



**Government
of South Australia**

Director of Public
Prosecutions

**DIRECTOR
OF
PUBLIC PROSECUTIONS**

Annual Report

2008-09

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DIRECTOR'S OVERVIEW

Director's Overview

The last twelve months have been quite a turbulent time in the criminal law. Community debate has raged over questions of parole, sentencing, an ICAC, the use of guns in our community and the complex issues raised in the *Serious and Organised Crime (Control) Act 2008*, with individual and community rights being held in sharp relief.

The national move against organised crime, welcome as it is, is still yet in its early stages. A concentrated effort must be made to continue and indeed to build on the momentum against those who taint our communities with their violence, their greed, their corruption and their cruelty.

The scourge of guns is still with us and the shameful nationwide timidity to tackle this problem with vigour will continue to haunt us until we find the courage to face the problem and deal with it.

Strategies which have been adopted in other jurisdictions and which are now finding their way into the armouries of our law enforcers, aim their attack at the ill-gotten gains of organised crime. Legislation such as that which targets the unexplained wealth of suspects is a most powerful weapon if used robustly and appropriately.

An anti-corruption authority with full law enforcement powers over both the public and the private sector is the best tool yet devised to educate the community on issues relating to corruption, to effectively minimise the incidence of corruption by taking proactive, preventive measures and to prosecute through a prosecuting office like the ODPP, those who engage in corrupt practices. It is slow in coming to this State, but it will come.

In times of economic decline and privation the additional resources delivered to my Office were welcome indeed. It was gratifying to see those who hold the purse strings beginning to understand the realities of a prosecution office struggling with the relentless workloads and pressures of a criminal justice system that is proving to be increasingly difficult to regulate let alone control.

Many of these pressures are largely beyond our control as we find that the trend to increased penalties across the board elevates cases out of the summary jurisdiction where we have little involvement, into the District and Supreme Courts where we do the great majority of our trial work. While impressions are difficult to quantify, this "legislative creep" appears to be a significant contributor to work pressures in our Office.

We find too that the practice of listing many more cases for trial than there are courts or judges to hear them or indeed sufficient prosecutors to prosecute them, is unsustainable. The principal legacies of this practice are to so markedly and unnecessarily increase our workload and to so raise the level of community expectation when their cases are listed, only to dash them again when they are not reached, that it is patent that such a system cannot continue and must be changed. The notion that the agency responsible for the preparation of all indictable criminal trials in this State and which is fixed with the knowledge of when witnesses are available and when cases are ready for trial, should have virtually no influence over when cases are listed, is archaic and must be discarded.

The move to appoint more judges and open new courtrooms is to be commended as it is part of the answer to the malaise in the system. But we are a long way from having too many or even sufficient judges. The assessment of the need to inject resources into the criminal justice system must be continuous. While greater competing priorities for resources may sometimes be an answer, the contention that the criminal justice system is sufficiently resourced, can never be.

So too with the ODPP. Our business will never shrink in size and experience has shown us that it is destined to perpetually increase. This is a fact of life and a fact of history that sensible people will recognise as a paradigm that must be accepted when the resourcing of the Office is being debated.

Yet while the debate continues, the State's prosecutors and our administrative officers will continue to do what they have been doing so professionally on a daily basis - in a manner largely unsung - delivering to the South Australian community a prosecution service which is effective, fair and independent. My sincere thanks and respect go to them for the outstanding service they render to our community as too to my incomparable Executive Assistant Ms Dianne Flynn, who will one day write very interesting memoirs.

Stephen Pallas QC
Director of Public Prosecutions

MANAGEMENT AND ORGANISATION

Mission

To provide the people of South Australia with an independent and effective criminal prosecution service which is timely, efficient and just.

Vision

The Director and staff are committed to providing a criminal prosecution service which:

- applies the highest ethical and professional standards instituting, and where necessary terminating proceedings, without fear or favour in order to provide public confidence in the administration of justice within South Australia;
- is recognised for its independence, professionalism and standards of excellence;
- endeavours to deal with victims of crime with sensitivity and respects their special needs; and
- strives for excellence, efficiency and effective communication in its work with police, the courts and other entities within the criminal justice system.

Corporate Values

The values which provide a framework for the functions within the Office are:

- the highest standard of ethical and professional conduct, objectivity, honesty and sensitivity;
- full public accountability for the quality of service provided by the Office and for the administration of public funds;
- a commitment to excellence by regular review and continuous improvement of its performance;
- a commitment to the promotion of competence and professionalism in staff through training and continuous staff development, recognising that staff are our most important resource; and
- sensitivity to and understanding of the needs of victims and witnesses.

Functions of the Director

The functions of the Director are specified in the *Director of Public Prosecutions Act 1991*. They are to:

- lay charges of indictable or summary offences against the law of the State;
- prosecute indictable or summary offences against the law of the State;
- claim and enforce, either on behalf of the Crown or other persons, civil remedies that arise out of, or are related to, prosecutions commenced by the Director;
- take proceedings for or in relation to the confiscation of profits of crime;
- institute civil proceedings for contempt of court;
- enter a *nolle prosequi* or otherwise terminate a prosecution in appropriate cases;
- grant immunity from prosecution in appropriate cases;
- exercise appellate rights arising from proceedings of the kind referred to above;
- carry out any other function assigned to the Director by any other Act or by regulation under this Act;
- do anything incidental to the foregoing.

Stakeholders

The key stakeholders for the Office are the Attorney-General and his department, the South Australian Parliament, the judiciary, victims, (and, on their behalf, the Commissioner for Victims' Rights) witnesses, SA Police, the Courts Administration Authority, Department for Correctional Services, accused persons and others in the criminal justice system. The Office continues its support to the key stakeholders and the criminal justice system by providing representation on various committees, steering groups and working parties.

Strategic Focus

The strategic focus this year has been on reviewing the role of the Office; preparing for and adapting to the changes brought on by an expanding Office and prosecutorial role, in response to government legislative changes, criminal justice initiatives and increasing numbers of prosecutions referred from SA Police.

The year saw a new Deputy Director and four new Practice Managers appointed. These appointments led, in turn, to six new appointments in the Senior Prosecutor ranks. The Office continued to perform its primary functions while the new management team settled in.

With so many new managers, the Office embarked on a leadership development program. A number of managers had the opportunity to participate in leadership development courses where they worked alongside future leaders from other business sectors, cultures and countries. That program will continue in 2009-10

The Office commenced work on a new performance measurement model. It looked at systems in other jurisdictions but regardless of their merits, found that none of these automatically lends itself to translation into the South Australian criminal justice system. While many similarities exist in the various jurisdictions, differences in criminal law and justice processes led the Office to determine that replicating those systems in this State was impractical, and comparisons in results would be meaningless. The Office continues to work on valid, reliable and meaningful measures for this Office.

Legislative Framework

The following legislation was relevant to the legislative, professional, administrative and industrial requirements and obligations for the operation of the Office during the year.

These Acts may be accessed via the Legislation SA website, www.legislation.sa.gov.au.

Bail Act 1985

Controlled Substances Act 1984

Correctional Services (Parole) Amendment Act 2005

Criminal Assets Confiscation Act 2005

Criminal Law Consolidation (Instruments of Crime) Amendment Act 2005

Criminal Law (Forensic Procedures) Act 1998

Criminal Law (Sentencing) Act 1988

Criminal Law (Undercover Operations) Act 1995

Criminal Law Consolidation Act 1935

Director of Public Prosecutions Act 1991

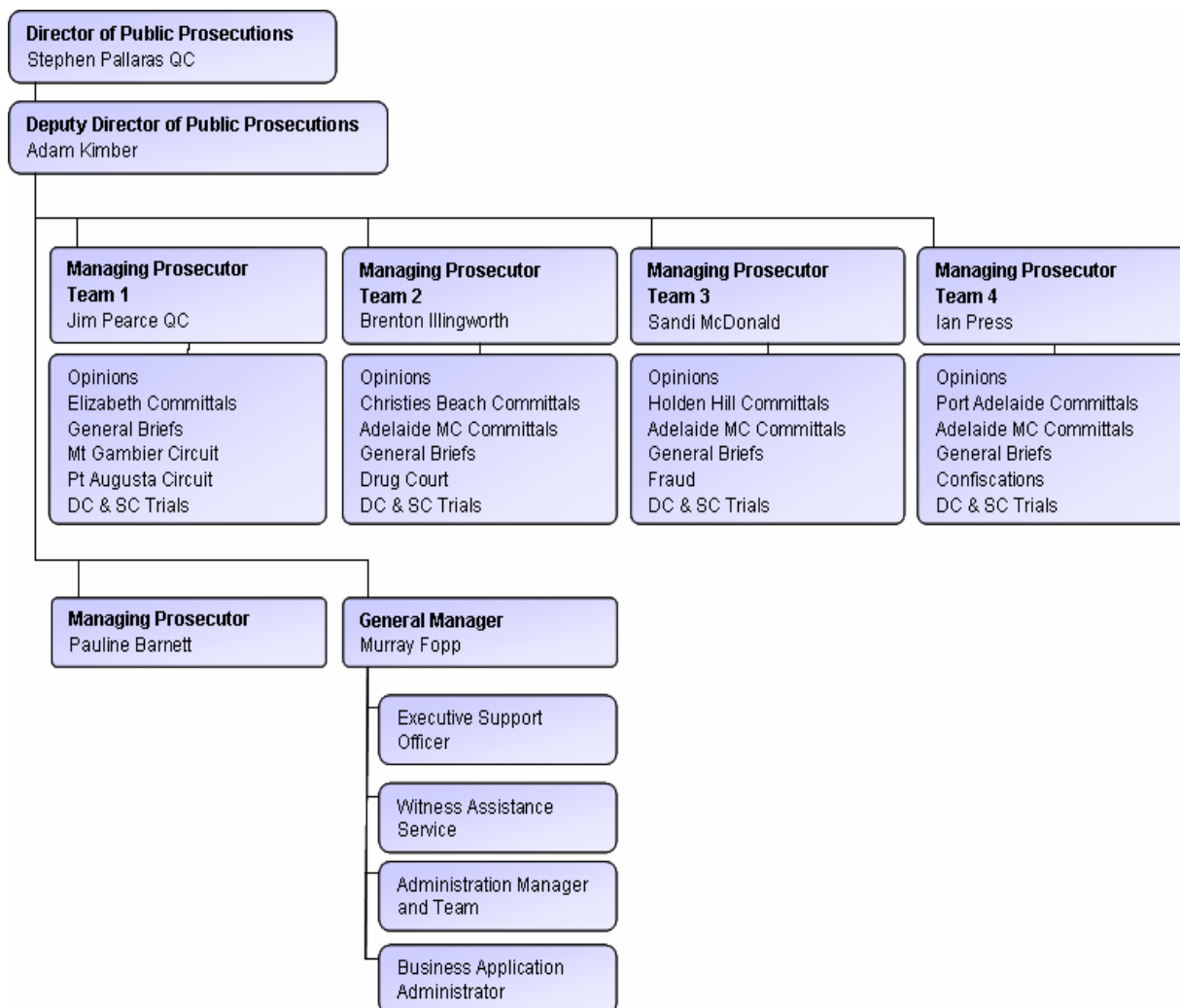
District Court Act 1991

Equal Opportunity Act 1984

Evidence Act 1929

Firearms Act 1977
Freedom of Information Act 1991
Legal Practitioners Act 1981
Listening and Surveillance Devices Act 1972
Magistrates Court Act 1991
Occupational Health, Safety and Welfare Act 1986
Public Finance and Audit Act 1987
Public Sector Management Act 1995
Serious and Organised Crime (Control) Act 2008
State Records Act 1997
Statutes Amendment (Sentencing of Sex Offenders) Act 2005
Statutes Amendment and Repeal (Aggravated Offences) Act 2005
Summary Offences Act 1953
Summary Procedures Act 1921
Supreme Court Act 1935
Telecommunications (Interception) Act 1975 (Commonwealth Act)
Victims of Crime Act 2001

Organisational Structure



Organisational Profile

During the period in review the core business of the Office, performed on behalf of the Director of Public Prosecutions, has been conducted in four multi-disciplinary Legal Practice Teams. This has allowed each Team and, where practicable, a single lawyer within the Team, to maintain carriage of a prosecution brief from its receipt through to its finalisation. This approach has highlighted benefits in efficiency and quality, and has reduced the number of people that key stakeholders—police investigators, victims and defence counsel—need to work with in the life of a single matter.

