



# CDPP

*Australia's Federal Prosecution Service*

## CORPORATE PLAN 2019–23

COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS



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# ABOUT US

## PURPOSE

To prosecute crimes against Commonwealth law through an independent prosecution service that is responsive to the priorities of our law enforcement and regulatory partners, effectively contributes to the safety of the Australian community, and the maintenance of the rule of law.

## STRATEGIC FRAMEWORK

The CDP's strategic framework is based on three themes:



**1. Service:** to provide an efficient and effective prosecution service



**2. Partners:** to effectively engage with partner agencies and stakeholders



**3. People:** to invest in our people.

These themes underpin how we set our priorities, providing a framework that enables us to achieve our purpose.

## OUTCOME

Contribute to a fair, safe and just society by delivering an effective, independent prosecution service in accordance with the *Prosecution Policy of the Commonwealth*.

# OVERVIEW

The CDDP's Corporate Plan sets our priorities for the next four years, and has been developed in accordance with the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) and Public Governance, Performance and Accountability Rule 2014.

**2019-20**



Embed solutions and strengthen capability

**2020-21**



Optimise for efficiency

**2021-22**



Review and evaluate

**2022-23**



Plan for future direction

# DIRECTOR'S FOREWORD



The priorities and performance targets outlined in the CDPP's 2019–23 Corporate Plan are underpinned by our commitment to ensuring the highest level of ethics and integrity. We value innovation, collaboration and diversity, which is strongly reflected in our organisational culture, and the objectives we have set for the next 12 months and beyond.

Our Corporate Plan has been developed to further our purpose: to be responsive to the priorities of our partners; contribute to the safety of Australians; and uphold and maintain the rule of law in Australia. We will continue to support staff as we embed our ambitious program to build a digitally capable, flexible and agile

workforce as part of our ongoing strategy to become a leader in conducting efficient and effective prosecutions galvanized by appropriate technology.

Of particular significance has been the successful introduction of our case management system, caseHQ, in 2018. caseHQ provides the foundation for a range of new tools we are implementing to assess and progress our prosecution work, harness expertise and ensure timeliness. I am proud of what we've achieved to date, as it provides us with a solid foundation as we begin the next phase in our digital transformation.

It is essential we continue to meet the challenges associated with an evolving criminal landscape, as our partner agencies, stakeholders and the community rely on us to navigate an increasingly complex legal environment to secure convictions against those who break Commonwealth laws. To this end, I will continue to lead and support my team by encouraging innovative thinking when tackling issues, building core digital capabilities in our staff, and finding new ways to harness and share our collective knowledge.

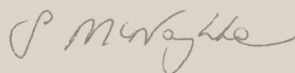
Over the next 12 months, we also expect to: increase the number of staff undertaking training across a range of topics that support their legal and personal development; transition more employees into flexible workplace agreements; and meet our performance measures to successfully prosecute crimes against the Commonwealth. We will also conduct our bi-annual partner satisfaction survey. This is a key

tool that helps us to develop products that support the needs of our partners, including their transition to using our Digital Referrals Gateway when providing briefs of evidence.

Our partners in the law enforcement community are integral to the work we do. We are committed to working with them closely to ensure they have access to the information they need to provide briefs of evidence in a timely and effective way. As part of our ongoing engagement, the CDPP participates in and contributes to taskforce arrangements with other Commonwealth agencies in order to support law enforcement outcomes.

Our participation in taskforce arrangements has already yielded positive results. These include the first case investigated by the National Disability Insurance Scheme Taskforce being successfully prosecuted in July 2019. Working with our partners successfully across our national practice is key to our ability to successfully meet our performance measures.

The year ahead promises many opportunities for the CDPP, and I look forward to sharing the journey with staff, stakeholders and the broader community.



**Sarah McNaughton SC**

Commonwealth Director of Public Prosecutions  
August 2019







# OPERATING ENVIRONMENT

The CDPP contributes to public confidence in the criminal justice system by ensuring that our prosecutions are conducted fairly, consistently and efficiently in accordance with the *Prosecution Policy of the Commonwealth* (the Prosecution Policy). Our prosecutions contribute to protecting the Australian community by addressing matters of national security and our borders; the integrity of Commonwealth revenue and benefits; and maintaining the integrity of corporate, regulatory and compliance frameworks.

