

Chapter 1

Annual reports of agencies

1.1 The committee has elected to examine the reports of the Family Court of Australia (Family Court), the Federal Circuit Court of Australia (Federal Circuit Court), and the Commonwealth Director of Public Prosecutions (CDPP).

1.2 As a result of administrative changes to the Family Court and the Federal Circuit Court, which shifted significant responsibilities to the Federal Court of Australia (Federal Court), a significant amount of material contained the reports of these two courts are contained in the 2016–17 report of the Federal Court. The committee's analysis of these reports therefore necessarily refers to that report, despite it not being examined in detail in this report as it was tabled prior to this report's examinable period.

Family Court of Australia

1.3 The Family Court is required to provide an annual report to the Attorney-General by 15 October, who is then required to table the report in both Houses of Parliament 'as soon as is practicable'.¹ The 2016–17 annual report of the Family Court was provided to the Attorney-General on 11 October 2017 and subsequently tabled in the Senate on 13 November 2017.

Chief Justice's review

1.4 The annual review of the Family Court was provided by Chief Justice Diana Bryant AO QC, whose tenure as Chief Justice concluded on 12 October 2017.²

1.5 In the report, the Chief Justice noted the changes to the management of the Family Court as a result of the amendments enacted on 1 July 2016 by the *Courts Administration Legislation Amendment Act 2016*. The Chief Justice explained that the Federal Court had assumed responsibility for the appropriation and staffing under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) to the Family Court, the Federal Circuit Court, and the Federal Court. The Federal Court also now provides corporate services to the other courts. Additionally, from 1 July 2016 funding was provided to the Federal Circuit Court to manage the family law registries and the National Enquiry Centre, and to provide registry and related services to the Family Court.³

1.6 The Chief Justice stated that these changes had a significant impact on the Family Court during this transitional period. The Chief Justice noted that a number of senior officers had retired, including former Chief Executive Officer of the Family Court, Mr Richard Foster PSM. She explained that the creation of a new legislative position incorporating the role of Chief Executive Officer and Principal

1 *Family Law Act 1975* (Cth), s. 38S(1)–(3).

2 *Family Court of Australia Annual Report 2016–17*, p. 4.

3 *Family Court of Australia Annual Report 2016–17*, p. 4.

Registrar in the Family Court had resulted in the appointment of Ms Patricia Christie on 14 November 2016.⁴

1.7 Other topics discussed in the Chief Justice's review included:

- the Australian Law Reform Commission's review of the family law system;⁵
- changes to the administration of the Family Court's Appeal Division, particularly in relation to electronic filing of appeals and data sharing;⁶ and
- the development of a family violence training course for all judges, created by the National Judicial College of Australia.⁷

Reporting requirements

1.8 The reporting requirements set out by the *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule) only apply to non-corporate Commonwealth entities. Amongst the federal court system in Australia, the only entity that falls under this definition is the Federal Court. Therefore, the Family Court is not bound by the reporting requirements.

1.9 In this instance, the Family Court has chosen to prepare a separate annual report as required under section 38S of the *Family Law Act 1975*. The report also provides an index of the list of requirements under the PGPA Act, and points to the relevant information in the report. Where information as required and pursuant to the PGPA Act is not contained in the report, it directs the reader to the relevant page within the Federal Court's annual report for 2016–17 which contains the relevant information across all of the federal courts (excluding the High Court of Australia).

1.10 The extent to which the Family Court has sought to provide information not only required by its own Act but also to provide information contained in the PGPA Act is to be commended. The committee is pleased with the Family Court's efforts in attempting to provide as much information as possible, and in a clear and systematic manner. It also considers that, while the Family Court did not need to abide by the PGPA Act requirements, its attempt to address the requirements demonstrates its commitment to open government.

Performance reporting

1.11 The annual report notes that the Family Court 'has a new outcome that replaces Outcome 1 of the Family Court and Federal Circuit Court due to the effect of the *Courts Administration Legislation Amendment Act 2016*'.⁸ As a result, the Family Court's new outcome is:

4 *Family Court of Australia Annual Report 2016–17*, p. 4.

