



**DIRECTOR OF PUBLIC
PROSECUTIONS**

**NORTHERN TERRITORY
OF
AUSTRALIA**

**A N N U A L
R E P O R T**

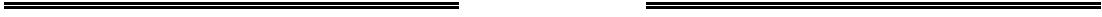
1999-2000



***OFFICE OF THE
DIRECTOR OF PUBLIC PROSECUTIONS
NORTHERN TERRITORY***

TENTH ANNUAL REPORT

FOR YEAR ENDED 30 JUNE 2000





**Director of Public Prosecutions
Northern Territory**

Rex Wild QC

28 September 2000

The Hon Denis Burke MLA
Attorney-General
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Dear Attorney-General

ANNUAL REPORT 1999-00

In accordance with the requirements of section 33 of the *Director of Public Prosecutions Act* and section 28 of the *Public Sector Employment and Management Act*, I have pleasure in submitting to you the Annual Report on the performance of the Office of the Director of Public Prosecutions for the period 1 July 1999 to 30 June 2000.

The Report includes the various statements of guidelines issued and published pursuant to section 25 of the *Director of Public Prosecutions Act*. The statement of these guidelines provides Crown prosecutors and others engaged in law enforcement with clear guidelines for the making of various decisions which arise in respect of prosecutions. They are intended also to inform the public generally of the considerations upon which those decisions are made.

This is the tenth Annual Report of the Office since its establishment in January 1991 and the fifth since my appointment in February 1996. It is hoped that the information contained within the Report in respect of the Office will advance public knowledge of its operations and its role in the criminal justice system.

Yours sincerely

REX WILD





TABLE OF CONTENTS

	Page No
OFFICE LOCATIONS	9
MISSION STATEMENT(S)	10
PERFORMANCE HIGHLIGHTS	13
DIRECTOR'S OVERVIEW	15
FUNCTIONS OF THE DIRECTOR OF PUBLIC PROSECUTIONS	19
• General powers	20
CORPORATE PLAN AND PERFORMANCE	21
• Objectives	
• Strategies	
• Implementation	
• Outcomes	
ORGANISATION CHART	27
PROFESSIONAL STAFF	29
CORPORATE SERVICES	33
FINANCIAL ACCOUNTABILITY	39
FINANCIAL MANAGEMENT STATEMENT	53
THE ROLE OF THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS	57
• Introduction	57
• The prosecutor	57
• Role of the Office	58
• Independence	58
• Accountability	59
• Professionalism	59
• Objectives	60
• Guidelines	60
• Publication of reasons	61

	Page No
PROFESSIONAL ACTIVITIES	63
• Criminal Lawyers' Association of the Northern Territory	63
• Library committee	63
• Legislative review	64
• Continuing legal education	64
• Workload	65
• Expedition	68
• Conference of Australian Directors	68
• Heads of Prosecuting Agencies Conference	68
• International Association of Prosecutors	69
SUMMARY PROSECUTIONS	71
MEMORANDUM OF UNDERSTANDING IN RESPECT OF SUMMARY PROSECUTIONS	77
VICTIM SUPPORT	83
ABORIGINAL SUPPORT	89
LEGISLATIVE REVIEWS	91
GUIDELINES	93
• The criteria governing the decision to prosecute	93
• Domestic violence cases	97
• Prosecution of juveniles	98
EXERCISE OF GENERAL PROSECUTORIAL DISCRETION	101
GUIDELINES FOR APPEALS AGAINST INADEQUACY OF SENTENCE	105
GUIDELINES FOR PROSECUTION DISCLOSURE	107
EXTRADITION	113
PLEA NEGOTIATIONS	115
INDEMNITY FROM PROSECUTION	117
INFORMERS	121
MEDIA GUIDELINES	123
GUIDELINES FOR PROVISION OF DOCUMENTATION TO VICTIMS OF CRIME	127
POLICY AND PROCEDURES FOR WITNESSES, INTERPRETERS AND TRANSLATORS	129
PROVISION OF INTERPRETERS	137
ABORIGINAL EMPLOYMENT & CAREER DEVELOPMENT STRATEGY 2000-03	139

	Page No
EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN	145
PROGRESS OF A TYPICAL MATTER FROM CHARGE TO TRIAL	149
DECISIONS OF THE COURT OF CRIMINAL APPEAL AND COURT OF APPEAL	151
OUTSTANDING APPEALS IN THE COURT OF CRIMINAL APPEAL AND COURT OF APPEAL	173
APPLICATIONS IN THE HIGH COURT	183
OTHER SIGNIFICANT CASES	185





OFFICE LOCATIONS

1. DIRECTOR'S CHAMBERS (Head Office)

Level 2

Tourism House

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DARWIN NT 0800

GPO Box 3321

DARWIN NT 0801

Telephone: (08) 8999 7315

Fax: (08) 8999 7544

2. NORTHERN REGIONAL OFFICE DARWIN

Level 1

Tourism House

43 Mitchell Street

DARWIN NT 0800

GPO Box 3321

DARWIN NT 0801

Telephone: (08) 8999 7533

Fax: (08) 8999 7821

Free Call: 1800 659 449

3. SOUTHERN REGIONAL OFFICE ALICE SPRINGS

1st Floor

Centrepont Building

Cnr Hartley St & Gregory Tce

ALICE SPRINGS NT 0870

PO Box 2185

ALICE SPRINGS NT 0871

Telephone: (08) 8951 5800

Fax: (08) 8951 5812



MISSION STATEMENT

The mission of the Office of the Director of Public Prosecutions is to provide the people of the Northern Territory of Australia with an independent, professional and effective criminal prosecution service that:

- *operates with integrity*
- *is fair and just to both victims and the accused and*
- *is sensitive to the needs of victims, witnesses and to the interests of the community on whose behalf it acts.*



MISSION STATEMENT (IN KRIOL)

Wed bla DPPmob

DPP-mob bin pudimdan dijlat wed la dijan peipa dumaji olabat wandi dalim eberibodi bla no, hau detmob wandi duwim det wek bla olabat brabli raitwei.

Det wek bla olabat, jei gada album yu bla dijkain trabul:

maiti ib pilijimen im rekin samwan bin meigim brabli nogudwan trabul, laiga ib jei merdrem o kilimbat yu; ib jei stilimbat o demijim enijing blanganta yu.

