

Office of the Director of Public Prosecutions (Cth)



We acknowledge First Nations Australians as the traditional owners and custodians of country throughout Australia and recognises their continuing connection to the land, sea and community. We pay our respects to the people, cultures and Elders, past and present.

Safe and Just Society element by Yirra Miya ©



Director of Public Prosecutions (Cth) Corporate Plan

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CDPP Corporate Plan 2024–28 III ★





Statement of preparation

As the Accountable Authority for the Office of the Director of Public Prosecutions (Cth), I present the 2024–25 CDPP Corporate Plan, which covers the financial years 2024–25 to 2027–28, as required under paragraph 35(1)(b) of the Public Governance, Performance and Accountability (PGPA) Act 2013.

Raelene Sharp KC

Director of Public Prosecutions (Cth)

22 August 2024

Director's foreword

The Office of the Director of Public Prosecutions (Cth) (CDPP) is the peak agency in the Commonwealth criminal justice system.

We rely on our staff, our most valuable resource, to deliver effective and independent prosecution services to the Australian community and I am proud to lead the capable, dedicated and highly skilled people who together comprise the CDPP.

The vital role our people play in the delivery of quality prosecution services was recognised in the 2024-25 Federal Budget where an additional \$35 million was allocated to the CDPP over the next two financial years, including \$16.8 million to fund a prosecutor allowance, improving our ability to attract and retain experienced staff.

While the core principles and values that underpin the role of a prosecutor do not change: we are and will remain Ministers of Justice. The world continues to change around us. We prosecute a significant number of crime types in every Australian jurisdiction. We respond to the evolving priorities and needs of our law enforcement and regulatory partners and other stakeholders, including the courts and defence practitioners.

We will strengthen our ability to deliver fair and independent prosecution services into the future, by guiding the investments we need to make to build and enhance the capability and resilience of our prosecutors. Further investments will be informed by reviewing the Office's legal practice, its processes and support structures to identify ways to enhance the legal services we deliver. I plan to finalise those reviews before the end of this financial year.

Complex and unique features of our prosecution work demand specialist skills and high levels of commitment and dedication. A key priority for me is to develop, expand and promote our specialist criminal litigation and advisory practice through a comprehensive professional development program.

We do not operate alone. We deliver high quality prosecution services to the Australian community with the assistance and cooperation of our partner agencies. We are implementing our *Partner Agency Engagement Strategy 2024-26*, which has been finalised with the valuable input from our partners. The strategy will drive the collective benefits of early engagement and reciprocal upskilling.

As the Accountable Authority for the Office of the Director of Public Prosecutions, I am pleased to present the 2024–28 CDPP Corporate Plan, as required by paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013.*

Raelene Sharp KC

Director of Public Prosecutions (Cth)

22 August 2024



2024–28 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 strategic themes

Staff retention

Recruit, develop and retain capable and skilled staff.



Legal capability

- Fast track legal capability uplift through a comprehensive professional development program.
- Develop, expand and promote our specialist criminal litigation and advisory practice.

Our key activities

Key Activity 1 - prosecute with integrity

As officers of the court we act ethically in everything we do. As Ministers of Justice we prepare and prosecute our cases firmly and fairly, in accordance with the Prosecution Policy of the Commonwealth.

Key Activity 2 - work in partnership

We support our partner agencies to meet their investigative, enforcement and compliance objectives, which in turn supports our capacity to deliver high quality prosecution services.



Cooperation with partner agencies

Implement a partner agency engagement strategy to drive the collective benefits of early engagement and reciprocal upskilling.



Future focused

Ensure we are always modernising the way we operate to effectively understand and meet future challenges.

Our culture and values

We:

- are fair, consistent and professional in everything
- 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 and
- 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 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 undertake more complex criminal investigations and develop compliance strategies.



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 life of this plan, we will focus on using the law to address criminality and build a culture that reflects our reputation as a high quality, specialist criminal litigation and advisory practice.

As an employer of choice, we will attract, retain and build the capability and resilience of our prosecutors to deliver on our purpose.