Each Practice Team has included a mix of experienced counsel (barristers) and solicitors to provide the necessary expertise to manage most cases through to finalisation.

Law Clerks have worked within these Practice Teams to provide legal administrative support, while Witness Assistance Officers have been assigned in a ‘consultancy’ role to individual Practice Teams. This multi-disciplinary makeup has ensured that each Practice Team has been equipped with the necessary resources for the roles and responsibilities assigned to it, and has had the ability to apply them in accordance with the determinations of its management team.

The Deputy Director has had a specific role in managing the non-prosecutorial affairs of the Office including strategic planning, occupational health and safety, risk management, workforce planning, review of work practices, emerging demands and opportunities, and fine tuning the roles and responsibilities of managers and supervisors, both legal and non-legal. He has performed this challenging role while undertaking significant trial commitments.

The fifth Managing Prosecutor has performed the role of solicitor to the DPP and as counsel in the conduct of prosecutions and appeals. She has assisted with policy and legislation issues that affect the Office, and represented the Office in the development and review of legislation and on a number of inter-agency criminal justice forums.

Executive Profiles

Stephen Pallaras QC - Director of Public Prosecutions

Graduated from Monash University, Victoria, in 1974, and was admitted as a barrister and solicitor of the Supreme Court of Victoria and the High Court of Australia in 1975, as a barrister and solicitor of the Supreme Court of Western Australia in 1979 and as a barrister and solicitor of the Supreme Court of Hong Kong in 1992. Appointed a Queen's Counsel in 2000. Has successfully prosecuted a number of high profile cases in Western Australia and Hong Kong including cases of international fraud, international drug trafficking, corruption, criminal defamation and murder.

Stephen Pallaras QC was appointed in April 2005 as the second Director of Public Prosecutions in South Australia under the Director of Public Prosecutions Act 1991.

Adam Kimber BA (Juris), LLB (Hons), GDLP - Deputy Director of Public Prosecutions

Graduated from the University of Adelaide in 1993 and worked as an Associate in the Supreme Court and then briefly in private practice before joining the ODPP in 1995. Prosecuted in the District and Supreme Courts, then managed a group of solicitors and concentrated on appellate counsel work. Rejoined the Prosecutions Section as a Senior Prosecutor in 2005. Became the Managing Prosecutor in 2006. Significant trial experience in the District and Supreme Courts.

Adam Kimber was appointed as Deputy Director of Public Prosecutions in December 2008. Prosecutes major trials in the District and Supreme Courts. Conducts appellate work in the Court of Criminal Appeal and High Court. Subject to the direction of the Director, manages all facets of the Office.

Murray Fopp MBA, BPublicAdmin, AssocDipEng (Electronics), Cert IV in Training and Workplace Assessment - General Manager

For many years Murray worked in broadcast engineering, in 1990 becoming Regional Operations Manager responsible for ABC, SBS and Radio Australia transmitter networks throughout South Australia and the Northern Territory. In 1996 he launched a private consultancy in regulatory compliance and community consultation. Murray joined the Office in October 2005.

The General Manager provides high-level management services including strategic and business planning, risk management, financial management, and the provision of comprehensive corporate services to the Office. Also responsible for the executive level

oversight of the Witness Assistance Service. Plays a key role in policy development and training and development within the Office.

Pauline Barnett LLM - Managing Prosecutor

Admitted as a legal practitioner in 1986. A member of the Crown Solicitor's Office from 1985 to 1994 in the Advising Section. For eighteen months, Pauline was seconded to the Attorney-General's Office as Principal Private Secretary to the Hon CJ Sumner MLC from November 1988 until April 1990. In 1994 she joined the Office as an MLS 1 Solicitor and in 1997 was appointed as Managing Solicitor.

Acts as solicitor and counsel in the conduct of prosecutions and appeals on behalf of the Director. Currently responsible for the full implementation of the Organisational Review and for the development and implementation of new work practices arising out of recent changes to legislation and from the recommendations of the Criminal Justice Taskforce.

James Pearce QC LLB GDLP - Managing Prosecutor

James graduated from The University of Adelaide in 1987. He worked in private practice before joining the ODPP in 1990. Between 1990 and 1996 James worked as a prosecutor, conducting trials in the District and Supreme Courts. Between 1996 and 1998 James worked as In House counsel at a commercial law firm before rejoining the ODPP in 1998. Since that time he has worked as a Senior Prosecutor at the ODPP conducting complex trials in the District and Supreme Courts. In January 2008, James was appointed as Queen's Counsel.

Prosecutes major trials in the District and Supreme Courts. Conducts appellate work in the Court of Criminal Appeal. Responsible for the management and supervision of one of the four practice teams in the office

Brenton Illingworth - Managing Prosecutor

Graduated from the Law Society Certificate in Law, including five years of articles in 1979. Admitted as a legal practitioner in December 1979. Worked in private practice until 1985, then joined the Crown Solicitor's Office Criminal Prosecution Section as Senior Assistant Crown Prosecutor. From 1990 to 1992 worked at the Bar as defence counsel, particularly in the area of War Crimes Prosecution. Returned to the Crown Solicitor's Office, Civil Litigation Section in 1992. Was appointed Managing Solicitor in 1993 and subsequently Assistance Crown Solicitor of Civil Litigation in 2005. Appointed to the position of Managing Prosecutor at the Office of the Director of Public Prosecutions in 2009.

Prosecutes trials in the District and Supreme Courts. Conducts appellate work in the Court of Criminal Appeal. Responsible for the management and supervision of one of the four practice teams in the Office.

Sandi McDonald BA (Juris), LLB, GDLP - Managing Prosecutor

Graduated from the University of Adelaide in 1993 and was admitted as a legal practitioner in 1994. Commenced employment as a prosecutor in the ODPP immediately upon admission. Since that time has prosecuted criminal trials in the District and Supreme Courts as well as conducting appellate work in the Court of Criminal Appeal. In more recent years has focussed on more serious and complex trial and appellate work whilst managing a practice team.

Prosecutes major trials in the District and Supreme Courts. Conducts appellate work in the Court of Criminal Appeal. Responsible for one of the office's practice teams and portfolios including the CLE program.

Ian Press - Managing Prosecutor

Graduated from the University of Adelaide in 1989 and admitted as a practitioner in December 1989. Worked for the Legal Services Commission between 1989 and 2000 as a defence solicitor and counsel in the Adelaide and Port Adelaide offices, and as part of the War Crimes Defence Unit. Appeared as counsel in all jurisdictions. Joined the ODPP in October 2000 undertaking roles in the Solicitors, Committal and Prosecution Sections. Appointed to the position of Senior Solicitor in 2004 and Managing Prosecutor in 2008.

Has conduct of complex files, prosecutes trials and conducts appellate work in the Court of Criminal Appeal. Responsible for the management and supervision of one of the four practice teams in the office

Management Committees

Executive Committee

During the year in review, the *Executive Committee* consisted of the Director, Deputy Director, the five Managing Prosecutors and the General Manager (Chair). The Executive met monthly and had overall responsibility for the establishment, implementation and evaluation of the strategic direction of the Office. It had final responsibility for policy and the determination of appropriate response to the important legal issues affecting the Office generally.

Internal Committees and Steering Groups

Prosecuting in the Future

The ODPP continued to show support to those endeavouring to balance family commitments and a career within the Office. The foundations laid in 2007-08 were strengthened, and further examples in 2008-09 have shown that both the office and the individual can benefit from a flexible approach.

Arrangements put in place have demonstrated the Office's commitment to ensuring that intellectual property developed over time is retained. These arrangements have considered the needs of both female and male prosecutors and have included the following:

- a gradual increase in working hours over a period of months after returning from maternity leave;
- the ability to work a portion of hours from home where circumstances and work to be carried out was deemed to be suitable; and
- the ability to work reduced hours whilst undertaking further study.

A senior manager has been designated to focus on these issues as part of their portfolio of general management responsibilities. The Office will continue to assist its staff to achieve an effective work/life balance.

Workforce Planning

Last year's annual report made mention of a pilot program where, whenever practicable, a single solicitor would be responsible for a matter for the duration of its existence in the Magistrates' and higher courts. The aim of the pilot was to identify whether efficiencies could be achieved beyond those possible using the existing practice of different solicitors handling the file pre and post committal.

The pilot has been operating for the whole of the 2008-09 period, and has delivered some notable efficiencies. As a result, the pilot has been extended to allow for a formal evaluation to be conducted during the first half of 2009-10, with a view to the practice being rolled out across the Office. Three senior managers from the Office have prepared an evaluation model, drafted templates for measurement and will report to the Executive early in 2010.

One of the recommendations of the Criminal Justice Ministerial Taskforce was to conduct a pilot in the Adelaide Magistrates' Court of committal case conferences by invitation. The Taskforce was of the view that many matters at committal stage would benefit from a case conference presided over by a Magistrate. Properly managed, these conferences could result in earlier pleas or the laying of different charges which would still properly reflect an appropriate basis for sentencing. They could also assist with agreement as to the evidence of some witnesses. This may negate the need for these witnesses to be called at trial, or may narrow the issues to be dealt with at trial. These case conferences may be held at the request of either prosecution or defence counsel, with a requirement that both parties agree to attend. The pilot, which commenced during the year, is being evaluated by the Office of Crime Statistics and if successful, it is hoped that case conferencing will become a regular part of the committal process in the Magistrates' Court.

A review of Circuit Court work conducted by the Office during 2008-09 revealed that the number of Circuit sittings has increased, as well as the duration of these sittings. As a consequence, the workload involved in this area has increased considerably. Circuit matters have a shorter duration between committal and trial than matters dealt with in Adelaide courts, and this has had an impact on those solicitors working in the Circuit jurisdictions. In addition, Circuit files received by the Office are often received in a less advanced stage of preparation than those (Adelaide) files which have been guided through committal by an ODPP solicitor.

