



CDPP

Australia's Federal Prosecution Service

CORPORATE PLAN
2020–24

COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

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ABOUT US

PURPOSE

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

STRATEGIC FRAMEWORK

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: to invest in our people.

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

OUTCOME

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

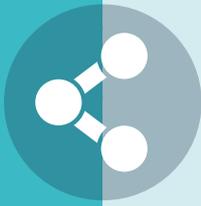
OVERVIEW

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

The CDPP's priorities for 2020-24 are:



To enhance digital capability for more effective and efficient delivery of our prosecution service.



To continue to build and maintain a highly agile and responsive workforce and invest in learning and skills development to address current and future capability requirements.



To continue to develop and strengthen our strategic relationships with our partner agencies and stakeholders.



To advance data analytic and reporting capability to better track and measure our performance.

DIRECTOR'S FOREWORD

2020 has been a year like no other in living memory as Australia responded to the COVID-19 pandemic. The CDPP, like organisations across Australia, transitioned to new ways of working and adapted business operations to meet the new environment we found ourselves in.

Our priorities and performance targets outlined in the CDPP's 2020–24 Corporate Plan remain aligned with our purpose: to be responsive to the priorities of our partners, contribute to the safety of Australians and uphold and maintain the rule of law in Australia.

The Corporate Plan informs our business planning and highlights our priorities and approach over the next year and beyond. We are navigating an increasingly complex legal environment to prosecute crimes against Commonwealth law and we will need to continue to adapt to a changed operating environment in relation to courts and partner agencies as a consequence of COVID-19. The CDPP has adopted a range of digital platforms for remote court appearances across the country, based on the differing requirements of each jurisdiction, and we envisage this digital engagement with courts will continue even after the COVID-19 pandemic passes.

Our business is continuing to transform. We are supporting our workforce to be more agile, flexible and digitally capable so we can reach our goal – to become a leader in the conduct of effective and efficient prosecutions, facilitated by appropriate technology. Our recent experience in transitioning the vast majority of our workforce to remote working in response to COVID-19, while continuing to deliver effective prosecution services, demonstrates that the business improvements we undertook in recent years were timely and necessary, and we will continue to ensure we invest in these areas.

The outcomes of this year's biennial Partner Agency Satisfaction Survey will help us to further enhance our partner agency relationships and service delivery, ensuring we are delivering an effective prosecution service for our partners and the Australian community.

The CDPP values the strong working relationships we have established with the law enforcement community. We remain committed to working closely with all our partners to ensure they have access to the information they need to provide timely and effective briefs of evidence. Strong partnerships and well-targeted prosecutions create and maintain public confidence in the Australian justice system.

Over the next 12 months we will:

- Continue to drive our digital transformation by establishing a robust ICT infrastructure that will enable improved collaboration with our partners and new and more effective ways of working with courts through the use of new and innovative technologies and solutions.
- Harness data analytics, leveraging our improved reporting capability, to more effectively measure our efficiency, with a view to continuous improvement in service delivery.
- Build on our recent experience of flexible working across the entire organisation to continue to support our employees to be agile and adaptable.
- Deliver on our training priorities identified in our overarching CDPP Learning and Development Strategy 2020-23, which incorporates the new Legal Learning and Professional Development strategy.

I look forward to working with our staff to make the most of the opportunities that arise over the next 12 months and beyond.

Sarah McNaughton SC
Commonwealth Director of
Public Prosecutions
August 2020

ACTIVITIES AND OPERATING ENVIRONMENT

Contributing to public confidence in the criminal justice system, the CDPP ensures its prosecutions are conducted fairly, consistently and efficiently in accordance with the *Prosecution Policy of the Commonwealth* (the Prosecution Policy).

The CDPP is a Commonwealth statutory agency with 428¹ staff and 31 labour hire workers,² with offices in all state and territory capital cities, Townsville and Cairns. Through this national structure, the CDPP assesses and progresses prosecution work, harnesses expertise and ensures timeliness. It provides flexibility to move staff and work between practice groups and jurisdictions in order to manage the caseload.