Maiti det pilijimen rekin det ting im lilbit nogudwan, wal olabat pilijimenmob teigim la kot. O maiti det pilijimen rekin det trabul im rili rongwei, wal det DPP-mob gada teigim la kot det nogudwan sambodi.

Det DPP-mob olabat teigim yu pleis la kot, seimwei laig det Liguleid teigim pleis la det sabodi weya olabat rekin imin duwim rongwan ting.

Det DPP-mob gan weistimbat taim en mani en olabat gan libim dijan hiya rul bla olabat wek:

- Ola weka onli gada woriyabat faindimbat raitwan wed bla wot bin hepin - nomo laigim yu o heitim yu o yu femli o enibodi.
Jei gan toktok la enibodi bla yu bijnij, onli la jeya weka wen jei albumbat yu.
- Det DPP-mob wandim stap gudwan binji seimwei la yu en la det sambodi weya olabat rekin imin duwim det nogudwan ting.
Jei wandi album yu gidim det samwan hu bin duwim det samting rong en faindat la kot raitwei bla banijim bla wot imin du.
- Olabat DPP-mob wandi meigim bla yu en en det sambodi en ola widnijmob go la kot gudwei, nomo hambag en nomo bla meigim yu fil sheim. DPP-mob duwim dijkain wek bla album eberibodi la Northern Territory jidan seifwan en gudbinjigeja.

DPP-mob bin pudim dan dislat wed la dijan peipa dumaji olabat wandim dalim eberibodi bla no, hau detmob wandi duwim det wek bla olabat brabli raitwei.





Performance highlights

- The Institute of Public Administration Australia NT Division and the Office of the Commissioner for Public Employment jointly hosted the annual Equity Award in October 1999. Initiative and achievement under the NTPS Aboriginal Employment and Career Development Strategy was the theme for the Equity Awards.

The Office of the Director of Public Prosecutions won the award for the small agency category. This was for the active recruitment strategy that is aimed at increasing Aboriginal and Torres Strait Islander employees as legal professionals, cadets or trainees in association serving in the ODPP. (The full strategy, which has been updated this last year, is published elsewhere in this report, see pg 139)

- During the latter part of the year, the Northern Territory Government announced the introduction of an Aboriginal Interpreter Service. This has been an outcome actively pursued by, amongst others, the ODPP, at least since 1996. It is heartening to see its realisation.
- The operations of the Victim Support Unit (VSU) were evaluated during the year. Strategic and Audit Services developed the terms of reference in conjunction with the ODPP and private business consultants were commissioned. The findings were most encouraging. The effectiveness of the VSU was high taking into account the degree of satisfaction expressed by VSU stakeholders and clients with its performance. The outcomes in respect of government investment in the VSU were regarded as effective, as was the efficacy of the unit in assisting in preparation of victim impact statements and delivering other much needed services to clients (generally, victims in the criminal justice system).
- The Director and members of the professional staff were involved on a number of occasions in meetings and discussions with East Timorese lawyers visiting Darwin. Presentations were made to the visitors in the spirit of international co-operation and assistance.
- The professional staff took leading roles in the activities of the Law Society during the year and in particular during Law Week in May 2000. They participated in the information sessions provided to school children and took roles in the play *Tuckiar* performed at Fannie Bay gaol. The Director's script for the play, originally performed at the Criminal Lawyers' Association of the Northern Territory conference in Bali in 1999, was adapted for the performance. The ODPP won the annual tug-of-war competition.

- This year the Report, for the first time, contains the ODPP Mission Statement in Kriol. It is an acknowledgement that the service provided is to all sections of the Territory community. The translation was provided by Anne Pollock, an interpreter with the Diwurruwurru-Jaru Aboriginal Corporation (formerly known as the Katherine Regional Aboriginal Language Centre). Her contribution is gratefully noted.



director's overview

This again has been a relatively successful year for the Office of the Director of Public Prosecutions. I said last year that a proper measure of success is the extent to which the Office meets the criteria set out in its own *Mission Statement*. It is set out at the front of this report (in both English and Kriol). I repeat the English version here:

The mission of the Office of the Director of Public Prosecutions is to provide the people of the Northern Territory of Australia with an independent, professional and effective criminal prosecution service that:

- *operates with integrity*
- *is fair and just to both victims and the accused and*
- *is sensitive to the needs of victims, witnesses and to the interests of the community on whose behalf it acts.*

It is against this stated standard that the efforts of the Office and its staff should be judged.

The *independent, professional and effective* service must be and be seen to be conducted with *integrity, fairness and justice* and *sensitivity* in each case to all the players in the criminal justice system.

It is with these matters in mind that the success or otherwise of the Office may be addressed. Stated in simple terms, the conviction rate in cases dealt with in the Supreme Court of the Northern Territory in the year just concluded was 78%. But of those cases contested at trial, it was a much lesser figure. Where the accused was acquitted, it was because the Crown had failed to satisfy a jury of 12 of guilt beyond reasonable doubt. Such results are proper in the criminal justice system. The statistics reflect neither success nor failure in the prosecutorial service.

Performance highlights

It will be noted that those items identified as *highlights* in the ODPP year do not relate directly to prosecution of offences or the number of offenders convicted or imprisoned. They refer to the wider role and position of the Office in the community; its need to be, and be seen to be, a good corporate citizen and contributor. The ODPP is particularly aware of cross cultural issues, both in the administration of the criminal justice system and in the wider community, and its own position within the membership of the legal profession. The *highlights* recognise these factors.

Mandatory sentencing

This has continued to provide a major focus for the professional work of the Office during the year. The defence lawyers, rather than exploring the intricacies of the legislation in court challenges, concentrated on the exercise of prosecutorial discretion in the institution of proceedings. Submissions have been made that because of the perceived inflexibility of mandatory sentencing, in appropriate circumstances, the prosecution of offenders should not proceed. The submissions hone in on the *public interest* leg of the guidelines for prosecutors.

There is a threshold difficulty in such propositions. It assumes that it is not in the public interest to prosecute an offender for what is suggested to be a comparatively minor first offence (or second or third offence for that matter), and in respect of which he will get an unduly harsh penalty, when Parliament has enacted legislation precisely to the contrary intent.

There have been some cases where a prosecution has been withdrawn on my instructions but in most of those some diminution of mental responsibility was involved.

Nevertheless, the submissions have continued and, of necessity, have involved a significant amount of time to give each of them proper and full consideration. In addition, although there have been fewer challenges to the nature and operation of the legislation, additional court and preparation time has been taken in relation to these cases.

