reporting process.

Appendix 2

Legal functions of the DPP report

Conviction and Sentence Appeals

Appeals against conviction or sentence by a convicted person have a preliminary stage: an application for leave to appeal pursuant to s. 315 of the *Criminal Procedure Act 2009*. These applications must be filed within 28 days or otherwise accompanied by an extension of time application. There were 10 extension of time applications in relation to sentence and five in relation to conviction that did not proceed to a leave application or where an extension of time was refused in 2020/2021.

Leave applications can be determined by a single judge of the Court of Appeal. Conviction and sentence leave applications may proceed with or without an oral hearing. Where an application is refused by a single judge, the applicant may elect to have the matter heard by the court (comprising of two or more judges).

Sentence Leave Applications 2020/2021:

- 148 sentence leave applications
- 68 were granted
- 73 were refused
- two abandoned
- four pending judgment
- one adjourned.

Conviction Leave Applications 2020/2021:

- 52 conviction leave applications
- 24 were granted
- 21 were refused
- one abandoned
- one referral
- five pending judgment.

Supreme Court Judicial Reviews and Appeals

Certain types of appeals or reviews of criminal proceedings are conducted in the civil jurisdiction of the Supreme Court in the Judicial Reviews and Appeals List. This includes:

- appeals to the Supreme Court on a question of law pursuant to s. 272 of the *Criminal Procedure Act 2009*, where the DPP acts on behalf of Victoria Police.
- the Judicial Review procedure Order 56 of the *Supreme Court (General Civil Procedure) Rules 2015* provides a means of seeking correction of error in the nature of *certiorari*, *mandamus* or *prohibition*. The DPP uses the Order 56 procedure to review decisions in the Magistrates' Court and the County Court, where the decision infringes jurisdiction and is not amenable to other forms of appeal. This procedure is used to review the orders or actions of a judicial officer usually on the basis of error to jurisdiction, failure to exercise jurisdiction or denial of procedural fairness. The procedure is also used by unsuccessful appellants to review a County Court Appeal pursuant to s. 254 of the *Criminal Procedure Act 2009*, as this is the only avenue available for further review in respect of such proceedings.

In 2020/2021 in relation to these appeals and reviews the DPP:

- received five requests from Victoria Police to consider an appeal on a question of law pursuant to s. 272(2) of the *Criminal Procedure Act 2009* or review by Order 56 of the *Supreme Court (General Civil Procedure) Rules 2015*. The DPP filed an appeal or review in relation to three of these matters. The DPP declined to intervene in two matters referred.
- acted for Respondent Police Informants in four appeals on a question of law. Three appeals were allowed, and one was dismissed.
- appeared as Appellant in three appeals on a question of law referred by Victoria Police. Two appeals were allowed. One appeal is pending judgment.
- acted for Defendant Police Informants in five Order 56 Judicial Reviews brought by or on behalf of accused persons. All five were dismissed or refused.
- appeared as Plaintiff in two Order 56 Judicial Reviews referred by Victoria Police. One is pending judgment. One was not determined.

The outcomes of these appeal and review processes are subject to appeal. In 2020/2021:

- three applications for leave to appeal to the Court of Appeal against the outcome of a s.272 appeal were finalised. The DPP was the respondent in all three matters. Leave was refused in two applications. One appeal was allowed.
- three applications for leave to appeal to the Court of Appeal against the outcome of an Order 56 Judicial Review were finalised. The DPP was the respondent in two applications, and both applications were refused. The DPP was the applicant in one matter. In this matter the application was granted, but the appeal was refused.

Discontinuance of prosecutions

Discontinuance of prosecutions were entered in 119 cases. Some of those cases involved more than one accused and more than one count/charge on the presentment/indictment.

Indemnities from prosecution, undertakings or letters of comfort

No indemnities were provided by the DPP.

No letters of comfort were provided by the DPP.

One undertaking was provided by the DPP to one witness.

Consents to prosecute

The DPP, or her delegates, granted:

- four consents to file an indictment, involving one or more accused, under s. 321 of the *Crimes Act 1958* (conspiracy)
- 11 consents to prosecute under s. 47A of the *Crimes Act 1958* (maintaining a sexual relationship/persistently sexually abusing a child under 16)
- 34 consents to prosecute under subclause 4A(12) of schedule 1 to the *Criminal Procedure Act 2009* (course of conduct charges)
- one consent to prosecute under s. 7(1)(b) of the *Criminal Procedure Act 2009*
- two consents to prosecute under s. 132 of the *Occupational Health and Safety Act 2004*
- two consents to prosecute under s. 24(4) of the *Racial and Religious Tolerance Act 2001*
- six consents to prosecute under s. 90 of the *Estate Agents Act 1980*
- no consents to prosecute under s. 50 or 69 of the *Crimes Act 1958* (gross indecency)
- no consents to prosecute under s. 186 of the *Aboriginal Heritage Act 2006*
- no consents to prosecute under the *Judicial Proceedings Act 1958*
- no consents to prosecute under the *Legal Profession Act 1958*
- no consents to prosecute under s. 195A(4) of the *Crimes Act 1958*
- no consents to prosecute under s. 129 of the *Adoption Act 1984*.

Continued detention and supervision scheme

During the 2020/2021 financial year, the DPP:

- received two new detention order referrals from the Secretary of the Department of Justice and Community Safety
- commenced and conducted two new applications for detention orders
- commenced and conducted two applications for interim detention orders
- commenced and conducted two applications to renew detention orders
- conducted one renewal application which was commenced in the previous financial year.

