



CDPP

Australia's Federal Prosecution Service

CORPORATE PLAN
2021–25

COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Acknowledgement of Country

The Commonwealth Director of Public Prosecutions acknowledges the traditional owners and custodians of country throughout Australia and acknowledges their continuing connection to land, waters and community. We pay our respects to the people, the cultures and the elders past, present and emerging.

Commonwealth Director of Public Prosecutions Corporate Plan

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STATEMENT OF PREPARATION

As the accountable authority of the Office of the Commonwealth Director of Public Prosecutions, I present the 2021–25 Commonwealth Director of Public Prosecutions Corporate Plan, which covers the period from 2021–22 to 2024–25, as required under s.35(1)(b) of the *Public Governance, Performance and Accountability Act 2013*.

Sarah McNaughton SC

Commonwealth Director of Public Prosecutions

August 2021



DIRECTOR'S FOREWORD

Continued and considered transformation of our business will help us achieve our purpose and outcomes.

On 13 May 2021, the Attorney-General announced my reappointment as Commonwealth Director of Public Prosecutions (CDPP) for a further two years. I am delighted to continue to lead this wonderful organisation and serve the Australian community.

The CDPP's longstanding purpose is to contribute to a fair, safe and just society by delivering an effective, independent prosecution service in accordance with the Prosecution Policy of the Commonwealth.

We have adopted innovative, practical and sustainable ways to respond to the challenges presented by the current pandemic to continue to deliver an effective and efficient prosecution service.

The 2021–25 CDPP Corporate Plan outlines our way forward, reinforcing our commitment to working with our partner agencies to deliver prosecutions, as we navigate an increasingly complex criminal legal environment.

The CDPP recognises that success in this evolving setting will be enabled by our robust workforce planning and our agility, adaptability and digital capability.

Over the next 12 months and beyond, we will focus on continuing to build and support a resilient, digitally capable workforce and flexible work environment. We will also focus on transforming the way we undertake our business and driving improvements to our data collection, analysis and reporting.

We will continue to modernise our legal practice and identify further opportunities for increased effectiveness and efficiency in the delivery of our prosecution service.

We have embarked on an ambitious and exciting digital transformation agenda, Transforming your CDPP, which will create efficiencies including in our engagement with our partner agencies and stakeholders.

As part of this agenda, over the next 12 months, we will use dedicated funding to enhance our referrals gateway, establish a collaboration platform for our partners and develop an agile and flexible e-trial solution.

We will also be guided by our engagement strategy, informed by the outcomes of our partner agency satisfaction survey, to grow and strengthen our relationships with our partners and stakeholders.

Furthermore, by investing in our people and digital capability, and supporting our staff to work flexibly, we are well placed to achieve our objectives and fulfil our purpose.

I look forward to continuing to lead our transformation and working closely with staff to further enhance our prosecution service.

Sarah McNaughton SC
Commonwealth Director of
Public Prosecutions
August 2021

ABOUT US

PURPOSE

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

STRATEGIC THEMES

Our strategic themes focus and guide our efforts. The matters we prosecute are diverse and complex, reflecting the evolving and expanding criminal law enforcement and regulatory environment in Australia. Our strategic themes underpin how we set our priorities, providing a framework that enables us to achieve our purpose and deliver our outcomes.

These themes underpin how priorities are set and provide a framework enabling the CDPP to achieve its purpose.

The CDPP'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: invest in our people.



ENVIRONMENT

The CDPP was established under the *Director of Public Prosecutions Act 1983* (DPP Act) and began operations on 5 March 1984.

The DPP Act establishes the Office of the Director of Public Prosecutions and the statutory position of Director. It sets out the functions and powers of the Director including independent responsibility for conducting prosecutions for offences against the laws of the Commonwealth. The Director and staff together constitute a statutory agency and the Director is the head of that statutory agency.

The DPP Act and the Prosecution Policy are the centre of our work. All decisions made throughout the prosecution process are governed by this policy which is publicly available on the [CDPP website](#).

Attorney-General's portfolio

While the CDPP sits within the Commonwealth Attorney-General's portfolio we operate independently of the Attorney-General and the political process.

It is important to note the Attorney-General has power under s.8 of the DPP Act to issue directions or guidelines to the Director. These directions or guidelines must be in writing and tabled in Parliament, and there must be prior consultation between the Attorney-General and the Director. Only eight directions have been issued since the inception of the CDPP more than 30 years ago.

