



THE AUDIT OFFICE
OF NEW SOUTH WALES

Mr Paul McLeay MP
Chair
Public Accounts Committee
Legislative Assembly
Parliament House, Macquarie Street
SYDNEY NSW 2000

CONTACT NAME P Achterstraat
TELEPHONE 9275 7101
OUR REFERENCE
YOUR REFERENCE



14 May 2009

Dear Mr McLeay

**Examination of Auditor-General's Performance Audit Report
Efficiency of the Office of the Director of Public Prosecutions**

We have reviewed the submission provided by the Office of the Director of Public Prosecutions concerning the recommendations in the above performance audit report.

We are pleased that the Office's submission indicates that it has accepted all of our recommendations and is making good progress in implementing them.

Please find attached our assessment of the extent to which each response addresses the issues raised in the original report, along with a comment on progress. We have not substantiated the submission.

I plan to forward a copy of this correspondence to the Director of Public Prosecutions for his information.

I am happy to provide any further assistance the Committee may need in completing its examination.

Yours sincerely

Peter Achterstraat
Auditor-General

attachment

<p>Auditor-General's recommendations Report 177, Efficiency of the Office of the Director of Public Prosecutions (ODPP) March 2008</p>	<p>Does ODPP's response indicate appropriate action has started?</p>	<p>NSW Audit Office comments on progress reported in ODPP's response</p>
<p>1. continue to build on recent improvements to its service and efficiency indicators. In so doing the ODPP should:</p> <ul style="list-style-type: none"> ▪ by the end of 2007-08, clearly articulate its services, and how these services contribute to the results it is trying to achieve ▪ by the end of 2007-08, develop indicators of quantity, timeliness, total cost and unit cost for each service ▪ from the beginning of 2008-09, include these indicators in its planning and internal reporting ▪ select from these a smaller number of 'headline' indicators to use in its reports to Parliament and to the Minister ▪ start building a data development agenda and report progress alongside its reporting on service performance (page 48) 	<p>Yes</p>	<p>ODPP's submission indicates good progress is being made. While several indicators are still being developed, this stems from the ODPP's decision to revisit its activity based costing approach in order to ensure it is robust, adequately meets its needs, and collects information electronically. A small delay in implementation appears warranted to obtain the benefits likely to accrue from this approach. Our reading of the submission suggests the revised date for finalising the indicators is the third quarter of 2009, which would be reasonable.</p>
<p>2. include in its reporting to the Attorney General and Parliament:</p> <ul style="list-style-type: none"> ▪ its improved service and efficiency indicators ▪ an explanation of why these indicators are important ▪ advice on what represents good performance ▪ comparisons over time, against benchmarks and to targets ▪ narrative to clearly explain performance (page 51) 	<p>Yes</p>	<p>ODPP's submission indicates good progress is being made in cascading its improved indicators into reporting. The next important step is to explain what the indicators show in a way readers can understand readily.</p>
<p>3. collect accurate and comprehensive information about the costs of its services and activities and use this to assess its efficiency and cost effectiveness. In so doing the ODPP should:</p> <ul style="list-style-type: none"> ▪ bed down its prosecution service and activity costing methodology and ensure the costing process adopted is able to accurately identify the cost of delivering prosecution services ▪ apply appropriate costing methodologies to its other key services such as witness assistance, contribution to an efficient justice system, and advice to government on proposed legislation ▪ use service costing information to enhance its reporting (page 53) 	<p>Yes</p>	<p>ODPP's submission indicates good progress is being made.</p>

<p>4. strengthen its data management practices to provide greater assurance that reported performance information is accurate and complete. In so doing the ODPP should:</p> <ul style="list-style-type: none"> ▪ clearly define and document roles and responsibilities for data collection, processing, monitoring and quality assurance, analysis and reporting for service performance indicators ▪ develop and document data quality standards and expectations, and clearly communicate these needs to responsible officers ▪ document data definitions and collection methods to ensure consistent measurement and calculation ▪ implement suitable data collection, processing and monitoring controls to ensure the accuracy, completeness and reliability of performance data ▪ implement appropriate training for staff who are responsible for collection, processing and reporting of performance information ▪ consider the development of a data dictionary in the longer term (page 55) 	<p>Yes</p>	<p>ODPP's submission indicates good progress is being made in defining, collecting and analysing data. It will also be important to ensure that there is clear accountability at both executive and staff level to maintain the system. As with any new system, adequate staff training will also be important.</p>
<p>5. use service costing information to improve its service delivery, efficiency and resource allocation. In so doing the ODPP should use service costing information to:</p> <ul style="list-style-type: none"> ▪ inform its planning, decision-making and cost management ▪ benchmark costs between different groups in the organisation and other agencies (page 62) 	<p>Yes</p>	<p>We agree this relies on the improvements to costing systems per recommendation 3. As indicated above, ODPP's submission indicates good progress is being made on costing.</p>
<p>6. ensure staff keep the case management system (CASES) up to date so managers can use CASES for effective monitoring, reporting and decision making. CASES should be developed as the only repository for pro forma. In so doing the ODPP should:</p> <ul style="list-style-type: none"> ▪ develop a regular, consistent and systematic approach to the review of solicitors' practices by Managing Lawyers ▪ review case-specific pro forma that are available on the Integrated Document Management System, ODPP intranet (DPP Net) and CASES and relocate all relevant pro forma to CASES (page 63) 	<p>Yes</p>	<p>ODPP's submission indicates good progress is being made.</p>

