# Office of the Director of Public Prosecutions

Additional Estimates
Statements

# Office of the Director of Public Prosecutions

## Section 1: Entity overview and resources

#### 1.1 Strategic direction statement

The strategic direction statement for the Office of the Director of Public Prosecutions (DPP) can be found in the 2023-24 Portfolio Budget Statements. There has been no change to the DPP's strategic direction as a result of Additional Estimates.

#### 1.2 Entity resource statement

The Entity Resource Statement details the resourcing for the DPP at Additional Estimates. Table 1.1 outlines the total resourcing available from all sources for the 2023–24 Budget year, including variations through Appropriation Bills No. 3 and No. 4, Special Appropriations and Special Accounts.

Amounts presented below are consistent with amounts presented in the Appropriation Bills themselves, and as published in appropriation notes to the 2022–23 financial statements.

Table 1.1: Office of the Director of Public Prosecutions resource statement — Additional Estimates for 2023-24 as at February 2024

				Total
	Actual	Estimate	Proposed	estimate
	available	as at	Additional	at
	appropriation	Budget	Estimates	Additional
	2022-23	2023-24	2023-24	Estimates 2023-24
	\$'000	\$'000	\$'000	\$'000
Departmental				
Annual appropriations - ordinary annual services (a)				
Prior year appropriations available (b)	30,785	30,126	-	30,126
Departmental appropriation	94,594	97,866	5,547	103,413
s74 External Revenue (c)	13,277	4,578	7.030	11,608
Departmental capital budget (d)	1,861	1,915	2,550	4,465
Annual appropriations - other services - non-operating				
Equity injection (e)	2,200	2,177	2,200	4,377
Total departmental resourcing	142,717	136,662	17,327	153,989

	Actual 2022-23	2023-24
Average staffing level (number)	423	478

All figures shown above are GST exclusive - these may not match figures in the cash flow statement. Prepared on a resourcing (i.e. appropriations available) basis.

- (a) Appropriation Act (No. 1) 2023–2024 and Appropriation Bill (No. 3) 2023–2024. Actual Available Appropriation column reflects the closing unspent appropriation balance from the entity's 2022–23 annual report and encompasses Appropriation Act (No. 1) 2022–2023, Supply Act (No.1) 2022–2023, Supply Act (No.3) 2022–2023 and Appropriation Act (No. 3) 2022–2023.
- (b) Estimated adjusted balance carried forward from previous year for annual appropriation.
- (c) Estimated retained revenue receipts under section 74 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).
- (d) Departmental capital budgets (DCB) are not separately identified in Appropriation Act (No.1) and form part of ordinary annual services items. Refer to Table 3.6 for further details. For accounting purposes, this amount has been designated as a 'contribution by owner'.
- (e) Appropriation Act (No. 2) 2023–2024 and Appropriation Bill (No. 4) 2023–2024. Actual Available Appropriation column reflects the closing unspent appropriation balance from the entity's 2022–23 annual report and encompasses Appropriation Act (No. 2) 2022–2023, Supply Act (No. 2) 2022–2023, Supply Act (No. 4) 2022–2023, and Appropriation Act (No. 4) 2022–2023.

#### 1.3 Entity measures

Table 1.2 summarises new Government measures taken since the 2023–24 Budget. The table is split into receipt and payment measures, with the affected program identified.

Table 1.2: DPP 2023-24 measures since the Budget

		-			
	Program	2023-24 \$'000	2024-25 \$'000	2025-26 \$'000	2026-27 \$'000
Payment measures					
Closing loopholes (a)	1.1				
Departmental payment		-	-	-	-
Community Safety Measures in Response to the High Court's Decision in NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs & Anor (b)	1.1				
Departmental payment		2,988	13,809	-	-
Ratification of the Macolin Convention and establishment of National Sport Integrity Offences (c)	1.1				
Departmental payment		-	202	483	543
Total payment measures		2,988	14,011	483	543

Prepared on a Government Finance Statistics (Underlying Cash) basis. Figures displayed as a negative (x) represent a decrease in funds.

<sup>(</sup>a) The full measure description and package details appear in the 2023-24 Mid-Year Economic and Fiscal Outlook (MYEFO) under the Employment and Workplace Relations Portfolio.

<sup>(</sup>b) The full measure description and package details appear in the 2023-24 MYEFO under the Home Affairs portfolio

<sup>(</sup>c) The lead entity for the measure is Sports Integrity Australia. The Minister for Sport announced this measure on 8 January 2024.

