



**Government  
of South Australia**

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Director of Public  
Prosecutions

**DIRECTOR  
OF  
PUBLIC PROSECUTIONS**

Annual Report

2007-08

**Office of the Director of Public Prosecutions  
Level 7, 45 Pirie Street (GPO Box 464)  
ADELAIDE 5000**

**Phone: (08) 8207 1529  
Fax: (08) 8207 1799  
Email: [dpp@agd.sa.gov.au](mailto:dpp@agd.sa.gov.au)  
[www.dpp.sa.gov.au](http://www.dpp.sa.gov.au)**

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## DIRECTOR'S OVERVIEW

### Director's Overview

The past year has proved to be a landmark year for the ODP. While significant and serious dual challenges of work load and resources still remain, there have been some important changes within the Office which permit the beginning of some cautious optimism.

The gradual implementation of the recommendations of the Organisational Review delivered in late 2006, or at least those recommendations which have been accepted and funded wholly or in part by government, has meant a change to the organisational basis of the Office. The introduction of a Practice and team-based structure as recommended by the Review has highlighted the focus on reform and modernisation. The new structure aims to facilitate the efficient movement of files through the Office while minimising double handling and delays.

While achieving the objective of having an Office comprised of lawyers equally skilled in solicitorial and advocacy work and who are each capable of taking on any criminal matter that comes before them is still some time away, a beginning has been made to 'fuse' some practices with encouraging results. To that end and even although it may be a superficial change, the description of each legal officer as either 'solicitor' or 'prosecutor' must change to that of simply 'prosecutor', for indeed that is what each lawyer is.

The welcome arrival of new staff has been countered by the loss of others and the imperative to build our numbers, particularly of experienced lawyers, is the single most significant challenge faced by the Office. The need for additional training for newcomers and indeed for continuing training for existing staff has been severely impacted by the combined effect of a lack of resources to fund a training position and the time pressures on senior staff who might otherwise fulfil that role.

Over the last 12 months our file numbers continued to increase from 2,334 to 2,431. Even though in the same period of time our legal staff increased by two FTE from 67.53 to 69.53<sup>[1]</sup>, this increase was for work associated with the *Firearms Amendment Bill*. In other words, not only did we receive no additional staff to help ease the burden of existing work, no increases in staff were provided to take account of the growth in the number of files over the period. Our administrative staff numbers also remained unchanged at 32.05 FTE.

In this context it is also to be remembered that as a result of the recommendations of the Organisational Review, senior staff have been required to devote much more of their time to management functions. This is estimated by the Organisational Review to be the equivalent of 7.2 FTEs.

To cover pay rises the salary budget allocation increased from \$10.26 million in 2006-07 to \$10.83 million in 2007-08. However the supplies and services budget allocation *decreased* from \$974,505 to \$543,267 to cover items that cost \$1.7 million in 2006-07. At the suggestion of AGD Business and Finance Services \$600,000 was transferred from the salary budget to fund essential supplies and services.

In those circumstances it needs to be plainly stated that a reduction in the budget of the Office is misguided and unsustainable.

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<sup>[1]</sup> While approval has been given for advance recruitment against the *Serious and Organised Crime Bill*, these positions will not be funded until 2008-09. Three further unfunded FTE positions have been allocated to permit the urgent replacement of staff who have taken maternity leave, however these have no effect on the net number of lawyers available.

The appointment of a Deputy Director has been another significant change to the structure and to the workings of the Office. Mr Hinton QC is to be commended for taking to the job with enthusiasm, energy and ability and for adding a significant administrative role to his already heavy workload. It is clear that the Office desperately needs a second Deputy dedicated to the heavy and growing tasks involved in the administration of the Office so that our senior and experienced advocates are available to appear in the most complex and difficult cases. To date, this suggestion has not been met with approval by Government.

The appointment of Mr James Pearce as Queen's Counsel was a fitting reward for many years of hard work and dedicated service to the public of South Australia. It is also a confirmation of the quality of the lawyers engaged in the difficult task of criminal prosecutions and in many ways it is an affirmation of the Office itself.

One matter of continuing concern however is the extent to which the '*administration and control of the Office*', a power specifically given to the Director under s.6(3) of the *Director of Public Prosecutions Act 1991*, is continually frustrated by the actions of Government. By way of example, it is farcical for a Director not to be able to define the Job and Person specifications of the Deputy Director's position but instead to have them imposed by public servants with no knowledge of the needs of the Office. It also makes no sense for the ultimate evaluation of applicants for such a vital position in the Office to be made by bureaucrats outside the Office rather than by the Director and senior management from within the Office. If these tasks do not come within the definition of administering and controlling the Office, it is difficult to see what would.

What has not been understood is that the question is not whether the *Director of Public Prosecutions Act 1991* or any other Act should prevail, but rather who is best qualified to make decisions that impact directly upon the business of the ODPP - a public servant without any legal qualification, with no direct experience of prosecutions, criminal trials or of the ODPP or, those who work intimately in the area every day of their working lives. The objective must be to provide a prosecution service for the people of South Australia which is informed by decisions made by those who are best positioned to do so. Where bureaucratic process runs counter to this objective, it should be discarded.

The future continues to hold many challenges for our prosecutors, our excellent administrative staff ably led by Mr Murray Fopp and our largely unsung Witness Assistance Officers. Whether it be the challenge of maintaining young families while committing so much time to the work of the Office, or the challenge of keeping apace with legislative change or even the task of ensuring that we have the knowledge and the skills to deal with the changing nature of crime itself, there is much to contemplate for prosecutors of the future. They are challenges that can only be met by people of the finest calibre, people of integrity who see that there is an important job to be done for the community and get on and do it. The State is fortunate indeed to have such people in the ODPP. I thank them all for their extraordinary efforts and their continued dedication.

I also wish to specifically thank my Personal Assistant Ms Dianne Flynn whose competence, work ethic and ready smile have so frequently rescued me from my own inadequacies.

**Stephen Pallaras 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 South Australian Parliament, the judiciary, victims, 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 representation on various committees, steering groups and working parties. A list of representatives on external committees and steering groups is reported in Appendix B.

## Strategic Focus

The strategic focus this year has been very much on finalising the implementation of the organisational review. At the end of last year a Deputy Director had been appointed and the first of the Practice Managers were taking on their responsibilities. By the end of the first half year all the new senior appointments were made and the Office moved to a Practice-based structure with each team having solicitors, prosecutors, its own legal administrative support and access to dedicated Witness Assistance Officers. Under the previous structure a prosecution brief had a number of hand-offs within the Office—from the Committal Section to the General Solicitors Section and then to the Prosecutors. Under the new structure, briefs are, where practicable, managed within the Practice and with fewer hands touching the file during its life in the Office.

With the Practices up and running, the next challenge has been to determine appropriate performance measures and to address a number of strategic challenges including maintaining a healthy and safe workplace for staff in an environment where the volume and pace of work can be overwhelming and the nature of the work frequently distressing. Other strategic challenges include attracting and retaining high quality staff, capturing and using corporate knowledge, continuing professional development and adapting to continuous change in legislation and the administrative environment.

The key target areas identified in past years are still current:

- Ensure an independent and effective criminal prosecution service.
- Work cooperatively with Government and other key stakeholders to improve the criminal justice system.
- Ensure the most efficient use of the resources (human, physical, financial and technological) provided for the prosecution of criminal matters.

## 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](http://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*

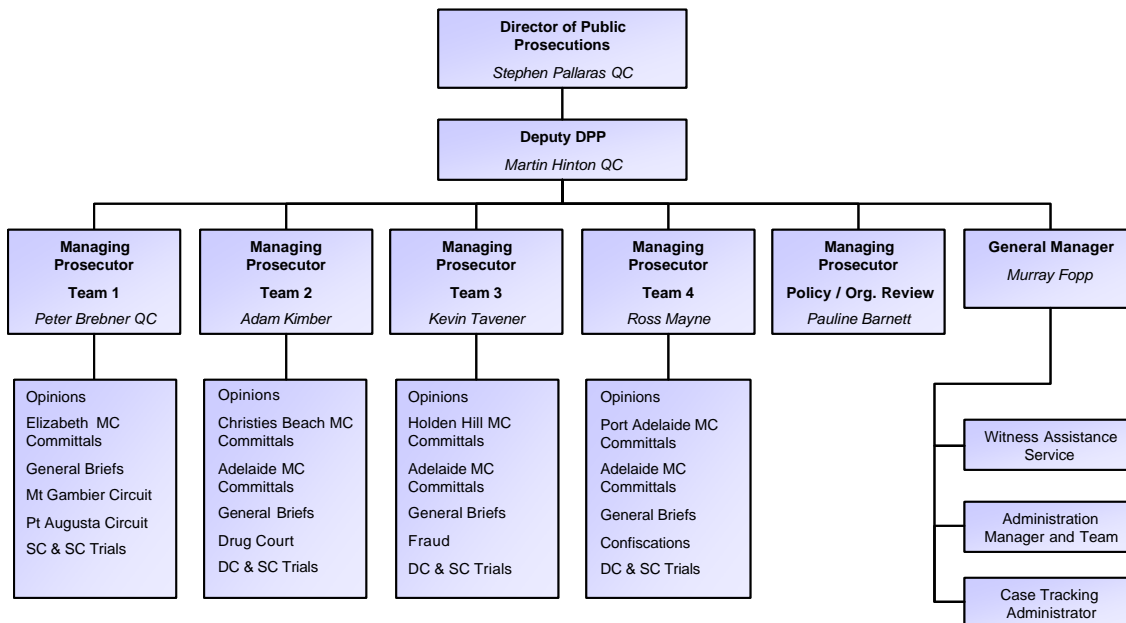
*Criminal Law (Forensic Procedures) Act 1998*

*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*  
*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

In line with recommendations of the 2006 Lizard Drinking review of the Office, a multi-discipline, Practice-based structure was implemented during 2007-08. Previously, the Office was divided into Solicitor and Prosecutor functions with separate administrative support and witness assistance groups. The Practice-based structure allows Practice Teams to manage a prosecution from the delivery, by

police, of the prosecution brief through to resolution of the prosecution. In many cases the same lawyer will have carriage of the brief from start to finish.

