



CDPP

Australia's Federal Prosecution Service



**COMMONWEALTH DIRECTOR
OF PUBLIC PROSECUTIONS**



CORPORATE PLAN
2023–27

The Commonwealth Director of Public Prosecutions acknowledges First Nations Australians as the traditional owners and custodians of country throughout Australia and recognises their continuing connection to land, sea 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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ISSN 2653-1186 (online)

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Other uses

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Director's foreword

This corporate plan outlines the purpose and priorities of the Office of the Commonwealth Director of Public Prosecutions (CDPP) and explains how we will measure our performance over the next 4 years.

As the acting Director, I am honoured to lead an organisation of talented, energetic lawyers and support staff, committed to contributing to a fair, safe and just society by delivering an effective, efficient and independent prosecution service.

The CDPP manages some of Australia's largest and most complex criminal litigation. We work with our partner agencies in an increasingly dynamic and challenging operating environment. To meet our statutory purpose, we must continue our efforts to modernise, build capability and attract and retain talented staff.

Our immediate focus is to leverage our Employee Value Proposition and Workforce Plan to recruit, retain and develop capable staff to revitalise our organisation. Over the next 12 months, we will deliver more targeted training and will provide more professional development opportunities to our prosecutors.

We will continue to enhance our service offer to meet the evolving needs of our partners and stakeholders. We aim to expand the specialist legal advice and support services we provide to our partner agencies as they develop compliance strategies and undertake more complex criminal investigations. We will also continue to enhance the support and assistance we provide to those who are the victims of crime.

Our staff continue to embrace a digital future. We are using technology to help us identify innovative new ways to better manage large cases and optimise the value of our specialised legal skills. Our evidence management workflows aim to provide holistic, seamless support throughout the lifecycle of each of our prosecutions.

Leveraging our unique role and remit, we are focussed on making stronger links with our key stakeholders, including courts and state and territory prosecution services, to amplify the collective contribution we can make to the effectiveness of Australia's criminal justice system.

We continue to foster a diverse and supportive culture. We also continue to make an important contribution to the Australian Public Service by supporting the development of laws and policies which aim to improve criminal justice outcomes.

Modernising our business and investing in capability will help us build a new generation of federal prosecutors. I am proud to be part of a team which is so committed to our future.

As the accountable authority for the Office of the Commonwealth Director of Public Prosecutions, I present the 2023–24 CDPP Corporate Plan, which covers the periods 2023–24 to 2026–27, as required under paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013*.



Scott Bruckard PSM

Acting Commonwealth Director of Public Prosecutions

10 August 2023

★ 2023–27 Corporate Plan Overview

Our 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*.

Our key activities

Key Activity 1 - prosecute with integrity

To prosecute fairly, we must act ethically in everything we do.

Key Activity 2 - work in partnership

We support partner agencies to meet their enforcement and compliance objectives.

Our strategic 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 

Our culture and values

We:

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

Our operating context

Environment

- We prosecute a diverse range of criminal offences, in every criminal court throughout Australia.
- We work in a dynamic operating environment, with matters increasing in size and complexity.

Capabilities and enablers

- We invest in our people to ensure they have the skills and knowledge they need to develop and succeed.
- A skilled, adaptable, resilient and diverse workforce is integral to our success.

Risk

- We actively manage risks to maintain our ability to achieve our purpose, protect our information and assets, and effectively support our people.

Cooperation

- We support the work of partners as they develop compliance strategies and undertake more complex criminal investigations.
- We engage with and learn from our stakeholders to support delivery of shared priorities.

★ Our purpose and activities

Our 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*¹.

Over the period covered by the corporate plan, we will continue to modernise our legal practice to better meet partner and community expectations for a federal prosecution service which is capable of delivering outstanding services in a complex and dynamic operating environment. Three strategic themes focus and guide our efforts and underpin how we set priorities to deliver our stated objectives to achieve CDPP's purpose.



We achieve our purpose through 2 key activities which describe our functions and align with our strategic themes.



¹ This purpose mirrors the outcome statement for the CDPP set out in the 2023–24 Attorney-General's Portfolio Budget Statements.