On 25 February 2020, the DPP filed an application for renewal of the detention order with respect to JPH. On 17 July 2020, the Honourable Justice Taylor granted that application for a period of 18 months and was satisfied that JPH continued to pose an unacceptable risk of committing a serious violence offence, a serious sex offence, or both if a detention order was not made. That order is due to expire on 16 January 2022. An application for renewal was filed on 13 July 2021.

On 26 November 2020, the DPP filed an application to renew the detention order with respect to JDD. On 10 December 2020, the Honourable Justice Tinney granted that application for a period of two years and was satisfied that JDD continued to pose an unacceptable risk of committing both a serious sex offence and a serious violence offence if a detention order was not made.

On 15 June 2021, the DPP filed notice of an application to renew the 18-month detention order with respect to DGB. This application remains before the Supreme Court.

On 7 January 2021, the DPP filed an application for a detention order with respect to SCC. On 1 March 2021, the DPP filed an application for an interim detention order with respect to SCC. These applications remain before the Supreme Court.

On 2 March 2021, the DPP filed applications for an interim detention order and a detention order in respect of DW. On 5 March 2021, the Honourable Justice Coghlan granted the application for an interim order for a period of four months. On 21 June 2021, the Honourable Justice Coghlan extended the interim detention order for a period of three months. The application for a detention order remains before the Supreme Court.

As at the time of writing, JPH, DGB, and JDD are the only unconvicted prisoners subject to a detention order in the state of Victoria.

The DPP continues to assume the responsibility for contravention of supervision order proceedings initiated by Victoria Police under s. 173(1) of the *Serious Offenders Act 2018*. During the 2020/2021 financial year, the OPP opened 48 contravention of supervision order prosecution files.

Direct presentments/indictments

The DPP directly indicted an accused person on five occasions on one or more counts.

Conflicts of Interest

No matters were referred to the Attorney-General pursuant to s. 29(1) of the *Public Prosecutions Act 1994* as the result of a possible conflict of interest.

Appendix 3

Crown appeals under s. 287 of the *Criminal Procedure Act 2009*

In 2020/2021, nine Director's Appeals against sentence to the Court of Appeal pursuant to s. 287 were finalised. The Court allowed five appeals and re-sentenced offenders, dismissed four appeals and one is pending judgment.

No	Name	Status of Appeal	Date of Completion
1	REID, Jesse	Dismissed	24 September 2020
2	ALLEN, Heather	Allowed	20 November 2020
3	AMARAL, Jason*	Allowed	24 November 2020
4	PATIL, Jayadev*	Allowed	23 December 2020
5	BECK, Christopher	Allowed	7 April 2021
6	SPOTTISWOOD, Aran	Dismissed	2 June 2021
7	HERRMANN, Codey	Dismissed	11 June 2021
8	FRANK, Eric*	Dismissed	11 June 2021
9	TULLIPAN, Flynn*	Allowed	29 June 2021
10	DRAKE, Aran*	Pending judgment	Pending judgment

*Denotes name is anonymised.

Appendix 4

OPP activity data

Briefs prepared and hearings attended

	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Briefs prepared and hearings attended	70,783	70,238	70,254	70,100	72,610	76,075	79,501	80,435	83,046	83,674

Judge sitting days serviced by OPP staff

	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Supreme Court	983	817	937	879	1,021	929	976	1,139	921	1,006
County Court	6,085	6,126	5,700	5,927	5,683	5,908	5,867	6,186	6,177	6,607
Circuit County and Supreme Courts	1,669	1,672	1,866	1,580	1,521	1,434	1,405	1,521	1,190	270
Total	8,737	8,615	8,503	8,386	8,225	8,271	8,248	8,846	8,288	7,613

Magistrates' Court sitting days serviced by OPP staff

	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Magistrates' Court	949	1,199	918	1,156	3,239	3,645	3,979	3,977	3,876	4,470

Case outcomes as a percentage of total case completions

	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Guilty pleas pre-trial	61.7	63	66.8	63	65.7	68.7	68.7	67.5	73.0	86.9
Guilty pleas listed as trial	12.1	12	9.8	12	11.2	10.2	11.7	10.1	6.3	1.8
Total guilty pleas	73.8	74.8	76.6	75.2	77.0	78.9	80.4	77.6	79.3	88.7
Trial convictions	14.6	12.8	11.9	13.8	12.6	11.2	11.4	14.3	12.2	6.7
Trial acquittals	8.6	9.3	8.9	9.4	8.9	9.0	7.5	7.7	8.0	4.7
Total trials	23.2	22.2	20.8	23.2	21.5	20.2	18.9	22.1	20.2	11.3
Other case completions	3	3	2.6	1.6	1.5	0.9	0.7	0.3	0.4	0.0
Total guilty (pleas and convictions)	88.4	87.6	88.5	89	89.6	90.1	91.8	91.9	91.6	95.3

Trial Conviction Rate

	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Convictions as a percentage of all trial verdicts	62.9	57.9	57.2	59.6	58.6	55.6	60.5	65.0	60.5	58.8

Trials completed

	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Melbourne County Court	299	323	282	278	264	249	229	299	202	104
Melbourne Supreme Court	32	24	28	26	40	22	20	32	12	11
Circuit County and Supreme Courts	81	102	123	109	100	78	102	122	92	26
Total*	423	449	433	413	404	349	351	453	306	141

*The total excludes trials that resolved as guilty pleas. If these are included the total for 2020/2021 is 155 and the total for 2019/2020 is 382. The total also excludes discontinuances.

