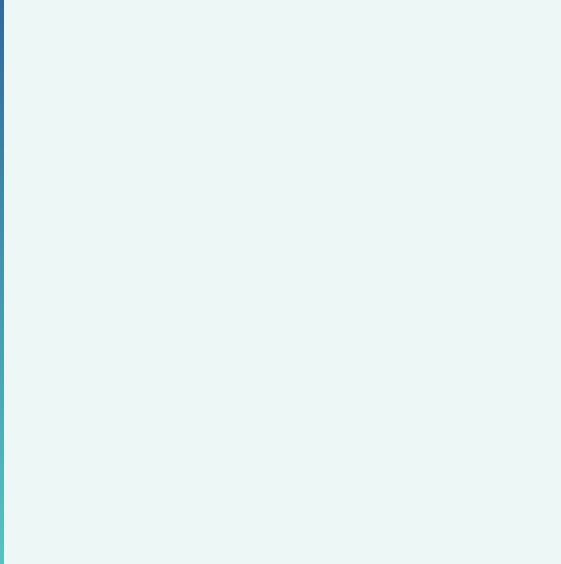




21-22

21-22



Office of Public
Prosecutions
Victoria

Annual Report



Annual Report 2021/22

This document includes:

The 2021/22 Annual Report of the Director of Public Prosecutions pursuant to s. 12 of the *Public Prosecutions Act 1994*.

The 2021/22 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 2022.

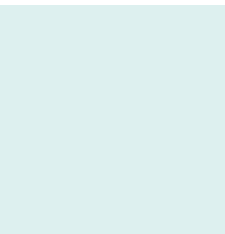
A handwritten signature in purple ink, reading 'Abbey Hogan'.

Abbey Hogan,
Solicitor for Public Prosecutions
Office of Public Prosecutions

21 November 2022



Our Work.....	04
Our Vision, Mission & Values.....	06
Our Strategic Priorities	08
Key Highlights for 2021/22	12
Director's Committee.....	14
Organisational Structure	15
Director of Public Prosecutions Report	16
Chief Crown Prosecutor Report	20
Solicitor for Public Prosecutions Report.....	24
Legal Practice Report	28
Corporate Services Report	42
Financial Summary	52
Financial Statements.....	54
Appendix.....	98



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 as well as conducting committal hearings in the Magistrates' Court. The OPP also 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 16 Crown Prosecutors.

The Office of Public Prosecutions is headed by the Solicitor for Public Prosecutions (SPP), Abbey Hogan. The OPP supports the DPP in her functions by preparing and conducting prosecutions on behalf of 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 sexual 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 are undertaken by 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 case. 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 (VWAS) 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 Vision

- We are a leader in the criminal justice system.
- We are a dynamic organisation continually adapting to deliver effective outcomes for our community by valuing and supporting our people, applying our unique legal expertise and leveraging our digital capability.

Our Mission

- We deliver high quality prosecutions independently, fairly and efficiently.

Our Values

Our values are our core beliefs about how we should behave and how we do things. Our culture is shaped by these values through their influence on our attitudes and actions.



Treat everyone with respect

This means:

- We are empathetic and courteous towards other people.
- We respect and embrace diverse backgrounds, identities, beliefs, abilities, experiences and perspectives.
- We are kind and inclusive. We look out for one another.





Work collaboratively

This means:

- We work together across the OPP and with stakeholders to deliver high quality services to the Victorian community.
- We support one another.
- We value input and feedback from other people.



Demonstrate professional excellence

This means:

- We value and encourage independent thought, initiative and commitment.
- We take responsibility for our own learning and development.
- We strive for best practice litigation, including early resolution of cases.



Embrace innovation

This means:

- We are curious about how we work and how we might better serve our community.
- We embrace challenges and opportunities for growth and adaptation.
- We develop and adopt sustainable and world-leading ways of working.



Act with integrity

This means:

- We do our work in a way that is fair, impartial and accountable.
- We understand that the decisions we make impact the community that we serve.
- We maintain and comply with sound decision making processes.





Strategic priorities

Our people

Our people are our foundation.

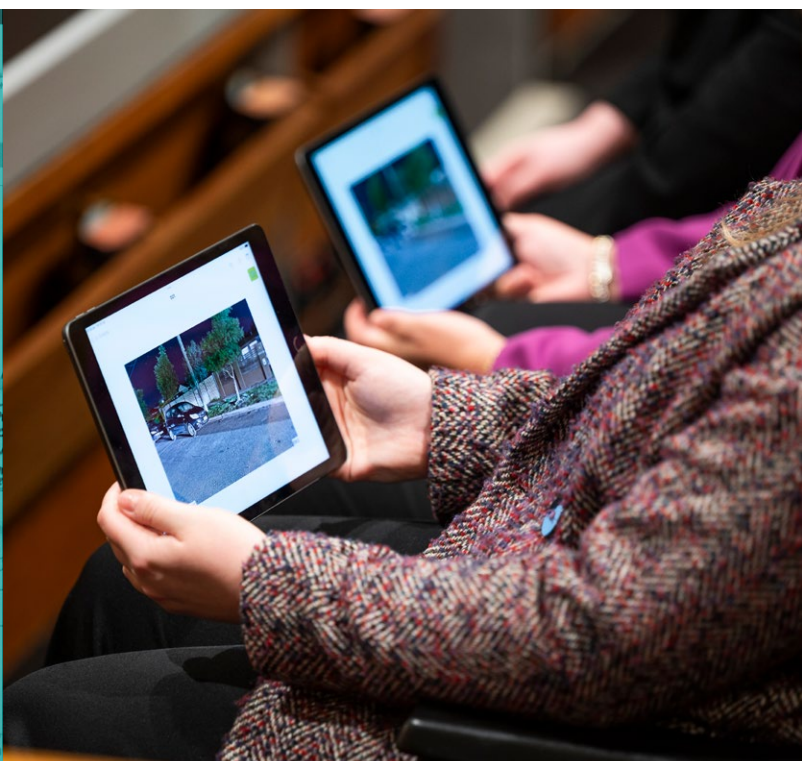
We aspire to:

Invest in our people and their wellbeing to support them to succeed.

Our aims:

- Our leaders embrace and model our values and set a clear vision for 'how we do things' at the OPP. Our people embrace and model our values.
- We recognise that every person at the OPP plays a part in our collective success. We work collaboratively across the OPP and we value and learn from one another.
- We recognise that we serve a diverse community. We recognise that diverse perspectives lead to better outcomes in service of our community. We seek out diverse perspectives by recruiting, engaging with, and seeking feedback from people with diverse backgrounds and experiences. We make sure that everyone feels welcome and valued.
- We value and encourage creativity, expansive thinking and agile approaches that enable us to continually adapt in response to changing needs.
- We take responsibility for our actions. We view feedback as an opportunity to reflect and think about whether there is a better way forward. We offer and seek respectful feedback.
- We develop our current and future leaders to be supportive, agile and creative thinkers and problem solvers. We expect our leaders to demonstrate leadership excellence, lead effectively through change, and to work collaboratively and constructively to deliver our priorities.
- We are a flexible, dynamic, engaged and progressive workplace where people feel supported, empowered and motivated to contribute. We are an employer of choice.





Victims and witnesses

Our support for victims and witnesses is a central focus of our work.

We aspire to:

Be fair and supportive when we engage with victims, witnesses and other people who are affected by the criminal justice system.

Our aims:

- We recognise that we serve a diverse community. We value diversity and we listen to, seek to understand, and cater to the diverse community that we serve.
- We acknowledge that each person has different needs. We offer different ways for people to access information and support. We tailor our engagement to the individual needs of each victim and witness.
- We model our values when engaging with victims and witnesses. We treat everyone with respect and kindness. We are sensitive to the individual needs and concerns of victims and witnesses. We ensure that victims have a genuine opportunity to share their views and have appropriate information and support to understand outcomes.
- We view feedback as an opportunity to reflect and think about whether there might be a better way forward. We continually seek feedback about how we have supported people through the prosecution process and use this feedback to improve how we support people in the future.

Digital transformation

Digital transformation will enable us to adapt to change, deliver high quality services and enhance communication.

We aspire to:

Use ongoing digital transformation to assist us to deliver high quality services, improve efficiency, manage workload and allocation, and enhance engagement with victims, witnesses and stakeholders.

Our aims:

- We invest in robust and sustainable technology that consolidates and standardises our digital systems to provide seamless processes and integration. This investment will support our people to deliver high quality and efficient services, assist with managing workload, and enhance our engagement with victims, witnesses and other key stakeholders.
- We continually improve the digital capability and expertise of our people. We invest in and deliver ongoing digital learning and development. Our people are committed to adopting and leveraging new technology. Our people are empowered to get the best outcomes from technology and deliver the best services.



- We use technology to enhance support for victims and witnesses. Digital tools enable us to improve engagement and communications with victims and witnesses and to seek and capture feedback from victims and witnesses to drive continual improvement in service delivery.
- We use technology to improve our data capture and analysis. We use this data and analysis to inform decision making, resources and workload allocation, and to monitor and evaluate performance.
- We use and promote digital technology in court. We identify and invest in digital technology to assist the prosecution process. We train our people so that they are empowered to apply this technology to generate efficiencies in the preparation of matters for court, and to best present evidence in court.
- We collaborate with stakeholders in the legal sector, government and community to improve digital integration across the justice sector and to enhance communications with key stakeholders, including victims and witnesses.

Driving and leading reform

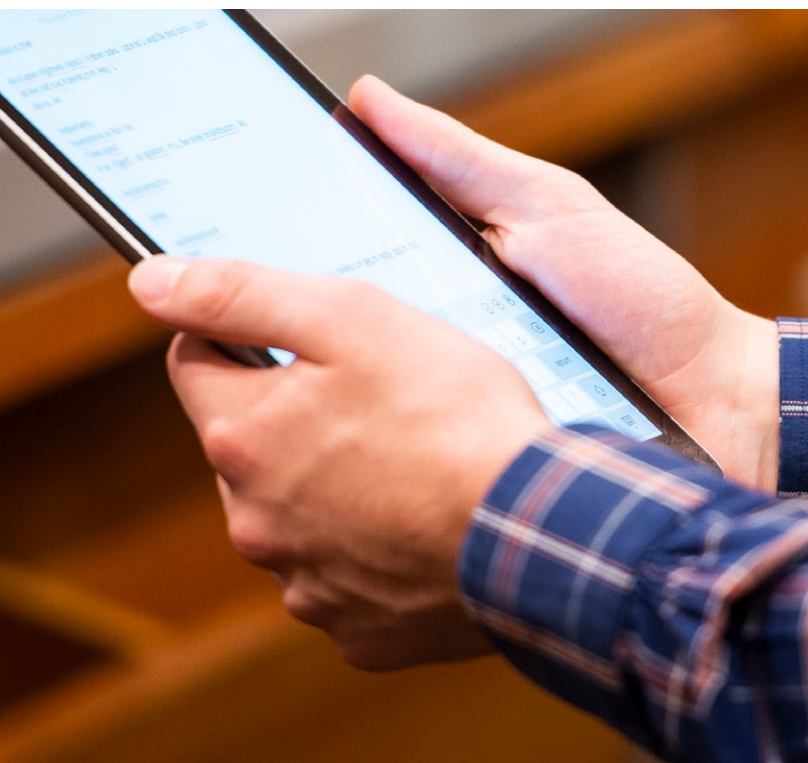
Driving and leading criminal justice system reform to achieve better outcomes for victims and our community.

We aspire to:

Leverage our unique expertise and role as a leader in the criminal justice system to influence systemic reform to deliver better and more efficient justice outcomes.

Our aims:

- We collaborate with key stakeholders to influence and implement policy, procedural and law reform that will deliver better justice outcomes for the community that we serve.
- We drive and lead change to address court backlogs and to find pathways forward from the COVID-19 pandemic, through innovative case management and early resolution of cases.
- We use our unique position to advocate for change that will improve the experience of victims and witnesses in the criminal justice system.
- We build community trust and confidence in the OPP by improving community understanding of what we do, how we work and how prosecutorial decisions are made.



Professional excellence

Professional excellence in all that we do.

We aspire to:

Develop and build outstanding capability by investing in learning and development, embracing innovation, seeking feedback to inform continual improvement, and ensuring that every person at the OPP contributes to delivery of our strategic priorities.

Our aims:

- We invest in training and development of our people, systems and supports. We develop a framework for learning and development. We prioritise sharing and developing knowledge and expertise across our organisation. We create opportunities for people to learn from one another across the OPP. We identify and invest in tools and supports to enable and empower our people.
- We develop highly capable and empowered professionals with growth mindsets, who proactively strive for excellent outcomes in what they do and how they do their work.
- We build and apply robust operational and corporate governance frameworks to ensure that prosecution decision-making and service delivery are consistent, fair and compliant.
- We conduct early analysis of files to identify appropriate charges and resolution potential. We identify and adopt efficient and effective processes and systems to enable this.
- We deliver high quality prosecution and proceeds of crime services, with a focus on considered analysis, careful negotiation, sound decision making and effective outcome management.
- We view feedback as an opportunity to reflect and identify when there is a better way forward. We continually seek feedback from stakeholders and use this feedback to continually improve how we deliver prosecution services.
- We apply and scale project management activities to the risk and size of the task. We build cross-functional project teams and working groups in recognition that collaboration and sharing of ideas achieves optimal outcomes and improves job satisfaction.

Key Highlights for 2021/22



825

decisions were made by the DPP.

2,798

indictments were signed
by Crown prosecutors.

- Prosecutors appeared in a total of **41,827** hearings in Victorian courts, **18.3%** of which were in regional Victoria.
- Crown Prosecutors provided advice on **11,015** matters. This included **3,414** plea offers, **586** discontinuances and **7,015** occasions of giving general advice.

89.7%

of completed prosecutions
resulted in a guilty outcome.

In 2021/22 the OPP handled **3,095** new briefs for prosecution:

→ **73**

mental impairment and
unfitness to be tried cases

→ **7**

occupational health
and safety matters

→ **128**

homicide/culpable driving matters

→ **83**

commercial crime matters

→ **1,977**

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

→ **478**

sexual offence matters

→ **333**

drug offence matters

→ **446**

matters involved
family violence

2,004 new matters were referred to
Victims and Witness Assistance Service
(VWAS) by OPP solicitors, of these matters:

→ **18%**

were sexual offences

→ **5.3%**

were homicide/culpable driving

→ **59.1%**

were general crime

→ **17.6%**

were other matter types

→ **27.7%**

involved family violence



465 staff

→ **73.3%** women, **26.5%** men,
0.2% self described

→ 15–24y **12.3%**
25–34y **43.2%**
35–44y **25.4%**
45–54y **10.8%**
55–64y **7.3%**
65+ **1.1%**

Koori Court

Solicitors trained in prosecuting
Koori Court matters appeared in **293**
hearings across Victoria. There were
26 hearings in Magistrates' Koori
Courts, **266** in County Koori Courts
and **one** in the Children's Koori Courts.

VWAS assisted **3,315** victims
providing **41,626** consultations.

Director's Committee



Solicitor for Public Prosecutions
Victoria



Director of Public Prosecutions
Victoria



Chief Crown Prosecutor
Victoria



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.

Office of Public Prosecutions

The OPP is an independent statutory entity and Victoria's largest criminal law practice. The SPP 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 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 a sentence, authorising detention order applications, 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.