★ Our operating context

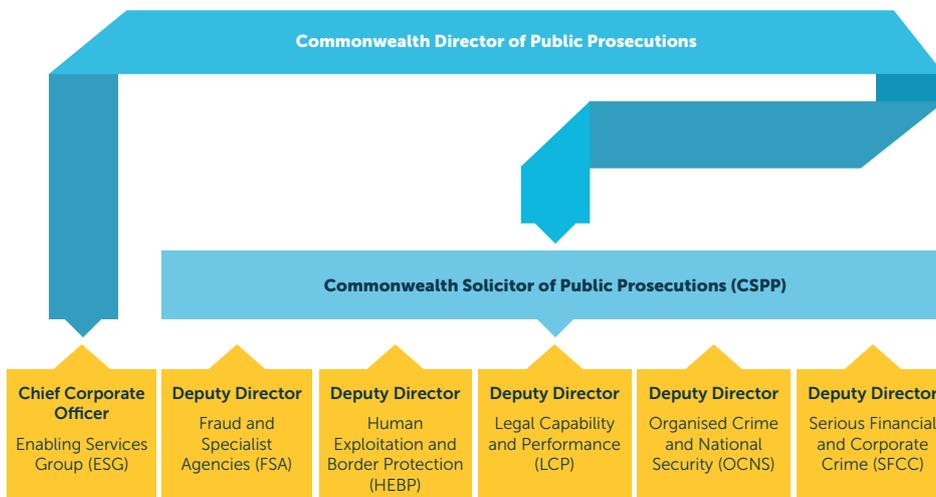
The CDPP was established under the *Director of Public Prosecutions Act 1983* (the DPP Act) and began operations on 5 March 1984. The DPP Act sets out the powers and functions of the Director, who is responsible for conducting prosecutions for offences against the laws of the Commonwealth.

The CDPP operates as an independent agency within the Attorney General's portfolio and is led by the Director, who is appointed by the Governor General for a term of up to 7 years. The Director and staff together constitute a statutory agency.

Structure

The CDPP is a legal practice through which the Commonwealth conducts prosecutions. Figure 1 shows the operational groups that carry out the work of the CDPP.

Figure 1 - CDPP organisational chart



The Director is the CDPP's accountable authority. In addition to the powers and functions set out in the DPP Act, the Director has a range of miscellaneous and administrative responsibilities, some of which are delegated to our staff.

The Commonwealth Solicitor for Public Prosecutions (CSPP) supports the Director to discharge his or her statutory obligations and functions. The Director works with our Legal Practice Groups and Enabling Services Group to ensure we have the essential systems, processes, people and culture in place to fulfil our statutory purpose and deliver our outcomes.

Our Deputy Directors (also called Practice Group Leaders) and the Chief Corporate Officer (CCO) oversee legal and corporate functions respectively. More information about the work of our Legal Practice Groups and Enabling Services Group can be found in the [CDPP's 2021–22 Annual Report](#) and on our [website](#).

Our environment

We work in a dynamic and complex operating environment in which our workload is determined by the investigative priorities and operational activities of our partner agencies. Federal prosecutors regularly work on matters which involve criminal conspiracies reaching across international borders, multiple child victims of sexual exploitation, complex financial, corporate and commercial arrangements, sensitive or security classified evidence and highly technical regulatory regimes requiring the assistance of expert witnesses.

The nature of our casework often results in trials which run for weeks or months rather than a few days. In recent years, we have seen an increase in size and complexity of the matters referred to us for prosecution. Some of this complexity arises from the increasing volume of digital evidence gathered during a modern criminal investigation of serious crime.

Capabilities and enablers

Our people

To respond to a more dynamic operating environment with new and emerging crime types and increasing complexity, our workforce must be capable, agile and resilient.

The CDPP, like many employers across the public and private sectors, is facing increased competition for talent and higher than normal attrition levels.

Our CDPP Workforce Plan 2022-26 highlights the principles that underpin our strategies and action plans, including:

- attracting and retaining talent
- building and enhancing capability
- a positive and inclusive workplace culture
- a productive, flexible, safe and healthy workforce and workplace.