Challenges for the future

I noted these in last year's Annual Report as follows:

- to participate in a criminal justice system which better serves the community in ensuring that cases are brought speedily and completed effectively with a minimum of disruption to the lives of victims, witnesses, jury members and defendants
- to continue to provide an appropriately professional team of prosecutors to service the needs of the Office
- to maintain good personal and working relationships with courts, police officers, defence lawyers and other stakeholders in the criminal justice system to ensure that the system itself has the best opportunity to operate successfully and to the mutual advantage of all the participants.

These *challenges* are, to an extent, a synthesis of the corporate objectives. They do not readily lend themselves to measurement. However, I think it is fair to say we have made a reasonable fist of these challenges during the year. The specific *outcomes* are outlined in the section dealing with the Corporate Plan and Performance.

The Annual Report

The Office has received advice on the format of the Report. This year the presentation of material is in a different order and with different emphases. Section 33 of the *Director of Public Prosecutions Act* provides for the Report to be *on the performance of the Director's functions* during the relevant year. Section 25 provides for the publication in the Report of guidelines followed in the performance of the functions. *The Financial Management Act* also requires certain information to be included. These *compulsory* requirements have been brought forward in the Report consistent with a desire to separate the report **on** the performance of the Office with the report **of** the ODPP on cases completed during the year and the like. It is hoped, as a consequence, that the reader will find the Report more *user friendly*.

Conclusion

The success of the Office is something that can only really be judged by others. This can be measured to some extent against the objectives set by the Office for itself each year and by the extent to which it adheres to and meets its own *Mission Statement*. The primary responsibility of the Office is to effectively prosecute offences against the law. I believe it has done so.

I wish to thank my staff for their support and fine work during this year. As with last year, at times, the pressure of work for all staff members has been extreme but invariably they have accepted the additional duties and responsibility and got on with the job. My Deputy Director, Jack Karczewski, has provided good, sound, practical advice at all times to me and the rest of the staff. Dr Nanette Rogers was thrown into the breach in Alice Springs on the departure of John Birch. She has done a sterling job. She has been assisted greatly by having Senior Crown Prosecutor Ron Noble there with her. Jenny Blokland, the General Counsel, had a very difficult role involving the allocation of work and in many ways was the public face of the Office. She did a fine job. She was relieved of the allocations and arraignments responsibility earlier in 2000. John Adams, Senior Crown Prosecutor in Darwin, has taken on that role. Nannette Hunter, the Victim Support Co-ordinator, has continued to build the Victim Support Unit again into an excellent team which provides, I think, a very good service to victims and witnesses. Lilia Garard, the Business Manager, has done an extraordinary job again in what has been a very difficult year administratively. We again reached the end of the year with our heads above water in a financial sense and with our ability to provide a proper prosecuting service maintained. I also recognise the efforts of Senior Sergeants Peter Thomas (Darwin) and Len Pryce (Alice Springs) who have provided first-class support to the Office of the Director of Public Prosecutions, observing the spirit of the Memorandum of Understanding between me and the Commissioner of Police in every way. We will sorely miss Len who retired at the end of June 2000.

I again thank Joan Macpherson, my Executive Assistant, for her fine work throughout the year. She provides stability in my Office, allowing me the opportunity to get on with my professional and administrative duties. Her loyalty, hard work, organisation and technical skills and sound common sense make her ideal for her position.

I extend my thanks to the Chief Minister and Attorney-General, the Honourable Denis Burke MLA, for the support and assistance he has extended to the Office. During the year the Attorney-General has not sought to interfere in the carriage of the Director's functions. As a result, I have been able to enjoy complete independence in exercising the powers conferred by the *Director of Public Prosecutions Act*.

My five year appointment as Director formally terminates on 31 January 2001. I take this opportunity of thanking all staff, including those who have left, for the assistance, hard work and demonstrated professionalism over the last five years. I have enjoyed working with them enormously and look forward to the continuing success of the Office.

REX WILD QC
Director of Public Prosecutions

28 September 2000



FUNCTIONS OF THE DIRECTOR OF PUBLIC PROSECUTIONS

The major responsibilities of the Director of Public Prosecutions (hereinafter referred to as the Director) may be identified as follows:

- (a) the preparation and conduct of all prosecutions in indictable offences
- (b) the preparation and conduct of committal proceedings
- (c) to bring and conduct proceedings for summary offences
- (d) the assumption where desirable of control of summary prosecutions
- (e) to institute and conduct prosecutions not on indictment for indictable offences including the summary trial of indictable offences
- (f) the power to institute and conduct or take over any appeal relating to a prosecution or to conduct a reference under s.414 of the *Criminal Code*
- (g) the right to appeal against sentences imposed at all levels of the court hierarchy
- (h) the power to grant immunity from prosecution
- (i) the power to secure extradition to the Northern Territory of appropriate persons
- (j) the power to participate in proceedings under the *Coroner's Act* and with the concurrence of the Coroner, to assist the Coroner if the Director considers such participation or assistance is relevant to the performance of some other function of the Director and is justified by the circumstances of the case
- (k) to secure recovery of penalties or to enforce forfeiture
- (l) to provide assistance in the Territory to other State or Commonwealth Directors of Public Prosecutions
- (m) to institute, intervene in and conduct proceedings that are concerned with or arise out of any function of the Director or to otherwise do anything that is incidental or conducive to the performance of the function of the Director

- (n) the power to furnish guidelines to Crown prosecutors and members of the police force related to the prosecution of offences
- (o) to require information or to give directions limiting the power of other officials.

General powers

The Director has power to do all things that are necessary or convenient to be done for the purpose of performing the functions of the Director and may exercise a power, authority or direction relating to the investigation and prosecution of offences that is vested in the Attorney-General.



corporate plan AND PERFORMANCE

MISSION STATEMENT

The mission of the Office of the Director of Public Prosecutions is to provide the people of the Northern Territory of Australia with an independent, professional and effective criminal prosecution service that:

- *operates with integrity*
- *is fair and just to both victims and the accused and*
- *is sensitive to the needs of victims, witnesses and to the interests of the community on whose behalf it acts.*

CORPORATE OBJECTIVES, STRATEGIES, IMPLEMENTATION AND OUTCOMES

Corporate Objectives

1. To effectively prosecute alleged offences.
2. To improve the efficiency and economy of the Office.
3. To reduce the delays in the time taken between the committal hearing and trial.
4. To assist in the improvement of the administration of the criminal justice system.
5. To deprive offenders of the proceeds and profits of criminal activity wherever possible.
6. To preserve and enhance public confidence in the prosecution process and the standing and reputation of the Office.