The CDPP deals with diverse matters reflecting the evolving and expanding nature of offences against Commonwealth law. Matters we prosecute include terrorism, serious drug offences, money laundering, human trafficking and slavery, people smuggling, child exploitation, cartels and foreign bribery, cybercrime, revenue and benefits fraud, corporate and commercial crime, regulatory non-compliance, public and workplace safety, environmental crimes, corruption, unlawful disclosure of information, and electoral offences.

Our prosecutions are complex, and regularly feature international transactions and overseas evidence, reflecting the often global nature of Commonwealth offending. Prosecutions also regularly involve offences utilising technology, which requires the collection of significant amounts of digital evidence, and increases the degree of complexity and amount of time needed to undertake those prosecutions.

The CDPP prosecutes across Australia, in state and territory magistrates/ local, district/county, and supreme courts, as well as conducting appeals in the intermediate appellate state and territory courts and the Australian High Court. As such, our prosecutors are required to be experienced across a range of jurisdictions. We also currently prosecute a small number of matters in the Federal Court of Australia, although the jurisdiction of that particular court in relation to federal criminal law is set to expand.

The CDPP's practice differs to those of state and territory prosecution agencies in the breadth of our work and operations, including our prosecution of summary matters. We also regularly engage closely with our partner agencies to assess briefs of evidence prior to charges being laid. In 2018-19 the CDPP received referrals from 62 Commonwealth, state and territory investigative agencies.

## NATIONAL LEGAL PRACTICE

The CDPP is a Commonwealth statutory agency with 403 staff and 40 labour hire workers,<sup>1</sup> with offices in all state and territory capital cities, Townsville and Cairns. The CDPP's operating model consists of six nationally-organised and run practice groups that handle different categories of crime. The objective of the model is to provide an effective, efficient and nationally consistent federal prosecution service. The practice groups are based on compatible crime types. They are:

- Commercial, Financial and Corruption
- Human Exploitation and Border Protection
- Illegal Imports and Exports
- International Assistance and Specialist Agencies
- Organised Crime and Counter Terrorism
- Revenue and Benefits Fraud.

This national structure enables the CDPP to assess and progress our prosecution work, harness expertise and ensure timeliness. It provides flexibility to move staff and work between practice groups and jurisdictions in order to manage the CDPP's caseload.

In addition, the National Business Improvement Group and Legal Business Improvement Group have been created to ensure CDPP systems, processes and resources continue to modernise, thereby enabling the Office to deliver a first class and contemporary prosecution service.

The CDPP also recognises that it needs to be agile and responsive in addressing recommendations from royal commissions that have implications for our practice. During 2018-19, we responded to recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse, the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, and we are currently providing assistance to the Victorian Royal Commission into the Management of Police Informants. In response to the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, the Federal Government has provided an additional \$41.6m in funding to the CDPP over four years. As a consequence, the CDPP is in the process of developing key resources, recruiting new staff, and identifying counsel with criminal and corporate law experience to assist with an anticipated increase in caseload.

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<sup>1</sup> As at 30 June 2019

## WORKING WITH STAKEHOLDERS

Since it was adopted in 2014, the national practice group model has continued to evolve to take into account changes within the law enforcement landscape and the CDPP's ongoing needs. We are committed to working with our partner agencies and stakeholders to ensure the preparation of briefs of evidence and the progression of matters through court is as efficient and effective as possible. To this end, we have developed key tools, such as the Partner Agency Portal, and also introduced e-brief referral guidelines and the Digital Referrals Gateway to support the transition to e-briefs. We are committed to working with our stakeholders to shape, improve and modernise the services we provide to ensure we are meeting their needs and expectations.

We are also committed to continuing to effectively participate in, and contribute to, various criminal justice taskforces in order to support law enforcement outcomes. Such mechanisms help to support the investigation of large scale, complex criminal activity, which affects multiple jurisdictions and agencies. Engaging with our stakeholders within a taskforce environment enables us to constructively identify issues, and develop solutions, in a way that supports the appropriate allocation of investigative and prosecution resources. It also promotes the efficient and effective management of briefs throughout the investigation and prosecution process.