5 *Family Court of Australia Annual Report 2016–17*, p. 5.

6 *Family Court of Australia Annual Report 2016–17*, p. 6.

7 *Family Court of Australia Annual Report 2016–17*, p. 6.

8 *Family Court of Australia Annual Report 2016–17*, p. 26.

Apply and uphold the rule of law for litigants in the Family Court of Australia through the resolution of family law matters according to law, particularly more complex family law matters and through the effective management of the administrative affairs of the Court.⁹

1.12 Accordingly, the Family Court has three targets under timely completion of cases. Two of these targets, clearance rate of 100 per cent and 75 per cent of cases pending conclusion to be less than 12 months old, were not met in 2016–17.¹⁰

1.13 The Family Court's annual report provides little detail in relation to these targets,¹¹ and directs the reader to the Federal Court's 2016–17 annual report in order to explain the missed performance targets. However, very limited information is provided in the Federal Court's report explaining this result, stating that the Family Court was 'unable to achieve two' of the targets.¹² The Federal Court's annual report directs the reader to the Family Court's annual report for a detailed analysis of its performance.

1.14 The committee notes that the Family Court is not required to provide an annual performance statement as required under the PGPA requirements.¹³ However, the Federal Court is subject to the PGPA requirements, and, as a result of the administrative changes transferring certain functions of the Family Court to the Federal Court, is required to report on the annual performance of the Family Court under Outcome 2. As a result, neither the Family Court nor the Federal Court's annual reports provide a substantive analysis of why the performance targets were not achieved.

1.15 The committee encourages all agencies to provide fulsome performance statements as part of their annual reporting, including detailed explanations where performance targets have not been achieved.

Human resourcing

1.16 The Family Court provided statistics in relation to the composition of its workforce. It reported that as at 30 June 2017, the Family Court had a total workforce of 95 employees, 84 per cent of which were female.¹⁴ The majority of staff were located in states such as New South Wales (40 employees), Victoria (23 employees) and Queensland (15 employees).¹⁵ The Family Court reported that it had one employee who identified as Indigenous.¹⁶ It also provided details regarding workforce

9 *Family Court of Australia Annual Report 2016–17*, p. 26.

10 *Family Court of Australia Annual Report 2016–17*, p. 26.

11 *Family Court of Australia Annual Report 2016–17*, pp. 34–35.

12 *Federal Court of Australia Annual Report 2016–17*, p. 208.

13 See rules 17AD(c)(i) and 16F.

14 *Family Court of Australia Annual Report 2016–17*, p. 93.

15 *Family Court of Australia Annual Report 2016–17*, p. 93.

16 *Family Court of Australia Annual Report 2016–17*, p. 97.

turnover, which showed an annual turnover rate of 20 per cent against total employee numbers.¹⁷

1.17 The annual report also provided statistics in relation to judicial officers of the Family Court, including the number of judges and their locations.¹⁸ Of the 32 judges appointed as at 30 June 2017, there were an equal number of male and female judges.¹⁹ The annual report also provided information about the activities of judges, such as committee activity²⁰ and other activities contributing to the development of the law and legal education.²¹

Additional information

1.18 As the PGPA requirements do not apply to the Family Court, it has elected to provide a great deal of other information in its annual report which assist readers in understanding the breadth and nature of work conducted by judicial officers and staff of the Family Court.

1.19 Topics examined included:

- the work and performance of the Appeals Division, including applications for special leave to appeal referred to the High Court of Australia;²²
- feedback and complaints procedures for the Family Court, including statistics regarding complaints made in relation to Family Court proceedings and the judicial complaints procedure;²³
- a selection of significant and noteworthy judgments handed down during the reporting period;²⁴ and
- the activities of Family Court judicial officers, including internal activities within court administration structures (such as committee oversight of work areas) and external activities such as judicial training, conferences and delegations.²⁵

Conclusion

1.20 The committee notes that the Family Court has attempted to provide an informative annual report despite it not being bound by the PGPA requirements. To this end, the committee is pleased with the approach taken by the agency in order to

17 *Family Court of Australia Annual Report 2016–17*, p. 98.