Law Clerks work within Practices to provide legal administrative support. Witness Assistance Officers, while working as a discrete group, are assigned in a 'consultancy' role to each Practice. This multi-disciplinary makeup ensures each Practice has the necessary resources for the roles and responsibilities assigned to it, and the ability to apply them as its management team determines.

The realisation of additional legal manager positions—Managing Prosecutors (the Practice Managers) and Senior Prosecutors—allows more appropriate legal supervision and mentoring by experienced prosecutors.

The appointment of a Deputy Director late in 2005-06 permitted more attention to be given to managing the non-legal affairs of the Office—occupational health and safety, risk management, workforce planning, staff wellbeing, review of work practices and procedures, emerging demands and opportunities, and fine tuning the roles and responsibilities of manager and supervisors, both legal and non-legal, in the new structure.

## **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.*

### ***Martin Hinton QCLLM (Lond) LLM (Adel) Deputy Director of Public Prosecutions***

Graduated from University of Adelaide in 1989, and worked in London from 1990 to 1992 as a Senior Crown Prosecutor with the Crown Prosecution Service. In 1993, joined the ODPP as a Crown Prosecutor before moving to the Crown Solicitor's Office in 1997 where he worked as a senior solicitor in the Prosecution, Business and Professional Administrative and Environment Section. In 2000 Martin returned to the ODPP as a Senior Prosecutor, conducting trials in the superior courts and appeals and applications before the Supreme Court, Court of Criminal Appeal and High Court. In December 2006 Mr Hinton was appointed a Queen's Counsel.

*Martin Hinton QC was appointed as Deputy Director of Public Prosecutions in May 2007. 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 AssocDipEng (Electronics), Cert IV in Training and Workplace Assessment, BPublicAdmin, MBA - 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 18 months she was seconded to the Attorney-General's Office as Principal Private Secretary to the Hon C J Sumner MLC from November 1988 until April 1990. In 1994 she joined the Office as an MLS-1 Solicitor and in 1997 she 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*

### **Adam Kimber BA (Juris), LLB (Hons), GDLP Managing Prosecutor**

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 and then managed a group of solicitors and concentrated on appellate counsel work. Rejoined the Prosecution Section as a Senior Prosecutor in 2005. Became the Managing Prosecutor in 2006. Significant trial experience in the District and Supreme Courts.

*Prosecutes major trials in the District and Supreme Courts. Conducts appellate work in the Court of Criminal Appeal and High Court. Responsible for one of the Office's Practice Teams and oversight of the allocation of trial work including briefing to the private profession.*

### **Kevin Tavener BEc, LLB, M.Com., Mnt. Crim Prev., Grad. Dip Crim- Managing Prosecutor**

Employed in private industry before joining the NSW Police Force. After being admitted, worked in the NT and NSW, in both public service and private practice. State Prosecutor with the WA DPP, initially with the 'WA Inc' Prosecution Unit, before joining the private bar. In 2007, appointed a Managing Prosecutor with the SA DPP, having been a UN Prosecutor (2004-06) with the Special Court of Sierra Leone.

*Prosecutes trials in the District and Supreme Courts. Conducts appellate work in the Court of Criminal Appeal. Responsible for the management of a prosecution team and professional education and training within the Office. Senior Visiting Fellow in Law, University of Wollongong.*

### **Ross Mayne LLB- Managing Prosecutor**

Graduated from Adelaide University in 1978. Was admitted in South Australian Supreme Court and High Court of Australia in 1979. Was an Assistant Crown Prosecutor, then a Senior Assistant Crown Prosecutor in the Crown Prosecutors Office from 1981- 1988 prosecuting a range of matters (including murder) in both the Supreme and District Courts of South Australia. From 1988-1996, and again from 1999-2001 was a Barrister in Private Practice and was a founding member of Mitchell Chambers. In 1996 admitted as a practitioner of the Supreme Court of NSW and appointed as a Crown Prosecutor in the Office of the Commonwealth DPP in Sydney. Conducted Appeals and trials in the Court of Criminal Appeal and District Court in NSW. In 2001 took up an appointment as Senior Trial Advocate for NSW Legal Aid Commission defending legal aid clients charged with more serious matters, including attempted murder and large scale drug charges.

## **Management Committees**

### ***Executive Committee***

The *Executive Committee* consists of the Director, Deputy Director, the five Managing Prosecutors and the General Manager (Chair). The Executive meets monthly and has overall responsibility for the establishment, implementation and evaluation of the strategic direction of the Office. It has final responsibility for policy and will also determine the appropriate response to the important legal issues affecting the Office generally.

### ***Management Forum***

The *Management Forum* consists of all managers and supervisors—Managing Prosecutors (Practice Managers), Senior Prosecutors, Administration Support Team Leaders, General Manager, Administration Manager and Manager, WAS. It is lead by the Deputy Director.

The Management Forum meets monthly and is primarily an information sharing forum. It considers operational issues and allocates responsibility for activities to small teams or individuals. It coordinates activities and the directions of the Practices and provides a multi-disciplinary perspective on issues facing the Office. It may make recommendations, or refer issues, to the Executive Committee.

## **Internal Committees / Steering Groups**

### ***Psychological Health & Well-Being Reference Group***

Following a number of formal consultations with staff and management, a significant number of OHS&W issues and concerns impacting on the psychological health, well-being, coping and morale of staff in the office were identified.

Due to the number and seriousness of hazards identified, a representative group—the Psychological Health & Well-Being Reference Group (PHWRG)—comprising executive, management, operational staff, and union and OHS&W representatives was established in November 2007.

With the primary goal of identifying priorities, strategies and actions for improving the psychological health and well-being of staff, and reducing levels of ‘psychological stress’ in the work place, the purpose of the group was defined:

- To prioritise the OHS&W issues identified by staff and make appropriate recommendations about how best to respond to these.

- To propose relevant frameworks, systems and processes to best respond to current and future OHS&W needs.
- To review current management practice / performance and make recommendations for improvement and development, within the context of supporting a 'whole of office approach' to OHS&W.

Following wide and ongoing consultation with ODPP staff, the *PHWRG* developed a framework and *Draft 'Action Plan'* for responding to the psychological health and well-being of staff. To date, a number of key milestones and achievements have been made by the *PHWRG*, which have included:

- The identification and consolidation of ten (10) key themes / areas for action including:

Area One:	Work Allocations & Practices
Area Two:	Practice Assistance & Support
Area Three:	Recruitment and Retention
Area Four:	Staff Well-Being
Area Five:	Management Training & Development
Area Six:	Internal Communications
Area Seven:	Office Culture
Area Eight:	External Relations
Area Nine:	Staff Induction, Education & Training
Area Ten:	Physical Factors / Environment

- The development of a *DRAFT Psychological Health & Well Being Action Plan*
- The recommended establishment of an *ODPP OHS&W Committee*
- The recommended creation of a *Psychological Health & Well-Being Staff Contact Officer*
- The recommended development of a confidential All-Staff Survey

The *PHWRG* has made very significant progress on a large number of widely diverse concerns while members performed their usual duties in a very busy office.

OHS&W and psychological health and well-being will remain issues for the ODPP and will require active management (both preventative and responsive) in the year ahead.

There will be a need to follow up the actions and strategies proposed by the *PHWRG* to ensure the improvement of psychological health and well-being in the office. To the extent that gaps are observed, the proposals will need to be managed, evaluated and revisited.

The psychological health and well-being of staff will continue to require special attention.

### ***Prosecuting in the Future***

The ODPP has recognised and embraced the need to adopt creative and flexible approaches to those endeavouring to commence or continue a career as a prosecutor whilst managing a family.

Some significant foundations have been laid in the last year making it clear that with the right support, both personal and professional and, flexibility on the part of the individual and the ODPP a work-family balance can be successfully achieved.

Already in the office a part time prosecutor position exists. With a 0.6 workload, and with the allocation of appropriate trials, files have been prepared and presented to their completion. Further, in 2007-08 two prosecutors returned from maternity leave, both in a full time capacities, one as a Managing Prosecutor, the other has the conduct of a hybrid practice which includes prosecuting on a part time basis.

The three situations vary and function differently but are indicative of the innovative approaches necessary to ensure that a sustainable work-family life balance is achieved.

It should be said that the focus of 'Prosecuting in the Future' should not be limited to those managing a career and family but rather on how best to utilise the skills and experience of the individual prosecutor whilst accommodating their various needs.

### ***Workforce planning***

Since the implementation of the new organisational structure in October 2007 following the Organisational Review of 2006-2007, the ODPP has continued its commitment to identifying improved work practices and implementing these initiatives. To this end, in 2007-2008 a 'Work Practices' group was established to identify and implement new, and more efficient, work practices.