Strategies, Implementation and Outcomes

OBJECTIVE 1 To effectively prosecute alleged offences.

Strategy:

- maintain a high quality of preparation of cases
- ensure that the presentation of cases to the courts is conducted in a professional manner which is fair to both victims and the accused and is sensitive to the trauma involved to the victims and witnesses

- co-operate with other agencies to ensure that investigations are complete and that briefs are properly prepared.

Implementation:

- constant review of guidelines, policies and procedures for case preparation and presentation
- ensuring key decisions in major cases are made at an appropriately senior level
- advising police and other investigative bodies as to the requirements of the ODPP
- assisting in providing instruction in investigator training courses.

Outcomes:

The ODPP prosecuted, in the Supreme Court, 193 cases in respect of which a conviction rate of 78% was obtained. In addition, a much larger number of cases were successfully concluded in the courts of summary jurisdiction throughout the Territory.

OBJECTIVE 2 To improve the efficiency and economy of the Office.

Strategy:

- maintain a complement of professionally competent and motivated staff
- reduce the cost of preparation of cases
- improve the information and records management systems of the Office
- enhance litigation support systems
- effectively utilise the services of counsel briefed by the Office and Crown prosecutors.

Implementation:

- by constant review and evaluation of operating procedures, workloads and trends, information and records management and the undertaking of staff training programs.

Outcomes:

Workloads have increased during the year with staff leave being a major contributor. This, in turn, has necessitated greater use of outside counsel which results in greater costs in presenting cases to court. On the other hand, increased effort to resolve cases early has reduced witness expenses.

OBJECTIVE 3 To reduce the delays in the time taken between the committal hearing and trial.

Strategy:

- conduct all committal proceedings
- increase the rate of case preparation
- improve the quality of case preparation so as to indicate the strength of the case to the accused and thereby achieve more guilty pleas earlier in the process
- strive consistently to minimise the number of cases adjourned.

Implementation:

- ensuring that an appropriate number of experienced staff are employed to keep abreast with the increasing number of cases and by ensuring that staff have access to computerised litigation support facilities.

Outcomes:

The ODPP in fact has conducted all committals in the Northern Territory and in many cases, with early pleas encouraged, completion has been expedited. There remains, however, a considerable delay in concluding defended cases in the Supreme Court.

OBJECTIVE 4 To assist in the improvement of the administration of the criminal justice system.

Strategy:

- identify and respond to changing Territory needs in the criminal justice area
- contribute to improvements in criminal law
- respond quickly and efficiently to government policy and initiatives in this area
- co-operate and liaise with other agencies to ensure that criminal law processes are effective.

Implementation:

Professional staff are encouraged to bring to the attention of the Director any area where legislative change is desirable and recommendations flow, in appropriate cases, to government through the Attorney-General.

When relevant new legislation is introduced, detailed explanatory notes are distributed and, where necessary, the material is discussed by all prosecutors in a workshop environment.

There is daily contact with police, and contact as necessary with the law enforcement agencies and bodies both within the Territory and interstate, to ensure effective use of the process.

Outcome:

Following representations and references, new legislation has been introduced in a number of areas (see **Legislative Reviews**, pg 91). This contributes to better administration of the criminal justice system.

OBJECTIVE 5 To deprive offenders of the proceeds and profits of criminal activity wherever possible.

Strategy:

- ensure that criminal assets recovery actions are taken properly
- ensure that appropriate cases are identified
- ensure that decisions are taken on an objective basis.

Implementation:

In this area both the law and practice in the various parts of Australia are in a state of evolution and change. The Office liaises with other elements of the criminal justice system to attain consistency and uniformity and the formulation of appropriate guidelines and policies.

Continuing liaison with investigative agencies to ensure that appropriate procedures are adopted is necessary.

Outcomes:

There has been little activity in this area during the year with few appropriate cases identified.

OBJECTIVE 6 To preserve and enhance public confidence in the prosecution process and the standing and reputation of the Office.

Strategy:

- promote a positive and professional image
- ensure that the operations of the Office properly reflect Parliament's intentions
- report on the activities of the Office to the Attorney-General, Parliament and the community in a timely and informed manner

- ensure that the policies and procedures of the Office are fair to victims, witnesses and accused persons and that they are sensitive to the possible trauma involved to those individuals
- ensure the Director is represented at seminars and conferences relating to issues relevant to the functions of the Office
- liaise with academic and educational bodies.

Implementation:

The lynch-pin of this strategy is the professional performance both in court, and in preparation for court, by the prosecutors. Prosecutors are instructed to maintain and cultivate goodwill with police, victims and witnesses keeping them informed of progress in a particular matter.

The prosecutors are assisted in this by members of the Victim Support Unit (VSU) who deal directly with victims and witnesses and help explain the criminal justice system to them.

The staff are kept advised of legislative changes which affect their work and of government policy reflected in that legislation. It is the task of the prosecutors to argue in court for the acceptance and implementation of the appropriate legislative intent.

The Director and members of the professional staff are encouraged to attend appropriate seminars and conferences to maintain awareness and keep abreast of changes in the law which are relevant to the Territory.

Members of the professional staff are encouraged to lecture and speak at venues in the Territory and, in particular, at the Faculty of Law at the Northern Territory University.

Outcomes:

One measure of the success of the strategy and implementation is the attitude of the relevant stakeholders in the effectiveness of the VSU with a great deal of client satisfaction with the unit being expressed. This reflects positively on the standing and reputation of the Office.