Crown Prosecutors' Chambers

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

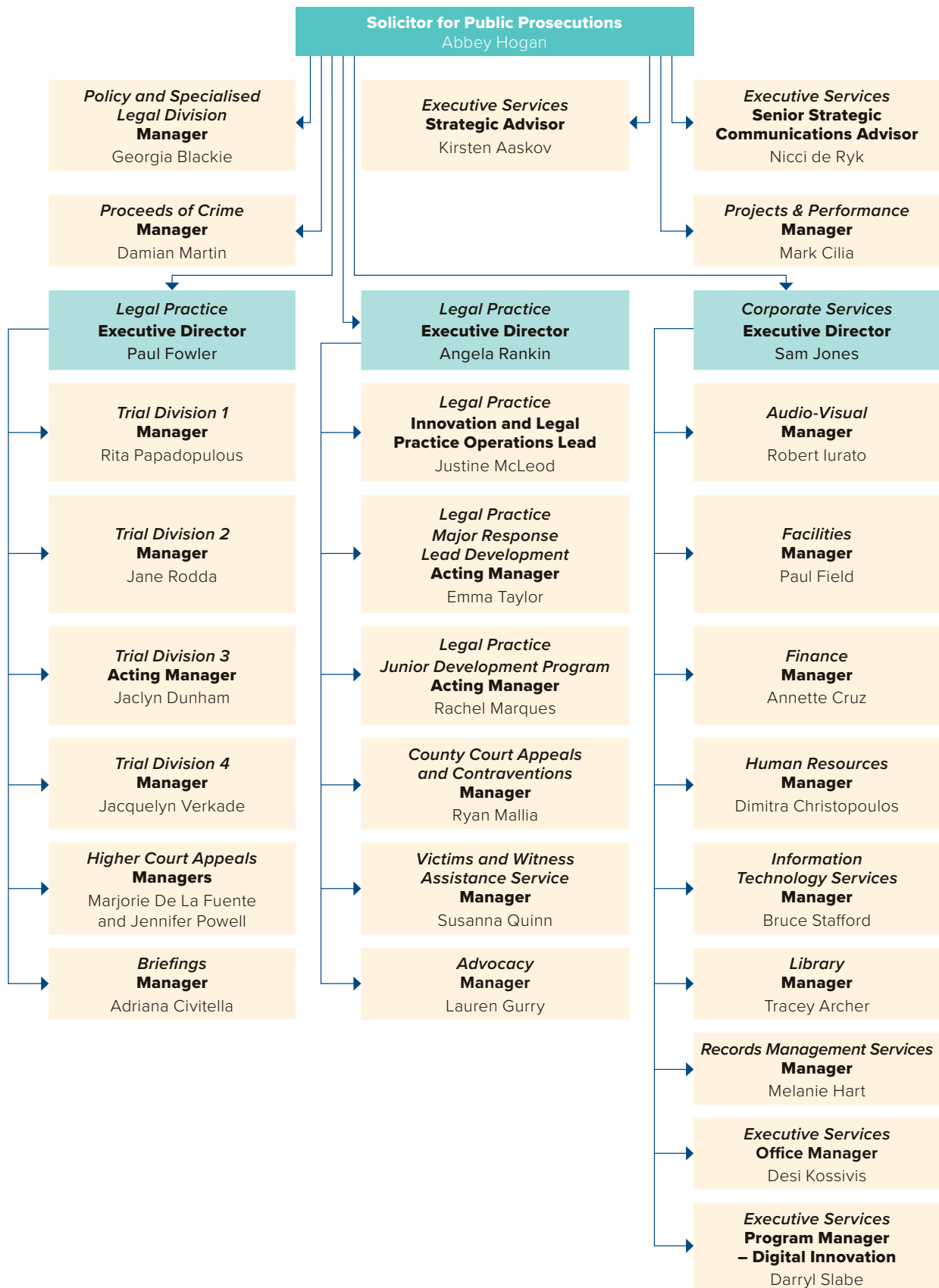
Crown Prosecutors are responsible for the most complex prosecutions and have authority to sign indictments to bring accused people to trial and to resolve matters as pleas of guilty.

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 DPP is absent.

Organisational Structure



Director of Public Prosecutions Report



It has been a privilege and honour to exercise the functions, powers and responsibilities of the Director of Public Prosecutions over the last 12 months.

The existing court backlog of criminal trials is unprecedented. Sensible, realistic and pragmatic management has been required, as well as an acceptance that the issue will not immediately disappear.

I am very proud of how everyone at the OPP has handled the high demands placed on prosecutors by all court participants and stakeholders. I am very proud of the barristers we brief, the Crown Prosecutors who make decisions in my name and the instructing solicitors who carefully analyse, assess and prepare matters for trial.

Respect

My projects and messages to everyone this year have centred around the theme of respect.

I have emphasised the need for respect between the judiciary and those appearing in court, respect between barristers and solicitors, respect between prosecution and defence, respect to all stakeholders, including victims, the police and our external agencies, respect to each other as colleagues, within teams, across teams and across every grade, job type and function.



Other messages have highlighted that we are all different and that we need to respect and celebrate those differences. Having staff with diverse backgrounds and various life experiences makes us stronger as an organisation. We should not just promote people or surround ourselves with individuals in our own image. Instead, we should reflect the diversity in the Victorian community through the diversity in our own workforce.

I am pleased that these messages have resonated and that we have regular 'shout outs' and regular discussions on respect. We will continue with these themes and continue to create opportunities to assist everyone reach their full potential.

Support to external counsel

In furtherance of the respect theme and in recognition of the challenges presented in conducting trials in the current environment, we have set up a number of initiatives to provide on the spot 'in-court' support to barristers.

This type of support has included re-briefing prosecutions, providing counsel with a leader or having a Senior Crown Prosecutor attend court to make submissions about the need for an adjournment.

The need for in-court support has occurred in the context of the personal impact of COVID-19 on barristers and their families and where a barrister has felt that they have experienced disrespectful conduct from court participants.

This year, in conjunction with the Criminal Bar Association, and supported by the OPP and Victoria

Legal Aid, I established the Senior Counsel Consultation Panel Pilot. The introduction of this initiative is a reflection of the fact that courtrooms are workplaces with an inherent power imbalance and criminal courtrooms, in particular, are high pressure environments. The type of support available includes talking through what has happened in court, reassuring a practitioner about whether certain behaviour is within or beyond the realms of acceptable conduct by a judicial officer, discussing how a practitioner might approach the issue when they return to court, talking to the other party about not opposing an adjournment or sitting in court to observe the hearing. On occasion, the type of support may extend to appearing in court to request the matter be adjourned or stood down, for example if a practitioner needs to attend to a sick child or an urgent medical issue.

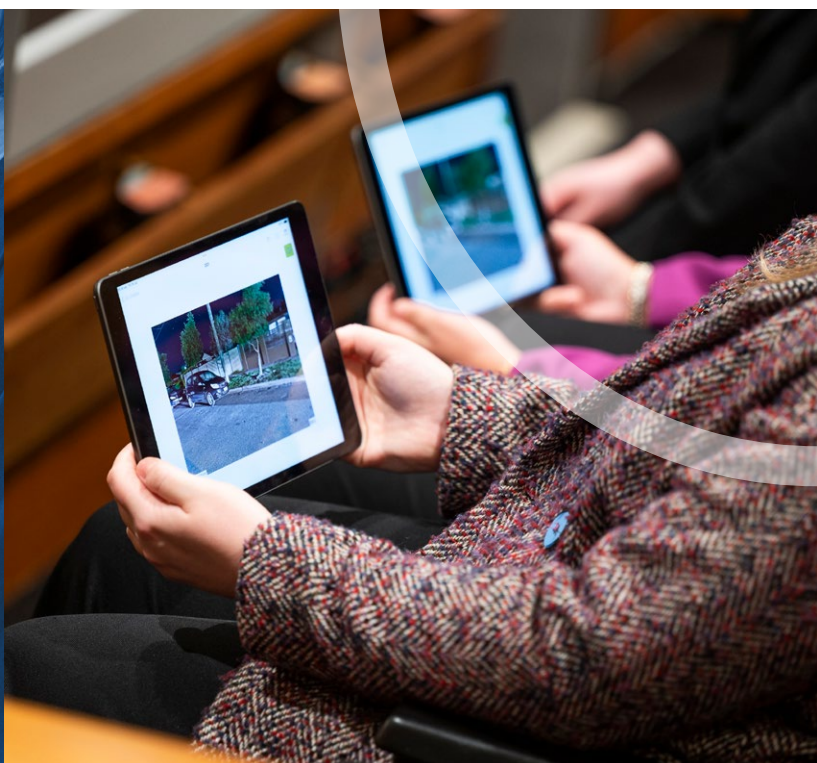
Supporting victims

As the Director of Public Prosecutions, I am acutely aware of the impact that the criminal justice process has on victims. Going to court and giving evidence in the court room can be particularly difficult for victims of sexual assault and family violence.

This year we worked on a number of initiatives that we hope will improve the experience of victims as they navigate the criminal justice process.

We launched a new OPP website, and an 18-part video series which explains who we are, what we do, and what to expect during the prosecution process.

Helping victims navigate the criminal justice process is one of the highest priorities for myself and the OPP.



Decisions

As usual a great deal of my work over the last 12 months involved daily decision making.

Decision making overall remained consistent with previous years, with me making 652 decisions and the Acting Director making 173 decisions.

There were 54 matters considered by the Director's Committee for the purpose of making a special decision. Of those matters, there were six decisions to directly indict and 26 discontinuances.

The number of discontinuances made by way of special decision almost doubled compared to last year. This is consistent with the overall number of discontinuances, there being 244 in the last 12 months compared to 119 in the previous year.

DPP Appeals

In the 2021/22 year, 11 Director's appeals against sentence were heard by the Court of Appeal, six of which were successful. There were also nine appeals heard by the County Court in respect of sentences imposed in the Magistrates' Court, three of which were successful.

Acknowledgements

I would like to take this opportunity to thank the two other members of the Director's Committee: the Chief Crown Prosecutor, Brendan Kissane QC, and the Solicitor for Public Prosecutions, Abbey Hogan.

Brendan's contribution to the criminal justice system, together with his work as the head of Crown Prosecutors' Chambers, has been outstanding. He continues to provide sound advice to me and appears in court on my behalf in important cases.

Abbey has demonstrated leadership skills of the highest order. Abbey has implemented a wealth of innovations and efficiencies within the OPP to improve the way we work and she has spearheaded necessary and important changes within the OPP to improve the skillset of each and every legal practitioner.

I appreciate the support that both Brendan and Abbey provide to me on a daily basis.

I would also like to thank each of my Associates for carrying out their difficult responsibilities with skill, confidentiality and good humour. This year I say goodbye to Cassidy Ewan and Olivia Chan and welcome Anneke Tykocinski and Elizabeth Hafoka. It has been a delight working with Cassidy and Olivia and I wish them well in their future legal careers.

Kerri Judd QC
Director of Public Prosecutions

Staff Profile

Louise Watson
Managing Principal
Solicitor, Specialist
Trial Prosecutions



Louise started at the OPP five years ago in the Appeals Division. She began her legal career in at the Western Australian Office of the Director for Public Prosecutions (ODPP) during an Articled Clerkship, then became a State Prosecutor in 2014.

"After five years working at the ODPP, prosecuting my own jury trials and appearing as counsel in all types of criminal hearings, I decided to make the move to Victoria, for no other reason but football and coffee. I initially imagined it would be a brief 12-month secondment from the ODPP but six years later and I am still here."

"It has been a whirlwind five years in this office as I started in the Appeals Team before stints in Trial Division 2, Trial Division 1 and Trial Division 4 before moving to Specialist Trial Prosecutions (STP) at the beginning of 2022."

"STP are looking at innovative ways to work more efficiently, which is a great dynamic team to be involved in."

As a Managing Principal Solicitor, Louise said the most rewarding aspect of her job is mentoring and working closely with junior lawyers and other staff at the OPP, especially junior female solicitors.

"I was incredibly lucky at the beginning of my legal career to have wonderful mentors and role models and now I can give back to the next generation of solicitors and provide them with the same guidance and support I was so lucky to receive."

Being in the profession for over a decade, Louise said the job has its highs and lows, often at the same time with each case bringing both difficulties and a sense of reward.

"I still remember the very first prosecution I worked on as a seasonal clerk 12 years ago. I remember the victims' names, the horrific details of what had happened to them and the joy and surprise in their voices when we told them the offender had been convicted."

Chief Crown Prosecutor Report



During 2021/22 Crown Prosecutors continued to work under COVID-19 restrictions in response to public health directions, appearing in court in line with COVID safe protocols.

The impact of these public health directions led to fewer case finalisations in the courts in the first half of 2021/22 which means the OPP is holding more work than it was pre-COVID, with the second half of the year seeing increased hearing numbers. Both scenarios placed additional pressure on Crown Prosecutors through increased work activity.

Although the first half of this reporting year continued in much the same way as the previous year a dramatic change occurred in the new year with the resumption of trials, particularly in the County Court. The Supreme Court managed to complete a number of jury trials in the latter half of last year, but the County Court was not so fortunate. As the year commenced there were a considerable number of listings in the County Court and it soon became apparent that there was difficulty in retaining suitable counsel. As a result, and continuing the agility shown in the past, Crown Prosecutors were briefed in more than the usual number of trials in the County Court and often at the last minute. Crown Prosecutors were also called upon to appear on Circuit and again an above average number of circuits were undertaken during the first half of this year.

In addition, the fast track process to the Supreme Court continued, as did the Supreme Court conducting a number of culpable driving and dangerous driving causing death trials transferred from the County Court. The Court of Appeal continued as normal. Judge Alone trials were re-instated as a result of legislative changes to the emergency provisions.



Crown Prosecutors

Crown Prosecutors are among the most experienced criminal prosecutors in Victoria. They are appointed to work exclusively for the DPP 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.

Chambers work

In 2021/22 Crown Prosecutors

- Provided advice to the OPP on **11,015** occasions, which included:
 - **3,414** plea offers, **586** discontinuances and general advice on **7,015** occasions.
- Signed **2,798** indictments
- Appeared in court on **2,239** days
- Prosecuted **75.6%** of Supreme Court trials
- Crown Prosecutors appeared in **91%** of Court of Appeal hearings.

With increased prosecution numbers, and increased complexity in matters, Chambers work has been a growing challenge during the pandemic, which has not been alleviated with the return to trials and it is expected that overall workloads will continue to increase. I am grateful to all Crown Prosecutors for their individual efforts.

As a result of increased workload Prosecutors Chambers has almost all physical chambers and other space occupied. This year some initial planning commenced to increase the density of chambers to accommodate future growth.

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.

Crown Prosecutors' Chambers

We had four new appointments to Prosecutors' Chambers this year.

Stephanie Clancy was appointed as a new Crown Prosecutor in November 2021. She began her legal career as a paralegal at the OPP in 2011, moving to a solicitor role from 2012 to 2015. Since signing the Bar Roll in 2015, Stephanie has had extensive experience across criminal law, administrative law, employment law, occupational health and safety law, and disciplinary and related tribunals.

Erin Ramsay was appointment Crown Prosecutor in February 2022. Erin comes to Prosecutors Chambers after a number of years as a Senior Public Defender at Victoria Legal Aid, having started her legal career in 2006 and having signed the Victorian Bar Roll in 2009.

In May this year Jane Warren was appointed as a new Crown Prosecutor. Jane signed the Bar Roll in 2011 when she was a regional solicitor for the OPP. Prior to that she worked in the OPP's Specialist Sexual Offences.



Unit between 2009 and 2010. With a background in both prosecution and defence, Jane has appeared on behalf of the DPP regularly during the past ten years and has spent a significant amount of time in the Supreme Court, both as a junior counsel and recently as a senior counsel.

And finally, Daniel Porceddu was appointed as a new Crown Prosecutor in June this year. Daniel signed the Bar Roll in 2001. He has appeared on behalf of the DPP regularly during the last 15 years, and more recently he appeared on behalf of the Northern Territory's DPP as the Acting Senior Crown Prosecutor. He has a background in both prosecution and defence and has spent a significant amount of time in the County and Supreme Courts as a senior and junior counsel. He has appeared in a wide range of trials, including complex fraud, drug trials and appeals.

Crown Prosecutors Melissa Mahady, Neill Hutton, Jeremy McWilliams, Robyn Harper, Kristie Churchill and Grant Hayward were all reappointed for another three-year term.

As at 30 June 2022, Crown Chambers comprised eight Senior Crown Prosecutors and 16 Crown Prosecutors.

Training

At the beginning of the calendar year trials recommenced in the County Court. It became apparent that there was shortage of counsel prepared

to undertake trial work for the Crown. As a result, a program of recruitment was commenced that was expertly overseen by Diana Piekusis QC and involved training so that barristers who had not previously run trials for the Crown became trial ready. In addition to training sessions junior barristers were paired as juniors with Crown Prosecutors and experienced barristers. A total of 58 barristers went through this process and commenced taking briefs for the Crown.

Acknowledgements

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. The return to in-court hearings has seen a greater use of chambers although Crown Prosecutors still work from home on occasions.

Barristers of course rely on solicitors and it would be remiss of me not to acknowledge all of the hard work done by the solicitors at the OPP ably led by Abbey Hogan.

Finally, I would like to thank the Director, Kerri Judd QC, for her continued 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

Staff Profile

Kail Marshall Solicitor, Specialist Trial Prosecutions



Kail arrived at the OPP earlier this year after a varied career. From 2010 to 2012, Kail was a high school science teacher, but soon made a career change into the police force.