KEY ACTIVITIES

We contribute to a fair, safe, and just society by delivering an effective, independent prosecution service by **prosecuting with integrity** and **working in partnership**.

OUR AIMS

We will provide an effective and efficient independent prosecution service that contributes to a fair, safe and just Australia where Commonwealth laws are respected, offenders are brought to justice and potential offenders are deterred.

We will:

- be fair, consistent and professional in everything we do
- recognise, value and develop the knowledge, skills and expertise of our people
- work with our partner agencies to assist them in advancing their goals and priorities in accordance with the Prosecution Policy
- treat victims of crime with courtesy, dignity and respect
- provide information to the public about Commonwealth criminal law and prosecutions.

VALUES

The work of the CDPP is underpinned by our values. Our agency prides itself on its integrity. In order to prosecute fairly, we must act ethically in everything we do. Consistent with the Australian Public Service Values and Code of Conduct, the CDPP has developed a values and behaviours statement to guide the work of our staff and help further embed these values in our culture.

OPERATING CONTEXT

HOW WE OPERATE

As we have no investigative function, we can only prosecute where there has been an adequate criminal investigation. We rely on law enforcement and compliance agencies to investigate matters and refer briefs of evidence to us for our consideration. We also support the work of investigators in complex matters. We work closely with these agencies to prepare and present cases in court. We make prosecutorial decisions independently of those responsible for the investigation of federal offences.

We undertake legal work in every Australian state and territory, across every level of court (including appeals in the intermediate appellate courts and the High Court of Australia). We have a developing practice in the Federal Court of Australia and are also responsible for prosecuting offences against the laws of Australia's external territories.

WHAT DO WE PROSECUTE?

We work in an increasingly dynamic environment prosecuting a diverse range of complex crimes which are often transnational in nature and involve very large quantities of electronic evidence.

Our caseload of complex matters continues to expand and evolve. It includes online child exploitation, sophisticated revenue and benefits fraud, complex tax fraud, major commercial fraud, breaches of directors' duties, large-scale and cross-border organised criminal activity including drug offences, human trafficking, slavery and terrorism offences.

We anticipate the profile of our work will continue to evolve as highly complex emerging crime types, such as foreign interference, workplace safety, cartel conduct, foreign bribery, and cybercrime shape our prosecution workload in the future. To ensure we can meet these challenges, the CDPP must continue to invest in its people, in digital capability and in the partnerships and relationships that underpin so much of the work we do.

The Office of the Special Investigator (OSI) has been established within the Home Affairs portfolio to assess and examine the findings of the Inspector-General of the Australian Defence Force Afghanistan Inquiry. The CDPP provides specialist pre-brief legal advice and brief building services to assist partner agencies in complex investigations and expects to work closely with the OSI during the investigation of these complex matters.

National Practice Model

Under our National Practice Group model, our work is divided into national practice groups, based on the following categories of crimes:

- 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 model creates consistency, agility and flexibility. It enables us to adapt and respond to the diverse range and changing mix of referrals received from partner agencies. Given the complexity, location and diversity of cases referred for prosecution is beyond our control, it is essential that we build the capability of our people, enabling them to work consistently across a range of crime types and jurisdictions.

Matters referred are assigned to specialist staff within our practice groups, which are located in offices across Australia. In smaller offices, it is common for prosecutors to work across a range of practice groups, demonstrating the flexibility of the national model.

Each practice group is led by a practice group leader who has responsibility for:

- prosecutions conducted by the practice group across Australia
- national liaison and investigative support services in relation to the practice group
- policy and practice developments for issues that concern the practice group
- the CDPP’s contribution to law reform in relation to the crime types prosecuted by each practice group.