The work of this group is ongoing. However, one significant initiative has been a pilot program where, whenever practicable, a single solicitor is responsible for a matter for the duration of its existence through the Magistrates' and higher courts. The aim of this project is to identify whether efficiencies can be achieved beyond those possible using the existing practice of different solicitors handling the file pre- and post-committal. This approach has been the established practice since the formation of the ODPP Committal Unit in the early 1990s. The pilot program is still in its early stages. However, it represents the most significant change in the way that the Office has approached its legal work in more than a decade.

In addition to the establishment of the Work Practices group, the implementation of the Organisational Review required a significant change in the allocation of work across the office and the planning required for the management of that work. The aim is that all solicitors' work coming from Magistrates' Courts remains within a single Practice Team. The extent to which this change, of itself, has achieved efficiencies is not yet clear. Further time is needed and it may be that this initiative will be overtaken by the success of the pilot program referred to above. Further, the resources of the office are not such that there are sufficient trial prosecutors within each practice team for a trial prosecutor to receive work only from his/her team. As a result, the allocation of trial work continues in the same way that it has in the past.

### ***Policy***

In July 2007 the Policy Committee was re-formed with a charter to provide a liaison between the Office and staff of the Policy, Planning and Legislation Division of the Attorney-General's Department. The Committee was also to be a central point for discussion of legal policy issues affecting the Office.

In 2007-08, the Committee included the Deputy Director with staff and management representation from legal, administration and witness assistance areas. The Attorney-General's Department's Policy, Planning and Legislation Division was represented by Matthew Goode, Special Counsel.

The Committee, meeting approximately every two months, considered and commented on the following legislation of significance to the Office:

- Criminal Law Consolidation (Rape and Sexual Offences) Bill 2007
- Evidence (Miscellaneous) Amendment Bill 2007
- Criminal Law (Sentencing) (Victims of Crime) Amendment Bill 2007
- Summary Offences (Indecent Filming) Bill 2007
- Statutes Amendment (Controlled Drugs, Precursors and Cannabis) Bill 2008
- Statutes Amendment (Recidivist Young Offenders and Youth Parole Board) Bill 2008
- Criminal Law Consolidation (Double Jeopardy) Amendment Bill 2008

In particular the Committee liaised closely with Policy, Planning and Legislation staff in relation to the Criminal Law Consolidation (Rape and Sexual Offences) Bill 2007 which has now passed Parliament and will have a significant impact on the way the Office prosecutes sexual offences.

The Committee also considered referrals from Office staff, making submissions to the Attorney-General on legislative changes where appropriate. Issues considered included:

- Section 285BC of the *Criminal Law Consolidation Act 1935* and defence obligations regarding notification of expert evidence to be called;
- *Expiation of Offences Act 1996* section 15 regarding proving expiated offences in major indictable driving matters;
- Victim Impact statements in Part 8A proceedings (mental competence and fitness to plead); and
- Issues arising from the Court of Criminal Appeal decision in *R v Ainsworth* regarding applications pursuant to section 23 of the *Criminal Law (Sentencing) Act 1998*.

This Committee will continue to provide an important liaison point for considering and commenting on policy issues of importance to the Office.

### ***Recruitment and Staffing***

At the time of the last Annual Report the ODPP had an approved staffing establishment of 111.68 FTE. That figure increased by 2.0 FTE to 113.68 during the year.

However, consistent with the observations made in the last Annual Report, the average number of staff employed at any time is always below the FTE allowance. The reasons for this remain unchanged. They are, primarily: delays in recruitment, long-term vacancies, an inability to fill short-term vacancies, staff seeking alternative positions (commonly within other Government departments), a significant number of applicants for parental leave and staff seeking temporarily to work part-time. Most of these causes are beyond the control of the office.

However, with the goal of reducing the delay in filling vacant positions and therefore increasing day to day staffing levels, in 2007-08 a legal staffing committee has been established. This committee is chaired by a Managing Prosecutor. The primary role of this group is to ensure that everything that the office can do to fill vacant positions is done expeditiously. This initiative has seen a more co-ordinated approach to the filling of vacancies and some reduction in the delay in filling these positions.

With some notable exceptions, the Office continues to find it difficult to attract and retain experienced legal practitioners. Aside from these exceptions, the office is unable to compete with rewards available outside of the office to competent and experienced practitioners, particularly those experienced in counsel work

The office continues to look at initiatives such as flexible working arrangements to aid in the retention of staff. The project, 'Prosecuting in the Future' is dealt with elsewhere in this report.

## CORPORATE OVERVIEW

### Financing Public Prosecutions

Parliament appropriated \$14,675,000 for Public Prosecutions in the 2007-08 State Budget<sup>1</sup>. Of this, the Office received \$13.41 million.

	2006-07 Allocation (\$,000s)	Permanent changes (\$,000s)	One-off changes (\$,000s)	2007-08 Allocation <sup>2</sup> (\$,000s)	2007-08 Actual <sup>3</sup> (\$,000s)
Staff remuneration	10,262	570		10,832	10,185
Supplies and Services	975	(522)	91	543	1,618
Internal expenses	1,213	214		1,427	1,405
Witness Cost Reimbursement	567	-	-	567	768
Depreciation	202	(161)		41	46
<b>Total</b>	<b>13,219</b>			<b>13,410</b>	<b>14,022</b>

Staff remuneration was increased to cover pay increases. Internal expenditure was increased to cover rent and ICT costs. The Supplies and Services allocation was cut to meet the Government's efficiency dividend (\$221,000) and a reduction in funding for Historical (pre-82) Sex Offences (\$291,000).

As can be seen from the table above, the cost of Supplies and Services significantly exceeded the allocation. This was forecast early in the year and \$600,000 was transferred from the Salary budget to partially offset the excess cost of Supplies and Services.

During the year the Witness Payment allocation was removed from the ODPP budget. Although the Office still processes the invoices from the Courts Administration Authority, the expenditure is no longer recorded against the Office.

Briefing Out—the practice of engaging external counsel for some court hearings and trials—has been a considerable cost to the Office in recent years. With the arrival of additional senior prosecutors during the year, the cost of briefing out returned to more traditional levels in the second half. Further detail can be found on page 27.

The cost of travel and related expenditure is proving to be a challenge, increasing steadily from \$82,000 in 2003-04 to \$155,000 this year, with a significant driver being increased sitting days in the Circuit Courts. The Office has made preliminary assessments of the benefits of regional offices. Also putting pressure on travel expenditure is the obligation, flowing from victims' rights legislation, to meet with witnesses and victims—particularly vulnerable witnesses—living in regional and remote areas or interstate.

### Staffing levels

The staff cap at the start of 2007-08 was unchanged from the previous financial year at 111.68 FTE. During the year two additional legal positions were approved and funded to perform work flowing from amendments to firearms legislation.

During the first half of 2007-08, the last of the additional managers recommended by the Organisational Review commenced duties. This brought the Office to the point where it could be fully staffed for the first time in several years. It also permitted the implementation of the Practice-based structure and a move toward 'hybrid teams' recommended by the Review.

<sup>1</sup> Source: Budget Paper 4, Vol 1 - Portfolio Statement, p.4.59

<sup>2</sup> Source: 2007-08 Budget Assumptions, Attorney-General's Department

<sup>3</sup> Source: Period 12 Finance Operating Statements, Attorney-General's Department



	Approved at start of 2007-08	Change during the year	Approved at end of 2007-08	Actual 2007-08 <sup>1</sup>
Executive Group	3		3	3
Legal (Including managers)	67.53	+ 2.0	69.53	67.2
Witness Assistance Officers	9.1		9.1	9.2
Administration staff	32.05		32.05	32.72
<b>Total FTE <sup>2</sup></b>	<b>111.68</b>		<b>113.68</b>	<b>112.12</b>

*Notes*

*1 Positions occupied during the final pay period of 2007-08.*

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

The Office receives funding from the Commissioner for Victims' Rights for three full- and one part-time Witness Assistance Officers dedicated to the provision of services to children.

The staff of the Confiscation section are separately funded from, and the proceeds of confiscated assets are paid to, the Victims of Crime Fund. Further details can be found at page 17.

### **Additional staff**

During the year government announced additional staff would be funded from 2008-09 for work flowing from the Children in State Care Commission of Inquiry and from proposed Serious and Organised Crime legislation.

## **DIRECTIONS UNDER THE DPP ACT 1991**

### **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 fifteen warrants issued under the *Listening and Surveillance Devices Act 1972*.

## PERFORMANCE INDICATORS

OUTPUT/s:	PROSECUTION SERVICES PENALTY AND CONFISCATION MANAGEMENT		
<b>Description:</b>	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.		
<b>Performance Indicators:</b>	<b>Descriptions</b>	<b>Expected activity level for 2007-08</b>	<b>Actual for 2007-08</b>
<b>Quantity</b>	Number of matters completing the Committal phase of prosecution	1750	1809
	Number of defendant files finalised by the ODPP (a)	1100	1330
	Number of clients seen by the Witness Assistance Service(c)	860	916
<b>Quality</b>	Percentage of matters committed through the Committal Unit in which the DPP enters a nolle prosequi after committal	<10%	10.3%
	Percentage of committed matters which are finalised by a guilty verdict or guilty plea	>75%	74.1%
<b>Timeliness</b>	Percentage of trials where the ODPP meets the court timetable requirements for the trial list	95%	94.7%
<b>Cost</b>	Total Cost	\$13,054,146	\$13,254,886
<b>Footnotes</b>	(a) Comprising 1074 in the Adelaide Courts and 256 in the Circuit Courts		

### Developing new Key Performance Indicators (KPIs)

In the aftermath of the Organisational Review, it has become apparent that the ODPP's key performance indicators are not sufficiently relevant or appropriate. The Office does not have good 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.