We will also continue to strengthen cooperation with our partner agencies and focus on achieving our purpose in light of the evolving requirements of our dynamic operating environment.

We achieve our purpose through two key activities.

Key Activity 1 - prosecute with integrity

As officers of the court we act ethically in everything we do. As Ministers of Justice we prepare and prosecute our cases firmly and fairly, in accordance with the *Prosecution Policy of the Commonwealth*.

Key Activity 2 - work in partnership

We support our partner agencies to meet their investigative, enforcement and compliance objectives, which in turn supports our capacity to deliver high quality prosecution services.

¹ This purpose mirrors the outcome statement for the CDPP set out in the 2024–25 Attorney-General's Portfolio Budget Statements.



Our operating context

The CDPP is the peak agency in the Commonwealth criminal justice system. It is established under the Director of Public Prosecutions Act 1983 (the DPP Act).

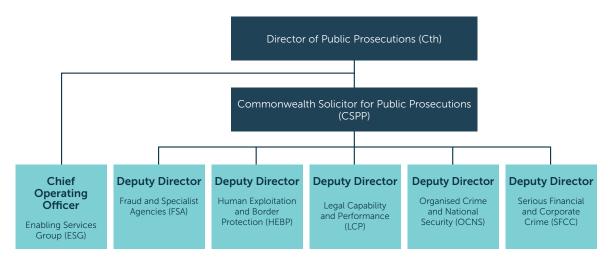
The CDPP is an independent agency within the Attorney General's portfolio and is led by the Director, who is appointed by the Governor General for a specified term. The Director and staff together constitute an Office to be known as the Office of the Director of Public Prosecutions.

The DPP Act sets out the powers and functions of the Director, which are exercised independently from Government.

Structure

The CDPP is a legal practice which conducts prosecutions of all Commonwealth indictable and most summary Commonwealth offences. Figure 1 shows the operational groups that currently 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 financial and administrative responsibilities, some of which are delegated to our staff.

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

Our Practice Group Leaders and the Chief Operating Officer (COO) oversee the legal and corporate functions respectively. More information about the Office can be found at www.cdpp.gov.au.

Our environment

We work in a dynamic and complex operating environment in which our workload is driven by the operational activities of our partner agencies. We prosecute matters that cover a wide range of criminal conduct, including offending that involves sexual exploitation, complex financial, corporate and commercial arrangements, matters affecting national security. The offending often occurs across state and international borders.

The nature of our casework can involve trials which run for weeks or months rather than days. The complexity of those trials is also impacted by the increasing volume of digital evidence gathered during modern criminal investigations. The complex nature of the offending, which is both facilitated and complicated by modern technology, also has an impact.



Capabilities and enablers

Our people

In keeping with our strategic themes of staff retention and legal capability, we will continue to focus on our people throughout the life of this corporate plan.

To respond to our dynamic operating environment, which includes new and emerging crime types, technology which facilitates significant offending and confronting material, our workforce must be capable and resilient.

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

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

Our focus remains on attracting and retaining staff, while enhancing capability as we build an adaptable and highly skilled workforce.

We strive to establish the CDPP as an employer of choice by embedding our Employee Value Proposition and implementing a robust talent management and succession plan to ensure strong capability in our staff. Much of the work our prosecutors do has inherent occupational risks. We therefore keep the safety of our people at the centre of everything we do: we have programs to support them, and we also support our leaders and managers to care for and protect our people.

Our Legal Professional Development Program aims to uplift legal capability across our practice. It articulates the core capabilities of all CDPP legal staff and maps out a multi-stream approach to developing and strengthening these capabilities. The program also outlines the roles and responsibilities of key stakeholders and establishes parameters for evaluating outcomes and performance.

The CDPP is committed to the Strategic Commissioning Framework and supports the use of APS expertise and APS employment to reduce reliance on outsourcing core work.