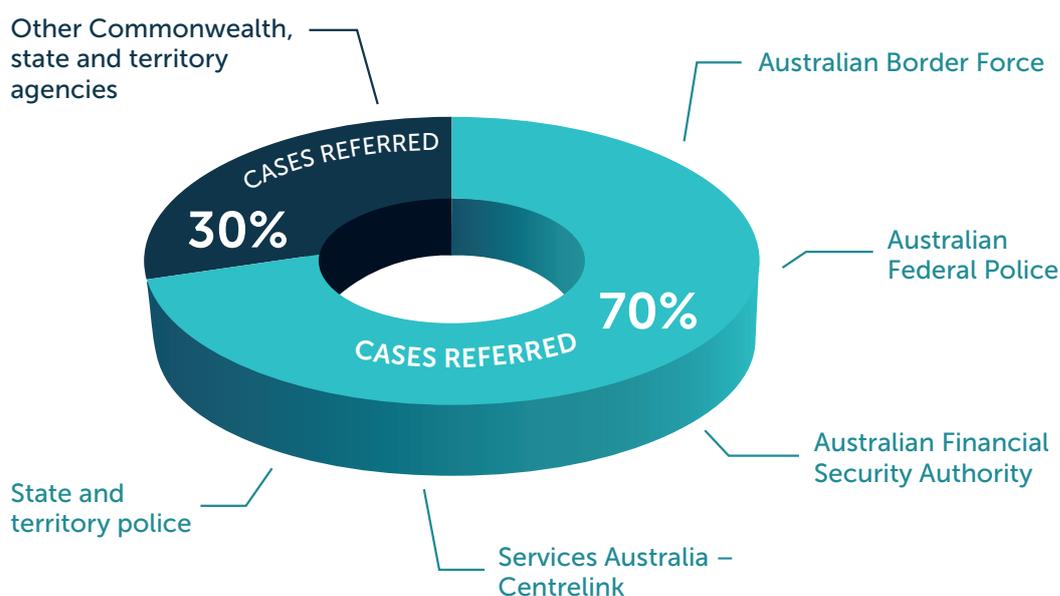
COOPERATION

The CDPP serves the public interest by maintaining effective partnerships with law enforcement and regulatory agencies. We rely upon our partner agencies to refer briefs of evidence, and we work closely together to prepare and present cases in court. Effective partnerships and well-targeted prosecutions create and maintain public confidence in the Australian justice system.

Through ongoing dialogue and liaison, the CDPP aims to support partner agencies to meet their enforcement and compliance objectives. Better collaboration with our partners enables key priority areas to be more effectively addressed through the development and refinement of enforcement strategies.

We work with 46 Commonwealth agencies and 16 state and territory agencies. The top referring agencies tend to remain consistent, with referrals from these agencies combined generally representing more than 70 per cent of all cases referred:

- Australian Border Force
- Australian Federal Police
- Australian Financial Security Authority
- Services Australia – Centrelink
- State and territory police.



Partner Agency Engagement Strategy

Our approach to partner agency engagement is set out in the Partner Agency Engagement Strategy, which aims to ensure that CDPP engagement is effective and adaptive so it meets the needs of a diverse range of investigative agencies. It emphasises the role partner agencies play in helping us deliver on our purpose and outlines the nature of the services we provide, as well as how we deliver those services. It also links to our performance measures (including partner agency satisfaction) and our biennial survey which is next due to be conducted in 2022. Understanding partner agency perceptions of the CDPP across a range of service areas provides valuable insights that help shape and improve processes, procedures and performance.

Another key resource is the national legal direction relating to timely prosecutions which was updated and republished in February 2021. Together with the CDPP's brief assessment timeliness targets, it sets out key areas of focus including active case management, triaging of brief assessments, managing requisitions to agencies, and the use of litigation plans and digital tools.

The guidelines for dealings between investigators and the CDPP were also updated and republished in early 2021 after extensive consultation with our key partner agencies. These guidelines now cover all law enforcement and compliance agencies including the Australian Federal Police and state and territory police. Since the advent of these guidelines, memoranda of understanding are being progressively phased out for most of our key referring agencies.

Effective collaboration with our partner agencies

We continue to develop and refine the suite of prosecution services we provide for our partner agencies, which includes pre brief advice, the creation of specialist resources and liaison activity. We will also continue to collaborate extensively with our partners to build and strengthen investigative capability and expertise. This collaboration ranges from tailored training and secondments to participation in joint initiatives such as government taskforces.

Currently over 90 per cent of all briefs of evidence referred by partner agencies are received electronically. In 2021–22, we will continue to enhance the digital referrals gateway to maximise the types and size of the e-briefs we can receive.

CAPABILITY

In order to achieve our purpose, we need a capable and effective workforce which is agile and resilient. We achieve this by investing in the skills and wellbeing of our people, supported by technology and good governance.

A FLEXIBLE AND RESILIENT WORKPLACE

The CDPP continues to invest in its people, ensuring we have the diversity of thought, knowledge, agility and capability to deliver the agency's strategic and operational objectives now and into the future.