Coupling the Workforce Plan with our Employee Value Proposition and modernising our approach to attracting, retaining and enhancing capability across our workforce, we aim to build an adaptable and highly skilled workforce, capable of working together to influence the way federal prosecutions will be conducted in years to come. To do this, we will revitalise our approach to recruitment, and enhance our legal induction and ongoing capability building, including through organised exposure to the work we do across a range of legal functions. We plan to build a team of modern-day prosecutors capable of working effectively on complex matters in any crime type.

Guided by our Legal Capability Strategy 2023–26 and accompanying annual action plan, there will be a significant investment in the professional development of legal staff.

We continue to foster an inclusive and respectful culture across the CDPP. Our Diversity and Inclusion Network is now led by a champion and 3 deputy champions, with a focus on Aboriginal and Torres Strait Islander peoples, our LGBTIQ+ community and people with disability.

The CDPP remains committed to supporting our staff through a sophisticated health and wellbeing program. We are acutely aware that the work we must do as prosecutors can affect our staff. We provide information, advice, support and a range of resources to prioritise a safe and healthy work environment.

In the coming months, the CDPP will develop a Mental Health Strategy and pilot an enhanced wellbeing program focused on:

- minimising the risk of vicarious trauma
- early intervention
- resilience
- support for stressful working environments
- on location psychologist services.

We will also continue to embed and promote flexible working across the organisation. Our flexible work framework seeks to deliver benefits, including through the enhanced agility, productivity and engagement that comes with supporting employees to achieve a healthy work-life balance, while meeting important operational requirements.

Technology and ICT

At the CDPP we are committed to embracing new and progressive ways of working. Our Digital Transformation Office and ICT team work closely together to support prosecution teams undertaking their work more efficiently.

Following the lifecycle of our matters from initial receipt of a referral for prosecution through to conclusion of a case, our prosecutors are supported by innovative technologies and a range of support services that includes our new Evidence Services team.

A modern ICT foundation has been established that will allow the CDPP to gain further efficiencies through the deployment of contemporary digital tools that streamline workflows and enhance the value of our specialist legal skills. All ICT initiatives are developed and delivered with a focus on functionality, scalability, resilience and cyber security. The ICT Cyber Security team actively implements strategies to secure CDPP systems and networks from cyber-attacks and maintain the security and integrity of the CDPP's information.

Governance and planning

Public sector governance seeks to guide an organisation to achieve its outcomes in a way that enhances public confidence in the organisation, its decisions and actions. Effective governance, accountability and planning supports the CDPP to achieve its objective of contributing to a fair, safe and just society.

At the CDPP, governance is about the way we do our work every day, and our governance framework applies to everyone who works in or with the CDPP. The governance framework provides mechanisms to assist the Director with the management of the CDPP, including:

- an Executive Leadership Group – consisting of the Director, the CSPP, Practice Group Leaders and the CCO – which provides advice to the Director on key strategic issues including governance, practice management, risk management, and performance
- an Audit Committee which provides independent advice on the CDPP's financial and performance reporting responsibilities, risk oversight and management, and system of internal control
- an Enterprise Board providing governance across projects designed to modernise our business
- other committees and working groups which consult and provide guidance, oversight and recommendations on matters of operational significance for the CDPP.

Together with CDPP's risk management processes, the governance framework provides a system of robust and contemporary operational controls, management oversight mechanisms and independent assurance to promote and support organisational performance while satisfying our legislative and administrative obligations.

Risk management and oversight

Risk is inherent in all prosecution and supporting activities undertaken by the CDPP. Our approach to risk management is measured and calculated, underpinning the successful delivery of our prosecution services.

Our increasingly complex operating environment, while introducing new risks, has also provided new opportunities to work with partners and stakeholders to evolve and further transform our prosecution services. Early engagement with our partners sees the CDPP better able to support the development of more effective compliance strategies and help partners undertake more complex criminal investigations.

To support the active management of our risks, we are guided by the [Commonwealth Risk Management Policy](#) and our Risk Management Framework. Our acceptance of risk is enshrined in our Risk Appetite Statement and the *Prosecution Policy of the Commonwealth*. The Executive Leadership Group actively oversees our strategic risks, assessing the effectiveness of existing controls and new treatments, considering potential emerging risks, as well as the risks we share with our partners and stakeholders.