From 2012 to 2021, Kail was a police officer with the Australian Federal Police.

"I wanted a career which involved helping members of my community mixed with having to solve an issue or problem. Investigating criminal offences was a fantastic mix of both."

"I was initially performing a uniform policing role and then attached to a criminal investigations unit."

In 2017, he made the move to Melbourne and worked within the Joint Organised Crime Task Force with Victoria Police, the Australian Criminal Intelligence Commission, and the Australian Border Force.

In 2021 Kail moved into Victim Based Crime and took a role with the Joint Anti-Child Exploitation Team, again working alongside Victoria Police.

The challenge and excitement of dealing with the law in the context of crime is what motivated Kail to transition from policing to law and the OPP.

"When I came to the realisation that I would move out of policing I knew I wanted to work for the OPP. The office was on the top of my list as I knew the work that was involved and wanted to be part of it."

"The transition has been a rollercoaster. There are so many factors which are of course familiar whilst at the same time different. Each day is a challenge, in a good way."

Now working as a solicitor in Specialist Trial Prosecutions, Kail said the most rewarding part of his position is supporting victims through the criminal justice process.

"I am a sounding board for them to raise their concerns and express themselves freely."

"The most challenging aspect of my role is managing the expectations of those involved. From explaining how their matter is likely to progress, to a particular position the prosecution may take, or if a person is found guilty, explaining what an appropriate sentence would entail."

Despite the challenging nature of Kail's role, he said the office has a supportive, friendly, and inclusive nature which has stood out to him.

"Since joining the office there has not been a single person who has not either introduced themselves or offered to assist when needed."

Kail's biggest take away from his varied career is that no matter how big or small an incident may seem it affects everyone differently.

"An incident which may on the surface seem somewhat minor when compared to others may actually be the worst thing to have happened to someone. Time, care, and consideration needs to be shown to all."

Solicitor for Public Prosecutions Report



It has been another busy year for the OPP, but we have continued to deliver prosecution services of the highest standard to the Victorian community.

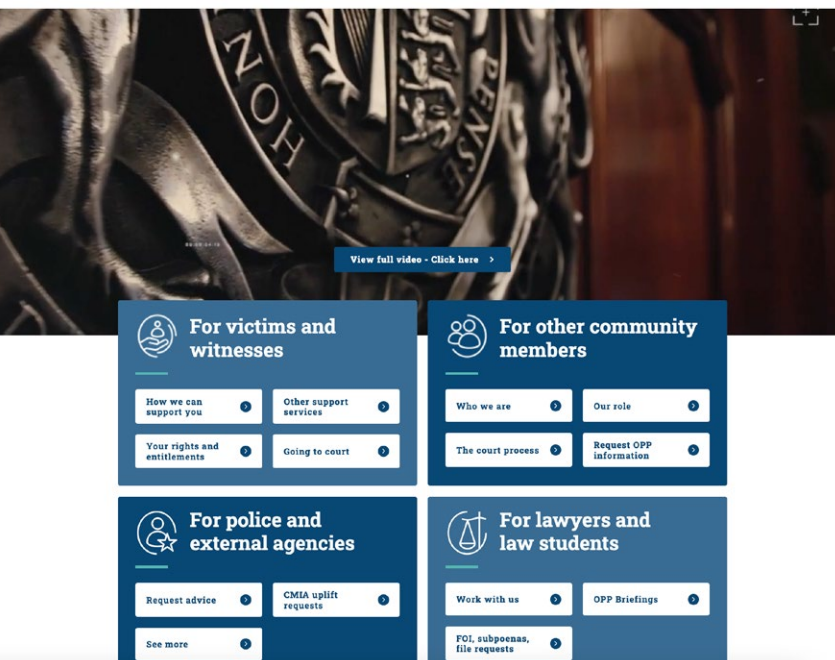
As the year commenced, jury trials remained suspended. However, we continued to work closely with the courts and other key stakeholders to ensure as much non-trial work could be done as possible. The mid-point of the year saw the much-awaited return of jury trials. I commend all OPP staff for their dedication and agility in responding to the changing demands and environment.

The impact of the pandemic on the criminal justice system has necessitated considerable growth in our practice and OPP staff numbers have increased 12% since March 2020 with an increase of 25% in our main trial and specialist prosecution divisions. With additional funding received for the coming year, our staff numbers will continue to grow and enable us to better deal with the aftermath of the pandemic.

We have continued to enlist new and innovative ways of working across our legal practice with a focus on managing the additional work while also supporting the development and wellbeing of all OPP staff.

OPP Strategic Plan 2022–2025

In May this year we released a 2022–2025 Strategic Plan for the OPP. This plan sets out our priorities for the next four years, helping shape our organisation to meet the challenges of a post COVID-19 environment.



When formulating this document, we reviewed our role within the criminal justice system and looked at how we might best perform our core business. Over the next four years the OPP will focus on these key priorities: Our People, Our Support for Victims and Witnesses, Digital Transformation, Driving Change and Reform in the Criminal Justice System and Our Commitment to Professional Excellence.

These priorities will help us to focus our efforts to best serve the community through our mission to deliver high quality prosecutions independently, fairly and efficiently.

The OPP strategic priorities are outlined in more detail on [pages 08 to 11](#).

Helping victims navigate the prosecution process

In June 2022, the Attorney-General, the Hon. Jaclyn Symes launched the OPP's new website inclusive of a collection of videos designed to enable victims, witnesses and the broader community to better understand the prosecution process. The website and videos complement the in-person information and support that our solicitors and social workers already provide to victims and witnesses.

The new website and the video content were informed by direct feedback from victims, witnesses and community members in focus groups, workshops with solicitors and social workers, as well as the informal feedback that we receive from victims and witnesses as we support them during the prosecution process.

We have heard from victims and witnesses that the prosecution process can feel complicated and difficult to navigate. We are also aware that there are particular topics where there is misalignment between expectations of the process and the reality. These topics were the starting point for the video content embedded across our website which addresses issues like the relationship between the OPP and victims of crime, sentencing and resolution.

The videos provide people with a different way to access information. Importantly, victims and witnesses can choose to watch and re-watch these videos at a time and place that suits them. The videos use a short question and answer format with a presenter and our staff so that victims, witnesses and the community can see and hear from the people they might meet or hear about, during the prosecution process. Several videos were filmed inside the different courts to help people understand what to expect if they go to court.

Digital transformation

Work continued on our Digital Transformation Program, a key strategic initiative to improve staff experience, efficiency and effectiveness.

Detailed system scoping work has been undertaken during the last 18 months to determine the best options for the OPP's current case and document management systems and we went to market for a platform at the end of 2021.

We anticipate that during 2022 and 2023 we will deliver a solution which will modernise our digital environment and allow for better integration with other criminal justice agencies.



The importance of Digital Transformation is highlighted in the OPP's latest strategic plan. Priority 3 recognises the role digital transformation plays in enabling us to adapt to change, deliver high quality services and enhance our communications.

Royal Commission into the Management of Police Informants

Implementing the recommendations of the Royal Commission into the Management of Police Informants has continued to be a focus for the OPP this year. This work included disclosing material to individuals identified as potentially affected by the use of human sources during the relevant time period. The OPP has initiated proceedings in the Supreme Court to enable disclosure of material that to date has not been released due to suppression orders.

The Royal 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, noting that the majority have been acquitted over this year.

The OPP advised extensively on the *Justice Legislation Amendment (Criminal Procedure Disclosure and Other Matters) Act 2022* which reformed disclosure obligations across the criminal justice system and now requires the filing of a certificate to ensure parties are aware of any evidence withheld by a prosecuting agency. Further consultation with the OPP on proposed legislation also resulted in the implementation of the Office of the Special Investigator. Each of these reforms were specifically recommended by the Royal Commission.

Training in better practices for disclosure as well as managing public interest immunity and privilege claims has also been a focus for the OPP, with all solicitors completing a training program as part of their professional development.

Acknowledgements

It has certainly been another challenging 12 months at the OPP, but, despite this, much significant and important work has been done. I thank each member of our OPP staff for your continued ability to adapt to change and mobilise to serve the community. It has been pivotal to our work, and I thank you for your efforts.

I would like to thank the dedicated and extremely hard working Executive team. Your support and diligence in trying times has been tremendous and I thank you for your commitment and leadership. Your unwavering desire to take the OPP forward will help us achieve all the initiatives we have outlined in our new strategic plan.

I would lastly like to acknowledge and thank the DPP, Kerri Judd QC and the Chief Crown Prosecutor, Brendan Kissane QC. Your execution of your duties and functions to the highest standards sets the bar for everything we do at the OPP. Your ability to make the hardest decisions in the most complex cases guides us all and you have both made an outstanding contribution to the criminal justice system this year. I consider it both a pleasure and privilege to work along side you both as a member of the Director's Committee.

Abbey Hogan
Solicitor for Public Prosecutions

Staff Profile

Darryl Slabe
Program Manager
Digital Innovation



Darryl started at the OPP two years ago as a Principal Solicitor and Technology Lead in the Policy and specialised Legal Division, before commencing in his current role as Program Manager Digital Innovation.

Darryl's first job during his final year of university was an internal communications lead on a digital transformation project. After this role, he went into commercial law with a practice in technology, media and intellectual property.

"I left that job to try and find my way into criminal law and secured an associateship in the criminal division of the Supreme Court with Justice Hollingworth. From there, I moved to the Department of Justice and Community Safety working on criminal law reform and policy development."

"After that role I landed at the OPP, taking carriage of prosecution files, engaging in research and analysis of complex legal issues, and consulting with the Victorian Government in major legislative reviews. I also took ownership of the development of OPPedia, the OPP's knowledge management tool."

Darryl's current role involves leading the day-to-day operation of a digital transformation program across the OPP, which involves updating processes and systems to provide a unified platform with a modern and intuitive interface to improve how we work.

"We're aiming to reduce administration and manual user interactions with our systems, allowing staff to focus on meaningful, rewarding and higher-value work. What I do each day changes in line with different streams and

phases of the program, including discovery and business analysis, human-centred design, procurement, contract negotiation, agile software design and delivery, as well as consultation with stakeholders across the justice system."

"The most challenging aspect of the program is and will continue to be change management. One of the main drivers of the program is to sustainably improve the system experiences of OPP staff and reduce friction between a number of our systems that has built up over the past few years. It's a lot to ask people to change the way they work, especially when they have complex and challenging files to prosecute. We hope that frequent communication, deep consultation, iterative and intuitive improvements and lots of training will assist."

"The most rewarding aspect of my job is getting to do something completely different in aid of what I am truly passionate about. I am dedicated to improving the criminal justice system and I know that improving the way the OPP operates will have impacts across the justice ecosystem, including happier and more productive lawyers, better data analytics to aid policy development, better integrations with our stakeholders, decreased long-term technology costs, increased efficiencies and improved victim experiences."

"This particular role has brought me full circle, using all the different experiences I've picked up along the way."

Legal Practice Report



It has been another challenging year faced with the ongoing demands of COVID-19. During the last 12 months we have continued to innovate and develop key programs and initiatives which we will see the benefits of in the coming years. The dedication and hard work of our legal team and the broader office over the last two years has been inspiring to see and be a part of.





Prosecution outcomes

- In 2021/22, the OPP handled **3,095** new briefs for prosecution in the higher courts. Of these:
 - **446** matters involved family violence
 - **1,977** were general crime matters including serious assault, aggravated burglary and armed robbery
 - **478** were sexual offence matters
 - **333** were drug offence matters
 - **128** were homicide/culpable driving matters
 - **83** were commercial crime matters
 - **73** were mental impairment and unfitness to be tried cases and
 - **7** were occupational health and safety matters.
- Overall, **89.7%** of prosecutions completed resulted in a guilty outcome.
- Of the matters that proceeded to trial, acquittals were delivered in **98** matters, up from **37** the previous year.
- External counsel appeared in **89.4%** of all committals, County and Supreme Court trials and appeals. This included **89.1%** of County Court trials and **24.4%** of Supreme Court trials.
- Solicitors trained in prosecuting Koori Court matters appeared in **293** hearings for these matters across Victoria, with **26** hearings in Magistrates' Koori Courts, **266** in County Koori Courts and one in the Children's Koori Courts.
- The OPP serviced **15,882** 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 **41,827** hearings in Victorian courts, **18.3%** of which were in regional Victoria.
- The OPP took carriage of **92** matters from the Children's Court in 2021/22, 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 **eight** homicide matters.



Resolving matters

The Director's Policy sets out when a criminal prosecution should proceed, when resolution may occur, and the factors that must be considered when deciding whether to resolve a matter.

A matter may only resolve if it is in the public interest to do so. The OPP will consider a number of factors 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 victim and Informant on resolution.

Resolving matters at an early stage, where appropriate, saves resources being applied to trials that should not ultimately proceed, may relieve victims and witnesses from giving evidence, provides certainty of outcome, and helps to achieve fair and just outcomes efficiently.

In 2021/22:

- **77.6%** of prosecutions were finalised as a guilty plea, down from **88.7%** the previous year.
- Of the guilty pleas achieved in 2021/22, **63.7%** were achieved by committal.

These statistics were impacted by COVID-19 restrictions and the reduced number of jury trials.



Changes to trial division workloads

In February 2022 we made several changes to how we allocate and work on prosecution matters. These changes came about to provide staff with a more balanced and diverse workload that supports wellbeing and learning and development, while ensuring we can continue to deliver a high-quality prosecution service.

There are several key components to these new guidelines.

In early 2022, senior members of the Specialist Sexual offences team were embedded across the wider practice to enhance that specialisation. Sexual offence matters account for 40–50% of the OPP's contested trial work, so maintaining broad capability across our trial practice is a priority.

A Specialist Sexual offences Committee was established in June 2022 to support the legal practice with training, learning and development, advice and triaging of sexual offence matters. This Committee will play a central role in supporting the legal practice by working as a community of practice providing information, advice, training and strategies that will develop and share learnings across the OPP.

Throughout the year we examined the Trial Divisions' workload and set guidelines on the number of files and the proportion of certain file types a solicitor should hold at any point in time, namely the workload caps. Under these guidelines and the workload caps, sexual offence prosecutions should not constitute more than 60% of a lawyer's overall workload.



We established a new Intake and Allocations team, responsible for the processing and allocation of all incoming prosecutions. This allocations process will support the Trial Division Managers in making decisions about fair and equitable file allocation ensuring that solicitors are allocated files earlier and that the workload and development of all solicitors is taken into account.

OPP specialist committees

The OPP has several specialist committees that help OPP solicitors manage their files. These committees work and consult across the broader legal practice to enhance information sharing and knowledge.

The Drugs and Fraud Legal Practice Committees were established in 2021.

The Drugs Legal Practice Committee assists solicitors with any issues that may arise in the running of their drug prosecution files. This committee participates in regular meetings with the Drugs Analysis Unit and the Clandestine Laboratory Unit of the Victoria Police Forensic Services Department, to identify and discuss issues that have arisen within the respective offices.

The Fraud Legal Practice Committee assists with fraud files, providing advice on topics such as whether the offending has been correctly charged and other evidentiary issues while also assisting with the drafting of fraud indictments and other court documents.

As referred to earlier, a Specialist Sexual offences Committee was also established, responsible for

internal and external training in relation to sexual offences and responding to law reform and practice issues.

Specialist Trial Prosecutions team

The main focus of the Specialist Trial Prosecutions team (STP) this year has been managing the majority of trials impacted by COVID-19 and triaging new matters with early resolution potential. The team also played a significant role in preparing for the move towards workload caps by taking on overflow matters from the Trial Divisions.

Since its inception last April, the STP has grown in number and function. The team is responsible for trials involving a broad range of offending including sexual offences, drug offences, fraud, property offences, injury offences and culpable driving or dangerous driving causing death cases.

The team has continued to explore new ways of working including collaborating on files or 'hive' working and 'task' working. There are currently four hives in STP that are made up of four to six members consisting of supervising senior solicitors, junior solicitors and legal support staff. The hives are running the triaged County Court trials and overflow trials. Task work involves solicitors managing discrete tasks on a file without having the ongoing carriage of that file. The STP constantly assess whether a matter has reasonable prospects of conviction and if the matter is proceeding to trial, the team prepares the evidence for presentation to a jury, liaises with and supports witnesses, briefs counsel and instructs during the hearing.