Our People Strategy 2020–23 sets the strategic outlook for the CDPP's workforce objectives:

- a diverse talented workforce with highly skilled and high performing lawyers, enabling services professionals and legal support workers, who value ongoing learning
- a workforce that is agile, resilient and adaptable to the complex and changing legal environment in which we operate
- a work environment that is productive and safe, promotes opportunity and wellbeing and facilitates the achievement of individual career goals and organisational objectives.

To achieve this and continue to position the CDPP to be future ready and adaptable, our key priorities will focus on:

► Workforce planning

Against a backdrop of increasing complexity in our prosecution cases, we are adopting more sophisticated workforce planning practices. An assessment of the work being undertaken in each of the CDPP's legal classifications, and our workforce profile, will inform the development of a CDPP workforce plan and an approach to skills transfer and succession planning. This will help shape our future workforce and better position us to respond effectively to current and emerging priorities.

► Learning and development

We will continue to embed an organisational culture of continual learning and skills transfer that supports our people to successfully deliver on our strategic priorities, drives high performance, and builds capability. This will enable the CDPP to effectively respond to the challenges of the future.

We will harness data from the CDPP's learning management system to evaluate our investment in learning and development.



Continued implementation of the Learning and Development Strategy 2020–23 will focus on:

- legal technical training and continuing legal education
- leadership capability and people management skills
- digital capability
- core Australian Public Service skills and knowledge.

► Diversity and inclusion

Through the implementation of our Diversity and Inclusion Strategy 2021–23, we will continue our commitment to foster an inclusive and respectful culture which allows our people to flourish. We will promote our commitment to a harassment free work environment and support individuality, harnessing the benefits that come from a diverse workforce. We will continue to explore the creation of career pathways for diverse talent within the CDPP and be proactive and visible in demonstrating our commitment to diversity and inclusion.

► Wellbeing

We will continue to prioritise employee health and wellbeing, providing information, advice and safe and healthy work environments as Australia navigates the COVID-19 pandemic. We will also continue to provide proactive support for healthy work and lifestyle behaviours through our wellbeing program, and for those employees who may become ill or sustain an injury, through our early intervention program.

Continuing to promote and embed flexible working across the organisation is delivering benefits to both the CDPP and our workforce, including the productivity and engagement that comes with supporting employees to achieve a healthy work life balance.

TRANSFORMING YOUR CDPP

The CDPP recognises ongoing digital transformation is critical if we are to continue to deliver an efficient and effective independent prosecution service that meets the needs of the Government and community expectations.

As we move forward, the 2021–25 period will see the implementation of Transforming Your CDPP, a robust and ambitious digital transformation agenda. This agenda will deliver digital capability and will build digital skills across our workforce. It will also drive further internal efficiencies and will enable more effective engagement with our partners and stakeholders. Our priority is to take a co-design approach to the incremental delivery of our digital capability.

Having successfully obtained dedicated funding under the *Proceeds of Crime Act 2002*, the Digital Solution for Prosecution Services program was established in 2020–21 to deliver:

- an enhanced referrals gateway to maximise the number and size of e-briefs the CDPP can receive electronically from our partner agencies
- a collaboration platform to enable prosecutors to more effectively work with partner agencies and counsel in real time
- e-trial capability to more effectively facilitate the electronic presentation of evidence before juries.

Further, as part of our digital transformation agenda, we have taken steps to provide our prosecutors with access to digital litigation software, enabling them to more effectively and efficiently assess increasingly large, data-heavy briefs of evidence.



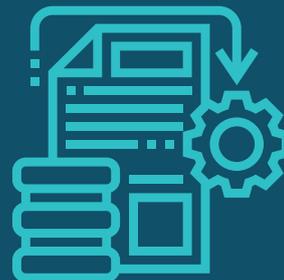
DATA AND REPORTING

The CDPP continues to enhance its reporting and data analytics capability. Core prosecution case data is sourced from available digital solutions where data governance practices ensure the information is accurate, up to date and consistent.

The CDPP recognises trusted, high-quality data can improve effective decision making. Data from finance and human resource information provides greater insight and analysis of workforce capability and expenditure. This enables the CDPP to better manage the legal practice and resourcing, while helping to more accurately predict future trends that will impact our business.