To address this increase in workload, an additional solicitor and additional management resources have been assigned to Circuit work. It is expected that these additional staff will ensure that prosecutions in the Circuits will continue to run as effectively as they have in the past.

Policy Committee

During 2008-09 the Policy Committee continued to meet approximately once every six weeks to consider matters of legal policy arising in the day to day work of the office, and to consider new legislative initiatives.

Membership of the committee included solicitors, prosecutors, managing legal staff, witness assistance staff and an administrative staff representative. Matthew Goode from the Policy and Legislation section of the Attorney General's Department provided a liaison point for the discussion of new legislation.

In 2008-09 the Committee provided written and oral submissions on the following matters:

- Cross Border Justice Bill

- Changes to the Evidence Act relating to computer evidence and the admissibility of voluminous documentation
- Changes to the substantive law relating to arson and property damage
- Changes to legislation relating to bail, sentencing and criminal procedure
- Recidivist Young Offenders
- Classification of drugs in the Controlled Substances Act.

Recruitment and Staffing

At the end of 2008-09, the Office had an approved staffing establishment of 131.38 FTE. This number included both legal and administrative staff. The number of staff in the office varied throughout the year as a result of recruitment and resignations, maternity and paternity leave, leave without pay and staff members working reduced hours.

The year in review saw significant changes to the management section of the Office. These changes included the resignation of Mr Brebner QC upon his appointment to the District Court and the resignation of Mr Hinton QC following his appointment as Solicitor-General. Four new Managing Prosecutors were appointed, and two new Senior Prosecutor positions were established. A number of staff have left the office, either permanently or for extended periods of time during the last twelve months. This loss of experienced staff and the need to train and reallocate files to new staff has had an impact on the Office during 2008-09.

The Legal Staffing Committee has met fortnightly to ensure that arrangements are made to fill vacant positions as expeditiously as possible, to consider work trends and their impact on staffing allocation, and to organise interview panels for the recruitment of new legal staff. The time taken to fill vacancies when staff members leave the Office has been reduced, although further improvement in this area remains a priority. The Office will continue towards the establishment of a pool of potential employees from which to fill vacancies to facilitate this reduction.

On 20 June 2009 a planning day was held to consider the distribution of staff across the four Legal Practice Teams as well and the role of new staff within the Office. All managers within the ODPP attended to discuss these and other issues relating to staffing of the Office. The planning day also focused on issues surrounding the opening of two new District Courts and the increasing work commitments for the Circuit Courts.

The growth in staff numbers at the ODPP has resulted in a requirement for further office space. During 2008-09, the Office has operated across five different floors with most Practice Teams separated from one another. The Office however, maintains a coordinated approach to staffing and continues to assess avenues to facilitate alternative working arrangements for staff.

CORPORATE OVERVIEW

Financing Public Prosecutions

Parliament increased the appropriation to the ODPP by \$2.25 million to \$16,933,000 in the 2008-09 State Budget¹. Of this, the Office received \$15.1 million from the Attorney-General's Department and \$385,000 from the Victims of Crime Fund². The Office is unable to provide a breakdown on how the portion withheld by the AGD was used.

	2007-08 Allocation (\$,000s)	Permanent changes (\$,000s)	One-off changes (\$,000s)	2008-09 Allocation ³ (\$,000s)	2008-09 Actual ⁴ (\$,000s)
Revenue Sources					
From Appropriation	12,675	2,020		14,724	-
Victim of Crime Fund	369	16		385	-
Other	11			11	-
Total Revenue				15,120	-
Expenditure					
Staff remuneration	10,443	2,129		12,572	11,604
Goods and Services	1,143	-280	29	892	1,650
AGD Charges (Rent, IT etc)	1,427	182		1,609	1,586
AGD Depreciation	41	5		46	20
Total Expenses	13,054			15,119	14,860

Staff remuneration increased in line with additional staff numbers. The Goods and Services allocation was cut by \$280,000 (on top of a \$221,000 cut the previous year to meet the Government's efficiency dividend).

Once again the cost of Goods and Services significantly exceeded the funds available; with costs of \$1.65 mil and just \$892,000 in available funds. Savings in the Salary budget—mainly due to delays in filling the Deputy Director and Managing Prosecutor positions—enabled the Office to cover the shortfall. It is, however, concerning that for several years, despite acknowledged staff shortages, the Office is dependent on vacant positions to fund essential goods and services.

The cost for Briefing Out—the practice of engaging external counsel for some court hearings and trials—continued to fall to more traditional levels during 2008-09 despite the departure of several senior staff, including two Queen's Counsel. Nevertheless, Briefing Out consumed 68% of the total amount available for all of the Office's goods and services. Further details on Briefing Out can be found on page 30.

The cost of travel and related expenditure has continued to be a challenge. In the reporting year, travel and related activities cost \$140,000 (excluding the salary costs of staff during travel). The number of sitting days in the Circuit Courts, particularly at Port Augusta, has been a major driver of the increase. The Office continues to consider alternatives, including regional offices, but currently these are not considered cost-effective. Also putting pressure on travel expenditure is the need, flowing from victims' rights legislation, for Witness Assistance Officers and legal staff to meet with witnesses and victims—particularly vulnerable witnesses—living in regional and remote areas or interstate.

¹ Source: 2008-09 Budget Paper 4, Vol 1 - Portfolio Statement, p.4.56

² These funds cover the salaries of the Confiscation Unit which pays the proceeds of confiscations back into the Fund.

³ Source: 2008-09 Budget Assumptions, Attorney-General's Department

⁴ Source: 2008-09 Period 12 Finance Operating Statements, Attorney-General's Department

Staffing levels

The approved staff cap was increased significantly at the start of 2008-09 with additional staff for two specific programs and a general increase in baseline staff resources. A further two positions for work flowing from amended firearms legislation were announced in the 2008-09 budget, bringing the total increase to 20.7 FTE. These two *firearms* positions were funded during the latter half of 2007-08 and are counted in the end of year staff for last year.

Program	Staff Increase Full Time Equivalent (FTE)
Serious and Organised ('bikie') Crime	4.5
Children in State Care (Mullighan Inquiry)	4.2
General staff level (baseline funding)	10.0
Total	18.7

Despite some delays in recruiting people for these jobs, all were filled except for one of the Serious and Organised Crime positions. Recruitment for this position was held over pending a review into whether this work will be performed by the ODPP or other Government agencies. These considerations were on going at the end of the reporting year.

	Approved at end of 2007-08	Change approved for 2008-09	Approved at start of 2008-09 ¹	Approved at end of 2008-09
Executive Group	3		3	3
Legal (Including managers)	69.53	+11.7	81.23	80.23 ²
Witness Assistance Officers	9.1	+1.4	10.5	10.5
Administration staff	32.05	+5.6	37.65	37.65
Total FTE ¹	113.68	+18.7	132.38	131.38

Notes

¹ Includes staff working on on-going, separately-funded positions in the office.

² Two lawyer positions converted to one legal manager position during 2008-09.

The Office continued to receive funding from the Commissioner for Victims' Rights for four Witness Assistance Officers, one of whom works on a part-time basis. These four officers are dedicated to the provision of services to child victims and witnesses.

Salaries for the five Confiscation staff continue to be recovered from the Victims of Crime Fund into which the proceeds of confiscated assets are paid. Further details can be found at page 19.

DIRECTIONS UNDER THE DPP ACT 1991

Directions from the Attorney-General

There was no direction or guideline given by the Attorney-General to the Director of Public Prosecutions pursuant to Section 9 of the Director of Public Prosecutions Act 1991 during the year.

Directions to the Commissioner of Police

There was no direction issued to the Commissioner of Police by the Director of Public Prosecutions pursuant to section 11 of the *Director of Public Prosecutions Act 1991* during the year.

Listening and Surveillance Devices Act 1972

Pursuant to section 12 (1) of the *Director of Public Prosecutions Act 1991* the Office reports that during the year it considered and approved five warrants issued under the *Listening and Surveillance Devices Act 1972*.

PERFORMANCE INDICATORS

OUTPUT:	PROSECUTION SERVICES PENALTY AND CONFISCATION MANAGEMENT			
Description:	ODPP contributes to these outputs through providing advice to Police, assistance for victims and witnesses, solicitor and counsel services on all matters ultimately heard in the District and Supreme Courts and all matters finalised in the Magistrates Court, as well as administration of confiscation orders issued by the Courts.			
<i>Performance Indicators:</i>	<i>Descriptions</i>	<i>Expected for 2008-09</i>	<i>Actual for 2008-09</i>	
Quantity	Number of briefs completing the Committal phase of prosecution	2000	2259	
	Number of defendant briefs finalised by the ODPP (a)	1400	1435 (a)	
	Number of clients referred to the Witness Assistance Service	900	927	
Quality	Percentage of briefs committed through the Committal Unit in which the DPP enters a nolle prosequi after committal	<10%	14%	
	Percentage of briefs matters which are finalised by a guilty verdict or guilty plea	>75%	67%	
Timeliness	Percentage of trials where the ODPP meets the court timetable requirements for the trial list	>95%	94.3%	
Cost	Total Cost	\$15,144,515	\$15,231,973	
Footnotes	(a) Comprising 1164 in the Adelaide Courts and 271 in the Circuit Courts.			

Developing New Key Performance Indicators (KPIs)

In last year's annual report it was noted that the ODPP's key performance indicators were not sufficiently valid or meaningful. As a consequence the Office does not have reliable information on the cost of its services and activities, nor is it easily able to obtain data about the progress of files through the Courts and areas of bottlenecks.

It was indicated that new performance measures were being developed and it was anticipated that the new measures would be reported in this year's annual report.

A draft list of revised performance indicators has been developed but at present the Office is not in a position to report against them. The case management system currently in place cannot record or extract all of the necessary data without modifications. Those modifications require additional resources which are not available at the present time. It would seem essential that the resources be made available in the near future so that the Office can establish that its reporting is valid, reliable and meaningful.

BUSINESS OPERATIONS

Prosecution Highlights

Some of the significant work undertaken by the office during 2008-09 included:

High Court

Eight appeals were finalised before the High Court during 2008-09. Of these eight, all of which were initiated by defence, six were dismissed and two were withdrawn.

Court of Criminal Appeal

Defence Appeals Against Conviction

Thirty-three defence appeals against conviction were heard and finalised before the Court of Criminal Appeal during 2008-09. Twenty-one of these appeals were dismissed, and eight resulted in a conviction being quashed.

Crown Appeals Against Sentence

In 2008-09 the Director sought permission to appeal against sentences imposed in seven matters. In five of these matters the sentences were increased. In the remaining two matters, the applications were refused. A selection of the matters in which the Director sought permission to appeal is set out below.

R v Millard [2008] SASC 262

Millard pleaded guilty to fifteen drug offences and two offences against the Firearms Act. The resale value of the drugs, if sold in small quantities, was said to be about \$1.2m. The drug offences took place against the background of substantial drug trading. The sentencing judge had imposed a head

sentence of nine years and six months with a non-parole period of four years and six months, taking into account time spent in custody and on home detention bail.