ORGANISATION CHART AS AT 30 JUNE 2001

DIRECTOR
Rex Wild QC

**CROWN PROSECUTOR
IN CHARGE (SOUTH)**
Nanette Rogers

DEPUTY DIRECTOR
Jack Karczewski

EXECUTIVE ASSISTANT TO THE DIRECTOR
Joan Macpherson

GENERAL COUNSEL
Michael Carey

SENIOR RESEARCH SOLICITOR
Shane McGrath

BUSINESS MANAGER
Lilia Garard

**CROWN PROSECUTORS
Northern Office**

John Adams (Senior Crown Prosecutor)
Therese Austin
Glen Dooley
Alexis Fraser (Senior Crown Prosecutor)
Ron Noble (Senior Crown Prosecutor)
Janelle Martin
Shahleena Musk
Ian Rowbottam
Peter Tiffin
Jan Whitbread

VICTIM SUPPORT UNIT

Nannette Hunter (VSU Co-ordinator)
Colleen Burns (Aboriginal Support Co-ordinator)
Carolyn Woodman (VSU Co-ordinator – South)
Christine Garland (VSU Assistant)
Merle Thomas (VSU Assistant – South)

ADMINISTRATION OFFICERS

Heather Parker
Allan Page (South)

LIBRARY TECHNICIAN

Colleen Harris (part-time)

LEGAL ASSISTANT
(Vacant)

REGISTRY CLERK
Coralie Crookes

PROFESSIONAL ASSISTANTS

Northern Office
Isabelle Couturier
Cecily Hagan
Elvena White
Kerrie Wilson
Karen Zerafa

**ASSISTANT REGISTRY
CLERK/ROUNDS CLERK**
Jacqui Fisher

Southern Office

Georgia McMaster
Chris Roberts

RECEPTIONIST
Margaret Ray

SUMMARY PROSECUTORS

Grant Hayward
Tiarni McNamee
Amanda Story

Southern Office

Fern Davenport (part-time)
Angela Lindfield (part-time)
Donna Russell
Gail Scobie

ARTICLED CLERKS

Josephine Down
Lisa Ewenson (South)

ABORIGINAL LIAISON OFFICER

Albert Presley (South)

LAW STUDENT CADET

Nigel Browne

OIC SUMMARY PROSECUTIONS DARWIN
Senior Sergeant Peter Thomas





PROFESSIONAL STAFF

The most significant change in the membership of the staff was the resignation of John Birch. His Worship was appointed to the Northern Territory Magistracy, leaving the ODPP in March to take up his appointment in Katherine. He had been with the ODPP since 1994 following distinguished service as a prosecutor in NSW and Queensland. In 1997 he accepted a transfer from Darwin to Alice Springs where he became the Assistant Director in charge of the Alice Springs Office. He served with distinction there. His leadership and sound commonsense, and his unwavering loyalty to the Office (and to the Director personally) will be greatly missed. Nevertheless, the loss to the ODPP will be more than compensated for by the benefit to the Territory. We have wished him continuing success in his new role.

The loss of Mr Birch's services has meant a degree of re-organisation in Alice Springs. Dr Nanette Rogers has been appointed as the Officer-in-Charge of Alice Springs. The team has been supplemented by the transfer of Ron Noble, in the position of *Senior Crown Prosecutor* in Alice Springs for most of the 2000 calendar year. This provides legal leadership, as it were, to supplement the administration role played by Nanette. She had acted as a *locum* for Chris Roberts in the previous 12 months (1998-99). With the return of Chris, it was necessary to find funds to retain the services of Nanette. Given the extensive increase in the workload there, this was forthcoming.

Separately, James Watson, one of the Crown prosecutors at Alice Springs, resigned early in 2000 to take up a legal position with the Defence Forces. He was replaced by Georgia McMaster who had fairly recently been working as a summary prosecutor in Darwin (her profile appears below).

The membership of the staff has otherwise remained relatively stable during the year. Grant Hayward and Josie Burness completed their articles, in Darwin and Alice Springs respectively, and were admitted to practice. On both occasions I was honoured to be invited to move the admission. Grant is now employed as a summary prosecutor in Darwin. Josie has returned to the police and remains based in Alice Springs. New articulated clerks are Josephine Down in Darwin and Lisa Ewenson in Alice Springs. Jo is a graduate of NTU and Lisa from Melbourne University.

During the year we continued to sponsor Nigel Browne, a law student at NTU, and from time to time various other students spent work experience periods with us. A particular highlight was the visit of Grit Scheithauer who was a German law student from Elz. As part of her professional qualifications training it was necessary for her to spend some time overseas. She spent three months with the Office.

The professional staff was to some extent depleted during the year. Jan Whitbread was on maternity leave for seven and a half months and two other members of the Darwin team were unwell for several weeks. At the end of June, both Jack Karczewski and Jenny Blokland took some of their well-earned long service leave. This obviously had an effect on workloads within the Office generally. The effect of staff leave on a smallish office is particularly significant. It will continue to have an even greater impact in coming years. Accumulated long service leave owed to staff members (calculated as at 30 June 2000) amounted to nearly five years. Normal recreation leave due (for all staff) exceeds five years.

The individual staff members invariably react positively to the additional pressures placed on them by the absence of their work mates, but there is little doubt that effects on efficiency and morale are felt.

I again thank all former staff members who have left during the year for their contribution to the Office throughout their employment here. Profiles of the new professional staff appear below.

Georgia McMaster

Crown Prosecutor

Georgia McMaster was born in Darwin and graduated in law from the Northern Territory University in May 1996, being the last graduate to obtain the University of Queensland law degree. She completed her articles with Ward Keller and was admitted to the Supreme Court of the Northern Territory on 1 July 1997. She continued to work as a litigation solicitor in medical negligence with Ward Keller for the following year. In July 1998 she took up the position as legal policy officer for Police, Fire and Emergency Services where she remained until May 1999. After a short stint at Domestic Violence Legal Help she commenced work as a prosecutor in Summary Prosecutions, Darwin – following in her father's footsteps – her father having worked in Summary Prosecutions some years before as the Bail and Arrest Sergeant. In March 2000 Georgia was offered, and accepted, a position in Alice Springs as a Crown prosecutor.

Tiarni McNamee

Summary Prosecutor

Tiarni McNamee graduated from the Northern Territory University with a Bachelor of Laws in October 1996. She then completed a Graduate Certificate in Legal Practice in South Australia (University of South Australia) and was admitted to practice in SA in 1997. She was admitted to practice in the NT in August 1997. Tiarni commenced general private practice at McBride & Stirk, Alice Springs, where she stayed for 16 months. She was then employed by the Territory Insurance Office as a legal officer for one year involved in commercial and insurance law. Tiarni commenced as a summary prosecutor in Darwin in June 2000.