We regularly review risks across all our business operations and we undertake a more comprehensive review of risk treatments, including their effectiveness, on an annual basis. The CDPP Audit Committee supports good governance by providing independent advice to the Director on the appropriateness of the CDPP’s risk oversight and management, system of internal controls, and financial and performance reporting.

Key strategic risks to the effective delivery of our prosecution service are set out in Table 1, along with an overview of our management approach.

Table 1 - Strategic risk management

Strategic risk	How we manage this risk
Attracting and retaining capable staff	<p>Our People Strategy and planning initiatives set out clear priorities for attracting and retaining capable staff.</p> <p>Under our Workforce Plan we are:</p> <ul style="list-style-type: none"> • developing and implementing a retention strategy to address attrition and effectively retain talent • developing a clearly defined Employee Value Proposition which will incorporate our core values, culture and benefits to promote CDPP as an employer of choice • ensuring we have an adequate pipeline of highly skilled prosecutors and leaders. • Guided by our new Legal Capability Strategy 2023–26, we are developing a professional development program to enhance existing legal capability to ensure that we can effectively respond to current and emerging priorities.
Availability of specialist counsel to appear and advise	<p>We consider our counsel engagements carefully in light of relevant expertise and experience whilst also identifying opportunities to further develop our pool of counsel, ensuring our future pipeline of counsel can capably advise and appear in all our prosecutions.</p>
Assisting investigators in relation to complex matters and ensuring the effectiveness of briefs of evidence	<p>As the nature of the crimes we prosecute and the volume and type of supporting evidence changes, we continue to enhance the services and resources available to assist and support our partner agencies. These resources are available to investigators via our dedicated partner agency portal.</p> <p>An area of future focus will be on more targeted pre-brief discussions regarding the scope of investigations in light of available evidence, and quality assurance processes for the content and format of digital e-briefs.</p>
Anticipating and responding to evolving cybersecurity threats	<p>We continue to carefully monitor our ICT infrastructure, systems and security posture on an ongoing basis given the pace and dynamic nature of cyber threats. This includes regular testing for vulnerabilities, scanning for new threats, robust business continuity planning and maintaining up to date cyber security protection across our technology landscape.</p>

Our relationships

Maintaining effective partnerships is critical to the CDPP achieving its purpose. We work closely with investigators, providing prosecution services to around 50 Commonwealth partner agencies as well as state and territory police.

Around 75 per cent of matters received by the CDPP consistently come from the Australian Federal Police, Services Australia and state and territory police.

The CDPP also values the strong engagement we have with other Commonwealth agencies with law enforcement and criminal justice responsibilities. We work particularly closely with the Attorney General's Department in relation to law reform and International Assistance processes.

We continue to pursue productive working relationships with the courts, defence counsel, witnesses and the victims of crime, to whom we have particular obligations under the *Prosecution Policy of the Commonwealth* and our Victims of Crime Policy.

The CDPP has a role to play in contributing to law reform and modernising the criminal justice system. We will continue our work to support the development of more effective criminal laws and to improve the criminal justice experience for victims and witnesses.

Investigative agencies

We are continuing to develop and refine the suite of prosecution services we provide to investigative agencies. These services include pre-brief legal advice, electronic brief (e-briefs) building support, and training and legal resources which are made available via a dedicated portal for our partner agencies.

The CDPP is further enhancing its approach to partner engagement and, over the next 12 months, will implement a new partner engagement strategy. This strategy will be informed by the nature and scope of our current engagement, as well as the new services the CDPP might be called on to provide in the future.

Going forward, we will increase the use of our collaboration platform to engage effectively with investigators and counsel. In addition, having recently enhanced our referrals gateway and made new investments in our evidence management services, over the next 12 months we will implement new e-brief referral guidelines. These initiatives aim to help our partner agencies develop streamlined, consistent briefs of evidence that can be more easily navigated by our staff and our stakeholders, including counsel, defence legal representatives and the courts. Such briefs will also be more readily ingested into our evidence management solution.

International cooperation

Part of the increasing complexity of our prosecutions arises from a growing need to obtain more evidence from overseas, often from multiple countries, and seeking the surrender of defendants located overseas who are required to face serious charges before Australian courts.

This is facilitated through extradition and mutual assistance, formal international processes that allow cooperation between governments in the investigation and prosecution of criminal matters. Australia participates in these systems through the International Crime Cooperation Central Authority, which is part of the Commonwealth Attorney-General's Department.