Technology and ICT

As part of our strategic theme of focusing on our future operating environment, our Digital Transformation Office and ICT team will continue to work to implement the Transforming your CDPP Agenda to support prosecution teams, streamline our systems and business processes and enhance the efficiency and value of our legal practice's specialist skills.

The transformation agenda guides this work, and follows the lifecycle of prosecutions, from early pre-brief engagement with investigative agencies and the electronic receipt of referrals for prosecution through to the conclusion of a case. This agenda includes implementing the Evidence Management Solution and promoting the use of the e-trials solution, which will streamline trials, improve juror experience and significantly reduce the environmental impact of preparing multiple copies of materials in hard copy.

All initiatives are focused on functionality and resilience, with a specific focus on cyber security, securing CDPP systems and networks and maintaining the security and integrity of the CDPP's data, information and infrastructure to ensure the Office delivers an effective, independent prosecution service.

Governance and risk management

Our governance structure includes mechanisms to assist the Director to manage the legal practice, and promote and support organisational performance, while satisfying legislative and administrative obligations.

Together with the 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.

The key governance mechanisms include:

- The **Executive Leadership Group (ELG)** made up of the Director, the CSPP, the Practice Group Leaders and the COO. The ELG provides advice to the Director on key strategic issues including governance, practice management, risk management, and performance.
- The independent **Audit Committee**, which provides independent advice to the Director on the appropriateness of CDPP's financial and performance reporting, risk oversight and management, and systems of internal control.
- An **Enterprise Board** providing focused oversight of the feasibility and achievement of agreed outcomes for major projects across the CDPP.
- A Workforce Planning Committee managing and forecasting CDPP's human resourcing needs.
- A **National Health and Safety Representative Committee**, which is the consultative mechanism between management, staff and any other workers on work health and safety matters.
- The **National Consultative Committee** which facilitates communication and consultation on CDPP employment and workplace relation matters.

The 2024 reviews being undertaken into our practicing model will ensure our legal practice has support structures that best meet our current and future needs and may require changes to these key governance mechanisms. Any changes will be reflected in future plans.

The CDPP is committed to fit-for-purpose integrated risk management arrangements which are embedded into our decision-making processes.

To support the active management of our risks, we are guided by the Commonwealth Risk Management Policy and our Risk Management Framework. The practice of risk management is informed by our Risk Appetite Statement and demonstrated through the application of the Prosecution Policy of the Commonwealth. The ELG actively oversees our strategic risks. We also monitor emerging risks, engage with our partners and stakeholders to identify and respond to shared risks and have embarked on a program to refresh our risk management framework.

We systematically review risks across all business operations and have undertaken a comprehensive assessment of risk controls and treatments, including their maturity and effectiveness, by using internal audit processes. We are advancing our risk culture by refreshing our appetite statement and reinforcing its value as a tool in decision making processes as a means of maximising opportunities while managing uncertainty.

Key strategic risks to the effective delivery of our prosecution service are set out in Table 1, along with an overview of our key mitigations and responses.

Table 1 - Strategic Risk Management

Strategic risk	How we manage this risk
Attracting and retaining capable staff	 Workforce Plan including: Employee Value Proposition National Recruitment Strategy and activities and Retention Strategy and activities. New prosecutor allowance budget measure.
Developing and maintaining our capability	 Legal Capability Strategy including: core capability matrix targeted training and learning activities and rotation, secondment, succession and mentoring programs. New Centralised Counsel Coordination Unit.
Managing the impacts of our work environment	 Workplace programs including wellbeing and specialist advice and support services. Controls on the handling of sensitive information. Targeted training and resources on managing psychosocial hazards and cultivating resilience.
Managing partner agency relationships	 Partner Agency Strategy including: early engagement and advice reciprocal upskilling through enhanced training and development and online resources and digital strategies to modernise referral and support workflows. Relationship management, engagement and feedback mechanisms.
The evolving environment threatens the security, resilience and integrity of our data, information and infrastructure	 Risk-based security program addressing cyber, personnel and information security exposures. Business continuity management program and cross-agency cyber incident response arrangements. Regular information sharing with partner agencies and law enforcement.