- In 2021/22, **2,004** new matters were referred to VWAS by OPP solicitors, and VWAS assisted **3,315** victims and witnesses.
- VWAS provided **41,626** consultations including debriefings, remote witness assistance and court tours.
- Of the new matters handled by VWAS:
 - **18%** involved sex offences
 - **5.3%** involved homicide/culpable driving
 - **59.1%** were general crime
 - **17.6%** were for other matter types
 - **27.7%** involved family violence.

The STP have also been working collaboratively on exploring options to upgrade the technology used throughout the OPP, both for internal purposes and liaising with stakeholders including police, the courts and victims. This has involved STP working on new projects and testing new software prior to its roll out.

The STP will continue to work closely with the Executive and the Digital Transformation Group as we focus on the OPP's Strategic Priority 3 – Using digital transformation to assist us to deliver high quality services, improve efficiency, manage workload and allocation, and enhance engagement with victims, witnesses and stakeholders.

Victims and Witness Assistance Service

The OPP's Victims and Witness Assistance Service (VWAS) provides a specialist service to support victims and witnesses throughout the court process. Every victim is provided with an initial consultation and offered support from a social worker for the duration of the criminal case.

In 2021/22 VWAS prioritised assistance for matters involving a death, sexual assault, family violence, and particularly vulnerable victims and witnesses. All children were referred to the Child Witness Service, with Victims Assistance Programs also helping with victim support, particularly when lockdowns were in place and regional borders were closed.



Due to the ongoing impact of the pandemic, the team continued to provide assistance to victims of crime through several different remote platforms, including phone and video conferencing. The continuing impact of the pandemic added an additional layer of uncertainty for many victims and witnesses, with the courts unable to proceed with jury trials and other hearings involving civilian witnesses for most of the year.

The restrictions placed on VVAS services during the COVID-19 lockdowns in the first half of the financial year proved a considerable challenge. Staff worked collaboratively to respond to the challenges brought by COVID, while also working with the courts to manage the pace of listings to ensure resources were available to provide appropriate support to victims. VVAS also worked closely with Court Network, engaging them, where appropriate, to assist in supporting victims for online hearings, freeing up our practitioners to assist with the face to face support.

OPP court dog program

The OPP court dog program continued to provide support to victims throughout lockdowns. Lucy and Kiki worked on more than 100 hearings from remote rooms at the OPP and Child Witness Services. Lucy's online presence through Instagram continues to grow in popularity with feedback that this is an important tool for connecting with victims. An intermediary reported to us that her witness had to watch her Video and Audio Recorded Evidence (VARE) and did not want to continue. She said: "We showed the witness Lucy's Instagram and after looking through this, she was able to continue."

The OPP has supported the formation of Justice Facility Dogs Australia, a group designed to support and educate other justice agencies on how to run a court dog program. The OPP hosted the inaugural conference in April 2022 with representatives from justice agencies in every state and territory in Australia. We have also been working collaboratively with accredited dog schools to ensure the availability of dogs in the future.

Mental impairment & unfitness to be tried

When people who are mentally ill or cognitively impaired are prosecuted for serious crimes, they are tried under the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997*.

This Act applies when the accused person is:

- 'unfit to stand trial' because of a current mental illness or cognitive impairment; or
- committed the crime but was suffering from a 'mental impairment' at the time they committed the crime.

Mental impairment is not defined in the Act. It has been defined by the courts and generally includes a person with a severe mental illness or disorder.



These cases are usually heard in the County Court or Supreme Court. Either a Custodial or a Non-custodial Supervision Order is the usual outcome.

This financial year the OPP dealt with 73 mental impairment and unfitness to be tried cases.

External agencies

The OPP values its strong relationships with other Victorian external prosecuting agencies. Our commitment to maintaining effective communication, consultation and collaboration with these agencies ensured quality advice and good prosecution outcomes during the financial year.

During 2021/22, we continued to work with, and provide advice to, agencies such as WorkSafe Victoria, Consumer Affairs Victoria, the Independent Broad-based Anti-corruption Commission, the Environment Protection Authority, the Victorian Fisheries Authority, the Department of Jobs, Precincts and Regions, the Transport Accident Commission, as well as the National Heavy Vehicle Regulator. The OPP provided advice on a range of matters including resolution, appropriate charges, jurisdiction, sentencing, appeals, witness and other evidentiary issues. We held regular meetings with our external stakeholders, both independently and as part of the Agency Prosecution Network.

The DPP provided authorisations to Consumer Affairs Victoria to commence proceedings under the *Real Estate Agents Act 1980*; to WorkSafe Victoria under the *Occupational Health and Safety Act 2004*; and to the

Department of Jobs, Precincts and Regions under the *Aboriginal Heritage Act 2006*. The DPP also provided advice to WorkSafe Victoria pursuant to section 131 of the *Occupational Health and Safety Act* and sections 577 and 607 of the *Workplace Injury Rehabilitation and Compensation Act 2013*.

With the resumption of more in-person hearings and jury trials during this financial year, the External Agencies team were able to progress 18 Occupational Health and Safety (OHS) prosecutions. Some of the significant OHS prosecutions included:

- The judge only trial of a hyperbaric chamber therapy company and its director which, following the death of one of its patients, were prosecuted and found guilty of offences under the *Occupational Health and Safety Act 2004* resulting in convictions and fines of \$550,000 and \$176,750 respectively.
- A prosecution against a motoring organisation and a mutual club. A subcontractor was involved in a collision after attending a roadside vehicle breakdown for an RACV member. The matter resulted in a plea of guilty with a conviction and fine of \$475,000.
- A matter involving the tragic death of two employees who were working in trenches in a housing development in Delacombe near Ballarat. The employer company pleaded guilty to failing to provide supervision to its employees as was necessary to perform their work in a way that was safe and without risks to health. The company was convicted and fined \$550,000.



Sentence reviews

OPP solicitors and Crown Prosecutors review every sentence from the Magistrates' Court, County Court, and Supreme Court to help the DPP determine whether to lodge an appeal. In 2021/22, 162 sentence reviews were referred to the DPP for instructions on whether an appeal should be lodged, and 22 matters were appealed to either the County Court or Court of Appeal.

Appellate work

The Higher Court Appeals team and the County Court Appeals and Contraventions team are 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' Court or the Children's Court. Appeals to the County Court are reheard *de novo*, or from the start.

The OPP prosecuted 1,239 County Court appeals that were finalised in 2021/22, up from the previous year of 1,156. This increase reflects the increase in listings in the Magistrates' Court with the attendant increase in appeals lodged, as well as the increase in appeal listings in the County Court where the appeals were finalised.

The reduction in finalisation of County Court Appeals this year compared to the previous two financial years can be attributed to three main factors and is not indicative of a reduction in the actual workload. Firstly, the shift to online Magistrates' Court hearings during the COVID-19 pandemic. As a result of online hearings and the need to attend court to lodge an appeal, more appeals lodged in 2021/22 have proceeded and required work. Fewer appeals were abandoned and the number of finalisations this year is more indicative of the actual workload. Secondly, a small proportion of the reduction in finalised appeals would have been due to a decrease in finalisations in the Magistrates' Court however that proportion will increase again as the Magistrates' Court increases its listings.



And finally, the work involved in each case is more complex and time consuming because of the current legislative and sentencing landscape and the requirement to draft written legal submissions in every appeal. Victim obligations have also increased since the amendments to the *Victims Charter Act 2006* in 2019. Both of these complexities have been absorbed within existing resources.

Of the appeals that were finalised, 86.8% (1,076) were appeals against sentence only and 13.2% (163) were appeals against conviction and sentence. Of the appeals lodged by an offender that were finalised, 59.5% 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 *de novo* re-hearings.

In the 2021/22 financial year, the DPP filed nine appeals against sentences imposed in the Magistrates' or Children's Court to the County Court. Of those nine appeals, only three have been finalised. In each of those three appeals, the DPP was successful in having the sentences increased.

Contraventions

The County Court Appeals and Contraventions team are responsible for prosecuting contravention proceedings which are conducted when a person has not complied with the conditions of a community-based sentence. In this financial year, the OPP prosecuted 660 contravention proceedings.

Court of Appeal

The DPP responds to appeals lodged by any accused who has been sentenced in the County Court or the Supreme Court. An accused can appeal their conviction by a jury, or the sentence imposed by a judge, or both. In the first instance, an accused person will seek leave to appeal from the Court of Appeal. If leave is granted, the appeal is then listed for a full hearing.

Alternatively, an applicant who is refused leave to appeal may seek to renew their application before two or more judges. The Court of Appeal then hands down a judgment in each case.

Of the 181 cases where an accused person lodged an appeal that were finalised in 2021/22, the Court of Appeal allowed:

- 51 sentence appeals and dismissed or refused leave in 89 cases and one matter was not determined
- 12 conviction appeals and dismissed or refused leave in 28 conviction appeals
- Five retrials were ordered following an accused's successful appeal against conviction



- Acquittals were ordered for at least one charge in six of the conviction appeals and one further matter had a charge amended over the course of the financial year
- One second and subsequent appeal was finalised by the Court of Appeal and leave was refused.

Appeals by the DPP

The DPP can lodge an appeal against a County Court or Supreme 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 2021/22, 13 DPP appeals against sentence to the Court of Appeal were finalised. The Court of Appeal allowed six appeals and re-sentenced offenders, dismissed five appeals and two were abandoned. Details of the DPP appeals decided in 2021/22 are listed in Appendix 3.

High Court

The DPP is a party to all High Court proceedings flowing from any Court of Appeal criminal judgment. There were six matters determined by the High Court in 2021/22. The DPP was the appellant in one matter, which was dismissed. The DPP was the respondent in five special leave applications. Special leave was refused in all five matters.

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 2021/22 financial year the POC unit contributed to the Victorian Asset Confiscation Scheme by:

- Obtaining 137 restraining orders in the County and Supreme Courts over assets including real estate, cash, bank accounts, cryptocurrency, luxury vehicles and designer goods.



- Confiscating \$37.3 million in illegally used assets and proceeds of crime. Of this, almost \$21 million was confiscated under Victoria's unexplained wealth laws.

Significant cases included:

- Unexplained wealth restraint of over \$18 million of assets, including \$13.2 million of cryptocurrency and two houses, from suspected drug traffickers.
- Successfully defending an appeal against forfeiture of a serious drug offender's house.
- Unexplained wealth forfeiture of \$5.2 million cash in one case and \$7.2 million cash in another, alleged to be the proceeds of crime.
- Civil forfeiture of tainted property derived from alleged misconduct in public office.

Cases of Note

Lindholm v The Queen

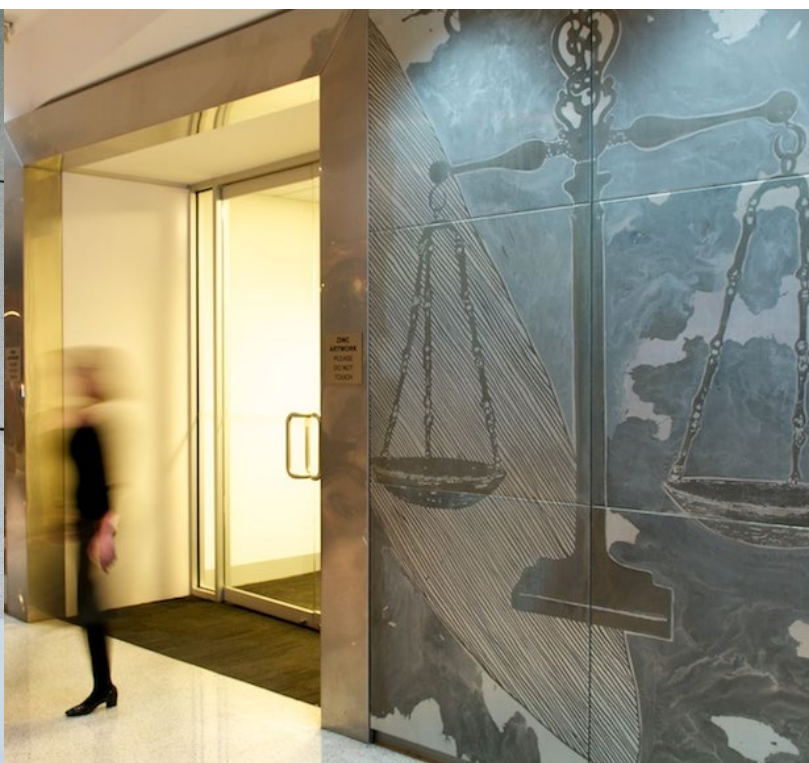
The applicant was convicted of murdering her domestic partner while in a secret relationship with another man. The prosecution alleged that Lindholm's secret partner and another man murdered the deceased and disposed of his remains, which have never been located. Lindholm was a party to this joint criminal enterprise and left home that night to facilitate the murder and claim an alibi.

In dismissing the application for leave to appeal against conviction, the Court of Appeal found there was no substantial miscarriage of justice as a result of an unedited phone intercept being played to the jury. They further noted that it was open to the jury to accept the evidence of the witnesses in what was a strong circumstantial case, and that the applicant made implied admissions of guilt by carrying out post offence incriminating conduct.

External agencies – IBAC prosecution

The OPP successfully prosecuted four accused following an Independent Broad-based Anti-Corruption Commission (IBAC) investigation and charges relating to fraudulent practices within the electorate office of former member of Victorian Parliament, Khalil Eideh. The investigation centred around the misuse of taxpayer funded resources to support the ALP pre-selection campaign.

Former Melton Mayor and Labor candidate Justin Napoleon Mammarella and his father Umberto Mammarella conspired to give false evidence to IBAC regarding the use of stationery within the Cairnlea electorate office. The matters were eventually resolved this year with both accused pleading guilty to conspiracy to attempt to pervert the course of justice and perjury. They were sentenced to Community Based Orders for a period of three years; Justin Mammarella was also ordered to serve 375 hours of community work while Umberto Mammarella was fined \$12,000.



Abdelmalek – County Court Appeal

Abdelmalek was found guilty of stalking (six counts against different complainants), obtaining financial advantage by deception, and causing unauthorised modification or impairment with intent to commit serious offence, between 2011–2016. The first-named complainant died by suicide before the matter was heard in the Magistrates' Court. Her evidence was presented to the court through a lengthy hearsay notice and accompanying four-week hearsay argument, which was eventually conceded by the Appellant.

This is a topical area of law, there being no current criminal charge that clearly covers the deception involved in what is commonly referred to as 'catfishing'. It is certainly one of the only cases of its kind that have been subject to charges, and it has been widely covered in the media. This is partly as a result of the public figures involved, and partly due to the public interest in this type of behaviour, which has been the subject of numerous television programs, including SBS Insight and, of course, the MTV show Catfish. It is notable there is also no charge which covers the act of obtaining intimate images by deception, i.e through claiming to be another person (catfishing).