As part of our efforts to understand the needs of our partner agencies, the CDPP will undertake its biennial stakeholder satisfaction survey in the first half of 2020. Our target for the 'overall satisfaction' rating is 90 per cent, which is achievable given the consistent improvement we have seen from the 2016 survey (83 per cent) to the 2018 result (87 per cent).

Another key aspect of the CDPP's stakeholder engagement is with external counsel. Our ability to bring in specialist practitioners to assist in undertaking prosecutions or provide advice is vital to ensuring we achieve our outcomes. This is especially so when prosecutions relate to specialised legal fields or require other specific skills and expertise. The CDPP now stays in regular contact with the counsel it briefs through a new initiative, the Counsel e-Newsletter.

# PERFORMANCE

## PERFORMANCE FRAMEWORK

The CDPP's performance framework is designed to assess our ability to deliver on our purpose. The framework directly links and aligns our purpose, performance measures and our Portfolio Budget Statement. This in turn aligns to the Commonwealth's requirements as defined under the PGPA Act. We endeavour to continually improve the way we present our performance to the public and the Parliament to ensure the information is meaningful and improves our level of public accountability.

## MEASURING PERFORMANCE

Our performance is managed through careful planning, effective measurement and monitoring, which culminates in transparent reporting. At a strategic level, we have adopted three performance measures to assess how well we deliver an efficient, effective and independent prosecution service. The three measures are:

- Compliance in addressing the terms of the test for prosecution in the *Prosecution Policy of the Commonwealth*
- Partner Agency satisfaction with CDPP service delivery
- Prosecutions resulting in a finding of guilt, categorised into:
  - Total findings of guilt
  - Defended findings of guilt.

## WHAT WE MEASURE AND HOW

### Compliance in addressing the terms of the test for prosecution, in the *Prosecution Policy*

This performance measure has been in place since 1 November 2015 and we have achieved 100 per cent compliance. Since July 1 2017, the measurement of compliance has moved from being paper based to wholly electronic. Compliance with the *Prosecution Policy* is measured at selected stages of the prosecution process, based on certification by the CDPP case officer or supervisor, that the test for prosecution in the *Prosecution Policy* has been addressed. Certification occurs by means of completion of a *Prosecution Policy Declaration (PPD)*. PPDs are currently generated in the CDPP's case management system. The PPD also records information about documents that are on file and provide evidence of the application of the *Prosecution Policy*, such as a minute, summary of facts, notes to prosecutor, evidence matrix, file note or other relevant materials.

The test set out in the *Prosecution Policy* is integral to all cases considered and prosecuted by the CDPP, and is of fundamental importance to the manner in which the CDPP undertakes its work. The test requires that when deciding to commence or continue a prosecution, the prosecutor must determine whether: there is a *prima facie* case, there are reasonable prospects of a conviction, and that a prosecution would be in the public interest.

<b>Measure 1</b>	<b>Compliance in addressing the terms of the test for prosecution in the <i>Prosecution Policy of the Commonwealth</i>, namely existence of a prima facie case, reasonable prospects of conviction and that prosecution is required in the public interest, when deciding to commence or continue a prosecution</b>
<b>Description</b>	Whether we are addressing the criteria governing the decision to institute or continue a prosecution, as specified in the <i>Prosecution Policy of the Commonwealth</i> .
<b>Rationale</b>	Measure of how fully we are addressing the prosecution test in the <i>Prosecution Policy of the Commonwealth</i> .
<b>Collection and reporting</b>	Progress reports are provided twice each year to the Audit Committee and annually in the Annual Report.
<b>Target</b>	<b>100%</b> <b>Result</b> 2018-19 = 100% 2017-18 = 100% 2016-17 = 100%

Since this performance measure was introduced, the CDPP has gradually expanded when a PPD is required. For cases that have been opened since August 2018, there are potentially 18 points at which a PPD needs to be completed. The number of times a PPD will be required in any particular case will depend on the nature of the case and the course it takes.

### Partner Agency satisfaction with CDPP service delivery

The prosecution process is a collaboration between the CDPP and partner agencies, and it is critical that the CDPP is able to work closely and constructively with those agencies. Understanding partner agency perceptions of the CDPP across a range of service areas provides valuable insights, which help shape and improve processes, procedures and performance.