The CDPP deals with a diverse array of prosecutions reflecting the evolving and expanding nature of offences against Commonwealth law. Matters we prosecute include terrorism, serious drug offences, money laundering, human trafficking and slavery, people smuggling, child exploitation, cartels and foreign bribery, cybercrime, revenue and benefits fraud, corporate and commercial crime, regulatory non-compliance, public and workplace safety, environmental crimes, corruption, unlawful disclosure of information and electoral offences. Prosecutions are managed by six nationally organised and run practice groups providing an effective, efficient and nationally consistent federal prosecution service.

The practice groups are based on compatible crime types:

- 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.

Prosecuting across Australia in state and territory magistrates/local, district/county and supreme courts, the CDPP also conducts appeals in the intermediate appellate state and territory courts and the High Court of Australia. The CDPP also has a small but developing practice in

the Federal Court of Australia. As such, CDPP prosecutors are required to be experienced across a range of jurisdictions.

Through ongoing dialogue and liaison activities, the CDPP aims to support partner agencies to meet their enforcement and compliance strategy objectives. To this end, we offer a range of prosecution services for partner agencies encompassing, pre-brief advice, brief assessments, litigation services, case reviews and broader opportunities including, training and specialist conferences and events.

In 2019-20, the CDPP received briefs of evidence from 56 Commonwealth, state and territory investigative agencies. Working with partner agencies and stakeholders, the CDPP ensures the preparation of briefs of evidence and the progression of matters through court is as efficient and effective as possible.

Using key tools such as the Partner Agency Portal, e-brief referral guidelines and the Digital Referrals Gateway to support the transition to e-briefs, the CDPP continuously shapes, improves and modernises its services to ensure it meets the needs and expectations of its 56 partner agencies.

The CDPP's participation in, and contribution to, various criminal justice taskforces supports law enforcement outcomes and the investigation of large scale, complex criminal activity, which affects multiple jurisdictions and agencies.

CDPP also maintains regular liaison with the Attorney-General's Department, Department of Home Affairs, and other agencies in relation to law reform of existing and proposed legislation.

Another key aspect of the CDPP's stakeholder engagement is with external counsel. Bringing in specialist practitioners to assist in undertaking prosecutions or providing advice is vital, particularly when prosecutions relate to specialised legal fields or require other specific skills and expertise.

¹ Includes Statutory Office Holder

² As at 30 June 2020

RISK OVERSIGHT AND MANAGEMENT

The CDPP’s strategic purpose is to prosecute crimes against Commonwealth law through an independent prosecution service that is responsive to the priorities of its law enforcement and regulatory partners and that effectively contributes to the safety of the Australian community and the maintenance of the rule of law. The CDPP is conscious of risk with all business and operational decision-making and calibrates the level of risk to achieve our organisational outcomes.

Compliant with the *Public Governance, Performance and Accountability Act 2013* and the *Commonwealth Risk Management Policy*, our risk management framework describes our approach to strategic and operational risk management and the systems used to identify, analyse, monitor, manage and report on risk.

The CDPP Executive Leadership Group has articulated its appetite for risk in relation to the agency’s strategic purpose within specific categories. It has communicated this to the staff responsible for developing and actioning specific risk monitoring and management strategies. Importantly, the framework clearly articulates how we risk manage prosecutions through the application of the Prosecution Policy.

The CDPP Executive Leadership Group also takes an active role in the monitoring of risks, existing controls and new treatments and these are reviewed on a regular basis. Key areas of risk, potentially affecting delivery of our prosecution service, are outlined in the following table.