On appeal, the court concluded that Millard was a major participant in the trade of drugs in South Australia and was the trusted deputy of someone at or near the top of the drug trade. The sentence was increased to fifteen years with a non-parole period of eight years.

R v M [2008] SASC 348

M pleaded guilty to thirteen counts of Indecent Assault and two counts of Unlawful Sexual Intercourse with seven victims. The offending took place over about a thirty year period. The sentencing judge imposed a head sentence of seven years with a non-parole period of three years.

On appeal, the sentence imposed was held to be manifestly inadequate. A head sentence of nine years with a non-parole period of six years was imposed.

R v Storr [2009] SASC 128

Storr pleaded guilty to nine sexual offences against two minors. At the time of the offending against the first child, Storr was twenty years of age and the child was fifteen. At the time of the offending against the second child, Storr was twenty-three years of age and a police officer, and the child was fourteen years of age. Storr was sentenced to two years imprisonment with a non-parole period of one year.

Permission to appeal was refused.

Trials

R v Ratcliff, Standfield and Utting

The accused were charged with offences of Criminal Defamation. It was alleged that the three accused had been a party to publishing material to members of the media alleging that the victims had been involved in sexual activity with minors. The trial was held in the Supreme Court.

On the first day of the trial, Ratcliff pleaded guilty to the offence charged against him. The matter then proceeded to trial against Utting and Standfield. There was no dispute at trial that the allegations made in the published material were false. The jury acquitted both Utting and Standfield.

R v Davidson, Davidson and Irwin

The three accused were jointly charged with Murder. The victim had been beaten and stabbed to death. Two of the accused lived directly across the road from the victim and the third accused was a regular visitor to the home of his co-accused. The killing took place against the background of a history of ill feeling between the victim and at least some, if not all, of the accused.

On the night of his death a confrontation began between one of the accused and the victim. During the course of that confrontation the other two accused became involved. On the prosecution case, the victim was beaten and stabbed and each of the accused at least aided and abetted the unlawful killing of the victim. At trial, issues of self defence, provocation and accessorial liability arose.

All accused were convicted of the alternative offence of Manslaughter. They are yet to be sentenced.

R v Hudson, Hudson, Stafford and Dixon

Four adult male non-English speaking indigenous persons were charged with assaults and rapes which occurred in the West Parklands in the early hours of the morning of January 2005. The committal proceedings had to be moved to Alice Springs because of a scarcity of interpreters.

After lengthy legal argument in 2007 and early 2008, the trial commenced before a jury in September 2008 and continued for twenty-five sitting days. The trial judge ruled there was no case to answer in relation to two accused. The other two were found guilty of the relevant offences. Sentencing occurred in June 2009 with the results as follows:

- Stafford: head sentence of six years with a non-parole period of three years, back dated to 6 November 2008.
- Dixon: head sentence of five years and six months with a non-parole period of two years and six months, back dated to 6 November 2008.

R v Dawson-Ryan

Dawson-Ryan was convicted of nineteen offences after a four-week trial before His Honour Judge Barrett in the District Court.

The offences were all representative counts of historical sexual abuse involving four separate complainants, dating back to 1972. They ranged from indecent assault and gross indecency to allegations of anal and oral sexual intercourse.

During the 1970s and 1980s the defendant had been heavily involved as a leader of an Anglican Church youth group. The Prosecution case was that the defendant had systematically targeted a group of these boys and sexually abused them over a sixteen year period.

R v Gassy

Between October 2008 and May 2009 Jean Eric Gassy was prosecuted for the murder of Dr Margaret Tobin, the former Director of Mental Health for the State of South Australia.

In 2004 Gassy was tried and convicted of the murder. He appealed to the Court of Criminal Appeal which dismissed his appeal. Mr Gassy then appealed to the High Court of Australia. In 2007, by majority of four to three, the High Court upheld his appeal on one ground and ordered a re-trial.

The re-trial commenced in the Supreme Court of South Australia in October of 2008. Extensive legal argument was heard with the Trial Judge ruling on questions of admissibility of evidence in December 2008.

The trial before Judge and Jury commenced in February 2009. After a three-month trial, Gassy was once again found guilty, by verdict of a jury, of the murder of Dr Margaret Tobin. He was sentenced to life imprisonment with a non-parole period of thirty years. The sentence was backdated to the date of his arrest in November 2002.

Gassy has again appealed his conviction. Argument on the appeal is yet to be heard.

R v Cong Thanh Nguyen

Mr Nguyen was charged with the attempted murder of Cuong Pham. It was alleged that Nguyen arranged to meet Pham on the corner of Churchill Road and Alexandra Streets at Prospect, directly outside a pharmacy. The meeting occurred during the middle of the day on a public street corner.

Nguyen attended the meeting in possession of a loaded shotgun. Before Cuong Pham could exit his vehicle, Nguyen shot him to the abdomen with the shotgun resulting in serious abdominal injuries. The events were captured on security cameras in the pharmacy.

Nguyen denied that he was the person responsible for the shooting. At trial Nguyen was acquitted of the more serious charge of Attempted Murder, but convicted of Causing Serious Harm with Intent to do Serious Harm. He was sentenced to imprisonment for eight years with a non-parole period of five years. Mr Nguyen's appeal against his conviction was dismissed by the Court of Criminal Appeal in April 2009.

R v Frank Harton

Mr Harton was charged with the attempted murder of his adult son in 2009. He and his son had travelled to a remote shack that they owned on the River Murray shortly before 14 February 2009. While his son was sleeping Mr Harton obtained a rifle and shot his son to the face with it. Mr Harton's son awoke during the incident and took possession of the rifle from his father. Mr Harton then drove his son to the town of Mannum where police and an ambulance attended. Mr Harton believed that his son, who suffered from an intellectual disability, would not cope if he (the father) was no longer around to care for him. He told the police he planned to shoot his son and then kill himself.

In June 2009 a trial was held before Justice David in the Supreme Court as to whether Mr Harton was mentally competent to commit the offence of Attempted Murder. After hearing evidence from two psychiatrists, Justice David concluded he was not competent. Mr Harton admitted the facts of the matter and was found not guilty of attempted murder, but liable to supervision pursuant to Part 8A of the Criminal Law Consolidation Act. A limiting term will be set later in 2009.

R v Ellis

Ellis was charged with committing sexual offences against four young boys. These offences were alleged to have occurred between 1960 and 1971. The prosecution alleged that the offences occurred at the Salvation Army's Eden Park Boys Home. Each of the boys was a resident at the home and Ellis was employed to care for and supervise these boys. It was the prosecution case that he did not. He instead subjected his charges to a regime of brutal and violent behaviour and in that context sexually assaulted them.

At the outset of the trial there was an application for severance, such that there would be four separate trials. That application was refused. The jury heard evidence from all four of the former residents of the boys' home. On 7 April, 2009 the jury found Ellis guilty of all counts. He was subsequently sentenced to sixteen years imprisonment with a non-parole period of twelve years.

R v L and S

L and S were charged with the offence of Attempted Murder with an alternative charge of Causing Serious Harm with Intent to do Serious Harm. These charges arose out of a violent episode that occurred on Gouger Street during the early hours of the morning on New Year's Day 2007. This episode involved an unprovoked group attack on a young man in which he was repeatedly kicked, stomped on and whipped with studded belts as he lay unconscious in the middle of Gouger Street. The two accused were the only two from the group who were apprehended by police. Although at the time of the offence the accused were juveniles, they were tried as adults because of the seriousness of the offence. At the outset of the trial L pleaded guilty to the alternative offence of Causing Serious Harm with Intent to do Serious Harm. That plea was accepted in satisfaction of the charge of Attempted Murder. Ultimately the jury found S guilty of that same offence.

L was sentenced to two years and two months imprisonment with a non-parole period of ten months. S was sentenced to two years and nine months imprisonment with a non-parole period of one year and five months.

R v Bond

Mr Bond was charged with murdering Leith Napper in February 2008 at the Dalkeith Caravan Park.

The victim in this matter entered the caravan of the accused to confront him about a debt the accused was claiming the victim owed him. The victim was stabbed and killed. The accused claimed that he was acting in self-defence.

The matter raised for the jury's consideration was the issue of self defence generally, and in particular the application of section 15C of the Criminal Law Consolidation Act. This section, in certain circumstances, dispenses with the requirement that an accused's actions be proportionate when acting in defence of a home invasion.

Mr Bond was found guilty of Murder.

Confiscation of Assets of Crime

The *Criminal Assets Confiscation Act 2005* gives the Director of Public Prosecutions the ability to confiscate proceeds and instruments of crime. The Act allows, among other things, the following:

- The court can make a restraining order over property, so that it is not disposed of while criminal proceedings run their course.
- The court can make a forfeiture order, forfeiting property which is proceeds of an offence, or was used in connection with the commission of an offence.
- The court can make a pecuniary penalty order, which is an order that a monetary sum be paid to the Crown, based on the value of benefits received from the commission of an offence, or the value of property used in connection with the commission of an offence.

Money received from the sale of forfeited property and pecuniary penalty orders is paid into the Victims of Crime Fund.

The DPP deposited the amount of \$1,408,372 into the Victims of Crime Fund for the financial year ending 30 June 2009.

In the previous financial year the ODPP deposited \$1,686,520 into the fund. The amount deposited this year represents a 16.5% decrease on the previous year's amount.

Criminal Assets Confiscations - Applications

Confiscation Applications 2008-09	No.	Percentage
Forfeiture	8	2.81%
Interstate	1	0.35%
Literary Proceeds	2	0.70%
Oral	132	46.32%
Pecuniary Penalty Order	27	9.47%
Restraining	41	14.39%
Other	74	25.96%
Sum:	285	100.00%

Criminal Assets Confiscations - Application Outcomes

Confiscation Application Outcomes 2008-09	Application Types						Sum
	Other	Forfeiture	Interstate	Oral	Pecuniary Penalty Order	Restraining	
Discontinued			2			3	5
Granted	53	9	1	46	9	37	155
Other (see notes)	5			5	2	2	14
Proceedings Not Commenced				1	2		3
Prosecution or Application Not Pursued	11	1		45	13	1	71
Refused	5			2			7
Returned to Police - Incorrectly Referred				1			1
Sum:	74	10	3	100	26	43	256

Statistical Overview

The Office provides statistical information on the number of matters completed during the year and other performance indicators.

General counting rules

Unless otherwise stated all tables and charts report the number of *Briefs*.

Example: If the DPP is prosecuting John Citizen on multiple charges arising from a single police investigation, one Brief will be reported. If the DPP is prosecuting him on charges arising from two unrelated police investigations, two Briefs will be reported. If John and Jane Citizen are both charged in relation to the same offence, two Briefs (one for each defendant) will be reported.