18 *Family Court of Australia Annual Report 2016–17*, p. 97.

19 *Family Court of Australia Annual Report 2016–17*, p. 97.

20 *Family Court of Australia Annual Report 2016–17*, pp. 102–103.

21 *Family Court of Australia Annual Report 2016–17*, pp. 104–111.

22 *Family Court of Australia Annual Report 2016–17*, pp. 47–53.

23 *Family Court of Australia Annual Report 2016–17*, p. 45.

24 *Family Court of Australia Annual Report 2016–17*, pp. 57–63.

25 *Family Court of Australia Annual Report 2016–17*, pp. 72–87 and 102–117.

effectively provide public information about the operation and functions of the Family Court.

1.21 Nonetheless, as highlighted above, the committee encourages more fulsome reporting in relation to performance statements. The committee notes that the administrative arrangements between the Family Court and the Federal Court means that performance reporting may need to be undertaken by the Federal Court, as the relevant outcome now falls under the Federal Court.

1.22 The committee therefore encourages the Family Court and the Federal Court to cooperate in compiling annual performance statements for the Family Court and in providing detailed analysis where performance targets are not met.

1.23 The committee otherwise finds the report to be 'apparently satisfactory'.

Federal Circuit Court of Australia

1.24 The Federal Circuit Court is required to provide an annual report to the Minister by 15 October, who is then required to table the report in both Houses of Parliament 'as soon as is practicable'.²⁶ The Federal Circuit Court provided its 2016–17 report to the Minister on 11 October 2017, and was subsequently tabled in the Senate on 13 November 2017.

Chief Judge's review

1.25 Chief Judge John Pascoe AC CVO provided the Chief Judge's year in review for 2016–17. Chief Judge Pascoe discussed the continued uptrend in workload for the Federal Circuit Court, stating that a total of 95,181 applications were filed during 2016–17, 90 per cent of which were filed in the family law jurisdiction.²⁷ Other areas where increased demand was reported included in general federal law filing (increasing by 12 per cent from 8667 to 9704) and time period to reach final hearings, particularly in relation to migration matters where an 18-month delay between first hearing and final hearing was reported.²⁸

1.26 Like Chief Justice Bryant of the Family Court, Chief Judge Pascoe provided detail regarding the implementation of the new administrative arrangements for the Corporate Services of the three federal courts, resulting from the commencement of the *Courts Administration Legislation Amendment Act 2016*. The Chief Judge praised the efforts of the executive team of the Federal Circuit Court in assisting in this process.²⁹

1.27 The Chief Judge also noted a number of other matters, including: a series of retirements and appointments made over the reporting period in order to replace judges who had reached the statutory retirement age; the successful implementation of the electronic court file across the general federal law jurisdictions of the

26 *Federal Circuit Court of Australia Act 1999* (Cth), s. 117(1)–(3).

27 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 4.

28 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 4.

29 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 5.

Federal Circuit Court which had resulted in a significant reduction in cost and workload in chambers; and the establishment of the Federal Circuit Court Cultural and Linguistic Diversity committee.³⁰

Performance reporting

1.28 Similar to the Family Court, the Federal Circuit Court's performance reporting was changed as a result of the amalgamation of corporate services with the Federal Court in 2016. The Federal Circuit Court's previous performance reporting system has been replaced by the following Outcome:

Apply and uphold the rule of law for litigants in the Federal Circuit Court of Australia through more informal and streamlined resolution of family law and general federal law matters according to law, through the encouragement of appropriate dispute resolution processes and through the effective management of the administrative affairs of the Court.³¹

1.29 This Outcome sits within the Outcomes for the Federal Court, now being the single administrative body for the three courts, and thus the reporting entity.³²