As a consequence new key performance indicators are being developed and integrated with the Office's Case Tracking business application so that by the end of 2008-09 a comprehensive picture of the Office's efficiency as well as its effectiveness can be established.

## BUSINESS OPERATIONS

### Prosecution Highlights

In the year under review the office continued to produce some excellent outcomes for the people of South Australia.

Some of the significant work included:

#### *High Court*

***R v HML***- Three appellants were granted special leave to appeal in the High Court. These appeals were heard together as they all involved issues relating to the use of evidence of other uncharged criminal acts. Ultimately, the appeals were dismissed. This judgment has national significance as it clarified the law in this area.

**R v RR** - The applicant was a traditional Aboriginal male, jointly charged with his brother with the rape of a young Aboriginal woman. RR sought special leave to appeal his conviction citing the quality of his legal representation at trial as the basis for appeal. At issue were the difficulties of prosecuting and defending individuals from non-mainstream cultural backgrounds. Special leave to appeal was refused.

### ***Court of Criminal Appeal***

**R v Parenzee** - The appellant had been convicted of endangering the lives of three women by having unprotected sexual intercourse with them while he was HIV positive. He initially sought leave to appeal his conviction on the basis of 'expert' evidence to the effect that HIV had never been proven to exist or that it was sexually transmissible. The prosecution called six internationally renowned experts who gave evidence to the contrary. After the evidence was called and lengthy submissions presented, leave to appeal was refused. The appellant then sought leave from the Full Court. That application was also refused. The appellant subsequently attempted to obtain a second leave to appeal hearing, raising new grounds and arguments. This application was referred to the Full Court which dismissed the appeal.

**Davi and Randall Smith v R** - The appellants, well publicised through the media as the 'overall bandits', had been convicted of a number of offences of armed robbery. They had been sentenced to 16 years imprisonment with a non-parole period of 8 years. The prosecution sought leave to appeal on the basis that the sentences were manifestly inadequate. The Court of Criminal Appeal refused leave.

**R v Pompey** - The appellant was initially tried for Attempted Murder and Wounding with Intent to do Grievous Bodily Harm. He was acquitted of Attempted Murder but convicted of the alternative offence. Some time after the trial, the victim died as a result of the injuries sustained in the attack and the appellant was charged with Murder. The appellant sought a stay of proceedings. The Trial Judge refused that application and the appellant appealed that decision in the Court of Criminal Appeal. The Full Court upheld the decision of the Trial Judge and declined to permanently stay the proceedings.

**R v Draoui** - The appellant had been charged with numerous dishonesty offences. The trial court found he was mentally unfit to stand trial. The Trial Judge found the *objective elements* were proven and made a supervision order setting a limiting term of 10 years. The appellant appealed that term on the basis that it was manifestly excessive. The Court of Criminal Appeal sat with a bench of five Judges because determination of this matter required reconsideration of an earlier decision of that Court, in *R v Davey*. The Court dismissed the appeal. Of particular importance the Court held that the appellant was not entitled to a reduction in the limiting term for admitting the *objective elements*.

**Dundovic v R** - The Director applied for permission to appeal the length of sentence on the basis that it was manifestly inadequate. The respondent had been convicted in relation to a high speed motor vehicle chase to elude police, resulting in a collision which caused the death of another driver. Dundovic was sentenced to four years, ten months and two weeks imprisonment. The Court of Criminal Appeal granted the DPP permission to appeal and allowed the appeal, increasing the sentence to 11 years and 4 months with a 9 years and 2 month non-parole period.

**R v Sumner and Sumner** - The appellants were convicted by jury of multiple rapes of one complainant. The appellants appealed those convictions on a number of bases. The Director cross-appealed the sentences imposed on the appellants on the basis that they were manifestly inadequate. The appellants' appeals were dismissed and the Director's appeal allowed. The sentences were significantly increased.

**Nash v R** - In this matter the Director sought permission to appeal the length of sentence. The respondent had pleaded guilty to five offences committed contrary to the *Firearms Act 1997 (SA)*, involving the supply of 15 firearms and possession of one silencer. He also pleaded guilty to fourteen

offences committed contrary to the *Australian Crime Commission Act 2002* (Cth) in relation to giving false or misleading information to an Australian Crime Commissioner examiner. The Director's appeal was allowed and the sentence was increased on the basis that it was necessary in order to maintain proper sentencing standards.

### ***Trials***

***R v Ali***- The accused was charged with Murder arising out of a stabbing incident. Both the accused and victim were Afghani refugees. The defence was that the stabbing had been accidental. The jury rejected the accused's version and found him guilty of Manslaughter.

***R v Smith***- The accused was charged with the manslaughter of an elderly man. It was the prosecution case that the accused had caused the death of the victim whilst working as a security guard at the Westfield Marion Shopping Centre. It was alleged that he had manhandled the victim in such a way that he had caused him to suffer a heart attack. The defence was that the accused had acted in a reasonable manner and that the victim had over reacted. The accused was acquitted.

***R v Eastling*** - The accused was charged with sexual offences occurring over several years against a number of boys who had been in his care. The trial lasted several months and was of such size and complexity that it required three full-time prosecutors which took a significant toll on the resources of the office. At the outset of the trial the accused applied for a separate trial in relation to each victim. That application was refused. The jury ultimately found the accused not guilty in relation to each count.

***R v Ingomar*** - The accused was a traditional Aboriginal elder who was charged with sexual offences on a number of young Aboriginal women. It was the prosecution case that he exchanged petrol for sexual favours. As this occurred within a remote Aboriginal community there was much community interest in the outcome of the trial. After a number of days of discussion an appropriate resolution was reached in which the accused pleaded guilty to a significant number of the offences. This meant that the young women were saved from the difficulty and embarrassment of having to give evidence.

***R v Busson*** - The accused was charged with the stabbing murder of her invalid husband. The prosecution argued that she committed the offence in the company of her lover - James Slade. Slade pleaded guilty as to his involvement. At the outset of the trial defence ran a novel argument in which it was suggested that the prosecution should be required to call Mr Slade to give evidence. That argument was rejected and Ms Busson was ultimately found guilty of Murder. Her subsequent attempts to have that conviction overturned on appeal were unsuccessful.

***R v Radd*** - The accused was charged with Murder. This offence arose out of an illicit exchange of a firearm in a northern suburbs car park. During that transaction the firearm discharged killing the victim. The jury found the accused guilty of Manslaughter.

***R v Ironside***- The accused was charged with Manslaughter in that he caused the death of his wife by beating her. The prosecution argued that during the course of her married life the victim had been subjected to domestic violence at the hands of the accused. Her death had resulted from one such beating. The accused was convicted of Manslaughter. The accused has sought leave to appeal the conviction and sentence.

### **Confiscation of Assets of Crime**

The Office deposited \$1,686,520 from the confiscation of assets of crime into the Victims of Crime Fund during 2007-08—a 38% increase over last year's \$1,222,116. The Office received \$368,647 from the Victims of Crime Fund to meet the Salary cost of the confiscation section.

## 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.

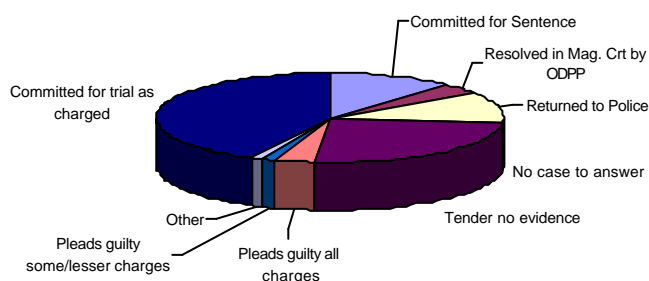
*The Glossary at Appendix D will assist with terms used in the following charts.*

### District and Supreme Court Prosecutions (Adelaide & Circuit)

#### Brief Outcomes at the Committal Stage

Outcomes - at Committal Stage	2007-08	2006-07	2005-06	2004-05
Committed for Sentence	208	177	116	96
Resolved in Mag. Crt by ODPP	72	61	337	349
Returned to Police	198	268		
No case to answer	3	9		
Tender no evidence	439	431	324	243
Pleads guilty all charges	67	11		
Pleads guilty some/lesser charges	20	32		
Other	23	18	58	44
<i>Committed for trial as charged</i>	<i>758</i>	<i>627</i>	<i>786</i>	<i>631</i>
<b>Total</b>	<b>1788</b>	<b>1634</b>	<b>1621</b>	<b>1363</b>

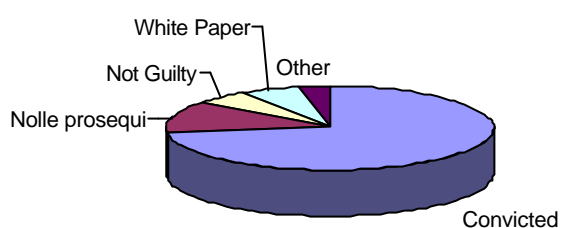
Outcomes - At Committal Stage 2007-08



## Supreme and District Court Briefs finalised

Supreme & District Court matters finalised	2007-08		2006-07	2005-06	2004-05
Convicted	1011	72.68%	1038	589	725
Nolle prosequi	184	13.23%	123	127	132
Not Guilty	72	5.18%	91	83	55
White Paper	80	5.75%	96	18	30
Other	44	3.16%	27	22	43
<b>Total</b>	<b>1391</b>	<b>100%</b>	<b>1375</b>	<b>839</b>	<b>985</b>