Over the next 12 months our focus will be on strategic analysis of data to provide better business insights and to identify areas for potential efficiency gains. Developing key metrics will enable the CDPP to prioritise and measure the success of initiatives to improve areas identified for potential efficiency gains.

Looking further forward, the CDPP will explore transitioning from manually defined rules-based reporting to advanced analytics-supported augmented decision making with the goal of making business processes and functions more intelligent.



RISK OVERSIGHT AND MANAGEMENT

Our measured approach to, and calculated engagement with, risk and opportunity has always been at the forefront of how we successfully operate within a highly complex, ever-evolving and challenging environment.

Although risk is inherent in our organisation's functions and activities, we consider, accept and carefully manage risks in the pursuit of our strategic objectives within the framework of robust governance. This acceptance is enshrined in our Risk Appetite Statement and the Prosecution Policy.

To support the active management of our risks so they are within acceptable levels, we are guided by our Risk Management Framework and supporting artefacts. These documents, along with our day to day approach to risk are evident through:

- **informed decision making:** All CDPP employees have responsibility for identifying, analysing, monitoring, managing and reporting on risk. Decisions about how to prioritise available resources are driven by an awareness and measurement of the risk landscape.
- **positive risk culture:** Being conscious of risk is part of our culture and we strive towards continuously uplifting our risk maturity and capability by engendering good risk behaviour and confidence in effectively engaging with risk.

- **conscious use of public monies:** We take calculated risks and leverage opportunities strictly within the guardrails of governing legislation and policy and are responsible for ensuring prudent use of public resources through efficient and effective prosecution service delivery.
- **alignment of actions to performance outcomes:** We manage and oversee risks which have the potential to impact our outcomes. We are held to account through oversight and our performance against stated objectives.

The Executive Leadership Group plays an active role in the monitoring of strategic risks, existing controls and new treatments, and these are reviewed on a regular basis. The Group also assists the Director in setting the CDPP's risk appetite and tolerances.

The CDPP Audit Committee supports good governance by providing independent advice to the Director on the appropriateness of the CDPP's system of risk oversight and management, system of internal control, and on financial and performance reporting.

The key risks potentially affecting delivery of our prosecution service are set out in the following table along with how we manage them.

| Strategic risk | How we manage this risk |
|---|--|
| <p><i>Securing the right capability mix of staff and counsel</i></p> | <p>Our people strategy and planning programs set out clear priorities for attracting, developing and retaining capable staff. We also have formal arrangements in place to engage counsel with requisite capability, to ensure appropriate expertise is accessible to CDPP.</p> <p>Guided by our Workforce Planning Committee, we closely monitor our people capability profile to ensure it supports our existing and emerging needs. Regular reviews of flexible work policies and resources under our well embedded frameworks also assist us in identifying ways to respond to workforce and agency needs.</p> <p>We also have strategies which inform our approach to organisational capability building and individual learning needs. The implementation of a new learning management system and an enhancement of the content of our existing learning and development program support efforts to uplift our individual and collective capability.</p> |
| <p><i>Safeguarding the wellbeing of our people</i></p> | <p>We are committed to the ongoing wellbeing of our staff and have a well established suite of programs and consultative forums to support staff safety and overall health in and out of the workplace.</p> <p>These wellbeing supports were supplemented, as part of our response to the COVID-19 pandemic, with dedicated and dynamic information resources for both staff and managers. Our flexible working framework, embedded principles and business practices enable staff to prioritise their health and wellbeing while continuing to deliver our prosecution service. This has remained a priority as we carefully manage safe transition back to working in the office.</p> <p>We continue to closely monitor caseloads and resources to support and proactively manage staff workloads.</p> |
| <p><i>Anticipating and responding to evolving cyber security threats</i></p> | <p>We continue to carefully monitor our ICT infrastructure, security posture and exposures on an ongoing basis given the dynamic nature of this threat. This includes regular testing for vulnerabilities, scanning for new threats, robust business continuity planning and maintaining up to date cyber security protections across the board.</p> <p>We will remain vigilant towards the ever-changing landscape of cyber security which impacts all information agencies.</p> |
| <p><i>Managing the increasing complexity and varying quality of briefs of evidence</i></p> | <p>As the nature of the offences we prosecute evolves with new crime types, information sources and formats, we periodically re-examine how we categorise the complexity of referrals received from partner agencies.</p> <p>We also work closely with our partner agencies to provide targeted early advice, case reviews, specialist training and conferences to assist in developing investigative capability.</p> <p>Our comprehensive suite of services includes national, regional and case specific liaison. We have also developed key resources such as guidelines and national offence guides specifically for investigators and made them available on a dedicated partner agency portal.</p> |
| <p><i>Achieving more balanced partner agency relationships</i></p> | <p>An overarching and enhanced Partner Agency Engagement Strategy has been established this year to further efforts to have early and meaningful dialogue with our partners about their views and expectations.</p> <p>In the spirit of continuous improvement, we regularly use the results of our biennial partner agency satisfaction survey among other feedback mechanisms to identify areas for focus and development.</p> |