Josephine Down

Articled Clerk (Darwin)

Josephine Down graduated from the University of Adelaide with a degree of Bachelor of Arts in 1994. In 2000 she graduated from the Northern Territory University with a Bachelor

of Laws degree and commenced her articles with the Office in January 2000. Josephine had previously been employed from April 1999 within the Office in the capacity of librarian and also worked during semester breaks as Rounds Clerk and Receptionist. Josephine expects to be admitted to practice in early 2001.

Lisa Ewenson

Articled Clerk (Alice Springs)

Lisa Ewenson graduated from the University of Melbourne with a Bachelor of Arts (First-class Honours) and Bachelor of Laws (Honours) in 1999. She commenced articles with the Alice Springs Office in January 2000 and expects to be admitted to practice in early 2001.





CORPORATE SERVICES

Role

The role of Corporate Services is to ensure the provision of high quality administrative and secretarial support to Crown prosecutors. This includes paralegal, office, budgetary, secretarial and registry services.

The major objective for the 1999-00 was to assist and equip staff to deliver high level support.

Functions previously carried by the ODPP and/or the Attorney-General's Department including financial processing, ledger maintenance, library, human resource services and information technology have been transferred to the Department of Corporate and Information Services.

As at 30 June 2000, the number of operational staff was 41. A breakdown of this figure appears at Table A.

Policy initiatives in the budget

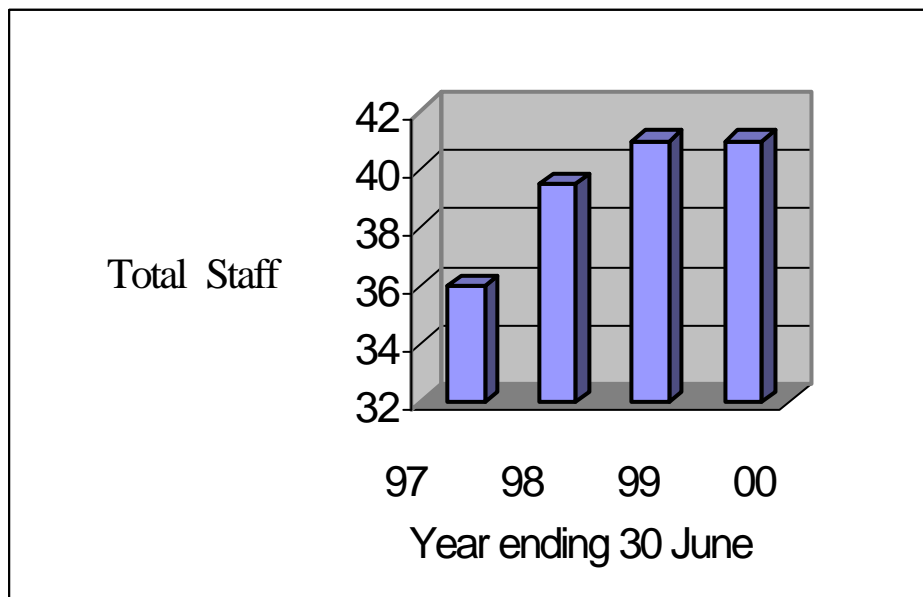
- Upgrade and streamline the Office information system within the agency to facilitate smooth workflow processing.
- Further development of CRIMS statistical data.
- Establishment of vocational, work experience and articulated clerks placement programs.
- Provide an enhanced support service for indigenous victims of crime and witnesses by the employment of an Aboriginal Liaison Officer - southern region.

Staffing profile

As required under s.28(c) of the *Public Sector Employment and Management Act*, a comparison of the agency's staffing profile between 30 June 1997 and 30 June 2000 is as follows:

Table A

	Actual Staff 30 June 1997	Actual Staff 30 June 1998	Actual Staff 30 June 1999	Actual Staff 30 June 2000
Director	1	1	1	1
Executive Contract Officer 2	1	1	1	1
Executive Contract Officer 1	6	6	7	6
Professional 4	4	4	4	3
Professional 3	3	3	3	4
Professional 2	3	3	5	5
Professional 1		1	1	1
Administrative 7	1			
Administrative 5		1		1
Administrative 4	5	5	5	6
Administrative 3	10*	9.5*	10*	10*
Administrative 2	1	1	1	1
Administrative 1		1	1	
Articled Clerk	1	3	2	2
Total	36 35 full-time *2 part-time	39.5 38 full-time *3 part-time	41 40 full-time *2 part-time	41 40 full-time *2 part-time



Strategic priorities 1999-00

Goal

Maintain the ability to achieve the Office objectives.

Objectives (linked to corporate objectives 1-6)

- To assist in the improvement of the quality of life in the Northern Territory community by providing an independent criminal prosecution service.

Outcomes

The major component of the corporate services area was to support and equip staff to deliver an effective and efficient service.

The Office recognised the importance of having a well trained, multi-skilled workplace and has continued to encourage all staff to develop and acquire new skills through its annual individual staff interviews linking it with individual development plans. Through self-appraisal and on-the-job and formal training all staff were given the opportunity to develop.

Goal

Improve quality and access to Case Recording Information Management System (CRIMS).

Outcomes (linked to corporate objectives 2-3)

A concerted effort was made to enhance the Office performance reporting system during the year. This included:

- the use of reports from job costing
- improvements to the Office file tracking system (CRIMS).

The continual upgrade of the CRIMS has seen an improvement in the data collection by the VSU and Registry.

In 1999-00 personal computers were installed in the prosecutors' rooms in the Supreme Courts in Darwin and Alice Springs. This allows staff to access, follow-up and update of information immediately.

Goal

Provide efficient and professional administrative support.

Outcome (linked to corporate objectives 1-2)

The administration staff met on a monthly basis to discuss key issues and review performances. Minutes of these meetings are circulated to all employees via a weekly bulletin issued by the Director. The Bulletin provides information, updates and encourages staff to contribute to the Office's achievements and future directions.

The Office focuses on training and development of staff.

Objectives such as the provision of study leave, continual implementation of the Aboriginal and Career Development Strategy and promotion of workplace learning have led to improvements in the provision of high administrative support to Crown prosecutors and clients.

Goal

Provide administration staff with a range of opportunities for further development.

Outcomes (linked to corporate objectives 2-3 and 6)

As reported earlier, since 1996-97 the Office has implemented individual development plans. These plans are reviewed and updated. Training schedules are devised to be completed on a yearly basis.

In 1999-00 a total of seven positions were evaluated. The evaluations led to the creation of two new positions within the Alice Springs Office. Five positions were upgraded.