Strategic Risk	Mitigating Strategies
<p>Inability to retain capable staff (including the failure to train and build staff capability)</p>	<p>Our People Strategy 2020-23 and the People Action Plan 2020-22 set out clear priorities for retaining and developing capable staff. Guided by our Workforce Planning Committee, we closely monitor our staff profile and engage in regular and targeted recruitment. Regular reviews of flexible work policies and resources under our well embedded Flexible Work Arrangements Framework also assists to identify ways to respond and adapt to workforce and agency needs.</p> <p>The Learning and Development Strategy 2020-23 outlines the guiding principles which underpin our approach to organisational capability building and individual learning needs. This strategy will be supported through the implementation of a new learning management system and an enhancement of the content of our current Legal Learning and Development Program. The development of a knowledge management strategy in the coming year will also contribute to managing this risk.</p> <p>See also <i>A Flexible and resilient workplace</i> and <i>Learning and Professional Development</i> in the Capability section of this plan.</p>
<p>Failure to manage partner agency expectations or assist with the development of investigative capability</p>	<p>We have a comprehensive suite of services that are offered to partner agencies, which include national, regional and case specific liaison. Targeted early advice, case reviews, specialist training and conferences are all offered to assist to develop investigative capability. Key resources such as guides and manuals, developed specifically for investigators, are also available on a dedicated Partner Agency portal. Development of an overarching and enhanced partner agency engagement strategy is a priority for the year.</p> <p>Our biennial partner agency satisfaction survey helps us to identify any areas of improvement</p> <p>See also the Activities and operating environment section of this plan.</p>

Strategic Risk	Mitigating Strategies
<p>Wellbeing impacts on staff (including during COVID-19 pandemic)</p>	<p>We have a well-established program of wellbeing checks, job rotation guidelines and 24/7 access to Employee Assistance Program services. These were supplemented, as part of our response to COVID-19 pandemic, with a dedicated information resource on the intranet for staff and managers that is updated regularly with critical focus on providing guidance to support remote working, and health and wellbeing.</p> <p>Our flexible working framework, embedded principles and business practices enabled staff to prioritise their health and wellbeing while continuing to deliver our prosecution service.</p> <p>The oversight of our COVID-19 response including staff well-being initiatives is provided through regular meetings of our:</p> <ul style="list-style-type: none"> • Executive Leadership Group • Business Continuity Management Executive Team comprising SES and non-SES officers and • Entire SES cohort. <p>We also survey our staff seeking feedback on our wellbeing initiatives including information, resources and support provided to them.</p> <p>Close monitoring of caseloads and resources via dashboard reports continues to develop with our enhanced data analytics capability.</p>
<p>ICT strategy & infrastructure ineffective to support future requirements.</p>	<p>Strategic oversight from our Project Board will be enhanced through the establishment of a Project Management Office. Our ICT infrastructure is closely monitored and the migration of critical systems to a cloud environment is a priority. This will facilitate improved collaboration with partner agencies and more effective ways of conducting our prosecutions in court.</p> <p>See also <i>Digital Transformation</i> in the Capability section of this plan.</p>
<p>Ability to provide prosecution services during COVID-19 pandemic</p>	<p>Enhanced oversight from our leadership team is based on refreshed Business Continuity Plans. ICT infrastructure and support together with communication activities through a variety of channels are key internal focus areas. Targeted liaison and close monitoring of court and partner agencies responses (including in respect of technology) are the focus externally.</p>

PERFORMANCE

PERFORMANCE FRAMEWORK

The CDPP's performance framework is designed to assess our ability to deliver on our purpose. This in turn aligns to 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 that information is meaningful and improves the 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 has three performance measures to assess how well it delivers an efficient, effective and independent prosecution service. The three measures are:

- Compliance in addressing the terms of the test for prosecution in the *Prosecution Policy of the Commonwealth*.
- Partner Agency satisfaction with CDPP service delivery.
- Prosecutions resulting in a finding of guilt, categorised into:
 - Findings of guilt (total).
 - Findings of guilt in defended matters.

Measure 1 – 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). PPD's 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.

Measure 1	Compliance in addressing the terms of the test for prosecution in the Prosecution Policy of the Commonwealth, namely existence of a prima facie case, reasonable prospects of conviction and that prosecution is required in the public interest, when deciding to commence or continue a prosecution
Description	Whether the CDPP is addressing the criteria governing the decision to institute or continue a prosecution, as specified in the Prosecution Policy of the Commonwealth.
Rationale	Measure of how fully the CDPP is addressing the prosecution test in the Prosecution Policy of the Commonwealth.
Collection and reporting	Progress reports are provided twice each year to the Audit Committee and annually in the Annual Report.
Target	100%
Results	2019-20 = 100% 2018-19 = 100% 2017-18 = 100% (move from paper based to electronic) 2016-17 = 100%

Measure 2 – 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 potential participants who have 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.