Plea hearings conducted

	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Summary Pleas	—	497	584	448	465	475	523	520	466	586
Melbourne County Court	1,492	1,444	1,512	1,503	1,511	1,526	1,537	1,624	1,500	1,360
Melbourne Supreme Court	59	77	71	65	72	81	52	81	57	51
Circuit County and Supreme Courts	415	423	406	426	457	447	505	567	527	275
Total*	1,966	2,441	2,573	2,442	2,505	2,529	2,617	2,792	2,250	2,272

* Note that the total prior to 2012/13 does not include Summary Pleas.

Victim and Witness referrals

	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Number of referrals	1,016	999	921	985	1,090	1,268	1,512	2,111	2,565	2,519

Appendix 5

Crown Prosecutor activity data

	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Number of Crown Prosecutors (FTE)*	25.4	21.8	20.4	20.3	19.5	19.3	18.7	19.2	19.7	21.5
Days in court total	2,290	1,933	1,912	2,047	1,832	1,589	1,746	1,863	1,596	1,764
Days in court per Crown Prosecutor	90	89	94	101	94	83	93	97	81	82
Court appearance %	45.5	43.5	46.0	46.8	45.7	41.0	46.3	45.8	37.3	37.9
Presentments/indictments total	2,855	2,844	2,687	2,750	2,801	2,788	1,965	2,345	2,304	2,231
Presentments/indictments per Crown Prosecutor	112	130	132	136	143	145	105	122	117	104
Total plea offer advisings	2,095	2,215	2,052	2,226	2,239	2,477	1,655	2,468	2,684	3,116
Plea offer advisings per Crown Prosecutor	83	101	101	110	115	129	88	129	137	145
Total discontinuance of charges advisings	640	698	684	640	611	571	312	321	318	341
Discontinuance of charges advisings per Crown Prosecutor	25	32	34	32	31	30	17	17	16	16
General advice total	4,213	3,749	3,200	2,880	3,427	3,659	3,607	5,305	6,412	5,997
General advice per Crown Prosecutor	166	172	157	142	175	190	193	277	326	280
All advice total	6,948	6,662	5,936	5,746	6,277	6,707	5,574	8,094	9,414	9,454
All advice per Crown Prosecutor	274	305	292	284	321	348	298	423	479	441

*Note that for this data set, Crown Prosecutor FTE (full-time equivalent) is calculated across the financial year.

Appendix 6

Freedom of Information report

Compliance with the *Freedom of Information Act 1982*

The OPP is subject to the *Freedom of Information Act 1982* (the Act). Particulars of the functions and organisation of the OPP are set out elsewhere in this Annual Report. The OPP's website (<http://www.opp.vic.gov.au>) provides additional information including the OPP's statement pursuant to Part II of the Act. Further information can be obtained about the Act, and the various regulations made under that Act by visiting <http://www.ovic.vic.gov.au>.

Exemption of the Director of Public Prosecutions

The *Freedom of Information Regulations 2019* exempt the DPP from the application of the Act.

Freedom of Information requests during 2020/2021

The OPP received 68 requests under the Act from 1 July 2020 to 30 June 2021. Seventy three requests were finalised in this period (inclusive of five outstanding requests carried over from 2019/2020) with the remaining three requests to be finalised within the next reporting period. An outline of the results of these requests is as follows (note that some requests may fall into more than one category):

Requests transferred by other departments	1
Requests transferred to other agencies	6
Requests relating to documents that do not exist or cannot be located	3
Access granted in full	9
Access granted in part	22
Access denied in full	4
Requests received but not finalised in 2020/2021	5
Requests withdrawn/not proceeded with/Act does not apply to/outside the Act	2
Requests not processed	6
OVIC reviews	2
OVIC complaints	3

Categories of documents held by the OPP

The types of documents the OPP handles include case files, policies and procedures, administrative records and audio-visual material. Documents are organised under the following categories according to the OPP's business classification scheme:

- Audio-Visual Management
- Communications Management
- Contract Establishment
- Facilities Management
- Fleet Management
- Government Relations
- Human Resources Management
- Information Management
- Systems Management
- Learning and Development Management
- Legal Matter Management
- Legal Services Management
- Occupational Health and Safety Management
- Stationery and Supplies Management
- Strategic Management

Access to documents

The *Freedom of Information Act 1982* aims to make the maximum amount of information available to Victorians promptly and inexpensively. To facilitate this aim, requests for access to documents held by the OPP should specify the matter to which their request relates and identify the documents or types of documents requested, to enable the OPP to identify the document/s that fall within the terms of the request.

Requests for access to documents held by the OPP must be submitted in writing to the OPP's Freedom of Information Officer. The request should include a contact telephone number and/or email address to enable the Freedom of Information Officer to contact the applicant to clarify or discuss matters relating to the request.

Upon receipt of a valid request, the OPP will process the request and may refuse to disclose all or part of a document if it contains information that is exempt under the Act. The Act outlines general categories of information that are exempt, including internal working documents, law enforcement documents, privileged documents, documents containing information relating to the personal affairs of a person and documents containing information communicated in confidence.

Where the OPP decides to deny access to all or part of a document, it will inform the applicant of the decision and give reasons in support of the decision in writing. If the applicant wishes to challenge a decision of the OPP, they may apply to the Victorian Information Commissioner for a review of the decision. If the applicant is dissatisfied with the outcome of that review, they may lodge an application for review to the Victorian Civil and Administrative Tribunal (VCAT).