★ Our performance

Performance framework

The CDPP's performance framework assesses our ability to deliver on our purpose in accordance with the requirements of the *Public Governance, Performance and Accountability Act 2013*. Our performance framework seeks to present relevant performance information to the public and the Parliament in a way which is meaningful, informative and provides an appropriate level of public accountability.

Figure 2 shows how our performance framework connects the portfolio budget statements, corporate plan and annual report.

Figure 2 - CDPP's performance framework



Measuring performance

The CDPP's performance is managed through careful planning, monitoring and measurement of key performance targets. These measures provide an overall assessment of how effective the CDPP has been in achieving our goal to deliver an effective and independent prosecution service.

We assess our performance against 3 performance measures, which cover a total of 4 targets – 3 prosecution targets which are measured annually and a partner engagement target which is measured through a survey that is conducted every 2 years. These measures of success align with our key activities and allow us to assess how well we deliver an effective independent prosecution service.

Key activity 1 - prosecute with integrity

The CDPP prides itself on its integrity. To prosecute fairly, we must act ethically in everything we do.

The *Prosecution Policy of the Commonwealth* is a publicly available document which is based on principles of fairness, openness, consistency, accountability and efficiency. It outlines how the CDPP operates independently from those responsible for investigating federal offences and the political process.

The *Prosecution Policy of the Commonwealth* is applied by the CDPP in all matters referred by investigative agencies. Prosecutions conducted in accordance with the *Prosecution Policy of the Commonwealth* create and maintain public confidence in the Australian justice system.

Performance measure 1.1 – delivering an effective, independent prosecution service for the Commonwealth	Target 2023-27
Compliance in addressing the terms of the test for prosecution in the <i>Prosecution Policy of the Commonwealth</i> , 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.	100%
<p>Rationale</p> <p>The test set out in the <i>Prosecution Policy of the Commonwealth</i> is integral to all cases considered and prosecuted by the CDPP. This performance measure assesses the effectiveness of CDPP's processes in delivering an independent prosecution service for the Commonwealth.</p>	
<p>Methodology</p> <p>The <i>Prosecution Policy of the Commonwealth</i> requires that the following tests be met when deciding whether to commence or continue a prosecution:</p> <ul style="list-style-type: none"> • a <i>prima facie</i> case exists and there is a reasonable prospect of conviction • the prosecution is required in the public interest. <p>Compliance with the <i>Prosecution Policy of the Commonwealth</i> is assured at critical points in the prosecution process based on certification by the relevant CDPP officer that the test in that policy has been addressed. Certification occurs upon completion of a Prosecution Policy Declaration (PPD) which records the outcome of the decision maker's determination. Key legal decision-making tasks cannot be finalised in our casework database until a PPD is completed.</p>	
<p>Data collection and reporting</p> <p>Progress reports are provided to the Executive Leadership Group and Audit Committee each quarter. Results are published yearly in the CDPP's annual report.</p>	

Performance measure 1.2 – prosecutions resulting in a finding of guilt	Target 2023-27
1.2.1 Prosecutions resulting in a finding of guilt (total matters) – percentage of the total number of defendants found guilty.	90% or greater
1.2.2 Prosecutions resulting in a finding of guilt (defended matters) – percentage of the total number of defendants found guilty.	70% or greater
<p>Rationale</p> <p>This measure provides a quantitative measure of the CDPP’s outputs that can be analysed, assessed and tracked over time to ensure ongoing effectiveness of our prosecution service. It is interrelated with performance measure 1.1 in that a proper application of the <i>Prosecution Policy</i> test should inevitably link to prosecution outcomes. The 2 targets tell a comprehensive story of our practice, a large proportion of which is a plea practice, which is reflective of the CDPP’s effective assessment of briefs and our engagement with investigators.</p>	
<p>Methodology</p> <p>This performance measure relies on 2 targets which are weighted equally. Achievement of the performance measure is determined by reference to the number of targets achieved.</p> <ul style="list-style-type: none"> • All targets met equates to the measure being achieved. • One target met equates to the measure being partly achieved. • Neither target met equates to the measure not being achieved. <p>The finding of guilt rate is calculated as follows:</p> <ul style="list-style-type: none"> • Total matters – 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. • Defended matters – 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. <p>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>Data collection and reporting</p> <ul style="list-style-type: none"> • Prosecution outcome data is maintained in our case management database. • Progress reports are provided to the Executive Leadership Group and Audit Committee each quarter. Results are published yearly in the CDPP’s annual report. 	