Measure 2	Partner agency satisfaction with CDPP service delivery
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.
Target	90% satisfaction
Results	2019-20 = 88% 2017-18 = 87% 2015-16 = 83%

Measure 3 – Prosecutions resulting in a finding of guilt

This measure indicates the number of defendants against whom a finding of guilt is made by a court during the relevant financial year. A finding of guilt may result in a court imposing either a conviction or a non-conviction disposition. While in the past the CDPP has reported on the total number of findings of guilt across its cases, from 2019-20 the CDPP will provide additional data 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 following arrests and charging by police.

Measure 3	Prosecutions resulting in a finding of guilt
Description	<p>A. 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. The calculation does not include defendants where the CDPP discontinued the prosecution against them in its entirety or where a prosecution has commenced and the defendant failed to appear before the court.</p> <p>B. 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. It does not include defendants where the CDPP discontinued the prosecution against them in its entirety or where a prosecution has commenced and the defendant failed to appear before the court.</p>
Rationale	<p>Records stretch back more than 15 years in relation to Measure 3A, providing a useful, quantitative measure of CDPP outputs. The CDPP considers it is useful to retain this quantitative indicator in support of performance measurement into the future. Multiple statutory, prosecution, and performance statistics are collected, analysed and provided on our website for interested stakeholders.</p>
Collection and reporting	<p>Progress reports are provided monthly to the Executive Leadership Group, quarterly to the Audit Committee and published annually in the Annual Report.</p>

Target

3A = 90%
3B = 70%
(Note: 3B only measured from 2019-20)

Results

2019-20 = 98% (3A)
69% (3B)
2018-19 = 97% (3A)
2017-18 = 97% (3A)
2016-17 = 99% (3A)

CAPABILITY

A FLEXIBLE AND RESILIENT WORKPLACE

The CDPP is committed to building and maintaining an agile and responsive workforce and work environment that contributes to the successful achievement of outcomes, while supporting employees to maintain a healthy work-life balance. Regular reviews of flexible work policies and resources and drawing on analytics from internal surveys and the APS Employee Census, assists to identify ways to respond and adapt to workforce and agency needs.

The flexible working arrangements framework also supports the CDPP to align workforce needs with the work of the agency into the future. The agency explores how to build on, and further develop, capability and capacity across the office through mobility across practice groups and robust planning to recruit to current and future capability requirements. This is assisting to respond to an overall trend toward more complex investigations and prosecutions.

The CDPP's Flexible Work Arrangements Framework and embedded principles and business practices ensured the agency was able to respond to the COVID-19 pandemic in an agile and responsive manner with little impact on its business. Employees were supported by ICT capability and workforce policies to adopt arrangements allowing them to effectively adapt to repeatedly changing circumstances.

From March 2020, the vast majority of CDPP employees moved to remote working arrangements while those employees who were unable to work remotely due to the nature of their roles, used other flexible working arrangements to prioritise their health and wellbeing, while continuing to deliver quality services during this time.

The experiences gained, and challenges overcome during this period, will act as a foundation for further integrating flexible work practices into the CDPP's workplace culture over the next 12 months and into the future.

LEARNING AND PROFESSIONAL DEVELOPMENT

How the CDPP conducts its business and perform its roles, working with partner agencies and servicing the Australian community, is driven by the evolving nature of the law enforcement environment.

To ensure its employees are equipped with the necessary skills and knowledge to navigate and adapt to these impacts and changes, the CDPP is committed to investing in learning to address present capability requirements and those required into the future.

The *Learning and Development Strategy 2020–23* forms the foundation of learning and development objectives for the CDPP's workforce. The overarching strategy incorporates the *Legal Learning and Professional Development Strategy 2020–23* and outlines the guiding principles which underpin the CDPP's approach to organisational capability building and individual learning needs.

The strategy focuses on three key areas of capability building:

- Legal technical training and Continuing Legal Education.
- Leadership capability and people management skills.
- Digital capability including training in the use of digital litigation tools.

Implementing action plans for each priority area will be a key focus for the CDPP over the next 12 months. To support evaluation of the strategy, including participation and investment in learning and development activity, the CDPP will implement a learning management system in July 2020.