1.30 Of the seven performance targets for 2016–17, three were not met. These targets include:

- (a) Ninety per cent of final order applications disposed of within 12 months; the Federal Circuit Court disposed of 68 per cent of final order applications within 12 months;³³
- (b) Ninety per cent of all other applications disposed of within six months; the Federal Circuit Court disposed of 78 per cent of all other applications within six months;³⁴ and
- (c) Eighty per cent of National Enquiry Centre telephone enquiries answered within 90 seconds; the Federal Circuit Court answered 20 per cent of phone calls directed to the National Enquiry Centre within 90 seconds.³⁵

1.31 The Federal Circuit Court's annual report does not address why the three performance targets were not met, and refers to the Federal Court's annual report for detailed analysis of the annual performance statement.³⁶ However, the Federal Court's annual report does not contain any detailed discussion of the Federal Circuit Court's performance, and instead refers to the Federal Circuit Court's report for further

30 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 5.

31 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 42.

32 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 42.

33 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 43.

34 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 43.

35 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 44.

36 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 44.

detail.³⁷ Neither annual report provides an acceptable level of detail explaining why the performance targets are missed and what is being done by each respective entity to ensure that future targets are achieved.

1.32 The committee recognises that the changes contained in the 2016 legislation present a challenge for the Federal Court, the Family Court and the Federal Circuit Court in reporting where only the first entity is subject to the annual reporting requirements under section 46 of the PGPA Act and the PGPA Rule. However, the three courts should be careful to ensure that annual performance reporting for all Outcomes is reported, whether it is in the annual report of each entity or contained in a single report for all agencies which are centrally administered.

1.33 In particular, the committee encourages that, where annual performance targets are missed, that the reason for the missed target is explained clearly and that agencies provide measures of how unachieved targets will be met in future.

National Enquiry Centre

1.34 The committee particularly notes the missed performance target in relation to the National Enquiry Centre.

1.35 The Federal Circuit Court missed its performance target by 60 per cent in relation to calls to the National Enquiry Centre. This is the lowest recorded performance target recorded since the 2012–13 annual report, as shown in statistics provided in the 2016–17 report.³⁸ Callers were reported to have waited an average of eight minutes and 56 seconds for their call to be answered, which was an increase of one minute and 26 seconds from the 2016–17 reporting period.³⁹ Thirty-five per cent of callers were reported to have abandoned their call while queued, although the Federal Circuit Court notes that this statistic is now calculated differently and 'reflects a call abandoned immediately after queuing for a more accurate perspective'.⁴⁰

1.36 The National Enquiry Centre was also reported to have achieved a service level of 20 per cent in 2016–17, which was down from 24 per cent in the previous financial year.⁴¹

1.37 The committee observes that there is a downward trend in relation to the National Enquiry Centre's service levels in relation to calls received, although notes that email correspondence statistics were reported to be very high.⁴² The committee encourages the Federal Circuit Court to examine the National Enquiry Centre's effectiveness and identify how best to meet its performance reporting targets.

37 *Federal Court of Australia Annual Report 2016–17*, p. 209.

38 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 82.

39 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 82.

40 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 82.

41 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 82.

42 The Federal Circuit Court's target to respond to 80 per cent of emails within two days was met and exceeded at 100 per cent: *Federal Circuit Court of Australia Annual Report 2016–17*, p. 82

Workload of the Federal Circuit Court

1.38 In 2016–17, the Federal Circuit Court reported a total of 85 477 applications filed in the family law jurisdiction, and a total of 9704 applications filed in the general federal law jurisdiction.⁴³

1.39 In the family law jurisdiction, the Federal Circuit Court received 43 846 divorce applications, comprising 51 per cent of its work in that jurisdiction.⁴⁴ Other work in the family law jurisdiction included applications in a case (or interim orders) which comprised 26 per cent of family law applications, and final orders applications which comprised 21 per cent.⁴⁵