An applicant may also make a complaint to the Victorian Information Commissioner about the way the request has been handled or if they are informed that the documents requested do not exist or cannot be located.

Charges under the Act

The Act specifies that access to information be provided at the lowest reasonable cost. Current fees and charges are:

- application fee – a request must be accompanied by payment of \$29.60 (effective 1 July 2020).
- search fee – \$22.20 per hour or part thereof (effective 1 July 2020).
- supervision fee – \$22.20 per hour to be calculated per quarter hour or part of a quarter hour, where a document is inspected by an applicant at the OPP (effective 1 July 2020).
- photocopy fee – \$0.20 per A4 page.
- deposits – a deposit of \$25 may be requested before the OPP will grant access if the calculated charge does not exceed \$100. If the calculated charge exceeds \$100, a deposit of 50% of the calculated charge may be requested.

The application fee may be waived on financial hardship grounds.

Access charges may also be waived in certain circumstances, for example, where the applicant is impecunious, intends to use the document sought for general public interest or benefit or seeks to access documents relating to their personal affairs.

FOI Timelines

The OPP is required to process a request within 30 days. This timeframe may be unilaterally extended to 45 days where the OPP is required to consult with third parties. The processing timeframe may also be extended by periods of up to 30 days, any number of times, with the agreement of the applicant.

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 file where it is considered that this information is inaccurate, incomplete, out of date or gives a misleading impression. In the 2020/2021 period no requests to amend a personal record were received by the OPP.

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

- an address for service of notices
- particulars of why the applicant believes the information to be incomplete, incorrect, out-of-date or misleading
- the amendments that the applicant wishes to be made.

If the OPP agrees to the request, the record may be either altered or amended by an appropriate notation. If the OPP refuses to make the amendment, it must notify the applicant in writing of the decision and of:

- the findings on any material questions of fact, the material on which those findings were based and the reasons for the decision
- the name and designation of the person making the decision
- the applicant's right to a review of the decision by the Victorian Information Commissioner.

If, on further review to VCAT, the OPP's decision is affirmed, the applicant may, by written notice, insist that a notation be made to the record specifying why the applicant claims the information it contains is incomplete or otherwise inaccurate.

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

Nominated officer/contact officer

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

Freedom of Information Officer

Office of Public Prosecutions
565 Lonsdale Street
MELBOURNE VIC 3000

Or via email to: foi@opp.vic.gov.au.

Or via an online request and payment/request for fee waiver at: www.ovic.vic.gov.au

Appendix 7

Public Interest Disclosure Report

The OPP is committed to the aims and objectives of the ***Public Interest Disclosures Act 2012*** (the Act). It does not tolerate improper conduct by its employees and officers or the taking of reprisals against those who come forward to disclose such conduct.

The OPP recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources or conduct involving a substantial risk to public health and safety or the environment.

The OPP will take all necessary steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure.

Reporting procedures

Disclosures of improper conduct or detrimental action by the OPP or its employees and officers, the Solicitor for Public Prosecutions or a Crown Prosecutor may be made directly to the Independent Broad-Based Anti-Corruption Commission (IBAC). Disclosures of improper conduct or detrimental action by the DPP or the Chief Crown Prosecutor must be made directly to the IBAC.

IBAC

Level 1, North Tower, 459 Collins Street
MELBOURNE VIC 3000
Tel: (03) 1300 735 135
Website: www.ibac.vic.gov.au

Further information

Further information about public interest disclosure reporting procedures are available on the OPP's website: <http://www.opp.vic.gov.au>

Appendix 8

The OPP workforce

OPP staff are employed by the Solicitor for Public Prosecutions, who has the functions of a public service body head under the *Public Administration Act 2004* (the Act).

The OPP workforce numbers have increased in the 2020/2021 financial year. At 30 June 2021 we had a total of 418 employees, 74% female and 26% male.

	Jun-20						
	All Employees		Ongoing Employees			Fixed term / Casual	
	Gender						
	Number HC	FTE	Full Tim HC	Part Time HC	FTE	Number HC	FTE
Male/Man	108	106.1	80	1	80.9	27	25.2
Female/Woman	292	273.5	161	53	198.9	78	74.6
Self Described							
Total	400	379.6	241	54	279.8	105	99.8
	Age						
15-24	32	27.7	5	1	5.6	26	22.1
25-34	169	165.6	98	7	102.9	64	62.7
35-44	104	94.9	62	31	83.9	11	11
45-54	53	50.8	40	10	47.8	3	3
55-64	35	33.8	30	4	32.8	1	1
65+	7	6.8	6	1	6.8		
Total	400	379.6	241	54	279.8	105	99.8
	Classification						
VPS 1	1	0.2	0	0	0	1	0.2
VPS 2	67	62.5	28	2	29.5	37	33
VPS 3	85	84.5	49	2	50.5	34	34
VPS 4	76	72.5	46	10	52.9	20	19.6
VPS 5	80	74.6	54	17	65.6	9	9
VPS 6	87	81.3	64	23	81.3	0	0
STS	0	0	0	0	0	0	0
PS	0	0	0	0	0	0	0
SMA	0	0	0	0	0	0	0
SRA	0	0	0	0	0	0	0
Executives	4	4	0	0	0	4	4
Other	21	21	0	0	0	21	21
Total	421	400.6	241	54	279.8	126	120.8