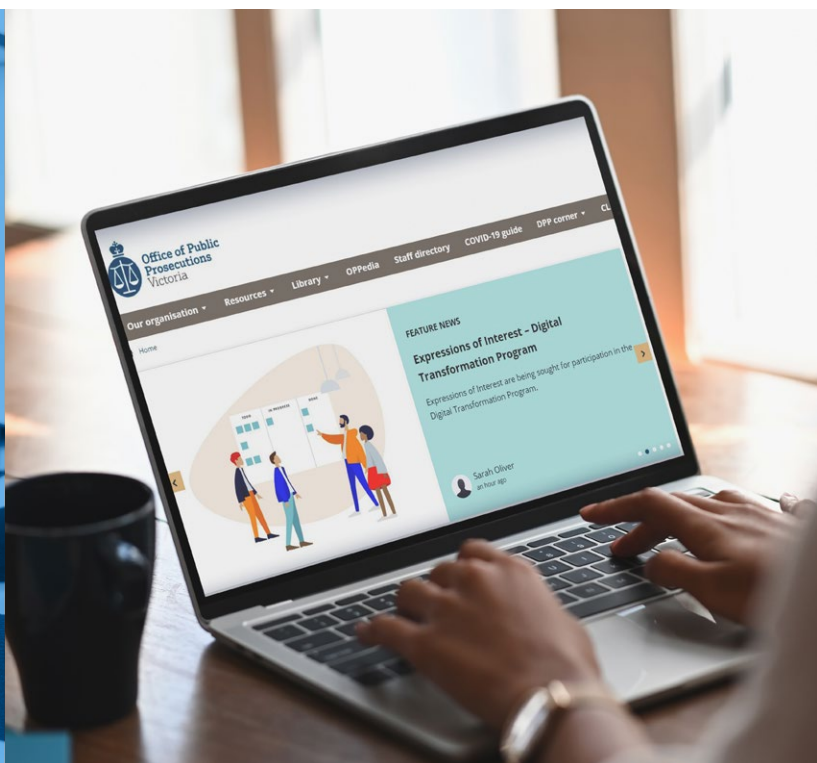
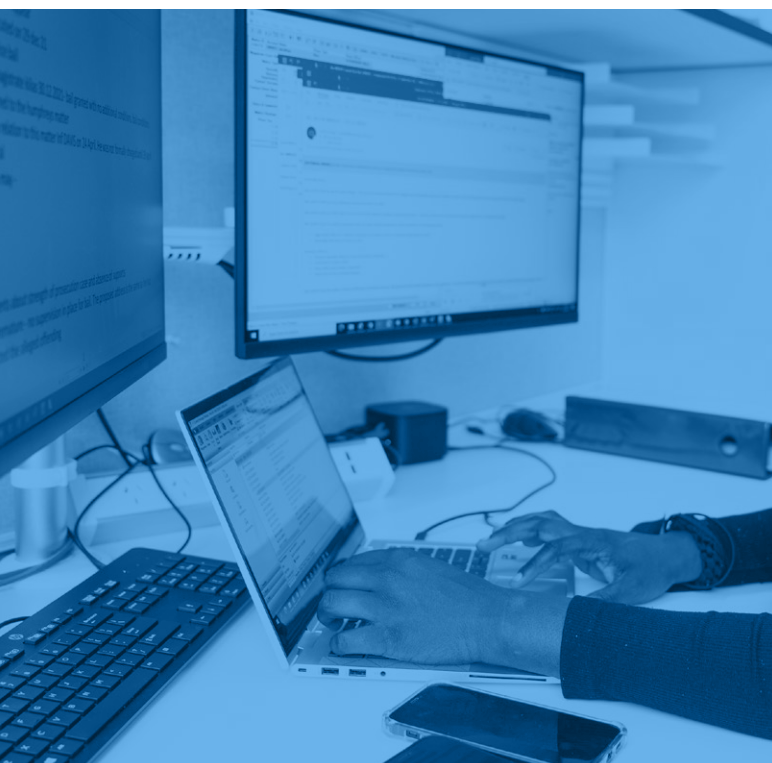
Policy and Specialised Legal Division

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

The OPP received 205 requests for advice from external agencies in 2021/22. PASL processed 143 of these requests with 62 requests (mostly relating to sexual offences) referred to the Legal Practice.

Extradition requests

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



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:

- *Victims of Crime (Financial Assistance Scheme) Act 2022*
- *Summary Offences Amendment (Nazi Symbol Prohibition) Act 2022*
- *Justice Legislation Amendment Act 2022*
- *Justice Legislation Amendment (Trial by Judge Alone and Other Matters) Act 2022*
- *Crimes Legislation Amendment Act 2022*
- *Special Investigator Act 2021*
- *Justice Legislation Amendment (Criminal Procedure Disclosure and Other Matters) Act 2021*
- *Judicial Proceedings Reports Amendment Act 2021*

The OPP also participated in the Parliamentary Inquiry into Victoria's Criminal Justice System.

OPPedia

OPPedia is the OPP's legal knowledge management system, which is updated on an ongoing basis. OPPedia is a particularly useful tool for OPP solicitors, allowing them to quickly identify and research relevant issues.

A particular focus this year was the creation of a historical legislation tool, which enables staff to quickly and easily navigate the many legislative amendments that have been made to sexual offences legislation. The tool was developed, designed and built by a team including solicitors and research assistants within the OPP.

Managing complaints

Anyone who feels they have been directly affected by an act, omission or decision of the OPP can make a formal complaint.

In 2021/22, the OPP processed 19 formal complaints.

Ange Rankin
Executive Director,
Legal Practice

Paul Fowler
Executive Director,
Legal Practice

Staff Profile

Abuk Akec Legal Assistant



Abuk is currently a Legal Assistant in Trial Division 1, with plans to go back to university and study migration law.

Abuk has worked for the OPP for the last five years, having started as a Youth Employment Scheme (YES) trainee, a program that gives young people paid work experience to develop their skills and gain qualifications that will lead to ongoing employment.

"After high school, I was still trying to figure out what I wanted to do or be, but I knew I wanted to get into the field of business administration. That's when I discovered the YES trainee program which allowed me to gain administrative experience in a business work environment."

In her role as a Legal Assistant, Abuk manages, trains, and leads her administrative team and encourages them to have the confidence and skills to do their best work.

"You are constantly being exposed to new, interesting, and challenging tasks. We have been trained to be able to complete many tasks at a time, so you never know what lies ahead."

"The people and the culture within the admin team is definitely one of my motivations to get up every day and come to work. Everyone is always positive and supportive and there is never a dull moment. The other reason is that the work that we do is very exciting and interesting, and every day is different."

"I believe the admin staff are the glue to the OPP. We do everything we can to assist the solicitors and managers with their work."

"My admin team is the social club for my trial division, and we try and hold regular get togethers to bond and get everyone's mind off work for a bit which I think is very important for our mental health."

Although the role can be challenging with significant multi-tasking across different prosecutions, and being exposed to sensitive material, Abuk said she finds the work rewarding.

"The most enjoyable aspect of my job is definitely the people and the positive culture that has been created within the admin team. Everyone is supportive, nurturing and friendly."

Looking to the future, Abuk aspires to go back to university and study migration law.

"Working at the OPP has definitely opened my eyes to how important the legal system is in our society. The reason why I specifically chose migration law is because my family and I migrated from a war-torn country to Australia back in 2002, and so I hold migration lawyers on a high podium, and I greatly admire the work they do especially for people like myself and my family."

Corporate Services Report



The Corporate Services Group supports the OPP Legal Practice through the range of services provided by its workgroups. This incorporates people management and employee assistance, information technology infrastructure management, system support, records management, facilities support, finance and budget management. Corporate Services also includes an Audio-Visual Unit, a Library of legal resources, a Projects and Performance Team and a Digital Innovation Program Unit.

Corporate Services staff also assist with corporate governance to ensure the organisation meets its statutory, reporting, compliance and financial management obligations. A key part of this is the development of artefacts including risk registers, business continuity plans and a range of policies and protocols. Corporate Services also coordinates a wide range of functions such as Occupational Health and Safety, the OPP's COVID-19 safety and staff learning and development.



In 2021/22 staff across all the corporate services workgroups continued to show their adaptability and resilience, learning from the last two years of the pandemic to ensure service levels across the organisation were delivered to a high standard.

Continuing to respond to COVID-19

For the first three months of 2021/22 the OPP had more than 90% of its staff working from home in line with public health directions. As workplace restrictions eased from October 2021, back to the office planning re-commenced after a hiatus during the lockdown periods. Following a gradual return to the office with capacity limits to provide greater levels of COVID-safety and to mitigate potential outbreaks, the OPP by early June 2022 had up to 80% of staff coming into the office around three days per week.

The OPP implemented a policy to align to the Victorian Government's mandatory workplace vaccination directions, requiring all staff to have received two doses of a COVID-19 vaccine. There was no staff non-compliance with this policy.

To ensure staff health and safety the OPP continued to develop and modify its COVID-Safe Plan in line with changing health advice. When Rapid Antigen Testing became readily available in early 2022 tests were provided to staff working in the office or attending court. Regular communication to staff on the changing COVID-19 protocols was provided to ensure that those

coming back into the office were aware of their own personal health and safety obligations in relation to testing, notification and isolation.

Looking ahead to 2022/23 it is expected that we will continue with elements of our COVID-Safe protocols including regular cleaning, maximising ventilation, providing tests where required and continuing with the message that if staff are unwell they should not attend the office.

Developing our technology

Following a detailed system scoping exercise to determine options for the current case and document management systems, a comprehensive procurement exercise was undertaken in 2021/22 to determine a suitable vendor to design, develop and implement a new integrated platform.

The new integrated case and document management solution, supported by appropriate infrastructure and architecture, will provide a seamless interface for staff to manage their cases, and will provide improved functionality to reduce the administrative load inherent in the OPP's current systems.

Until the new platform is delivered the OPP relies on an expert in-house development team to extend the life of its current case management system, and this team implemented multiple system enhancements throughout 2021/22 to improve case management practices and to align to new processes.



The OPP commenced a Robotic Process Automation program which paired with the new unified technology platform, will provide better integration across multiple systems, allow for greater levels of data reporting and analytics, and will reduce repetitive manual tasks and workarounds.

Engagement with other agencies in the criminal justice system around technology and data exchange continued, in particular with Victoria Police on a system which was piloted to enable the electronic transmission of material to improve whole of system effectiveness. The OPP also established a technology forum with other prosecution agencies within Australia and New Zealand to share system learnings.

The electronic jury book application which was developed during 2021/22 continued to be enhanced, and while due to COVID-19 there were limited numbers of suitable in person trials to test the application it was used successfully in 21 cases. It is expected that as trial volumes increase next year the use of the electronic jury book application in both Melbourne and regional courts will increase significantly.

Staff health and wellbeing

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

OPP staff participated in Mental Health Awareness training throughout the year, and also attended sessions on wellbeing and emotional awareness when working with complex trauma. Managers participated in training targeted at building a psychologically safe workplace and creating a positive culture.

Wellbeing Wednesday articles, pilates and yoga sessions conducted virtually continued throughout 2021/22 and there was also the COVID-safe continuation of the popular 'Bring your dog to work day'. Lucy the court dog also commenced her 'Link up with Lucy' program whereby staff can meet with Lucy at their office or workstation when she is not supporting victims and witnesses.

The OPP also celebrated various events in person where possible or remotely during lockdown periods, including NAIDOC week, R U OK? Day, International Women's Day and Pride Month. In 2022 OPP staff led the creation of the OPP Pride Network.



In recognition of the importance to staff wellbeing of balance in working arrangements the OPP continued hybrid arrangements aligned to the principles of the Victorian Government's Flexible Work Policy, which supports staff to work flexibly while meeting their obligations of delivering justice outcomes to the Victorian community.

A Wellbeing Strategy was drafted in the second half of the year to establish an action plan for the OPP to improve the range of services and initiatives it offers staff to support positive mental and physical health. A large cross section of OPP staff will be consulted on this strategy and following feedback it will be finalised and published in 2022/23.

Learning and development

In 2021/22 the Learning and Development Team focused its attention on creating a hybrid and flexible development program for staff. The core Continuing Legal Education (CLE) program, which provides ongoing development of technical capability to the Legal Practice, utilised both online and in-person delivery models that allowed staff working both in the office or remotely to meet development needs. In the last 12 months 26 CLE sessions were delivered on a wide range of legislative topics, with 1,531 staff in attendance.

The development of the OPP Solicitor Capability Framework was a priority for the Learning and Development team in 2021/22, guiding the strategic vision of future learning and development. The framework is a valuable tool to help foster a shared language around the skill and behaviours that are essential to effective performance as an OPP solicitor.

A new learning and performance management system was procured to further support the Learning and Development team in matching training to staff needs, and to improve the performance management and development function across the employee lifecycle. Induction was further expanded to a four-week-long program and drew on the expertise of solicitors across the practice.

Specialised training was delivered to staff to align with the strategic development priorities of fostering a positive workplace culture, victim support and disclosure. The 2021/22 Victims Training Program expanded on existing sessions to improve staff capability to engage with victims, witnesses and others affected by crime. A disclosure training series was developed and delivered by experienced practitioners outlining strategies to manage disclosure, privilege and privacy in OPP work.

The OPP also partnered with Victorian Legal Aid to provide the opportunity for staff to complete the Law Institute of Victoria Accredited Specialisation in Criminal Law program. This program included a broader seminar series on evidence offered to all staff.



In accordance with the Victorian Public Service Mental Health and Wellbeing Charter, staff also continued to undertake the Mental Health Awareness Training program.

The Legal Traineeship had the first of its new and broadened two-year program in 2021/22. The nine 2021 Legal Trainees were admitted to practice and commenced their second year of the Junior Development Program, an extension of their Legal Traineeship where they commenced in the Specialist Trial Prosecutions team.

The OPP welcomed four new Legal Trainees in February 2022 and offered them a revamped one-month induction program to immerse them in the work of the organisation before commencing their rotations. The 2022 Legal Trainees have already 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 career paths on offer at the OPP.

The Traineeships and Clerkships, alongside the OPP Mentorship Program, have enabled staff to further develop their skills in mentoring and leadership.

Significant growth in AV volumes

The OPP Audio-Visual (AV) Unit is made up of specialist staff who process, edit, prepare and store 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.

There was a further significant increase in the volume of materials processed by the AV Unit, up 91% from last year to 29,854,579 files.

This was in part driven by the number of covert media recordings which increased nearly fourfold from 4,205,024 in 2020/21 to 19,034,468 in 2021/22. There was also a notable increase in the number of CCTV files processed this year which more than doubled from last year.

The AV Unit were particularly impacted by staff in the Legal Practice working from home for large parts of 2021/22 under public health directions. This meant that material had to be made accessible to be viewed remotely, requiring changes in processes and the creation of a secure, compartmentalised section on the OPP storage network. It is anticipated that volumes will continue to increase in 2022/23 which will place pressure on the AV Unit's resources, and more generally on OPP storage requirements.



OPP telephone upgrade

A review of the OPP's telephony fleet this year determined that the majority of mobile and desk phones were at end of their life and required a significant upgrade. The desk phones also presented as a constraint on greater workplace communication flexibility for those working remotely.

Analysis and modelling of our future telephony options was undertaken and a pilot deployment of modern smartphones to replace desk phones was completed. All staff will be provided with new devices in 2022/23, ensuring the OPP's workforce is mobile and responsive regardless of their work location. The new smartphones also provide 5G functionality and a shared data pool which increases the effectiveness of remote working, and provides a contingency connection in disaster recovery scenarios.

Business continuity planning

In recognition of the need for effective planning in response to significant disruptive events such as the COVID-19 pandemic, a monthly Disaster Recovery Committee was convened and met monthly throughout 2021/22. The focus of the committee was to review and update our disaster recovery readiness and develop a comprehensive plan to deliver prioritised services in the event of a business disruption. This included a formal review and test in June 2022 of our technological response to a disaster or outage. The test was generally successful and has highlighted some important actions to be addressed in 2022/23 including training for all staff on what is required from them to assist in the OPP's disaster recover response, and how the office will provide and prioritise systems and services so that expectations in real-life events are clearly understood.

Operating and maximising our facilities

The Facilities Team had the responsibility this year of maintaining OPP office space in line with both building compliance regulations and the OPP's COVID-Safe Plans. Changing public health directions required differing levels of response from the team, and there was considerable work undertaken to ensure a safe environment for all staff and visitors.



Several accommodation projects were scoped or delivered during the last 12 months. This included projects designed to manage increasing staff numbers within the existing tenancy. These projects involved increasing the density of staff on all floors of the Lonsdale Street building, which was achieved by designing and implementing a 'double bunk' office policy, with two staff members now able to be accommodated in space where previously there had been one. This was piloted successfully across multiple floors and different workgroups, and will be expanded in 2022/23 to deliver a further 40 'double bunks'.

Meeting rooms and conference spaces were also converted into hub style workspaces to provide a dedicated space for teams to be accommodated, and greater use of open plan fit outs have been trialed for teams that have traditionally only worked in internal offices. The office space will continue to evolve as accommodation requirements are reimagined into the future to best support our growing staff and their interactions with victims and witnesses.

Gender Equality

Under the *Gender Equality Act 2020*, a new requirement for the OPP was to develop a Gender Equality Action Plan (GEAP) to take positive action towards achieving workplace gender equality. As part of this process, the OPP was required to undertake a workplace gender audit.

In April 2022 staff were presented with the audit results and were invited to complete an online survey to obtain views on gender equality at the OPP. In May staff participated in online focus groups to develop the GEAP. In June the OPP commenced the final stage of consultation on the GEAP, inviting staff to review the draft plan and provide any final comments or feedback. All comments and feedback were reviewed and the final GEAP was submitted to the Gender Equality Commission for its audit and approval.

The implementation of the GEAP actions will be a project for 2022/23.