Our relationships

Partners

Strong and effective partnerships are critical to the CDPP prosecuting a significant number of crime types, in every Australian jurisdiction. We work with our partner agencies, but also other participants and stakeholders in the criminal justice system. Around 75% of the matters referred to us come from the Australian Federal Police, Australian Border Force, Services Australia (Centrelink) and state and territory police. The remaining matters are referred by more than 50 Commonwealth agencies.

Our *Partner Agency Engagement Strategy 2024-26* establishes a framework to focus and guide our partner agency engagement. It is a high-level statement of what we want to achieve through our engagement and the actions we will take to achieve those objectives.

The strategy's four focus areas are:

- early and ongoing engagement to focus investigative and prosecution resources
- reciprocal upskilling of investigators and prosecutors
- · timely and effective communication and
- fit-for-purpose criminal legislation and policy.

The strategy is underpinned by a strong monitoring and evaluation framework, developed as part of an implementation plan. It will be important to track progress and make any adjustments at the end of the strategy's two year term.

Stakeholders

Our support for victims and witnesses is an important part of our work. We aim to ensure victims have a genuine opportunity for their views to be heard while providing them with appropriate information and support throughout the prosecution process. We seek to improve the criminal justice experience of victims and witnesses.

The CDPP values the strong engagement we have with Commonwealth and state policy agencies with law enforcement and criminal justice responsibilities. We work particularly closely with the Commonwealth Attorney General's Department (AGD) to contribute to law reform and efforts to modernise the criminal justice system.

We work extensively with the International Crime Cooperation Central Authority, within AGD, to progress extradition and mutual assistance requests. We provide guidance on local evidentiary requirements for the offences we prosecute. These formal international processes, which can be lengthy, nuanced and varied, allow cooperation between governments in the investigation and prosecution of criminal matters.

We continue to pursue productive working relationships with the courts, defence practitioners, national legal aid agencies and state and territory prosecution agencies.

Our performance

Performance framework

The CDPP's performance framework assesses our ability to deliver on our purpose in accordance with the requirements of the PGPA Act. 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 (below) 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 performance targets. These measures provide an overall assessment of how effective we have been in achieving our goal to deliver an effective prosecution service.

We assess our performance against three performance measures, which cover four targets - three prosecution targets which are measured annually and a partner engagement target which is measured through a survey that is conducted every two years. Those measures align with our key activities and allow us to assess how well we deliver an effective prosecution service.

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Key activity 1 - Prosecute with integrity

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 and supports it acting 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 whether referred for prosecution or for advice 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 2024-28
Compliance in addressing the terms of the test for prosecution in the <i>Prosecution Policy of the Commonwealth</i> , namely the 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.	100%

Rationale

The test set out in the *Prosecution Policy of the Commonwealth* is integral to all cases considered and prosecuted by the CDPP. This performance measure assesses the effectiveness of our processes in delivering an independent prosecution service for the Commonwealth.

Methodology

The *Prosecution Policy of the Commonwealth* requires that the following tests be met when deciding whether to commence or continue a prosecution:

- A prima facie case exists and there is a reasonable prospect of conviction.
- The prosecution is required in the *public interest*.

Compliance with the *Prosecution Policy of the Commonwealth* is assured at critical points in the prosecution process based on certification by the relevant CDPP officer that the tests have 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.

Data collection and reporting

Progress reports are provided to the Executive Leadership Group and Audit Committee each quarter. Results are published yearly in the CDPP's annual report.

Performance measure 1.2 – Prosecutions resulting in a finding of guilt	Target 2024-28
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

Rationale

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 Prosecution Policy test should inevitably link to prosecution outcomes. The two 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.

Methodology

This performance measure relies on two targets which are weighted equally. Achievement of the performance measure is determined by reference to the number of targets achieved.

- "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.

The finding of guilt rate is calculated as follows.

- **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.

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.

Data collection and reporting

- 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

We support our partners to meet their enforcement and compliance objectives. While decisions regarding a prosecution are ultimately a matter for the CDPP, working with our partners is critical to ensuring the criminal justice system delivers justice to all.