	Jun-21						
	All Employees		Ongoing Employees			Fixed term / Casual	
Gender							
	Number HC	FTE	Full Tim HC	Part Time HC	FTE	Number HC	FTE
Male/Man	110	109.1	86	1	86.8	23	22.3
Female/Woman	308	285.3	171	63	214.7	74	70.6
Self Described							
Total	418	394.4	257	64	301.5	97	93
Age							
15-24	31	28.5	9	2	10.6	20	17.9
25-34	187	179.1	108	16	117.6	63	61.5
35-44	105	97.1	68	27	87.1	10	10
45-54	53	50.1	37	13	47.2	3	3
55-64	37	35	31	5	34.4	1	0.6
65+	5	4.6	4	1	4.6	0	0
Total	418	394.4	257	64	301.5	97	93
Classification							
VPS 1	2	1.73	0	0	0	2	1.7
VPS 2	91	86.9	24	4	26.8	63	60.1
VPS 3	71	68.5	58	5	60.9	8	7.6
VPS 4	84	80.9	60	9	66.4	15	14.5
VPS 5	75	67.1	49	22	63.1	4	4
VPS 6	91	85.2	66	24	84.3	1	1
STS	1	1	0	0	0	1	1
PS	0	0	0	0	0	0	0
SMA	0	0	0	0	0	0	0
SRA	0	0	0	0	0	0	0
Executives	3	3	0	0	0	3	3
Other	23	23	0	0	0	23	23
Total	441	417.4	257	64	301.5	120	116

Employment and conduct principles

The Act describes public sector values (s. 7) and employment principles (s.8).

The Office is committed to applying the principle of merit when appointing staff. Selection processes ensure that applicants are assessed and evaluated fairly and equitably on the basis of key selection criteria and other accountabilities without discrimination. This commitment is reflected in our values, particularly those of respecting others, acting fairly and with integrity. All of our people management systems and procedures have been designed to ensure that these standards are consistently met.

The Code of Conduct for Victorian Public Sector Employees is provided to all new employees and is available on the OPP intranet. Our formal induction program highlights the importance of the Code and the values expected of our staff.

Appendix 9

Occupational Health, Safety and Wellbeing

During the course of 2020/2021, the focus with OPP staff health and wellbeing continued to be:

- Integrating and embedding health and safety compliance into everyday business practice
- Commitment to a safe, respectful, and healthy workplace
- Providing ongoing support and assistance to staff with the management of injuries and illnesses.
- Undertaking all the above, and all aspects of OPP work, in a COVID-safe manner.

The OPP OHS Committee continued to provide guidance and information to OPP employees and management on a range of OHS issues, including the identification of hazards, review of incidents reported and the conduct of workplace safety inspections. The Committee comprises an Executive Chair, Sam Jones, management representatives and elected employee representatives. The OHS Committee proactively promotes and encourages a safe and healthy work environment for all work undertaken across the OPP, and by OPP staff in different settings.

The OPP HR team continues to partner with the DJCS/ Allianz Return to Work network, which is committed to reviewing and enhancing performance in Workcover management and return to work programs. Since 2016/17 the OPP has reduced the average cost per standard claim from \$203,927 (in 2016/17) to \$0 (in 2020/2021).

Throughout 2020/2021, the OPP facilitated and supported a range of wellbeing activities to proactively improve and enhance the physical and mental wellbeing of all staff:

- Continuous improvement to First Aid Services including the ongoing maintenance of first aid kits and defibrillators and upkeep of training for all first aid officers.
- The continuation of the Flu Vaccination program and lunchtime Pilates classes, which continued to be delivered via remote video conferencing.

- Other events included Vicarious Trauma Training, Mental Health First Aid training.
- Supporting staff, on request, with their office and home-work spaces including the undertaking of a Workspace Ergonomic Assessment by an Occupational Therapist, which has included the assessment either virtual or onsite, reporting, implementation of recommendations made and subsequent follow-up.

In accordance with the VPS Mental Health and Wellbeing Charter, OPP staff attended Mental Health Awareness Training and further staff from across the OPP successfully completed the Mental Health First Aid training to become accredited Mental Health First Aiders.

The OPP also continued to offer employees the Employee Assistance Program (EAP) which is a free, short-term confidential counselling service offered to employees and their immediate family via the EAP provider Converge International Pty Ltd. OPP staff are also provided with the opportunity to undertake confidential annual wellbeing checks, facilitated by a senior clinical psychologist and an ongoing specialist support program which was delivered to selected work teams.

The OPP has two Wellness Rooms designed as a private, safe, and comfortable spaces for staff to use when seeking respite in the event of sudden illness; prayer; lactation and to contact the EAP in private.

The OPP will remain committed to the health and wellbeing of all staff and provide a safe workplace that will continue throughout the course of 2021/22, with a particular focus on operating in line with government health directions and adhering to COVID-safe principles and practices.

The OPP's performance against OH&S management measures

The number of reported incidents across the Office decreased to 1.38 per 100 FTE (based on a FTE of 400 employees).