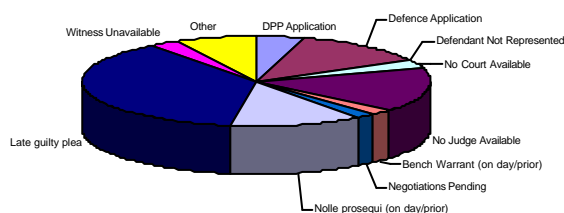
### Supreme and District Court Matters Finalised 2007-08 (Adelaide and Circuit)



## Supreme and District Courts - Trials Vacated

Reason trial vacated 2007-08	Adelaide		Circuit		Total	%
	2007-08	2006-07	2007-08	2006-07		
DPP Application	26	21	2	4	28	4.3%
Defence Application	72	84	11	8	83	12.8%
Defendant Not Represented		2			2	
No Court Available	15	40	7	8	22	3.4%
No Judge Available	103	122		2	103	15.9%
Bench Warrant (on day/prior)	13	10	2		15	2.3%
Negotiations Pending	5	2	3	1	8	1.2%
Nolle prosequi (on day/prior)	74	43	8	3	82	12.6%
Late guilty plea	223	202	18	23	241	37.1%
Witness Unavailable	18	10		2	18	2.8%
Other	42	30	7	3	49	7.6%
<b>TOTAL</b>	<b>591</b>	<b>566</b>	<b>58</b>	<b>54</b>	<b>649</b>	<b>100%</b>

### Reason Trial Vacated 2007-08 (Adelaide and Circuit)

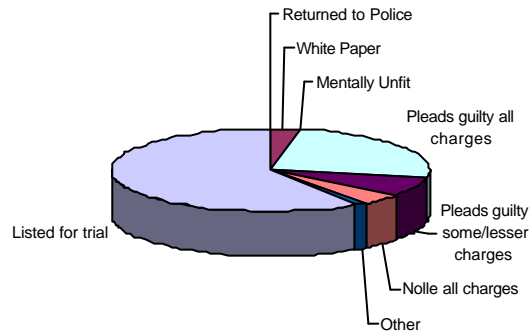


## Adelaide District and Supreme Courts

### Brief Outcomes prior to listing for trial - Adelaide

Outcomes - Resolved prior to trial	2007-08		2006-07
Returned to Police			3
White Paper	33	3.07%	32
Mentally Unfit			9
Pleads guilty all charges	264	24.58%	301
Pleads guilty some/lesser charges	84	7.82%	61
Nolle all charges	46	4.28%	37
Other	16	1.49%	14
Listed for trial	631	58.75%	482
<b>Total</b>	<b>1074</b>		<b>939</b>

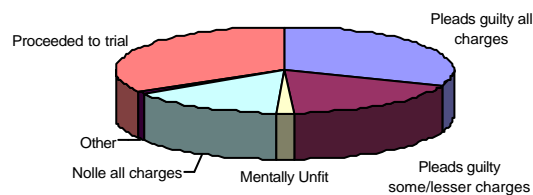
Outcomes - Resolved Prior to Trial 2007-08 (Adelaide)



### Briefs listed for trial - Adelaide

Outcomes of Briefs listed for trial	2007-08		2006-07	2005-06	2004-05	2003-04
Pleads guilty all charges	195	30.90%	96	149	118	112
Pleads guilty some/lesser charges	116	18.38%	80			
Mentally Unfit	10	1.58%	2			
Nolle all charges	93	14.74%	50	49	54	49
Other	6	0.95%	6	29	28	37
Proceeded to trial	211	33.44%	248	263	240	238
<b>Total</b>	<b>631</b>		<b>482</b>	<b>650</b>	<b>621</b>	<b>685</b>

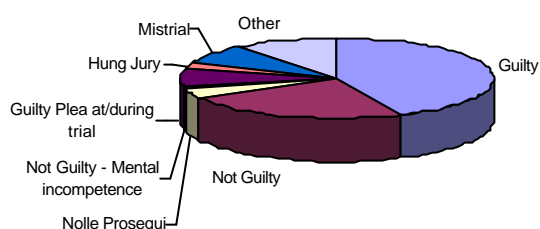
Outcomes - Matters Listed for Trial 2007-08 (Adelaide)



## Trial outcomes - Adelaide District and Supreme Courts

Trial Outcomes - Adelaide	2007-08	2006-07	2005-06	2004-05
Guilty	112	43.24%	133	135
Not Guilty	62	23.94%	70	71
Nolle Prosequi	10	3.86%	14	14
Not Guilty - Mental incompetence	1	0.39%	8	5
Guilty Plea at/during trial	19	7.34%	32	-
Hung Jury	7	2.70%	6	8
Mistrial	20	7.72%	8	13
Other	28	10.81%	19	34
<b>Total Trials Finalised</b>	<b>259</b>	<b>100%</b>	<b>290</b>	<b>240</b>

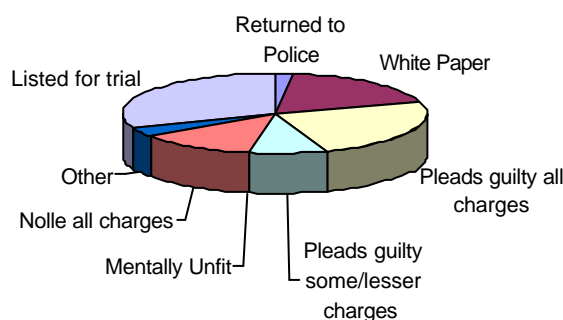
Trial Outcomes 2007-08 - Adelaide



## Circuit Courts

### Brief Outcomes prior to listing for trial - Circuit Courts

Outcomes - Prior to trial	2007-08	2006-07
Returned to Police	5	1.95%
White Paper	47	18.36%
Pleads guilty all charges	62	24.22%
Pleads guilty some/lesser charges	21	8.20%
Mentally Unfit		
Nolle all charges	32	12.50%
Other	10	3.91%
Listed for trial	79	30.86%
<b>Total</b>	<b>256</b>	<b>100%</b>

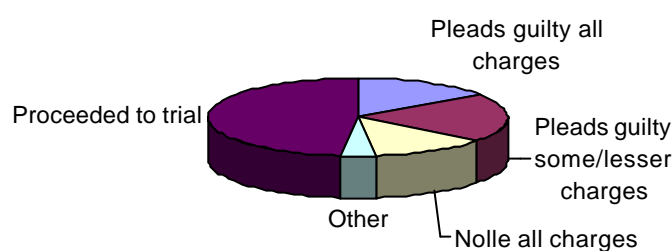




## Briefs listed for trial in Circuit Courts

Outcomes - Matter listed for trial	2007-08	2006-07	2005-06	2004-05	2003-04
Pleads guilty all charges	12	15.19%	16	20	43
Pleads guilty some/lesser charges	16	20.25%	11	38	
Nolle all charges	10	12.66%	3	16	5
Other	3	3.80%	1	7	13
<i>Proceeded to trial</i>	38	48.10%	35	47	38
<b>Total</b>	<b>79</b>	<b>100%</b>	<b>66</b>	<b>80</b>	<b>99</b>

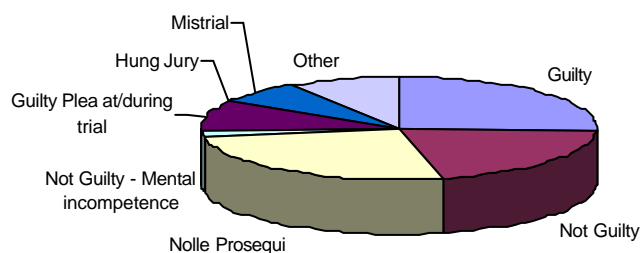
### Outcomes - Matters Listed for Trial 2007-08 (Circuit)



## Trial outcomes - Circuit Courts

Trial Outcomes - Circuit Courts	2007-08	2006-07	2005-06	2004-05
Guilty	11	25.58%	16	25
Not Guilty	9	20.93%	12	13
Nolle Prosequi	11	25.58%		1
Not Guilty - Mental incompetence	1	2.33%		1
Guilty Plea at/during trial	4	9.30%		-
Hung Jury			1	2
Mistrial	3	6.98%	2	5
Other	4	9.30%	4	1
<b>Total Trials Finalised</b>	<b>43</b>	<b>100%</b>	<b>35</b>	<b>47</b>

### Trial Outcomes 2007-08 - Circuit



## Adjudications and Opinions

Adjudication Outcomes	2007-08		2006-07	2005-06	2004-05
Charge major Indictable	1867	86.52%	1590	1556	1288
Charge Minor Indictable	135	6.26%	180	80	102
Charge Summary	59	2.73%	43	21	23
Do not lay charges	39	1.81%	35	16	4
Other	58	2.69%	46	21	14
<b>Total Adjudications finalised</b>	<b>2158</b>	<b>100%</b>	<b>1894</b>	<b>1694</b>	<b>1431</b>

Opinion Outcomes	2007-08		2006-07	2005-06	2004-05
Charge major Indictable	125	26.48%	149	137	141
Charge Minor Indictable	38	8.05%	45	32	31
Charge Summary	25	5.30%	37	28	23
Do not lay charges	93	19.70%	102	90	73
Other	191	40.47%	96	62	54
<b>Total Opinions finalised</b>	<b>472</b>	<b>100%</b>	<b>429</b>	<b>349</b>	<b>322</b>