PERFORMANCE

CLEAR READ PRINCIPLE

A key objective of the Commonwealth Performance Framework is to establish a strong performance reporting system to demonstrate to Parliament and the public that resources are being used efficiently and effectively by Commonwealth entities. The framework aims to improve both financial and non-financial performance information by placing obligations on officials for the quality and reliability of performance information. The benefits include achieving a clear line of sight between the information in appropriation Bills, corporate plans, portfolio budget statements (PBS) and annual reports. Entities need to define, structure and explain their purposes and achievements to create a clear read across these documents.

In December 2015 the Joint Committee of Public Accounts and Audit (JCPAA) described—in *Report 453: Development of the Commonwealth Performance Framework*—a ‘clear read’ of entities’ performance information as exhibiting the following characteristics:

- performance information is presented clearly and consistently and is reconcilable throughout an entity’s PBS, corporate plan and annual report within one reporting cycle
- performance information is presented clearly and consistently throughout an entity’s PBS, corporate plan and annual report across multiple reporting cycles
- compatibility of performance information between Commonwealth entities—in terms of comparability, consistency of reporting structure and level of information provided.

These characteristics are collectively known as ‘the clear read principle’. The CDPP’s compliance with this principle is visually represented at **Figure 1**.

Figure 1

| 2021–22 CDPP Portfolio Budget Statements | 2021–25 CDPP Corporate Plan |
|--|---|
| <p>OUTCOME STATEMENT</p> <p>Contribute to a fair, safe and just society by delivering an effective, independent prosecution service in accordance with the Prosecution Policy of the Commonwealth.</p> | <p>PURPOSE</p> <p>Contribute to a fair, safe and just society by delivering an effective, independent prosecution service in accordance with the Prosecution Policy of the Commonwealth.</p> |
| <p>PROGRAM 1.1</p> <p>An independent service to prosecute alleged offences against the criminal law of the Commonwealth.</p> | <p>KEY ACTIVITIES</p> <ul style="list-style-type: none">• Prosecute with integrity.• Work in partnership. |
| <p>DELIVERY</p> <p>The DPP delivers a national prosecution service across the following crime types:</p> <ul style="list-style-type: none">• commercial, financial and corruption• revenue and benefits fraud• international assistance and specialist agencies• organised crime and counter-terrorism• illegal imports and exports• human exploitation and border protection. | <p>PERFORMANCE MEASURES</p> <ul style="list-style-type: none">• Compliance in addressing the terms of the test for prosecution in the Prosecution Policy of the Commonwealth, namely the existence of a <i>prima facie</i> case, reasonable prospects of conviction and that prosecution is required in the public interest, when deciding to commence or continue a prosecution.• Partner agency satisfaction with CDPP service delivery.• Prosecutions resulting in a finding of guilt (total matters).• Prosecutions resulting in a finding of guilt (defended matters). |

PERFORMANCE FRAMEWORK

The CDPP's performance framework is designed to assess our ability to deliver on our purpose. This, in turn, aligns with the Commonwealth's requirements as defined under the PGPA Act. The CDPP endeavours to continually improve the way it presents performance information to the public and Parliament, ensuring information is meaningful and provides a level of public accountability.

MEASURING PERFORMANCE

The CDPP's performance is managed through careful planning, effective measurement and monitoring, which culminates in transparent reporting. At a strategic level, the CDPP measures performance across its three themes being service, partners and people. These measures of success allow the CDPP to assess how well it delivers an effective and independent prosecution service. The three measures are:

- compliance in addressing the terms of the test for prosecution in the Prosecution Policy
- partner agency satisfaction with CDPP service delivery
- prosecutions resulting in a finding of guilt, categorised into:
 - findings of guilt (total)
 - findings of guilt in defended matters.