Measure	KPI	2020/21	2019/20	2018/19	2017/18
Incidents	No. of incidents	1	9	5	12
	Rate per 100 FTE	0.24	2.25	1.32	3.55
	No. of incidents requiring first aid and/or further medical treatment	0	4	5	10
Workcover*	No. of standard claims	0	0	1	1
	Rate per 100 FTE	0	0	0.28v	0.3
	No. of lost time claims	0	0	0	0
	Rate per 100 FTE	0	0	0	0
	No. of claims exceeding 13 weeks	0	0	0	1
	Rate per 100 FTE	0	0	0	0.3
Fatalities	Fatality claims	0	0	0	0
Claim costs	Average cost per standard claim (includes amount paid an estimate) *	0	0	\$4,615	\$65,866
Return to work	Percentage of claims with RTW plan <30 days	n/a	0%	100%	0%
Consultation and participation	Evidence of agreed structure of designated workgroups (DWGs), health and safety representatives (HSRs), and issue resolution procedures (IRPs)	Complete	Complete	Complete	Not reported
	Compliance with agreed structure on DWGs, HSRs, and IRPs	Complete	Complete	Complete	Not reported
	Number of quarterly committee meetings	3	4	4	4
Risk management	Percentage of internal audits/ inspections conducted as planned	25%	90%	97.56%	70.45%
	No. of Improvement Notices issued across the OPP by WorkSafe Inspector	0	0	0	0
Training	Percentage of new staff that have received OH&S induction training	100%	100%	100%	100%
	Percentage of HSR's trained:				
	Acceptance of role	100%	100%	100%	100%
	Re-training (refresher)	0%#	67%	70%	0%**

* Data sourced from Victorian Workcover Authority (VWA)

** Not previously tracked or reported

#HSR refresher training scheduled 2021/22

Appendix 10

Environmental report

Commitment to sustainable practices

The OPP is committed to reducing energy consumption, using environmentally sustainable products and implementing environmentally sustainable strategies. The OPP reduces the environmental impact of its operations by implementing initiatives that have an environmental payback. Actions which have been undertaken by the OPP during the last financial year include:

- working with the Department of Treasury and Finance as part of a joint project management team, the upgraded building plant and equipment in 565 Lonsdale Street, Melbourne.
- implementing a waste management strategy to allow the separation of waste into several streams.
- donating redundant furniture to charities and sporting organisations to avoid landfill.
- employing building contractors who had waste management processes in place to reduce building waste.

Environmental report for 2020/2021

Environmental reporting pertaining to energy and waste is based on data from the Melbourne CBD OPP office located at 565 Lonsdale Street where 95% of office-based staff members are located. Reporting elements relating to paper and transport cover all OPP office locations and staff. This information has been prepared in accordance with the Financial Reporting Directions issued by the Minister for Finance (FRD 24). Building data was provided by Jones Lang LaSalle on behalf of the Department of Treasury and Finance, the owner of 565 Lonsdale Street.

Energy

Indicator	2020/21				2019/20			
	Electricity	Natural Gas	Green Power	Total	Electricity	Natural Gas	Green Power	Total
Total energy usage segmented by primary source (MJ)	1,223,979	2,448,352	0	8,623,491	2,532,927	6,090,564	0	8,623,491
Greenhouse gas emissions associated with energy use (t CO₂-e)	897	147	0	1,377	1,005	322	0	1,377
Percentage of electricity purchased as Green Power	0				0			
Units of energy used per FTE (MJ/ FTE)	3,139				6,579			
Units of energy used per unit of office area (MJ/ m²)	150				308			

Notes on energy data:

- Energy data was provided by Jones Lang LaSalle, on behalf of Department of Treasury and Finance.
- Department of Treasury and Finance as landlord does not purchase green power for 565 Lonsdale Street.
- The OPP's average FTE during 2020/2021 is used for energy reporting.

Waste

The waste generated by processes within the OPP is divided into three general classes – landfill, compost, and recycling.

Indicator	2020/21				2019/20			
	Landfill	Recycled	Compost	Total	Landfill	Recycled	Compost	Total
Total units of waste disposed of by destination (kg/year)	7,704	1,349	1,069	10,122	18,166	8,030	796	26,992
Units of waste disposed of per FTE by destinations (kg/FTE)	19	3	3	24	47	21	2	70
Recycling rate (per cent of total waste)	9				30			
Greenhouse gas emissions associated with waste disposal (t CO ₂ -e)	9				23			

Notes on waste data:

- OPP waste disposal data was provided by Jones Lang LaSalle, on behalf of Department of Treasury and Finance.
- OPP occupies 95% of 565 Lonsdale Street, the data includes the total waste for the building including tenancy and base building consumption.

Actions taken to reduce waste consumption:

- To minimise waste going to landfill, redundant office equipment and furniture was offered to various charity organisations and auction houses.

Paper

Indicator	2020/21	2019/20
Total units of copy paper used (reams)	1,535	3,855
Units of copy paper used per FTE (reams/FTE)	4	10
Percentage of 75–100% recycled content copy paper purchased (%)	100	99.9
Percentage of 50–75% recycled content copy paper purchased (%)	0	0
Percentage of 0–50% recycled content copy paper purchased (%)	0	0.1

Notes on paper consumption:

- The paper consumption data was provided by Corporate Office Solutions.

Actions taken to reduce paper consumption:

- The implementation of the OPP Paperless Project has delivered significant reductions to paper usage across the organisation.
- While the range of paper used by the OPP is mandated by the Victorian Government Purchasing Board under the Whole of Victorian Government stationery panel arrangement, for general office usage the OPP has selected a standard white A4 paper with a high recycled content and continues to ensure that where possible all paper purchased is made in Australia to minimise the environmental impact of importation.

Default printing is double sided.

Water

Indicator	2020/21	2019/20
Total units of metered water consumed (kilolitres)	2,239	5,449
Units of metered water consumed in offices per FTE (kilolitres/FTE)	5.7	14.1
Units of metered water consumed in offices per unit of office area (kilolitres/m2)	0.27	0.66

Notes on water consumption data:

- Data was provided by Jones Lang LaSalle on behalf of the Department of Treasury and Finance, the owner of 565 Lonsdale Street.