Study leave was sought by and granted to two employees.

The principles of equity and merit in the recruitment process have continued to be applied.

Goal

Review financial data to ensure it provides useful and timely information to the senior executive officers.

Outcomes (linked to corporate objective 2)

The implementation of this goal was achieved by constant review and evaluation of financial reports produced through job costing and the Government Accounting System.

Partnerships with community and other organisations

(i) **Acknowledgements and awards**

The Aboriginal Employment and Career Development Strategy was recognised by the presentation to the Office of the annual Equity award (small agency category) by IPAA and OCPE.

(ii) **Sponsorship of law prizes**

In conjunction with the Law School of the NTU prizes are awarded annually in recognition of the best students in Advocacy and Criminology.

(iii) **Aboriginal cadetship**

In 1997 the Office awarded an Aboriginal cadetship to Nigel Browne, a law student at the NTU. The Office continued to sponsor Nigel who is now in the final year of his law degree.

(iv) **Articled clerks**

The Office is committed to offering NTU law graduates one year articles of clerkship. In addition to the specified objective of being more responsive to community needs, it is consistent with the Office's corporate plan (objectives 2 and 6).

(v) **Vocational employment of law students**

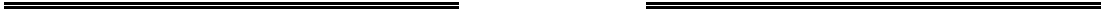
This is provided from time to time.

(vi) **Placement of overseas law students**

In 1999-00, the Office hosted two German law students providing them, as part of their training, with on-the-job practical experience in the Northern Territory. The *offer* of unpaid work experience has become popular amongst German law students who have written articles in German journals.

(vii) **Placement of work experience students**

The Office was able to provide six students, five in Darwin and one in Alice Springs, with work experience. Students gained an insight into the workings of the Office by assisting the Crown prosecutors and attending court proceedings. The Office encourages placement of students and recognises the need to give young Territorians the opportunity to work within an office environment.





FINANCIAL ACCOUNTABILITY

Pursuant to Section 10 of the *Financial Management Act 1995*



INDEX

	Page No
Financial accountability	
• Certification of financial statements	41
• Notes to and forming part of the financial statements for year ended 30 June 2000	42
• Expenditure by activity for year ended 30 June 2000	43
• Expenditure by standard classification for year ended 30 June 2000	44
• Receipts by account for year ended 30 June 2000	46
• Accountable Officers' Trust Account with the Northern Territory Government Account for year ended 30 June 2000	47
• Write offs, postponements and waivers for the year ended 30 June 2000	48
• Debtors as at 30 June 2000	49
• Creditors as at 30 June 2000	50
• Employee entitlements outstanding as at 30 June 2000	51
• Lease liabilities as at 30 June 2000	52

CERTIFICATION OF FINANCIAL STATEMENTS

The accompanying financial statements for the year ended 30 June 2000 are consistent with this Office's accounts and records. Account processing and records management have been maintained and supplied by the Department of Corporate Information Services. The records are presented in the format required under Part 2 Section 5 of the Treasurer's Directions. At the date of signing, we are not aware of any circumstances which would render the particulars included in the financial statements misleading or inaccurate.

REX WILD
Director

LILIA GARARD
Business Manager

28 September 2000

**NOTES TO AND FORMING PART OF THE FINANCIAL
STATEMENTS FOR THE YEAR ENDED 30 JUNE 2000**

1. Basis of accounting

The 1999-2000 financial statements and accounts included in this section have been prepared in accordance with Part 2, Section 5 and Appendices A to K of the Treasurer's Directions. They are included in the Annual Report in accordance with s.12 of the *Financial Management Act*.

The agency financial records are kept on a cash basis. No accrual accounting entries are processed to the ledgers of this agency.

2. Accounting for assets and liabilities

The agency's assets are recorded in an asset register. Assets are registered at cost, depreciation is not charged.

3. Contingent liabilities

In accordance with Treasurer's Directions Part 2, Section 4 as at the 30 June 2000 the agency had no contingent liability.

4. Investment in corporations, trusts or joint ventures

As at 30 June 2000 the agency had no investments in corporations, trusts or joint ventures.

5. Accountable Officers' Trust Account

The Accountable Officers' Trust Account is established in accordance with s.7 of the *Financial Management Act*.

6. Accounting and property manual

The Accounting and Property Manual of the Office has been established in accordance with s.7 of the *Financial Management Act*.

EXPENDITURE BY ACTIVITY
FOR YEAR ENDED 30 JUNE 2000

Activity/Program	Final Allocation	Actual Expenditure
	\$000	\$000
Director of Public Prosecutions	4621	4620
Corporate services	1049	1048
Legal services	3572	3572
Total expenditure	4621	4620

EXPENDITURE BY STANDARD CLASSIFICATION

FOR YEAR ENDED 30 JUNE 2000

Category of Cost/Standard Classification	Final Allocation	Actual Expenditure
	\$000	\$000
Personnel costs	3178	3177
Salaries		2587
Payroll tax		184
Fringe benefits tax		49
Superannuation		115
Higher duties allowance		19
Leave loading		21
Northern Territory allowance		8
Other allowances		5
Other benefits paid by employer		109
Overtime		12
Penalty payments		0
Perishable freight allowance		0
Recreation leave fares		25
Salary advances		5
Salary clearing account		0
Termination payments		36
Workers compensation		4
Operational expenditure	1413	27
NT Government repairs and maintenance program		0
Repairs and maintenance for recoverable works		0
Property maintenance		0
General property management		0
Power		27
Water and sewerage		0
Other operational expenditure		1386
Advertising		1
Agent service arrangements		1
Clothing		2
Communications		91
Consultants' fees		0
Consumables/general expenses		18
Document production		14
Entertainment/hospitality		4
Food		0

Freight		7
Furniture and fittings		23
Information technology services		154
Insurance premiums		3
Legal expenses		743
Library services		85
Marketing and promotion		0
Medical supplies		0
Membership and subscriptions		20
Motor vehicle expenses		100
Office requisitions and stationery		21
Official duty fares		7
Other plant and equipment		23
Recruitment expenses		4
Regulatory and advisory board expenses		0
Relocation expenses		2
Training and study expenses		60
Travelling allowance		1
Bank charges		0
Intrasector Payments		0
Payments to the Northern Territory Government	0	
Consolidated Revenue Account On-Costs		0
Capital expenditure	0	0
Land acquisitions		0
Land and building acquisitions		0
Construction (works in progress)		0
Purchase of capital assets		0
Grants	30	30
Current grants		30
Capital grants		0
Community/Government service obligations		0
<hr/>		
Total Expenditure	4621	4620
<hr/>		