To align with the introduction of the biennial satisfaction survey in 2015-16, we set a partner agency satisfaction target of 90 per cent and achieved a satisfaction rating of 83 per cent. While this result fell short of our target, it captured valuable feedback to help us plan for the future. In the 2018 Partner Agency Satisfaction Survey, the satisfaction rating rose to 87 per cent.

The agency response rate also increased from 163 in 2016 to 284 in 2018 (an increase of 74 per cent) and included participants who were randomly selected from our case management system, as well as participants specifically nominated by CDPP staff.

Measure 2	Partner agency satisfaction with CDPP service delivery
<b>Description</b>	Quantitative and qualitative evidence of partner agency satisfaction with our service delivery characteristics including timeliness, relevance to partner agency business, responsiveness and level of communication.
<b>Rationale</b>	Independent biennial survey of targeted individuals from partner agencies who have dealt with the CDPP over the previous 12–18 months, to deliver a comprehensive evidence base that will inform continuous improvement.
<b>Collection and reporting</b>	The survey is sent out in April/May every two years collecting information on the previous 12 months, and reported in the Annual Report relating to the 12 month collection period. The next survey will be released in April 2020 and results reported in the 2019–20 Annual Report.
<b>Target</b>	<b>90% satisfaction score</b> <b>Results</b> 2018–19 = not applicable* 2017–18 = 87% 2015–16 = 83%

\* Survey will take place first quarter 2020

## Prosecutions resulting in a finding of guilt

This measure indicates the number of defendants against whom a finding of guilt is made by a court during the relevant financial year. A finding of guilt may result in a court imposing either a conviction or a non-conviction disposition. While in the past the CDPP has reported on the total number of findings of guilt across its cases, from 2019–20 the CDPP will provide additional data that relates specifically to defended cases. The reporting will be based on the following parameters:

- Total number of all convictions/ findings of guilt in all matters, with a target of 90 per cent

- Number of convictions/findings of guilt in defended matters, with a target of 70 per cent.

The two targets tell a more comprehensive story. A large proportion of the CDPP's practice is a plea practice, much of it in the summary jurisdiction, where briefs are assessed and enhanced *before* the investigators charge defendants. This ensures a greater likelihood that charges will be appropriate and defendants are therefore more likely to plead guilty.

The target for findings of guilt in defended matters is set lower than the 'overall target' to appropriately reflect the fact that the vast majority of the CDPP's defended matters are complex trials in the indictable jurisdiction, involving juries and often following arrests by police.



Measure 3 Prosecutions resulting in a finding of guilt		
Description	<p><b>3A Total matters:</b> The finding of guilt rate is calculated by taking the total number of defendants found guilty as a percentage of the total number of defendants found guilty or acquitted. The calculation covers both defended matters and matters where the defendant has pleaded guilty. The calculation does not include defendants where the CDPP discontinued the prosecution against them in its entirety or where a prosecution has commenced and the defendant failed to appear before the court.</p> <p><b>3B Defended matters:</b> The finding of guilt rate is calculated by taking the total number of defendants found guilty in defended matters as a percentage of the total number of defendants found guilty or acquitted in defended matters. A defended matter is a trial on indictment or a summary hearing/summary trial. It does not include defendants where the CDPP discontinued the prosecution against them in its entirety or where a prosecution has commenced and the defendant failed to appear before the court.</p>	
	<p><b>Rationale</b> Records stretch back more than 15 years in relation to Measure 3A, providing a useful, quantitative measure of CDPP outputs. We consider it is useful to retain this quantitative indicator in support of performance measurement into the future. Multiple statutory, prosecution, and performance statistics are collected, analysed and provided on our website for interested stakeholders.</p>	
Collection and reporting	Progress reports are provided monthly to the Executive Leadership Group, quarterly to the Audit Committee and published annually in the Annual Report.	
Target	<p><b>3A: 90%</b></p> <p><b>Results</b> 2018-19 = 97%</p> <p>2017-18 = 97%</p> <p>2016-17 = 99%</p>	<p><b>3B: 70%</b></p> <p><b>Results</b> will be measured from 2019-20</p>



# CAPABILITY

## A FLEXIBLE AND RESILIENT WORKPLACE

The CDPP is committed to creating a flexible and responsive environment that helps us achieve our outcomes while supporting staff to maintain a healthy work-life balance. This includes new flexible work policies. As of 30 June 2019, 33 CDPP employees had adopted formal remote working arrangements, and 54 staff had established part-time agreements. Many staff also use flexible arrangements on an ad hoc basis.