Transport

The department's fleet comprises 31 vehicles, 65% of which are operational vehicles, and the remainder executive fleet. Of the operational vehicles 95% are four cylinder petrol fuelled, and five % are hybrid fuelled.

The executive fleet comprised 45% are four cylinder petrol fuelled, 28% are four cylinder diesel fuelled, 18% are six cylinder petrol fuelled and nine % are hybrid fuelled.

	2020/21			2019/20		
Operational Vehicles	4 cyl	6 cyl	Total	4 cyl	6 cyl	Total
Total energy consumption by vehicles (MJ)	205,918	0	205,918	906,324	0	906,324
Total vehicle travel associated with entity operations (km)	75,265	0	75,265	286,292	0	286,292
Total greenhouse gas emissions from vehicle fleet (t CO2-e)	11	0	11	46	0	46
Greenhouse gas emissions from vehicle fleet per 1,000km travelled (t CO2-e)	0.15	0	0.15	0.16	0	0.16

	2020/21	2019/20
Indicator	Total greenhouse gas emissions (t CO2-e)	Total greenhouse gas emissions (t CO2-e)
Total travelled by aeroplane	6	39

Indicator	2020/21	2019/20
Percentage of CBD employees regularly (>75% of work attendance days) using public transport, cycling, walking, or carpooling to and from work or working from home	N/A*	N/A

Notes on transportation data:

- *Survey not conducted due to COVID restrictions.
- Vehicle fuel data was supplied by the Department of Treasury and Finance's VicFleet unit.
- Air travel includes the movement of witnesses for trial preparation or giving evidence at court as such, distance of travel can vary significantly.

Actions taken to reduce vehicle emissions:

- Ongoing program of replacing vehicles with more fuel efficient models.
- The upgraded 'end of trip' facilities have encouraged more staff to walk, run or cycle to work.
- Public transport tickets are purchased for staff travel to and from external meetings and between the Melbourne and Geelong offices.

Appendix 11

Supplementary information

Audit Committee membership and roles

The Audit committee consists of the following members:

- H Burjorjee, Chairperson (independent member)
- P White (independent member)
- S Jones, General Manager Corporate Services.

The main responsibilities of the audit committee are to:

- review and report independently to the Solicitor and Minister on the annual report and all other financial information published by the OPP.

- assist the Solicitor and the Minister in reviewing the effectiveness of the OPP's internal control environment covering:
 - effectiveness and efficiency of operations;
 - reliability of financial reporting; and
 - compliance with applicable laws and regulations.
- determine the scope of the internal audit function and ensure its resources are adequate and used effectively, including coordination with the external auditors.
- maintain effective communication with the external auditors.
- consider recommendations made by internal and external auditors and review the implementation of actions to resolve issues raised; and
- oversee the effective operation of the risk management framework.

Consultancies

Details of consultancies over \$10,000

In 2020/2021, there were four consultancies where the total fees payable to the consultants were \$10,000 or greater. The total expenditure incurred during 2020/2021 in relation to these consultancies is \$528,815 (excluding GST). Details of individual consultancies are outlined below:

Consultant	Purpose	Start date	End date	Total approved project fee (\$ ex GST)	Expenditure 2020/21/20 (\$ ex GST)	Future expenditure (\$ ex GST)
Working Three Pty Ltd	Future State Technology Design	18/06/2020	14/07/2020	\$49,800.00	\$24,900.00	\$0.00
Working Three Pty Ltd	Technology Transformation Project	01/01/2021	29/10/2021	\$451,140.00	\$267,715.00	\$183,425.00
Starbust Galaxy Pty Ltd	Advisory Services for Technology Transformation Project	12/03/2021	23/05/2021	\$12,000.00	\$12,000.00	\$0.00
Deloitte Touche Tohmatsu	Workforce and Workload Diagnostic Project	26/02/2021	21/04/2021	\$224,200.00	\$224,200.00	\$0.00

Details of consultancies under \$10,000

In 2020/2021, there were no consultancies where the total fees payable to the consultants were less than \$10,000.

Information and Communication Technology (ICT) expenditure

For the 2020/2021 reporting period, the Office had a total ICT expenditure of \$9,040,830 with the details shown below.

(\$ thousand)

All operational ICT expenditure	ICT expenditure related to projects to create or enhance ICT capabilities		
Business As Usual (BAU) ICT expenditure	Non-Business As Usual (Non-BAU) ICT expenditure	Operational expenditure	Capital expenditure
Total	Total = Operational expenditure and Capital expenditure		
6,254	2,786	1,878	908

ICT expenditure refers to the Office's costs in providing business enabling ICT services within the current reporting period. It comprises Business As Usual (BAU) ICT expenditure and Non-Business As Usual (Non-BAU) ICT expenditure. Non-BAU ICT expenditure relates to extending or enhancing the OPP's current ICT capabilities. BAU ICT expenditure is all remaining ICT expenditure which primarily relates to ongoing activities to operate and maintain the current ICT capability.

Leadership and Accountability (requirements 1-19)

The Office has met its target maturity level under most requirements within this category.

The Office did not comply with some requirements in the areas of asset management system performance. There is no material non-compliance reported in this category. A plan for improvement is in place to improve the Office's maturity rating in these areas.

Planning (requirements 20-23)

The Office has met or exceeded its target maturity level in this category.