We seek our partners' views of our performance to inform and guide our partner agency strategy. Those views provide valuable insights that help shape and improve our processes, procedures and performance.

Performance measure 2.1 – Partner agency satisfaction with CPP service delivery	Targets			
	2024–25	2025–26	2026–27	2027–28
Partner agency satisfaction with CDPP service delivery.	N/A	90% or greater	N/A	90% or greater

Rationale

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 to help us build capability and enhance our stakeholder relationships.

Methodology

The CDPP conducts a partner agency satisfaction survey every two years. This performance measure has historically been calculated from responses to a single question in the survey: 'thinking about your dealings with CDPP staff overall, how satisfied have you been in your dealings with them?'. Respondents were 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:

- 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.

A significant review and update to the CDPP partner survey was undertaken prior to the 2024 survey. This review resulted in substantial changes to the survey content (while retaining the previously used question), and a fundamental change to the structure and definition of respondents.

Survey content

The new survey content seeks to provide more detailed and nuanced feedback on a wider range of aspects of CDPP's performance, and the experiences partner agencies and their staff have working with CDPP. The revised survey content was guided by several objectives and strategic questions CDPP Executive identified as relevant now and into the future, as well as from the new *Partner Agency Engagement Strategy 2024-26*. Most survey items relate to major themes, and a combination of individual results are used to calculate several index scores, covering engagement, understanding, values and attributes, capability and knowledge, and outcomes.

Who we survey

The major change to the 2024 survey has been to define and separate key audiences, and ensure sampling and reporting is appropriate and optimised for each. Four cohorts have been identified:

- 1. <u>Case management informants</u>: These are the defined primary contact for eligible cases. All informants in at least one matter on hand during the past 12 months were invited to participate in the survey.
- 2. <u>Case management participants</u>: These are people other than the defined primary contact who were directly or indirectly involved in operational cases on hand during the past 12 months. As this population cannot be definitively known, a three-step process is used. A subset of eligible cases from cohort one was selected from the case management system where entities were recorded. If required to increase the sample size for this cohort, a portion of randomly selected cases will be extracted from the case management system. CDPP staff from those cases were then asked to identify all known additional agency contacts for these cases. These known contacts were invited to the survey, and also asked to pass a survey link to any other staff in their agency with knowledge of the case.
- 3. <u>Knowledgeable observers</u>: These are individuals who have direct interactions with CDPP or CDPP staff as part of their work but interactions not related to operational cases. This cohort was limited to contacts from strategic stakeholder organisations (see cohort 4). Relevant CDPP staff were asked to identify all staff from those organisations who they had had contact with during the past 12 months. Invited stakeholders were also asked to pass the survey link to other relevant contacts in their organisation.

4. <u>Strategic stakeholder organisations</u>: Key government partner agencies and organisations that refer cases to or work closely with the CDPP, or who may be expected to have an opinion on the role that CDPP performs. The list of relevant agencies was developed by CDPP executive, and a key organisational contact point identified to be invited to the survey. The survey platform allowed multiple individuals to contribute to a single organisational response, if desired.

Data collection and reporting

- The survey population is derived from information held in the CDPP's case management system and case files, 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 reporting of the 2024 survey purposefully separates out each of the four cohorts to ensure appropriate representation and interpretation of the results. Cohorts 1 and 4 are attempted censuses of fully defined populations and are used for the formal KPI reporting and for representative statistical reporting of other data. Results from cohorts 2 and 3 are used for indicative reporting and organisational learning, but due to the undefined nature of these cohorts and the available sample, these are not combined with the data from cohorts 1 and 4.
- The survey is conducted every two years, usually in June, with results published in that year's annual report. The survey was last conducted in 2024, with results to be published in the 2023–24 annual report. The next survey is scheduled to be conducted in 2026.



List of requirements

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² In accordance with section 16E of the Public Governance, Performance and Accountability Rule 2013 (Cth).