ANAO Performance Audit

On 30 March 2020, the ANAO tabled ANAO Performance Audit No. 28 of 2019–20 – Case Management by the Office of the Commonwealth Director of Public Prosecutions in Parliament. The Auditor-General made four recommendations to the CDPP. They relate to management reporting, cost monitoring, timeliness targets, and performance reporting.

Specifically, the ANAO recommended the CDPP "...improve the reliability and completeness of performance criteria presented in its corporate plan..." by establishing a process to provide assurance that prosecutors are adhering to the Prosecution Policy, robust methodology for surveying partner agency satisfaction and the introduction of a case efficiency criterion. The CDPP accepted the recommendations.

Significant progress has been made to address the recommendations, which is detailed below.

Compliance in addressing the terms of the test for prosecution in the Prosecution Policy

The CDPP introduced an annual sampling of prosecution files from across all practice groups to enable verification that supporting documents properly evidence the application of the prosecution test consistent with existing compliance reporting via electronic Prosecution Policy Declarations (PPD).

Partner agency satisfaction with CDPP service delivery

The survey methodology has been revised to ensure there is a more diverse representative group with the proportion of randomly selected responses increased (from half to two-thirds). The methodology will be reviewed again for the next biennial survey to ensure its robustness and to meet the CDPP's requirements of effectively measuring partner satisfaction.

We are currently developing a data warehouse to report on our average cost of prosecution and a new performance and efficiency framework with a broader range of efficiency indicators. Through this work we hope to not only report more transparently on the efficiency of our prosecution service but also better represent the complexity of our work and how it is delivered.

A further update will be provided in the 2022–26 CDPP Corporate Plan.

PERFORMANCE MEASURES

KEY ACTIVITY ONE – PROSECUTE WITH INTEGRITY

Compliance in addressing the terms of the test for prosecution in the Prosecution Policy

Compliance with the Prosecution Policy is measured throughout 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 upon completion of a Prosecution Policy Declaration (PPD). PPDs are generated in the CDPP’s case management system. The PPD records information about documents on file and refers to 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 whether a prosecution would be in the public interest. The number of times a PPD will be required in any particular case depends on the nature of the case and the course it takes.

| Performance measure | Key performance indicator | Target | | | |
|--|--|---------|---------|---------|---------|
| | | 2021–22 | 2022–23 | 2023–24 | 2024–25 |
| Compliance in addressing the terms of the test for prosecution in the Prosecution Policy, namely the existence of a <i>prima facie</i> case, reasonable prospects of conviction and that prosecution is required in the public interest, when deciding to commence or continue a prosecution. | Percentage of compliance against each element of the test set out in the Prosecution Policy. | 100% | 100% | 100% | 100% |
| Methodology | | | | | |
| Assessment by a case officer or supervisor that the test for prosecution in the Prosecution Policy has been addressed. Certification occurs upon completion of a PPD, which is generated in the CDPP’s case management system. The PPD records information about documents on file and refers to 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. | | | | | |
| Description | | | | | |
| Whether the CDPP is addressing the criteria governing the decision to institute or continue a prosecution, as specified in the Prosecution Policy. | | | | | |
| Rationale | | | | | |
| Measure of how fully the CDPP is addressing the prosecution test in the Prosecution Policy. | | | | | |
| Collection and reporting | | | | | |
| Progress reports are provided quarterly to the Audit Committee and annually in the annual report. | | | | | |

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, since 2019–20 the CDPP has provided additional data relating specifically to defended cases.

The reporting will be based on the:

- findings of guilt in all matters, with a target of 90 per cent
- 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 that the vast majority of the CDPP's defended matters are complex trials in the indictable jurisdiction, involving juries and often follow arrests and charging by police.

| Performance measure | Key performance indicator | Target | | | |
|--|--|---------|---------|---------|---------|
| | | 2021–22 | 2022–23 | 2023–24 | 2024–25 |
| A. Prosecutions resulting in a finding of guilt (total matters). | Percentage of the total number of defendants found guilty. | 90% | 90% | 90% | 90% |
| B. Prosecutions resulting in a finding of guilt (defended matters). | Percentage of the total number of defendants found guilty. | 70% | 70% | 70% | 70% |

Methodology

A. 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 DPP discontinued the prosecution against them in its entirety or where a prosecution has commenced and the defendant failed to appear before the court.

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 DPP discontinued the prosecution against them in its entirety or where a prosecution has commenced and the defendant failed to appear before the court.