Acquisition (requirements 24 and 25)

The Office has met its target maturity level in this category.

Operation (requirements 26-40)

The Office has met its target maturity level under most requirements within this category.

Disposal (requirement 41)

The Office has met its target maturity level in this category.

Asset Management Accountability Framework (AMAF) maturity assessment

In line with Direction 4.2.3 of the Standing Directions of the Assistant Treasurer under the *Financial Management Act 1994*, the OPP has conducted a self-assessment of maturity against the Asset Management Accounting Framework (AMAF). OPP's target maturity rating is 'competent' meaning systems and processes are fully in place, consistently applied and systematically meeting the AMAF requirement.

The assessment concluded that OPP has met its target maturity rating for most requirements under the AMAF. Systems and processes for monitoring the performance of assets were assessed as meeting the 'developing criteria' and this will be addressed in 2021-22.

Appendix 12

Statement of availability of other information

In compliance with the requirements of the Standing Directions 2018 under the *Financial Management Act 1994*, details in respect of the items listed below have been retained by the Department and are available on request, subject to the provisions of the *Freedom of Information Act 1982*. However, in adopting best practice disclosure policies and to ensure that the OPP discharges its accountability obligations, where relevant, details about some of the following items have been disclosed within this Report of Operations;

- A statement that declarations of pecuniary interests have been duly completed by all relevant officers of the OPP.
- Details of shares held by a senior officer as nominee or held beneficially in a statutory authority or subsidiary.
- Details of publications produced by the OPP about itself, and how these can be obtained.
- Details of changes in prices, fees, charges, rates and levies charged by the OPP.
- Details of any major external reviews carried out on the OPP.
- Details of major research and development activities undertaken by the OPP.
- Details of overseas visits undertaken including a summary of the objectives and outcomes of each visit.
- Details of major promotional, public relations and marketing activities undertaken by the OPP to develop community awareness of the office and its services.
- Details of assessments and measures undertaken to improve the occupational health and safety of employees.
- A general statement on industrial relations within the OPP and details of time lost through industrial accidents and disputes.
- A list of major committees sponsored by the OPP, the purposes of each committee and the extent to which the purposes have been achieved.
- Details of all consultancies and contractors including:
 - consultants/contractors engaged
 - services provided, and
 - expenditure committed to for each engagement.

This information is available from:

Projects and Performance Unit

Office of Public Prosecutions

565 Lonsdale Street

MELBOURNE VIC 3000

Telephone: (03) 9603 7615

Email: pp.info@opp.vic.gov.au

Appendix 13

Attestation

Attestation for financial management compliance with Standing Direction 5.1.4

I, Abbey Hogan, certify that the OPP has no Material Compliance Deficiency with respect to the applicable Standing Directions under the *Financial Management Act 1994* and Instructions.



Abbey Hogan
Solicitor for Public Prosecutions
Office of Public Prosecutions

Appendix 14

Audit of decision making and consultation with victims

Audit of decision making and consultation with victims.

The Royal Commission into Institutional Responses to Child Sexual Abuse (2017) recommended that state and territory Directors of Public Prosecution establish internal audit processes to audit compliance with policies for decision making and consultation with victims and informants.

The OPP also has obligations towards victims pursuant to the *Victims' Charter Act 2006*.

The OPP developed a framework for the conduct of an internal audit of prosecution files worked on during financial year 2020-2021.

Results have been collated and show:

- Compliance with organisational policies on decision making was 96.73%
- Compliance with victim consultation was 89.64%.

The audit results will be utilised to inform internal training, communication and systems to improve performance.

Appendix 15

Disclosure index

The annual report of the Office of Public Prosecutions is prepared in accordance with all relevant Victorian legislations and pronouncements. This index has been prepared to facilitate identification of the Office's compliance with statutory disclosure requirements.

Legislation	Requirement	Page Reference
Standing Directions & Financial Reporting Directions		
Report of operations – FRD Guidance		
Charter and purpose		
FRD 22H	Manner of establishment and the relevant Ministers	90
FRD 22H	Purpose, functions, powers, and duties	4
FRD 8D	Office objectives, indicators, and outputs	98
FRD 22H	Initiatives and projects	6-7, 38-41
FRD 22H	Nature and range of services provided	26-37
Management and structure		
FRD 22H	Organisational structure	9
Financial and other information		
FRD 8D	Performance against output performance measures	98
FRD 8D	Budget portfolio outcomes	48-49
FRD 10A	Disclosure index	124-125
FRD 15E	Executive officer disclosures	90-92
FRD 22H	Employment and conduct principles	112
FRD 22H	Occupational health and safety policy	113-112
FRD 22H	Summary of the financial results for the year	48-49
FRD 22H	Significant changes in financial position during the year	48-49
FRD 22H	Major changes or factors affecting performance	48-49
FRD 22H	Subsequent events	93
FRD 22H	Application and operation of <i>Freedom of Information Act 1982</i>	106-108
FRD 22H	Application and operation of the <i>Public Interest Disclosures Act 2012</i>	109
FRD 22H	Details of consultancies over \$10,000	118
FRD 22H	Details of consultancies under \$10,000	118
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SD is a Standing Direction issued by the Assistant Treasurer under s. 8 of the *Financial Management Act 1994*. Standing Directions specify public sector agency responsibilities to achieve a high standard of public financial management and accountability.

FRD is a Financial Reporting Direction which forms part of the Directions issued pursuant to s. 8 of the *Financial Management Act 1994*. An FRD deals specifically with financial reporting issues for Victorian public sector entities.



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