1.40 The Federal Circuit Court noted in its report that 2016–17 was the first full financial year in which Notice of Risk filings in all parenting proceedings had been required, as per the national rollout of the scheme from 12 January 2015.⁴⁶ A total of 20 618 Notices of Risk were filed in 2016–17 of which 8883 (comprising 43 per cent) were referred to the relevant child welfare agency, a substantially higher number than the previous financial year.⁴⁷

1.41 The annual report also provided analysis on the work in general federal law, including administrative law decisions under the Federal Circuit Court's original jurisdiction, admiralty law, bankruptcy, intellectual property, human rights, industrial, migration and consumer law.⁴⁸

Reporting requirements

1.42 Like the Family Court, the Federal Circuit Court is not bound to the PGPA Act, as it does not meet the definition of a non-corporate Commonwealth entity as required by section 46 of the PGPA Act. However, it is required to provide an annual report under section 117 of the *Federal Circuit Court of Australia Act 1999*, even though it is not required to meet the PGPA requirements. It also contains a list of the annual reporting requirements, and provides a significant amount of the information required under those terms. The Federal Circuit Court's annual report also refers to the Federal Court's annual report for 2016–17 where information relating to the Federal Circuit Court is contained in that report.

1.43 The committee is pleased that the Federal Circuit Court, like the Family Court, has elected to comply with the annual reporting requirements under the PGPA Rule despite not being required by law to do so. The inclusion of the information required by the requirements provides detailed information about the operations and performance of the Federal Circuit Court.

43 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 45.

44 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 49.

45 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 49.

46 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 52.

47 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 52.

48 *Federal Circuit Court of Australia Annual Report 2016–17*, pp. 55–56.

Human resourcing

1.44 The Federal Circuit Court provided statistics in relation to the composition of its workforce. Of its 560 employees (as of 30 June 2017), 77 per cent of the Federal Circuit Court's staff were female.⁴⁹ The majority of staff were located in states such as New South Wales (218 employees), Victoria (138 employees) and Queensland (110 employees).⁵⁰ The Federal Circuit Court also reported that it had seven employees who identified as Indigenous, which accounted for 1.25 per cent of total employee numbers.⁵¹

1.45 The annual report also provided statistics in relation to judicial officers of the Federal Circuit Court, including the number of judges and their locations.⁵² Reflecting the trend seen in employees of the Federal Circuit Court, the majority of judges were in New South Wales (23), Victoria (15) and Queensland (13).⁵³ The annual report also provided information about the activities of judges, such as committee activity,⁵⁴ involvement in consultative and strategic forums,⁵⁵ and community relations and engagement activities.⁵⁶

Conclusion

1.46 As expressed in the conclusion of the Family Court's annual report analysis, the committee encourages the Federal Circuit Court to cooperate with the Federal Court in providing clear performance reporting and providing explanations where performance targets have not been met.

1.47 The committee otherwise found the annual report to be 'apparently satisfactory'.

Commonwealth Director of Public Prosecutions

1.48 The 2016–17 annual report of the CDPP was tabled in the House of Representatives and in the Senate on 13 November 2017.

Director's review

1.49 Ms Sarah McNaughton SC, Commonwealth Director of Public Prosecutions (Director), provided a review outlining the achievements of the 2016–17 reporting period. Ms McNaughton reported that the CDPP had achieved 100 per cent compliance with the required prosecution test, and 99 per cent of prosecutions had

49 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 103.

50 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 103.

51 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 107.

52 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 107.

53 *Federal Circuit Court of Australia Annual Report 2016–17*, p. 107.

54 *Federal Circuit Court of Australia Annual Report 2016–17*, pp. 114–116.

55 *Federal Circuit Court of Australia Annual Report 2016–17*, pp. 114–116.