The flexible working arrangements framework also supports the CDPP's efforts to align our staffing needs with the work of the Office into the future. This includes planning and recruitment for an anticipated increase in referrals in the corporate crime area and accommodating the overall trend towards more complex investigations and prosecutions.

## Learning and professional development

The increasing sophistication of how crimes are committed, combined with the expanding range of areas covered by Commonwealth criminal law means that, more than ever, our employees need to be legally proficient, digitally adept, resilient, and able to manage dynamic and evolving operating environments.

In addition to ongoing professional legal training and development for its prosecutors, the CDPP is committed to increasing the digital capabilities of all its staff. Over and above their core legal competencies, the leadership capabilities of our EL2/Principal Federal Prosecutor (PFP) and SES staff are also a key priority. With regard to leadership, we are focusing on a more systematic approach that provides relevant employees with access to a range of leadership and training activities, including how strong leadership is the key to ensuring effective change management and digital transformation.

## OUR DIGITAL TRANSFORMATION

In June 2019, the CDPP reached a significant milestone: more than 50 per cent of all 'cases on hand' were being managed in its new case management system, caseHQ. Following on from this milestone, 2019-20 will see the CDPP continue to enhance caseHQ, migrate data from active cases in the CDPP's legacy system (CRIMS) to caseHQ, and implement changes to the administrative processes relating to case management. Together, these developments demonstrate significant progress along our digital transformation pathway.

As we continue to embed caseHQ into our practice, the CDPP is also working with its partners to integrate all elements of the prosecution process into our digital transformation journey. An example of this is the work being done to enable all partner agencies to submit digital referrals for assessment. Already, the CDPP Partner Agency Portal provides stakeholders with the references and resource materials they need to prepare a brief of evidence for the CDPP. Investigators consistently provide positive feedback about the portal. Complementing this platform, the CDPP continues to work with agencies to enable all brief referrals to be submitted electronically. Key to this is the Digital Referrals Gateway that is accessed from the portal.

The CDPP is currently engaged in enhancing the Digital Referrals Gateway to ensure it is accessible, and easy to use and navigate. We are liaising with our partners to help develop consistent national standards for the information

included in e-briefs and are increasing the capacity of the gateway to take larger briefs. Bespoke e-brief guidelines have been formulated for many partner agencies, and the CDPP will continue to work with other agencies in this area. The ultimate goal is to receive all briefs electronically. It is anticipated that the electronic submission of an e-brief through the Digital Referrals Gateway will automate file opening processes in caseHQ, giving prosecutors instant access to the materials they need in order to assess the brief to determine whether it is ready to proceed to court.

### Tools and technology

The National Business Improvement Group is responsible for managing the implementation of the tools supporting our digital transformation, and is also responsible for ensuring our prosecutors are successfully leveraging the improvements being made to our systems. The CDPP's team of digital litigation specialists helps to ensure our prosecutors are aware of the new tools and technology available to them, so they make the most of the resources at their fingertips.

In addition to the caseHQ enhancements planned for 2019-20, the CDPP will introduce tools to more effectively manage and analyse complex briefs of evidence and the documents associated with them. These changes are designed to improve case assessment effectiveness.

## **INFORMATION MANAGEMENT**

The CDPP's digital transformation is anchored to an understanding that information management is key to the efficient and effective operation of the legal practice. Importantly, we are working towards ensuring all facets of our business comply with Commonwealth standards relating to the creation, retention and destruction of official records. Improving the accessibility and quality of our data will also ensure the CDPP's decision making processes are underpinned by information that is robust and able to be tested against outcomes.