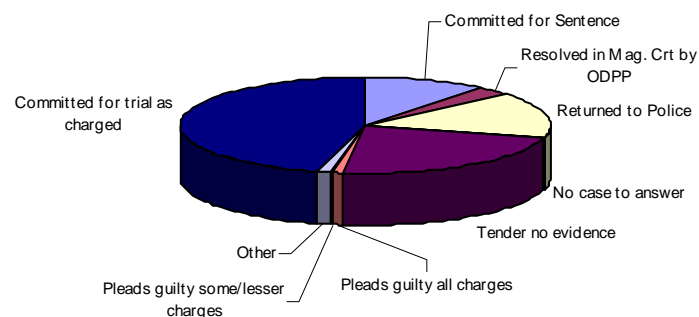
The Glossary at Appendix D will assist with terms used in the following charts.

District and Supreme Court Prosecutions (Adelaide and Circuit)

Outcomes at the Committal Stage

Outcomes - at Committal Stage	2008-09	2007-08	2006-07	2005-06
Committed for Sentence	247	10.93%	208	116
Resolved in Mag. Crt by ODP	68	3.01%	72	337
Returned to Police	339	15.01%	198	268
No case to answer	13	0.58%	3	9
Tender no evidence	504	22.31%	439	431
Pleads guilty all charges	19	0.84%	67	11
Pleads guilty some/lesser charges	7	0.31%	20	32
Other	25	1.11%	23	58
<i>Committed for trial as charged</i>	<i>1037</i>	<i>45.91%</i>	<i>758</i>	<i>786</i>
Total	2259	100.00%	1788	1621

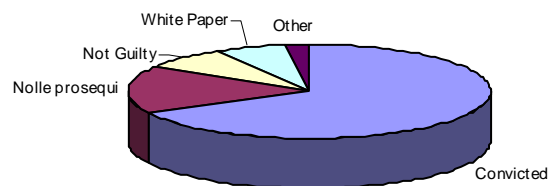
Outcomes - At Committal Stage 2008-09



Supreme and District Court Briefs Finalised

Supreme & District Court Briefs finalised	2008-09	2007-08	2006-07	2005-06
Convicted	970	67.60%	1011	1038
Nolle prosequi	234	16.31%	184	127
Not Guilty	107	7.46%	72	83
White Paper	92	6.41%	80	18
Other	32	2.23%	44	22
Total	1435	100.00%	1391	839

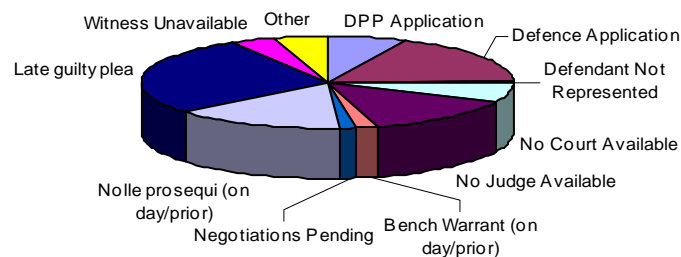
Supreme and District Court Matters Finalised 2008-09 (Adelaide and Circuit)



Supreme and District Court Trials Vacated

Reason trial vacated 2008-09	Adelaide		Circuit		Total	%
	2008-09	2007-08	2008-09	2007-08		
DPP Application	47	26		2	47	6.9%
Defence Application	106	72	16	11	122	17.8%
Defendant Not Represented	2				2	0.3%
No Court Available	22	15	26	7	48	7.0%
No Judge Available	93	103			93	13.6%
Bench Warrant (on day/prior)	10	13	3	2	13	1.9%
Negotiations Pending	10	5	1	3	11	1.6%
Nolle prosequi (on day/prior)	91	74	11	8	102	14.9%
Late guilty plea	161	223	27	18	188	27.4%
Witness Unavailable	26	18	2		28	4.1%
Other	25	42	7	7	32	4.7%
TOTAL	593	591	93	58	686	100.0%

Reason Trial Vacated 2008-09 (Adelaide and Circuit)

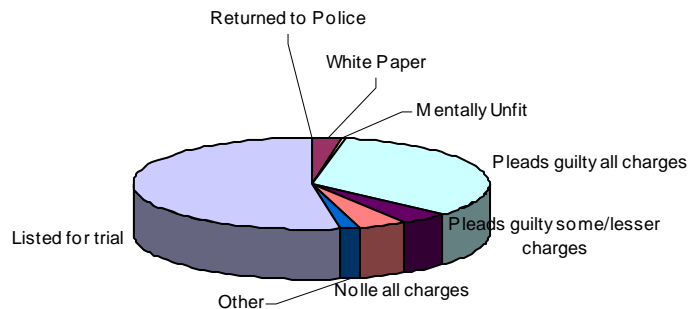


Adelaide District and Supreme Courts

Brief Outcomes Prior to Listing for Trial

Outcomes - Resolved prior to trial	2008-09	2007-08	2006-07
Returned to Police	1	0.07%	3
White Paper	37	2.70%	33
Mentally Unfit	4	0.29%	9
Pleads guilty all charges	463	33.85%	264
Pleads guilty some/lesser charges	60	4.39%	84
Nolle all charges	60	4.39%	46
Other	26	1.90%	14
Listed for trial	717	52.41%	631
Total	1368	100.00%	1074

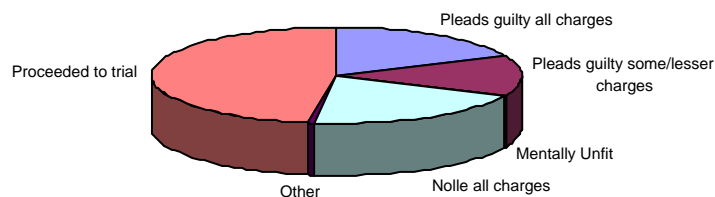
Outcomes - Resolved Prior to Trial 2008-09 (Adelaide)



Briefs Listed for Trial - Adelaide

Outcomes of Briefs listed for trial	2008-09	2007-08	2006-07	2005-06
Pleads guilty all charges	110	18.09%	195	96
Pleads guilty some/lesser charges	83	13.65%	116	80
Mentally Unfit	2	0.33%	10	2
Nolle all charges	120	19.74%	93	50
Other	5	0.82%	6	29
Proceeded to trial	288	47.37%	211	263
Total	608	100.00%	631	650

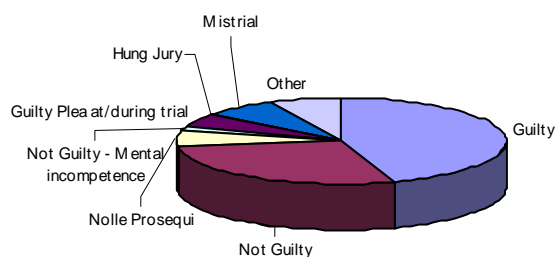
Outcomes - Briefs Listed for Trial 2008-09 (Adelaide)



Trial Outcomes - Adelaide District and Supreme Courts

Trial Outcomes - Adelaide	2008-09	2007-08	2006-07	2005-06
Guilty	117	44.66%	112	133
Not Guilty	74	28.24%	62	71
Nolle Prosequi	16	6.11%	10	14
Not Guilty - Mental incompetence	4	1.53%	1	5
Guilty Plea at/during trial	13	4.96%	19	-
Hung Jury	1	0.38%	7	8
Mistrial	19	7.25%	20	13
Other	18	6.87%	28	17
Total Trials Finalised	262	100.00%	259	263

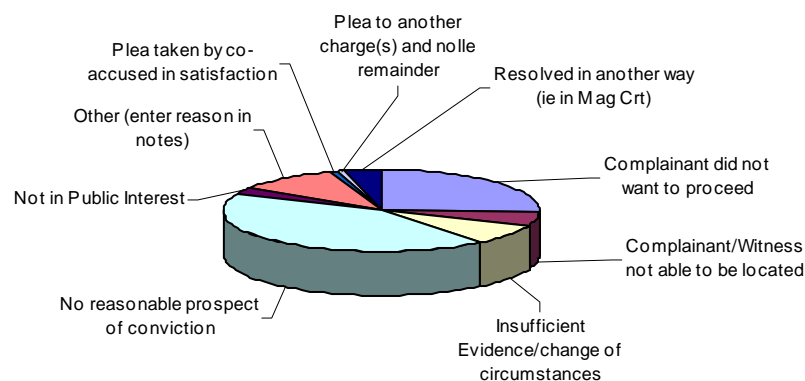
Trial Outcomes 2008-09 - Adelaide



Reasons for Nolle Prosequi - Adelaide District and Supreme Courts (after brief has been committed through the Committal Unit)

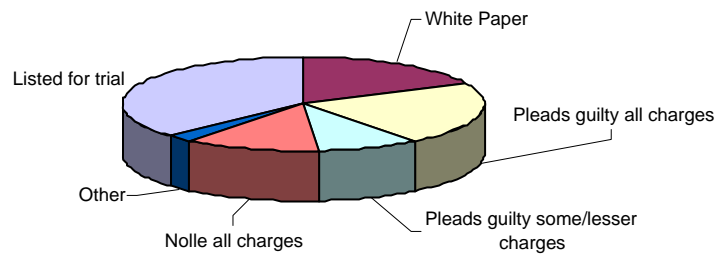
Nolle Prosequi - Reasons	Number	Percentage
Complainant did not want to proceed	39	25.49%
Complainant/Witness not able to be located	8	5.23%
Insufficient Evidence/change of circumstances	13	8.50%
No reasonable prospect of conviction	65	42.48%
Not in Public Interest	4	2.61%
Other (enter reason in notes)	16	10.46%
Plea taken by co-accused in satisfaction	1	0.65%
Plea to another charge(s) and nolle remainder	1	0.65%
Resolved in another way (i.e. in Mag Crt)	6	3.92%
Total	153	100.00%

Nolle Prosequi Reasons 2008-09

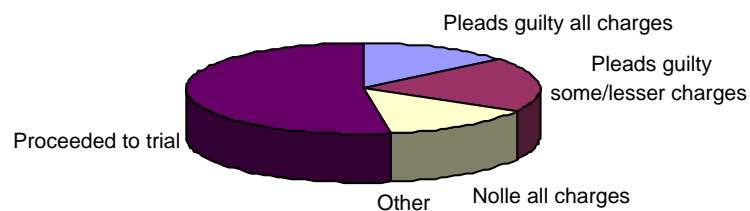


*Circuit Courts***Brief Outcomes Prior to Listing for Trial**

Outcomes - Prior to trial	2008-09	2007-08	2006-07
Returned to Police		5	1
White Paper	55	17.41%	47
Pleads guilty all charges	70	22.15%	62
Pleads guilty some/lesser charges	29	9.18%	21
Mentally Unfit			
Nolle all charges	38	12.03%	32
Other	7	2.22%	10
Listed for trial	117	37.03%	79
Total	316	100.00%	256

Outcomes - Prior to Trial 2008-09 (Circuit)**Briefs Listed for Trial in Circuit Courts**