Implementing a more targeted strategic approach to learning and development will ensure all facets of employee capability development are identified and managed, continuing to position the CDPP to be future-ready, flexible and adaptable.

DIGITAL TRANSFORMATION

In May 2020, the CDPP reached a significant milestone with all active prosecution cases from its legacy case management system being migrated to caseHQ, the new case management system. Following this milestone, in 2020-21 the CDPP will continue to enhance caseHQ and include non-prosecution legal files, such as freedom of information requests, law reform, policy, projects, liaison training and witness assistance files.

This is a significant step in capturing these important components of the CDPP's work into a single case management system. With the addition of these new file types into caseHQ, the CDPP will have a richer source of data for reporting and analysis. Productivity will increase as workflows and processes are incorporated within caseHQ with greater managerial oversight.

The CDPP remains committed to providing stakeholders with online access to key reference and resource materials that directly assist them to prepare a brief of evidence through the CDPP's Partner Agency Portal. This includes national offence guides, warrant manuals and the CDPP's e-Brief Referral Guidelines, which detail the minimum standards and format for electronic briefs referred to the CDPP.

Significant digital transformation priorities for the next 12 months include enhancing the Digital Referral Gateway and developing an agile and flexible e-trial solution. Both of these capabilities will use the CDPP's newly deployed Office 365 cloud solution as the core platform and deliver significant progress along the agency's digital transformation pathway.

The enhancement of the Digital Referrals Gateway will ensure it remains accessible and easy to navigate for our partner agencies, as well as increasing the capacity of the Gateway to accept much larger digital briefs. Enhancing the Gateway will also enable automation of file opening processes in caseHQ, giving prosecutors instant access to the materials they need in order to assess the brief to determine whether it is ready to proceed to court. This is a significant efficiency gain, decreasing manual processing times when opening and allocating new referrals received by partner agencies.

The development of an agile and flexible e-trial solution will allow the CDPP to streamline court proceedings and decrease reliance on paper when conducting a trial. This will reduce the time involved in preparing court materials and enable greater focus on core legal issues. It will also aim to reduce the court time required for trials and provide significant public benefit to the Australian community.

More efficient internal and external collaboration will be another key area of development to increase productivity. Enabling online secure environments accessible to CDPP staff, partner agencies and external counsel will facilitate collaborative work with key stakeholders to achieve common outcomes. Interactive communication to develop key materials will reduce document review times and allow common shared understanding, ultimately resulting in more efficient prosecutions.

The CDPP will continue to focus on the implementation of new tools and technologies to support the legal practice to more effectively manage and analyse complex briefs of evidence and the documents associated with them. These new and enhanced capabilities are designed to improve case assessment effectiveness with the digital capability team supporting prosecutors and ensuring they are aware of the various tools and technologies available to them. By investing in our people and empowering technically competent prosecutors, the CDPP can leverage digital tools and technologies to drive delivery of a more efficient and effective prosecution service.

DATA AND REPORTING:

The CDPP continues to enhance its reporting and data analytics capability. Core prosecution case data is sourced from a data cube where data governance practices ensure the information is accurate, up-to-date and consistent. The CDPP recognises that trusted, high quality data can assist in effective decision making. Finance and human resource information will be added to the data cube allowing for greater insight and analysis of workforce capability and expenditure. This will enable the CDPP to better manage the legal practice and resourcing, while helping to more accurately predict future trends that will impact on the business.

Over the next 12 months, the 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 investigate capability to move from manually defined rules based reporting to advanced analytics supporting augmented decision making with the goal of making business processes and functions more intelligent.

RESOURCING

Expected total resourcing (2019-20 Portfolio Budget Statements):

2020–21	2021–22	2022–23	2023–24
\$103.07m	\$101.34m	\$93.56m	\$83.021m*

* available resources based on the current knowledge of forward estimates including declining and ceasing measures.

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, or when partner agencies receive additional funds to step-up investigations into emerging crime types, or as a result of new legislation passing through Parliament.

The CDPP uses data from caseHQ to maintain the currency of the costing model to inform future resourcing implications.



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

www.cdpp.gov.au