People Matter surveys

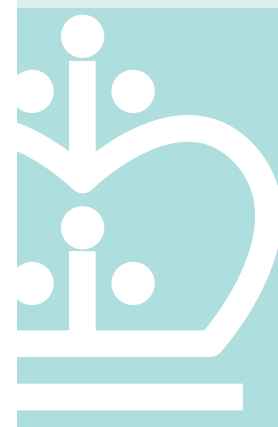
The OPP conducted three staff surveys during the year, consistently achieving a response rate of 75%. These surveys, as well as ongoing workshops and wider consultation sessions, reflect the objective of the OPP Executive to listen to staff views on subjects such as workload and career progression, and to seek feedback before implementing major change.

Implementing the Strategic Plan

As noted in the Solicitor for Public Prosecutions report, in May 2022 we outlined the OPP's priorities for the next four years in a Strategic Plan and accompanying implementation Plan.

These documents identify the key initiatives that we intend to focus on from this year until their delivery in 2024. The Corporate Services Group will be responsible for several key projects that fall under Strategic Priority 1 – Our People, Strategic Priority 3 – Digital Transformation and Strategic Priority 5 – Commitment to Professional Excellence.

Sam Jones
Executive Director,
Corporate Services



Staff Profile

Robert Iurato
Audio-Visual Unit Manager



OPP AV Unit Manager Rob is coming up to 16 years at the OPP and has seen the number of files processed grow from 500 to close to 30 million files this year.

"The AV commenced operations in 1996 with one staff member who processed 484 files. The next significant change occurred in 2010 with the influx of CCTV, with 30,000 files produced with four AV staff."

"In 2014 Victoria Police stopped using audio cassettes for interviews and moved to DVD videos. Over 842,000 files were processed that year, a significant increase in the AV team's workload."

"This year the number of covert media recordings increased nearly fourfold from 4,205,000 in 2020/21 to over 19 million in 2021/22."

"The AV team now consists of 13 specialists who compile media such as CCTV, mobile phone footage, police interviews, photos and video footage, for use by the OPP in criminal trials."

"We're like a mini multi-disciplinary multi-media team, with camera, sound equipment, editors, and skilled technology experts who ensure our lawyers are prepared for court."

"We face several challenges in this work, often working to tight court timeframes, and we routinely deal with confronting material but as AV specialists we try to focus on the specific technical requirements and we work closely as a team to support one another."

The AV team also has a bespoke employee assistance program which has been running for several years.

"I see our role as giving back to the community. Nothing can be more satisfying than that."

Staff Profile

Sharni White
Audio-Visual Unit
Prosecutions
Technology Specialist



Sharni studied creative writing and psychology at university, working as senior content writer before joining the OPP's Audio-Visual Unit six years ago as an Audio-Visual Officer.

Sharni assisted with the OPP's first e-trial and has played an integral part in the roll-out of electronic jury books.

"We began using electronic jury books five years ago. These devices enable court exhibits to be shared electronically with jurors on an iPad."

"Back then the OPP decided to pilot having a tech person in a trial division for a year and to further develop the use of e-trial technology. I applied for the role and have been the Prosecutions Technology Specialist ever since."

"Electronic jury books have been a significant innovation, which has changed the exhibit delivery system within court rooms."

Since its initial introduction the OPP AV Unit have further developed the electronic jury book application, negating the need for Wi-Fi access.

"Taking away the reliance on internet access has been a game changer and means that electronic jury books can now be used in all Victorian court rooms."

"At present we can facilitate 20 concurrent trials with 600 iPad's and 20 laptops."

"We anticipate a steady growth in the use of electronic jury books in the coming years."

Financial Summary

Overview

A summary of the Office of Public Prosecution's financial performance in 2021/22 is set out below. Full financial details for 2021/22 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 2021/22, the OPP reported a net result from transactions of \$0.014million a decrease of \$0.015 million from 2020/21.

Net assets movements have fluctuated over the last five years and have been affected by the level of investment in information technology assets as the OPP advances its digitisation strategy to effectively modernise its operations. A material decline in net assets in 2019/20 resulted from the transfer of leasehold improvements to the Department of Treasury and Finance under the Central Asset Management framework.

Net cash flows from operating activities have varied over the last five years reflecting the movement of receivables, accruals and provisions for employee entitlements.

Financial performance

In 2021/22, revenue increased by 18% from the previous year with additional funding received for a number of initiatives to strengthen and support the increasing demand for prosecution and victim support services. Expenses increased by 19% mainly in the areas of information technology, employee costs and barrister fees in line with increasing demand for services and to meet the deliverables of new funding initiatives.

Financial position – balance sheet

Total assets amounted to \$33.931 million, an increase of \$0.658 million from the previous year. Statutory receivables accounted for a major component of this increase but were offset by a decrease in fixed assets with assets being depreciated by a year and lower prepayments due to the timing of payment to DTF for fitout works.

Total liabilities amounted to \$24.865 million, an increase of \$0.320 million from the previous year. This was largely attributed to an increase in employee related provisions in line with higher staff numbers and an additional year of service provided by staff.

Cash flows

Net cash flows from operating activities were \$0.453 million a decrease of \$1.893 million from the previous year due to a combination of the timing of payments and lower expenditure incurred in 2020/21 due to COVID-19 impacts. Net cash outflows from investing activities were lower due to a reduction in capital expenditure in 2021/22. Net cash outflows from financing activities were also lower with cash flows restricted to principal payments for leased motor vehicles. In the prior year there were equity transfers to DTF, associated with leasehold improvements.

Five year financial summary

		(\$ thousand)			
Five year financial summary	2022	2021	2020	2019	2018
Income from government	96,158	81,163	83,771	79,763	70,816
Total income from transactions	96,158	81,163	83,802	79,763	70,816
Total expenses from transactions	96,144	81,134	82,287	79,536	70,934
Net result from transactions	14	29	1,515	227	(118)
Net result for the period	763	393	1,236	(356)	20
Net cash flows from operating activities	453	2,346	1,835	2,082	3,031
Total assets	33,931	33,273	35,240	33,820	29,928
Total liabilities	24,865	24,545	27,450	22,271	19,203

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 2022 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	Expenses incurred in delivery of services
	3.2	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
	Working capital balances, and other key assets and liabilities	
	5.1	Receivables
	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

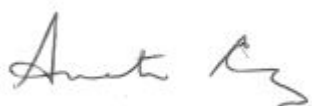
Declaration In The Financial Statements

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 2022 and financial position of the Office at 30 June 2022.

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 November 2022.



Annette Cruz
Chief Finance Officer

Office of Public Prosecutions

Melbourne
21 November 2022



Abbey Hogan
Solicitor for Public Prosecutions

Office of Public Prosecutions

Melbourne
21 November 2022

Independent Auditor's Report

To the Solicitor of the Office of 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 2022 • comprehensive operating statement for the year then ended • statement of changes in equity for the year then ended • cash flow statement 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 2022 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 Solicitor's responsibilities for the financial report	<p>The Solicitor of the Office 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 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
21 November 2022

Comprehensive operating statement ^(a)

For the financial year ended 30 June 2022

		(\$ thousand)	
	Notes	2022	2021
Continuing operations			
Income from transactions			
Government grants	2.1.1	96,158	81,163
Total income from transactions		96,158	81,163
Expenses from transactions			
Employee expenses	3.1.1	(62,298)	(54,412)
Depreciation and amortisation	4.1.1	(1,324)	(1,072)
Interest expense	6.1.2	(20)	(22)
Other operating expenses	3.2	(32,502)	(25,628)
Total expenses from transactions		(96,144)	(81,134)
Net result from transactions (net operating balance)		14	29
Other economic flows included in net result			
Other gains/(losses) from other economic flows ⁽ⁱ⁾	8.1	749	364
Total other economic flows included in net result		749	364
Net result from continuing operations		763	393
Net result		763	393
Other economic flows - other comprehensive income			
Items that will not be reclassified to net result			
Changes in physical asset revaluation surplus	8.2	-	711
Total other economic flows - other comprehensive income		-	711
Comprehensive result		763	1,104

The accompanying notes form part of these financial statements.

Note:

- (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 2022

		(\$ thousand)	
	Notes	2022	2021
Assets			
Financial assets			
Cash and deposits	6.3	75	75
Receivables	5.1	25,534	23,009
Total financial assets		25,609	23,084
Non-financial assets			
Property, plant and equipment	4.1.2	7,076	8,085
Other non-financial assets	5.3	1,106	1,977
Intangible assets	4.2	107	127
Property, plant and equipment held for sale		33	-
Total non-financial assets		8,322	10,189
Total assets		33,931	33,273
Liabilities			
Payables	5.2	9,457	10,037
Lease liabilities	6.1	642	758
Employee related provisions	3.1.2	14,666	13,315
Other Provisions	5.4	100	435
Total liabilities		24,865	24,545
Net assets		9,066	8,728
Equity			
Accumulated deficit		(4,807)	(5,570)
Physical asset revaluation surplus	8.2	2,589	2,589
Contributed capital(i)		11,284	11,709
Net worth		9,066	8,728

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) Movement represents the transfer of leasehold improvements to the Department of Treasury and Finance under the Central Asset Management Framework

Cash flow statement ^(a)

For the financial year ended 30 June 2022

		(\$ thousand)	
	Notes	2022	2021
Cash flows from operating activities			
Receipts			
Receipts from government		93,633	85,668
Total receipts		93,633	85,668
Payments			
Payments to suppliers and employees		(93,160)	(83,300)
Interest and other costs of finance paid		(20)	(22)
Total payments		(93,180)	(83,322)
Net cash flows from/(used in) operating activities	6.3.1	453	2,346
Cash flows from investing activities			
Purchases of non-financial assets		(301)	(2,030)
Net cash flows from/ (used in) investing activities		(301)	(2,030)
Cash flows from financing activities			
Owner contributions by State Government		-	(166)
Repayment of principal portion of lease liabilities ⁽ⁱ⁾		(152)	(150)
Net cash flows from/ (used in) financing activities		(152)	(316)
Net increase/(decrease) in cash and cash equivalents		-	-
Cash and cash equivalents at beginning of financial year		75	75
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 2022

(\$ thousand)					
	Notes	Physical asset revaluation surplus	Accumulated Deficit	Contributed Capital	Total
Balance at 1 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 ⁽ⁱ⁾		-	-	(166)	(166)
Balance at 30 June 2021		2,589	(5,570)	11,709	8,728
Balance at 01 July 2021		2,589	(5,570)	11,709	8,728
Net result for the year		-	763	-	763
Revaluation increment	8.2	-	-	-	-
Equity Transfers ⁽ⁱ⁾		-	-	(425)	(425)
Balance at 30 June 2022		2,589	(4,807)	11,284	9,066

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 transferred to the Department of Treasury and Finance under the Central Asset Management Framework.

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

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.

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.

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 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)	
	2022	2021
Government grants		
Grants from the Department of Justice and Community Safety	96,158	81,163
Total government grants	96,158	81,163

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*.

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. Expenses incurred in delivery of services

(\$ thousand)			
	Notes	2022	2021
Employee benefit expenses	3.1.1	62,298	54,412
Other operating expenses	3.2	32,502	25,628
Total expenses incurred in delivery of services		94,800	80,040

3.1.1. Employee benefits in the comprehensive operating statement

(\$ thousand)		
	2022	2021
Defined contribution superannuation expense	4,357	3,696
Defined benefit superannuation expense	283	317
Termination benefits	-	-
Salaries and wages, annual leave and long service leave	57,658	50,399
Total employee expenses	62,298	54,412

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.

3.1.2. 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)	
	2022	2021
Current provisions:		
Annual leave		
Unconditional and expected to settle within 12 months	3,507	3,261
Unconditional and expected to settle after 12 months	561	588
Long service leave		
Unconditional and expected to settle within 12 months	729	775
Unconditional and expected to settle after 12 months	5,336	5,280
Provisions for on-costs		
Unconditional and expected to settle within 12 months	1,082	1,007
Unconditional and expected to settle after 12 months	984	1,020
Early Retirement Scheme		
Unconditional and expected to settle within 12 months	1,036	-
Total current provisions for employee benefits	13,235	11,931
Non-current provisions:		
Employee benefits	1,218	1,194
On-costs	213	190
Total non-current provisions for employee benefits	1,431	1,384
Total provisions for employee benefits	14,666	13,315

	(\$ thousand)	
	2022	2021
Reconciliation of movement in on-cost provision		
Opening balance	2,217	2,024
Additional provisions recognised	1,358	1,334
Reductions arising from payments/other sacrifices of future economic benefits	(1,297)	(1,141)
Closing balance	2,278	2,217
Current	2,066	2,027
Non-current	213	190

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.

3.1.3. 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	
	2022	2021	2022	2021
Defined benefit plans^(a)				
State Superannuation Fund	284	324	-	-
Defined contribution plans				
VicSuper	2,643	2,363	-	-
Other	1,738	1,396	-	-
Total	4,665	3,747	-	-

Note:

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

3.2. Other operating expenses

	(\$ thousand)	
	2022	2021
Supplies and services		
Professional services and witness payments	21,026	14,339
Property maintenance and facilities management	5,637	5,522
Information technology	2,254	3,373
Printing, stationery & library	614	672
Postage, communication & office expenses	1,404	1,034
Interpreters	625	123
Other - travel, personal expense claims, motor vehicles	890	526
Audit services	52	39
Total other operating expenses	32,502	25,628

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	
	2022	2021	2022	2021	2022	2021
Land at fair value	2,560	2,560	-	-	2,560	2,560
Buildings at fair value	135	136	(19)	-	116	136
Plant and equipment at fair value	8,821	8,663	(5,029)	(4,029)	3,792	4,634
Motor vehicles at fair value	883	1,010	(275)	(255)	608	755
Net carrying amount	12,399	12,369	(5,323)	(4,284)	7,076	8,085

4.1(a) Total right-of-use assets: vehicles

	(\$ thousand)					
	Gross carrying amount	Accumulated depreciation	Net carrying Amount	Gross carrying amount	Accumulated depreciation	Net carrying Amount
	2022	2022	2022	2021	2021	2021
Vehicles	883	(275)	608	1,010	(255)	755
Net carrying amount	883	(275)	608	1,010	(255)	755

	(\$ thousand)
Vehicles at fair value	
Opening balance – 1 July 2021	755
Additions	136
Disposals	(100)
Reclassifications	(33)
Depreciation	(150)
Closing balance – 30 June 2022	608
Opening balance – 1 July 2020	669
Additions	360
Disposals	(125)
Reclassifications	-
Depreciation	(149)
Closing balance – 30 June 2021	755

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)	
	2022	2021
Buildings	19	21
Plant and equipment	1,134	880
Motor vehicles	150	149
Intangible produced assets	21	22
	1,324	1,072

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 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		Plant, equipment at fair value		Motor vehicles at fair value		Total	
	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021
Opening balance	2,560	1,943	135	63	-	-	4,634	4,356	755	669	8,084	7,031
Transfer of -right-of-use assets to DTF under Central Asset Management arrangements	-	-	-	-	(425)	(148)	-	-	-	-	(425)	(148)
Additions	-	-	-	-	425	148	292	1,176	136	360	853	1,684
Disposals	-	-	-	-	-	-	-	(18)	(100)	(125)	(100)	(143)
Revaluation	-	617	-	94	-	-	-	-	-	-	-	711
Depreciation	-	-	(19)	(21)	-	-	(1,134)	(880)	(150)	(149)	(1,303)	(1,050)
Reclassification	-	-	-	-	-	-	-	-	(33)	-	(33)	-
Closing balance	2,560	2,560	116	136	-	-	3,792	4,634	608	755	7,076	8,085

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.