Being able to easily access the data we hold is a significant breakthrough for our organisation. It will enable us to better manage our practice and resourcing, while helping us to more accurately predict future trends that will impact on our business. It is anticipated this will be a continuing journey of discovery and improvement, as we bring all elements of our work into a standardised and efficient system of data and information management.

### **Data and reporting**

During 2019-20, the CDPP will continue to improve its data reporting capability using the Power BI capability it introduced in 2019. Using this capability, the data and reporting team is able to bridge reports between CRIMS and caseHQ, to ensure the information is accurate, up-to-date and accountable. In addition, a new dashboard is now accessible to all staff, which provides information and statistics about CDPP cases in real time. Over the next 12 months, the team will be working to refine the datasets, to provide more reports and other datasets to management and staff. This will help to build a comprehensive picture of the CDPP's caseload, the complexity of its matters, and criminal prosecution trends.

# RESOURCING

2019-20	2020-21	2021-22	2022-23
\$94.80M	\$103.07M	\$101.34M	\$93.56M

The CDPP has implemented a costing model to advise the Government on resourcing implications for expected changes to our workload, particularly as a result of the expanding range of areas covered by Commonwealth criminal law. For example, increased numbers of prosecutions can result from new policy proposals related to specific crime categories, or when partner agencies receive additional funds to step-up investigations into emerging crime types, or as a result of new legislation passing through Parliament.

The increase in the CDPP’s available resourcing announced in the 2018-19 MYEFO and 2019-20 Budget relied on this costing model in providing advice about CDPP resourcing requirements. The costing model is another lever that, alongside our national practice group model, modernised systems and increased workplace flexibility, is enabling us to respond to a dynamic operating environment. We continue to use data from caseHQ to maintain the currency of our costing model to inform future resourcing implications.



# RISK OVERSIGHT AND MANAGEMENT

The CDPP's strategic purpose is to prosecute crimes against Commonwealth law through an independent prosecution service that is responsive to the priorities of our law enforcement and regulatory partners, and that effectively contributes to the safety of the Australian community and the maintenance of the rule of law. The CDPP is conscious of the risk inherent in all business and operational decision making and calibrates the level of risk to achieve our organisational outcomes. This statement applies the CDPP appetite for risk to its strategic purpose within specific categories. Staff should use the decision making matrix along with this risk appetite statement to guide decisions about whether to avoid, accept or treat risks.

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## Efficiency & effectiveness

**Provision of advice:** We have a moderate appetite for the risk of providing early advice on cases to partner agencies, without a brief of evidence, where staff are guided by the Prosecution Policy of the Commonwealth, National Legal Directions and the decision making matrix.



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**Digitisation:** We have a moderate appetite for risk associated with the implementation of digital products, for litigation management and case management/analysis, which meet PSPF guidelines.



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**Innovation:** We have a moderate appetite for experimenting with innovative ways of approaching cases and how we might prove them, subject always to the Prosecution Policy of the Commonwealth and laws of evidence.



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## Reputation

**Independence of decisions:** We have a high appetite for appropriately challenging agencies and counsel to ensure our independence and the reputation of the justice system.



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**Prosecutions:** We have no appetite for prosecuting cases that do not meet the requirements of the Prosecution Policy of the Commonwealth. We have a low appetite for losing cases due to foreseeable errors or technical oversight.



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## Business

**Information management:** We have a low appetite for the mismanagement of information security.



**Intellectual property:** We have a moderate appetite for sharing our intellectual property in a measured way to improve the efficiency of our processes and prosecution processes, more broadly.



**Disclosure:** We have a low appetite for breaching disclosure requirements.



**Breaches of compliance:** We have a low appetite for any breaches of compliance.



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## People

**Staff wellbeing:** We have a low appetite for illness or injury sustained by our staff due to work practices or work pressures.



**Staff/counsel development:** We have a moderate appetite for potential mistakes made by junior staff and counsel in gaining experience in appropriate matters, in facilitating skills development.



**Modern ways of working:** We have a high appetite for matching stakeholders' expectations with the dynamics of a flexible workforce.





The CDPP provides independent prosecution services that contribute to a fair, safe and just Australia where Commonwealth laws are respected, offenders are brought to justice and potential offenders are deterred.

[www.cdpp.gov.au](http://www.cdpp.gov.au)