#### 1.4 Additional estimates, resourcing and variations to outcomes

The following tables detail the changes to the resourcing for the DPP at Additional Estimates, by outcome. Table 1.3 details the Additional Estimates resulting from new measures and other variations since the 2023–24 Budget in Appropriation Bills Nos. 3 and 4.

Table 1.3: Additional estimates and other variations to outcomes since the 2023–24 Budget

<u>-</u>	Program impacted	2023-24 \$'000	2024-25 \$'000	2025-26 \$'000	2026-27 \$'000
Outcome 1					
Departmental					
Annual appropriations					
Community Safety Measures in Response to the High Court's Decision in NZYQ v Minister for Immigration, Citizenship and	4.4	2.000	42,000		
Multicultural Affairs & Anor	1.1	2,988	13,809	-	-
Ratification of the Macolin Convention and establishment of National Sport Integrity Offences	1.1	-	202	483	543
Movement of Funds Net increase Changes in Parameters	1.1	4,750	-	-	-
Net increase	4.4		07	070	074
Net impact on appropriations for	1.1	-	97	276	274
Outcome 1 (departmental)		7,738	14,108	759	817
Total net impact on appropriations for Outcome 1		7,738	14,108	759	817

Prepared on a resourcing (i.e. appropriations available basis).

#### 1.5 Breakdown of additional estimates by appropriation bill

The following tables detail the Additional Estimates sought for the DPP through Appropriation Bills Nos. 3 and 4. 2022-23 available appropriation is included to allow a comparison of this year's appropriation with what was made available for use in the previous year.

Table 1.4: Appropriation Bill (No. 3) 2023-2024

	2022-23 Available \$'000	2023-24 Budget \$'000	2023-24 Revised \$'000	Additional Estimates \$'000	Reduced Estimates \$'000
Departmental programs					
Outcome 1					
Contribute to a fair, safe and just society by delivering an effective,					
independent prosecution service in accordance with the Prosecution	96,455	99,781	107,878	8,097	-
Policy of the Commonwealth					
Total departmental	96,455	99,781	107,878	8,097	-

Table 1.5: Appropriation Bill (No. 4) 2023-2024

Non-operating	2022-23 Available \$'000	2023-24 Budget \$'000	2023-24 Revised \$'000	Additional Estimates \$'000	Reduced Estimates \$'000
Equity injections	2,200	2,177	4,377	2,200	-
Total non-operating	2,200	2,177	4,377	2,200	-

## Section 2: Revisions to outcomes and planned performance

#### 2.1 Budgeted expenses and performance for Outcome 1

Outcome 1: Contribute to a fair, safe and just society by delivering an effective, independent prosecution service in accordance with the Prosecution Policy of the Commonwealth.

This table shows how much the DPP intends to spend (on an accrual basis) on achieving the outcome.

Table 2.1.1: Budgeted expenses for Outcome 1

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	2022-23	2023-24	2024-25	2025-26	2026-27
	Actual	Revised	Forward	Forward	Forward
	expenses	estimated expenses	estimate	estimate	estimate
	\$'000	\$'000	\$'000	\$'000	\$'000
Program 1.1: An independent service to prosecute alleged offences against the criminal law of the Commonwealth.					
Departmental expenses					
Departmental appropriation	97,428	102,932	115,489	96,417	95,402
s74 External Revenue (a)	11,832	11,608	9,570	9,570	9,570
Expenses not requiring appropriation in the Budget year (b)	4,856	4,724	4,083	3,758	3,425
Total expenses for Outcome 1	114,116	119,264	129,142	109,745	108,397

	2022-23	2023-24
Average staffing level (number)	423	478

<sup>(</sup>a) Estimated expenses incurred in relation to receipts retained under section 74 of the PGPA Act.

#### Table 2.1.2: Performance measure for Outcome 1

There are no changes to the performance information for Outcome 1 reported in the 2023-24 Portfolio Budget Statements.

<sup>(</sup>b) Expenses not requiring appropriation in the Budget year are made up of depreciation expenses, amortisation expenses and audit fees.

# Section 3: Special account flows and budgeted financial statements

#### 3.1 Special account flows

The DPP has no special accounts so Table 3.1 is not presented.

#### 3.2 Budgeted financial statements

#### 3.2.1 Analysis of budgeted financial statements

Changes to the DPP's operating revenue since the 2023-24 Portfolio Budget Statements are due to:

- Additional funding to provide foundational legal advice to the Fair Work Ombudsman, including training for investigators and DPP lawyers, and ongoing funding for the DPP to consider the briefs of evidence referred in relation to alleged wage theft and prosecute those matters following a determination under the Prosecution Policy of the Commonwealth.
- Additional funding to support the delivery of additional measures to implement the amendments to the *Migration Act* 1958 and the *Migration Regulations* 1994.