4.2. Intangible assets

(\$ thousand)				
	Computer software		Total	
	2022	2021	2022	2021
Gross carrying amount				
Opening balance	317	317	317	317
Additions	-	-	-	-
Disposals	-	-	-	-
Closing balance	317	317	317	317
Accumulated depreciation, amortisation and impairment				
Opening balance	(190)	(169)	(190)	(169)
Disposals	-	-	-	-
Amortisation	(20)	(21)	(20)	(21)
Closing balance	(210)	(190)	(210)	(190)
Net book value at end of financial year	107	127	107	127

Note:

(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)	
	2022	2021
Contractual		
Other receivables	558	659
Statutory		
Amounts owing from the Department of Justice and Community Safety ⁽ⁱ⁾	24,976	22,350
Total receivables	25,534	23,009
Represented by		
Current receivables	24,103	21,627
Non-current receivables	1,431	1,382

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)	
	2022	2021
Contractual		
Supplies and services	9,430	10,011
	9,430	10,011
Statutory		
FBT payable	27	26
Total payables	9,457	10,037
Represented by:		
Current payables	9,457	10,037
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
2022						
Supplies and services	9,430	9,430	9,430	-	-	-
Total	9,430	9,430	9,430	-	-	-
2021						
Supplies and services	10,011	10,011	10,011	-	-	-
Total	10,011	10,011	10,011	-	-	-

Note:

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

5.3. Other non-financial assets

(\$ thousand)		
	2022	2021
Current other assets		
Prepayments	1,106	1,977
Total current other assets	1,106	1,977
Non-current other assets		
Total non-current other assets	-	-
Total other assets	1,106	1,977

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 2022 and 2021 include salaries and amounts paid in advance to the Department of Treasury and Finance to undertake refurbishment works on OPP's behalf.

5.4. Other provisions

	(\$ thousand)	
	2022	2021
Current provisions		
Provision for costs and parental leave	100	435
Total current other assets	100	435
Non-current provisions		
Total non-current provisions	-	-
Total other provisions	100	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.

Reconciliation of movements in other provisions

	(\$ thousand)
	Costs Orders
Opening Balance	435
Reductions arising from payments	(335)
Closing Balance	100

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)	
	2022	2021
Current borrowings		
Lease liabilities ⁽ⁱ⁾	339	258
Total current borrowings	339	258
Non-current borrowings		
Lease liabilities	303	500
Total non-current borrowings	303	500
Total borrowings	642	758

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
2022						
Leaseliabilities	642	654	98	97	152	307
Total	642	654	98	97	152	307
2021						
Leaseliabilities	758	783	89	64	120	510
Total	758	783	89	64	120	510

6.1.2. Interest expense

	(\$ thousand)	
	2022	2021
Interest on leases	20	22
Interest on accommodation leases	-	-
Total interest expense	20	22

'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 2022, OPP was committed to low value leases and the total commitment at that date was \$290,700 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)	
	2022	2021
Interest expense on lease liabilities	20	22
Expenses relating to leases of low-value assets	82	37
Total amount recognised in the statement of comprehensive statement	102	59

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 2022 relating to leases.

	(\$ thousand)	
	2022	2021
Total cash outflow for leases	80	51

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)	
	2022	2021
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)	
	2022	2021
Net result for the period	763	393
Non-cash movements:		
Depreciation and amortisation of non-current assets	1,324	1,072
Movements in assets and liabilities:		
(Increase)/decrease in receivables	(2,525)	4,505
(Increase)/decrease in prepayments	455	(904)
(Decrease)/increase in payables	(915)	(3,478)
(Decrease)/increase in provisions	1,351	758
Net cash flows from/ (used in) operating activities	453	2,346

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 amounts	Less than 1 year	1 - 5 years	5+ years	Total
2022				
Capital expenditure commitments	-	-	-	-
Operating commitments	540	798	-	1,338
Accommodation expense	5,814	-	-	5,814
Total commitments (inclusive of GST)	6,354	798	-	7,152
Less GST recoverable	(578)	(73)	-	(651)
Total commitments (exclusive of GST)	5,776	725	-	6,501
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 (exclusive of GST)	2,151	171	-	2,322

6.4.2. Commitments

(\$ thousand)		
	2022	2021
Capital expenditure commitments	Nominal value (incl. GST)	Nominal value (incl. GST)
Computer equipment	-	206
Total capital expenditure commitments	-	206
Operating and lease commitments		
MFD printing services	289	273
Accommodation expense	5,814	1,860
IT services and support	1,049	215
Total operating and lease commitments	7,152	2,348
Total commitments	7,152	2,554

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.

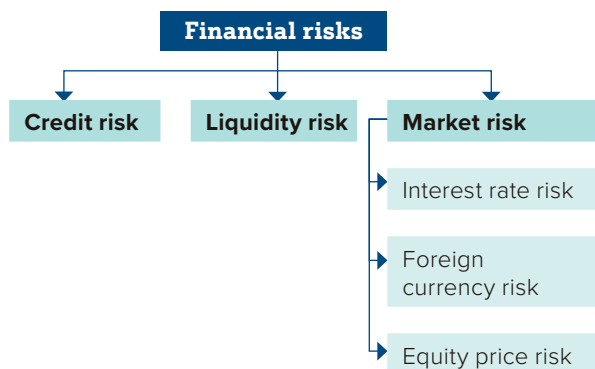
Financial instruments: Categorisation

	(\$ thousand)			
	Cash and Deposits	Financial assets at amortised cost (AC)	Financial liabilities at amortised cost (AC)	Total
2022				
Contractual financial assets				
Cash and deposits	75	-	-	75
Receivables^(a)				
Other receivables	-	557	-	557
Total contractual financial assets	75	557	-	632
Contractual financial liabilities				
Payables^{(a) (b)}				
Supplies and services	-	-	9,430	9,430
Total contractual financial liabilities	-	-	9,430	9,430
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

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 2021-22.

Credit quality of financial assets ^{(a) (b)}

(\$ thousand)			
2022	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	-	557	557
Total financial assets	70	557	627

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

2022	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

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)						
Past due but not impaired						
	Current	Less than 1 month	1-3 months	3 months - 1 year	1-5 years	Total
30-Jun-21						
Expected loss rate (%)	0%	0%	0%	0%	100%	
Gross carrying amount of contractual receivables	651	-	-	2	225	878
Loss allowance	-	-	-	-	225	225
30-Jun-22						
Expected loss rate (%)	0%	0%	0%	0%	100%	
Gross carrying amount of contractual receivables	406	47	-	-	14	467
Loss allowance	-	-	-	-	14	14

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

(\$ thousand)		
	2022	2021
Balance at beginning of the year	(225)	(225)
Increase in provision recognised in the net result	211	-
Balance at the end of the year	(14)	(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
2022					
Financial assets					
Cash and deposits		75	-	-	75
Receivables: ^(a)					
Other receivables		557	-	-	557
Total financial assets		632			632
Financial liabilities					
Payables:					
Supplies and services		9,430	-	-	9,430
Borrowings:					
Finance lease liabilities	2.68%	642	655	-	-
Total financial liabilities		10,072	655	-	9,430
2021					
Financial assets					
Cash and deposits		75	-	-	75
Receivables: ^(a)					
Other receivables		659	-	-	659
Total financial assets		734	-	-	734
Financial liabilities					
Payables:					
Supplies and services		10,011	-	-	10,011
Borrowings:					
Finance lease liabilities	2.86%	758	783	-	-
Total financial liabilities		10,769	783	-	10,011

Note:

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

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)	
	2022	2021
Contingent assets		
Insurance claim ^(a)	1,378	1,378
	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 22.

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 2022. (2021 - 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 2021-22 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-financial physical assets

Fair value measurement hierarchy

The fair value of all property plant and equipment (PPE) is categorised as level 3 for 2022. The same categorisation applied for 2021.

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 acknowledged in their report that the market that the property/asset was valued was being impacted by the uncertainty that the COVID-19 outbreak has caused. As at the date of valuation there was 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 2022.

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

2022 and 2021	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)	
	2022	2021
Other gains/(losses) from other economic flows		
Net gain/(loss) arising from revaluation of annual leave and long service liability	749	364
Total other gains/(losses) from other economic flows	749	364

8.2. Reserves

	(\$ thousand)	
	2022	2021
Physical asset revaluation surplus: ⁽ⁱ⁾		
Balance at beginning of financial year	2,589	1,878
Revaluation increments/(decrements)	-	711
Balance at end of financial year	2,589	2,589

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. Jaclyn Symes, MP	1 July 2021 to 30 June 2022
Acting Attorney-General	The Hon. Natalie Hutchins, MP The Hon. Lisa Neville, MP The Hon. Natalie Hutchins, MP The Hon. Lisa Neville, MP	20 September 2021 to 01 October 2021 18 April 2022 to 18 April 2022 19 April 2022 to 27 April 2022 16 June 2022 to 18 June 2022
Solicitor for Public Prosecutions	Abbey Hogan	1 July 2021 to 30 June 2022

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:

\$510,000 - \$520,000 (\$410,000 - 420,000 in 2020-21)

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	
Remuneration of executive officers (including Key Management Personnel disclosed in Note 8.5)	2022	2021
Short-term employee benefits	833	613
Post-employment benefits	63	52
Other long-term benefits	22	14
Termination benefits		
Total remuneration ^(a)	918	679
Total number of executives	3	3
Total annualised employee equivalents ^(b)	2.8	2.4

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 \$96.158 million (2021: \$81.163 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
- Executive Director Legal Practice, Angela Rankin
- Executive Director Legal Practice, Paul Fowler
- Executive Director 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	2022	2021
Short-term employee benefits	1,303	994
Post-employment benefits	87	74
Other long-term benefits	35	24
Total ^(a)	1,425	1,092

Note:

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

8.6. Remuneration of auditors

	(\$ thousand)	
	2022	2021
Victorian Auditor-General's Office		
Audit of the financial statements	27	26
	27	26

8.7. Subsequent events

No events have occurred subsequent to the date of the financial report that would require adjustment to or disclosure in the financial report (2021: 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 2021-22 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:

- 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. A liability is classified as non-current if an entity has the right at the end of the reporting period to defer settlement of the liability for at least 12 months after the reporting period. The meaning of settlement of a liability is also clarified. AASB 2020-6 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current – Deferral of Effective Date was issued in August 2020 and defers the effective date to annual reporting periods beginning on or after 1 January 2023 instead of 1 January 2022, with earlier application permitted.

- In addition to the new standard and amendment above, the AASB has issued a list of other amending standards that are not effective for the 2021–22 reporting period. In general, these amending standards include editorial and reference changes that are expected to have insignificant impacts on public sector reporting.

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 another 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 transactions'.

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) a 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 fund. 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 startup 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 2021-22 *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.

Appendix

Appendix 1

Output and performance measures..... 99

Appendix 2

Legal functions of the DPP report100

Appendix 3

Crown appeals under s. 287 of the *Criminal Procedure Act 2009*.....103

Appendix 4

OPP activity data104

Appendix 5

Crown Prosecutor activity data106

Appendix 6

Freedom of Information report.....107

Appendix 7

Public Interest Disclosure Report109

Appendix 8

The OPP workforce110

Appendix 9

Occupational Health, Safety and Wellbeing113

Appendix 10

Environmental report115

Appendix 11

Supplementary information.....118

Appendix 12

Statement of availability of other information120

Appendix 13

Attestation.....121

Appendix 14

Audit of decision making and consultation with victims122

Appendix 15

Disclosure index.....123

Appendix 1

Output and performance measures

	2021/22		2020/21		2019/20		2018/19		2017/18	
Budget Paper 3 Measures	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual
Judicial Officer sitting days requiring prosecutors	11,000 – 13,000	15,882	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	74,500 – 78,500	92,297	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	34,000 – 36,000	41,626	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	89.7	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	98.4	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 eight extension of time applications in relation to sentence and seven in relation to conviction that did not proceed to a leave application or where an extension of time was refused in 2021/22.

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 2021/22:

- 96 sentence leave applications
- 51 were granted
- 44 were refused
- one abandoned / not determined

Conviction Leave Applications 2021/22:

- 29 conviction leave applications
- 17 were granted
- 12 were refused

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 2021/22 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 two of these matters, with a third still under consideration as of 30 June 2022. The DPP declined to intervene in two matters referred.
- acted for Respondent Police Informants in four appeals on a question of law. Two appeals were dismissed and two are pending judgment.
- acted for Defendant Police Informants in four Order 56 Judicial Reviews brought by or on behalf of persons or other agencies. Two were dismissed and two are pending judgment.
- appeared as Plaintiff in one Order 56 Judicial Review. This Judicial Review was allowed.

The outcomes of these appeal and review processes are subject to appeal. In 2021/22:

- four applications for leave to appeal to the Court of Appeal against the outcome of a s.272 appeal or Order 56 Judicial review were finalised. The DPP was the respondent in all four matters. Leave was refused in one matter. Leave to appeal was granted in three matters, but the appeals were dismissed.

Discontinuance of prosecutions

Discontinuance of prosecutions were entered in 244 cases. The DPP decided 26 of these. 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.
- Two undertakings were provided by the DPP to four witnesses.

Consents to prosecute

The DPP, or her delegates, granted:

- four consents to prosecute under s. 47A of the *Crimes Act 1958* (maintaining a sexual relationship/persistently sexually abusing a child under 16)
- 38 consents to prosecute under subclause 4A(12) of schedule 1 to the *Criminal Procedure Act 2009* (course of conduct charges)
- 15 consents to prosecute under s. 321 *Crimes Act 1958* (conspiracy)
- four consents to prosecute under s. 90 of the *Estate Agents Act 1980*
- five consents to prosecute under s. 7(1)(b) of the *Criminal Procedure Act 2009*
- two consents to prosecute under s. 186 of the *Aboriginal Heritage Act 2006*
- one consent to prosecute under s. 132 of the *Occupational Health and Safety Act 2004*
- no consents to prosecute under s. 24(4) of the *Racial and Religious Tolerance Act 2001*
- no consents to prosecute under s. 50 or 69 of the *Crimes Act 1958* (gross indecency)
- 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. 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 2021/22 financial year, the DPP:

- received three 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 applications for interim detention orders in relation to four individuals;
- commenced and conducted one application to renew a detention order; and
- conducted one renewal application which was commenced in the previous financial year.

On 12 July 2021, the DPP filed an application for renewal of the detention order with respect to JPH. The application sought that the existing detention order made by the Honourable Justice Taylor, which was due to expire on 17 January 2022, be renewed for a period of one year. On 14 January 2022, the Honourable Justice Taylor granted the Director's application for an interim detention order. This interim detention order was subsequently extended on 25 February 2022 and 17 June 2022. The renewal application remains before the Supreme Court.

On 3 December 2021, the DPP filed an application to review the two-year detention order made on 10 December 2020 by the Honourable Justice Tinney with respect to JDD. The review application remains before the Supreme Court.

On 9 June 2022, the DPP filed notice of an application to review the three-year detention order made on 26 October 2021 by the Honourable Justice Lasry 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 26 October 2021, the Honourable Justice Incerti dismissed the application for a detention order. Her Honour instead made an interim supervision order with respect to SCC.

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. The interim detention order was subsequently extended on 21 June 2021, 16 September 2021, 7 December 2021, and 9 May 2022. The application for a detention order remains before the Supreme Court.

On 3 December 2021, the DPP filed applications for an interim detention order and a detention order in respect of LD. On 21 December 2021, the Honourable Justice Fox granted the application for an interim detention order, for a period of four months. This was extended on 29 April 2022. The application for a detention order remains before the Supreme Court.

On 8 October 2021, the DPP filed applications for an interim detention order and a detention order in respect of RC. On 21 October 2021, the Honourable Justice Beale rejected the application for an interim detention order. The application for a detention order was subsequently withdrawn.

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

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 2021/22 financial year, the OPP opened 54 contravention of supervision order prosecution files.

Direct presentments/ indictments

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

Conflicts of Interest

Two 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 2021/22, 13 Director's Appeals against sentence to the Court of Appeal pursuant to s. 287 were finalised. The Court allowed six appeals and re-sentenced offenders, dismissed five appeals and two were abandoned prior to hearing.