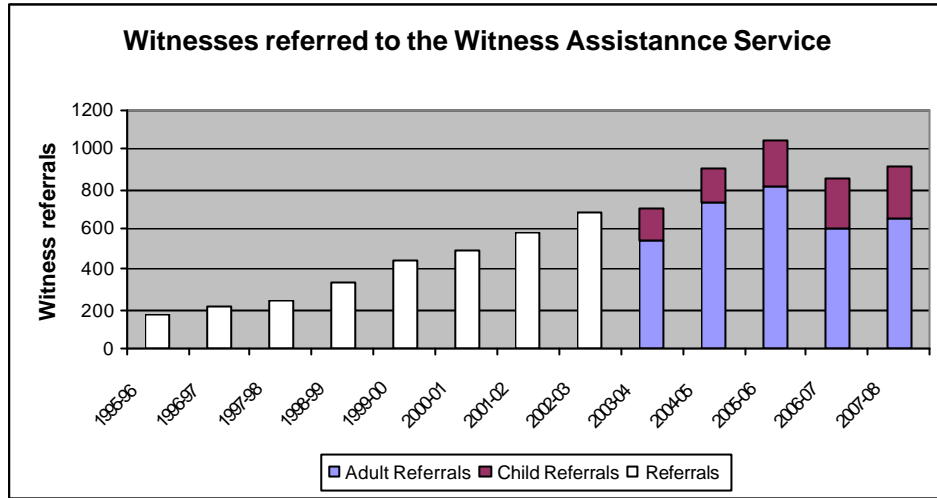
## Criminal Court of Appeal

Crown Appeals	Against sentence		Other grounds	
	2007-08	2006-07	2007-08	2006-07
Allowed	4	7		
Dismissed	2	1	1	1
<b>Total Crown Appeals decided</b>	<b>6</b>	<b>8</b>	<b>1</b>	<b>1</b>

Defence Appeals	Against sentence		Against conviction		Other Grounds	
	2007-08	2006-07	2007-08	2006-07	2007-08	2006-07
Conviction quashed	1	1	8	13		
Sentence reduced	10	8				1
Appeal Dismissed	19	21	45	31	1	1
Other outcome	2		4	5		
<b>Total Defence Appeals decided</b>	<b>32</b>	<b>30</b>	<b>57</b>	<b>49</b>	<b>1</b>	<b>2</b>

Leave to Appeal Applications	By DPP against sentence		By Defence against Sentence		By Defence against Conviction	
	2007-08	2006-07	2007-08	2006-07	2007-08	2006-07
Abandoned / Withdrawn			6	6	10	15
Dismissed		4	19	20	13	21
Sentence reduced				1		
To CCA			33	31	26	53
Other	2		3			2
<b>Total Applications</b>	<b>2</b>	<b>4</b>	<b>61</b>	<b>58</b>	<b>49</b>	<b>91</b>

### *Witness Assistance Service*



### *Office of the DPP website*

During the year the Office website received 24.175 visits. (A visit constitutes a visitor opening a page.)

## **CHANGES IN THE CRIMINAL JUSTICE SYSTEM**

### **Criminal Justice Ministerial Taskforce**

The Criminal Justice Ministerial Taskforce was established by the Attorney-General late in 2006 to address the growing time taken for committal and trial processes in the Criminal Courts in South Australia and then to provide leadership in responding to other inefficiencies within the Criminal Justice System.

The Taskforce includes representatives from the following agencies in the South Australian Criminal Justice System and from the Commonwealth Office of the Director of Public Prosecutions:

- Attorney-General's Department and Department of Justice
- Office of the Director of Public Prosecutions
- South Australian Police
- Courts Administration Authority
- Legal Services Commission
- Bar Association
- SA Law Society
- Commissioner for Victims' Rights
- Department of Treasury and Finance
- Aboriginal Legal Rights Movement
- Office of the Commonwealth DPP (Adelaide)

The Taskforce met on a monthly basis since its inception and. Its first report was forwarded to the Attorney-General in September 2007 and it is expected that a number of significant reforms will be introduced in the future. It is anticipated that the reforms will contribute to shortening the timeframes in prosecuting criminal matters through the Courts and that they will impact on this Office.

### **Prerecording of evidence from vulnerable witnesses**

Parliament has enacted legislation for pre-recording the evidence of vulnerable witnesses, bringing SA in line with the practice in most other jurisdictions.

The Office participated in a cross-agency working party to address issues raised by the legislation including its legal interpretation, to whom it applies, which court is to take the evidence and whether the facilities are available within the District and/or Supreme Courts to video record the evidence.

At present, none of the courts in Adelaide are equipped to video-record the witness, counsel and the judge during the giving of evidence. The working party has met with consultants from the Attorney-General's Department to investigate the technology which is required to facilitate the legislation.

## **GENERAL MANAGER'S REPORT**

In reviewing the General Manager's reports from recent years, it is pleasing to note that some progress is being made in addressing what sometime appear to be perennial problems. Many of the challenges faced this year have been a result of pushing forward with a number of initiatives that will place the Office on a good footing to face the future.

### **IJP Case Tracking**

The appointment of a Case Tracking Administrator has seen resources dedicated to the statistical reporting capabilities of the application, addressing deficiencies and, driving and managing improvements. An Application Support Agreement was entered with Justice Technology Services

(JTS) for two levels of support—Monitoring and Maintenance, and Application Development. As a result, one significant enhancement—a module to support the work of the Criminal Assets Confiscation section—and several minor enhancements were rolled out. During the year the Office contributed to the cost of upgrading the hardware and software platforms supporting Case Tracking.

DPP offices in other jurisdictions generally have trained systems personnel to support business applications, including business analysts and IT experts with a specialist focus on prosecution information and business decision systems. While we lack these resources, we have been able to dedicate one of our Law Clerks to provide user support and liaise with the corporate ICT service providers. The Office is indebted to the Case Tracking Administrator, Lorraine Bull, and the staff of JTS for their efforts to resolve many of the problems and deficiencies in Case Tracking.

### **Criminal Justice Ministerial Taskforce**

The Office was able to make a valuable contribution to the assessment of recommendations from the Taskforce. Challenging assumptions on which the taskforce initiatives were based and building models to predict the resource costs and potential savings not only gave a more detailed insight into the Office's work loads, it also forced us to stand back and question our own assumptions about work flows.

### **Knowledge Management**

The Office commenced discussions, facilitated by AGD's Customer Service Technology group, on a knowledge management tool to capture, store and make accessible, individual and corporate knowledge of the Office. We are indebted to the Victorian Office of Public Prosecutions for allowing us to use samples of its in-house systems as inspiration for developing solutions for our own Office.

Office staff rely heavily upon the ODPP Intranet as a gateway to large volumes of information and resources—some locally produced; some published externally. The volume and complexity now require better structures. In the coming year we hope to see significant gains for a very modest outlay.

### **Accommodation**

For over two years the Attorney-General's Department has been planning to 're-stack' the building which houses the Office (and the bulk of the AGD). This offers the opportunity to bring together staff currently spread across five levels between the ground and eighth floors. At the same time we are challenged to fit an expanding workforce into the existing space allocation. Through many iterations, we have worked with the Attorney-General's Department's Facilities Management Branch to define the requirements of the Office and comment upon various opportunities and proposals.

One of the challenges in this exercise is matching the standard of accommodation needed to attract and retain the best legal minds, while complying with Government Office Accommodation Standards. The Chief Executive, AGD represented the views of agencies employing legal staff and, as a result, all legal staff of classification LEC3 and above will have 'office' accommodation in the refit.

### **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 the perspective of the Office and its staff; and to advocate for the Office's needs.

The Office worked with AGD Human Resources to ensure that training offered corporately by AGD best meets the strategic needs of the Office. There had been mismatches between the training offered and the needs of the Office. Some people for whom skills gaps had been identified in the mandatory performance and development program missed out on required training while others were offered courses without a need being identified. AGD and the ODPP worked together to ensure finite training funds are used appropriately.

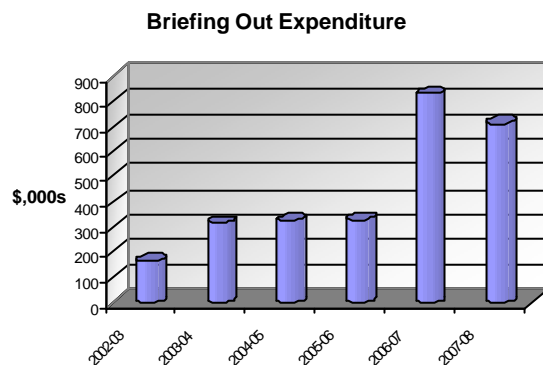
### Contribution to Justice projects and programs

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

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

### Briefing Out

The ODPP briefs out some trials and court appearances, both in the city and country (Circuit) courts to external counsel. This assists in managing the workload of ODPP prosecutors and contributes to the development of criminal advocacy within the private sector. The graph shows the 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 senior prosecutors during 2007-08, the growing experience of our staff and the Office's vision that all lawyers are developed to the point that they act as counsel in their own matters, the rate of briefing out is beginning to return to more traditional levels. Expenditure of \$212,000 in the second half of 2007-08 compares favourably to the \$203,000 for the same period in 2005-06, a year of briefing out at traditional levels.



## Administration Manager's Report

### Staff

At June 30 the Office had 114 staff, including a blend of full time, part time and casual employees all located at 45 Pirie Street.