#### 3.2.2 Budgeted financial statements

Table 3.2: Comprehensive income statement (showing net cost of services) for the period ended 30 June

	2022-23 Actual	2023-24 Revised	2024-25 Forward	2025-26 Forward	2026-27 Forward
	\$'000	budget \$'000	estimate \$'000	estimate \$'000	estimate \$'000
EXPENSES					
Employee benefits Suppliers	55,664 43.208	64,077 42.857	71,836 44.618	59,481 38,360	58,611 38.219
Depreciation and amortisation	11,634	11,360	11,732	10,955	10,622
Finance costs	372	400	400	400	400
Write-down and impairment of assets	5	-	-	-	-
Other expenses	3,233	570	556	549	545
Total expenses	114,116	119,264	129,142	109,745	108,397
LESS:					
OWN-SOURCE INCOME					
Own-source revenue					
Sale of goods and rendering of					
services	11,637	11,400	9,362	9,362	9,362
Rental income	195	208	208	208	208
Other	391	82	82	82	82
Total own-source revenue	12,223	11,690	9,652	9,652	9,652
Total own-source income	12,223	11,690	9,652	9,652	9,652
Net (cost of)/contribution by services	(101,893)	(107,574)	(119,490)	(100,093)	(98,745)
Revenue from Government	94,594	103,413	114,957	96,337	95,712
Surplus/(deficit) attributable to the Australian Government	(7,299)	(4,161)	(4,533)	(3,756)	(3,033)
OTHER COMPREHENSIVE INCOME					
Changes in asset revaluation	2,252	-	-	-	-
Total other comprehensive income	2,252	_	-	-	-
Total comprehensive income/(loss) attributable to the Australian					
Government Continued on post page	(5,047)	(4,161)	(4,533)	(3,756)	(3,033)

Table 3.2: Comprehensive income statement (showing net cost of services) for the period ended 30 June (continued)

Note: Impact of net cash appropriation arrangements

	2022-23	2023-24	2024-25	2025-26	2026-27
	\$'000	\$'000	\$'000	\$'000	\$'000
Total comprehensive income/(loss) - as per statement of					
Comprehensive Income	(7,299)	(4,161)	(4,533)	(3,756)	(3,033)
plus: depreciation/amortisation of assets					
funded through appropriations					
(departmental capital budget funding	4.700	4.040	4.004	0.070	0.040
and/or equity injections) (a) plus: depreciation/amortisation	4,769	4,642	4,001	3,676	3,343
expenses for ROU assets (b)	6,865	6,718	7,731	7,279	7,279
less: lease principal repayments (b)	7,188	7,199	7,199	7,199	7,589
Net Cash Operating Surplus/ (Deficit)	(2,853)	-	-	-	-

<sup>(</sup>a) From 2010-11, the Government introduced net cash appropriation arrangements where Bill 1 revenue appropriations for the depreciation/amortisation expenses of non-corporate Commonwealth entities (and select corporate Commonwealth entities) were replaced with a separate capital budget (the Departmental Capital Budget, or DCB) provided through Bill 1 equity appropriations. For information regarding DCBs, please refer to Table 3.6 Departmental Capital Budget Statements.

<sup>(</sup>b) Applies to leases under AASB 16 Leases.

Table 3.3: Budgeted departmental balance sheet (as at 30 June)