No	Name	Status of Appeal	Date of Completion
1	KUMAS, Mehmet	Allowed	6 August 2021
2	CURRIE, Hayden Thomas	Allowed	30 September 2021
3	DANIELS, Jared*	Dismissed	30 September 2021
4	HOWARD, Hector*	Allowed	4 November 2021
5	KELLER, Benjamin*	Dismissed	3 December 2021
6	BOWEN, Bradley	Allowed	17 December 2021
7	LO, Xuan Dao*	Abandoned	20 December 2021
8	CONOS, Theodore	Allowed	22 December 2021
9	SMITH, Harry	Dismissed	28 January 2022
10	NWIGWE, Obiyo	Dismissed	18 February 2022
11	HUM, Howard*	Allowed	8 April 2022
12	MENDOZA, Leonard*	Abandoned	3 May 2022
13	PAN, Paguir	Dismissed	26 May 2022

*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	2021/22
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	92,297

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	2021/22
Supreme Court	983	817	937	879	1,021	929	976	1,139	921	1,006	1,261
County Court	6,085	6,126	5,700	5,927	5,683	5,908	5,867	6,186	6,177	6,607	8,296
Circuit County and Supreme Courts	1,669	1,672	1,866	1,580	1,521	1,434	1,405	1,521	1,190	270	2,007
Total	8,737	8,615	8,503	8,386	8,225	8,271	8,248	8,846	8,288	7,883	11,564

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	2021/22
Magistrates' Court	949	1,199	918	1,156	3,239	3,645	3,979	3,977	3,876	4,470	4,318

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	2021/22
Guilty pleas pre-trial	61.7	63	66.8	63	65.7	68.7	68.7	67.5	73.0	86.9	72.5%
Guilty pleas listed as trial	12.1	12	9.8	12	11.2	10.2	11.7	10.1	6.3	1.8	5.1%
Total guilty pleas	73.8	74.8	76.6	75.2	77.0	78.9	80.4	77.6	79.3	88.7	77.6%
Trial convictions	14.6	12.8	11.9	13.8	12.6	11.2	11.4	14.3	12.2	6.7	12.1%
Trial acquittals	8.6	9.3	8.9	9.4	8.9	9.0	7.5	7.7	8.0	4.7	9.9%
Total trials	23.2	22.2	20.8	23.2	21.5	20.2	18.9	22.1	20.2	11.3	22.0%
Other case completions	3	3	2.6	1.6	1.5	0.9	0.7	0.3	0.4	0.0	0.4%
Total guilty (pleas and convictions)	88.4	87.6	88.5	89	89.6	90.1	91.8	91.9	91.6	95.3	89.7%

Trial Conviction Rate

	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
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	55.0%

Trials completed

	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Melbourne County Court	299	323	282	278	264	249	229	299	202	104	202
Melbourne Supreme Court	32	24	28	26	40	22	20	32	12	11	26
Circuit County and Supreme Courts	81	102	123	109	100	78	102	122	92	26	147
Total*	423	449	433	413	404	349	351	453	306	141	375

The total 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	2021/22
Summary Pleas	–	497	584	448	465	475	523	520	466	586	580
Melbourne County Court	1,492	1,444	1,512	1,503	1,511	1,526	1,537	1,624	1,500	1,360	1,600
Melbourne Supreme Court	59	77	71	65	72	81	52	81	57	51	49
Circuit County and Supreme Courts	415	423	406	426	457	447	505	567	527	275	351
Total*	1,966	2,441	2,573	2,442	2,505	2,529	2,617	2,792	2,250	2,272	2,580

* 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	2021/22
Number of referrals	1,016	999	921	985	1,090	1,268	1,512	2,111	2,565	2,519	2,004

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	2021/22
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	24.0
Days in court total	2,290	1,933	1,912	2,047	1,832	1,589	1,746	1,863	1,596	1,764	2,239
Days in court per Crown Prosecutor	90	89	94	101	94	83	93	97	81	82	97
Court appearance %	45.5	43.5	46.0	46.8	45.7	41.0	46.3	45.8	37.3	37.9	45.5%
Presentments/indictments total	2,855	2,844	2,687	2,750	2,801	2,788	1,965	2,345	2,304	2,231	2,798
Presentments/indictments per Crown Prosecutor	112	130	132	136	143	145	105	122	117	104	122
Total plea offer advisings	2,095	2,215	2,052	2,226	2,239	2,477	1,655	2,468	2,684	3,116	3,414
Plea offer advisings per Crown Prosecutor	83	101	101	110	115	129	88	129	137	145	148
Total discontinuance of charges advisings	640	698	684	640	611	571	312	321	318	341	586
Discontinuance of charges advisings per Crown Prosecutor	25	32	34	32	31	30	17	17	16	16	25
General advice total	4,213	3,749	3,200	2,880	3,427	3,659	3,607	5,305	6,412	5,997	7,015
General advice per Crown Prosecutor	166	172	157	142	175	190	193	277	326	280	305
All advice total	6,948	6,662	5,936	5,746	6,277	6,707	5,574	8,094	9,414	9,454	11,015
All advice per Crown Prosecutor	274	305	292	284	321	348	298	423	479	441	479

* 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 2021/2022

The OPP received 97 requests under the Act from 1 July 2021 to 30 June 2022. 89 requests were finalised in this period (inclusive of six outstanding requests carried over from 2020/21) with the remaining eight 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	0
Requests transferred to other agencies	10
Requests relating to documents that do not exist or cannot be located	12
Access granted in full	3
Access granted in part	39
Access denied in full	3
Requests received but not finalised in 2021/22	8
Requests withdrawn/not proceeded with/Act does not apply to/outside the Act	21
Requests not processed	11
OVIC reviews	0
OVIC complaints	0
Internal review of original determination	1

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 \$30.10 (effective 1 July 2021)
- search fee – \$22.68 per hour or part thereof (effective 1 July 2021)
- supervision fee – \$22.68 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 2021)
- 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 per cent 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 2021/22 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 2021/22 financial year. At 30 June 2022 we had a total of 465 employees, 73.3 per cent female, 26.5 per cent male and 0.2 per cent self-described.

	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	93.0
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	50.2	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	93.0
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	85.3	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	116.0

	Jun-22						
	All Employees		Ongoing Employees			Fixed term / Casual	
Gender							
	Number HC	FTE	Full Tim HC	Part Time HC	FTE	Number HC	FTE
Male/Man	123	121.6	82	2	83.6	39	38.0
Female/Woman	341	319.6	153	56	192.3	132	127.3
Self Described	1	1	0	0	0	1	1
Total	465	442.2	235	58	275.9	172	166.3
Age							
15-24	57	54.2	6	0	6	51	48.2
25-34	201	193.9	91	13	99.4	97	94.5
35-44	118	108.6	69	32	91.8	17	16.8
45-54	50	48.7	37	7	42.7	6	6
55-64	34	32.2	28	5	31.4	1	0.8
65+	5	4.6	4	1	4.6	0	0
Total	465	442.2	235	58	275.9	172	166.3
Classification							
VPS 1	12	11.88	0	0	0	12	11.9
VPS 2	93	88	21	2	22.4	70	65.6
VPS 3	90	88.1	34	5	37.4	51	50.7
VPS 4	96	91.6	61	12	69.2	23	22.4
VPS 5	74	68.3	49	18	61.4	7	6.9
VPS 6	95	89.3	70	21	85.5	4	3.8
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	4	4	0	0	0	4	4
Other	26	25.8	0	0	0	26	25.8
Total	491	468.0	235	58	275.9	198	192.1

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 2021/22, 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 2021/22).

Throughout 2021/22, 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 and Building a Psychologically safe workplace.
- 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 2022/23, with a particular focus developing and delivering an OPP Wellbeing Strategy, operating in line with government health directions and our positive duty to prevent unlawful behaviour.

The OPP's performance against OH&S management measures

The number of reported incidents across the Office increased to 2.26 per 100 FTE (based on a FTE of 442 employees).

Measure	KPI	2021/22	2020/21	2019/20	2018/19	2017/18
Incidents	No. of incidents	10	1	9	5	12
	Rate per 100 FTE	2.3	0.1	2.3	1.3	3.6
	No. of incidents requiring first aid and/or further medical treatment	4	0	4	5	10
Workcover*	No. of standard claims	1	0	0	1	1
	Rate per 100 FTE	0.2	0	0	0.3	0.3
	No. of lost time claims	1	0	0	0	0
	Rate per 100 FTE	0.2	0	0	0	0
	No. of claims exceeding 13 weeks	0	0	0	0	1
	Rate per 100 FTE	0	0	0	0	0.3
Fatalities	Fatality claims	0	0	0	0	0
Claim costs	Average cost per standard claim (includes amount paid an estimate) *	\$203,927	0	0	\$4,615	\$65,866
Return to work	Percentage of claims with RTW plan <30 days	100%	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	Complete	Not reported
	Compliance with agreed structure on DWGs, HSRs, and IRPs.	Complete	Complete	Complete	Complete	Not reported
	Number of quarterly committee meetings	4	3	4	4	4
Risk management	Percentage of internal audits/ inspections conducted as planned	75%	25%	90%	97.56%	70.45%
	No. of Improvement Notices issued across the OPP by WorkSafe Inspector	0	0	0	0	0
Training	Percentage of new staff that have received OH&S induction training	100%	100%	100%	100%	100%
	Percentage of HSR's trained:					
	Acceptance of role	73%	100%	100%	100%	100%
	Re-training (refresher)	87%	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 2021/22

Environmental reporting pertaining to energy and waste is based on data from the Melbourne CBD OPP office located at 565 Lonsdale Street where 95 per cent 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.

The increase in some data from 2020/21 to 2021/22 is in part attributable to increased office occupancy, with greater numbers of staff working from home in 2020/21 compared to 2021/22.

Energy

Indicator	2021/22				2020/21			
	Electricity	Natural Gas	Green Power	Total	Electricity	Natural Gas	Green Power	Total
Total energy usage segmented by primary source (MJ)	4,616,017	2,250,533	0	6,866,550	4,406,324	2,448,352	0	6,854,676
Greenhouse gas emissions associated with energy use (t CO₂-e)	841	125	0	966	802	147	0	967
Percentage of electricity purchased as Green Power	0				0			
Units of energy used per FTE (MJ/FTE)	10,886				11,844			
Units of energy used per unit of office area (MJ/m²)	582				556			

Notes on energy data:

- Energy data was provided by Jones Lang LaSalle, on behalf of Department of Treasury and Finance.
- 2021/22 Electricity has been converted from kWh to MJ
- Department of Treasury and Finance as landlord does not purchase green power for 565 Lonsdale Street.
- The OPP's average FTE during 2021/22 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	2021/22				2020/21			
	Landfill	Recycled	Compost	Total	Landfill	Recycled	Compost	Total
Total units of waste disposed of by destination (kg/year)	17,860	2,242	1,455	21,557	7,704	1,349	1,069	10,122
Units of waste disposed of per FTE by destinations (kg/FTE)	42	5	3	50	19	3	3	25
Recycling rate (per cent of total waste)	10				13			
Greenhouse gas emissions associated with waste disposal (t CO ₂ -e)	22				9			

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 per cent 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.

Paper

Indicator	2021/22	2020/21
Total units of copy paper used (reams)	2,593	1,535
Units of copy paper used per FTE (reams/FTE)	6	4
Percentage of 75–100% recycled content copy paper purchased (%)	100	100
Percentage of 50–75% recycled content copy paper purchased (%)	0	0
Percentage of 0–50% recycled content copy paper purchased (%)	0	0

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 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	2021/22	2020/21
Total units of metered water consumed (kilolitres)	1,535	2,239
Units of metered water consumed in offices per FTE (kilolitres/FTE)	3.6	5.7
Units of metered water consumed in offices per unit of office area (kilolitres/m ²)	0.18	0.27

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 34 vehicles, 65 per cent of which are operational vehicles, and the remainder executive fleet. Of the operational vehicles 95 per cent are four cylinder petrol fuelled, and 5 per cent are hybrid fuelled.

Of the executive fleet, 50 per cent are four cylinder petrol fuelled, 25 per cent are four cylinder diesel fuelled and 25 per cent are hybrid fuelled.

	2021/22			2020/21		
Operational Vehicles	4 cyl	6 cyl	Total	4 cyl	6 cyl	Total
Total energy consumption by vehicles (MJ)	673,159	0	673,159	205,918	0	205,918
Total vehicle travel associated with entity operations (km)	249,161	0	249,161	75,265	0	75,265
Total greenhouse gas emissions from vehicle fleet (t CO ₂ -e)	45	0	45	11	0	11
Greenhouse gas emissions from vehicle fleet per 1,000km travelled (t CO ₂ -e)	0.18	0	0.18	0.15	0	0.15

	2021/22	2020/21
Indicator	Total greenhouse gas emissions (t CO ₂ -e)	Total greenhouse gas emissions (t CO ₂ -e)
Total travelled by aeroplane	17	6

Indicator	2021/22	2020/21
Percentage of CBD employees regularly (>75 per cent 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 modern '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, Executive Director, 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 2021/22, there were five consultancies where the total fees payable to the consultants were \$10,000 or greater. The total expenditure incurred during 2021/22 in relation to these consultancies is \$588,074 (excluding GST). Details of individual consultancies are outlined below:

Consultant	Purpose	Start date	End date	Total approved project fee (\$ ex GST)	Expenditure 2021/22 (\$ ex GST)	Future expenditure (\$ ex GST)
Working Three Pty Ltd	Robotic Process Automation	12/10/21	31/03/2022	\$15,000.00	\$10,000.00	\$0.00
Working Three Pty Ltd	Technology Transformation Project	19/07/21	31/03/2022	\$244,875.00	\$209,973.54	\$0.00
McPhee Andrewartha Pty Ltd	Strategic Planning	05/08/2021	30/11/2021	\$70,000.00	\$70,000.00	\$0.00
Deloitte Touche Tohmatsu	Base Funding Review	30/11/2021	31/01/2022	\$262,800.00	\$262,800.00	\$0.00
Lucid Business Solutions	Workload Model	29/10/2021	23/12/2022	\$49,000.00	\$35,300.00	\$13,700.00

Details of consultancies under \$10,000

In 2021/22, 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 2021/22 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		
	Non-Business As Usual (Non-BAU) ICT expenditure	Operational expenditure	Capital expenditure
Business As Usual (BAU) ICT expenditure			
Total	Total = Operational expenditure and Capital expenditure		
7,257	589	589	-

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.

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:

OPP Communications
Office of Public Prosecutions
565 Lonsdale Street
MELBOURNE VIC 3000
Email: opp_communications@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

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 matters worked on during financial year 2021/22.

Results have been collated and show:

- Compliance with organisational policies on decision making was 97.9 per cent
- Compliance with victim consultation was 91.5 per cent.

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		
FRD22	Manner of establishment and the relevant Ministers	92
FRD22	Purpose, functions, powers, and duties	4
FRD8	Office objectives, indicators, and outputs	99
FRD22	Initiatives and projects	12–13, 42–51
FRD22	Nature and range of services provided	28–41
Management and structure		
FRD22	Organisational structure	15
Financial and other information		
FRD8	Performance against output performance measures	99
FRD8	Budget portfolio outcomes	52–53
FRD10	Disclosure index	123–124
FRD15	Executive officer disclosures	92–94
FRD22	Employment and conduct principles	112
FRD22	Occupational health and safety policy	113–114
FRD22	Summary of the financial results for the year	52–53
FRD22	Significant changes in financial position during the year	52–53
FRD22	Major changes or factors affecting performance	52–53
FRD22	Subsequent events	94
FRD22	<i>Application and operation of Freedom of Information Act 1982</i>	107–108
FRD22	<i>Application and operation of the Public Interest Disclosures Act 2012</i>	109
FRD22	Details of consultancies over \$10,000	118
FRD22	Details of consultancies under \$10,000	118
FRD22	Disclosure of ICT expenditure	118–119
FRD22	Statement of availability of other information	120
FRD24	Reporting of office-based environmental impacts	115–117
FRD29	Workforce Data disclosures	110–111
SD 5.2	Specific requirements under Standing Direction 5.2	1–124
Compliance attestation and declaration		
SD 5.1.4	Attestation for compliance with Ministerial Standing Direction	121
SD 5.2.3	Declaration in report of operations	2
Financial statements		
Declaration		
SD 5.2.2	Declaration in financial statements	56

Ministerial Directions & Financial Reporting Directions		
Other requirements under Standing Directions 5.2		
SD 5.2.1 ^(a)	Compliance with Australian accounting standards and other authoritative pronouncements	63
SD 5.2.1 ^(a)	Compliance with Ministerial Directions	123–124
SD 5.2.1 ^(b)	Compliance with Model Financial Report	54–97
Other disclosures as required by FRDs in notes to the financial statements ^(a)		
FRD21	Disclosures of Responsible Persons, Executive Officers, and other Personnel (Contractors with Significant Management Responsibilities) in the Financial Report	92–94
FRD103	Non-Financial Physical Assets	75
FRD110	Cash Flow Statements	61
FRD112	Defined Benefit Superannuation Obligations	67
Note: (a) References to FRDs have been removed from the Disclosure Index if the specific FRDs do not contain requirements that are of the nature of disclosure.		
Legislation		
<i>Freedom of Information Act 1982</i>		107–108
<i>Public Interest Disclosures Act 2012</i>		109
<i>Financial Management Act 1994</i>		54–97

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.



Office of Public
Prosecutions
Victoria