<p>7. improve its management of workload and workflow including Crown Prosecutors' workload and efficiency. In so doing the ODPP should:</p> <ul style="list-style-type: none"> ▪ ensure that the systems for performance management in the Solicitor's Office are implemented consistently ▪ systematically analyse the workload and efficiency of Crown Prosecutors ▪ consider asking the Attorney General to amend the <i>Crown Prosecutors Act 1986</i> to give the Director of Public Prosecutions power to suspend and dismiss Crown Prosecutors for serious neglect of duty. This would be subject to appropriate controls to ensure that the process is fair, transparent and affords natural justice (page 71) 	<p>Yes</p>	<p>ODPP's submission indicates good progress is being made.</p>
<p>8. once the ODPP has better information on the cost of prosecutions, use this to:</p> <ul style="list-style-type: none"> ▪ improve its management arrangements ▪ inform a detailed, independent study into the feasibility of creating a number of smaller Crown Prosecutors' chambers in Sydney and 'pairing' these with groups of solicitors (page 75) 	<p>Yes</p>	<p>ODPP's submission indicates good progress is being made.</p>
<p>9. document the rationale for the relative number of prosecutors and levels of experience required, and examine the risks and potential benefits of reducing the number of Crown Prosecutors and using the funds to create additional Trial Advocate, Senior Trial Advocate or Associate Crown Prosecutor positions (page 79)</p>	<p>Yes</p>	<p>ODPP's submission indicates good progress is being made.</p>
<p>10. work towards adopting a 'cradle to grave' approach to case management and systematically set about standardising practices across the Solicitor's Office. In so doing the ODPP should:</p> <ul style="list-style-type: none"> ▪ brief workflow analysts to undertake a detailed study to determine the pros and cons of moving from the current 'division of labour' approach toward greater continuity ▪ examine opportunities to identify and implement common practices between offices and groups within the Solicitor's Office (page 81) 	<p>Yes</p>	<p>ODPP's submission indicates good progress is being made.</p>

<p>11. adopt a more systematic approach to capturing and quantifying the impact of the practices of other agencies on its efficiency, and use the resulting information to support efforts to maximise the efficiency of the justice system. In so doing the ODPP should:</p> <ul style="list-style-type: none"> ▪ develop more systematic approaches to capturing and quantifying the impact on its operations of court listing practices and the quality of NSW Police briefs ▪ use this information to support its efforts to reduce the impact of these on its efficiency ▪ report the impacts to the Attorney General, NSW Treasury and in its Annual Report (page 86) 	<p>Yes</p>	<p>ODPP's submission indicates good progress is being made.</p>
<p>12. introduce a position of Executive Director with similar or greater status to the existing Deputy Directors, reporting directly to the Director of Public Prosecutions (page 90)</p>	<p>Yes</p>	<p>Completed. The progress indicated in this submission suggests that the ODPP has taken advantage of this appointment to progress its accountability and performance improvement efforts.</p>
<p>13. review other positions to rationalise management responsibilities within the new position of Executive Director (page 90)</p>	<p>Yes</p>	<p>ODPP's submission indicates good progress is being made.</p>
<p>14. provide better information on costs and services to the Board so it can more effectively monitor efficiency and make realistic and practical improvement recommendations (page 90)</p>	<p>Yes</p>	<p>ODPP's submission indicates good progress is being made.</p>
<p>15. appoint an independent Chair to the Audit and Risk Management Committee (page 90)</p>	<p>Yes</p>	<p>Completed.</p>
<p>16. conduct regular surveys of staff satisfaction and implement a systematic process to address staff concerns and improve morale (page 90).</p>	<p>Yes</p>	<p>ODPP's submission indicates satisfactory progress is being made. It is sensible to delay the survey until after the move to new premises, and in the interim review the ODPP's response to the 2004 survey.</p>