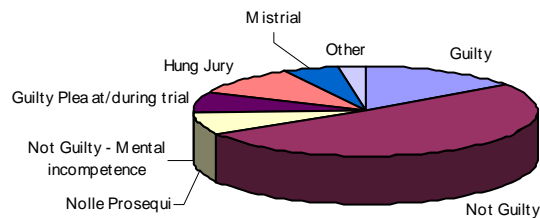
Outcomes - Briefs listed for trial	2008-09	2007-08	2006-07	2005-06
Pleads guilty all charges	12	14.29%	12	16
Pleads guilty some/lesser charges	16	19.05%	16	11
Nolle all charges	12	14.29%	10	3
Other		3	1	7
Proceeded to trial	44	52.38%	38	47
Total	84	100.00%	79	80

Outcomes - Briefs Listed for Trial 2008-09 (Circuit)

Trial Outcomes - Circuit Courts

Trial Outcomes - Circuit Courts	2008-09	2007-08	2006-07	2005-06
Guilty	6	15.38%	11	25
Not Guilty	20	51.28%	9	12
Nolle Prosequi	3	7.69%	11	1
Not Guilty - Mental incompetence			1	1
Guilty Plea at/during trial	3	7.69%	4	-
Hung Jury	4	10.26%		2
Mistrial	2	5.13%	3	5
Other	1	2.56%	4	1
Total Trials Finalised	39	100.00%	43	47

Trial Outcomes 2008-09 - Circuit



Adjudications and Opinions

Adjudication Outcomes	2008-09	2007-08	2006-07	2005-06
Charge major Indictable	2092	84.87%	1867	1590
Charge Minor Indictable	122	4.95%	135	80
Charge Summary	52	2.11%	59	21
Do not lay charges	58	2.35%	39	16
Other	141	5.72%	58	21
Total Adjudications finalised	2465	100.00%	2158	1694

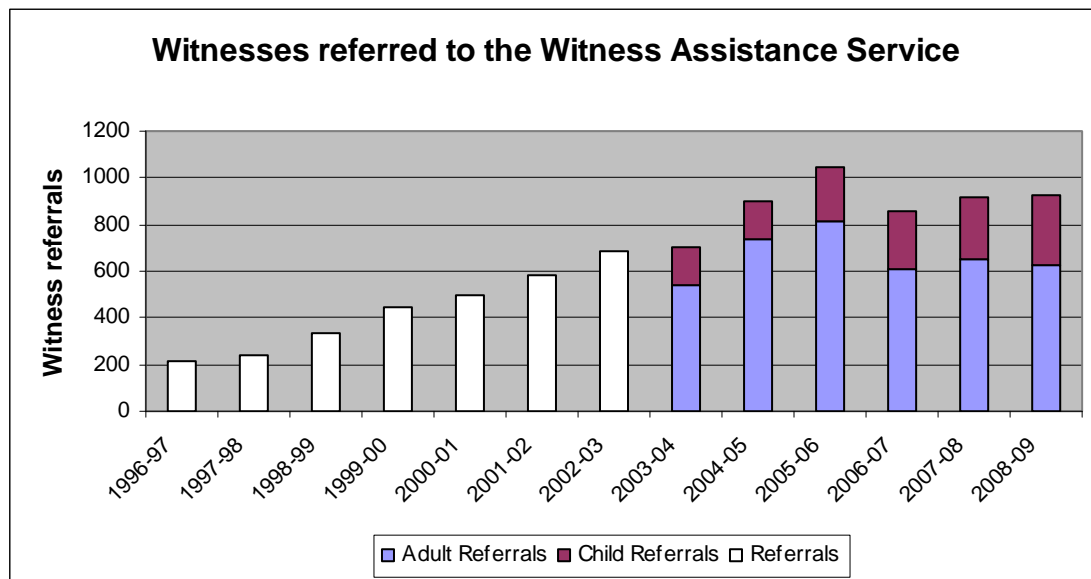
Opinion Outcomes	2008-09	2007-08	2006-07	2005-06
Charge major Indictable	82	36.44%	125	137
Charge Minor Indictable	14	6.22%	38	32
Charge Summary	2	0.89%	25	28
Do not lay charges	64	28.44%	93	90
Other	63	28.00%	191	62
Total Opinions finalised	225	100.00%	472	349

Criminal Court of Appeal

Crown Appeals	Against sentence		Other grounds	
	2008-09	2007-08	2008-09	2007-08
Allowed	5	4		
Dismissed	2	2	1	1
Total Crown Appeals decided	7	6	1	1

Defence Appeals	Against sentence		Against conviction		Other Grounds	
	2008-09	2007-08	2008-09	2007-08	2008-09	2007-08
Conviction quashed	1	1	8	8		
Sentence reduced	9	10				
Appeal Dismissed	16	19	21	45	5	1
Other outcome	6	2	4	4	2	
Total Defence Appeals decided	32	32	33	57	7	1

Leave to Appeal Applications	By DPP against sentence		By Defence against Sentence		By Defence against Conviction	
	2008-09	2007-08	2008-09	2007-08	2008-09	2007-08
Abandoned / Withdrawn			6	6	7	10
Dismissed			13	19	9	13
Sentence reduced			3			
To CCA			27	33	33	26
Other		2		3		
Total Applications		2	49	61	49	49

Witness Assistance Service

Office of the DPP Website

During the year the Office website received 32,628 visits. (A visit constitutes a visitor opening a page.)

CHANGES IN THE CRIMINAL JUSTICE SYSTEM

During 2008-09, legislation passed by Government has led to changes in some practices for the ODPP.

New legislation requires the Courts to direct that trials involving sexual offences, where the complainant is a child, are given priority and dealt with expeditiously. In practice, the priority applies to all trials (and disputed facts hearings) involving sexual offences where the complainant was under eighteen years of age when proceedings first commenced in the Magistrates' Court.

Once committed, the Court endeavours to list a matter for a trial (or disputed facts hearing) within three months of the first directions hearing held after arraignment.

Corresponding changes in existing practice:

- a) Counsel accepting a brief are required to do so on the basis that they will be able to appear in the trial within four months of first arraignment.
- b) The ODPP has to ensure that files are ready for trial much earlier than has previously been the case.
- c) Police briefs need to be finalised as close as possible to the first directions hearing after arraignment.

Delay represents a significant problem for children in terms of giving a coherent and comprehensive account of sexual abuse. It is anticipated that this new practice of priority listing will assist children to put their version of events before a Court.

GENERAL MANAGER'S REPORT

Last year I reported a good start had been made in addressing some long-standing issues in the Office. I am pleased to report that further progress has been made. Naturally, challenges remain.

Staff Levels

The Government announcement of funding for 20.7 extra staff for 2008-09 provided a welcome addition to the Office. It was anticipated that extra legal positions would enable file loads to be reduced for legal staff, which would in turn lead to more manageable loads for the legal support staff. However, a significant increase in the number of prosecution briefs coming to the office has largely offset the staff gains.

The position of Executive Support Coordinator was created during the year. The Office has 37 FTE administration staff, but, with the exception of the Administration Manager and Business Application Administrator, these exist solely to support the prosecutors—as Law Clerks, Secretaries and Rounds Clerks. While the Attorney-General's Department provides corporate services for the Office, these

require significant support from the Office for Finance, Human Resources, Risk Management, Information and Communication Technology, Accommodation and Facilities Management and OHS&W activities. In addition, the Office has its own business and strategic planning needs with just the General Manager to attend to them. The appointment of the Executive Support Coordinator will relieve the pressure of satisfying the demands of Government and AGD at the expense of the Office's business and strategic planning needs, as is currently too often the case.

IJP Case Tracking

The support of Justice Business Services in maintaining and enhancing the Case Tracking system is acknowledged and appreciated. Nevertheless, significant gaps exist in the system. As reported previously, the IJP Case Tracking system and subsequent developments were intended to deliver a comprehensive prosecution management system—with access to criminal histories, notifications and action lists, scheduling, court form automation, exhibit/declarations management, and integrated document creation and records management. None of these is available and reporting remains a laborious process. Following rejection of a budget bid to investigate the options in 2008-09, the Office has sought assistance from Justice Business Services and Justice Technology Services to address these deficiencies and awaits a positive outcome.

The Office is a participant in the on-going, across-justice project to improve the accuracy, consistency and availability of Bail information. While we look forward to implementation of the new system, the project funding will not permit Bail information to be integrated with other prosecution data and viewed from within Case Tracking.

On-going difficulties with reporting still exist despite requests for assistance to research and identify alternatives. The expectation for future reporting against national performance measures and the inability to satisfy, from Case Tracking, Court requests for reports on upcoming prosecutions (to assist Courts to give priority listing of sex crime trials with child victims) highlight areas for development within the database, and the need for improved reporting capabilities.

Knowledge Management

Development of the planned On-Line Prosecution Guide continued but progress was hampered by the lack of available resources to locate, generate and edit the content. The project was—inadvertently—caught up in a freeze on content management systems. When complete, the Guide will enable the Office to capture corporate knowledge and make it readily accessible to all staff alongside essential internal and external on-line resources.

Accommodation

With significant growth in staff numbers during the year, the Office outgrew its allocated space. The Attorney-General's Department provided additional space on a separate floor of the building. The Office now occupies one whole floor and parts of four other floors. The Office began discussions with AGD about how to accommodate the further growth expected in 2009-10. AGD offered, and the Office rejected, space for the "overflow" in a Justice tenancy in Currie St. At the end of the 2008-09 year, the ODPP was still in discussion about a suitable location for staff likely to arrive in early 2009-10.

The AGD's restack of 45 Pirie Street (Base Camp Revamp) made little progress but the Office looks forward to consolidation of its operations onto fewer—and closer—floors. Some changes in the future accommodation proposals for the Witness Assistance Service were negotiated.

AGD Corporate Services

The Office continues to rely on the AGD for all corporate services—human resources, facilities management, finance, procurement, OHS&W, ICT, corporate communications and media, and library, to name a few—and we thank the individuals and teams involved for their assistance throughout the year. We are encouraged by those who have shown a great willingness to assist; to see the issues from an ODPP perspective; and to advocate for the Office’s needs. Resources to enable the Office to respond to the requirements and demands of these service units were increased with the appointment of an Executive Support Coordinator during the year.

Staff Training and Development

With a significant number of senior lawyers entering the management ranks during the year, the pressing need to further develop management and leadership capability across the Office was recognised. With the endorsement of the Chief Executive, AGD legal managers were invited to attend intensive leadership training programs. It is expected that new and established managers will come away from the four or five days shared with future corporate leaders from other professions, industries and countries with new and challenging insights into management and leadership.