- and o or or a magnitude and partition of				<u>,                                      </u>	
	2022-23	2023-24	2024-25	2025-26	2026-27
	Actual	Revised	Forward	Forward	Forward
		budget	estimate	estimate	estimate
	\$'000	\$'000	\$'000	\$'000	\$'000
ASSETS					
Financial assets					
Cash and cash equivalents	450	450	450	450	450
Trade and other receivables	30,959	26,209	26,209	26,209	26,209
Total financial assets	31,409	26,659	26,659	26,659	26,659
Non-financial assets					
Land and buildings	32,351	58,867	55,194	46,264	38,432
Property, plant and equipment	2,779	3,524	2,766	2,411	1,856
Intangibles	1,614	1,684	1,055	1,489	1,313
Other non-financial assets	2,692	2,692	2,692	2,692	2,692
Total non-financial assets	39,436	66,767	61,707	52,856	44,293
Total assets	70,845	93,426	88,366	79,515	70,952
LIABILITIES					
Payables					
Suppliers	3,697	3,697	3,697	3,697	3,697
Other payables	1,411	1,411	1,411	1,411	1,411
Total payables	5,108	5,108	5,108	5,108	5,108
Interest bearing liabilities					
Leases	27,533	52,360	49,861	42,761	35,202
Total interest bearing liabilities	27,533	52,360	49,861	42,761	35,202
Provisions					
Employee provisions	16,940	16,940	16,940	16,940	16,940
Other provisions	1,916	1,916	1,916	1,916	1,916
Total provisions	18,856	18,856	18,856	18,856	18,856
Total liabilities	51,497	76,324	73,825	66,725	59,166
Net assets	19,348	17,102	14,541	12,790	11,786
EQUITY*					
Parent entity interest					
Contributed equity	27,245	29,160	31,132	33,137	35,166
Reserves	20,743	20,743	20,743	20,743	20,743
Retained surplus / (accumulated deficit)	(28,640)	(32,801)	(37,334)	(41,090)	(44,123)
Total parent entity interest	19,348	17,102	14,541	12,790	11,786
Total Equity	19,348	17,102	14,541	12,790	11,786

Prepared on Australian Accounting Standards basis.

<sup>\*&#</sup>x27;Equity' is the residual interest in assets after deduction of liabilities.

Table 3.4: Departmental statement of changes in equity — summary of movement (Budget year 2023-24)

	Retained	Asset	Contributed	Total
	earnings	revaluation	equity /	equity
	· ·	reserve	capital	. ,
	\$'000	\$'000	\$'000	\$'000
Opening balance as at 1 July 2023				
Balance carried forward from previous period	(28,640)	20,743	27,245	19,348
Adjusted opening balance	(28,640)	20,743	27,245	19,348
Comprehensive income				
Surplus/(deficit) for the period	(4,161)	-	-	(4,161)
Total comprehensive income	(4,161)	-	-	(4,161)
Transactions with owners				
Distributions to owners				
Returns of capital				
Other	-	-	(6,927)	(6,927)
Contributions by owners				
Equity injection	-	-	4,377	4,377
Departmental Capital Budget (DCB)	-	-	4,465	4,465
Sub-total transactions with owners	-	-	1,915	1,915
Estimated closing balance as at 30 June 2024	(32,801)	20,743	29,160	17,102
Closing balance attributable to the Australian Government	(32,801)	20,743	29,160	17,102

Table 3.5: Budgeted departmental statement of cash flows (for the period ended 30 June)

oo sune)					
	2022-23	2023-24	2024-25	2025-26	2026-27
	Actual	Revised	Forward	Forward	Forward
	\$'000	budget \$'000	estimate \$'000	estimate \$'000	estimate \$'000
OPERATING ACTIVITIES	\$ 000	\$ 000	\$ 000	\$ 000	\$ 000
Cash received					
Appropriations	101,508	103,413	114,957	96,337	95,712
Sale of goods and rendering of services	11,534	11,608	9,570	9,570	9,570
Net GST received	4,792	4,543	4,703	4,134	4,157
Other	309	-,0-10	-,,,,,,,	-,10-	-,107
Total cash received	118,143	119,564	129,230	110,041	109,439
Cash used	110,140	110,004	120,200	110,041	100,400
Employees	55,612	64,077	71,836	59,481	58,611
Suppliers	48,432	47,318	49,239	42,412	42,294
s74 External Revenue	40,402	47,510	43,233	72,712	72,207
transferred to the OPA	3,464	-	-	-	-
Interest payments on lease liability	348	400	400	400	400
Other	2,789	570	556	549	545
Total cash used	110,645	112,365	122,031	102,842	101,850
Net cash from / (used by)					
operating activities	7,498	7,199	7,199	7,199	7,589
INVESTING ACTIVITIES					
Cash used					
Purchase of property, plant, and equipment and intangibles	854	6,665	1,972	2,005	2,029
Total cash used	854	6,665	1,972	2,005	2,029
Net cash from / (used by)		-,,,,,	-,,		
investing activities	(854)	(6,665)	(1,972)	(2,005)	(2,029)
FINANCING ACTIVITIES					
Cash received					
Contributed equity	530	6,665	1,972	2,005	2,029
Total cash received	530	6,665	1,972	2,005	2,029
Cash used					
Principal payments on lease liability	7,188	7,199	7,199	7,199	7,589
Total cash used	7,188	7,199	7,199	7,199	7,589
Net cash from/(used by)					
financing activities	(6,658)	(534)	(5,227)	(5,194)	(5,560)
Net increase/(decrease) in cash held	(4.4)				
Cash and cash equivalents at the	(14)	•	-	-	
beginning of the reporting period	464	450	450	450	450
Cash and cash equivalents at					
the end of the reporting period	450	450	450	450	450