56 *Federal Circuit Court of Australia Annual Report 2016–17*, pp. 117–116.

resulted in a conviction.⁵⁷ She also noted a number of other initiatives, including: liaising with counterparts in law enforcement, legal groups and international partners to share knowledge and work cooperatively;⁵⁸ educational engagement with the public and the legal industry;⁵⁹ actively engaging in complex matters such as terrorism appeals;⁶⁰ and establishing the National Business Improvement practice group.⁶¹

1.50 The Director further identified a number of priorities for the year ahead, including improving identification of complex cases or cases where early resolution may be possible, improving the digital capability of the agency and driving efficiencies via the establishment of a national administration service to offer legal support more efficiently and effectively.⁶²

Performance reporting

1.51 The CDPP has three Performance Criteria as per the Portfolio Budget Statements 2016–17 and its Corporate Plan 2016–2020. Performance Criteria 2 is measured on the results of an independent biennial survey of stakeholders which collects information on the previous 12 months' activity. As the next biennial survey was not scheduled to take place until April 2018, this performance target is therefore not applicable for the 2016–17 reporting period. However, the CDPP noted that, in response to its performance in the 2015–16 reporting period, it had implemented a number of measures, including strengthening relationships with partner agencies through better aligned national and regional liaison activity and issuing a National Legal Direction, 'Prosecution Services for Partner Agencies', designed to address strategies to enhance relationships and quality of services provided to partner agencies.

1.52 The CDPP met its other two Performance Criteria. Under Performance Criterion 1: Compliance in addressing the terms of the test for prosecution in the *Prosecution Policy of the Commonwealth*, the CDPP achieved a 100 per cent score.⁶³ This Performance Criterion was assessed 'at selected stages of the prosecution process based on sampling of cases and certification by the CDPP case officer or supervisor that the test for prosecution in the *Prosecution Policy of the Commonwealth* has been complied with'.⁶⁴

1.53 Under Performance Criterion 3: Prosecutions resulting in a conviction, the CDPP reported a 99 per cent rate of successful prosecutions.⁶⁵ This result was

57 *Commonwealth Director of Public Prosecutions Annual Report 2016–17*, p. 7.

58 *Commonwealth Director of Public Prosecutions Annual Report 2016–17*, p. 7.

59 *Commonwealth Director of Public Prosecutions Annual Report 2016–17*, p. 8.

60 *Commonwealth Director of Public Prosecutions Annual Report 2016–17*, p. 8.

61 *Commonwealth Director of Public Prosecutions Annual Report 2016–17*, p. 9.

62 *Commonwealth Director of Public Prosecutions Annual Report 2016–17*, p. 10.

63 *Commonwealth Director of Public Prosecutions Annual Report 2016–17*, p. 131.

64 *Commonwealth Director of Public Prosecutions Annual Report 2016–17*, p. 131.

65 *Commonwealth Director of Public Prosecutions Annual Report 2016–17*, p. 131.

achieved, according to the annual report, 'through the commitment and hard work of our staff in response to the enforcement activities in partner agencies'.⁶⁶

1.54 As noted in the report, the results indicate either a continuation or an improvement in the CDPP's past achievements against these particular Performance Criteria.⁶⁷ The committee is pleased by the CDPP's result and its ongoing high performance.

Prosecution performance indicators

1.55 While the CDPP met five prosecution performance indicators for 2016–17, it failed to meet one performance indicator, relating to prosecution sentence appeals in a prosecution on indictment upheld. It stated that a total of ten out of 22 prosecution sentence appeals were upheld, amounting to 45 per cent of cases while the performance indicator provides for a 60 per cent target.⁶⁸

1.56 No explanation is provided in the annual report regarding why this target was not met. Further detail regarding why the prosecution performance indicator was not met is encouraged for future annual reporting.