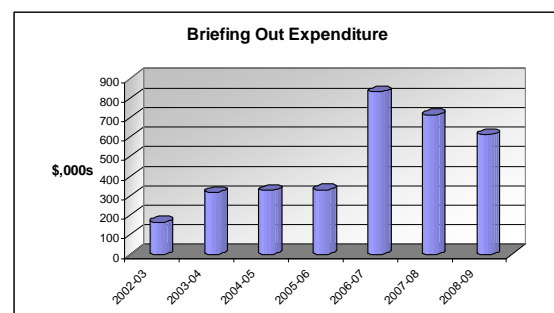
Contribution to Justice projects and programs

The Office has been an active participant in a number of Justice-wide initiatives, sometimes providing significant contribution, at other times commenting on and reviewing the program. The initiatives include:

- Bail Improvement Project
- Justice Video Conferencing project
- Sturt Street Court development
- Criminal Justice Ministerial Task Force
- Victims of Crime Ministerial Advisory Committee
- Justice ICT Committee

Briefing Out

The ODPP briefs external counsel to appear in court on behalf of the DPP in both city and country (Circuit) courts. This helps reduce workloads for ODPP prosecutors and contributes to the development of criminal advocacy within the private Bar. The graph shows Briefing Out expenditure over recent years. The rapid growth in 2006-07 was driven by increases in work and an influx of relatively junior lawyers in the Office. With the recruitment of more prosecutors during 2007-08 and 2008-09, the growing experience of our staff and the Office’s vision that all lawyers can act as Counsel in their own matters, the rate of briefing out is decreasing. Expenditure in the second half of 2008-09 reversed the falling trend and can be attributed to the loss of four of the Office’s most senior prosecutors, including two Queen’s Counsel, during the first half.



Administrative Manager's Report

Staff

At the end of 2008-09, the Office was staffed by the equivalent of 132 full time staff. This number included both legal and administrative staff and represented full-time, part-time and casual employees, all located at 45 Pirie Street.

Human Resources support is provided at a corporate level through the Attorney-General's Department.

Voluntary Flexible Working Arrangements

During 2008-09, the ODPP has continued to support work-life balance and has provided flexible working options including special leave with pay, special leave without pay, the ability to work part-time, options to work from home where appropriate, flexi-time and time off in lieu.

Occupational Health, Safety & Injury Management

As the ODPP is a division of the Attorney-General's Department, Occupational Health and Safety matters are largely reported in the Annual Report of the Justice Portfolio incorporating the Department of Justice and the Attorney-General's Department.

During 2008-09 the Office has continued to be pro-active in its approach to Occupational Health, Safety and Welfare for its staff.

The Office provided:

- Flu vaccinations to staff with the cost borne by the agency
- Worksite assessments by an occupational therapist
- Weather-appropriate jackets/hats for staff within the correspondence section
- OHS&W training for managers, supervisors and representatives
- First Aid training
- Fire Warden training.

Training and Development

The AGD regularly runs Training and Development courses for staff at all levels to ensure all staff have the appropriate skills for current and future business needs as well as personal development. Staff are kept informed via the AGD Intranet and internal emails. During 2008-09, a number of staff members attended workshops offered through the Attorney General's Training and Development programme.

The ODPP continues to provide in-house training for professional staff specifically tailored to their needs.

During 2008-09, AGD continued to require all new staff to attend training in Aboriginal Cultural Awareness. The Department also continued to offer a number of diversity courses including lunchtime forums.

The ODPP continued its public education role during 2008-09. Legal staff members conducted external training and public information sessions. More detail on these can be found in Appendix C. A number of legal staff continue their involvement with the Flinders University Career Link Mentoring Program.

Witness Assistance Service Report

In 2008-09 the Witness Assistance Service (WAS) noted an increased demand for its services—support for victims of crime, prosecution and their immediate family in matters dealt with by the Office. The increasing demand was felt across the State including from regional and remote areas.

The WAS Team provided support to significant numbers of victims and witnesses at increased vulnerability resulting from the nature of the legal matter involving them, and / or the nature of their personal circumstances.

WAS Staffing

Throughout 2008-09 the Service operated with a total of twelve Witness Assistance Officers (WAO) - all qualified Senior Social Work professionals.

The number of WAOs remained steady throughout the year but with more staff (approximately one third of them) working part-time.

In 2008-09 the Service received funding for a part-time social worker for matters arising from the Children in State Care (Mullighan) Commission of Inquiry. A further half-time position was funded in response to increasing demands for witness and victim support. The Service now has 10.5FTE.

The Service implemented a major reassignment of staff resources in March 2009, in direct response to new legislation⁵ prioritising child complainants (under 18 years of age) of sexual offences. Given the 'fast tracking' and increased intensity of work associated with child complainants (and their parents / guardians), the reallocation has actively sought to rebalance workloads across the team.

WAS Resource Allocation (prior to March 2009)	FTE	WAS Resource Allocation (from March 2009)	FTE
WAS Manager	1.0	WAS Manager	1.0
Adult WAO	5.9	Adult / Adolescent WAO	4.7
Child WAO	3.6	Child /Adolescent WAO	4.8
TOTAL	10.5	TOTAL	10.5

WAS Year in Review

The activities of the WAS continue to be influenced by the needs, requests and referral patterns of victims and witnesses.

During 2008-09, *New Referrals* to the Service grew 1.2% (927 compared to 916 the previous year). Where *New Adult Referrals* decreased by 3.8 % (629 compared to 654) the number of *New Child Referrals* increased by a sizable 13.7% (298 compared to 262).

The Service experienced an 18.2% increase in the actual numbers of face-to-face services delivered to victims and witnesses. Of particular note, *Court Companion Support* more than doubled, reflecting the WAS's increased involvement with child and adolescent victims and witnesses. Such increases are not

⁵ Statutes Amendment (Evidence & Procedure) Act, 2008

sustainable. *Attendance at Proofing Meetings* and *Court Familiarisation / Preparation* also increased by 27.0% and 8.5% respectively.

Activity	2007-2008	2008-2009	% Change
Attendance at Proofing Meetings	862	1095	+ 27.0%
Court Attendance / Support	466	476	+ 2.1%
Court familiarisation / Preparation	153	166	+ 8.5%
Assistance with VIS	106	100	- 5.7%
Court Companion Support	46	99 ⁶	+ 115.2%
Total Face -to-face Services	1638	1936	+ 18.2%

Activity levels in 2008-09 compared to the previous year

Community Education and Training

Given the ODPP's important role in criminal law and criminal prosecutions, the Service continued to provide information and training for key stakeholders needing to understand the level of support required to assist victims, witnesses and their families.

Education and Training services provided in 2008-09 included:

- TAFE Interagency Child Abuse Investigation Training (4 sessions)
- Criminal Justice Seminars to External Organisations / Key Stakeholders (Adelaide and Elizabeth)
- SAPOL Police Prosecutor Training
- Victim Support Service Inc (New Legislation affecting Victims of Crime)
- University of SA (Criminal Law Students)
- TAFE SA Guest Lecture (Certificate IV in Youth Work & Community Services)

Legal Staff Education and Training

The Service continued to offer its experience, expertise and specialist knowledge to legal and non-legal staff in the Office and actively participated in the recruitment, orientation and training of new and existing legal staff.

Of particular note, the Service continued to train legal staff in "*Working with Child Victims and Witnesses*" and became actively involved in the planning, promotion and delivery of the AGD's *Child Sexual Assault* and *Children as Witnesses* Training to all legal staff in the Office.

The Service continues to appreciate the need for effective partnerships, collaboration and consultation between legal and social work staff in achieving high standards of service to victims and witnesses, and in responding sensitively and effectively to their diverse needs.

WAS Highlights and Achievements

The activities of WAS continue to be guided by the need to provide timely, responsive and quality services to victims, witnesses and their families at increased vulnerability.

The Service continued to work on a number of priorities and projects identified in its *2007 - 2009 Strategic Planning Directions*, with positive achievements being noted in a number of key areas.

Highlights in the 2008-09 financial year include:

- Improving the referral rate of child victims and witnesses;
- Improved consultation and information practices with victims of Mental Impairment proceedings;
- Training of additional WAOs in the provision of services to regional and remote Circuit Court areas;
- Successful advocacy to the *Commissioner of Victims Rights* for practical support for victims and witnesses with special needs and requirements;
- Improved collaboration and partnerships with local service providers in the *APY Lands*
- Improved interagency relationships with the *Forensic Mental Health Service (James Nash House)*, *Courts Administration Authority*, *Coroner's Court*, *Community Corrections and Child Protection Services*;
- Development of "*Policy & Practice Guidelines for Working with Child and Adolescent Victims and Witnesses*";
- Membership on the *AGD's Restorative Justice Reference Group*;
- Presentation at the 2009 *WAS National Conference* - "*Developments in Policy and Practices with Child Victims and Witnesses in South Australia*";

APPENDIX A

Publications and Information

The Office publishes information about its services and provides information about services available to victims and witnesses from other agencies. Some publications are produced jointly by the Office and other government and non-government organisations. ODPP publications are available through the Office's internet site. This website is regularly updated and provides links and information about the criminal justice system, employment opportunities and work experience.

The following publications are available on the Office of the DPP website - www.dpp.sa.gov.au.

- ODPP Annual Reports
- *Director of Public Prosecutions Act 1991* and links to relevant legislation
- *ODPP Prosecution Policy and Guidelines*
- *Witness Assistance Service - Information* leaflet (Information for witnesses and victims of crime)
- *Unlocking the Homicide Maze* (Produced by the ODPP in conjunction with the Homicide Victims Support Group)
- *An Important Job - Going to Court* (specifically written for child victims/witnesses)
- *What Choice Do I Have?* - Information for people who have experienced rape or sexual assault (jointly produced by the ODPP and Yarrow Place Rape and Sexual Assault Service).

The following internet sites provide further information related to the work of the Office.

<i>Office of the Director of Public Prosecutions</i>	www.dpp.sa.gov.au
<i>Commissioner for Victims' Rights</i>	www.voc.sa.gov.au
<i>SA Police</i>	www.sapolice.sa.gov.au
<i>Yarrow Place Rape & Sexual Assault Service</i>	www.yarrowplace.sa.gov.au
<i>Courts Administration Authority</i>	www.courts.sa.gov.au
<i>Department for Correctional Services</i>	www.corrections.sa.gov.au

APPENDIX B

Compliance Reporting

The following matters are incorporated within the Annual Report of the Attorney-General's Department.

- Aboriginal reconciliation Statement
- Asbestos Management
- Consultants
- Contractual arrangement
- Disability Action Plan Reporting
- Energy Efficiency Action Plan Reporting
- Equal Employment Opportunity
- Executive Employment Reporting
- Financial Reporting
- Fraud
- Greening of Government
- Human Resource Reporting
- Occupational Health, Safety & Injury Management
- Regional Impact Assessment Statements

Freedom of Information

The Office of the DPP is an 'exempt agency' for the purposes of the *Freedom of Information Act 1991*.

Overseas Travel

The Director made the following overseas trips in 2008-09

Destination: Singapore
Purpose: International Association of Prosecutors (IAP) Conference
Date: 26 - 31 August 2008
Total Cost to ODPP: \$8,135.00

Destination: Fiji
Purpose: ODPP Fiji Annual Conference
Date: 6 - 9 December 2008
Total Cost to ODPP: \$101.00 (Accommodation, airfare and meals paid for by Fijian Govt.)