Table 3.6: Departmental capital budget statement (for the period ended 30 June)

<u> </u>					
	2022-23	2023-24	2024-25	2025-26	2026-27
	Actual	Revised	Forward	Forward	Forward
	<b>#1000</b>	budget	estimate	estimate	estimate
	\$'000	\$'000	\$'000	\$'000	\$'000
NEW CAPITAL APPROPRIATIONS					
Capital budget - Act No. 1 and Bill 3 (DCB)	1,861	4,465	1,972	2,005	2,029
Equity injections - Act No. 2 and Bill 4	2,200	2,200	-	-	-
Total new capital appropriations	4,061	6,665	1,972	2,005	2,029
Provided for:					
Purchase of non-financial assets	4,061	6,665	1,972	2,005	2,029
Total Items	4,061	6,665	1,972	2,005	2,029
PURCHASE OF NON-FINANCIAL ASSETS					
Funded by capital appropriations (a)	-	2,200	-	-	-
Funded by capital appropriation - DCB (b)	854	4,465	1,972	2,005	2,029
TOTAL	854	6,665	1,972	2,005	2,029
RECONCILIATION OF CASH USED TO ACQUIRE ASSETS TO ASSET MOVEMENT TABLE					
Total purchases	854	6,665	1,972	2,005	2,029
Total cash used to acquire assets	854	6,665	1,972	2,005	2,029

<sup>(</sup>a) Includes proposed Appropriation Bill (No. 4), current Appropriation Act No. 2, and prior year Appropriation Act No. 2/4/6 (inclusive of Supply Act arrangements).

<sup>(</sup>b) Includes purchases from current and previous years' Departmental capital budgets (DCBs).

Table 3.7: Statement of departmental asset movements (Budget year 2023-24)

Table 3.7: Statement of departmental a	asset move	ements (Bud	aget year 20	23-24)
	Buildings	Other	Computer	Total
		property,	software	
		plant and	and	
		equipment	intangibles	
	\$'000	\$'000	\$'000	\$'000
As at 1 July 2023				
Gross book value	9,505	2,633	8,220	20,358
Gross book value - ROU assets	49,342	260	-	49,602
Accumulated depreciation/				
amortisation and impairment	(2)	-	(6,606)	(6,680)
Accumulated depreciation/amortisation and				/
impairment - ROU assets	(26,494)	(114)	-	(26,608)
Opening net book balance	32,351	2,779	1,614	36,744
CAPITAL ASSET ADDITIONS				
Estimated expenditure on new or replacement assets				
By purchase - appropriation equity (a) By purchase - appropriation ordinary	1,300	200	700	2,200
annual services (b)	2,380	1,948	137	4,465
By purchase - other - ROU assets	31,927	99	-	32,026
Total additions	35,607	2,247	837	38,691
Other movements				
Depreciation/amortisation expense	(2,452)	(1,423)	(767)	(4,642)
Depreciation/amortisation on	, ,	( , ,	,	( , ,
ROU assets	(6,639)	(79)	-	(6,718)
Total other movements	(9,091)	(1,502)	(767)	(11,360)
As at 30 June 2024				
Gross book value	13,185	4,781	9,057	27,023
Gross book value - ROU assets	81,269	359	-	81,628
Accumulated depreciation/	ŕ			,
amortisation and impairment	(2,454)	(1,423)	(7,373)	(11,250)
Accumulated depreciation/amortisation and				
impairment - ROU assets	(33,133)	(193)	-	(33,326)
Closing net book balance	58,867	3,524	1,684	64,075

<sup>(</sup>a) "Appropriation equity" refers to equity injections or Administered Assets and Liabilities appropriations provided through Appropriation Act (No. 2) 2023-2024 and Appropriation Bill (No. 4) 2023-2024.
(b) "Appropriation ordinary annual services" refers to funding provided through Appropriation Act (No. 1)

<sup>(</sup>b) "Appropriation ordinary annual services" refers to funding provided through Appropriation Act (No. 1) 2023-2024 and Appropriation Bill (No. 3) 2023-2024 for depreciation/amortisation expenses, Departmental Capital Budget or other operational expenses.