I wish to express my appreciation to the administration team who undertake varying roles to ensure the legal staff and others within the ODPP have what they need for the Office to run efficiently and effectively.

### Internal communications

Staff are informed about important ODPP issues via regular communication including:

- a staff newsletter;
- emails of interest to staff (e.g. on training and development opportunities)
- a newsletter from the Chief Executive providing news from the Department.

The ODPP intranet continues to be an important communication tool and information resource for staff. The intranet provides news on changes to Office policies, procedures and vacancies. It also provides a gateway to large body of knowledge, resources and templates relevant to the Office's work—some internal; some via links to external sources and repositories.

### **Voluntary Flexible Working Arrangements**

The ODPP continues to promote work-life balance and supports flexible working options including special leave with pay and special leave without pay, part-time work and working from home.

### **Cultural awareness**

A number of staff attended Aboriginal cultural awareness training with one staff member attending the Iga Warta Cultural Awareness Program, a 2 day residential experience held in the far north of the State.

### **Training and Development**

Staff at all levels are informed of courses available to them for personal and professional development programs. The ODPP in 2007-2008 commenced in-house training for professional staff, specific to their needs, as well as inviting staff to nominate to attend courses regularly run through the AGD Training and Development section. Professional development sessions hosted by the Law Society also play an important role in the Continuing Legal Education of legal staff.

During 2007-2008 financial year 30 staff members attended 21 workshops offered through the Attorney General's Training and Development program.

### **Witness Assistance Service Report**

In 2007-08 the Witness Assistance Service (WAS) continued to provide specialist social work services to victims of crime, witnesses for the prosecution and their immediate family members in matters dealt with by the Office.

The WAS team provided direct support to significant numbers of victims and witnesses throughout the year and continued to offer its skills, knowledge and expertise to legal and non-legal staff in the Office.

### **WAS Staffing**

Throughout 2007-08 the Service had ten Senior Social Workers (Witness Assistance Officers) including a Manager, 4.5 FTE adult-focussed social workers and 3.6 FTE child-focussed social workers. The Child-focused positions were again funded by the Commissioner for Victims' Rights.

Part time staff also increased with the return to work of a number of staff from Maternity Leave. At the end of 2007-08 one third of the WAS team was working part-time—at 0.6 FTE or less.

### **WAS Year in Review**

During 2007-2008, the Service saw a slight increase in the total number of new referrals—a total of 916 referrals compared to 857 the previous year. Both child and adult witness referrals grew by about 6.5%.

While the WAS had increased referrals overall, the actual number of face-to-face services delivered to victims and witnesses fell marginally. The number of *Court Attendance / Support and Assistance with Victim Impact Statements (VIS)* services increased by 6.2% and 11.3% respectively. *Attendance at Proofing Meetings* (down 9.9%), *Court Familiarisation / Preparation* (down 9.8%) and *Court Companion Support* (down 4.3%) all fell.

As the activities of the WAS continue to be guided by the service needs and requests of victims and witnesses, marginal changes in the total number of services provided to victims and witnesses can be anticipated from year-to-year.

ACTIVITY	2006-2007	2007-2008	% Change
Attendance at Proofing Meetings	947	862	- 9.9%
Court Attendance / Support	437	466	+ 6.2%
Court Familiarisation / Preparation	168	153	-9.8%
Assistance with VIS	94	106	+11.3%
Court Companion Support	48	46 <sup>1</sup>	-4.3%
<b>Total Face-to-Face Services</b>	<b>1694</b>	<b>1638</b>	<b>- 3.4%</b>

*Face-to-Face Services (Occasions) Provided by the Witness Assistance Service*

Note: 1. This figure reflects the increased reliance on Victim Support Service (VSS) Court Companion Volunteers

## WAS Community Education & Training

The WAS continued to provide information, education and training services to external organisations and key stakeholders. Education and training provided in the 2007-08 financial year period included:

- TAFE Interagency Child Abuse Training (3 sessions)
- Criminal Justice Seminars in Adelaide, Christies Beach and Mt Gambier
- SAPOL Victim Contact Officer Training
- Victim Support Service (Court Companion Training)
- Respond SA (Relationships Australia) Interagency Networking
- TAFE Students Guest Lecture Series (Certificate IV in Youth Work & Community Services)

The WAS continues to recognise the importance and value of providing informed and relevant training and information to other professionals working with victims, witnesses and their families.

## Legal Staff Education & Training conducted by the WAS

In addition to external training, WAS staff continued to improve its induction and orientation program for new legal practitioners entering the office.

WAS staff actively participated in the recruitment of new legal staff to the office reflecting the organisations ongoing recognition of victims' rights and the key role performed by legal staff in working with victims of crime and witnesses for the prosecution.

As part of its planning priorities, the WAS developed a number of practical training and development packages for legal staff in the office. During 2007-08, a session on '*Working with Child Victims and Witnesses*' was piloted with new legal staff to the office. Based on the success of the pilot program, a number of additional sessions will be offered to existing legal staff.



Other training areas in development for legal staff include *'Working with Victims and Witnesses with Intellectual Disabilities'* and *'Working with victim and Witnesses from Diverse Cultural Backgrounds'*. The aim of the targeted training is to support and build on the skills, confidence and abilities of legal staff when dealing with the range of vulnerable victims and witnesses seen by the Office.

## **WAS Highlights and Achievements**

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

Last year the WAS team continued to work on its strategic planning directions, with key achievements and outcomes being noted in a number of key areas. Highlights in the 2007-08 financial years include:

- Improving the referral rate of child and adult victims and witnesses;
- Improving referral and support practices for victims and witnesses at increased vulnerability;
- Developing a 'Quick Referral Guide' for legal staff to support consistent and improved referral practices to the WAS;
- Improving protocols and practices for working with 'Briefed Out' Prosecution staff;
- Streamlining written correspondence and (timely) updates to victims and witnesses;
- Improving orientation and induction practices with new legal staff to the office;
- Leading improvements in the Office's policy and practices for working with vulnerable (child and adolescent) victims and witnesses;
- Piloting a training resource for new and existing legal staff – *'Working with Child Victims and Witnesses'*;
- Developing written resources and support materials tailored to legal staff on 'good practice' approaches for working with victims and witnesses;
- Contributing to strategic improvements in court facilities and video conferencing technologies for vulnerable victims and witnesses;
- Developing a Memorandum of Understanding with the Victim Support Service;
- Successful advocacy to the Commissioner of Victims' Rights for practical support to victims and witnesses with special needs and requirements;
- Advocating for the information and procedural needs of victims and families in Mental Impairment matters;
- Ongoing participation and contribution to the *Victims of Crime Ministerial Advisory Committee; and*
- Taking a leadership role in the Office's *Psychological Health & Well-Being Reference Group* aimed at improving the psychological health and well-being for all Office staff.

## 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](http://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).*
- Consultants' Final report into the Organisational Review of the ODPP

During 2007-08, the Office website had 24, 175 'hits'. (A hit is counted each time a visitor opens a new page.)

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

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

## APPENDIX B

### Compliance Reporting

The Director is required to report the following matters under the *Director of Public Prosecutions Act 1991*.

#### Directions from the Attorney-General

During the reporting year the Director received no direction or guideline given by the Attorney-General pursuant to Section 9 of the *Director of Public Prosecutions Act 1991*.

#### Directions to the Commissioner of Police

During the reporting year the Director of Public Prosecutions issued no directions or guidelines pursuant to section 11 of the *Director of Public Prosecutions Act 1991* to the Commissioner of Police or other person investigating or prosecuting offences for the Crown.

#### Listening and Surveillance Devices Act

Pursuant to section 12 (1) of the *Director of Public Prosecutions Act* the Office reports that during the year it considered and approved 15 warrants issued under the *Listening and Surveillance Devices Act 1972*.

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The following matters are Required Reporting Items under Section 5 of the Department of Premier and Cabinet Circular PC013—Annual Reporting Requirements.

#### Aboriginal reconciliation Statement

All matters relevant to the Aboriginal Reconciliation Statement are incorporated within the Annual Report of the Attorney-General's Department.

#### Asbestos Management

All matters relevant to **Asbestos Management** are incorporated within the Annual Report of the Attorney-General's Department.

#### Consultants

The reporting on the use of consultants by the Office during the year is incorporated within the Annual Report of the Attorney-General's Department.

#### Contractual arrangement

The reporting on the extent of contractual arrangements in the Office during the year is incorporated within the Annual Report of the Attorney-General's Department.

#### Disability Action Plan Reporting

All matters relevant to Disability Action Plan Reporting are incorporated within the Annual Report of the Attorney-General's Department.

### **Energy Efficiency Action Plan Reporting**

All matters relevant to Energy Efficiency Action Plan Reporting are incorporated within the Annual Report of the Attorney-General's Department.

### **Equal Employment Opportunity**

All matters relevant to Equal Employment Opportunity Reporting are incorporated within the Annual Report of the Attorney-General's Department.

### **Executive Employment Reporting**

All matters relevant to Executive Employment Reporting are incorporated within the Annual Report of the Attorney-General's Department.

### **Financial Reporting**

All matters relevant to financial performance and account payment performance are incorporated within the Annual Report of the Attorney-General's Department.

### **Fraud**

All matters relevant to Fraud Reporting under the Public Sector Management Regulations 18 (i) are incorporated within the Annual Report of the Attorney-General's Department.

### **Freedom of Information**

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

### **Greening of Government**

All matters relevant to Greening of Government Operations are incorporated within the Annual Report of the Attorney-General's Department.