APPENDIX C**External training**

SESSION	ODPP REPRESENTATIVE
OARS (Public Forum) Aspects Of The Criminal Justice System	Stephen Pallaras QC
University Of Adelaide, Law Student's Society Careers Seminar - ODPP	Stephen Pallaras QC
University Of SA, School Of Law Challenges Of Working In ODPP	Stephen Pallaras QC
Governor's Leadership Foundation – Seminar On Law, Order & Justice Role Of The DPP	Stephen Pallaras QC
Society Of Auctioneers & Appraisers SA Role Of The DPP	Stephen Pallaras QC
AGD Lunch-Time Information Sessions Processes Of The DPP	Stephen Pallaras QC
Felixstow Neighbourhood Watch Role & Responsibilities Of The DPP	Stephen Pallaras QC
SA Police Forensic Services Branch Seminar The Expert Witness	Stephen Pallaras QC
University Of SA, School Of Law, Human Rights Symposium Human Rights & The Undecided Observer	Stephen Pallaras QC
Forensic Science SA Overview Of The Function Of The ODPP	Stephen Pallaras QC
Police Investigators Training Topic: 'Cross examinations of Police Officers'	Melissa Wilkinson
Police Investigator Training	Emma Wildman
Police Prosecutors Conference (Echunga) Topic: Lecture on Prosecution Techniques	John Wells

SESSION	ODPP REPRESENTATIVE
Drug Investigation Branch Course (Echunga) Topic: Witness and Informant matters	John Wells
Flinders University Career Link Mentoring Program	Corinne Harrison John Wells Lucy Boord Emily Telfer Heath Barklay Melissa Wilkinson Carolyn Lam Tiffany McArthur
Forensic Science Centre Topic: Expert Witness Training Exercise	Emily Telfer
SAPOL Investigators Course Topic: 'Interviewing'	Emily Telfer
Yarrow Place Topic: "Yarrow Place Expert Witness Training" for training of General Practitioners giving evidence	Emily Telfer
SAPOL Police Prosecutions Training course Topic: Committal Proceedings and Rule 20 Applications	Emily Telfer Mark Allesandrini

APPENDIX D

Glossary

<i>Accused</i>	A person who is alleged to have committed an offence.
<i>Acquit</i>	To find an accused person not guilty at a trial.
<i>Adjourn</i>	To delay a court hearing, until later that day, to a future date or indefinitely.
<i>Adjudication</i>	Legal advice sought by, and given to, SA Police in the metropolitan area on the appropriateness of draft charges intended to be laid on the first appearance after arrest. Adjudication requests are generally turned around within two hours in time for the accused's first appearance in the Magistrates Court (the morning of the day after arrest if bail has been refused). See also <i>Opinion</i> .
<i>Affidavit</i>	A sworn or affirmed written statement which may be used as a substitute for oral evidence.
<i>AGD</i>	Attorney-General's Department
<i>Antecedent Report</i>	A report that lists a person's previous criminal convictions.
<i>Appeal</i>	An application to a higher court to review a decision of a lower court regarding a conviction or sentence. If the higher court agrees with the <i>appellant</i> that the lower court made an error, the lower court decision is quashed or overturned. A different sentence will be imposed or, in the case of appeal against conviction, a new trial may be ordered or the <i>appellant</i> may be acquitted. If the higher affirms (agrees with) the lower court decision, the appeal is dismissed The DPP can appeal against sentence only (not against an acquittal). The defendant can appeal against both a sentence and conviction.
<i>Appellant</i>	When a party (prosecution or accused) appeals against a court decision, he/she is referred to as the appellant throughout the appeal process. See also <i>Respondent</i> .
<i>Arraignment</i>	After a defendant is committed to stand trial in the District or Supreme Court he/she must formally plead to the charges. This first appearance in the District or Supreme Court is the arraignment.
<i>Arrest</i>	To apprehend or take into custody a person suspected of having committed a crime.
<i>Bail</i>	Once a person has been arrested and charged with an offence, that person must remain in gaol unless that person has legal authority to remain out of gaol. When a person receives such authority that person is said to have been granted bail. Bail may be on the accused's own undertaking to appear or with sureties (promises made by others) and subject to conditions.
<i>Brief</i>	The DPP file relating to the prosecution of one defendant on one charge or multiple related charges. Co-accused will have separate Briefs. Unrelated charges stemming from a separate criminal activity will have a separate Brief. Co-accused will have a Brief each for the criminal activity being prosecuted.
<i>Burden of Proof</i>	The onus of proving disputed facts. In criminal trials the onus is almost always on the prosecution to prove the facts, including the charge. Defence does not have to prove innocence. See also Standard of Proof.
<i>CLCA</i>	<i>Criminal Law Consolidation Act 1935</i>

<i>Committal Proceedings</i>	After a person is charged with an indictable offence they appear before a magistrate who determines if there is sufficient evidence upon which to order that they stand trial before a judge and jury in the District or Supreme Court.
<i>Committed for Sentence</i>	If, at the committal proceedings, the accused pleads guilty, the magistrate will order the accused person to appear before a District or Supreme Court to be sentenced according to law.
<i>Convicted</i>	Found guilty of the crime charged or of a lesser charge.
<i>Crown</i>	The Crown means the State.
<i>Declarations</i>	A written witness statement given to police, signed by the person giving the statement.
<i>Defendant</i>	In the Magistrates Court the accused may be referred to as the defendant.
<i>Directions Hearing</i>	A pre-trial administrative hearing to ensure that all parties are ready for trial and to set a trial date.
<i>Exhibit</i>	A document or physical item tendered as evidence in a court hearing or referred to in an affidavit.
<i>Forensic science</i>	The use of science or technology to investigate and establish facts or evidence in a court of law. Forensic scientists search for and examine physical evidence to establish or disprove links between material or a person and the scene of the crime or another person.
<i>Forfeiture Orders</i>	Orders granted under the Criminal Assets Confiscation Act, 2005 for the confiscation of property of a person convicted of a criminal offence.
<i>Form 7</i>	An application to the Full Bench of the Supreme Court for leave to appeal following rejection of an application to appeal by a single judge.
<i>Indictable Offence</i>	An offence, either Major Indictable or Minor Indictable, for which the accused has an initial right to be tried by a judge and jury.
<i>Information</i>	An Information is the document that formally initiates the prosecution process when lodged with the court prior to Arraignment. It names the accused, details of the charge or charges and the names of witnesses.
<i>Major Indictable Offence</i>	Those indictable offences where the maximum term of imprisonment exceeds five years. All major indictable offences are heard and determined in the District and Supreme Courts.
<i>Matter</i>	The prosecution of one or more defendants charged in relation to a crime. Where two or more defendants are charged (irrespective of the number of charges laid) the Office will have a Brief for each defendant
<i>Major Indictable Offence</i>	Those indictable offences where the maximum term of imprisonment exceeds five years. All major indictable offences are heard and determined in the District and Supreme Courts.
<i>Mentally Incompetent</i>	<ol style="list-style-type: none">(1) Where an accused is found not guilty on grounds of mental competence at the time the offence was committed (CLCA Part 8A) and declared liable to supervision.(2) Where a person is found by a court to be mentally unfit to stand trial because they can not satisfactorily assist in their own defence.
<i>Minor Indictable Offence</i>	Those indictable offences where the maximum term of imprisonment exceeds two years but is less than five years. Minor indictable offences are heard and determined in the District Court.

<i>Nolle Prosequi</i>	A decision by the DPP not to proceed with the prosecution. The formal recording of that decision by the court. This decision is taken when it is indicated as appropriate by the Statement of Prosecution Policy and Guidelines (available on the ODPP website - http://www.dpp.sa.gov.au .)
<i>Non-Parole Period</i>	The period a prisoner must serve without any eligibility for parole. When a judge imposes a sentence of imprisonment, a non-parole period will generally also be imposed. This is the minimum period the prisoner will serve before he/she is eligible for release. If this period is greater than five years, the release of the prisoner is dependant upon the Parole Board.
<i>Not Guilty</i>	(1) A plea by an accused that he/she did not commit the crime charged. (2) The finding of a court that the accused is acquitted of the charges.
<i>Objective elements</i>	The elements of a crime other than the mental state of an alleged offender. If an accused is found unfit to stand trial due to a mental impairment, the court will decide whether the criminal act occurred as alleged without turning its mind to the guilt of an alleged offender.
<i>Opinion</i>	Advice requested by SA Police from the ODPP in accordance with SAPOL guidelines which permit discretion to request an Opinion in some situations but mandates specified categories of offence be referred to the ODPP for an Opinion. Following a detailed examination of the charges, the available evidence and a review of all statements and the account of interview of the alleged offender, the ODPP may confirm charges should proceed as laid, advise a change of charges or recommend further investigation. It may also confirm an arrest or report is justified on the basis of the material provided.
<i>Pecuniary Penalty Order</i>	An order by a court that the defendant pay to the Crown a sum of money based on the value of the benefits derived by the defendant from the commission of the offence or the value of the instrument of the offence.
<i>Police prosecutors</i>	Members of SA Police who prosecute offences in the Magistrates Court.
<i>Plea</i>	A plea is the formal response of an accused at trial or arraignment. At the accused's trial the charge is read out to the accused (i.e., the accused is arraigned) and the accused then formally responds by saying he or she is <i>guilty</i> or <i>not guilty</i> .
<i>Precedent</i>	A judicial decision on a point of law which is binding on all courts lower in the hierarchy.
<i>Resolved Summarily</i>	Matters where <i>major indictable</i> charges have been reduced to <i>minor indictable</i> or <i>summary</i> charges and finalised by guilty plea or trial in the Magistrates Court.
<i>Respondent</i>	The party (prosecution or the accused) called to respond in a higher court to an appeal by the other party against a decision of a lower court.
<i>Restraining Orders</i>	Restraints placed by a court to prevent a person from acting in a particular manner—for example, to prevent the accused from contacting or approaching victims or witnesses. Restraining orders made by a court under section 15 <i>Criminal Assets Confiscation Act 2005</i> prevent person(s) disposing of or otherwise dealing with specified property until criminal offences and confiscations proceedings are resolved. Domestic violence restraining orders prevent a defendant from contact with specific people or visiting specific addresses. Paedophile restraining orders prevent a defendant from loitering near children or in the vicinity of specified locations, for example, schools, malls, playgrounds and public toilets.

<i>Sentence</i>	The penalty imposed on the accused if he/she pleads, or is found guilty of an offence. For murder there is a mandatory head sentence of life imprisonment. The judge will usually set a non-parole period.
<i>Subpoena</i>	A legal document requiring attendance in court to give evidence and/or the production of a document or exhibit.
<i>Standard of proof</i>	The degree of certainty which must be established to prove a charge. In criminal proceedings facts must be proven 'beyond reasonable doubt'. In civil proceedings the contested facts are proven 'on the balance of probabilities'.
<i>Summary Offence</i>	An offence with a maximum possible prison sentence less than two years. Summary offences are tried in the Magistrates Court and not sent for trial before a judge and jury. Police prosecutors (not the DPP) normally prosecute summary offences.
<i>Suspended Sentence</i>	A judge giving a sentence of imprisonment may suspend the sentence on condition that the defendant enters into a bond to be of good behaviour and to comply with any other conditions of the bond.
<i>VIS</i>	See Victim Impact Statement
<i>Victim Impact Statement</i>	A written statement prepared by a victim and read or presented in Court to inform the Court of the impact of a crime on a victim.
<i>Voir Dire</i>	Legal argument before the judge in court but without the jury present.

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