Key activity 2 - work in partnership

The CDPP aims to support partner agencies to meet their enforcement and compliance objectives. Whilst decisions regarding a prosecution are ultimately a matter for an independent CDPP, effective collaboration with our partners enables key priority areas to be more effectively addressed through the development and refinement of enforcement strategies.

Understanding partner agency perceptions of the CDPP across a range of service areas provides valuable insights that help shape and improve our processes, procedures and performance.

Performance measure 2.1 – partner agency satisfaction with CPP service delivery	Targets			
	2023–24	2024–25	2025–26	2026–27
Partner agency satisfaction with CDPP service delivery.	90% or greater	N/A	90% or greater	N/A
<p>Rationale</p> <p>Engaging with law enforcement and other government agencies is essential to our role as the independent prosecution service for the Commonwealth. This performance measure assesses partners’ perceptions of our effectiveness across key service areas. The survey used to assess this measure also provides insights that help us build capability and enhance our stakeholder relationships.</p>				
<p>Methodology</p> <p>The CDPP conducts a partner agency satisfaction survey every 2 years. This performance measure has historically been calculated from responses to a single question in the survey: <i>‘thinking about your dealings with CDPP staff overall, how satisfied have you been in your dealings with them?’</i>. Respondents are asked to rate the CDPP using a score out of 10, where 10 is extremely satisfied and 0 is extremely dissatisfied. In determining the result:</p> <ul style="list-style-type: none"> • a score of 0 to 4 is considered unfavourable • a score of 5 to 6 is considered neutral • a score of 7 to 10 is considered favourable. <p>Who we survey</p> <p>Our partners are agencies and organisations that investigate and refer cases to the CDPP or that work closely with the CDPP, including in relation to law reform and international engagement. The survey is conducted by an external provider and responses are anonymous. This approach aims to ensure the survey population is representative of our partner agencies and that results are objective, independent and unbiased.</p> <p>We aim to survey 600 individuals from partner agencies on each occasion that the survey is conducted. The following process is used to develop a representative sample to receive the survey invitation and ensure a consistent and robust approach.</p>				

- The initial survey population is drawn from individuals within our partner agencies who have engaged with the CDPP during the 2 years since the last survey (the referral period), divided into 2 strata as follows:
 - First stratum – approximately two thirds of recipients are informants (case officers from referring agencies) randomly selected from cases that were active in our casework database during the referral period. The number of recipients per referring agency is weighted by the number of files that were active during the referral period.
 - Second stratum – approximately one-third of recipients are selected from a dataset provided by CDPP prosecutors comprising names of staff from partner agencies who, during the referral period, were:
 - involved in liaison, policy, law reform, training or similar activities
 - a lawyer, team leader or senior manager, or a member of an intelligence agency
 - an investigator in a case who was not the informant but who was a key member of the investigative team and had significant dealings with CDPP prosecutors.
- The CDPP does not hold a dataset on its case management system of those who make up the second stratum. The only method of accurately surveying these people is to ask CDPP staff who they have been dealing with on matters during the referral period. Including this group ensures that the survey population is representative as it includes investigators who have significant, as well as current, experience of working with the CDPP. This is particularly relevant in larger, more complex matters where teams of investigators work on cases, but where there may only be one informant listed on the CDPP's case management system.

The CDPP will review this methodology prior to the 2024 survey to identify if improvements can be made.

Data collection and reporting

- The survey population is derived from information held in the CDPP's case management database and case files, provided in accordance with the methodology above.
- Information about the conduct of the survey, including responses, is stored in the external provider's platform and is provided to the CDPP as a report.
- The survey is conducted every 2 years, usually in May/June, with results published in that year's annual report. The survey was last conducted in June 2022, with results published in the 2021–22 annual report. The next survey is scheduled to be conducted in 2024.

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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.

cdpp.gov.au