Description

This measure calculates the percentage of prosecutions that result in a finding of guilt during the reporting period, both for all matters and for defended matters.

Rationale

To provide a quantitative measure of CDPP's outputs that can be analysed, assessed and tracked over time to ensure the ongoing effectiveness and improvement of its prosecution service.

Collection and reporting

Progress reports are provided quarterly to the Executive Leadership Group and the Audit Committee and published annually in the annual report.

KEY ACTIVITY TWO – WORK IN PARTNERSHIP

Partner agency satisfaction with CDPP service delivery

The prosecution process is a collaboration between the CDPP and partner agencies and it is critical 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.

A biennial satisfaction survey with a partner satisfaction target of 90 per cent has been run since 2016.

In 2020, more than 600 individuals who dealt with the CDPP were selected to participate, with two thirds randomly selected from the case management system and one third nominated by CDPP staff. We received 219 responses with an 88 per cent satisfaction rate against a target of 90 per cent. The next survey will be conducted in 2022.

| Performance measure | Key performance indicator | Target | | | |
|--|---|---------|---------|---------|---------|
| | | 2021–22 | 2022–23 | 2023–24 | 2024–25 |
| Partner agency satisfaction with CDPP service delivery. | Percentage of respondents indicating satisfaction with CDPP service delivery. | 90% | N/A | 90% | N/A |

Methodology

The biennial survey has a sample size of 600 respondents from partner agencies divided into two strata. The first strata (up to 400 respondents) are randomly selected case officers drawn from matters referred to the CDPP. All agencies listed as referring matters during the relevant period will have at least one survey sent to a respondent in their agency. The total number of survey respondents per agency will be weighted by reference to the number of referrals from that agency for the relevant period. The second strata (up to 200 respondents) are selected from names provided by CDPP prosecutors on the basis of significant dealings during the relevant period.

Description

Evidence of partner agency satisfaction including timeliness, relevance to partner agency business, responsiveness and level of communication.

Rationale

Independent biennial survey of individuals from partner agencies who have dealt with the CDPP to deliver a comprehensive evidence base to inform continuous improvement.

Collection and reporting

The survey is sent out in April/May every two years and reported in the annual report.

RESOURCING

Expected total resourcing* (2021–22 Portfolio Budget Statements):

| 2021–22 | 2022–23 | 2023–24 | 2024–25 |
|-----------|-----------|----------|----------|
| \$104.82m | \$97.423m | \$86.70m | \$85.47m |

*Total of own source income and revenue from Government as shown in the budgeted financial statements, including a number of time limited budget measures and memoranda of understanding.

The CDPP uses a costing methodology to advise 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, 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 CDPP uses data from our case management system to maintain the currency of the costing model to inform future resourcing implications.

CHANGES TO THE CDPP CORPORATE PLAN SINCE LAST YEAR

We have continued to strengthen our planning and reporting to better meet the PGPA Act and the Public Governance, Performance and Accountability Rule 2014 (PGPA Rule) expectations and maintain clear connections between the CDPP Corporate Plan, PBS and performance reporting.

Updates to the 2021–25 CDPP Corporate Plan include:

- an enhanced discussion of the organisations and bodies we cooperate with who make a significant contribution to achieving our purpose
- the clear articulation of our key activities in achieving our purpose
- specified targets for the period covered by the Corporate Plan
- mapping the performance information in the Corporate Plan to the PBS, ensuring the 'clear read' principle required under the PGPA Rule.

These changes make it clearer for the reader to understand how our work achieves our purpose, reflecting a more mature state in the CDPP's implementation of the Commonwealth Performance Framework.

LIST OF REQUIREMENTS

The corporate plan has been prepared in accordance with the requirements of:

- subsection 35(1) of the *Public Governance, Performance and Accountability Act 2013*
- the Public Governance, Performance and Accountability Rule 2014.

The table details the requirements met by the Commonwealth Director of Public Prosecutions' corporate plan and the page reference(s) for each requirement.

| Requirement | Page (s) |
|---|----------|
| Introduction <ul style="list-style-type: none">• Statement of preparation• The reporting period for which the plan is prepared• The reporting periods covered by the plan | 1 |
| Purpose | 4 |
| Key activities | 5 |
| Operating context <ul style="list-style-type: none">• Environment• Capability• Risk oversight and management• Cooperation | 6 |
| Performance | 14 |



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

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