Prosecution statistics

1.57 The CDPP provided statistics in relation to prosecutions undertaken. In 2016–17, the CDPP dealt with 3004 people in court in addition to ongoing matters. These cases were referred by 12 state and territory agencies, in addition to 39 Commonwealth agencies.⁶⁹ 1773 defendants were convicted of offences prosecuted summarily, while 676 defendants were convicted of offences prosecuted on indictment. A further 728 defendants were committed to trial or sentence.⁷⁰ A total of 1,773 defendants were convicted, and a total of 19 defendants were acquitted after a plea of not guilty.⁷¹

Reporting requirements

1.58 In the 2016–17 annual report, the CDPP were in total compliance with the requirements under the PGPA Act. The requirements were identified within the report, and all mandatory information for the agency was presented in a clear manner.

1.59 Further, the CDPP provided a great deal of information which went beyond what was required by the legislation. For example, under section 17AG(4)(b) of the PGPA Rule, agencies are required to provide statistics on employees who identify as Indigenous. The CDPP did provide this information, but presented it by providing a table of 'Employees by diversity group at 30 June 2017', which also provided

66 *Commonwealth Director of Public Prosecutions Annual Report 2016–17*, p. 133.

67 *Commonwealth Director of Public Prosecutions Annual Report 2016–17*, p. 131.

68 *Commonwealth Director of Public Prosecutions Annual Report 2016–17*, p. 136.

69 *Commonwealth Director of Public Prosecutions Annual Report 2016–17*, pp. 134 and 137.

70 *Commonwealth Director of Public Prosecutions Annual Report 2016–17*, p. 134.

71 *Commonwealth Director of Public Prosecutions Annual Report 2016–17*, p. 134.

information about the number of women, persons with a disability, persons with a first language as English plus another, and persons with a first language other than English.⁷² This information provides a fuller understanding of the breadth of diversity at the CDPP, and addresses not only the criteria regarding statistics regarding Indigenous employment but also about gender and disability reporting also required by the PGPA Rule.

1.60 However, the committee notes that some information provided in the index of the PGPA requirements was referred to by chapter, rather than by page. While this is technically compliant with the Rule, the committee encourages agencies to pinpoint references to required information by page rather than by chapter.

Human resourcing

1.61 The CDPP provided statistics in relation to the composition of its workforce. The report noted that, of its total number of 452 employees (as of 30 June 2017), the majority of staff at the CDPP was comprised of legal officers and prosecutors, totalling 308 employees or 68 per cent of CDPP employees.⁷³

1.62 The CDPP reported that 68 per cent of the CDPP's staff was female.⁷⁴ However, while women primarily occupied APS Levels 1–6, Executive Level Officers and Legal Officers, this trend shifted in the Senior Executive Service levels to women representing 37 per cent of senior officers.⁷⁵ The annual report recognised this trend, stating that work had commenced and would continue to assess the CDPP's gender balance and consider the implementation of initiatives addressed in the *Balancing the Future: The Australian Public Service Gender Equality Strategy 2016–19*.⁷⁶

1.63 The report also stated that there had been a reduction by 19 per cent of the number of Principal Federal Prosecutors, an increase by 14 per cent of the number of Senior Federal Prosecutors, and an increase by 57 per cent of the number of Federal Prosecutors Level 1. Non-legal roles were also reduced by three per cent, and the ratio of Senior Executive Service employees to total employee numbers decreased to four per cent of total employees. Additionally, non-ongoing employees increased by 25.6 per cent.⁷⁷

Conclusion

1.64 The committee is generally pleased at the CDPP's compliance with the PGPA requirements, and an otherwise well-presented and highly informative report.

1.65 The committee found the annual report to be 'apparently satisfactory'.

72 Commonwealth Director of Public Prosecutions Annual Report 2016–17, p. 162.

73 Commonwealth Director of Public Prosecutions Annual Report 2016–17, p. 154.

74 Commonwealth Director of Public Prosecutions Annual Report 2016–17, p. 157.

75 Commonwealth Director of Public Prosecutions Annual Report 2016–17, p. 157.

76 Commonwealth Director of Public Prosecutions Annual Report 2016–17, p. 163.

77 Commonwealth Director of Public Prosecutions Annual Report 2016–17, p. 152.

**Senator the Hon. Ian Macdonald
Chair**