### **Human Resource Reporting**

All matters relevant to employee numbers, gender and status, leave management, workforce diversity, indigenous employees, cultural and linguistic diversity and disability are incorporated within the Annual Report of the Attorney-General's Department.

### **Occupational Health, Safety & Injury Management**

All matters relevant to Occupational Health and Safety are incorporated within the Annual Report of the Attorney-General's Department.

### **Overseas Travel**

The Director made the following overseas trips in 2007-08

Destination:	Montreal & Quebec City, Canada
Purpose:	Heads of Prosecution Agencies Conference (HOPAC)
Date:	1 - 6 July 2007
Total Cost to ODPP:	\$14,432.00

Destination: Hong Kong  
Purpose: International Association of Prosecutors (IAP) Conference  
Date: 16 - 20 Sept 2007  
Total Cost to ODPP: \$9,713.00

Destination: Auckland, New Zealand  
Purpose: Conference of Australian Directors of Public Prosecution (CADS)  
Date: 7 - 8 December 2007  
Total Cost to ODPP: \$2,043.00

Destination: Chongqing, China  
Purpose: Conference—International Association of Anti Corruption Authorities  
Date: 16 - 23 May 2008  
Total Cost to ODPP: \$120.00  
NB: Stephen Pallaras QC covered the cost of international air-fares;  
Chinese Govt met the cost of domestic accommodation and meals.

One legal staff member also attended the IAP conference in Hong Kong mentioned above. The Office met only the cost of the conference registration (AUD\$1,340) with all travel and accommodation costs met by the employee.

### **Regional Impact Assessment Statements**

All matters relevant to Regional Impact Assessment Statements are incorporated within the Annual Report of the Attorney-General's Department.

## APPENDIX C

### External Training

External Training and Public Information Sessions Conducted by Staff of the Office.

<b>SESSION</b>	<b>ODPP REPRESENTATIVE</b>
Australian Lawyer's Alliance Topic: 'Role of the DPP and Decision to Prosecute'	Stephen Pallaras QC
Campbelltown Residents & Ratepayers Association Topic: 'Role of the DPP'	Stephen Pallaras QC
Conference of Australian Directors of Public Prosecution, Auckland, NZ Topic: 'Recent legislative changes in SA. <i>Serious and Organised Crime (Control) Bill 2007</i>	Stephen Pallaras QC
Courts Administration Authority Open Day	ODPP staff members
Criminal Justice Seminar (Adelaide)	Fabiana Vielle, Heather O'Dea, Joanne Howski
Criminal Justice Seminar (Christies Beach)	Caroline Steel, Belinda Walker, Mark Norman
Criminal Justice Seminar (Mt Gambier)	Andrew Moulding, Caroline Steel, Lisa Duong
Disability Awareness (for AGD customer service staff) Topic: You Can Make a difference:	Fabiana Vielle
Governor's Leadership Foundation Topic: 'Current and future issues emerging for the DPP in SA'	Stephen Pallaras QC
International Association of Anti-Corruption Authorities, China Topic: 'The Prosecution of Corruption'	Stephen Pallaras QC
International Association of Prosecutors, Hong Kong Topic: 'Accounting to the Public. Reporting to the Government. The Art of Serving Two Masters.'	Stephen Pallaras QC
Law Society Criminal Law Conference	John Wells
Law Society of SA. Country Conference, Pt Lincoln Topic: 'Negotiating with the DPP'	Stephen Pallaras QC
Law Society of South Australia Conference November 2007 - Seminar. Topic: Recent Legislative Developments	Tim Heffernan

<b>SESSION</b>	<b>ODPP REPRESENTATIVE</b>
Law Society's Continuing Professional Development Program Topic: 'ODPP Decision to Prosecute'	Stephen Pallaras QC
Law Society's Continuing Professional Development Program Topic: 'ODPP Decision to Prosecute'	Stephen Pallaras QC
Law Week 2008 District Court of South Australia. Topic: Mock Sentencing Demonstration	Tim Heffernan
National Institute of Forensic Science Australia Expert Topic: Evidence Training	Emily Telfer
Natural Resources Investigator's Group Workshop at Nunyara through the Department for Environment and Heritage. Topic: ' <i>what can go wrong during an investigation</i> '	Jane Powell Mikala Ballard
ODPP NT Prosecutors' Conference Topic: 'Preparing and prosecuting drug trials'	Stephen Pallaras QC
Order of St John Knights Hospitaller, Glenelg Topic: 'Role of the DPP'	Stephen Pallaras QC
Police Investigators Course	Emily Telfer
Police Prosecutors Conference October 2007	Emily Telfer
Probus Club of Marion Topic: 'Role of the DPP'	Stephen Pallaras QC
Rotary Club of Adelaide Topic: 'Role of the DPP'	Stephen Pallaras QC
SAPOL - Elizabeth/Gawler/Salisbury Topic: Preparation of committal files & DPP role and responsibilities	Emma Shaw Karen Ingleton
TAFE Guest Lecture Series	Belinda Walker
TAFE Inter-agency Seminar (x 4)	Fabiana Vielle, Andrew Moulding, Belinda Lines, Belinda Walker, Heath Barclay, Emily Telfer Rosie Thewlis
University of Adelaide Law School (Criminology Course) Topic: 'Issues involved in the decision to prosecute'	Stephen Pallaras QC
University of Adelaide Law Student's Society - Career Seminar. Topic: Career Choice with the ODPP	Stephen Pallaras QC

<b>SESSION</b>	<b>ODPP REPRESENTATIVE</b>
University of Adelaide Law Student's Society - Career Seminar. Topic: Career Choice with the ODPP	Stephen Pallaras QC
Victim Contact Officer Training	Dean Oliver, Belinda Walker, Shoona Howard, Belinda Ness
Victim Support Service Topic: Court Companion Training	Fabiana Vielle, Caroline Steel
Yarrow Place Expert Witness Training	Emily Telfer



## 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>	<p>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.</p> <p>If the higher affirms (agrees with) the lower court decision, the appeal is dismissed</p> <p>The DPP can appeal against sentence only (not against an acquittal). The defendant can appeal against both a sentence and conviction.</p>
<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.

<b><i>Burden of Proof</i></b>	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.
<b><i>CLCA</i></b>	<i>Criminal Law Consolidation Act 1935</i>
<b><i>Committal Proceedings</i></b>	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.
<b><i>Committed for Sentence</i></b>	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.
<b><i>Convicted</i></b>	Found guilty of the crime charged or of a lesser charge.
<b><i>Crown</i></b>	The Crown means the State.
<b><i>Declarations</i></b>	A written witness statement given to police, signed by the person giving the statement.
<b><i>Defendant</i></b>	In the Magistrates Court the accused may be referred to as the defendant.
<b><i>Directions Hearing</i></b>	A pre-trial administrative hearing to ensure that all parties are ready for trial and to set a trial date.
<b><i>Exhibit</i></b>	A document or physical item tendered as evidence in a court hearing or referred to in an affidavit.
<b><i>Forensic science</i></b>	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.
<b><i>Forfeiture Orders</i></b>	Orders granted under either Section 8, 9 or 15(5) of the <i>Criminal Assets Confiscations Act 1995</i> which confiscate property of a person convicted of a criminal offence.
<b><i>Form 7</i></b>	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.
<b><i>Indictable Offence</i></b>	An offence, either Major Indictable or Minor Indictable, for which the accused has an initial right to be tried by a judge and jury.
<b><i>Information</i></b>	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.
<b><i>Major Indictable Offence</i></b>	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.

<b><i>Matter</i></b>	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
<b><i>Major Indictable Offence</i></b>	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.
<b><i>Mentally Incompetent</i></b>	<ol style="list-style-type: none"> <li>(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.</li> <li>(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.</li> </ol>
<b><i>Minor Indictable Offence</i></b>	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.
<b><i>Nolle Prosequi</i></b>	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 - <a href="http://www.dpp.sa.gov.au">http://www.dpp.sa.gov.au</a> .)
<b><i>Non-Parole Period</i></b>	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.
<b><i>Not Guilty</i></b>	<ol style="list-style-type: none"> <li>(1) A plea by an accused that he/she did not commit the crime charged.</li> <li>(2) The finding of a court that the accused is acquitted of the charges.</li> </ol>
<b><i>Objective elements</i></b>	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.
<b><i>Opinion</i></b>	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.
<b><i>Police prosecutors</i></b>	Members of SA Police who prosecute offences in the Magistrates Court.
<b><i>Plea</i></b>	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> .
<b><i>Precedent</i></b>	A judicial decision on a point of law which is binding on all courts lower in the hierarchy.

<b><i>Resolved Summarily</i></b>	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.
<b><i>Respondent</i></b>	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.
<b><i>Restraining Orders</i></b>	<p>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.</p> <p>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.</p> <p>Domestic violence restraining orders prevent a defendant from contact with specific people or visiting specific addresses.</p> <p>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.</p>
<b><i>Sentence</i></b>	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.
<b><i>Subpoena</i></b>	A legal document requiring attendance in court to give evidence and/or the production of a document or exhibit.
<b><i>Standard of proof</i></b>	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'.
<b><i>Summary Offence</i></b>	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.
<b><i>Suspended Sentence</i></b>	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.
<b><i>VIS</i></b>	See Victim Impact Statement
<b><i>Victim Impact Statement</i></b>	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.
<b><i>Voir Dire</i></b>	Legal argument before the judge in court but without the jury present.

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