

Commonwealth Director of Public
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Director's overview



Michael Rozenes QC,
Commonwealth Director
of Public Prosecutions.

On 5 March this year the Office of the Commonwealth DPP celebrated its tenth anniversary. Throughout its first 10 years the Office has, in my opinion, made a significant contribution to the criminal justice system and will continue to do so in the future.

The key to its success has been, and will continue to be, professionalism and integrity. I am fortunate to have a highly committed and hard-working legal and administrative staff. I thank them all for their dedicated effort. It is precisely these qualities that every prosecuting agency must have in abundance in dealing with the challenges presented by the complexities of modern litigation.

The last 12 months has seen two substantial reviews undertaken of the Commonwealth's law enforcement activities. The Law Enforcement Arrangements Review (LEAR) has resulted in significant changes to some of our principal agencies, in particular, the Australian Federal Police and the National Crime Authority. Additionally, the Government has established the Commonwealth Law Enforcement Board which will oversee the Commonwealth's law enforcement effort and ensure that the Commonwealth's resources are used to best advantage in the fight against crime.

The second review was of this Office. The DPP Review was conducted by officers of the Attorney-General's Department, the Department of Finance and the DPP. The review examined the present role and functions of the DPP as well as its operating environment and performance. The report of the review is extensive and I do not propose to detail its recommendations here, although I will outline a few of the more significant findings. Further details appear at chapter 3 and copies of the report are available on request from Head Office.

The review concluded that the role and functions of the DPP were appropriately defined subject to final decisions being made on the DPP's role in relation to incoming extradition requests, Customs prosecutions and the recommendations of LEAR with respect to relationships between the DPP and some of the smaller investigative agencies. The review also concluded that there was no basis for altering the DPP's present operating structure.

The report found that the DPP is presently complying with all available performance standards but that there was scope for further developing those standards. Accordingly it recommended that the DPP, in conjunction with the Department of Finance, review the DPP's performance indicators with a view to developing indicators which will give a better picture of the Office's practice. At the time of writing, that task is well under way. The report noted that the DPP policy is to conduct as much advocacy work in-house as is reasonably appropriate and practicable. The DPP is taking steps to further develop its in-house advocacy capacity.

I was particularly pleased that the DPP Review recommended that the *Administrative Decisions (Judicial Review) Act 1977* (ADJR Act) be amended. We have seen in recent times that the well-heeled defendant has been able to use this process of collateral review to fragment and divert the criminal justice process causing inordinate delay and bringing

the system into disrepute. The Government has indicated that it will seek to amend the ADJR Act to remove committal proceedings from its operation and will also give consideration to the feasibility of removing other decisions in the criminal process from its operation. If this were to be achieved a substantial streamlining of the criminal process will have been accomplished.

Another significant development over the last 12 months will streamline criminal trials and especially complex fraud trials. The DPP, in conjunction with the Australian Securities Commission and other Commonwealth law enforcement agencies, has developed computer technology for document imaging, document/exhibit handling and court presentation.

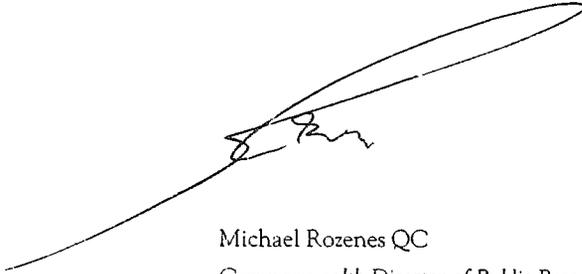
This new technology has now been used in a number of cases and has demonstrated that court time can be dramatically cut and the seemingly incomprehensible made understandable. Although still in its early developmental stages it has won the support of judges and legal practitioners in all jurisdictions and represents an exciting and important breakthrough in trial preparation and management.

Last year saw what I perceive to be the close of the final chapter in the saga of war crime trials in Australia. In 1989 the DPP undertook an examination of those cases investigated by the Special Investigations Unit which the SIU considered may result in a prosecution. Ultimately three cases, Polyukhovich, Berezovsky and Wagner were considered capable of successful prosecution. As it transpired, no convictions were obtained. Polyukhovich was acquitted by a jury, Berezovsky was discharged by the magistrate at committal proceedings and in the case of Wagner, I discontinued his further prosecution when it was established that his health was such that there was an unacceptable risk that he would die in the course of the trial process. Critics of the war crimes initiative of the Government are quick to point out that a great deal of money was expended without a conviction being obtained. The success of any law enforcement initiative is not always measured by conviction rates. I believe that the DPP conducted itself consistently with great principle in what were most difficult cases.

It is particularly pleasing to note that Mr Graham Blewitt, the Director of the SIU, and Mr Grant Niemann, the Deputy Director in charge of our Adelaide Office (who personally appeared in each of the cases), have been seconded onto the United Nations International War Crimes Tribunal in The Hague. It is a great honour for the Office that Grant's experience in this area will be put to use in prosecuting war criminals from the conflict in the states of the former Yugoslavia.

If the first 10 years are any indication, the next decade promises to be extremely busy and productive for the Office of the Commonwealth DPP. The development of appropriate performance indicators will aid the Office to better deploy its finite resources in order to meet the challenges ahead.

I take this opportunity to thank my State counterparts for their cooperation and the heads of the various investigative agencies with whom I have regular contact and who work tirelessly to promote the Commonwealth's law enforcement effort.

A handwritten signature in black ink, appearing to read 'M. Rozenes', is written over a long, thin, slightly curved horizontal line that spans across the width of the signature.

Michael Rozenes QC
Commonwealth Director of Public Prosecutions