RECEIPTS BY ACCOUNT
FOR YEAR ENDED 30 JUNE 2000

Consolidated revenue account	Estimated receipts	Actual receipts
	\$000	\$000
Nil	0	0
Total consolidated revenue account	0	0

Operating account	Estimated receipts	Actual receipts
	\$000	\$000
Commonwealth grants	0	0
Charges for goods and services	0	0
Miscellaneous revenue	0	-1
Sale of assets	0	1
Intrasector receipts	0	0
GST control	0	0
Total operating account	0	0
Transfers from Consolidated Revenue Account	4619	4619
Total receipts to Agency Operating Account	4619	4619

**ACCOUNTABLE OFFICERS' TRUST ACCOUNT WITH THE
NORTHERN TERRITORY GOVERNMENT ACCOUNT
FOR YEAR ENDED 30 JUNE 2000**

Description of account

The Accountable Officers' Trust Account is established under s.7 of the *Financial Management Act* for each accountable officer to maintain miscellaneous trust monies for a maximum of six years.

	Balance 1-7-1999	Receipts	Expenditure	Balance 30-6-2000
Office of the Director of Public Prosecutions	292.00	NIL	NIL	292.00

**WRITE OFFS, POSTPONEMENTS AND WAIVERS
FOR YEAR ENDED 30 JUNE 2000**

Category	\$	
Write offs, postponements and waivers under the Act		
Amounts written off or waived by delegated officers		
Irrecoverable money written off	NIL	
Losses or deficiencies of money written off		NIL
Value of public property written off		NIL
Waiver of right to receive or recover money		NIL
Amounts written off, postponed or waived by the Treasurer		
Irrecoverable money written off	NIL	
Losses or deficiencies of money written off		NIL
Value of public property written off		NIL
Postponement of money owing	NIL	
Waiver of right to receive or to recover money	NIL	
Write offs, postponements and waivers authorised under other legislation		
Amounts written off or waived by delegated officers		
Losses or deficiencies of money written off		NIL
Total		NIL

DEBTORS

AS AT 30 JUNE 2000

Activity/Program	External			Intrasector			Total	Total
	Charges	Others	Total	Charge s	Other	CSO		
Public Prosecutions	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000
Corporate services Legal services					7	2	9	9
Total Less: Provision for doubtful debts					7	2	9	9
Net Debtors					7	2	9	9
Classified as: Current Non-current					7	2	9	9
Net Debtors					7	2	9	9

CREDITORS

AS AT 30 JUNE 2000

	External			Intrasector			
Activity/Program	Creditors	Accruals	Total	Creditors	Accruals	Total	Total
	\$000	\$000	\$000	\$000	\$000	\$000	\$000
Public Prosecutions							
Corporate services	13	18	31	4	15	19	50
Legal services	56	57	113	2	12	14	127
Total	69	75	144	6	27	33	177
Classified as:							
Current	0	0	0	0	0	0	0
Non-current	0	0	0	0	0	0	0
Total Creditors	69	75	144	6	27	33	177

EMPLOYEE ENTITLEMENTS OUTSTANDING

AS AT 30 JUNE 2000

Entitlement	\$000
Current	
Recreation leave	381
Leave loading	34
Long service leave	333
Non-current	
Long service leave	143
Total	891

Methodology

1. Recreation leave

The value of recreation leave entitlements is calculated by PIPS based on employees' actual salaries and entitlements at 30 June 2000.

2. Leave loading

The value of leave loading entitlements is calculated by PIPS based on employees' actual salaries and entitlements at 30 June 2000.

3. Long service leave

Long service leave entitlement is calculated in accordance with Australian Accounting Standard AAS30. The calculation takes into account the probability of employees reaching ten years of service, the future increases in salary costs and discount rates to achieve the net present value of the future liability.

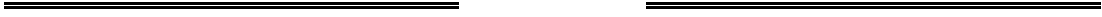
LEASE LIABILITIES

AS AT 30 JUNE 2000

Lease commitments/ Liability	Information Technology		Furniture & Fittings	Other Plant & Equipment	Total
	Hardware	Software			
	\$000	\$000	\$000	\$000`	\$000
Not later than one year	0			20	20
Later than one year but not later than two years	0			10	10
Later than two years but not later than five years	0			13	13
Later than five years	0			0	0
Minimum lease payments	0			43	43
Less future financing charges	0			9	9
Total	0			34	34
Classified as:					
Current	0			15	15
Non-current	0			19	19
Total	0			34	34



FINANCIAL MANAGEMENT ACT STATEMENT





Office of the Director of Public Prosecutions

Rex Wild QC
Director

43 Mitchell St
Darwin NT 0800
Telephone (08) 8999 7315
Facsimile (08) 8999 7544
GPO Box 3321
Darwin NT 0801
Australia

28 September 2000

The Hon Denis Burke MLA
Attorney-General
Northern Territory Government
Parliament House
State Square
DARWIN NT 0800

Dear Attorney-General

Pursuant to section 11 of the *Financial Management Act*, and clause 2.5.8 of the Treasurer's Directions issued pursuant thereto, I now state in respect of the Office of the Director of Public Prosecutions that to the best of my knowledge and belief:

- (a) proper records of all transactions affecting the Office are kept and that employees under my control observe the provisions of the *Financial Management Act*, the Financial Management Regulations and Treasurer's Directions
- (b) procedures within the Office afford proper internal control and a current description of such procedures is recorded in the Accounting and Property Manual which has been prepared in accordance with the requirements of the *Financial Management Act*
- (c) no indication of fraud, malpractice, major breach of legislation or delegation, major error in or omission from the accounts and records exists
- (d) in accordance with the requirements of section 15 of the *Financial Management Act*, the internal audit capacity available to the agency is adequate and the results of internal audits have been reported to me
- (e) the financial statements included in Appendix A in the Annual Report have been prepared from proper accounts and records and are in accordance with Part 2 Sections 5 and 6 of the Treasurer's Directions, where appropriate, and

- (f) all employment instructions issued by the Commissioner for Public Employment have been satisfied.

Yours sincerely

REX WILD
Accountable Officer